

**City Council Meeting Agenda  
Tuesday, December 10, 2024  
7:00 p.m. – City Council Regular Meeting**

**REVISED 12/09/2024**

*Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.*

*The public is strongly encouraged to relay concerns and comments to the Council in one of three ways:*

- *Email at any time up to **noon on Monday, December 9th** to [CityRecorderTeam@mcminnvilleoregon.gov](mailto:CityRecorderTeam@mcminnvilleoregon.gov)*
- *If appearing via telephone only please sign up prior by **noon on Monday, December 9th** by emailing the City Recorder at [CityRecorderTeam@mcminnvilleoregon.gov](mailto:CityRecorderTeam@mcminnvilleoregon.gov) as the chat function is not available when calling in Zoom;*
- *Join the Zoom meeting use the raise hand feature in Zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide the City Recorder with your First and Last name, Address, and contact information (email or phone) for a public comment card.***

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*You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331,  
Frontier 29 or webstream here:*

[mcm11.org/live](http://mcm11.org/live)

*Download the "Cablecast" app on iOS, Android, Roku, Apple TV or  
Amazon Firestick and watch McMinnville City Council on all your devices*

**CITY COUNCIL REGULAR MEETING:**

*You may join online via Zoom Meeting:*

<https://mcminnvilleoregon.zoom.us/j/89579536277?pwd=yUqhFsWhXRHMRFEnHa9T8ETvzFhUVF.1>

*Zoom ID: 895 7953 6277*

*Zoom Password: 108222*

*Or you can call in and listen via Zoom: 1-253- 215- 8782*

*ID: 895 7953 6277*

**7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND SEATING AT CIVIC HALL**

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CEREMONIES & PROCLAMATIONS **(Added on 12.09.2024)**
4. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT –  
*The Mayor will announce that interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. The Mayor will read the names of comments emailed to City Recorded and then any community member participating via Zoom.*
5. PRESENTATIONS
  - a. McMinnville Water & Light (MW&L) Update Presentation from General Manager John C. Dietz.
  - b. Linfield University Presentation from President Becky Johnson.
  - c. DEIAC Organizational Assessment, Final Recommendations Presentation, and Motion to approve recommendations.
6. NEW BUSINESS (Action Item)
  - a. McMinnville Water and Light Commission Appointment.

## 7. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports

## 8. CONSENT AGENDA

- a. Consider **Resolution No. 2024-64**: A Resolution awarding the contract for the City's contractual portion of the construction of Meadows Drive to Alan Ruden, Inc.
- b. Consider **Resolution No. 2024-66**: A Resolution authorizing the City Manager to enter into a Professional Services Contract for the PW Campus Project Phase 2A, Project 2024-9, with Jacobs Engineering Group, Inc.
- c. Consider **Resolution No. 2024-68**: A Resolution approving the issuance of the certificate for the canvass of the returns of the votes cast at the General Election conducted on November 5, 2024, electing three City Councilors and a Mayor.

## 9. RESOLUTION

- a. Consider **Resolution No. 2024-67**: A Resolution Approving the Appointment of a new Police Chief.
- b. Consider **Resolution No. 2024-61**: A Resolution appointing and re-appointing members to the City's various Boards, Committees, and Commissions.
- c. Consider **Resolution No. 2024-62**: A Resolution Awarding the Contract for Professional Services for the Southwest Area Plan Project to HHPR.
- d. Consider **Resolution No. 2024-63**: A Resolution authorizing the City Manager to enter into a contract with Business Oregon for \$2,000,000 for infrastructure to support workforce housing.
- e. Consider **Resolution No. 2024-65**: A Resolution adopting a Unified Board & Committee Appointment Policy.
- f. Consider **Resolution No. 2024-69**: A Resolution authorizing the City Manager to enter into a Purchase & Sale Agreement with McMinnville Water & Light for the purchase of the Miller Property, contingent upon future bond financing, for a future recreation center.
- g. Consider **Resolution No. 2024-71**: A Resolution approving code compliance liens on properties to recover unpaid civil penalty citations and corrective action abatement costs.

## 10. ORDINANCES

- a. Consider the second reading of **Ordinance No. 5154**: An Ordinance Approving a Zone Change From R-3 (Medium-Density, 6000 SF Lot Residential) To R-4 (Medium, High Density, 5000 SF Lot Residential Zone) for Property of Approximately 2.93 Acre Located West of NE Newby Street and NE Hoffman Drive Intersection (Tax Lot R4409DC 01100), Docket ZC 3 – 24.
- b. Consider the first reading with a possible second reading of **Ordinance No. 5153**: An Ordinance Amending the McMinnville Municipal Code, Chapter 17.64 to Provide Time, Place, and Manner Regulations for Psilocybin Activities in McMinnville.
- c. Consider the first reading with a possible second reading of **Ordinance No. 5155**: An Ordinance Amending Ordinance No. 5024, the Previous Planned Development Amendment Approval (ZC 6-17); Amending the Previous Subdivision Tentative Plan Approval (S 13-06/AP 2-07 as Amended by Ordinance No. 5024); Approving a Planned Development Amendment (PDA 1-24); and Approving an Amended Subdivision Tentative Plan (S 3-24) for the Remaining Phases of the Hillcrest Planned Development, Approximately 106 Acres, Tax Lot R4524 00801.

## 11. ADJOURNMENT OF REGULAR MEETING

# PROCLAMATION

**Whereas**, Matt Scales was hired by the City of McMinnville on July 1, 1993; and

**Whereas**, Matt Scales was promoted to Police Chief on July 1, 2014; and

**Whereas**, Police Chief Scales has demonstrated leadership for the Police Department, the City of McMinnville, and the law enforcement profession throughout his 31-year career; and

**Whereas**, Police Chief Scales has been steadfast in his support for and collaboration with all City Departments and members of the Executive Team; and

**Whereas**, Police Chief Scales has led with his heart. He was always the first to send supportive notes to colleagues who were going through a tough time either professionally or personally, telling them that he appreciated them and their work; and

**Whereas**, Police Chief Scales has been a collaborative, witty, consistent, knowledgeable, and friendly colleague; and

**Whereas**, Police Chief Scales demonstrated compassion and level-headedness in approaching the State's years-long houselessness and camping challenges and legislation, collaborating on solutions and making equity a cornerstone of the City's response; and

**Whereas**, Police Chief Scales has consistently valued the contributions and staff of all City Departments and has demonstrated by his actions a desire to effectively coordinate activities with those same Departments during both daily and emergency operations; and

**Whereas**, Police Chief Scales has always pushed the employees of the police department to be better today than they were yesterday; and

**Whereas**, Police Chief Scales sense of service and commitment to the community is valued; and

**Whereas**, Police Chief Scales has a heart bigger than Joe Dancer Park.

**NOW, THEREFORE**, I, Remy Drabkin, Mayor of the City of McMinnville do hereby proclaim **December 16, 2024** as

## **Police Chief Matt Scales Day**

in the City of McMinnville and urge the community to reflect on the passion and leadership of this caring and community-minded Police Chief who is leaving a legacy behind.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the OFFICIAL Seal of the City of McMinnville to be affixed this 10<sup>th</sup> day of December, 2024.

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Remy Drabkin, Mayor

# MW&L Quarterly Update

December 2024





36" HDPE raw water line being installed at the Water Treatment Plant

# Raw Water Pipeline Project

- New pipeline went into service October 7, 2024
- Project is substantially complete and contractor is working through final punch list items
- Project is on-time and under budget. Slated to come in just under contract amount of \$1.87 million
- Final project closeout anticipated by end of December 2024



# BPA Rates Update

BP-26 rate period (October 1, 2025 through September 30, 2028)

- BPA Power Rates estimated to increase 9.8%
- BPA Transmission Rates estimated to increase 20%

~2/3 (65%) of MW&L's Light  
Budget is BPA costs

BPA will issue the Final Record of Decision in July 2025



# Water Caucus Tour

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- On October 31, state legislators and staff spent the day with MW&L touring McMinnville's water system. Tour stops included: McGuire Reservoir, Norm Scott Water Treatment Plant, Fox Ridge Reservoirs, and future water intake site on Willamette River.
- This was a great opportunity to discuss water in our region and the potential creation of a future regional water system.

Scott Water Treatment Plant

**PHASE 1:**  
Completed 2015  
Cost: \$5.5 million  
3,007 feet

**PHASE 5:**  
Estimated cost: \$9 million  
(financing contingent)  
4,700 feet

**PHASE 6:**  
Estimated cost: \$11 million (financing contingent)  
5,900 feet

**PHASE 7:**  
Estimated cost: \$24 million  
(financing contingent)  
14,400 feet

**PHASE 8:**  
Estimated cost: \$6 million (financing contingent)  
3,100 feet

**PHASE 2:**  
Completed 2019  
Cost: \$4.3 million  
6,570 feet

**PHASE 4:**  
Design completed 2024,  
construction estimated in 5-7 years  
Estimated cost: \$18 million  
3,100 feet

**PHASE 3:**  
Design completed 2024, construction  
budgeted for 2025-2026  
Estimated cost: \$5.5 million  
4,250 feet

Distribution Reservoirs

**Capacity**

Current pipeline capacity:  
• **15 MGD**  
(Future pipeline buildout: 30 MGD)

Peak demand:  
• **11.36 MGD in August 2021**

Current Water Treatment Plant capacity:  
• **22 MGD**  
(Future buildout: 30 MGD)

Alignment study completed in 2023

# Transmission Main Replacement Project

Cost of the project in the 2011 Water Master Plan:

- \$24 million, 54,000 feet

Phases 1 and 2 have been completed:

- \$9.8 million, ~9,500 feet

2024 Master Plan cost for remaining phases of project:

- \$75 million

- Completed
- Shovel Ready
- Future





# Building Redundancy & Resiliency through YRWA

- The Yamhill Regional Water Authority (YRWA) was created in 2011 to discuss and develop joint governance, financing, and operation of future regional water facilities along the Willamette River, to provide a future redundant water supply and increase system resilience through regional connectivity.
- YRWA is comprised of McMinnville Water & Light and the cities of Lafayette & Carlton.
- There is no cost for cities to join YRWA.





# Future Water Projects

Willamette River Intake & Raw Water Pump Station .....	\$12 million
Willamette River Raw Water Pipe Line .....	\$15 million
Water Treatment Plant .....	\$60 million
<b>Total .....</b>	<b>\$87 million</b>

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**Total Capital Requirements for Future Second WTP & System Improvements**

**\$233 million**  
*(2016 dollars)*



# Energy Efficiency Benefits

- BPA allocates Energy Efficiency Incentives (EEI) funds to each of its power customers to acquire energy conservation. MW&L's EEI allocation from BPA for the 2024-25 rate period is \$1,637,632.
- MW&L recognizes Energy Efficiency (EE) as our lowest cost resource and is seeking ways to enhance the program to achieve greater kilowatt hour savings.
- Kilowatt hour savings translates to lower power purchases and reduces the amount of needed Tier 2 purchases (more expensive power) in the future.

# Energy Efficiency Rebate Enhancement

- In September 2024, MW&L Commission approved \$100,000 in additional rebate funds for qualified heat pump projects.
- The funds are from revenue received from the sale of Clean Fuel Credits. The Department of Environmental Quality (DEQ) calculates the number of residential EV's in MW&L 's service territory (annually) and deposits credits to the utility. As a credit generator with no compliance obligation, MW&L can offer the credits for sale.
- The program enhancement gives MW&L qualifying customers \$1,500 in addition to the Bonneville Power Administration rebate (amount varies).

Switch to a heat pump & save up to \$2,400



**\*\*Rebate applies to heat pump conversion projects going from existing forced air electric furnaces to New Heat Pump\*\***



# Questions?



Linfield  
University

# LINFIELD UNIVERSITY

REPORT TO THE CITY COUNCIL

DR. BECKY JOHNSON, INTERIM PRESIDENT

# BACKGROUND



- Founded in 1858 - Baptist College of McMinnville; private non-profit
- Renamed 'Linfield University' in 2020, graduate programs and academic units (College of Arts & Sciences, School of Business, School of Nursing)
- 32 Trustees (87.5% alumni)



# BACKGROUND

- Notable alumni:
  - Joe Medicine Crow (last War Chief, Crow Nation);
  - Michelle Johnston Holthaus (Chief Revenue Officer, Intel);
  - Dr. Jessica Gill (Bloomberg Professor of Nursing, Johns Hopkins);
  - Shawn Chen (Founder and Chairman, Sias University)
- Top majors: 1) Nursing, 2) Business, 3) Education, and 4) Psychology





# 2024-25 SUCCESSES

424 new undergraduate students (up 10%; US peers were -6%)

- 51% first-generation
- 46% US students of color; 26% Hispanic/Latine
- 43% Pell eligible
- 129 graduate students
- One of the best schools in the Pacific Northwest for 'social mobility'



# 2024-25 SUCCESSES

## ATHLETICS

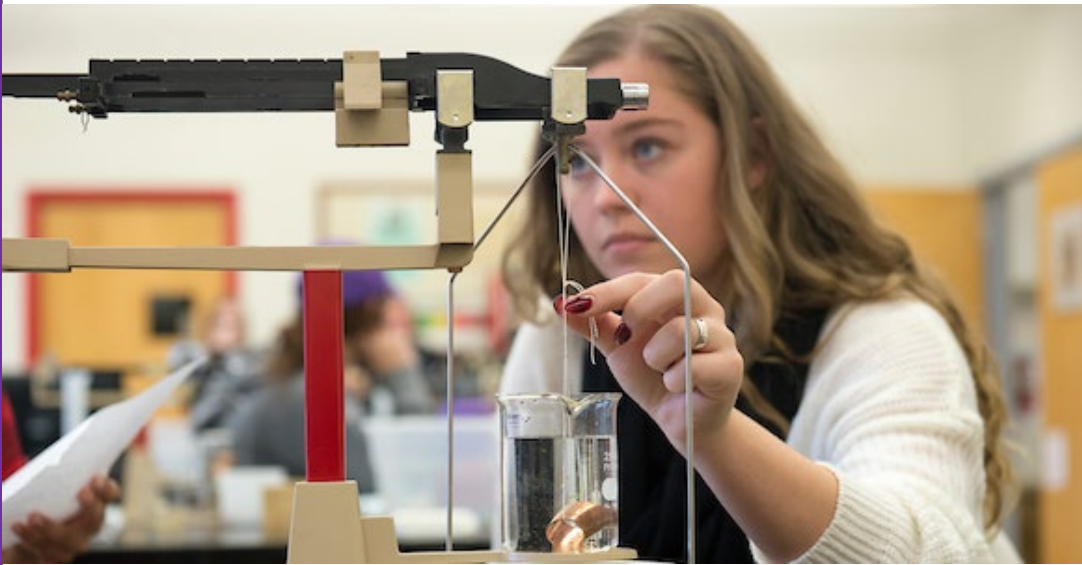
- Wildcats Football – 68-year streak, 45<sup>th</sup> conference title, top playoff berth
- Wildcat Kira Hawaaboo – Heptathlon Champ in NWC championships
- Wildcats Softball – Finished third this year in NCAA-III championship
- Wildcats Women’s Basketball off to a 6-0 start



# 2024-25 SUCCESSES

## ACADEMICS

- Professor Sandra Elena Terra (Spanish) – Recipient, Don Quixote De La Mancha Scholarship
- Professor Lindsey Mantoan – 2024 Excellence in Editing Award, Assoc. for Theatre in Higher Education
- Student Emma Bare – Essay recognized by Sigma Tau Delta International Honor Society



# NEW LEADERS

Scott Brosius, AD



Anna Maria Ponzi, Wine Studies



Joe Ready, Wildcat Band



New Trustees  
Katie Paullin  
Mary Lago  
Laurie Reser



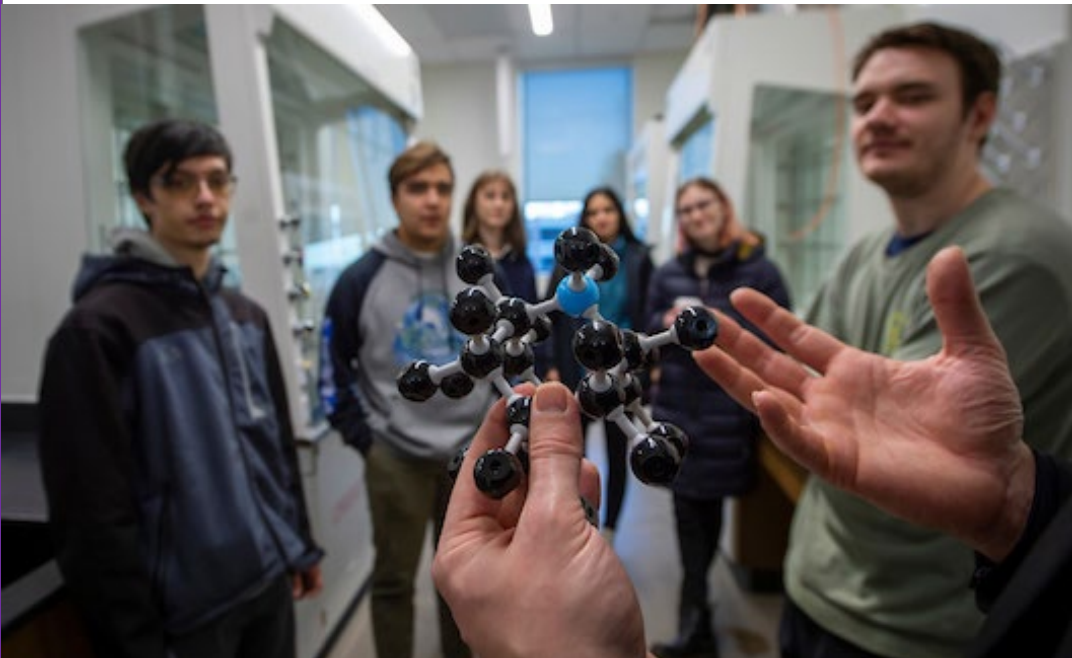
# NEW PROGRAMS

- LEAD Honors Program – first class – fall 2025
- Graduate Certificate in Special Education
- Acorn to Oak – Learning lab for Wine Studies students
- New Ad Hoc Marketing Committee – Panel of marketing experts



# LOOKING AHEAD

- Welcoming the 21<sup>st</sup> President
- Exploring new academic programs (e.g., engineering)
- Growing enrollment (undergraduate and especially graduate)
- Symposium on Healthcare Equity and Inclusion



# LOOKING AHEAD

- Developing the 75 acres South of campus, infill within campus (housing, student union)
- Expand experiential learning opportunities for students
- Linfield's next Nobel Laureate Symposium (Dr. Randy Schekman '13)



# GET CONNECTED

## SEEK VOLUNTERS

Through the Service Leadership Program, students log hundreds of hours of volunteer service each month, supporting the community we live in [chaplain@linfield.edu]

## HIRE A STUDENT EMPLOYEE, INTERN

Our Career Development office helps place students in their first jobs after graduation and internships while here [career@linfield.edu]

## ACCESS PROFESSIONAL DEVELOPMENT AND CONTINUING ED

The University has an array of courses, certificates, and opportunities for community members, including working professionals [Linfield.edu/academics/oce/]



# ATTEND AN EVENT!

- Athletics competitions [[golinfieldwildcats.com](http://golinfieldwildcats.com)]
- Art performances
  - Music [[Linfield.edu/music/events.html](http://Linfield.edu/music/events.html)]
  - Theatre [[Linfield.edu/arts/theatre.html](http://Linfield.edu/arts/theatre.html)]
- The Linfield Art Gallery exhibitions [[Linfield.edu/art/gallery.html](http://Linfield.edu/art/gallery.html)]
- Nicholson Library (for McMinnville residents)
- Signature events (Camas Festival, Nobel Laureate Symposium, NorthWest Media Fest, Camas Festival, Luau, etc.) [[Linfield.edu/calendar.html](http://Linfield.edu/calendar.html)]

## ECONOMIC IMPACT

*The University contributes to the local economy as a major employer but also through programs and attracting tens of thousands of visitors to YC through our events (Homecoming, camps, Commencement, etc.*

*Private colleges in Oregon contributed more than \$3.5B in total income to the State last year, about 1.3% of the GDP, and provided more than 43,000 jobs.*



Linfield  
University

THANK YOU!  
QUESTIONS?



**City of  
McMinnville**

ADMINISTRATION

# Organizational Assessment Final Report & Recommendations

12.10.24

Amended on 12.11.2024  
28 of 583

## Rational Aim

The practical goal or concrete objectives of tonight's conversation.

Approve a motion to accept the Organizational Assessment Final Report and adopt the 2025 work plan.

## Experiential Aim

The inner or lasting impact of tonight's conversation.

Enhanced understanding and confidence in how this work reinforces and strengthens the City's commitment to its core values.

# How did we get here?

- Forming ordinance tasks DEIAC with creating a plan that addresses the City's need
- DEIAC as an advisory body
- Focus on accessibility
- Org Assessment launched 01/24 and completed 09/24
- Final report contains a full Strengths, Challenges, Opportunities, and Risks analysis + Strategic Pillars

## **McMinnville Municipal Code Section 2.35.020**

- Advising the Council on policy decisions related to diversity, equity, and inclusion
- Making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process
- Advising the City on culturally responsive service delivery, programming, and communication strategies
- Updating and overseeing progress on the City's Diversity, Equity, and Inclusion Plan
- Overseeing progress on applicable goals and objectives in the 2019 MacTown 2032 Strategic Plan; and
- Identifying local leaders and building leadership capacity in McMinnville's communities of color.

# Top Priority

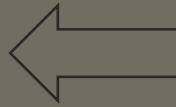
“Both internal and external stakeholders share an understanding that organizational change through the lens of DEIA requires improving operations and communication internally and externally.”

*Organizational Assessment Report, page 18*

## ORGANIZATIONAL TRANSFORMATION PLAN

### Strategic Pillars

Pillar 1: **Strengthen DEIA Strategic Drivers**




Pillar 2: Enhance Public Input, Involvement, and Participation

Pillar 3: Invest in Mutually Beneficial Collaboration and Partnerships









# Pillar 1: Strengthen DEIA Strategic Drivers

Pillar One: Strengthen DEIA Strategic Drivers	2025/2026	Staff Impact
<b>Goal 1:</b> Create a unified set of definitions for DEIA to ensure the City and its residents have shared meanings/language.	Q1	Communications & Engagement Manager 
<b>Goal 2:</b> Introduce the use of the Equity Lens Toolkit (Equity Lens) starting with executive leadership.	Q2	Executive Team
<b>Goal 3:</b> Recommend the Council to review and approve the Public Engagement Charter.	Q2 – Q3	Communications & Engagement Manager
<b>Goal 4:</b> Design and launch an employee engagement survey.	Q4 – Q1	Human Resources
<b>Goal 5:</b> Provide in-person training opportunities to employees which reinforce City values.	Q3 +	Communications & Engagement Manager + Human Resources

# Organizational Transformation Plan (OTP) overlaps with MacTown 2032 Strategic Priorities

Organizational Transformation Plan (OTP)	 CITY GOVERNMENT CAPACITY	 CIVIC LEADERSHIP	 COMMUNITY SAFETY & RESILIENCY	 ECONOMIC PROSPERITY	 ENGAGEMENT & INCLUSION	 GROWTH & DEVELOPMENT CHARACTER	 HOUSING OPPORTUNITIES
 Strengthen DEIA strategic drivers	○		○				
 Enhance public input, involvement, and participation		○			○		
 Invest in mutually beneficial collaboration and partnership				○		○	○

## Experiential Aim

Enhanced understanding and confidence in how this work reinforces and strengthens the City's commitment to its core values.

# Engagement, DEIA, and the City

- New policy for recruiting boards and commissions
- Effort to involve various stakeholders
- Steady improvement in how we communicate to residents
- Effort to increase transparency
- Policy decisions are made using an informal 'equity lens'
- Purchased software that supports employee training and development



## High-impact projects which used an equity lens

- PROS Plan – community outreach strategy based on Human-centered, Mission-centered, and Place-based approach
- Parks levels of service
- Jay Pearson Neighborhood Park
- Parks & Rec / Library adaptive programs geared towards specialized groups





## Public Works projects that would benefit from DEIA framework

- Capital Improvement Plan (CIP) Prioritization process.
- Development of focused maintenance programs
- Staff training programs for hard-to-hire technical positions

# Questions?



# City of McMinnville: Organizational Assessment Report

**Lead Authors:**

Charis May Hnin, MA in Community Planning  
Carol Rozumalski, M.ED, MSW

FINAL REPORT | October 14, 2024



**Talitha  
Consults**

*Interdisciplinary • Multilingual • People-centered*




Talitha Consults LLC 14900

Interurban Ave S # 271

Tukwila, WA 98168



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## Executive Summary

“What do you want the City of McMinnville to be in the next 5 to 10 years?”, asked one of the community members during an in-depth individual interview for the City’s Organizational Assessment through the lens of Diversity, Equity and Inclusion. In the following pages, Talitha Consults (Talitha), the Consultants hired for the organizational assessment initiative, documents myriad perspectives from diverse stakeholders to better understand whether and to what extent the City is embodying its core values, especially the value of equity.

Talitha used a mixed-method engagement approach to collect robust data while applying racial equity<sup>1</sup> and intersectionality<sup>2</sup> frameworks to guide the data analysis and development of subsequent recommendations. The City’s Diversity, Equity, Inclusion Advisory Committee (DEIAC) served as a Project Advisory Committee with support from two City staff. Although the key learnings discovered in the assessment are not earth-shattering, they offer a deeper understanding on how and why stakeholders engaged for the assessment think the City’s efforts to provide high-quality services fall short for some community members and staff. Additionally, Talitha took note of strengths, challenges, opportunities and risks (SCOR) to highlight what is going well in the City and how to build upon these successes and opportunities while striving to eradicate barriers and mitigate risks.

Internally, the City faces a divide in its commitment to diversity, equity, and inclusion (DEI). 50% of the staff Talitha interviewed, whose primary roles were in the supervisor, management, or executive level, mentioned that the City does not perceive DEI as a priority. This split suggests inconsistent messaging or actions related to DEI efforts, which can be a significant barrier to fostering a culture of inclusion within the city workforce. If half of the city’s employees don’t believe that DEI is a priority, efforts to engage the public in meaningful and inclusive ways could fall short. Thus, one recommendation from Talitha is for the City to adopt unified definitions for diversity, equity, inclusion and accessibility (DEIA), which have been vetted by the DEIAC.

This report makes the case for McMinnville City Manager’s Office to lead and coordinate DEIA efforts, using the Organizational Transformation Plan (OTP) as a guiding framework. 100% of staff interviewed by Talitha believed that the City’s operations and service provision through the lens of DEIA should be led by the City Manager and staff designated for this specific effort. Operating from a place of agreement rooted in this assessment finding, we start with the unanimous opinion that the City Manager’s Office should lead this work. While it is commendable that the current City Manager has dedicated a portion of staff time to lead the assessment process, the City must continue to adequately resource the implementation of recommendations outlined in the OTP.

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<sup>1</sup> Racial Equity means that we no longer see disparities based on race and improve results for all groups. - Government Alliance on Race & Equity (GARE)

<sup>2</sup> Intersectionality is a tool for analysis, advocacy and policy development that addresses multiple discriminations and helps us understand how different sets of identities impact on access to rights and opportunities. **Dr. Kimberle Crenshaw, Columbia University, School of Law**

The OTP details three DEIA strategic pillars that will not only support the City in meeting its DEI strategic objectives but will also help the City strive toward meeting the seven strategic priorities outlined in MacTown 2032.

The three strategic DEIA strategic pillars are—



**OTP Strategic Pillar 1: Strengthen DEIA strategic drivers**



**OTP Strategic Pillar 2: Enhance Public Input, Involvement and Participation**



**OTP Strategic Pillar 3: Invest in mutually beneficial collaboration and partnership**

Additionally, Talitha offers deeper insights on the timing as well as projected capacity and resource needs to transform the organization meaningfully, starting from within. Lastly, Talitha offers numerous tools and resources (how-to guides) to equip the City to do the work. Intentional and consistent implementation of OTP will help **McMinnville reinvigorate its mission “to deliver high-quality services in collaboration with partners for a prosperous, safe and livable community.”**



## **Glossary of Acronyms**

**CMAI:** The City of McMinnville Assessment Initiative

**DEI:** Diversity, Equity, and Inclusion

**DEIA:** Diversity, Equity, Inclusion, and Accessibility

**DEIAC:** Diversity, Equity, and Inclusion Advisory Committee

**ET:** Executive Team

**MacTown2032:** McMinnville's first-ever Strategic Plan adopted in 2019

**MAC:** the City of McMinnville

**PROS Plan:** Parks, Recreation, and Open Space Plan

**P&R:** Parks and Recreation Department

**RFP:** Request for Proposal

**Talitha:** Talitha Consults LLC



## Shared Meanings: Why and How

Defining terms like “diversity,” “equity,” “inclusion,” and “accessibility” (DEIA) is crucial for McMinnville because it offers a common understanding for effective and clear communication and action. In partnership with the Diversity Equity and Inclusion Advisory Committee (DEIAC), Talitha Consults (Talitha) co-created the following DEIA definitions to guide this organizational assessment process. Using these unified definitions will help guide community members, stakeholders, and decision-makers within the city with a clear sense of direction in which to strive collectively.

**Accessibility**, rooted in disability rights, means ensuring that everyone, regardless of ability, can fully participate in all aspects of community life. When cities prioritize accessibility, it benefits not only people with disabilities but also older adults, parents with strollers, and anyone facing temporary mobility challenges. Accessible transportation options like wheelchair ramps on buses benefit not only people with disabilities but also people with walkers, as well as travelers with luggage. Similarly, offering closed captioning in public meetings not only assists individuals who are deaf or hard of hearing but also benefits non-native speakers and people in noisy environments.<sup>3</sup>

**Belonging** is much more than a felt personal experience that is intertwined with the structural systems that shape our lives. While a “sense of belonging” is felt within us as individuals, that feeling’s ability to arise is heavily influenced by the societal systems we utilize and are a part of. To nurture belonging, we must address both its personal and structural contributors.<sup>4</sup>

**Diversity** refers to the wide variety of people living in a community, including their different backgrounds such as race, ethnicity, gender, age, ability, sexual orientation, religion, and socioeconomic status. It also includes the range of perspectives, opinions, and beliefs that individuals bring to the table. For a city government, diversity means recognizing and valuing these differences among its residents and ensuring that policies and services are inclusive and equitable for all members of the community. In a collective setting, diversity describes communities and groups – not individual people.

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<sup>3</sup> Adapted from National Center on Accessible Education Materials by Carol Rozumalski, Associate Principal at Talitha Consults, April 2024

<sup>4</sup> <https://belonging.berkeley.edu/bridging-belonging>

**Demographic Diversity** is a subset of diversity which describes human differences, such as ethnicity, gender, sexual orientation, age, socio-economic status, (dis)ability, religious or spiritual identity, national origin, political belief, etc.<sup>5</sup>

**Equity** means ensuring that everyone has a fair opportunity to achieve positive outcomes. Equity involves actively working to address disparities and barriers that prevent certain groups from reaching the same level of success as others.

**Inclusion** means creating welcoming environments and experiences where everyone feels valued and respected, and where everyone has the opportunity to contribute to and participate in community life. Inclusion is authentic and curious, and involves actively seeking input from all members of the community, regardless of their background or circumstances, and ensuring that their voices are heard and considered in decision-making processes. Making mistakes by mis-stepping, misspeaking, or past ignorance can happen as we take courageous risks to create more just and welcoming environments. Therefore, it is important to make space and time to name and repair harms.

**Justice** is an outcome that equity & inclusion processes aim to accomplish.

**Language Access:** According to the National Institutes of Health (2022), language access is achieved when individuals with limited English proficiency can communicate effectively with employees, staff, or the agency and participate in its programs and activities.

**Marginalization:** The process that occurs when members of a dominant group relegate a particular group to the edge of society by not allowing them a voice, identity, choice or place for the purpose of maintaining power.

**Neurodiversity** refers to the diversity of all people, but is often used in the context of autism, as well as ADHD/ADHC (attention-deficit hyperactivity disorder/condition), dyslexia, and other neurodevelopmental conditions. While neurodivergent employees can create tremendous value within organizations, their potential is often squandered due to a lack of workplace support. Autistic workers might struggle to get a fair hearing for their ideas if they encounter communication difficulties, or those with ADHD/ADHC might find it difficult to work at their full potential in an environment with constant distractions.<sup>6</sup>

**Social Justice** is a process, not an outcome, which (1) seeks fair (re)distribution of resources, opportunities, and responsibilities; (2) challenges the roots of oppression and injustice; (3) empowers all people to exercise self-determination and realize their full potential; (4) and builds social solidarity and community capacity for collaborative action.

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<sup>5</sup> <https://cssp.org/wp-content/uploads/2019/09/Key-Equity-Terms-and-Concepts-vol1.pdf>

<sup>6</sup> <https://www.apa.org/members/content/neurodiversity>

## I. Initiative Overview

### A. The founding of the Diversity, Equity, and Inclusion Advisory Committee (DEIAC)

In partnership with Human Resources coupled with the support from the Executive Team, McMinnville’s City Council passed Ordinance 5097 and codified the founding of DEIAC. Additionally, McMinnville’s first-ever strategic plan, MacTown 2032 established the goal of “Engagement & Inclusion” and set forth several strategic objectives (SOs):

1. Actively protect people from discrimination and harassment
2. Celebrate the diversity of McMinnville
3. Cultivate cultural competency and fluency through the community
4. Grow City’s employees and Boards and Commission to reflect our community
5. Improve access by identifying and removing barriers to participation

### B. City of McMinnville’s Assessment Initiative (CMAI)

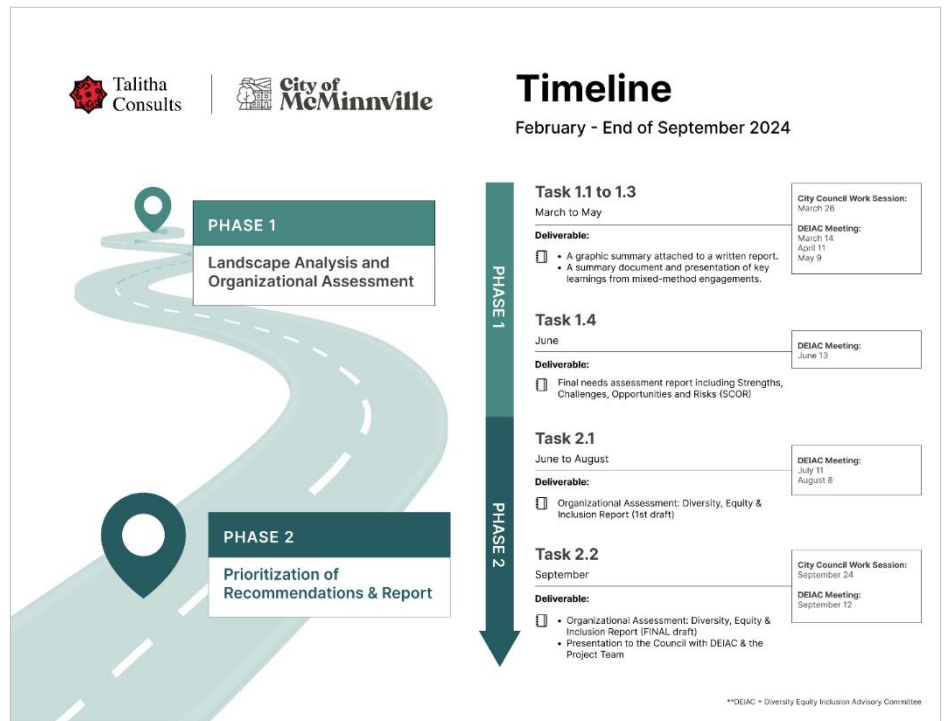
In late 2023, the City selected Talitha Consults (Talitha) to support organizational assessment through the lens of diversity, equity and inclusion. DEIAC played a pivotal role in guiding and shaping this initiative. **DEIAC added accessibility as another lens** through which to assess the City’s current state. The service contract was signed in January 2024.

## II. Methodology and Approach

Talitha launched a mixed-method engagement approach to gather valuable insights and feedback from diverse community members. The Consultants at Talitha also scanned the City’s existing documents, policies, and programs, as well as comparative studies of neighboring cities similar to McMinnville. Talitha’s mixed-method engagement approach consists of—

- One initiative kick-off meeting with the City project team, plus regular project meetings throughout
- 28 in-depth individual interviews with a mix of community members, City staff and City affiliates
- Three in-person listening sessions with key stakeholders (DEIAC, the Executive Team and Managerial Staff)
- Seven working sessions with DEIAC
- One initial presentation to the City Council’s work session in March 2024
- One final presentation to the City Council’s work session in September 2024
- Several site visits to the City’s various neighborhoods, points of contact and City offices

Additionally, the City dedicated a web page to give a brief overview of this process ([Organizational Assessment Initiative 2024](#)). The News-Register—a local newspaper—also published about this initiative



6 times within 9 months. The process diagram on page 8 illustrates the nine-month journey that the City, DEIAC and Talitha embarked on together to produce a final organizational assessment report for the City. For more information on the theory of change and research analysis framework, please refer to Appendix-B.

### III. Key Learnings

In the initial phase of the process, Talitha generated a Strength, Challenges, Opportunities and Risks (SCOR) document. For the SCOR analysis, we assessed three areas: 1) Existing policies, procedures and practices for both internal and external functions; 2) MacTown 2032, which is the City's current strategic plan; 3) Programs and services aimed to advance inclusion efforts.

The Consultants followed up the SCOR analysis with 28 in-depth individual interviews (IDIs) across diverse stakeholders. Lastly, the Consultants augmented these research efforts with field notes from multiple site visits within the City. As a result, key takeaways from CMAI are grounded in rich and robust empirical data, both qualitative and quantitative as well as experiential.

#### Strengths

- This initiative (CMAI) → how it came about (dedicated, courageous, and resourceful residents, DEIAC past and present members + committed staff liaison across departments).
- Good at following established processes; city records are kept well for compliance.
- Multiple departments reported that they were doing their best to offer welcoming and inclusive programs.
- Policies and processes are in place to report workplace harassment incidents; however, the policies and procedures are for **an after-the-fact scenario(s)**. However, HR recently instituted mandatory and City-wide anti-harassment training.
- Some departments allegedly have outreach and communications materials translated into Spanish, at the very least. The City has multilingual staff who step in to offer language support services as necessary.
  - Policy in place for bilingual language pay.
- Some departments report having existing channels to connect with diverse community members, including those who are historically underrepresented in the local government's decision-making process.
- Dual language flyers in English and Spanish, especially at the Parks & Recreation Department (P&R) and the Library services. Also, for the City's at-large community events.
- Culturally inclusive programs are starting to blossom → the State of the City event, the City's recent Parks Recreation and Open Space Plan (PROS) outreach and engagement activities.
- The library's ongoing efforts (land acknowledgment, partnership with DEIAC for the City's first Juneteenth).
- P&R's adaptive play program (positive testimonies from a community partner during a site visit).

#### Challenges

- A lot of process and compliance monitoring with *minimal* impact assessment.
- Lacking a unified understanding of diversity, inclusion, equity, and accessibility values across the City departments.
- Language accessibility for essential services is non-existent
  - [Public Works | McMinnville, Oregon](#) (Language access improvement area)
  - [Contact the City of McMinnville | McMinnville, Oregon](#)



- What about accessibility in general? The online link for accessibility didn't seem to work at the time of testing.
- Compliance mindset - "We don't have any reports on discrimination. We follow the process. We are OK."
- There is a sense of need to build mutual trust and understanding between elected officials and DEIAC.
- Allegedly, some leaders are under a cone of silence. If silence does not mean compliance, then what does it mean?
- Although the MacTown 2032 Plan may not have been developed to serve as a procedural guide, most internal stakeholders Talitha interviewed expressed their frustrations with the Plan's lack of practical or helpful guidance on how to implement aspired values.
- Lacking unified tracking, monitoring, and reporting mechanisms to understand whether and to what extent DEIA values are operationalized within and across city departments.
- Implementation of MacTown 2032 strategic goals lacks tracking, monitoring and reporting systems across the City.
- Multiple department heads point to insufficient capacity and resources to incorporate DEI principles into existing programming and services. As such, integrating equity practices using an equity lens document that DEIAC introduced a few years past felt like an added task.
- Lacking coordinated effort to offer consistent learning and development opportunities for the workforce and leadership, including but not limited to pro-equity topics.

#### DEIAC:

- What does the City want from DEIAC?
- Are staff and leaders who are supportive of DEI advancement adequately resourced and equipped?
- To what extent does the workforce and city leadership understand the purpose and relevance of having DEIAC?
- What does the Mayor and City Council expect DEIAC to be?
  - How is this document communicated? [deiac\\_2024\\_goals\\_final.pdf](#) ([mcminnvilleoregon.gov](http://mcminnvilleoregon.gov))
- What is the accountability measure?

## Opportunities

- Multiple department leaders are open to DEI learning opportunities if offered more.
- DEIAC to position itself as a subject matter expert to advance DEI across the City.
- A refined HR system offers a great foundation to expand streamlined learning and development opportunities.
  - How will the City sustain and integrate recent process improvement efforts into a permanent institutional change?
  - Reportedly, the Finance Department recently purchased software that can track and report capital investments and their potential impact(s). This tool could help identify if some neighborhoods have been invested more than others – which neighborhood(s) are privileged over others?
- Impact-driven programs and services—
  - Need to define primary and secondary audiences; establishing substantiated understanding between intent vs. impact.
- What are the intended impacts or outcomes? Refer to DEIAC strategic goal #5, which is, "to increase access by identifying and removing barriers to participation". The more pressing

question is – between which parties—for whom and with whom?

- There is an opportunity to **connect strategic goals with result-based accountability (RBA)**.

## Risks of Forgoing DEIA

- Further disparate attempts within departments
  - Some departments are light-speed ahead of others in advancing equity.
- Employees and leadership lack the skill set to deal with racialized fear
  - “demophobia” is the irrational fear of changing demographics by H. Samy Alim<sup>7</sup>.
- Diversity is not seen as an asset but rather misunderstood or misconstrued or used as a tool to divide communities that are experiencing rapid changes.
- Unless pro-equity actions are connected to an institutional level, leadership changes might risk the delay in bringing about meaningful and lasting outcomes.
- Anti-equity groups could further diminish DEIAC’s contribution to the City’s well-being.
- Getting stuck with a performative checkbox with no meaningful change.

Lacking internal/institutional reflection—

- Not making time to balance and integrate operational and aspirational values.
  - Is the City just doing ‘nice or busy work’ without a purpose and impact— Intent vs. Impact?
  - Less emphasis on accountability to serve everyone in the City, especially for people with the least access.
- A lack of mutual understanding could lead to further confusion internally & externally.
  - Action committee vs. Advisory | *Is DELAC satisfied with purely advising?*
    - **Is advising a type of action?**
    - **Is advocating a type of action?**
- There are limitless opportunities and that is **both good news and difficult news**.



<sup>7</sup> H. Samy Alim is a professor at UCLA Department of Anthropology

## B. Key takeaways from internal and external stakeholder interviews about McMinnville's DEI culture and posture:

1. **There is a need for strategic drivers** to operationalize DEIA across departments.
2. **MacTown 2032** Strategic Plan serves as **an initial cultural driver** by enlisting equity as one of the City's core values.
3. Recognizing that MacTown 2032 was not intended as a procedural guide, most internal stakeholders Talitha interviewed have expressed their frustrations with the Plan's lack of practical guidance on **how to implement aspired values into organizational culture and practice**.
4. The City is moving in the right direction by **centering the voices of those with the least access** to improve its service provision and community engagement. Many external stakeholders recognize Parks and Recreation Department and Library Services as departments that exemplify community-engaged practices.
5. 50% of internal stakeholders said **DEI is a priority** for the City, while the other 50% reported that **DEI is not a priority** for the City.
6. There is a desire for **better city-wide coordination and communication** regarding the City's DEI efforts and progress.
7. There is a **disparate and superficial understanding of what equity looks like in practice** and **why equity matters** among the internal stakeholders. A few internal stakeholders indicate equity as a social trend.
8. Most external stakeholders who have had interactions with the City reported that their interactions have been positive.
  - 100% of external stakeholders said they **felt welcomed** when they interacted with the City.
  - 90% of external stakeholders **identified barriers** to accessing City programs or services. Confusions mostly revolved around hours of operation, roles, and functions— *who is responsible, who is accountable, and when is the office open?*
9. Most external stakeholders engaged in this process **have a dynamic and nuanced understanding of equity and equity application**, especially in the local government. Among the people of color interviewed, there is an acceptance that McMinnville is a leader in social justice and racial equity in Yamhill County.
10. The City must decide whether to revise the older definition of equity to align with the present reality.
11. All leaders expressed a desire for **more but targeted growth and learning opportunities** to deepen the knowledge and application of DEIA. Learning opportunities in the past were one-off offerings. Currently, growth and learning opportunities are primarily self-directed; the onus is on the employees to find opportunities and request approval from their supervisors.
12. Professional growth and learning opportunities are not integrated into any performance review or appraisals. Lingering questions from the Consultant include:
  - What performance accountability measures does the City currently have, starting with the City Manager and the Executive Team?
  - What does stewardship look like across leadership and the workforce?
13. 100% of internal stakeholders think that the City Manager's Office should take the lead in implementing DEIA initiatives as well as monitoring and tracking associated outcomes.
  - While the assessment initiative is led by a staff within the City Manager's office, implementation of recommendations in this report must also be led and resourced by the City Manager's office.
14. All internal stakeholders identified **limited capacity** and **shifting and competing priorities** as **ongoing barriers** to applying DEIA in their roles. To most of these individuals, DEIA appears to be an aspirational goal; thus, carrying out tasks to support DEI-centered goals is an additional effort.
15. The purpose and the roles and responsibilities of DEIAC seem unclear to most internal stakeholders. Lingering questions from the internal stakeholders include:
  - Why does DEIAC exist – *the purpose?*
  - Who do the committee members represent—residents, businesses, schools, or other social identities?
  - What are the key functions of DEIAC? How effective is the committee, and how do they know it?
  - What added value(s) does DEIAC bring to the City as a whole?

16. Establishing a sense of internal and external trust and accountability is essential to promote meaningful engagement.
17. Social tension and anxiety stemming from the current political climate is high in the community. McMinnville is situated within a larger social and political environment; thus, it is not prone from being affected by pressing issues occurring outside the city limits.
18. There is a concern that DEIA initiatives might be misunderstood and/or misconstrued. Some internal work groups might question DEI-centered organizational change.
19. Voices that expressed DEI initiatives as unnecessary are bold and unapologetic. They exist across the community. In fact, during this assessment, a few staff of color reported to Talitha that they had received an email from a member of the public calling them as “DEI hire” and boldly proceeded to explain why.
20. 100% of external stakeholders who allegedly hold socially marginalized identities are worried that DEI efforts might get dismantled when pro-equity leaders in the City leave their positions.



## BARRIERS:

When naming and addressing barriers, it is important to note that they can be both invisible and visible, as well as tangible and intangible. Thus, stakeholders engaged in this process implore the City to address barriers that hinder public participation in and contribution to programs, services and governance within the City. In the following pages, the Consultants share their comprehensive insights gleaned from and supported by diverse stakeholders’ direct input during the individual interviews. On page 20, Talitha offers a tool to document and record specific actions to help the City meet its overarching strategic goals and objectives.

### DEIA Culture and Posture within the City

The finding that **93% of external participants** feel that city staff **do not represent the community** must be addressed. The Consultants have observed that the City is trying to improve representation and is making progress, but the members of the public, especially from the underrepresented communities that are mostly non-white, want to see more. Studies have shown that the lack of representation can lead to a feeling of exclusion, where community members may hesitate to engage with the City or feel that their voices won't be heard.

Internally, the City faces a divide in its commitment to **diversity, equity, and inclusion (DEI)**, with **50% of staff** not perceiving DEI as a priority. This split suggests inconsistent messaging or actions related to DEI efforts, which can be a significant barrier to fostering a culture of inclusion within the city workforce. If half of the city’s employees don’t believe that DEI is a priority, efforts to engage the public in meaningful and inclusive ways could fall short. This internal barrier needs to be addressed to ensure that **all employees are aligned** with the city’s DEI goals, which will, in turn, enhance public trust and participation.

*\*Percentages are based on interviewees who opted to respond to these questions.*

## DEIA Culture and Posture within the City - Overlapping Themes

- Lacking clear leadership and concerted efforts to advance DEIA in policy, procedure, and practice.
- Recognition of the need to remove bureaucratic barriers as well as improving language accessibility; however, the City does not know what to do it, where to start, or who should take ownership.
- Deficiency mindset held by the majority of internal respondents. “We need more capacity... We need more resources.... We have to prioritize compliance so that our existing funding won’t get taken away.”



I think Diversity is a priority for the City, but I am not sure about equity... We are doing diversity but it doesn't feel real.



Compared to the neighboring cities, McMinnville is a safe haven for my family.



There has been more of a push getting community feedback (i.e. surveys), but don't know that happens with the data afterwards, what the leadership is doing with that... I don't see the outcome. There have been incentives. There is an opportunity to be heard, but don't know that happens to the data.



I'm afraid current efforts are COVID-driven as opposed to community-driven.

I fear that once the money from COVID is over, DEI efforts will go way.

## A Sense of Agency - 'Am I seen, heard, and valued?' Overlapping Themes

- Motivation to advance DEIA appears staff-led rather than a City-wide effort. (For example, “library and parks & recs are light-years ahead in terms of engaging with diverse communities compared to other City departments”)
- Impact of DEI efforts require more communication, monitoring, and evaluation (“What are the results? What does accountability look like? Who benefits? Who is burdened by these efforts?”).
- Recognition of the increasing need for community-led solutions, but some departments in the City do not know where to begin.
- The City’s internal departments struggle with mutual trust, collaboration, and communication.

“ Transparency – visual tool. A map of processes. For example, I want to get a building permit. I want to be a part of this. Forms are also verbiage.



There has been more of a push getting community feedback (i.e surveys), but don’t know that happens with the data afterwards, what the leadership is doing with that... I don’t see the outcome. There have been incentives. There is an opportunity to be heard, but don’t know that happens to the data.



There are [efforts] that the city has, are they utilizing them to the best of their availability [or] are they just going to use this [effort] as a one-time thing and then forget about them?

## DEIA Challenges & Risks

*On a scale of 0-5 do you feel that your needs are understood?*

- The average satisfaction rate of external respondents was **3.3** (where 0 is least satisfied, and 5 is most satisfied)\*

*Are there barriers to accessing the programs/services from the City?*

- **90%** of external respondents reported that there are barriers to accessing City programs or services. \*

*\*Percentages are based on interviewees who opted to respond to these questions.*

## DEIA Challenges & Risks - Overlapping Themes

- Social tensions & social anxieties (past, present, and near future).
- Fear of further division between racial and cultural groups.
- Existence of service and structural barriers when accessing, engaging & participating in City programs or services (for example, language accessibility and accommodation needs).



It is hard to speak with someone from the city. There is an issue here in my street and it is missing a stop sign, I sent several emails to different places within the city. I never obtained a reply. It is very frustrating because it is a need. It is something that can affect the neighborhood. The fact that I don't know where to send, who to talk to and I see no reply to the mailboxes that I sent my concern it is very discouraging.



I think the whole History of Oregon it was not very welcoming to people of color and McMinnville being a more rural area we know there is some political views and things like that. I think that historically underrepresented, marginalized communities, the challenges are so many. I think it is best for the city to... There are organizations like Unidos in McMinnville that have data, that have historical facts that can be shared with the city. I think if the City partners with the right people they will know that.

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 I think fear of making mistake is prevalent in our organization culture.

## Opportunities to improve DEIA- Overlapping Themes

- Reducing participation barriers by providing necessary accommodations for community members, including but not limited to language access services, stipends and childcare.
- City-led learning and development opportunities to improve inner capabilities to create a more welcoming, just, and inclusive community internally and externally.
- City staff and leadership (beyond the usual suspects) need to show up to community-led events - meeting people where they are at in their turf.
- City manager's office to own and lead DEI initiatives. *\*100% of internal respondents agree\**



We need internal people to advocate for the City. Have a person or a couple of people to build relationships with communities.



You really miss out on hearing other people in the community who might not be as involved because they don't feel as included due to the lack of language access, culture, disability access, etc. You end up hearing more from the side of people that "think what is good for our community or what's working or what's not, instead of looking at the bigger picture"... You have to try, put the olive branch out, find an inclusive space or an inclusive event that people want to go and speak and be heard about, generate ideas. See the actual needs of the community.



City staff need more training on how to handle difficult conversations and situations. I have seen them overcompensating individuals who are being difficult by overtly opposing to the City's programs and services. Why do we need to give too much air time? The staff needs training.



## IV. Recommendations

“For the execution of this plan to be as holistic as possible, staff and leaders from all City departments should consider actively and constructively partnering with each other under the stewardship of the City Manager’s office.”

-Carol Rozumalski, Associate Principal at Talitha Consults LLC

The journey toward creating and sustaining a more just, equitable, and inclusive McMinnville requires a commitment to address challenges directly while allowing community engagement and relationship-building to be the foundation of inclusive – and, therefore more sustainable - decision-making. **McMinnville can reinvigorate its mission “to deliver high-quality services in collaboration with partners for a prosperous, safe and livable community” by tapping into the groundswell of entrepreneurship in its diversifying communities, including the growing immigrant population.** Doing so will require McMinnville to develop and implement a series of actions that, together, will establish the foundation and approach for how it grows and embraces change.

For some recommended action items, the Consultants recommend the use of a RACI chart, a tool used in project management to define roles and responsibilities for stakeholders involved in a project. It is a spreadsheet or a table matrix that lists the stakeholders and their level of involvement in each project task, denoted by the letters R (responsible), A (accountable), C (consulted), or I (informed). For more information about RACI, go to page 26 of the report.

### A. Top Priority

100 % of the internal stakeholders engaged in this initiative think that the City Manager’s Office should take the lead in implementing DEIA initiatives and monitoring and tracking associated outcomes. Both internal and external stakeholders share an understanding that organizational change through the lens of DEIA requires improving operations and communication internally and externally.

Effective communication and engagement are crucial to build trust and to ensure that diverse community voices are heard, especially in a city working to improve DEI efforts. We fear that communication and engagement specific to DEIA initiatives might get overlooked if they are not prioritized. While we understand that the City’s current Engagement and Communications Manager who is also co-leading the CMAI efforts, reports to the City Manager, it is not the same as the City Manager’s office owning DEIA implementation efforts. The City leaders and decision-makers must understand that assessment efforts are different from implementation efforts. Thus, based on our expertise, **the City should consider allocating 1.0 FTE, specifically to support the implementation of DEIA efforts across the City Departments, specifically outlined in the Organizational Transformation Plan (OTP).** We recommend that the Engagement and Communications Manager supervise the newly added staff while both of these positions remain under the City Manager’s office.

## B. Organizational Transformation Plan (OTP)

The final deliverable for the City’s organizational assessment is the pro-equity Organizational Transformation Plan (OTP). The assessment process served as a catalyst for realizing McMinnville’s existing operational and strategic goals. Additionally, DEIAC’s strategic objectives, as well as the City’s seven strategic priorities, inform and shape key components of OTP, which is slated for implementation between 2025 and 2030. OTP’s three strategic pillars include—

1. **Strengthen DEIA strategic drivers:** This strategic pillar is achieved through—

**Goal 1:** Create a unified set of definitions for DEIA to ensure the City and its residents have shared meanings/language. *Timeframe:* Immediately – **in 2024**.

**Goal 2:** Initiate the use of **the Equity Lens Toolkit**<sup>8</sup> for all departments, starting with the executive leadership. *Timeframe:* Between Year 1 and 2

**Goal 3:** Develop a communications strategy for McMinnville’s DEIA initiatives. *Timeframe:* Year 1 & 2

**Goal 4:** Design and launch an employee engagement survey. *Timeframe:* Between Year 1 & 2

2. **Enhance Public Input, Involvement and Participation:** This strategic pillar is achieved through—

**Goal 1:** Implementing accountability and responsibility tools (e.g., RACI chart) for equitable and inclusive information sharing and decision-making. *Timeframe:* Ongoing, starting at Year 1

This includes reporting to the DEIA Committee the use and impact of **the Equity Lens Toolkit** across departments. *Timeframe:* Between Year 1 & 2

**Goal 2:** Finalize a communications strategy for McMinnville’s DEIA initiatives. *Timeframe:* Year 2

**Goal 3:** Recommend the Council to review and approve the Public Engagement Charter, which is currently in draft form within the City Manager’s office. *Timeframe:* Year 1 (**early 2025**)

**Goal 4:** Develop the City’s language access plan (LAP). *Timeframe:* Ongoing, starting at Year 1

3. **Invest in mutually beneficial collaboration and partnership:** This strategy is achieved through—

**Goal 1:** Dedicate personnel for City-wide continuous learning and growth opportunities.

*Timeframe:* Ongoing, starting at Year 1

**Goal 2:** Provide ongoing employee learning and development opportunities integrated into employee performance reviews. *Timeframe:* Ongoing, starting at Year 2







**Goal 3:** Implement MAC Community Outreach Strategy rooted in DEIA principles (human-centered, location-centered, mission-centered, and service-based outreach approaches) across departments; See Appendix F (Community Outreach Strategy). *Timeframe:* Ongoing, starting between Year 1 & Year 2

**Goal 4:** Monitor, report and evaluate DEIA efforts and report to the DEIA committee and council yearly  
*Timeframe:* Ongoing, starting at Year 1

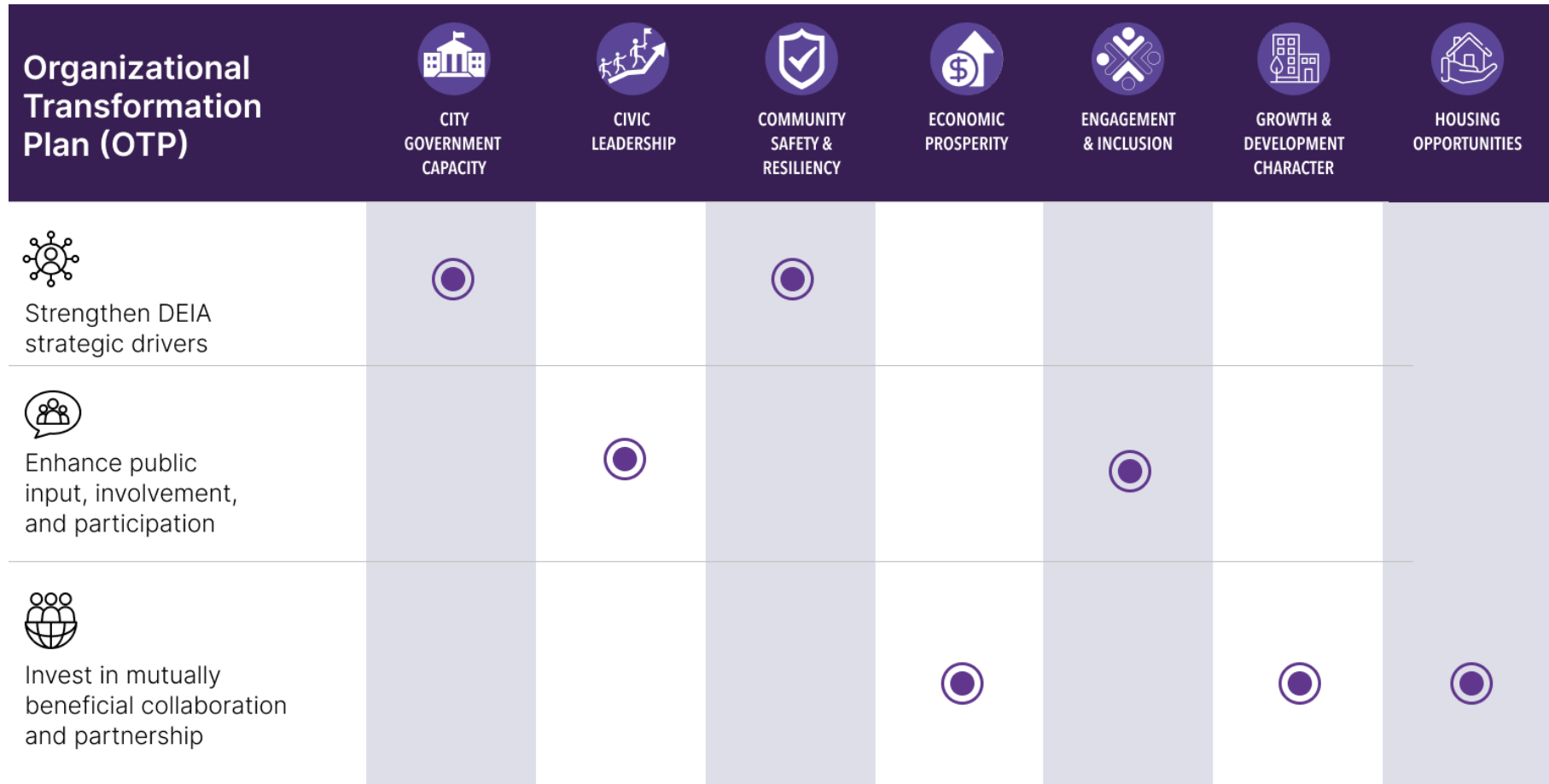


<sup>8</sup>See Appendix E on page 45.

The following tool, created by Talitha and provided to the City, acts as a tracker of recommendations and action plans. While designed primarily for internal operations, it can also inform communications to the community about the City’s coordinated efforts related to DEIA. See below for a sample preview; for a full overview of the document, please visit Appendix I – Organizational Transformation Plan: 2025 – 2030.

Organizational Transformation Plan: 2025-2030		
Ongoing	Emphasis	Sustainability
 <b>YEAR 1-2</b> Strengthen DEIAC strategic drivers	 <b>YEAR 2-3</b> Enhance public input, involvement and participation	 <b>YEAR 3-5</b> Invest in mutually beneficial collaboration and partnership
<b>Action Steps:</b>	<b>Action Steps:</b>	<b>Action Steps:</b>
<b>Strategic Objectives (SO):</b> 3 4	<b>Strategic Objectives (SO):</b> 3 5	<b>Strategic Objectives (SO):</b> 1 2
<b>MacTown 2032 Strategic Priorities</b> 	<b>MacTown 2032 Strategic Priorities</b> 	<b>MacTown 2032 Strategic Priorities</b> 
<b>DEIAC Strategic Objectives (SO):</b>		
1 Actively protect people from discrimination and harassment	3 Cultivate cultural competency and fluency throughout the community	5 Improve access by identifying and removing barriers to participation
2 Celebrate diversity of McMinnville	4 Grow City's employees, Boards and Commissions to reflect our community	

The following graph shows how the Organizational Transformation Plan supports and overlaps with the City’s strategic priority and DEIAC’s strategic objectives.



In addition, implementation steps are categorized into three different timelines:

- Short-term (YEAR 1)
- Medium-term (YEAR 2)
- Long-term (YEAR 3)

# OTP Strategic Pillar 1: Strengthen DEIA strategic drivers

## **Goal 1: Create a unifying set of definitions to use for city-wide work in McMinnville.**

Diversity, equity, inclusion, and accessibility (DEIA) are living concepts that have a strong presence in McMinnville. Most of the people who participated in the assessment process saw DEIA as adding value to their work and community. While there is general agreement that DEIA ought to be incorporated into city business and community engagement, definitions of DEIA are varied and nuanced. Creating a set of definitions will add clarity and establish common understanding. As a result, community members and city stakeholders can integrate DEIA into large-scale projects that align with their interests and goals. Terms to be defined are both conceptual and operational and will create a foundation of common understanding. The shared meanings Talitha created with the DEIAC are an example of the definitions that will be scaled up to inform, coordinate, and support city-wide DEIA work.

Timeframe: Immediately – in 2024.

Capacity & Resources: Existing staff, such as Engagement and Communications Manager, can help accomplish this goal. Staff must coordinate with DEIAC to bring this recommendation to the City Council.

## **Goal 2: Initiate the use of the Equity Lens Toolkit for all departments, starting with executive leadership.**

The purpose of the Toolkit is to evaluate the City's systems for any potential impacts on the populations it serves and to identify opportunities for dialogue. The purpose is not to create a scoring system or pass judgment. The Equity Lens Toolkit should not replace intentional outreach and meaningful engagement with diverse members of the public. The tool helps kick-start a thinking and decision-making model that is broad and inclusive with the goal of adding more fairness within an organization. See Appendix E for the Equity Lens Toolkit customized for McMinnville.

Timeframe: Between Years 1 and 2

Capacity & Resources: During the budget season, which often begins around October, the City Manager should consider asking for an additional full-time employee (1 FTE) to support the implementation of OTP. The Consultants recommend that the Engagement and Communications Manager supervise this newly added staff while both of these positions remain under the City Manager's office. Implementation Specialist\*\* is a suggested job title. The pay rate should also reflect the increased visibility and responsibility within and outside the City, especially for City-wide policy planning. This is an opportunity for the City to create upward career mobility (promotion). There is a wide range of practices that address capacity around DEIA. For examples of how organizations of similar size are addressing this, please refer to Appendix – D.

Implementation Specialist should coordinate anything related to training internal leaders and staff on the Equity Lens Toolkit, starting with the City Manager and the Executive Team. This employee should monitor and report the impacts of this effort to the City Manager, DEIAC and the Council annually. The report should include **how often** the toolkit is used; **whether and to what extent** it helps advance pro-equity decisions across the City departments.

\*\*External recruitment is recommended, but internal promotion should be given prior consideration if the interested staff meets skills, knowledge and experience requirements. \*\*

### **Goal 3: Develop a communications strategy for McMinnville’s DEIA initiatives.**

When employees see how DEIA connects to their jobs, they will come to understand that it is about improving city services so they work better for everyone. Having a communications strategy is critical to showing city leaders and staff how DEIA helps make city services fairer for everyone, especially for people with the least access who are trying to navigate an ever-changing social, cultural and political environment. Ensuring people from different backgrounds have a say in how the city runs is also important for building transparency that leads to accountability and mutual trust. A well-developed communications plan that tells the stories of equity in action will create a bridge that dedicated city employees need to see, that by being adaptable and giving people what they need to succeed are signs of good government.

Timeframe: Between year 1 & 2

Capacity & Resources: This should be a collaboration between the Engagement and Communications Manager and Implementation Specialist. Speaking from the Consultants’ expertise in organizational development and sustainability, this goal should not fall on the shoulders of one employee, no matter how competent they might be.

The communications strategy must be clear, on-point, and appeal to a wide audience with language accessibility in mind. Tactics to consider include the following—

- Easy-to-understand presentations and workshops that explain how DEIA is not just a social trend but a way to make sure city services work well for everyone.
- Real-life examples from other cities to show how DEIA has improved services and helped diverse communities grow stronger.
- Regular community meetings where residents can share their ideas and challenges with city services. Make sure these meetings are accessible to everyone.
- Advisory groups that include members from diverse communities to help guide city policies and projects.
- Training sessions that show the difference between equality and equity. Use role-playing or simulations to help staff understand the concept.
- Visual aids, like posters and infographics, that explain equity in simple terms and display them around city offices.
- Social media posts that highlight how DEIA approaches have invested in community and positive economic impacts.

#### **Goal 4: Design and implement an employee engagement survey.**

Employee engagement surveys can be a powerful tool for improving diversity, equity, and inclusion (DEI) in cities like McMinnville. Employees are positioned well for organizational success, and they can identify solutions to organizational challenges (Brecheisen, 2023). Engagement surveys also provide continuing reference points for monitoring DEI initiatives, their implementation, and their effectiveness in achieving desired outcomes. Employee engagement surveys also help identify what makes employees stay at their jobs—important factor(s) for job satisfaction which often leads to retention.

Do not survey the employees just for the sake of the survey. The City Manager must clearly communicate WHY the survey is being conducted; HOW the results from the survey will be used for decision-making and/or process improvement; WHEN the employees can expect to see the survey results; and WHO to contact if they have any questions. As a CEO of the organization, the City Manager must be involved throughout the process.

The benefits of employee engagement surveys are many and hold significant value for strategic planning. Here, we highlight a few—

*Spotting Problems Early:* Employee Engagement surveys help city leaders find issues like discrimination or unfair treatment early on. By identifying these issues, they can address them before they become bigger problems, making the workplace fairer for everyone, especially who holds minoritized social identities, including but not limited to race, gender or religious identity(ies).

*Making Employees Feel Heard:* When employees are asked for their opinions through surveys, they feel valued and included. This can help increase their satisfaction and make them more likely to stay in their jobs.

*Improving Employee Health and Well-being:* Surveys can reveal employee stress or dissatisfaction. Addressing these concerns can improve mental health, making the work environment healthier and safer.

*Boosting Productivity:* Employees who feel that their concerns about diversity and inclusion are taken seriously are more likely to be engaged and motivated to apply these values in their work, leading to better performance.

*Increasing Retention:* Surveys help ensure that all employees feel they belong. When people feel they are part of an inclusive workplace, they are more likely to stay with the organization, reducing turnover and saving costs.

These benefits demonstrate how employee engagement surveys can enhance DEIA efforts and improve overall employee retention, leading to a more positive and productive workplace.

Timeframe: Year 2

Capacity & Resources: The Executive Team, especially Human Resources, Engagement and Communications and the City Manager should take the lead to launch the City's first-ever employee engagement survey. The proposed Implementation Specialist should support the development, dissemination, analysis, and reporting of the employee engagement survey, perhaps by dedicating 25% time to this effort. All the department directors should be consulted in the survey development. Use the RACI chart for this effort.

Talitha has offered numerous examples and templates in the promising literature folder created for the City. Most importantly, the findings from this survey should guide and shape the City's fair and equitable treatment of the workforce.

# OTP Strategic Pillar 2: Enhance Public Input, Involvement and Participation

**Goal 1: Implement accountability and responsibility tools (e.g., RACI chart) for equitable and inclusive decision-making and information sharing.**

The **RACI chart** is part of a responsibility assignment matrix (RAM) for project management. It is a spreadsheet or a table matrix that lists the stakeholders and their level of involvement in each project task, denoted by the letters R (responsible), A (accountable), C (consulted), or I (informed). To use a RACI chart, you will need to define roles, assign respective work, and understand stakeholder involvement in a project. R, A, C, I stand for:

- **Responsible:** The person who is accountable for ensuring the task is completed or the deliverable is created is known as the responsible person in the RACI chart.
- **Accountable:** In the RACI chart, the responsible individual assigns tasks and oversees their execution within a project.
- **Consulted:** Individuals who fall under the category of ‘Consulted’ are those who offer their opinions and suggestions regarding the progress of a project. These individuals are invested in the project’s outcome as it may impact their present or future work.
- **Informed:** People who are informed about a project’s progress should be kept in the loop, but they don’t necessarily need to be consulted on every decision or overwhelmed with the details of every task.

Tasks	Stakeholder 1	Stakeholder 2	Stakeholder 3	
<b>Phase 1</b>				
Tasks 1.1	A	R	C	
Tasks 1.2	C	A	I	
Tasks 1.3	R	I	A	
<b>Phase 2</b>				
Tasks 2.1	R	A	C	
Tasks 2.2	C	A	I	
Tasks 2.3	R	I	A	
				<b>Legends:</b>
				R - Responsible
				A - Accountable
				C - Consulted
				I - Informed

## RACI For City of McMinnville Organizational Assessment Initiative (CMAI)

1. Identify stakeholders associated with the project. Replace the column labels, columns 1 to 4, with names of specific personnel or departments.
2. Add tasks and phases on each row under the ‘Task’ column.
3. Identify which stakeholder is responsible, accountable, consulted, or informed for each corresponding task on each row.



Timeframe: Ongoing, starting at Year 1.

This includes reporting to the DEIA Committee the use and impact of **the Equity Lens Toolkit** across departments in year 1.

Capacity & Resources: Implementation Specialist or their supervisor should coordinate anything related to internal trainings on how to use the RACI chart, starting with the City Manager and the Executive Team. This employee should monitor and report impacts of this effort to the City Manager, DEIAC and the Council annually. The report should include **how often** this tool is used; **whether and to what extent** it helps advance inclusive decision-making across the City departments.

**Goal 2: Finalize a communications strategy for McMinnville’s DEIA initiatives.**

This effort is a continuation from year 1. Strategic pillar 1, goal # 3. At this point, the City should have a consistent and written communication strategy.

Timeframe: Ongoing, starting at Year 2.

Capacity & Resources: This should be a collaboration between the Engagement and Communications Manager, Implementation Specialist and the Executive Team (ET). Speaking from the Consultants’ expertise in organizational development and sustainability, this goal should be an organizational effort. However, the Engagement and Communications Manager should take the lead and ET should reinforce suggested communication strategies within their departments. The City Manager must hold each leader accountable to apply this organizational goal across all departments.

**Goal 3: Recommend the City Council to review and adopt the Public Engagement charter which is currently in a draft stage within the Administrative Department.**

Timeframe: Ongoing, starting Year 1, early 2025.

Capacity & Resources: Existing staff, such as Engagement and Communications Manager, can help accomplish this goal, perhaps with a recommendation from DEIAC.

**Goal 4: Develop City’s language access plan (LAP)**

Assess and integrate language access services (LAS) across the City. LAS includes interpretation, translation, and closed-captioning services to remove language barriers and diversify engagement and participation channels.

Timeframe: Ongoing, starting at Year 1.

Capacity & Resources: Existing staff, such as the Engagement and Communications Manager, the City Recorder, and staff responsible for community outreach and engagement activities for various city departments, can help accomplish this goal. The existing Engagement and Communications Manager should serve as the Plan holder for the Language Access Plan. Implementation Specialist can support with monitoring and tracking of LAS usages across the departments. Talitha has provided numerous LAP-related tools, resources, and promising practices in the shared drive.



# OTP Strategic Pillar 3: Invest in mutually beneficial collaboration and partnership

## **Goal 1: Dedicate personnel for City-wide continuous learning and growth opportunities.**

Accessibility may hold the key to unlocking a comprehensive approach to DEIA in McMinnville. In describing examples of compliance with the American Disability Act (ADA), employees clearly understood how built environments and designed experiences can greatly improve residents' experience, that residents' participation in design and implementation was pivotal to success, and that continuous improvement was something the City is deeply committed to.

As with the ADA, the aspiration for DEIA competency is for employees to analyze, evaluate, and create conditions and experiences that are inclusive, equitable, accessible, and welcoming. Competency may be developed through learning, development and training workshops.

Here are two hypothetical scenarios that show how continuous learning improves operations—

**Scenario 1:** A supervisor in the Public Works department notices that their team can improve how their services impact residents who speak languages other than English. While some bilingual staff are available, essential documents and services are still primarily in English, creating barriers for many community members. The supervisor identifies the need for DEIA-focused growth and works with the HR department to create a tailored DEIA learning pathway for Public Works employees.

**Scenario 2:** The Parks & Recreation Department and Library Services have been proactive in creating culturally inclusive programs, but a mid-level manager notices a gap in understanding how DEIA applies to internal team dynamics and workplace culture. Additionally, several team members express an interest in learning how to apply DEIA in their day-to-day roles. The manager collaborates with the City's HR department to identify relevant learning and growth opportunities for the entire department.

**The purpose of the Learning and Development (L&D) Plan is twofold—to establish and maintain a baseline of competency for applying DEIA concepts in city government, and to provide resources for improvement.** Informed by McMinnville's strategic priorities, DEIAC's Strategic Objectives, and employee feedback survey, the L&D plan will provide a curriculum that will teach employees about basic DEIA principles, establish expectations for employees to embody the principles at work, and address timely issues that people in the community care about<sup>9</sup>.

Like other recommendations in this report, creating the L&D plan will be collaborative, iterative, and based on the priorities established by the City. Some learning experiences will be a combination of trainings that already exist like articles, videos, and webinars. Other trainings may be developed internally by City leadership. An example would be a series of "lunch and learn" sessions where City departments share their experiences sponsoring cultural celebrations in the community or culturally responsive practices that enhance public participation. Another example would be the City co-creating a class with a community-based organization that focuses on how people in the community are grappling with issues such as housing affordability and the challenges of starting a new business. Ultimately, the L&D plan serves to ensure the City is providing continuing education that aligns with its priorities and incorporates community interests.

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<sup>9</sup> <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/about-deloitte/deloitte-m-a-retention-survey-may-2022.pdf>

To measure success, the City can track changes in the diversity of its employees in its employee engagement survey—specifically by asking for voluntary demographic info. Regular assessments, including pre- and post-training knowledge checks, will show if the trainings are effective and where improvements are needed. McMinnville can ensure accountability for ongoing employee learning and development by setting measurable DEIA learning goals, creating a tracking system to monitor progress, and publicly sharing updates with constituents. This would involve regularly assessing employee participation in training programs, asking how employees are applying DEIA principles in daily tasks, and providing public reports on these efforts. By being transparent about progress through annual reports and community updates, the city can show its commitment to continuous improvement in DEIA, building trust and demonstrating that employee development is a priority.

Timeframe: Ongoing, starting at Year 1.

Capacity & Resource: Talitha recommends 20% time of the proposed Implementation Specialist, under the City Manager’s Office, to coordinate DEIA trainings for the City. The scope of work would include assessing DEIA training needs across all city departments; reviewing promising practices (starting with promising literature Talitha has offered in the shared-drive); and integrating relevant DEIA contents into varied continuous learning curricula. The proposed Implementation Specialist’s time could be divided as such –

- 50% to support the Engagement and Communications Manager with OTP implementation
- 15% to support with employee engagement survey (this is every two to five years)
- **20% to support internal *pro-equity* learning and development programs**
- 15% to support *ongoing* learning and development programs

## **Goal 2: Provide ongoing employee learning and development opportunities integrated into employee performance reviews.**

Goal 2 aims at process and performance improvement by making L&D opportunities as a vital part of the organization’s culture; whereas Goal 1 focuses on the dedication of a staff member to coordinate L&D opportunities. These two goals are different.

A long-term L&D plan is essential to achieving one of the strategic objectives of the DEIAC—training employees and board members in cultural competency and fluency will embed the necessary knowledge, skills, and abilities needed for meaningful and effective participation. Talitha encourages McMinnville City Leadership to create its training program in partnership with residents and employees. Mixed-method learning, including workshops, online courses, and interactive sessions are recommended. This training should be continuous, with primers every few months to ensure the knowledge stays fresh. To ensure that the City’s workforce represents the community, the City should recruit people from diverse backgrounds and create mentorship programs to support their growth. Cultural competency will grow and become more nuanced as McMinnville’s workforce becomes more diverse.

Investing personnel toward organizational L&D has a huge return on investment and it is an approach that has been taken by similar cities and organizations. In this case, allocating a portion of time from an FTE (~35%) to coordinate an organizational L&D programs would cost around \$28,000 to \$30,000 per year. This investment is worthwhile because organizational L&D programs have been shown to reduce employee turnover, which can be expensive.<sup>10</sup>

Replacing an employee can cost up to 30% of their annual salary, and if McMinnville can reduce turnover by even a small percentage through better training, it could save the city \$150,000 to \$300,000 annually.<sup>11</sup> Additionally, L&D

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<sup>10</sup> <https://www.shrm.org/topics-tools/news/all-things-work/reducing-employee-turnover>

<sup>11</sup> <https://www.shrm.org/topics-tools/news/all-things-work/reducing-employee-turnover>

programs improve employee skills and job satisfaction, which makes workers more efficient and productive, leading to further savings in operational costs.

Beyond internal benefits, L&D programs also enhance how city employees interact with the public. Training and growth opportunities focused on cultural competency and communication help employees better engage with diverse community members, reducing conflicts and potential legal disputes.<sup>12</sup> Avoiding just one legal issue or public relations crisis could save the city hundreds of thousands of dollars. Overall, the cost of a 0.25 FTE for employee wellness and engagement outweighs by the long-term savings through reduced turnover, increased productivity, and improved community relations.

Special workshops like “Crucial Conversations,” “Belonging and Othering,” “Targeted Universalism,” “Adaptive Leadership,” and “Reflective Practice” help city staff understand and deal with important social and racial issues. These workshops aren’t just about DEI, so even if staff members aren’t interested in DEI, they can still start with these. For staff who identify as White, we suggest using anti-racist journals and caucusing resources by Casey Tonnely, an equity practitioner and trainer. To access other resources, please visit the promising literature folder Talitha has created for the City in the shared drive.

Talitha also recommends that the City consider hiring local people and organizations as trainers to create and run workshops focused on equity and inclusion. Many public agencies have hired consultants who are experts in Racial Equity and Inclusion to help with this. Local voices already have the advantage of holding relationships in the community, and they know McMinnville’s historical and contemporary landscape and the surrounding area. This approach also serves to build and strengthen relationships in the community. Talitha has shared a list of pro-equity educators, trainers and professional coaches with the Staff, which is uploaded to the project shared drive.

Timeframe: Ongoing, starting at Year 2.

The proposed Implementation Specialist’s time could be divided as such –

- 50% to support the Engagement and Communications Manager with OTP implementation
- 15% to support with employee engagement survey (this is every two to five years)
- 20% to support internal *pro-equity* learning and development programs
- **15% to support *ongoing learning and development programs***

The City **should also consider adding an additional 0.5 FTE to Human Resources.** This position would focus on hiring, onboarding, and employee retention, specifically to ensure DEIA values are operationalized within the City’s workforce, starting with consistent documentation of employees’ professional development and performance measures and integrate these data as key elements to employees’ annual performance reviews. Aspects of fairness, equity, career mobility, and employee wellness would also be enhanced with a focus on responding to employee feedback on job satisfaction. This position is an investment to maintain and develop a committed, diverse and responsive workforce that is reflective of McMinnville. When employees are engaged, adequately resourced, cared for, and mobile in their careers, McMinnville will attract and retain diverse employees at a higher level.

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<sup>12</sup> <https://americandiversityinitiative.com/resources/mitigate-business-risks-avoid-lawsuits-with-dei-training/>

### **Goal 3: Implement MAC Community Outreach Strategy (COS) rooted in DEIA principles**

Deploy human-centered, location-centered, mission-centered and service-based outreach approaches. See Appendix F (Community Outreach Strategy).

A pathway that can help the City to celebrate diversity is by developing and implementing a **cultural calendar** whereby the City (or a department within the City) officially sponsors a public commemoration and/or celebration of a historical, cultural, or social event. In fact, some of these events have been adopted through the City's proclamation process. The 2024 Juneteenth celebration is an excellent example of how the Library, P & R, and DEIAC committee collaborated to celebrate and commemorate a significant historic event in the US.

Timeframe: Ongoing, starting at Year 1.

Capacity & Resources: Existing staff, such as Engagement and Communications Manager, can help accomplish this goal. Involve DEIAC leadership for the development and execution of a cultural calendar. ET to come alongside by co-sponsoring different events.

P&R has already developed a workbook based on COS. Perhaps invite P&R when introducing or training other departments on how to use this resource and why (demonstrate the impact from real-life examples from P&R).

### **Goal 4: Monitor, report and evaluate DEIA efforts and report to DEIA committee and council yearly**

Use tracking, evaluation and reporting tools to monitor the outcomes of DEIA efforts. See Appendix H: Community Engagement Screening Tool: Prioritizing Community Engagement Activities) and Community Engagement, Outreach, and Partnership Metrics, Indicator Measures, and Targets for more detail.

DEIAC wants to see that the police department to share its data, starting with the arrest data, traffic violations, with the public, in addition to sharing with the State's oversight agencies. DEIAC is specifically interested in seeing the demographic data of those who have come in contact with law enforcement.

Timeframe: Ongoing, starting at Year 1.

Capacity & Resources: Engagement & Communications Manager plus the proposed Implementation Specialist should support this goal. However, this task should not fall on one employee alone. The City should also consider membership in the **Government Alliance for Racial Equity** ([racialequityalliance.org](https://www.racialequityalliance.org)). In so doing, the City will have a connection to a network of pro-equity government agencies across the States and have relevant tools and resources for monitoring and evaluation.



## Related areas of focus: All Departments

City leaders and the DEIAC must transform outdated organizational structures by embedding DEIA principles at the core of governance. **DEIA is not merely a set of values** but a **comprehensive strategic approach** essential for reshaping city operations to ensure equitable treatment, improved daily functions, and fair service outcomes.

McMinnville is currently forecasted to have a significant growth phase, and it faces the challenge of ensuring its planning and policymaking processes reflect the interests of its communities and keep pace with rapid demographic and economic changes. Presently, many decision-making frameworks are outdated and primarily influenced by formal business organizations that wield significant influence on city leadership. However, the City's evolving needs demand a more inclusive approach. Expanding the decision-making bodies to incorporate businesses and residents from culturally and socioeconomically diverse communities will create a more dynamic and representative platform for addressing critical issues such as equitable development and housing affordability.

Successful transformation requires an integrated, system-wide change management approach. This cannot be left for individual departments to address in silos. A unified and strategic response, coordinated through the City Manager's office, is essential. Collaboration across all city departments will strengthen the planning process and ensure operational goals align with the City's broader vision for the future.

**The success of this transformation hinges on accountability.** City leaders must establish clear DEIA goals, measure progress through transparent metrics, and be held accountable for results. Regular public reporting will foster trust, demonstrate the City's commitment to authentic change, and provide continuous community engagement and feedback opportunities. Proven accountability frameworks, such as those implemented by other public agencies (e.g., the Statewide DEI Council, [Oregon Department of Human Services' Equity North Star](#)) have shown that sustained focus on DEIA goals is critical to embedding these principles into the fabric of organizational transformation. By making accountability a pillar of this effort, McMinnville can ensure DEIA initiatives move beyond discussion and are fully realized in practice.

## Acknowledgments:

Major undertakings such as this report aren't a solo effort; they come about because a group of people believe them to be worthy of their time and energy. Many people have come alongside to lend a hand and we want to share our heartfelt gratitude for their part in bringing this assessment report to completion. Such a document that articulates a shared vision wouldn't have been possible without their help.

I (Charis) am inspired by **past and present DEIAC members** for their dedicated advocacy and ongoing commitment to advancing DEIA values within the City. A special shout-out to the co-chairs of DEIAC, **Larry Miller and Caitlin Nemeth**. Each of the DEIAC members put in at least 17 hours per person for this initiative alone. I also want to name two City staff who shepherded this process with unwavering commitment —**Noelle Amaya and Jody Christensen**. Words seem insufficient to express how grateful I am for their compassionate, intelligent and yet nimble partnership and leadership. Moreover, intellectual and cultural humility of Mayor Drabkin, Council Member Geary, Jeff Towery (City Manager) and the Executive Team, did not go unnoticed. Numerous staff from various departments also came alongside to lend a hand in myriad ways. I regret that I am unable to mention your names individually here.

My deepest gratitude also goes to 28 stakeholders who graciously gave their time for individual interviews and listening sessions to share their experiences with and visions for their cherished city, endearingly known as MAC. These **committed and visionary people are what make MAC a great place now and for years to come!**

And the project team at Talitha Consults—Luz Boys, Shawn K. Liu, Eugene Marmaziuk, Carol Rozumalski, Michelle Soe— they all pitched in whole-heartedly and added meaningful insights along the way. I want to emphasize Carol Rozumalski, as she also served as this report's co-author.

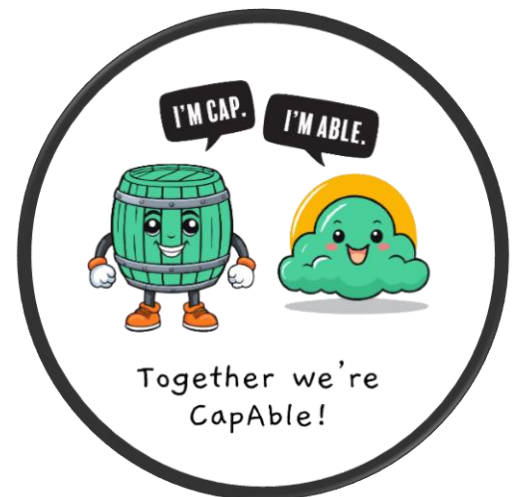
Also, thanks to Talitha's steadfast community partners— Ali Modarres, Ph.D., Assistant Chancellor of Community Partnerships as well as J. Mark Pendas, Ph.D., Associate Professor at the University of Washington Tacoma. They both contributed insightful thought partnership. Special thanks to Henny Damian for her stellar & fun design support.

Lastly, we want to express a profound gratitude to all the young people whose art work is incorporated throughout the report. Their artwork is visible all over the streets of downtown McMinnville – **please check them out when you are able!** It has been a pleasure and an honor to co-labor with all who made this report possible.

**Thank you!**

Finally, I want to congratulate the City for having the courage to launch this much-needed effort to advance inclusion and equity and embrace diversity. Keep Going – **You are CapAble!** You are not alone!

**Charis May Hnin for Talitha Consults LLC**



# Appendices

## Appendix A: Discovery Phase – Documents Reviewed

Talitha Consults reviewed the following set of documents that contributed to our findings during the discovery phase.

- Comprehensive Document Review (policies, procedures, and programs)
- 3 City of McMinnville site visits
- 28 individual-in-depth interviews
- 2 listening sessions (July 11th DEIAC and ET)
- City of McMinnville Employee Newsletter (Q2 2024)

## Appendix B: Theory of Change, Assessment and Data Analysis Framework

*Theory of change:* The social-ecological<sup>13</sup> Framework guides and shapes the design and execution of multi-level and multifaceted engagements involved in this initiative (see Figure – 1). The purpose of using this framework is to encourage and guide the City to initiate and advance city-wide community involvement and engagement grounded in equity and inclusion beyond an individual or departmental level.

For the City’s, analysts and researchers at Talitha Consults will use qualitative data to understand key themes from in-depth individual interviews with diverse community members. Additionally, we conducted a two listening session and various literature reviews, including the Census data specific to McMinnville and the surrounding region.

Qualitative data from individual in-depth interviews were thematically coded using the grounded theory method. The grounded theory method is a way of analyzing qualitative data; it entails collecting and processing information in such a way that the data itself reveals key themes<sup>14</sup>. It is a nuanced and iterative process that enables researchers to condense large quantities of data and notice the recurrent themes.

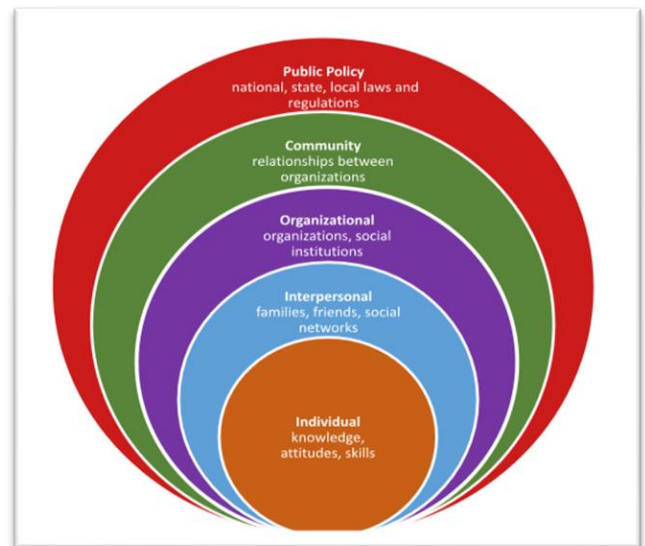


Figure – 1: Social-ecological framework diagram (Source: Center for Disease Control)

## Appendix C: Individual in-depth interviews

As of the date of this report, Talitha conducted IDIs with 28 individuals, most of whom were identified by DEIAC as key internal and external stakeholders. Of the 28 interviews, 8 and 20 were with internal and external stakeholders. Internal stakeholders are McMinnville staff. External stakeholders are community members who live, work, play, and pray within the City of McMinnville service area and have interacted or communicated with the City to varying degrees.

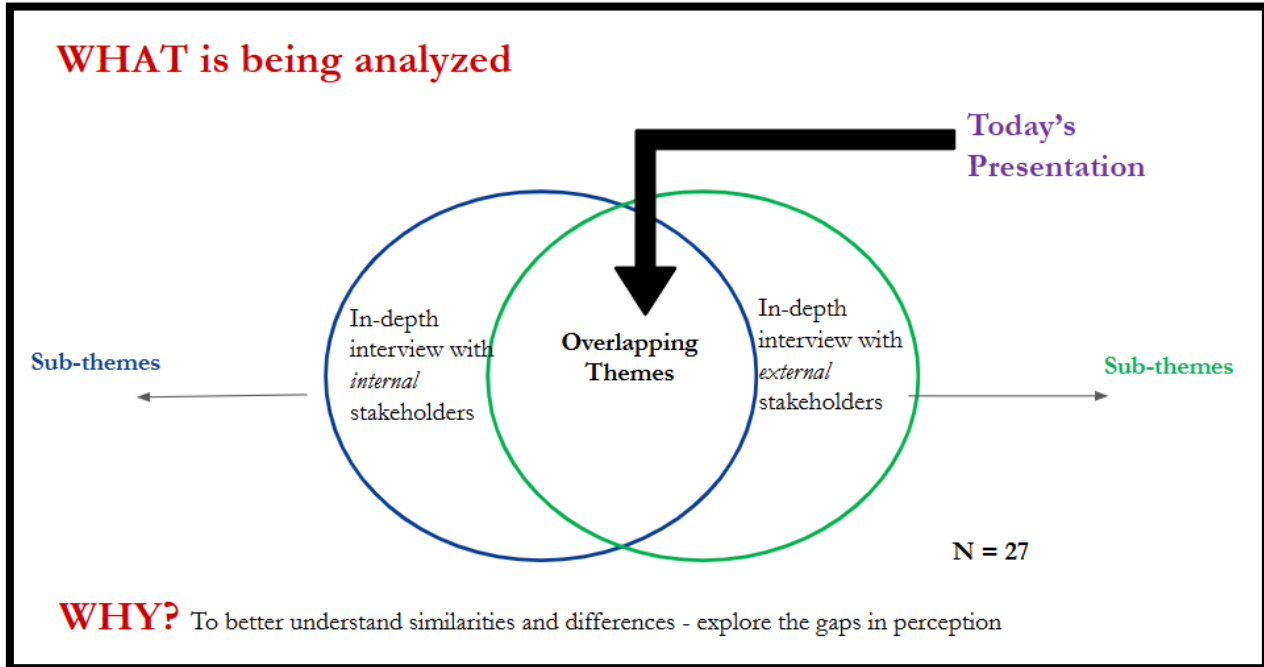
<sup>13</sup> The social-ecological model conceptual framework researchers often use to guide the research development process and implementation strategies  
<sup>14</sup> [http://www.sxf.uevora.pt/wp-content/uploads/2013/03/Charmaz\\_2006.pdf](http://www.sxf.uevora.pt/wp-content/uploads/2013/03/Charmaz_2006.pdf) | Kathy Charmaz, 2014



How interviewees were selected: The DEIAC, city staff, and the interviewees themselves selected and suggested the interviewees. At the end of every interview, Talitha asked each interviewee to suggest an individual(s) with whom Talitha should connect for this project (also known as snowball sampling).

### Data Analysis Approach:

Talitha designed and used two different sets of questions for internal and external stakeholder interviews.



The next section details Internal & External stakeholder interview questions.

## Talitha Consults' Interview Questions for Internal Stakeholders:

Thank you for your interest in participating in the interview for the City of McMinnville Assessment Initiative. We are sharing the following set of questions that will be asked during your interview.

In addition, below, you will find a set of definitions: Accessibility, Belonging, Diversity, Equity, and Inclusion. These terms & their corresponding definitions may be referenced in the interview.

1. Please share **your name** and your **ROLE** at the City of McMinnville
2. How long have you served in this role?
3. Is diversity\*, equity\*, and inclusion\* a priority for the City?
  - a. If YES: How long has it been, and what do you think prompted the prioritization?
4. Can you tell us why you responded this way?
5. How well is the City applying an equity lens\* **internally** (organizational culture: policies, practices, personnel) and **externally** (public service: facility access, programs, and services)?
6. Can you describe the ways in which you apply an equity lens\* in your specific area of work?
7. Can you recall a time when DEI resources were considered or used to evaluate or improve services within the City?
8. What resources were considered? Who made the decision to use the resources? What was the outcome?
9. What were the missed opportunities? Why do you think the City missed the opportunity you mentioned?
10. What resources or tools are needed to help reduce access barriers to the City's services, facilities, or programs?
11. Since your arrival to the City, how often are ideas, perspectives, and voices valued and adopted by city leadership? In other words, how often do you feel a sense of agency in the City?
12. Can you describe an incident where you and your ideas were NOT valued by City leadership?
13. Can you recall and describe an incident where you and your ideas were valued by City leadership?
14. What ideas do you have for improving DEI\* within the City –internally and externally?
15. What specific question(s) do you think we should ask on the internal and/or external surveys?

These are all the questions we have. Is there anything else you would like to share? Or do you have any questions for me?

Thanks for your help!

## City of McMinnville Working Definitions for Diversity, Equity, Inclusion and Accessibility

Defining terms like "diversity," "equity," "inclusion," and "accessibility" (DEIA) is crucial for McMinnville because it offers clarity and common understanding for effective communication and action. Clear definitions empower city officials and community partners to develop policies and initiatives that lead to more vibrant, just, and thriving communities. The following definitions describe the conditions the City of McMinnville and the Diversity Equity and Inclusion Advisory Committee (DEIAC) work toward to create an environment where all can be safe and thrive.

## Proposed Definitions

### Accessibility

Accessibility, rooted in disability rights, means ensuring that everyone, regardless of ability, can fully participate in all aspects of community life. When cities prioritize accessibility, it benefits not only people with disabilities but also older adults, parents with strollers, and anyone facing temporary mobility challenges. Accessible transportation options like wheelchair ramps on buses benefits not only people with disabilities but also people with walkers, and travelers with luggage. Similarly, offering closed captioning in public meetings not only assists individuals who are deaf or hard of hearing but also benefits non-native speakers and people in noisy environments.<sup>15</sup>

### Belonging

Belonging is much more than a felt personal experience that is intertwined with the structural systems that shape our lives. While a “sense of belonging” is felt within us as individuals, that feeling’s ability to arise is heavily influenced by the societal systems we utilize and are a part of. To nurture belonging, we must address both its personal and the structural contributors.<sup>16</sup>

### Diversity

Diversity refers to the wide variety of people living in a community, including their different backgrounds such as race, ethnicity, gender, age, ability, sexual orientation, religion, and socioeconomic status. It also includes the range of perspectives, opinions, and beliefs that individuals bring to the table. For a city government, diversity means recognizing and valuing these differences among its residents and ensuring that policies and services are inclusive and equitable for all members of the community. In a collective setting, diversity describes communities and groups – not individual people.

#### *Demographic Diversity*

Human differences, such as ethnicity, gender, sexual orientation, age, socio-economic status, (dis)ability, religious or spiritual identity, national origin, political belief, etc.<sup>17</sup>

### Equity

Equity means ensuring that everyone has a fair opportunity to achieve positive outcomes. Equity involves actively working to address disparities and barriers that prevent certain groups from reaching the same level of success as others.

### Inclusion

Inclusion means creating welcoming environments and experiences where everyone feels valued and respected, and where everyone has the opportunity to contribute to and participate in community life. Inclusion is authentic and curious, and involves actively seeking input from all members of the community, regardless of their background or circumstances, and ensuring that their voices are heard and considered in decision-making processes. Making mistakes by misstepping, misspeaking, or past ignorance can happen as we take courageous risks to create more just and welcoming environments. Therefore, it is important to make space and time to name and repair harms.

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<sup>15</sup> Adapted from National Center on Accessible Education Materials by Carol Rozumalski, Associate Principal at Talitha Consults, April 2024

<sup>16</sup> <https://belonging.berkeley.edu/bridging-belonging>

<sup>17</sup> <https://cssp.org/wp-content/uploads/2019/09/Key-Equity-Terms-and-Concepts-vol1.pdf>

## Talitha Consults' Interview Questions for External Stakeholders:

Thank you for your interest in participating in the interview for the City of McMinnville Assessment Initiative. We are sharing the following set of questions that will be asked during your interview.

In addition, below, you will find a set of definitions: Accessibility, Belonging, Diversity, Equity, and Inclusion. These terms & their corresponding definitions may be referenced in the interview.

1. Please share your name and **WHAT** is your connection to the City of McMinnville.
2. How long have you interacted with the City in this capacity?
3. How recent was your last interaction with the City of McMinnville? With whom was that interaction? (Specific department, staff, newsletter, etc.)
  - a. If interacted 3.b: Was your need(s) met?
  - b. If not - 3.c: Did you find what you're looking for?
4. How frequently do you interact with the City?
5. When you interact with the City (staff, departments, city hall), do you feel welcomed?
6. Are there barriers to accessing the programs/services from the City?
7. **On a scale of 0-5**, where 0 is least satisfied, and 5 is most satisfied. Do you feel that your needs are understood? Why?
8. How can the City improve its service to be more equitable?
9. Do you think City staff are representative of its community?
  - a. **If no:** Why not? What does representation mean to you? Is it important to you?
10. When you interact with the City in any capacity, how do you feel? Why?
11. Please tell us your perception or perspective on the City of McMinnville's **internal capacity** and **motivation** for more DEI-related programs.
12. Are there **existing opportunities** that the City should explore to be more equitable?
13. Can you identify **potential risk(s)** associated with the City's effort to become more equitable?
14. Are there existing challenges that hinder the City from connecting with historically underrepresented or marginalized communities\*?
15. What specific question(s) should we ask at the stakeholder meetings?
16. Are there potentially overlooked stakeholders/community members to whom Talitha should reach out for an interview?

These are all the questions we have. Is there anything else you would like to share? Or do you have any questions for me?

Thanks for your help!

## City of McMinnville Working Definitions for Diversity, Equity, Inclusion and Accessibility

Defining terms like "diversity," "equity," "inclusion," and "accessibility" (DEIA) is crucial for McMinnville because it offers clarity and common understanding for effective communication and action. Clear definitions empower city officials and community partners to develop policies and initiatives that lead to more vibrant, just, and thriving communities. The following definitions describe the conditions the City of McMinnville and the Diversity Equity and Inclusion Advisory Committee (DEIAC) work toward to create an environment where all can be safe and thrive.

## Proposed Definitions

### Accessibility

Accessibility, rooted in disability rights, means ensuring that everyone, regardless of ability, can fully participate in all aspects of community life. When cities prioritize accessibility, it benefits not only people with disabilities but also older adults, parents with strollers, and anyone facing temporary mobility challenges. Accessible transportation options like wheelchair ramps on buses benefits not only people with disabilities but also people with walkers, and travelers with luggage. Similarly, offering closed captioning in public meetings not only assists individuals who are deaf or hard of hearing but also benefits non-native speakers and people in noisy environments.<sup>18</sup>

### Belonging

Belonging is much more than a felt personal experience that is intertwined with the structural systems that shape our lives. While a “sense of belonging” is felt within us as individuals, that feeling’s ability to arise is heavily influenced by the societal systems we utilize and are a part of. To nurture belonging, we must address both its personal and the structural contributors.<sup>19</sup>

### Diversity

Diversity refers to the wide variety of people living in a community, including their different backgrounds such as race, ethnicity, gender, age, ability, sexual orientation, religion, and socioeconomic status. It also includes the range of perspectives, opinions, and beliefs that individuals bring to the table. For a city government, diversity means recognizing and valuing these differences among its residents and ensuring that policies and services are inclusive and equitable for all members of the community. In a collective setting, diversity describes communities and groups – not individual people.

#### *Demographic Diversity*

Human differences, such as ethnicity, gender, sexual orientation, age, socio-economic status, (dis)ability, religious or spiritual identity, national origin, political belief, etc.<sup>20</sup>

### Equity

Equity means ensuring that everyone has a fair opportunity to achieve positive outcomes. Equity involves actively working to address disparities and barriers that prevent certain groups from reaching the same level of success as others.

### Inclusion

Inclusion means creating welcoming environments and experiences where everyone feels valued and respected, and where everyone has the opportunity to contribute to and participate in community life. Inclusion is authentic and curious, and involves actively seeking input from all members of the community, regardless of their background or circumstances, and ensuring that their voices are heard and considered in decision-making processes. Making mistakes by misstepping, misspeaking, or past ignorance can happen as we take courageous risks to create more just and welcoming environments. Therefore, it is important to make space and time to name and repair harms.

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## Appendix D: Comparative Cities Analysis

Please see the table chart on the next page.

COMPARATIVE CITIES	<b>People:</b> Do they have anything related to racial equity or social justice advisory committee, or commission? If there's a committee – is it active?	<b>Policy/Ordinance:</b> Are there any policies (department-based) or ordinances (law within the municipality) in place.	<b>Process:</b> What kind of process do they have in place? How is it funded? Who manages the process?
<b>Hillsboro, Oregon</b>	<p>The City has a is a formal <b>City Leadership Council</b>; however, we are unable to locate its activity/meeting information.</p> <p>The City has a body of “<b>Equity Leaders</b>”, from various departments. This group includes a dedicated DEI Manager, Community Engagement Manager, Workforce Development Manager, Supplier Diversity Administrator, and Assistant City Manager. Equity Leaders create a more organized coalition across the organization.</p> <p>The City has a dedicated <b>DEI Manager</b>.</p>	<p>The City Council formalized Racial Equity into <b>City Council Priorities &amp; Guiding Principles</b>. Specifically, they set out three major buckets of goals with specific sub-goals: <b>1. Diversity, Equity, and Inclusion Competencies, 2. Recruitment Barriers, 3. Strategic Equity Plan</b>. Each Racial Equity goal is tracked and monitored with an online PUBLIC dashboard.</p> <p>City Board members have to undergo <b>DEI training</b>.</p> <p>There are <b>supplier diversity programs</b> to strengthen business opportunities (Run under the Finance Department)</p> <p><b>Employee diversity policies and practices, as well as employee affinity groups, are run under HR.</b></p>	<p>The City Council and the City Manager's Office manage the primary DEI measures (<a href="#">ref link</a>).</p> <p>The City describes that it has an equity-driven <b>Community Engagement</b> process to inform decision-making. Specifically, the City states, “Equitable community engagement involves decision-making processes that: 1. Support meaningful participation to influence decisions. 2. Acknowledge the barriers to accessing decision-making. 3. Recognize diversity as both a strength and an opportunity. 4. Affirm that a healthy democracy requires outreach and public engagement.”</p> <p>The City has an open forum site, <b>Engage Hillsboro</b>, where community members can provide comments and feedback.</p>
<b>Walla Walla, WA</b>	<p>Equity is part of the <b>City's Core Values</b>. . However, how the City adopts equitable practices or policies is not readily available. Additionally, the HR department confirmed that there are no Diversity, Equity, or Inclusion programs in the City that exist (that they are aware of), including no committee or commission (phone call confirmation).</p>	<p>Equity is part of the <b>City's Core Values</b>. . However, how the City adopts equitable practices or policies is not readily available. Additionally, the HR department confirmed that there are no Diversity, Equity, or Inclusion programs in the City that exist (that they are aware of), including no committee or commission (phone call confirmation).</p>	<p>Equity is part of the <b>City's Core Values</b>. . However, how the City adopts equitable practices or policies is not readily available. Additionally, the HR department confirmed that there are no Diversity, Equity, or Inclusion programs in the City that exist (that they are aware of), including no committee or commission (phone call confirmation).</p>
<b>Woodinville, Washington</b>	<p>No response to phone or email inquiry.</p>	<p>No response to phone or email inquiry.</p>	<p>No response to phone or email inquiry.</p>
<b>Wilsonville, Oregon</b>	<p>The <b>City has an active DEI Committee</b>. Committee members meet once a month and have an established Mission and Values. The goal of this committee is to act as a liaison to identify and address City issues that may marginalize anyone or make them feel excluded.</p>	<p>The City has an <b>Equitable Housing Strategic Plan</b> to promote equitable housing outcomes (under the planning department)</p>	<p>Initiatives are reflective of the community's needs and aspirations.</p>

<b>COMPARATIVE CITIES</b>	<b>People:</b> Do they have anything related to racial equity or social justice advisory committee, or commission? If there's a committee – is it active?	<b>Policy/Ordinance:</b> Are there any policies (department-based) or ordinances (law within the municipality) in place.	<b>Process:</b> What kind of process do they have in place? How is it funded? Who manages the process?
	<p>DEI committee meetings are open to the public; however, a <b>speaker card</b> must be filled out prior to public comment.</p> <p>The <b>City Council</b> appoints the DEI Committee to address specific community recommendations from a 2020 listening session.</p> <p>The City Council requires active participation from the DEI Committee members. <u>After four absences from meetings (in a calendar year), members are excused from their roles.</u></p>		
<b>Oregon City, Oregon</b>	<p>It would be very useful for MAC to network with the DEI committee staff liaison in the development stage.</p> <p>Diversity, Equity, &amp; Inclusion   Oregon City, OR (orcity.org)</p>	<p>The DEI Assessment Report was completed and published by MGT.</p> <p>Triangle Consulting is supporting the DEI action plan. <a href="#">Oregon-City-DEI-Assessment-Report-2022-PDF (orcity.org)</a></p> <p><a href="#">MGT-Consulting---Scope-of-Work---Consultant-Services-for-Diversity-Equity-and-Inclusion-Initiatives-PDF (orcity.org)</a></p>	<p>The consultant is unsure about which department DEI falls under. The current staff liaison on the web seems to no longer appear with the City. A third-party consultancy is running the DEI task force.</p> <p><a href="#">Oregon-Citys-Path-to-Diversity-Equity-and-Inclusion (orcity.org)</a></p>
<b>Ashland, Oregon</b>	<p>The City of Ashland has a <b>Social Equity &amp; Racial Justice Advisory Committee</b>.</p> <p>The committee seems inactive currently. There is a staff liaison, but the information is not up-to-date.</p> <p><a href="#">Social Equity &amp; Racial Justice Advisory Committee   Ashland, OR (ashlandoregon.gov)</a></p>	<p>Resolution No. 2022-24 established the SERJAC as a Standing Advisory Committee to the City Council.</p>	<p>There is a work plan in place specifically to develop learning and development capacity within the city workforce.</p> <p>Adopted 2024 SERJAC ACTION PLAN • Interact with other Committees in their work as it intersects with SERJAC goals. • Compile list of local DEI partners, including information on areas of focus and impact metrics (Houston) • Obtain DEI training for SERJAC members. (Simon) • Conduct Listening Sessions with Ashland residents to capture documentation describing diversity, equity, and inclusion status. Utilize</p>



COMPARATIVE CITIES	<b>People:</b> Do they have anything related to racial equity or social justice advisory committee, or commission? If there's a committee – is it active?	<b>Policy/Ordinance:</b> Are there any policies (department-based) or ordinances (law within the municipality) in place.	<b>Process:</b> What kind of process do they have in place? How is it funded? Who manages the process?
			<p>information obtained in Listening Sessions to inform and expand 2024 Action Plan. (Geraghty) • Develop DEI training program for local businesses and their staff, focusing on being authentically welcoming to all people. (DuQuenne) Page 1 of 6 Council Study Session • Understand scope of Consultant's DEI internal assessment and organize recommendations into phased plan with assigned liaison and budget specifications. (Spring 2024)</p>
<p><b>Albany, Oregon</b></p>	<p>Albany's website did not mention DEIA much.</p> <p><b>Human Relations Commission</b></p> <p>This section does mention equal opportunity.</p> <p>LOC is a nonprofit organization representing 241 Oregon's cities. LOC provides advocacy, training, and technical assistance to city officials to help them better serve their communities.</p> <p>(LOC supports racial equity and social status across Oregon cities. Some cities have social justice advisory committees or commissions that collaborate with LOC. The long form of LOC is the League of Oregon Cities. Depending on the government, the cities and LOC come together as an essential part of DEI.)</p> <p>(541) 917-7500</p> <p>I found <b>RISE Albany</b>. I also found this <b>RISE program</b>.</p>	<p>As of the most recent updates, no specific ordinance dedicated to racial equity or social justice has been passed. The City is still in the process of addressing these issues through commissions and community engagement rather than through formal legislation.</p>	<p><b>The Human Relations Commission</b> "was established to strengthen and celebrate every resident of Albany by being committed to the philosophy of acceptance, inclusion, equal opportunity accessibility, dignity, and fair treatment for all. The HRC advises the city council and the city manager."</p>

COMPARATIVE CITIES	<b>People:</b> Do they have anything related to racial equity or social justice advisory committee, or commission? If there's a committee – is it active?	<b>Policy/Ordinance:</b> Are there any policies (department-based) or ordinances (law within the municipality) in place.	<b>Process:</b> What kind of process do they have in place? How is it funded? Who manages the process?
Woodburn, Oregon	<p>Woodburn does not have a dedicated racial equity or social justice commission on public record. However, given its significant Latino population, the City has historically <b>emphasized diversity and inclusivity</b>. Any specific actions or committees would likely be embedded within broader city or department policies rather than standalone initiatives.</p> <p>Debbie Cabrales, Woodburn Councilor.</p> <p>Woodburn project, I also find this.</p> <p>Scott Derickson, City Manager, Woodburn</p> <p>One of LOC directors, Equity lens framework (503) 982-5228)</p>	<p>Woodburn, Oregon, appears to have no specific department-based policies or municipal ordinances that are explicitly dedicated to racial equity or social justice that are publicly documented.</p>	<p>I can't find much about it. LOC and the City?</p> <p>(LOC supports racial equity and social status across Oregon cities. Some cities have social justice advisory committees or commissions that collaborate with LOC. The long form of LOC is the League of Oregon Cities. Depending on the government, the cities and LOC come together as an essential part of DEI.)</p> <p>The City Council appoints members of the <b>Human Relations Commission</b>. Requirements for appointment include “1. Principal place of residence within the jurisdictional limits of the City of Albany. 2. Each council member shall have one counterpart with nominations ratified by the Council.”</p>
Lake Oswego, Oregon	<p>Lake Oswego has established a “Diversity, Equity, and Inclusion Task Force” that advises the <b>City Council</b> on racial equity and social justice matters. This task force was formed in response to community concerns and aimed to address systemic issues within the City. It is actively involved in reviewing and recommending policy changes and overseeing <b>programs</b> that promote diversity and inclusion within the community.</p> <p>- DEI task force findings <b>report</b></p> <p>ADA act</p> <p>(503) 635-0257</p>	<p>Lake Oswego City Council, this task force advises on policies and practices that promote <b>diversity, equity, and inclusion</b> within the City. The task force is responsible for making recommendations that could lead to developing specific policies or ordinances in the future.</p> <p>The City launched or completed various <b>DEI</b> initiatives across multiple services:</p> <p>1. The City Council created a DEI Task Force for “identifying barriers to participation on the City’s boards and commissions, making suggestions to reduce those barriers, identifying methods to increase the applicant pool for City job openings, and making suggestions on how the City can increase the diversity of its applicant pool.”</p>	<p>The <b>City</b> typically handles funding and management of these initiatives, often in collaboration with community organizations.</p>

<b>COMPARATIVE CITIES</b>	<b>People:</b> Do they have anything related to racial equity or social justice advisory committee, or commission? If there's a committee – is it active?	<b>Policy/Ordinance:</b> Are there any policies (department-based) or ordinances (law within the municipality) in place.	<b>Process:</b> What kind of process do they have in place? How is it funded? Who manages the process?
		<p>2. From 2018 to 2019, the City trained various departments on DEI-related topics, specifically “training and support that will improve our ability to understand and address unconscious bias.”</p> <p>3. In 2019, the City co-hosted and participated in planning the first-ever multi-City equity summit.</p> <p>4. In 2020, the City required formal DEI training for Council, staff, and Board and Commission members to collaborate more effectively with the DEI Taskforce.</p>	



# Talitha Consults

Interdisciplinary • Multilingual • People-centered

## Assessing Policies, Programs, and Decision-Making through the lens of Equity Created for the City of McMinnville

The **Equity Lens Toolkit** should not replace intentional outreach and meaningful engagement with diverse members of the public. The tool is to help kick-start a thinking model that is broad and inclusive with an goal to add more fairness within an organization.

This toolkit offers a set of eight questions to guide the process of development, implementation, and evaluation of policies, procedures, and programs in the decision-making process. **The purpose of the Toolkit is** to evaluate the City’s systems for any potential impacts on the populations it serves and to identify opportunities for dialogue. The purpose is not to create a scoring system or pass judgment. It is not an end in itself but a kick-starter for deeper conversation and collaboration.

Talitha Consults adapted this resource from the Race and Social Justice Toolkit by the Seattle Housing Authority and the Equity Lens Framework by the League of Oregon Cities.



### NEED HELP?

If you have questions about this toolkit, contact (**insert contact info**). A staff member from (**insert office name**) will respond to you within the next (**insert respond by timeframe – ex: 72 hours**).

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## “**COURAGE**

**We are future-oriented, proactively embracing and planning for change that is good for our community and consistent with our values.**

## When Do I Use This Toolkit?

Integrate the Equity Lens Framework into all departmental work, especially for impactful internal or external actions and decisions. **Use the framework and guiding questions when planning, developing, or evaluating policies, programs, and decisions to identify and eliminate barriers for historically marginalized groups**<sup>21</sup>. Utilize the Toolkit early in the design process for new policies or programs and assess current programs, and learn from past experiences.



## How Do I Use This Toolkit?

The Equity Lens Toolkit consists of eight steps from start to finish. While the eight steps outlined below are recommended, they may not always be the most suitable approach for your particular project/plan/initiatives.

It is important to **use the Equity Lens Framework in all departmental work to identify and eliminate barriers for historically underrepresented and/or marginalized groups**. Use it when planning, developing, or evaluating procedures, policies and programs, and utilize the Toolkit for new designs and assessing current programs.

**1. Identify the issue, policy, procedure, or practice** that would benefit from analysis through the Equity Lens.

**2. Identify the people** who are or will be impacted by this policy, procedure, or program.

**3. Analyze available data** relevant to the population affected by the program or policy. What does the data tell you about potential impacts?

- Consider U.S. Census data and data collected by the City or other departments.

**4. Identify and engage internal and external stakeholders** to solicit input on race and equity impacts. Gather information from the community and staff on how the issue benefits or burdens the community in terms of racial equity and other equity issues.

- How has your department intentionally involved stakeholders who are also members of the communities affected by the decision and/or strategic investment?

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<sup>21</sup> PowerPoint Presentation (norc.org) | **Historically marginalized groups** are systemically disadvantaged based on their identities and confront barriers to equal access to employment. These groups include, but are not limited to:

- Indigenous peoples
- Women
- People of color

**5. Consider findings:** based on the data reviewed and stakeholder engagement, does this policy, procedure, or program ignore or worsen existing disparities or produce any other unintended consequences?

**6. Review racial and social justice equity impacts.**

- Identify opportunities for policy, procedure, or program change to increase racial and social equity or minimize unintended consequences.
- What resources and support will your department provide to ensure training and technical assistance to implement the decision and strategic investment successfully?

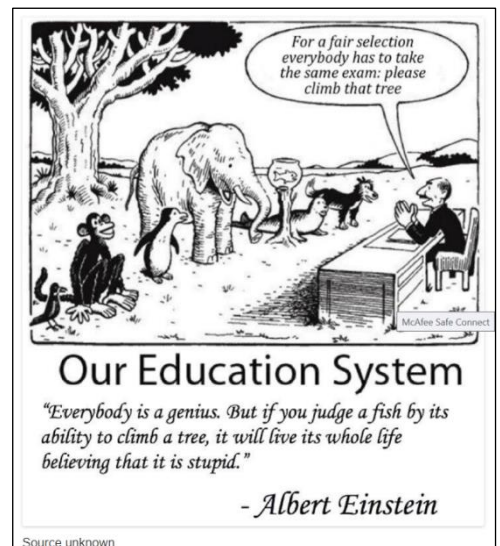
**7. Implement change policy, procedure, or program and evaluate impact.**

- Track impacts on historically marginalized communities and social equity issues over time.
- Continue to communicate with and involve stakeholders.
- Document unresolved issues.

**8. Report back:** Summarize and share the information learned from the Toolkit analysis with your team, your department’s leadership, and other stakeholders.

- Consider debriefing and/or creating a document with lessons learned to share with your team, your department’s leadership, and other stakeholders.

To ensure inclusive and successful evaluation, **the Equity Lens Toolkit analysis should be completed by people with different racial and ethnic perspectives, representing different departments, positions, and levels of seniority.** You should also engage in discussions with internal and external stakeholders who are likely to be affected by the program or policy under consideration. Lastly, remember that individuals are in different social locations.<sup>22</sup> We all carry unique skills, ability, knowledge with diverse backgrounds. Having differentiated understanding of our diversity and how all those factors shape our lives is important. To illustrate this point with some levity, we included a well-known comic. Let us remember to assess our assessment, also.



<sup>22</sup> Social location is where individuals are socioeconomically located within a specific context in a society. For example, Albert is the youngest son of four siblings who works as a starving artist, thus, living with their parents at the age of 89.



## Shared meanings developed by the City's Diversity, Equity, Inclusion and Accessibility Committee

**Equity means** ensuring that everyone has a fair opportunity to achieve positive outcomes. Equity involves actively working to address disparities and barriers that prevent certain groups from reaching the same level of success as others.

**Inclusion** means creating welcoming environments and experiences where everyone feels valued and respected, and where everyone has the opportunity to contribute to and participate in community life. Inclusion is authentic and curious, and involves actively seeking input from all members of the community, regardless of their background or circumstances, and ensuring that their voices are heard and considered in decision-making processes. Making mistakes by misstepping, misspeaking, or past ignorance can happen as we take courageous risks to create more just and welcoming environments. Therefore, it is important to make space and time to name and repair harms.

**Marginalization:** The process that occurs when members of a dominant group relegate a particular group to the edge of society by not allowing them a voice, identity, or place for the purpose of maintaining power.

**Justice** is an outcome that equity & inclusion processes aim to accomplish.

**Social Justice** is a process, not an outcome, which (1) seeks fair (re)distribution of resources, opportunities, and responsibilities; (2) challenges the roots of oppression and injustice; (3) empowers all people to exercise self-determination and realize their full potential; (4) and builds social solidarity and community capacity for collaborative action.

## Appendix F: Community Outreach Strategy

The Community Outreach Strategy (COS), written by Talitha Consults, is included in McMinnville's PROS plan.



# I. Introduction

## 1. What is the Community Outreach Strategy?

The Community Outreach Strategy (COS) outlines an equitable and community-driven approaches to support City of McMinnville in its outreach and engagement efforts. Elements of COS can be utilized by the City to engage with its residents, businesses, and various stakeholders in a dynamic, inclusive, and equity-minded manner.

The community engagement approaches proposed for this process consist of three components:

- Human-centered approach
- Mission-centered approach
- Place-based approach

This document explains each approach and outlines its unique purposes and intended outcomes.

The Community Outreach Strategy incorporates core elements of the National Recreation and Parks Association's definition of [Equitable Park & Recreation Access](#) as well as a key framework from NRPA's [Community Engagement Resource Guide for equitable and inclusive community engagement](#).

**Why produce the COS in the early phase of this project?** The primary reason is to inform residents and stakeholders of various outreach and engagement activities planned for this project. In doing so, the Consultant team hopes to involve and inspire more residents and stakeholders to stay informed and engaged with the City to envision the future of McMinnville (MAC).

## II. Purpose

### 1. A Guiding Theory for Engagement and Research

*Theory of change:* The social-ecological<sup>23</sup> framework guides and shapes the design and execution of multi-level and multifaceted engagements involved in this initiative (see Figure – 1). The purpose of using this framework is to encourage and guide the City to initiate and advance city-wide community involvement and engagement grounded in equity and inclusion beyond an individual or departmental level.

For MAC analysts and researchers at Talitha Consults used qualitative data to understand key themes from in-depth individual interviews with staff, diverse community members, and multiple listening circles (workshops). Additionally, we conducted a literature review, including the Census data specific to MAC and the surrounding region.

Qualitative data from individual in-depth interviews were thematically coded using the grounded theory method. The grounded theory method is a way of analyzing qualitative data; it entails collecting and processing information in such a way that the data itself reveals key themes<sup>24</sup>. It is a nuanced and iterative process that enables researchers to condense large quantities of data and notice the recurrent themes.



Figure – 1: Social ecological framework diagram  
(Source: Center for Disease Control)

### 2. Research Questions

The overarching research questions are:

1. In the provision and operations of parks, trails, and recreation facilities, to what extent does the City use the lens of diversity, equity, and inclusion in its planning and implementation?
2. In its current state, are there gaps in service planning and provision?
3. How can the City address potential gaps in services or programs?

For qualitative analysis, Talitha Consults analyzed which core themes would emerge and to what extent these themes are repeated throughout various community outreach activities.

<sup>23</sup> The social-ecological model is conceptual framework researchers often use to guide the research development process and implementation strategies

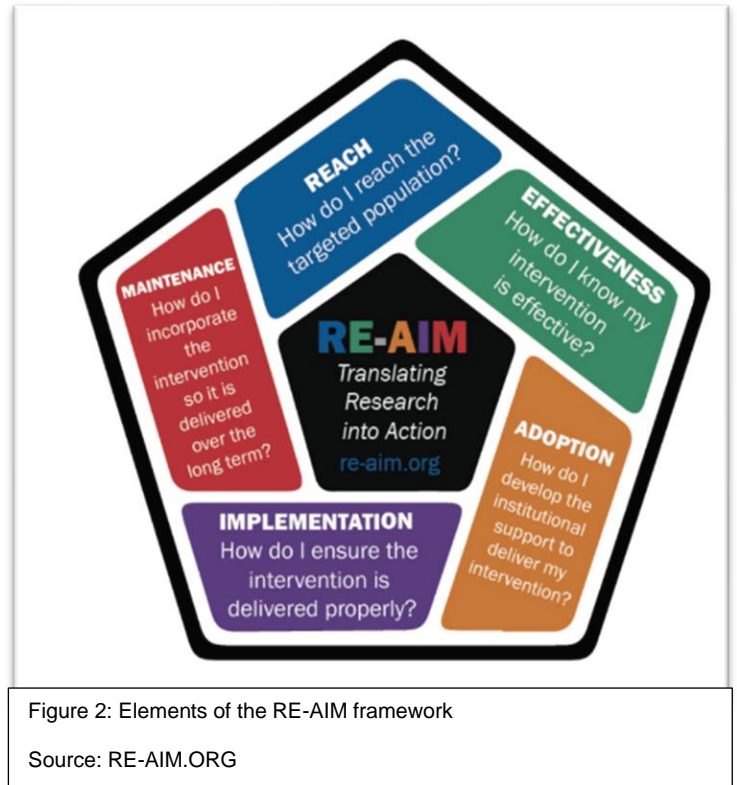
<sup>24</sup> [http://www.sxf.uevora.pt/wp-content/uploads/2013/03/Charmaz\\_2006.pdf](http://www.sxf.uevora.pt/wp-content/uploads/2013/03/Charmaz_2006.pdf) | Kathy Charmaz, 2014

### 3. WHAT Are the Complexities of Implementation?

While demographic changes in and around McMinnville are important to take heed of, it is not the only change the City has to navigate.

While no one magic strategy can involve all members of the community at once, a **thoughtful, adaptive, comprehensive, and informed** community outreach strategy can help a city to expand and deepen its understanding of diverse residents and their met and unmet needs, especially of those living in the margins day-in and day-out.

In order to design and implement a meaningful and effective community involvement strategy that is grounded in equity, the City should consider identifying and defining communities of focus (also known as targeted population). Reach, Effectiveness, Adoption, Implementation, and Maintenance (RE-AIM)<sup>25</sup> is a public engagement framework developed by implementation scientists and used extensively by social impact programs around the globe. To access more online resources guided by the RE-AIM framework, please review Section V— Tools and Resources. The Consultant team suggests RE-AIM as a guiding tool when planning or implementing a program as a way to center diversity, inclusion, and equity principles<sup>26</sup> in the City’s community involvement efforts.



<sup>25</sup> <https://re-aim.org/learn/what-is-re-aim/>

<sup>26</sup> Diversity: Human differences, such as: ethnicity, gender, sexual orientation, age, socio-economic status, (dis)ability, religious or spiritual identity, national origin, political beliefs, etc. | Equity: To treat everyone fairly. Takes into consideration the various systemic oppressions certain social groups face when seeking to render justice. | Inclusion: Creating a culture where all people feel respected, accepted, and valued. Source: Oregon Recreation & Parks Association

# III. Approach

## 1. Human-Centered Approach (People-Centered)

This project is people-centered. McMinnville relies on a process that is beneficial and relevant not only for the community of today but also for the generations to come. The City should better understand the people's current needs as well as their unmet needs. In turn, the City's community involvement and engagement strategies must be adaptive, nuanced, and multifaceted as opposed to employing one-size fits all method. For relevant case studies, refer to Appendix 5. Relevant Case Studies). That means that the City should discover how the City's proposed investments or disinvestments impact current users as well as non-users and potential users. This means centering the projects on the voices, visions, and needs of diverse communities. The City should bear in mind that not everyone's voices or concerns are equally heard, elevated, or enacted upon. Social and economic disparities exist all over our country, and the City of McMinnville is no exception.

Compared to the average child, African American children are significantly more likely to live in single-parent families and high-poverty neighborhoods. American Indian children are almost three times as likely to lack health insurance and more than twice as likely to live in neighborhoods with limited resources. And Latino children are most likely to miss out on early childhood education and live in a household led by someone who lacks a high school diploma. <sup>27</sup>These data combined with rapidly shifting demographics in and around the City of McMinnville, the need to expand the City's current definition of inclusion should be a priority.

Considering these social and racial inequities, the City must grapple with the following guiding questions to help ensure a diverse mix of stakeholders to leverage change. The Consultant team borrowed these guiding questions from The Annie E. Casey Foundation's Race Equity & Inclusion Action Guide (2014)—

- a. **Who is most adversely affected by racial/social barriers or bias, or exclusion from power, related to this issue?**
- b. **How are people of different races as well as ethnic groups differently situated or affected by an issue at hand?**
- c. **In what ways are stakeholders most affected by the issue already involved in addressing it? How can these efforts be supported and expanded?**
- d. **What are ways stakeholders adversely affected by the issue can be further engaged?**
- e. **How can diverse communities and leaders be engaged from the outset, so they have a real opportunity to shape the solutions and strategies?**
- f. **How can community engagement be inclusive, representative, and authentic?**
- g. **How will stakeholders exercise real leadership and power?**
- h. **Who can be allies and supporters and how can they be engaged?**
- i. **Who needs to be recruited or invited to join the effort to address this issue? Who will approach them? How? When? What will they be asked to do to get involved?**

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<sup>27</sup> <https://www.aecf.org/topics/racial-equity>

A sub-element of a human-centered approach is that it needs to be **culturally grounded**. This means that the implementation of this project will not seek to simply be culturally informed but to do the work that is required to ensure its outreach is grounded by the practices and cultures of its focused communities. For example, simply translating pamphlets into the focused groups' language is a good step, but to be culturally grounded is to investigate if pamphlets are even the best way to communicate with the focused communities. And if pamphlets are used, translation may not be enough, cultural translation and/or partnering with trusted messengers within the community may be required in addition to a straightforward reading. This kind of culturally-grounded work will help to ensure that the City of McMinnville's approach is truly people-centered and people-led. To better understand the met and unmet needs of residents and stakeholders from the City as it relates to parks, recreational facilities, and open spaces, the project team has proposed to implement six distinct outreach methods:

1. **Project website**
2. **In-depth individual interviews (IDI)**
3. **Listening circles**
4. **Multilingual city-wide survey**
5. **Online Focus Groups/Townhall**
6. **Advisory and City leadership meetings**

1. **Project website:** The website will provide a foundation of information for the plan and opportunities to learn, research more in-depth information, and sign up for project updates. The website will feature project materials for review and provide links to various engagement opportunities. The site will be available in English and Spanish.
2. **In-depth individual interviews (IDIs):** Lead a series of in-depth interviews in English, Spanish, and other languages. This task includes a schedule of interviews and a moderator's guide, which will consist of interview questions. Key learnings are to be summarized together with the outcomes of the focus group meetings.
3. **Listening circles (focus groups):** Lead video conference calls in English, Spanish, and other languages. The purpose of these meetings is to convene small groups with a common interest, purpose, or background and provide an opportunity to understand opportunities, challenges, and opinions. These meetings also allow participants to learn about other perspectives that may be similar or different from their own. Listening circles could be replaced with IDIs to ensure honest, safe, and open conversations and to minimize group thinking.
4. **Multilingual city-wide survey:** Develop an interactive online mapping survey (for example using - Maptionnaire) in English and Spanish through the project website. Maptionnaire allows participants to identify specific map-based locations to respond to questions while providing the City with valuable information to better understand preferences and areas of the greatest need.
5. **Online Focus Groups/Townhall:** Lead a series of online focus groups or a town hall workshop with the larger community to discuss potential alternatives, tradeoffs, and priority projects to focus on for the next five years.

6. Advisory and City Leadership Meetings: Meet with the City’s Diversity, Equity, and Inclusion Advisory Committee, Planning Commission, and City Council in each phase of the planning process. These meetings will be used to convey information gathered to date and address questions to refine work products or clarify upcoming outreach activities.

## 2. Mission-Centered Approach (Partnership)

The purpose is to focus on partnerships with values and visions that overlap with the City’s vision laid out in the strategic plan. This means partnering with groups and leaders (whether formal or informal) who care about and are investing in the well-being of MAC residents. As such, whenever the opportunity arises to partner with groups or industries that are focused on affordable housing, outreach to under-resourced communities, organization that promotes health and wellness, and any other efforts that overlap with MAC’s vision—these contacts ought to be prioritized. In working together on common goals and shared values, each organization can further the goals of all the other organizations.

### Guiding Questions:

- Who are mission or value-driven groups/leaders (formal/informal) that the City can partner with?
- Who is already doing similar work? (The point here is not to compete but to leverage efforts for collective impact.)

## 3. Geographic Approach (Place-Based)

The planning process will be geographically tied to McMinnville’s geographic boundary. Through the lens of equity, we will carefully investigate whether and to what extent investment disparities exist in various parts of the City.

To better understand whether the service provision is equitable, the City will need to assess which neighborhoods have more access to parks, public open spaces, and facilities with the least barriers **and** examine if certain neighborhoods are disproportionately experiencing more barriers than others. The equitable assessment would not only help the City better understand the existing conditions and successes but also discover the gaps and areas for improvement.

## 4. Additional Outreach Opportunities:

In cases where suggested outreach activities are already taking place, following completion of the planning process, we encourage the City to continue its efforts following completion of the planning process and utilize the RE-AIM framework as appropriate so that outreach efforts are guided with a clear purpose and impact.

**Engage with Schools:** Look for opportunities to partner with school programs that have civic engagement curricula, environmental sustainability committees, or outdoor curricula. Engaging with young people brings important energy to community projects and leverages some of the work the City has underway. Creating future generations of open space stewards expands the current investment for years to come. Also, use this opportunity to identify supporters within the school systems to create a pathway to connect youth with staff or decision-makers, a form of mentorship program. Some municipalities call this a career pathway program. The Consultant team understands

that the City already has some level of partnership with colleges in the area. Here are a few suggestions that might augment the existing activities—

- Offer learning workshops to parents of children/youth – how to navigate and register for recreational programs (consider offering some multilingual workshops).
- Discuss the possibility of community service with older youth who can volunteer for recreational programs or environmental stewardship programs.

**Ethnic Community Festivals:** Show up to existing programs and events where historically underrepresented communities are already gathering. When possible, table at these events and/or identify which partner organizations may already be participating and can help distribute marketing materials for the campaign.

**Faith Communities:** More and more faith communities are zeroing in on actions to support the holistic well-being of their practitioners. They have the ability to connect with a broad range of people within the target areas of outreach. Some also provide social services to vulnerable populations and can assist the City in better understanding the community needs and other potential partner organizations.

Outreach ideas include:

- Speak at weekly services or table on-site during special events
- Provide content for newsletters (with mutual consent to avoid imposition)
- Provide learning workshops to parents of children/youth – how to navigate or register for recreational programs, perhaps offer workshops in multiple languages
- Distribute pamphlets and other print collateral through worshipping communities upon receiving approval from designated leaders

**Connect With Ethnic Media:** Ethnic media is an important source for distributing information to historically underrepresented ethnic groups in a language-specific approach. We recommend sending short articles, press releases, and OR purchasing advertising in ethnic media newspapers to help expand who is reached with program information. Although not all of the ethnic media outlets will be specific to MAC we have offered a piece of literature and resource:

- Ethnic Media outlet map nationwide, USA by Axio  
<https://www.axios.com/2021/11/13/black-latino-asian-indigenous-news-deserts#>
- University of Washington Ethnic Newspapers of the Pacific Northwest
  - <http://db.lib.washington.edu/press/targetlist.htm>

Lastly, the City’s continued partnership and collaboration with anchor institutions in the areas such as **libraries, food banks, community health clinics, labor unions, chamber of commerce,** and **social impact organizations** that aspire to promote MAC residents’ well-being is critical for this project and beyond.

# V. Appendices

## 1. Tools & Resources

[Advancing Frontline Employees of Color: Innovating for Competitive Advantage in America's Frontline Workforce](#) by Policy Link

[Adopting Racial Equity Frameworks in Planning Organization](#) by American Planning Association

[Elevating Health Equity Through Parks and Recreation: A Framework for Action](#) by National Recreation and Park Association

[Equity, Diversity and Inclusion Framework](#) by American Psychological Association

[Key Equity Terms & Concepts: A Glossary for Shared Understanding](#) by Center for Study of Social Policy

[Latinos in Central Oregon: A Community Profile In Statistics & Stories](#) by Latino Community Association

[Public Sector Jobs: Opportunities for Advancing Racial Equity](#) by Local and Regional Alliance on Race & Equity

[Racial Equity Tool: Policy Review Worksheet](#) by Puget Sound Educational Service District

[Racial Equity Toolkit: Implementing Greenlining's Racial Equity Framework](#) by the Greenlining Institute

[RE-AIM Planning Tool Worksheet](#) by RE-AIM.ORG

[Self-Care As A Radical Act of Liberation](#) by CompassPoint

[Striving For Anti-Racism: A Beginner's Journal](#) by Beyond Thinking

[Social Equity](#) Knowledge Center by American Planning Association

[The State of Social Media Investment](#) 2021, by Sprout Social



## Glossary of Terms

**Anti-Black Racism:** Any attitude, behavior, practice, or policy that explicitly or implicitly reflects the belief that Black people are inferior to another racial group. Anti-Black racism is reflected in interpersonal, institutional, and systemic levels of racism and is a function of White supremacy.

**Anti-Racism:** Active process of identifying and challenging racism, by changing systems, organizational structures, policies and practices, and attitudes, to redistribute power equitably.

**Classism:** The institutional, cultural, and individual set of practices and beliefs that assign differential value to people according to their socioeconomic status. Classism also refers to the systematic oppression of poor and working-class people by those who control resources.

**Color-Blind Racial Ideology:** The belief that people should be regarded and treated as equally as possible, without regard to race or ethnicity. While a color-blind racial ideology may seem to be a pathway to achieve equity, in reality, it invalidates the importance of peoples' culture; ignores the manifestations of racist policies which preserves the ongoing processes that maintain racial and ethnic stratification in social institutions.

**Cultural Competence:** The ability to understand, communicate with, and effectively interact with people across cultures. Grounded in the respect and appreciation of cultural differences, cultural competence is demonstrated in the attitudes, behaviors, practices, and policies of people, organizations, and systems.

**Cultural Humility:** When one maintains an interpersonal stance that is open to individuals and communities of varying cultures, in relation to aspects of the cultural identity most important to the person. Cultural humility can include a life-long commitment to self-critique about differences in culture and a commitment to be aware of and actively mitigate power imbalances between cultures.

**Culture:** The languages, customs, beliefs, rules, arts, knowledge, and collective identities and memories developed by members of all social groups that make their social environments meaningful.

**Dominant Group:** Not necessarily the majority, but the group within a society with the power, privilege, and social status to control and define societal resources and social, political, and economic systems and norms.

**Institutional/Systemic Racism:** The practices that perpetuate racial disparities, uphold White supremacy, and serve to the detriment and harm of persons of color and keep them in negative cycles. Institutional/systemic racism also refers to policies that generate different outcomes for persons of different race. These laws, policies, and practices are not necessarily explicit in mentioning any racial group, but work to create advantages for White persons and disadvantages for people of color.

**Social Justice:** A process, not an outcome, which (1) seeks fair (re)distribution of resources, opportunities, and responsibilities; (2) challenges the roots of oppression and injustice; (3) empowers all people to exercise self-determination and realize their full potential; (4) and builds social solidarity and

community capacity for collaborative action.

**Structural Racism:** Historical, social, political, institutional, and cultural factors that contribute to, legitimize, and maintain racial inequities. Structural racism is not something that a few people or institutions choose to practice, it is the confluence of racist concepts and theories that control our economic, political, and social systems.

**People of Color:** Political or social (not biological) identity among and across groups of people that are racialized as non-White. The term “People of color” is used to acknowledge that many races experience racism in the U.S, and the term includes, but is not synonymous with, Black people.

**Marginalization:** The process that occurs when members of a dominant group relegate a particular group to the edge of society by not allowing them a voice, identity, or place for the purpose of maintaining power.

**Othering:** The perception or placing of a person or a group outside and/or in opposition to what is considered to be the norm. Othering is based on a conscious or unconscious assumption that a certain identified group poses a threat to the favored or dominant group. See: Marginalization.

**Xenophobia:** Any attitude, behavior, practice, or policy that explicitly or implicitly reflects the belief that immigrants are inferior to the dominant group of people. Xenophobia is reflected in interpersonal, institutional, and systemic levels oppression and is a function of White supremacy.

## 2. Relevant Case Studies

### Case study # 1

Organizational Equity Assessment for Bend Parks and Recreation District conducted by Talitha Consults:

To view the final report, click on the link and review pages 13 to 86

<https://www.bendparksandrec.org/wp-content/uploads/2022/01/1.18.2022.pdf>

### Case study # 2:

[Examining Outdoor Recreation Barriers, Constraints, Amenity Preferences, and Communication and Outreach Needs of Latino/Hispanic Community in and around the Denver Metro Region, Colorado](#) by Warner College of Natural Resources in Colorado State University

### Case study #3:

[How to apply social media know-hows to a state-wide public educational campaign](#) by Talitha Consults for Washington State Department of Ecology

[Sample Social Media Template Kit](#) by Washington State Department of Ecology. Digital contents created by Talitha Consults.

### 3. Demographic Diversity Survey Templates

When designing a questionnaire to collect individuals' demographic diversity, researchers must address the following questions and communicate to the public transparently—

- Why is this information being collected?
- How will this data or interpretation of data be used?

The Consultant team recommends that the City include a brief introductory paragraph explaining **why** the City is launching this survey, **when** the survey will be closed, **how** the survey results will be used and **who** to contact for more inquiries. In addition to English, the community-wide survey as well as the associated communication materials should be in another language that is most spoken in the City.

Otherwise, researchers might run the risk of low participation due to the lack of information or language barrier which could contribute to the distrust in the survey as a whole.

Although the categories listed below may not represent your full identity or use the language you prefer, for the purpose of this survey, please indicate which group below most accurately describes your racial/ethnic identification. (If you are of a multi-racial/multi-ethnic/multi-cultural identity, please select all that apply)

- Alaskan Native
- First Nation/American Indian/Indigenous
- Asian or Asian American or South Asian
- Black or African American
- Hispano or Latino/a or Chicano/a
- Middle Eastern or North African
- Pacific Islander
- White/ European American
- Prefer not to answer
- Other (Please specify)

Although the categories listed below may not represent your full identity or use the language you prefer, for the purpose of this survey, what most accurately describes your sexual identity?

- Asexual
- Bisexual
- Gay
- Heterosexual
- Lesbian
- Queer
- Questioning
- Prefer not to answer
- Other (Please specify)

What best describes your gender identity?

- Male
- Female
- Nonbinary
- Prefer not to answer
- I identify as:

Do you have a diagnosis or disability that influences your learning , working or living activities? (Optional)

- Yes
- No
- Prefer not to answer

How many people are in your household?

Prefer not to answer

Other (Please specify)

## 4. Community Survey: Accommodation Approach

The community survey must be disseminated in various formats, especially to accommodate individuals with intellectual and physical disabilities. Also, paper surveys should be available for people without access to digital devices, with poor or without internet connectivity. For institutions that receive federal financial support, language accessibility is a critical component that the federal government requires its funders to consider in their service provisions. In 2021, the Biden-Harris Administration issued an Executive Order titled, “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.” This is in addition to the Executive Order 13166 (Language Accessibility) established in 2010.

### Guidance on collecting data in an inclusive way, examples of strategies to advance diversity and inclusion efforts

For any type of survey design and implementation, all the project teams—client and consultant teams—must plan and collaborate together before, during, and after the survey is launched. In this case, the City’s project team should set a survey outreach goal. The Consultant team may share some promising practices from other communities. For example, after setting a goal to reach 500 survey responses, the City can use the RE-AIM framework or elements of this tool to plan and implement outreach efforts specifically for the target population and monitor progress along the way.

The Consultant team highly recommends our clients use the census data (see Table 1) as a guide to better understand who is living in the areas of interest. For this project, we have created a census data table that compares the population of the City to the larger interconnected contexts – Yamhill County, Oregon State, and the US. The point here is to offer a perspective on where McMinnville stands in the light of the larger socioeconomic fabric connected to it.

All Topics	United States	Oregon	Yamhill County, Oregon	McMinnville city, Oregon
Population Estimates, July 1 2021, (V2021)	△ 331,893,745	△ 4,246,155	△ 108,239	△ 34,666
<b>PEOPLE</b>				
<b>Population</b>				
Population Estimates, July 1 2021, (V2021)	△ 331,893,745	△ 4,246,155	△ 108,239	△ 34,666
Population estimates base, April 1, 2020, (V2021)	△ 331,449,281	△ 4,237,256	△ 107,722	△ 34,319
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	△ 0.1%	△ 0.2%	△ 0.5%	△ 1.0%
Population, Census, April 1, 2020	331,449,281	4,237,256	107,722	34,319
Population, Census, April 1, 2010	308,745,538	3,831,074	99,193	32,187

Table 1: Comparative Population Data from the 2020 Census (McMinnville, Yamhill, Oregon, USA)

The Consultant team recommends our clients to consider using a proportionate sampling approach for the community survey and weighting the data<sup>28</sup> as necessary. American Psychological Association defines proportionate sampling as—

A form of stratified sampling in which one draws cases for study from certain groups (e.g., gender, race/ethnicity) in the proportions that are observed in the larger population. For example, if a university has 60% female students and 40% male students, a researcher would obtain a sample comprising the same percentages or proportions, such as 120 females and 80 males in a 200-student subset. Also called proportionate sampling.<sup>29</sup>

Table 2 shows the City of McMinnville’s population data broken down by race and ethnicity. This population data is produced by Portland State University in Oregon in 2021.<sup>30</sup> In addition to Census Data, decision-makers could also use this table as a way to benchmark community survey participation rates for each of the population groups.

Race/Ethnicity	Census 2020 population partial data for McMinnville, OR in percentage (%) (2020 Census Summary by Portland State University)
First Nation/American Indian/Indigenous/Alaska Native	0.8%
Asian, Asian American, or South Asian	1.3%
Black or African American	0.5%
Hispanic or Latino/a or Chicano/a	23.9%
Pacific Islander/ Native Hawaiian	0.3%
Some other race	0.6%
White/European American	67.5%

Table – 2: Census Data by City \_Race and Ethnicity

Additionally, a meaningful survey must include several open-ended questions that will help researchers better understand **what**, **how**, and **why** questions.

### Why use multimedia for community engagement?

Multimedia resources help engage with multiple audiences with diverse learning styles and abilities. For this project, the Consultant team will use selective elements from the Universal Design for Learning (UDL) framework<sup>31</sup> to implement this section (Figure -3, next page). As capacity allows, the City and the Consultant teams will incorporate the following elements:

1. Multiple means of engagement – such as feedback, questions, or comments

<sup>28</sup> “Weighting is a correction technique that is used by survey researchers. It refers to statistical adjustments that are made to survey data after they have been collected in order to improve the accuracy of the survey estimates. There are two basic reasons that survey researchers weight their data. One is to correct for unequal probabilities of selection that often have occurred during sampling. The other is to try to help compensate for survey nonresponse.” Bethlehem, J. (2008). Weighting. In P. J. Lavrakas (Ed.), Encyclopedia of survey research methods (pp. 958-960). Sage Publications, Inc., <https://dx.doi.org/10.4135/9781412963947.n632>

<sup>29</sup> <https://dictionary.apa.org/proportional-sampling> | accessed on 9/26/22

<sup>30</sup> <https://www.pdx.edu/population-research/sites/g/files/znlchr3261/files/2021-08/2020%20Census%20Profiles%20Cities%20M%20-%20P.pdf>

<sup>31</sup> <https://udlguidelines.cast.org/>



2. Multiple means of representation – symbols, signs, or imageries
3. Multiple means of action and expression – discover for whom the website is most and least useful, who is using the website, and for what purpose

**Reason:** Numerous Social Sciences and Psychology studies show that individuals learn, process, and retain information in unique ways. Thus, effective knowledge production and knowledge-sharing adapt communication strategies and messaging while bearing in mind their target audience.

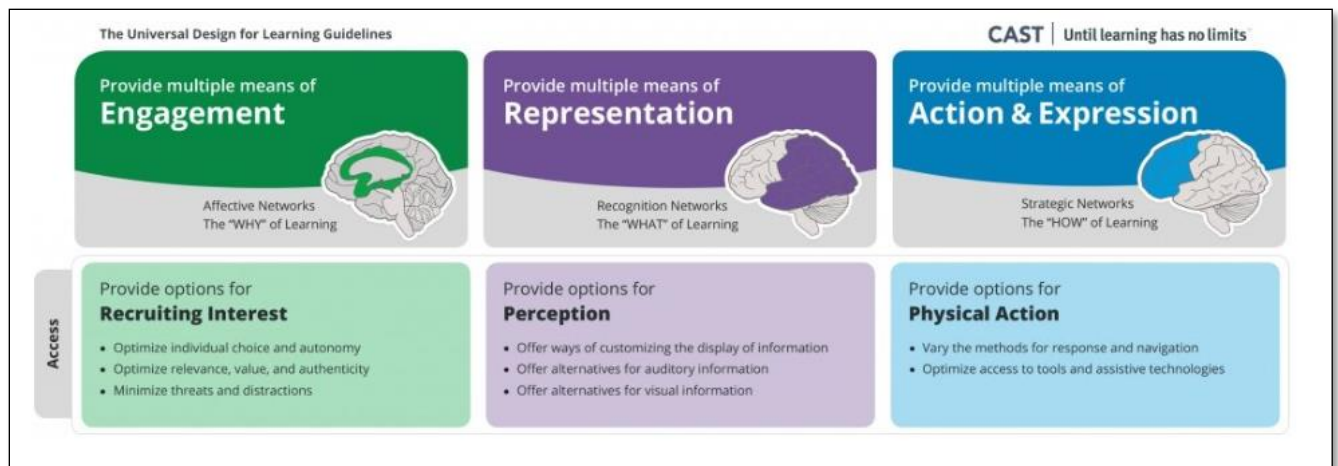


Figure 3: Universal Design for Learning – various different engagement approaches

Social media platforms are useful to disseminate multimedia content. Helpful hints and beneficial guidelines for engaging on social media are outlined in the State of Social Media Report 2021 produced by Sprout Social, also listed under Section V- Tools and Resources. The following recommendations reflect what content marketers say are most valuable for social media goals:

- 54% Video
- 53% Images
- 30% Test-based Posts
- 26% Stories
- 25% Live Video

Visual content drives more engagement with videos and images dominating on social media platforms. However, there are strategic ways to leverage each platform. Below are the platforms that have the most influence. These are the social platforms marketers currently use to connect with their audience:

- 83% Facebook
- 77% Instagram
- 57% YouTube
- 52% Twitter
- 38% LinkedIn
- 36% Snapchat

Social platforms consumers want brands to use more:

- 60% Facebook
- 48% Instagram
- 41% YouTube
- 30% Twitter
- 21% Snapchat
- 21% TikTok

Lastly, the Consultant team recommends disaggregating the comprehensive data by desired demographic characteristics. In doing so, decision-makers will be able to how responses differ based on specific demographic characteristics. To do this, clients must have targeted characteristics in mind (who) and the area(s) they want to better understand (what). Tables 3 and 4 further illustrate this suggestion. The research findings should guide (how) decision-makers ought to respond, thus, decisions are driven by community-centered data.

	Total	White alone	Hispanic	People of Color
Locations are too far away or I have no way to get there	18%	14%	15%	28%
I am not interested in the programs offered	29%	29%	21%	28%
I did not get information about recreational programs in time	24%	23%	41%	31%
I did not get information in my preferred language	7%	3%	18%	16%
I don't know where to go or what is offered	18%	20%	31%	23%
I don't feel safe	6%	7%	3%	3%
I don't feel welcome	6%	7%	5%	3%
It costs too much for me	20%	21%	18%	13%
I'm not sure, the program(s) I attend may be offered by the District or by someone else	15%	18%	15%	9%
Total (N)	213	106	39	64

Table – 3: Comparison of White, Hispanic and People of Color – Responses on Why respondents don't (or rarely)

	<b>Disability (Yes)</b>	<b>Disability (No)</b>
Locations are too far away or I have no way to get there	39%	7%
I am not interested in the programs offered	34%	28%
I did not get information about recreational programs in time	22%	26%
I did not get information in my preferred language	7%	6%
I don't know where to go or what is offered	14%	21%
I don't feel safe	8%	4%
I don't feel welcome	8%	4%
It costs too much for me	10%	4%
I'm not sure, the program(s) I attend may be offered by the District or by someone else	15%	20%
TOTAL (N)	59	126

# Qualitative Data Analysis Report

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**FOR MIG: PARKS & RECREATION OPEN SPACE PLAN  
FOR THE CITY OF MCMINNVILLE  
SUBMITTED ON: 04/12/2023**

Lead Authors: Charis M. Hnin, Ehler T. Win & Eugene Marmaziuk  
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## Introduction:

This report is prepared for MIG Inc. (MIG) by Talitha Consults (Talitha). The following sections outline key learnings from qualitative data analysis of survey responses from the open-ended questions and write-in answers from a community survey for the city of McMinnville’s Parks, Recreation and Open Space (PROS) Plan.

## Context-setting:

Talitha analyzed survey responses for ten questions from the PROS plan community survey. The ten questions were:

Questions
1. Why are parks and recreation important to you?
2. Think about McMinnville’s parks, recreation, and open space system 20 years from now. What words or phrases describe your vision?
3. Which parks or recreational areas do you go to in McMinnville and why? “Other”
4. In McMinnville or elsewhere, what do you like most in parks? “Other” responses.
5. What parks, trails or open spaces need new or improved recreational facilities, accessibility, or maintenance?
6. Where would you like to see new parks and open spaces in McMinnville? What in particular would you like to see here?
7. Other reasons you don’t (or rarely) participate in recreation programs?
8. What types of recreation programs and activities would you like to see more of offered by the City of McMinnville?
9. How do you find out about City of McMinnville recreation programs, events, and activities?
10. Do you have additional ideas or comments you would like to share?

Out of the ten questions, question 2 and 10 were completely open-ended, meaning survey respondents can provide single word to paragraph answers. Talitha Consults analyzed a total of 3,741 responses for this project, totaling about 82 collective labor hours.

## Methodology:

Data Analysts at Talitha used the Grounded Research Theory<sup>32</sup> to guide the quantitative analysis process and used ATALAS.ti software as a tool to organize data, construct and generate codes and produce data insights and data visualization.

## Data Limitation:

Except for survey questions 2 and 10, most of the data are answers to the ‘other’ category listed as one of the multiple-choice answers. Therefore, readers must note that analyses and insights for questions 1,3,4,5,6,7, 8 and 9 do not tell the full story unless readers review this report with corresponding quantitative data concurrently. Additionally, place-based survey questions posed a unique set of challenges for our team. For instance, Question 6 asks, *where would you like to see new parks and open spaces in McMinville? What in particular would you like to see here? (place as many pins as you’d like)*

Because Talitha does not have access to view the connection between responses and location pins, we do not feel that we have enough information to offer helpful insights in this situation. Thus, we left about 20 responses as-is but coded them as ‘specific suggestions for a pinned location’. Talitha highly recommends MIG to review these responses to understand *what and where* respondents want the parks services improved. Please review the codes for question 6 in the codebook for more details.

### A. How this report is organized?

We have organized this report by questions, a total of ten questions. We start off with question 2 and 10 because these are pure open-ended questions. Each question has a table that includes codes, characteristics, frequencies and relative frequencies (percentage).

### B. What is a codebook? Why is reviewing the codebook important?

Accompanying this report is a codebook, separately submitted as an excel file. By reading the characteristics in the codebook, readers will understand what each code means. Codes and themes are often used interchangeably. Survey responses—such as raw qualitative data—are basic building blocks to construct and form codes and their characteristics/meanings. Analysts are able to identify common themes that are repeated across survey responses by coding and tallying the responses. Thus, code frequency/count shows how strong a theme is for a topic of interest. The higher the frequency of a code, the greater the repetition. And the greater the repetition, the stronger the theme for a topic of interest. The accompanying codebook is organized by each survey question. Talitha highly recommends readers to review characteristics for each code to understand the meanings and nuances. For example, a code titled ‘commentaries’ means that responses seem to express personal comments which do not seem to have any relevance to a survey question.

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<sup>32</sup> Grounded theory sets out to discover or construct theory from data, systematically obtained and analyzed using comparative analysis. Source: National Library of Medicine: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6318722/>

## Data Analysis & Insights:

**Question 2: Think about McMinnville’s parks, recreation, and open space system 20 years from now. What words or phrases describe your vision?**

### Overall data insight:

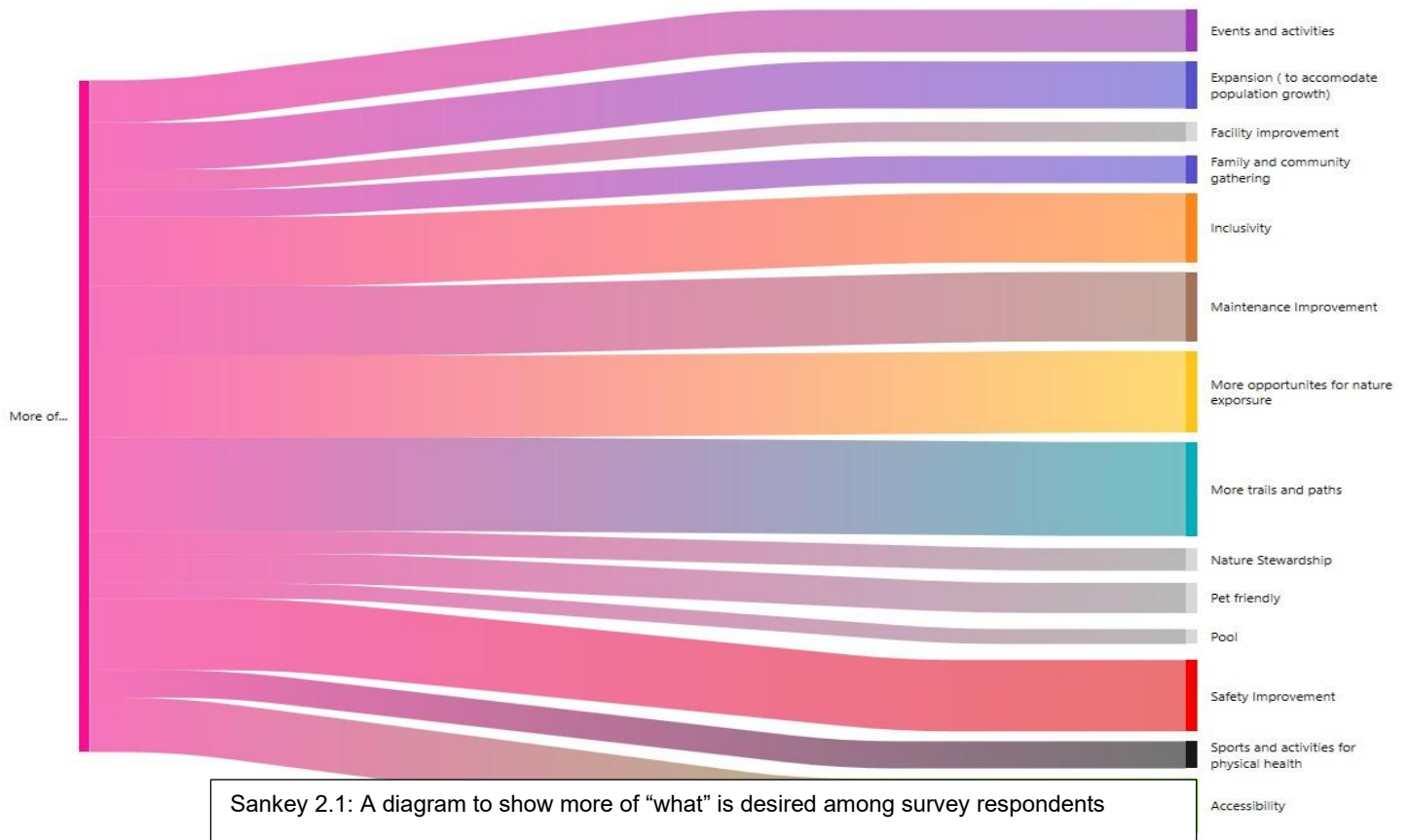
Survey responses for this question can be separated into two broadly defined desires: 1) the desire to better connect with the natural world; 2) the desire to have a better sense of safety and service. As shown in the frequency table below, strong desires for more safety improvement, maintenance improvement and inclusivity are repeated. The following table shows a few of the most repeated the themes for question # 2. Additionally, there is a strong advocacy for more investment in pickelball court and discgolf courses. To view a complete set of codes and their frequencies, review the accompanying codebook.

### Frequency Table:

Codes:	Characteristics	Frequency	Percentage
Safety improvement	Mentions about safety: fear of going to the park because of drugs, presence of homeless folks.	228	14%
More of...	Request for more of something. This is a primary code with other sub-codes.	224	14%
Maintenance improvement	Requests for more cleanliness, improvement in services, and/or maintenance & restoration.	204	13%
Inclusivity	A sense of belonging; A place where everyone feels welcomed and belong to despite age, abilities, culture.	168	10%
More opportunities for nature exposure	The desire to want to connect and be surrounded with nature and wildlife at PROS.	142	9%
Accessibility	The mention of parks being accessible for everyone, particularly for the disabled population.	110	7%
More trails and paths	The request for more trails and an extension of those trails for walking, biking, and hiking	90	6%
Family and community gathering	A place where family and community members can gather together	88	5%



Talitha’s analysts delved deeper into two more codes: “more of” and “accessibility”. We do so to better understand the nuances within these codes, such as discovering what kind service provisions or infrastructure or facilities related investments are survey respondents wanting “more of”. The Sankey diagram illustrates this discovery. The thicker the band (left to right) the more frequent the answers —the descriptions on the right—are repeated.



**Data insight:**

The diagram above shows that survey respondents want more of:

**Tier 1: More rails and paths & more opportunities for nature exposure**

**Tier 2: Safety Improvement & Inclusivity**

**Tier 3: Inclusivity, Maintenance Improvement and Accessibility**

Our data insights are grounded in evidence including the direct quotations below:

*Quotations for Tier 1: More rails and paths & more opportunities for nature exposure*

*"In the next twenty years I think there would be more parks, more open places to enjoy nature and wildlife. There would be more spaces that are accessible for those with differing mobility. And there would be more activities planned that are inclusive to all abilities."*

*"I would like to see more green spaces with trees and walking trails; more sports fields; and a better aquatic center."*

*"I'm hopeful in seeing more nature and walking paths, and hopefully that would lead to more people going outdoors and going on walks just to get out of the house. Life is too technology-based right now, and I think we should get outside to understand and enjoy our community to the fullest."*

*Quotations for Tier 2: Safety Improvement & Inclusivity*

*"A safe, clean area women and children can visit without worry of violence, crime and homelessness"*

*"Inclusive, dog friendly, safe, covered areas for kids to play, ie basketball courts, tennis courts. Clean, stress-free"*

*"I want them to be safe and clean. I don't feel safe in many of them right now. I'd like to see as much open space as possible."*

*"The bottom line is right now we cant use our parks without checking over it before our children play, witnessing drug use, listening to people out of their minds screaming profanities, nor do we don't feel safe using the public bathrooms. The ONLY park I actually feel safe taking my children to and allowing them to run around at is Miller woods, and that's because its not close to town and actually enforces being closed in the evenings. Our parks are great as is, but not safe."*

*Quotations for Tier 3: Inclusivity, Maintenance Improvement and Accessibility*

*"inclusive, well-maintained, forward-thinking, spacious, busy, safe, clean, lots of options, interconnected"*

*"In the next 20 years I believe they will be more inclusive to our communities with disabilities. I love the parks in this city that are ADA accessible."*

*"Inclusive, I'd like to see handicap accessible structure and play areas as well as sensory sensitive equipment. I'd like more shade on play areas."*

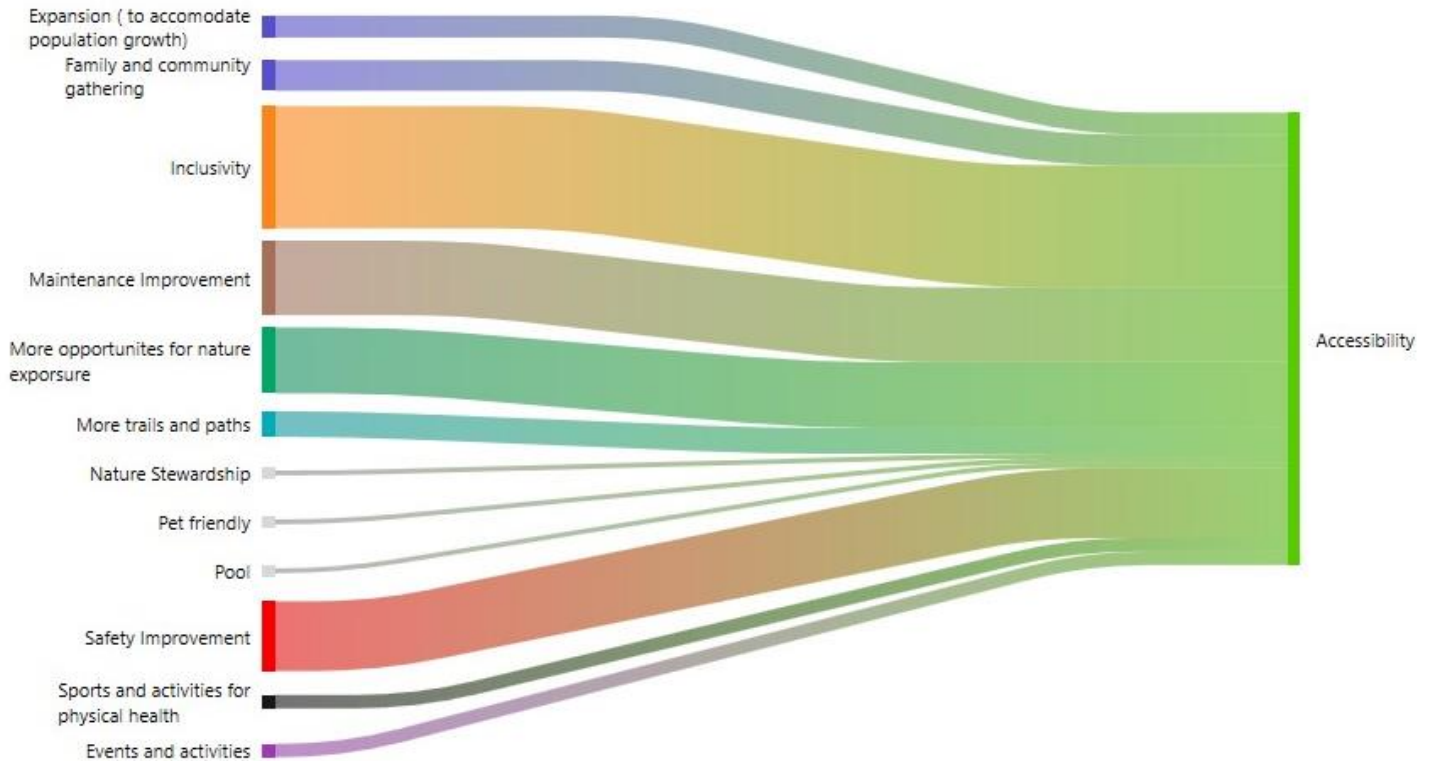
Talitha conducted an analysis to better understand what respondents meant by "accessibility" because we noticed that respondents used the terms inclusive and accessible interchangeably. Through the Sankey diagram shown below, we have discovered that when respondents mentioned accessibility or accessibly, they also meant—

Meaning 1: Being Inclusive

Meaning 2: Tied between their desires to see more investing in "Safety Improvement" and "Maintenance Improvement"

Consultants recommend the City to reflect on the following questions to avoid confusion as the City strives to advance inclusion and accessibility city-wide:

- **Is there a gap between the survey respondents’ understanding of inclusion and accessibility compared to how the City’s defines inclusion and accessibility?**
- **Does the City use these two terms interchangeably?**
- **In what are these terms similar? And in what ways are they different?**
- **What are the ramifications of combining inclusion and accessibility?**



Sankey 2.2: What survey respondents meant by accessibility

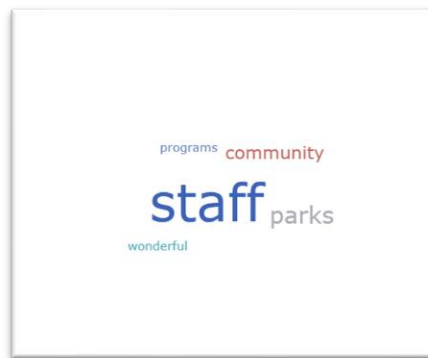
## Question 10: Do you have additional ideas or comments you would like to share?

### Overall data insight:

For question 10, Talitha conducted a sentiment analysis. The results are generally positive while most of negative sentiments are related to the visibility of homelessness at city parks. Positive sentiments are mostly oriented toward parks and recreation staff—see World Cloud 3-1. Nonetheless, respondents also expressed mixed sentiments—

*"Staff is great! Software managing programs sucks (professionally speaking). Pricing, promotion and placement leaves a lot of room for improvement."*

Word cloud 3.1 show **what** the residents appreciate the most about the City's parks & recreation system. The bigger the word, the more frequently this word is mentioned. Evidently, survey respondents are most appreciative of the staff form the city's parks and recreation system.



World Cloud 3.1 – What survey respondents appreciated the most

Some responses highlight a sense of helplessness and an expression of moral injury<sup>33</sup> from seeing the increase in homelessness in the City with no clear direction on how to address the issue.

One respondent comment, *I believe in the importance of parks and recreational opportunities that are free and open to all- they bring us together as a community. People who are experiencing housing difficulties have put a lot of pressure of our parks, aquatic, and library staff. The root issue will have to be dealt with which is a big ask. While I so want library, park, and aquatic staff to no longer have to be social workers so that they can focus on their primary*

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<sup>33</sup> According to the Syracuse University, moral injury is the damage done to one's conscience or moral compass when that person perpetrates, witnesses, or fails to prevent acts that transgress one's own moral beliefs, values, or ethical codes of conduct.

*job, I also do not want the problem of homelessness to be sweep under a rug or handled as a crime rather than the complex social issue that it is."*

Again, respondents' safety concerns are often linked to their perceived sense of threat from homeless encampments and individuals at the parks. Some even assert that even the sight of individuals who appear houseless makes them feel unsafe.

Additionally, some negative sentiments are targeted toward specific ethnic and racial groups.

Some openly criticizes the efforts toward diversity and inclusion. As such one respondent notes—

*"Yes! Forget the diversity and inclusion words. Of course everyone is welcome. They are open spaces, free to all without divisions. Those words are loaded and become meaningless and makes one wonder what meaning you attach to them."*

Discriminatory comments are stated openly. One states –

*"The Parks/Park system in Mac have become overrun by the Hispanic population [who, for the most part, do not "monitor" their children, but rather allow them to "roam free" without direction or correction :(((], and by the ever-growing homeless people who have nowhere else to go for shelter, comfort, or safety. = Not a place(s) I choose to be. :(((("*

The Consultants implore the City to reflect and act on the following areas:

- What type of anti-racist practices and policies are in place within the City, including the P&R department?
- What gets to define who belongs or doesn't belong in the City or public owned property?
- Whose voices have been historically excluded in the City planning and public safety efforts? And why?
- Whose voices have been historically dominating in the City planning and public safety efforts? And why? Should the City do something to increase voices from the historically marginalized communities? If so, how? If not, why not?

**Frequency Table:** The frequency table shows a few of the top themes for this open-ended question. To view a complete set of codes and how often they are repeated, review the code book.

Code:	Characteristics	Frequency	Percentage
Add New Facilities and Amenities	Request to add new facilities (specifically new buildings/structures etc.). For example, Ampitheatre, Gyms, etc..	114	20.99%
Add more Space for Existing Programs/activities	Request to add more space/expand capacity for existing programs.	108	19.89%
Safety Improvement	Request for safety improvement (specific ideas pulled out)	102	18.78%
More of	Requests to add more recreational activities	90	16.57%
Appreciation for Parks & Recreation, City, or Staff	Respondents' expression of appreciation forward Parks & Recreation, Staff, and/or the City.	85	15.65%
Maintenance Improvement	Requests to maintain P&R facilities and location	63	11.60%
Miscellaneous	Misc. comments	51	9.39%

**Direct Quotations:**

Some respondents expressed mixed feelings about adding new facilities and amenities versus improving the existing. We offered direct quotations from respondents in the following pages to illustrate this point. Respondents' most frequently mentioned **desires include a new community center coupled and improved service provisions at the existing community center.**

The following quotations illuminate these desires:

*"Don't create something new if you can't maintain it and keep it safe."*

*"The spaces that we currently have are great, when considering funding in planning for the next twenty years, I would go with improving what we have by breathing new life into our existing spaces and then developing additional spaces that can offer support to the park system as a whole as needed. More community events, and more swim classes for the kids."*

*"The community center is great for some recreation activities, but it does not have a gym (there's really only the one at the public pool). Keeping recreation i forro activities gives families options. Also making it inexpensive to attain a "family" pass to process access would be great! We enjoy playing tennis, but it's hard to find a court that isn't converted to pickle ball. We also love racquetball and hope that the court stays at the community center as there's no where else to play in the area."*

*“The Community Center and Pool need to be improved or replaced. The focus should stop being on green spaces, travel, tourism, wineries, downtown, etc. The focus is on tourism and NOT on people who live here. We take our business elsewhere - the Newberg pool, Dallas and even as far as Corvallis Aquatic Center.”*

*“The parks of McMinnville are part of what makes our community a wonderful place to live. The community activities as well, which Covid hindered. A general census in my group is that parks that accommodate winter activities, indoor spaces and positive tween/teen activities are needed. Community events have been more sparse and advertising lacking when they are going on.”*

*“The walking trails are fantastic. And we love the parks and rec sports programs! Please clean up wortman park. I don't feel safe there, and won't go there with my family.”*

*“The west side seems to be ignored, and now we have more and more and more housing. Linear Park presents a beautiful opportunity for adult volleyball, etc.”*

*“This next strategic plan will shape McMinnville. As policy-setters, you have incredible responsibility here. Please think critically about the aging nature of McMinnville and how to attract and support younger families, as well as the growth/degrowth debate. McMinnville's charm lays in its community-oriented, small-town feel. Let's design a parks and rec system that embraces inclusion, but also retains community over touristic pursuits.”*

*“Vivo en un parsonage propiedad de nuestra organización religiosa pero tenemos suficiente espacio para construir caminos de paseos para ancianos de la comunidad y canchas de juegos de boches, basketball y volleyball al lado de las canchas de tenis y racketball parke de la ciudad de McMinnville en la calle Wallace. Pero necesito permiso de la ciudad y de la denominación u organización para hacerlo además de que no tenemos finanzas para tal proyecto”*

**English Translation:** *“I live in a parsonage owned by our religious organization but we have enough space to build walking paths for community seniors and courts for bocce, basketball and volleyball games next to the tennis courts and racketball park in the city of McMinnville in the wallace street. But I need permission from the city and from the denomination or organization to do it plus we don't have finances for such a project I live in a parsonage owned by our religious organization but we have enough space to build walking paths for community seniors and courts for bocce, basketball and volleyball games next to the tennis courts and racketball park in the city of McMinnville in the wallace street. But I need permission from the city and from the denomination or organization to do it plus we don't have finances for such a project.”*

*“For a city our size, we have an excellent parks system. As it improves, I believe the focus should be on expanding accessibility to open spaces and playgrounds for lower-income neighborhoods and multi-family housing which have less*

*access to outside activities. Parks should not be planned or improved to serve only those with the loudest voices (e.g., pickle ball players, many of whom could afford to finance their own facility). Municipal parks are for \*everyone\*!"*

*Quotations specific to desires for safety improvements:*

Survey responses include concerns for the lack of housing affordability and increasing homelessness as well as how these two issues might be connected. Responses show that many respondents are experiencing a sense of internal conflict from living with a feeling of ‘discomfort’ or even ‘sadness’ from seeing another human being lacking basic needs like housing. At the same time, these individuals grapple with seeing houseless people in the parks because their presence make them feel unsafe. Some even asserts that houseless individuals must be removed from the parks and open spaces to maintain a sense of security and positive curb appeal of the City. We gleaned our insights from the following survey responses.

*"Making parks feel safer is important. The amount of homeless and campers is bothersome. We live literally right next to Wortman park and do not feel safe to go there. We go to chegnyn instead because it feels safer."*

*"Clean up the parks of all these Rv's prked near by a law needs to be in place where no one can camp near a school at least a mile away. Rv's shouldnt be inside park areas this is not safe for anyone to just stop by a park this way. Make disabily swings and play area for toddlers"*

*"I am very concerned about safety issues in building new facilities, parks, pools, locker rooms, etc. It is imperative that safety concerns been addressed in design. Examples - no place where 2 child can be alone without being seen, restroom safety, lights that automatically turn on, doors with windows in them, doors that do not lock from the inside to name a few safety issues. This is imperative to keep our children and youth safe and provide ways to protect adults while working with children and youth."*

*"PLANT TREES<sup>[L]</sup>KEEP HOMELESS OUT OF PARKS PUBLIC SPACES<sup>[L]</sup>BETTER MAINTENANCE"*

*"The homeless population have taken over lots of the public parks in our area. My kids are grown up but I used to take them to several in our town. If they were little now, I wouldn't take them for safety purposes."*

*"Parks are here, need more funds for maintenance. Safety is I a big concern. The city doesn't seem to care to cater to the tax payer on the the usability of its park's system. My child can't even use a decent portable poty during a sports event. Very frustrating . And a growing concern. This town has changed its priorities"*



"I think it's really bad plan that the city chose to close bathrooms at certain city parks Warehouse less people congregate. You were giving them no option of a place to go use the bathroom. This creates a larger problem than the current problem. I wish the city could find solutions to work with everybody involved. Because now the poor staff at the library have to practically be bathroom monitors and there needs to be a solution there as well. The public needs access to bathrooms and that includes the houseless community. Why don't we invest in some facilities that are tile and stainless steel so it's easier to disinfect, clean, and prevents fires."

"I think part of the problem is the lack of affordable housing/ care opportunities for house-less people, which isn't your problem/ area of policy, but then it ends up effecting you because they rely on public spaces for housing. The solution to making parks cleaner and safer can't just be on P&R, it has to be the whole city working together. Also, the people who live in their RVs and park in the park lots are part of the reason it doesn't feel safe or clean. Similar issue - it's not something you guys can handle on your own. Would love to see a community garden to benefit the food pantries in the area and teach community gardening classes. Thanks for providing all that you do! Looking forward to the future of this city."

### Question 1: Why are parks and recreation important to you? Any other activities not on the list above

**Overall Data Insight:** Disproportionately higher number of respondents are advocating for pickleball and disc golf. These respondents did not select 'play sports' as their answers but felt the need to write in their answers.

Consultants wonder why do these respondents feel the need to write in their answers in the 'other' category and opted not to select 'play sports' from the multiple choice answer.



Word Cloud 1.1: Diagram of words mentioned 2 or more times

**Frequency Table:**


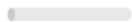

















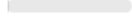

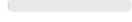
Code:	Characteristics	Frequency:	Percentage:
Play Sports	Important for playing sports; pickleball, disc golf, Bicycle trails, riding a bicycle, etc.	79	31.73%
Gather with friends, family, and community	Important because of space for group activities	39	15.66%
Enjoy the outdoors/ nature	When people express that they like to enjoy the outdoors and/or nature. For example, when people say they enjoy park activities when they are interested in visiting to take photos of the outdoors/nature.	34	13.65%
Play	Important for play activities	16	6.43%
Facilities and infrastructure	Important because of its facilities and/or infrastructure elements.	15	6.02%
Relax or get away	Important for relaxation/getaway to relax.	14	5.62%
Arts	Important because of art.	14	5.62%

While many written answers under the ‘other’ category *still* fall in one of the multiple-choice answers, some answers did not. The following shows the nuances of the answers under the ‘other’ category.

**Codes**

**Frequency**

---

<input type="radio"/>  Concerts		12
<input type="radio"/>  Provide homes for wildlife		9
<input type="radio"/>  Mental Health Related		6
<input type="radio"/>  Walk my dog		5
<input type="radio"/>  Classes		5
<input type="radio"/>  Stewardship Building		4
<input type="radio"/>  Miscellaneous		4
<input type="radio"/>  Events		3
<input type="radio"/>  Arts		2
<input type="radio"/>  Learn about nature		2
<input type="radio"/>  Work related activity		1

---

**Direct Quotations for the top three codes:**

*Quotations for Play Sports:*

"Ride my bike play pickle ball Walk"

"pickleball"

"Disc golf, Fishing ponds, River access"

*Quotations for Gather with friends, family, and community:*

"A place for coworkers to connect outside the office."

"Church gathering-outdoor service in summer"

"Family & Community Events"

*Quotations for Enjoy the outdoors/nature:*

"provide open spaces and encourage a love of our outdoors."

"Scout activities."

"Hikes"

**Question 3: Which parks or recreational areas do you go to in McMinnville and why? "Other"**

**Overall Data Insight:** Places where people are allowed to walk with their dogs tend to be a dominant desire under the 'other' category for question 3.



**Frequency Table:**

Codes	Characteristics	Frequency	Percentage
Physical activities for pet	Anything related to pet, specifically walking dogs.	117	33.52%

Physical activities (hiking, walking)	Going to the park to use the trail for hiking, walking, biking for physical health and movement	88	25.21%
Nature and wildlife enjoyment	Any mention of enjoying nature and wildlife animals	72	20.63%
Social gathering and events	Going to the park to gather with family and friends and attend events hosted by friends and family	21	6.02%
Organized sports	Volleyball, soccer, basketball	14	4.01%
Personal hobbies and interests	Going to the park to do own thing	13	3.72%

### Direct Quotations:

*Quotations for Tier 1: Physical activities for pet*

"Dog park! Go almost daily. It is an awesome park and so grateful to have it in our community."<sup>[P]</sup><sub>[SEP]</sub>

"Exercise my pups."<sup>[P]</sup><sub>[SEP]</sub>

"Quarry Park is a great place to take your dog."<sup>[P]</sup><sub>[SEP]</sub>

"Great dog park especially in the summer when the grass area is open."<sup>[P]</sup><sub>[SEP]</sub>

*Quotations for Tier 2: Physical activities (biking, walking), Nature and wildlife enjoyment*

"walking exercise on good, clean paths."<sup>[P]</sup><sub>[SEP]</sub>

"We also like to walk to town through City Park."

"Bike path/walking path is really nice and calming."<sup>[P]</sup><sub>[SEP]</sub>

"To observe and enjoy nature, especially birds."<sup>[P]</sup><sub>[SEP]</sub>

"Walk the trail to discover nature."<sup>[P]</sup><sub>[SEP]</sub>

*Quotations for Tier 3: Social gatherings and events, Organized sports, Personal hobbies, and interests*

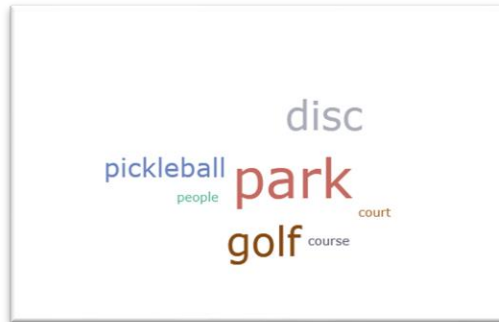
"Large gatherings for shelter house."<sup>[P]</sup><sub>[SEP]</sub>

"Parades and street fair."<sup>[P]</sup><sub>[SEP]</sub>

**Question 4: In McMinnville or elsewhere, what do you like most in parks?**  
**“Other” responses.**

**Overall Data Insight:** The word cloud and frequency table say it all. A few respondents suggested ‘all of the above’ as one of the multiple-choice answers.

**Frequency Table:**



Codes	Characteristics	Frequency	Percentage
Recreational activities and sports	People mention all kinds of recreational activities and sports that they enjoy	20	28.17%
Access and exposure to nature and wildlife	The appreciation of being in nature	14	19.72%
Trails	Access to programs and activities and parks	5	7.04%
All of the above	Enjoying the trail for hiking, biking, and walking	5	7.04%
ADA playgrounds and parks	Events that bring people together	5	7.04%

**Direct Quotations:**

*Quotations for Recreational activities and sports:*

*"This is limiting. But I love that we have an indoor pool but despise we don't have any outdoor swimming option for summer and nice weather. I love your programs for cultural stuff but honestly I use parks most for mental health and children gatherings. I use the paths to walk my dog which is for me and her. I love your summer music stuff being free and available to all. It would be so cool to have a local amphitheater to accommodate these events and incorporate the arts more. Thanks for all you so"*

*"Disc Golf at Linfield and Wortman is the best."*

*"Disc golf courses that are safe for disc golfers and the other patrons of the park."*

*Quotations for Access and exposure to nature and wildlife:*

*"Natural places that maintain forest."*

*"Family friendly Access to our local rivers"*

*"Interpretive centers for wildlife and fauna"*

*Quotations for Trails:*

*"Trails for walking & biking"*

*"Trails for running"*

## **Question 5: What parks, trails or open spaces need new or improved recreational facilities, accessibility, or maintenance? What would you change here? Please add any other specifics**

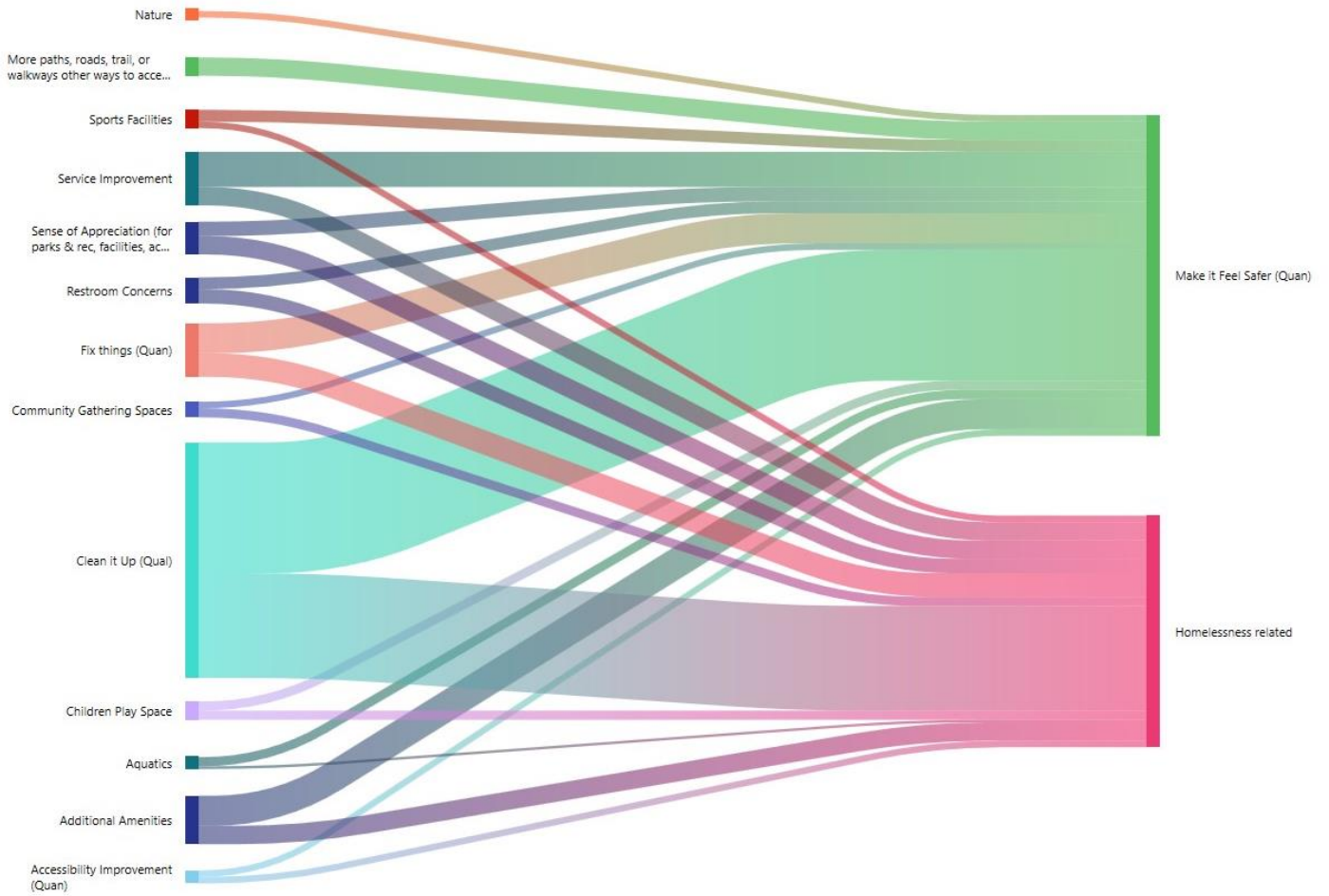
### **Overall Data Insight**

- This question is asking people for suggested improvements at specific locations. The Talitha team does not have access to the location pins; thus, we are unable to make sense of these responses. Instead, we coded them as 'specific suggestions for a pinned location'. Currently, there are about 20 responses under this code. We highly recommend MIG to further investigate these responses and link them to the corresponding location pins. Doing so provide a more complete pictures of what survey respondents and where and perhaps why. This information might be helpful for prioritizing future or near future investments.
- Safety seems to be the biggest concern amongst the respondents. For them, a sense of safety is greatly influenced by the presence of homeless encampments. These respondents urge the City to step up on cleanliness by removing the homeless encampments. For many, a sense of safety means the absence of homeless encampments or homeless people at the parks.
- Overall, respondents seem to enjoy being active, many are requesting for various sport facilities to be built, expansions of existing facilities, adding more gym/sport related equipment, or other sport related infrastructure investment/expansion.
- There seems to be a broad sentiment amongst respondents for the need to add more amenities. Access to restrooms is the most frequently mentioned desire. See the Sankey Diagram 5.1.

**Frequency Table:**

Code:	Characteristics	Frequency:	Percentage:
Make it Feel Safer (Quan)	When people complain about their sense of safety; some people's sense of safety is decreases because of homeless populations, drug usage, criminal activities at the park, etc.	196	15.88%
Homelessness Related	Homelessness related responses.	135	10.94%
Clean it Up (Quan)	Cleanliness improvement requests.	130	10.53%
Sports Facilities	Request to add more sport-related facilities (pickleball & basketball). Additionally, anything related to physical infrastructure requests for sports activities - i.e., equipment as well as new facilities, courts, or buildings.	117	9.48%
Additional Amenities	Facilities that are not the prime purpose of the visit but are necessary for recreation. Specifically: bathrooms, chairs & benches, light fixtures, port-a-potties, signage, lighting, etc.	105	8.51%
Fix things (Quan)	Maintenance-related requests/repairs.	98	7.94%
Service Improvement	Request to improve services, for example: keep bathrooms opened for longer, service area more often, request to enforce rules (off-leash dogs or city ordinances).	71	5.75%
More paths, roads, or walkways other ways to access parks	Request to add more ways to access the park, requests for more paths, walkways, or other modes of walking/hiking access.	63	5.11%

The following diagram shows the connection between respondents' sense of safety, desire for cleanliness at the parks and homelessness issues are interconnected.



Sankey Diagram 5.1: The connection between 'make it feel safer' 'clean it up' and 'homelessness related'



## Direct Quotations:

*Quotations for Tier 1: Make it feel safer*

*“I often do not feel safe here due to the large number of people living there in their RVs yelling at people & fighting. There are also always loose dogs. I worry on the more secluded trails that I might bump into someone living there (it has happened in the past). It is a beautiful park and I hate feeling so nervous to go there.”*

*“The trails being broken make it inaccessible to a lot of people, and without much traffic, the place starts feeling abandoned and unsafe.”*

*“Tear down the wood structure. This would be such a beautiful space. But again, I do not feel safe bringing my kids here!”*

*Quotations for Tier 2: Homeless related and clean it up*

*“The amount of homeless and the amount of trash from homeless have left this park a place that is no longer safe. Driving past the parking lot it is clear that this park is not a place to bring a family! Very sad that the city has let it get to this point!”*

*“Gathering place for homeless. Feel bad for them but not the drug paraphernalia they leave around. Trash and junk is getting out of hand.”*

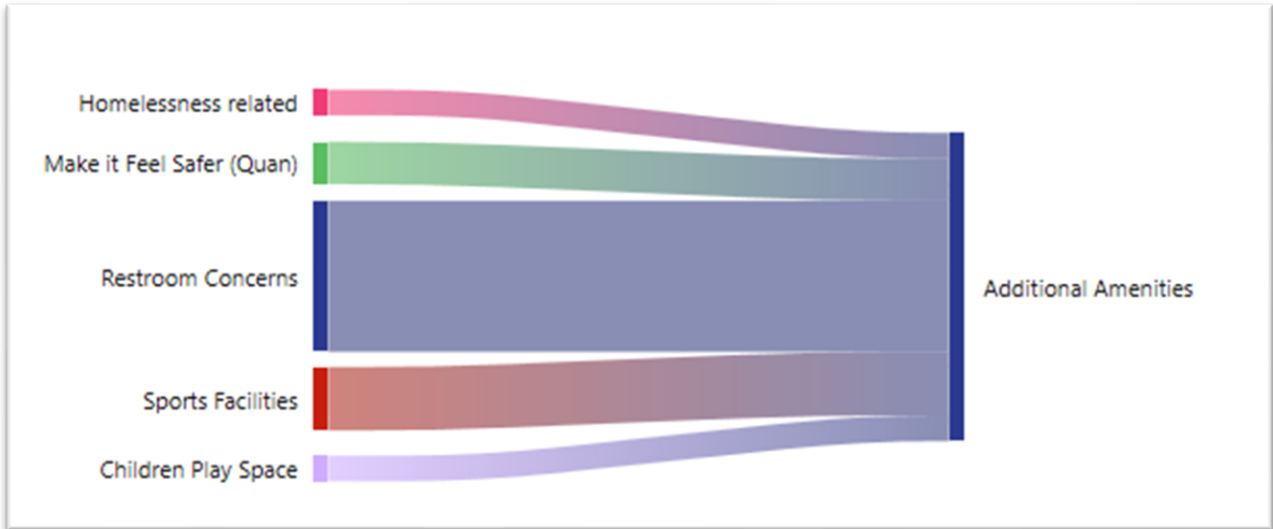
*Quotations for Tier 3: Sports facilities and additional amenities*

*“Provide a cover for the pickleball courts allowing play during rain/ sun! Provide a restroom/ porta potty year-round that is kept clean. Help provide pickleball tournaments for Yamhill County and other neighboring communities.”*

*“Add more to the skate park and add outdoor water activities for kids as well as undercover gathering areas”*

*“Looks like an empty lot. Would be great to have some sort of neighborhood commercial amenity here, like a small park cafe/ coffee shop. Or ad outdoor fitness equipment.”*

The following Sankey diagram shows that survey respondents frequently mentioned restroom concerns when suggesting additional amenities for the City might to consider.



Sankey Diagram 5.2: Additional Amenities -What type(s) is frequently mentioned

**Question 6: Where would you like to see new parks and open spaces in McMinnville? What in particular would you like to see here?**

**Overall Data Insight:**

- Overall, responders want to see additional trails, more sports facilities (or additional sport facility improvement/expansion), and aquatics-related activities or facilities in the area they selected with a pin.
- The difference between children's play spaces and playgrounds is worth considering. Respondents heavily preferred (referred to) play spaces (play structures) > playgrounds. Therefore, if future investments are made in children's space the City should note that there's a stronger desire for play spaces over playgrounds. It is also worth noting that some respondents requested for children play spaces AND playgrounds.

**Frequency Table:**

Code:	Characteristics	Frequency:	Percentage:
Additional Trails	Request to add more walking, running, or hiking trails (these are <b>NOT</b> bicycle trails)	153	17.75%
Sports Facilities	Request for more sports facilities & structures	103	11.95%
Aquatics	Request for pool or water activities and/or facilities.	54	6.26%
New Park	Request for the development of a new park(s)	53	6.15%
Children Play Space	Play space requests - specifically for kids. Children's nature parks, kids' play areas, play structures, and places for kids to play. These are <b>NOT</b> playgrounds.	52	6.03%
Community Gathering Space	Add or expand more community gathering spaces - places where people can gather together; amphitheaters; picnic areas; etc.	51	5.92%
Nature	Request for more greenery, trees, more grass, etc.	46	5.34%
Bicycle lanes/trails	Request for more lanes, trails, or paths for bicycles (these are <b>NOT</b> walking or hiking)	45	5.22%

**Direct Quotations:**

*Quotations for Tier 1: Additional Trails*

"I would like to see a walking path along as much of Cozine as possible as it is open space and would be a great connector."

"It would be great if Michelbook would install a public path through it so people can walk there."

"You n this area I would like to see a new park and walking trail to airport park and the rest of town"

*Quotations for Tier 2: Sports Facilities*

"New aquatic center with other indoor sports and recreation."

"Large facility with new indoor & outdoor swimming pool, pickleball and other sports courts. Location should be near major highway for ease of ingress and egress. Do not place in residential areas where our road networks are already challenged by current traffic load."

"Soccer fields, basketball court(s), tennis/pickle ball, playground, a few open spaces, etc"

*Quotations for Tier 3: Aquatics, New Park, Children Play Space, Community Gathering Space, Nature, Bicycle lanes/ trails*  
"Need a new indoor aquatic center"

"It's hard to know where to add parks, but each new development should a parks plan. Also, we need a spot for a one stop shopping swim pool and community center with outdoor turf fields and tennis/ pickleball and basketball courts"

"Actual play structures for families to use.

## **Question 7: Other reasons you don't (or rarely) participate in recreation programs?**

### **Overall Data Insight:**

- The majority of respondents express that classes/activities are offered at inconvenient times—respondents are either working or have other obligations, thus too busy to participate. It would be worthwhile to investigate the program participation rate based the current participants' age and household size in order to determine who is P&R is underreaching.
- Some respondents expressed that P&R service provision is heavily focused on seniors and children, thus, teens and tweens tend to 'age out' of P&R programs. Allegedly, recreational programs lack intentional programs middle-age people, also. The City should cross tabulate multiple choice answers to this question based age to understand how barriers to participation differ among various ages. A question worth more investigation would be: *Where are the teenagers and middle-age individuals hanging out to play or recreate?*
- Consultants also wonder if *this age-specific dynamic is contributing to the increase in self-select group sports like pickleball and disc golf?*
- Additionally, some groups expressed that recreational classes are either full, or become full quickly before they could register. The City should consider using this information to evaluate their current capacity according to the community's demand. A few questions to consider would be: **1. How long are the waitlists? 2. Which classes are consistently waitlisted and why? 3. What systemic barriers are causing registration delays?**

**Frequency Table:**

Code:	Characteristics	Frequency:	Percentage:
Schedule conflicts/Busy	Activities offered at current times conflict with my schedule. Additionally, expressions where people say they are too busy for programs.	49	22.27%
Classes/Activities are Full	Classes/activities are too full or have limited space; therefore, we don't participate because of capacity from the P&R.	25	11.36%
Lack of Age Specific Programs	Expression that there is lack of or no programs specific to responder's age. "I don't have children and a lot of activities are geared towards kids"	23	10.45%
Aging out	People that used to participate in programs/activities but aged out. "We used to have kids, but now they've outgrown the programs."	16	7.27%
Interested Programs are not offered	When respondents express that they would engage in activities/programs they are interested in, but those programs/activities are not offered by P&R.	15	6.82%
Have not yet engaged with programs and activities	When respondents express that they've not yet engaged in park activities/programs. "Recently moved here and have not engaged in activities yet."	11	5.00%
Proximity of recreational activities	When people express that programs/activities are not within a drive able/walkable distance. Alternatively, when people feel that programs offered at P&R are too far from their home/work.	11	5.00%
More intentional practice & investment in these areas	Request for improvement in services or expansion of services. "It would be great to have more and better facilities," " more parking," "I wish X was open more often," and "need modernized facilities."	11	5.00%
Safety Concerns	When respondents feel a sense of unsafety - it could be violence, homeless camping, or other reasons. These are <u>NOT</u> health safety concerns.	10	4.55%

## Direct Quotations:

*Quotations for Tier 1: Schedule conflicts or busy*

*"Not offered at a time when I can participate"*

*"Adult programming is mostly in the evening and I work in the evenings."*

*"Too tired from work to make commitment"*

*Quotations for Tier 2: Classes or activities are full and Lack of Age Specific Programs*

*"Classes fill up fast and/or not offered late enough in the evenings for working parents"*

*"Most of them are for kids or retired folks. I wish there were more opportunities to connect with my community that are not offered during work hours."*

*"We participate often because we want our daughter to have the benefits of sports and recreation. However, signing up to participate in swim lessons or gymnastics every 2 weeks, with availability so limited that you have to be at your computer at the stroke of nine to stand a chance at getting a spot is extremely difficult and likely impossible for a lot of moms. Also, it makes student progress difficult because they are often stuck in a loop of repetitive instruction having to "start over" with new classmates"*

*Quotations for Tier 3: Aging out, Interested Programs are not offered, have not yet engaged with programs and activities, proximity of recreational activities, and more intentional practice & investment in these areas.*

*"Our kids aged out and programming for working adults is limited"*

*"Not enough offered for a community of this size, especially gymnastics"*

*"Our kids used to do more parks and rec programs but have moved to club sports. My daughter recently stopped swimming because it was very inconvenient to get to the Linfield pool for practice. There's not enough space at the Aquatic Center so she could no longer walk to practice. I admittedly see classes I'm interested in taking at the Community Center but it feels like such a depressing place to be. We did the Playschool for my oldest and I have taken a photography class there. We are glad futsal is there now!"*

**Question 8: What types of recreation programs and activities would you like to see more of offered by the City of McMinnville?**

**Overall Data Insight:** There seems to be a growing interest for language classes. Word cloud 8-1 shows that survey respondents want the P&R department to offer more continuous learning classes as well as other learning opportunities that enriches and enhances quality of life for learners across ages.



Word cloud 8-1: What type (s) of classes do respondents want

**Frequency Table**

Codes	Characteristics	Frequency	Percentage
Sports	Requests for all kinds of recreational sports	33	27.50%
Continuing education/learning opportunities	Requests for fun and recreation classes like crafting and cooking	20	16.67%
Swim classes and lessons	Requests for swim classes and lessons to increase in capacity	11	9.17%
Physical and mental health	Request for sports and activities to help with mental and physical health	7	5.83%
Dance classes	Request for dance classes and spaces to do so	7	5.83%
Miscellaneous	Miscellaneous comments	6	5.00%
Social events	Request for social events that will bring the community together	6	5.00%

**Direct Quotations:**

*Quotations for Sports:*

*"More sports for kinders"*

*"This is Oregon. We need indoor space to play sports. Soccer field, tennis courts, basketball courts, swimming pools that are actually open for public swim, and racquet ball courts."*

*"A variety of sports besides the basics"*

*"Adult rec sports leagues like soccer, slow pitch, kick ball"* Quotations for Continuing education/learning opportunities:

*"Metal smithing, lapidary, glass, jewelry"*

*"Biking safety classes to get more youth biking and learning about safety"*

*"personal development classes."*

*Quotations for Swim classes and lessons:*

*"Language classes/ practice"*

*Language classes like Spanish*

*Spanish language class, music classes*

*"items like scuba classes or activities, things that might lead to life long activities you can do"*

*"More swim lessons, have to go to newberg since Mac get booked so fast. Also more open times for families to come play sports inside during winter"*

*"Offer inside in the pool arthritis class also in early morning."*

## **Question 9: How do you find out about City of McMinnville recreation programs, events, and activities?**

**Overall Data Insight:** Community announcement boards at public spaces like the libraries tend to be the 'other' places people learn about P&R programs. Throughout the survey, respondents have expressed a desire to see more robust outreach and marketing from the parks department.



**Frequency Table:**

Codes	Characteristics	Frequency	Percentage
Public spaces	Through public spaces such as the library, school, park	8	17.02%
Social media	Through social media platforms such as Facebook, twitter, YouTube,	8	17.02%
Print materials	Through print materials such as flyers, brochures, posters	7	14.89%
Commentaries	Misc. commentaries	6	12.77%
Random	Random places and avenue	5	10.64%
Special events/occasions	Announced during special events/occasions	3	6.38%
Word of mouth	Word of mouth from family and friends	3	6.38%

**Direct Quotations:**

*Quotations for Tier 1: Public spaces and social media*

"The whiteboard in the lobby of the library & calendars they post."<sup>[P]<sub>SEP</sub></sup>

"Community Center bulletin boards/informational signs."<sup>[P]<sub>SEP</sub></sup>

"Instagram, Twitter are good sources of information."<sup>[P]<sub>SEP</sub></sup>

"Facebook share from locals occasionally."<sup>[P]<sub>SEP</sub></sup>

"Social media of various groups."<sup>[P]<sub>SEP</sub></sup>

*Quotations for Tier 2: Print materials and commentaries, Random*

"I just pick up a brochure when I find one. "

"flyers downtown."<sup>[P]<sub>SEP</sub></sup>

"Random online ads."<sup>[P]<sub>SEP</sub></sup>

*Quotations for Tier 3: Social events/occasions and word of mouth*

"I just got a booklet from the lunar new year festival. Otherwise I had no idea."<sup>[P]<sub>SEP</sub></sup>

"En los Storytime muchas veces nos dan la información"

**English Translation:** "In Storytime many times they give us the information"

"Parents tell me."<sup>[P]<sub>SEP</sub></sup>

"other people."<sup>[P]<sub>SEP</sub></sup>

# Appendix H: MAC Community Engagement, Outreach, and Partnership Metrics, Indicator Measures, and Targets



## PRIORITIZING COMMUNITY ENGAGEMENT ACTIVITIES

This prioritization tool serves two purposes: first, to provide a decision-making framework for prioritizing community engagement activities, and second, to reflect on how the activities fit within City of McMinnville's strategic plan. Community engagement activities vary in how the center people, mission, location, and transit services. This tool will assist the City of McMinnville in deciding where they can have the most value and impact. This tool is intended to provide *guidance* for decision-making, not absolution (it is not meant to be a final decision maker). The City of McMinnville is encouraged to use discretion in decision-making as the needs of the community change over time.

**CE Detail** - Use this tab to note essential details about community engagement activities.

**CE Prioritization** - Use this tab to assess how community engagement activities center the most vulnerable. This tab uses a point system that is weighted based on known disparities.

<sup>1</sup> "Extent of Engagement" has four options that relate to the Spectrum of Community Engagement to Ownership by [facilitatingpower.com](https://www.facilitatingpower.com)

<sup>2</sup> "Urban" a range of points - from 1 to 3 - to differentiate different urban areas based on known disparities.

# COMMUNITY ENGAGEMENT EVENT DETAILS

Event #	Event Title	Extent of Engagement <sup>1</sup>	Event Date	Time	Anticipated Attendance	Address	Contact Person	Organization	Phone Number	
<i>Example</i>	<i>ADA Accessibility Summit</i>	<i>Involving</i>	<i>10/13/2023</i>	<i>3:00 p.m. to 5:00 p.m.</i>	<i>21-50</i>	<i>14900 Interurban Ave S #271   Tukwila, WA 98168</i>	<i>Carol Rozymalski</i>	<i>Talitha Consults</i>	<i>(206) 446-4378</i>	<a href="#"><i>samp</i></a>

# Appendix I: Organizational Transformation Plan: 2025 -2030



## Organizational Transformation Plan: 2025-2030

Ongoing

Emphasis

Sustainability



 <p><b>YEAR 1-2</b> Strengthen DEIAC strategic drivers</p>	 <p><b>YEAR 2-3</b> Enhance public input, involvement and participation</p>	 <p><b>YEAR 3-5</b> Invest in mutually beneficial collaboration and partnership</p>
<p><b>Action Steps:</b></p>	<p><b>Action Steps:</b></p>	<p><b>Action Steps:</b></p>
<p><b>Strategic Objectives (SO):</b></p> <p><b>3</b> <b>4</b></p>	<p><b>Strategic Objectives (SO):</b></p> <p><b>3</b> <b>5</b></p>	<p><b>Strategic Objectives (SO):</b></p> <p><b>1</b> <b>2</b></p>
<p><b>MacTown 2032 Strategic Priorities</b></p> 	<p><b>MacTown 2032 Strategic Priorities</b></p> 	<p><b>MacTown 2032 Strategic Priorities</b></p> 
<p>DEIAC Strategic Objectives (SO):</p>		
<p><b>1</b> Actively protect people from discrimination and harassment</p>	<p><b>3</b> Cultivate cultural competency and fluency throughout the community</p>	<p><b>5</b> Improve access by identifying and removing barriers to participation</p>
<p><b>2</b> Celebrate diversity of McMinnville</p>	<p><b>4</b> Grow City's employees, Boards and Commissions to reflect our community</p>	



# Talitha Consults

*Interdisciplinary • Multilingual • People-centered*

## **CONTACT**

Charis May Hnin  
charis@talithaconsults.com

Talitha Consults (Talitha) is a TEAM of interdisciplinary and multilingual professionals supporting organizations and communities with equity-focused community planning.

**talithaconsults.com**

# Organizational Transformation Plan: 2025-2030

Ongoing

Emphasis

Sustainability



 <p><b>YEAR 1-2</b> Strengthen DEIAC strategic drivers</p>	 <p><b>YEAR 2-3</b> Enhance public input, involvement and participation</p>	 <p><b>YEAR 3-5</b> Invest in mutually beneficial collaboration and partnership</p>
<p><b>Action Steps:</b></p>	<p><b>Action Steps:</b></p>	<p><b>Action Steps:</b></p>
<p><b>Strategic Objectives (SO):</b></p>	<p><b>Strategic Objectives (SO):</b></p>	<p><b>Strategic Objectives (SO):</b></p>
<p><b>MacTown 2032 Strategic Priorities</b></p>	<p><b>MacTown 2032 Strategic Priorities</b></p>	<p><b>MacTown 2032 Strategic Priorities</b></p>

## DEIAC Strategic Objectives (SO):

- |  |  |  |
|--|--|--|
| <p><b>1</b> Actively protect people from discrimination and harassment</p> | <p><b>3</b> Cultivate cultural competency and fluency throughout the community</p>     | <p><b>5</b> Improve access by identifying and removing barriers to participation</p> |
| <p><b>2</b> Celebrate diversity of McMinnville</p>                         | <p><b>4</b> Grow City's employees, Boards and Commissions to reflect our community</p> |  |

## Water and Light Commission Appointment

On December 10, 2024, the City Council of the City of McMinnville unanimously approved my recommendation to appoint Denny Elmer to the McMinnville Water and Light Commission.

I, Mayor Remy Drabkin, do hereby appoint Denny Elmer. Mr. Elmer's term will begin on January 1, 2025, and expire on December 31, 2028.

-----  
Remy Drabkin, Mayor  
City of McMinnville

-----  
Date

## STAFF REPORT

**DATE:** Nov 22, 2024  
**TO:** Jeff Towery, City Manager  
**CC:** Susan Muir, Parks and Recreation Director  
**CC:** David Ligtenberg, City Attorney  
**FROM:** Geoffrey Hunsaker, Public Works Director  
**SUBJECT:** Meadows Drive Contract Award

---

### **Report in Brief:**

This action is the consideration of a resolution to award a public improvement contract in the amount of \$206,431 to Alan Ruden, Inc. for the construction of the City's share of the Meadows Drive project.

### **Background:**

On July 21, 2014, the City entered into a purchase agreement for the Jay Pearson Park property (Attachment 1). A modification to that agreement occurred on Number 6, 2014 which obligates the City to pay for half of the roadway improvements on NW Yohn Ranch Drive and NW Meadows Drive when the neighboring properties develop. Per the agreement, the developer shall submit a cost statement which the City can review and respond to. If the cost statement is agreeable the City will reimburse the developer for the City's share of the roadway improvements at substantial completion of the project.

The NW Yohn Ranch Drive Improvements were constructed in 2019 with development of the property west of Jay Pearson Park.

In April of 2024 Alan Ruden, Inc. notified the City that they were moving forward with development of the property to the east of Jay Pearson Park in the Summer of 2024.

The development of the east side of Jay Pearson Park is called out as a project on the 20-year Capital Improvement list in the City's adopted Parks, Recreation, and Open Space Plan.

### **Discussion:**

On Tuesday, September 24, 2024, with passage of Resolution 2024-50, the City Council, as local contract review board, exempted the Meadows Drive project from public bidding requirements under ORS 279C.335. The findings of that Resolution included an understanding that such exemption would be unlikely to encourage favoritism or substantially diminish competition and would likely result in substantial benefits to the City.

On September 27, 2024, Alan Ruden, Inc. submitted a construction estimate for this work in the amount of \$206,431. This cost includes the additional ADA access ramp along the park frontage as requested by Council at the September 24, 2024, Council meeting.

The estimate was reviewed by the City Engineer for completeness and reasonableness and was deemed agreeable.



**Attachments:**

1. Resolution 2024-64
2. Project Construction Estimate

**Fiscal Impact:**

The City's half of Meadows Drive improvements will be paid for using system develop charge (SDC) revenue. The City's Park Development fund has a balance of \$2,613,409.

**Recommendation:**

Staff recommends that the City Council adopt the attached resolution awarding the public improvement contract for the construction of the Meadows Drive project, in the amount of \$206,431, to Alan Ruden, Inc.

## RESOLUTION NO. 2024-64

A Resolution awarding the contract for the City's contractual portion of the construction of Meadows Drive to Alan Ruden, Inc.

### RECITALS:

**Whereas**, in 2014 the City acquired 3.46 acres of real property as part of a bankruptcy settlement; and

**Whereas**, added to .65 acres of property the City already owned, this amounted to 4.11 acres, upon which the City has built Jay Pearson Park; and

**Whereas**, as part of the terms of the bankruptcy settlement agreement (the "agreement"), City and adjacent private property owners were to construct north/south-running street portions between their respective properties upon development of either of the adjacent properties; and

**Whereas**, in 2017 the property owner to the west of Jay Pearson Park initiated development on that real property and collaborated with the City, under terms of the agreement, to construct the portion of Yohn Ranch Drive along the western edge of Jay Pearson Park; and

**Whereas**, now the property owner to the east of Jay Pearson Park wishes to begin development on that real property and is seeking to collaborate with the City to fulfill the terms of the agreement and construct a portion of Meadows Drive along the eastern edge of Jay Pearson Park; and

**Whereas**, according to the agreement, the City may require the adjacent property owner to construct the full section of road and pay 50% of the cost; and

**Whereas**, by passage of Resolution 2024-50, the local contract review board (City Council) exempted this public improvement contract from competitive bidding requirements after approving findings required by ORS 279C.335; and

**Whereas**, the City engineer reviewed the construction cost estimate in the amount of \$206,431, and found it complete and agreeable; and

**Whereas**, project funding is available in the City's Park Development fund which has a balance of \$2,613,409.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, Oregon, as follows:**

1. The City Manager is authorized to enter into a public improvement contract, with approval of the City Attorney, with Alan Ruden, Inc. in the amount of \$206,431, with a substantial completion date of December 31, 2025, for the City's contractual portion of the construction of Meadows Drive.

2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of December 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10th day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

# Elysian Subdivision - City Cost Share

## Meadows Drive

Prepared by W. Josh Wells, P.E., Westech Engineering, Inc.

27-Sep-24

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total Price
<b>I. MEADOWS DRIVE</b>					
<b><u>Streets</u></b>					
1	Site Preparation				
	a. Clearing, Grubbing & Demolition	ALL	L.S.		\$5,800
	b. Erosion Control	ALL	L.S.		\$1,800
2	Earthwork, Complete				
	a. Excavation & Disposal	300	Cu. Yd.	\$40	\$12,000
	b. Lot Grading Engineered Fills	0	Cu. Yd.	\$18	\$0
	c. Regrading Ditch	100	Cu. Yd.	\$52	\$5,200
3	Aggregate				
	a. 1"-0 baserock (12" in Depth)	1,155	Tons	\$45	\$51,975
	b. Engineered Fill to Subgrade	450	CY	\$35	\$15,750
4	AC and/or PCC Saw Cutting	70	Lin. Ft.	\$7	\$500
5	HMAC Pavement				
	a. New Street 3 inches thick	335	Tons	\$120	\$40,200
6	Concrete Work				
	a. PCC Curb, Type A Curb & Gutter	990	Lin. Ft.	\$30	\$29,700
	b. PCC Sidewalks, 4" Thick (park side only)	2,875	Sq.Ft	\$9	\$25,875
	c. PCC ADA Ramp, 6" Thick	1	Each	\$10,000	\$10,000
7	Signing and Striping	ALL	L.S.		\$2,100
8	Street Lighs & Power (2 street lights)	ALL	L.S.		\$12,500
<b><u>Storm Drains</u></b>					
1	Storm Sewer Pipe & Appurtenances, Includes Excavation and Backfill				
	a. 30" DI Pipe	503	Lin. Ft.	\$175	\$88,025
	b. 24" DI Pipe	93	Lin. Ft.	\$155	\$14,415
	c. 12" DI Pipe (Includes mainline to Swale)	254	Lin. Ft.	\$128	\$32,512
2	Manholes & Inlet Structures				
	a. Type II Catch Basins	2	Each	\$3,900	\$7,800
	b. Storm Drain Manhole	1	Each	\$6,800	\$6,800
<b><u>Sanitary Sewer</u></b>					
1	Sanitary Sewer Pipe & Appurtenances, Includes Excavation and Backfill				
	a. Service to City property	1	Each	\$5,500	\$5,500
<b><u>Water</u></b>					
1	Water Pipe & Appurtenances, Includes Excavation and Backfill				
	Service to City property	1	Each	\$4,800	\$4,800
<b>SUBTOTAL</b>					<b>\$373,252</b>
<b><u>Soft Costs</u></b>					
1	Mobilization, Bond & Insurance (8%)	ALL	L.S.		\$29,860
2	City of McMinnville & MW&L Fees	ALL	L.S.		TBD
3	Additional Permit Fees	ALL	L.S.		TBD
4	Engineering Fees (Third of Design Fee)	ALL	L.S.		\$8,250
5	Surveying Fees	ALL	L.S.		\$1,500
<b>SUBTOTAL</b>					<b>\$39,610</b>
<b>TOTAL COST OF MEADOWS STREET</b>					<b>\$412,862</b>
<b>CITY RESPONSIBILITY IS HALF THE COST OF MEADOWS STREET</b>					<b>\$206,431</b>

## STAFF REPORT

**DATE:** November 25, 2024  
**TO:** Jeff Towery, City Manager  
**CC:** Geoffrey Hunsaker, Public Works Director  
**CC:** David Ligtenberg, City Attorney  
**CC:** James Lofton, City Engineer  
**CC:** Leland Koester, Wastewater Services Manager  
**CC:** David Renshaw, Public Works Operations Superintendent  
**CC:** Josh Koch, Jacobs Engineering Group  
**FROM:** Matt Bernards, Project Manager  
**SUBJECT:** Public Works Campus Project

---

### **Report in Brief:**

This action is the consideration of a resolution to enter into a second Professional Services Contract with Jacobs Engineering Group, Inc. for the Public Works Campus Project 2024-9 (formerly Public Works Operations and Wastewater Administration Building Analysis Phase 1 Project 2022-1) for Phase 2A, Preliminary Design (30% Design).

### **Background:**

In January of 2022, the City advertised a formal Request For Proposals (RFP) for a consultant to perform analysis, design, and construction for the Public Works Campus Project. The RFP specified a space needs analysis of the Public Works Operations and Wastewater Administration building for the next 20 years as Phase 1. Phase 1 was completed June 25, 2024. The RFP also noted that, pending financial and council approval, the Phase 1 consultant could be contracted for Phase 2.

Phase 2, pending funding and council approval, includes Design and Construction. Phase 2 will be broken into three sub-phases; A – Preliminary Design (30%), B – Final Design (100%), and C- Construction Services.

### **Discussion:**

Several different vendors participated in the pre-bid meeting for this project, but the City only received one response to the RFP and that was from Jacobs Engineering Group, Inc. The proposal was considered responsive and met the requirements of the RFP. Jacobs is a known expert in this field and has worked successfully with the City on previous projects.

The estimate for the Scope of Work on Phase 2A (Preliminary Design) is \$ 1,270,916.00.

Phase 2A (Preliminary Design) will be paid for using the Wastewater Capital Fund (77).

The Preliminary Design work is expected to start in January 2025 and be completed by November 2025.

**Attachments:**

1. Resolution 2024-66
2. Exhibit A Scope of Work
3. Fee Summary

**Fiscal Impact:**

The project is included in the adopted FY24-25 and proposed FY25-26 Wastewater Capital Fund (77) budget.

**Recommendation:**

Staff recommends that the City Council adopt the attached resolution approving a Professional Services Contract with Jacobs Engineering Group, Inc. for the Public Works Campus Project Phase 2A, Project 2024-9.

**RESOLUTION NO. 2024 - 66**

A Resolution authorizing the City Manager to enter into a Professional Services Contract for the PW Campus Project Phase 2A, Project 2024-9, with Jacobs Engineering Group, Inc.

**RECITALS:**

**Whereas**, in January of 2022, the City advertised a formal request for proposals for a consultant to perform analysis, design, and construction for the Public Works campus; and

**Whereas**, the Request For Proposal (RFP) was titled "Public Works Operations and Wastewater Administration Building Analysis Phase 1", but indicated that, pending financial and council approval, the Phase 1 consultant could also be contracted for Phase 2; and

**Whereas**, On April 7, 2022, one proposal was received for the Project; and

**Whereas**, Jacobs Engineering Group Inc. met all the RFP requirements and had the only responsive proposal; and

**Whereas**, The City has renamed the project title to "Public Works Campus Project"; and

**Whereas**, The City has broken Phase 2 into three sub-phases; A – Preliminary Design (30%), B – Final Design (100%), and C – Construction Services; and

**Whereas**, The City has negotiated the type of services, work scope, project team, sub-consultants, fee, and schedule with Jacobs Engineering Group, Inc. for Phase 2A of the project; and

**Whereas**, The estimate for this scope of work is \$ 1,270,916.00; and

**Whereas**, Project funding is included in the adopted FY 24-25 and proposed FY 25-26 Wastewater Capital Fund (77) budget for the professional services.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:**

1. That the City Manager is authorized to enter into a Professional Services Contract with Jacobs Engineering Group, Inc, in the amount of \$1,270,916.00 for Phase 2A of the Public Works Campus Project 2024-9.
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of December 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10th day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

# **Exhibit A**

## **Agreement for Professional Services for the City of McMinnville Public Works Campus Project Phase 2A – Preliminary Design Project 2024-9**

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### **PROJECT DESCRIPTION**

The City of McMinnville's (City) adopted Wastewater Services Financial Plan calls for the addition to or upgrade of the Water Reclamation Facility (WRF) Administration Building. This building houses the Wastewater (WW) Operations, Maintenance, Conveyance, and Environmental Services Staff. Phase 1 – Facility Planning and Analysis of Project 2022-1 evaluated what is required to bring the existing building up to code to meet seismic requirements and address the needs of housing the wastewater staff for the next 20 years.

A second component of Phase 1 evaluated space and facility needs for Public Works (PW) Operations for the next 20 years. Presently PW Operations is housed at the 1900 Riverside Drive address and is the center of operations for the Streets Maintenance Crews and the Parks Maintenance Crews. This staff is responsible for all the maintenance and repair work that happens in the City's parks, streets, and right of ways.

The Phase 1 evaluations considered four layout alternatives, and recommendations were completed in 2023. In 2024, the City requested that Jacobs Engineering Group Inc. (Consultant) evaluate a fifth layout, utilizing potential property to the west of the WRF. (The property has since been acquired by the City.)

The City has engaged Consultant for Project Phase 2A to conduct the preliminary (30%) design for the recommended alternative. Pending funding and Council approval, the City intends to initiate detailed design and construction of facility improvements for PW Operations and WW staff.



# **BASIS OF DESIGN SCOPE AND FEE DEVELOPMENT**

The following are key assumptions made in the compilation of this scope of work and the estimation of the level of effort:

1. Project Phase 2A is scheduled to be completed within 40 weeks, from Notice to Proceed to delivery of the 30 percent design.
2. At the completion of Task 3, Consultant and City will confirm that the Project scope is consistent with Consultant's Scope of Work and Budget for Task 4.
3. Facility sizes and footprints will remain approximately the same as the footprints developed in Phase 1.
4. Workshops will be held virtually and scheduled for two-hour duration unless specifically identified. Attendance by Consultant's team will be based on pertinence and need.
5. Detailed design (60%) and construction documents (90% and 100%) will be completed in future phases, pending funding and council approval.
6. Consultant will research similar municipal agencies' facilities to inform the list of alternatives developed, will conduct site visit(s) with the City to representative facilities. However, comparable cities analysis for the purpose of evaluating the City's staffing levels is excluded from this scope of work.
7. Environmental surveys and hazardous material sampling and analysis are excluded from this scope of work.
8. Existing master plans and facility condition assessments will be relied upon for this work. New facility conditions assessment reports are excluded from this scope of work.

## **City-Provided Services**

1. City will provide to Consultant all data in City's possession relating to Consultant's services on the Project Phase 2A. Consultant will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by the City.
2. City will make its facilities accessible to Consultant as required for Consultant's performance of its services and will provide labor and safety equipment as required by Consultant for such access.
3. City will identify stakeholders to be engaged in workshops and work product reviews and make those stakeholders available to Consultant for their engagement, as required.
4. City will provide organization charts, work-group descriptions, and current forecasts of future staffing needs and operational levels for Consultant's use in space planning.
5. City will give prompt notice to Consultant whenever City observes or becomes aware of any development that affects the scope or timing of Consultant's services, or of any defect in the work of Consultant.
6. City will examine information submitted by Consultant and render in writing or otherwise provide reviews, comments and decisions in a timely manner.
7. City will furnish required information and approvals in a timely manner.
8. City will provide a utility locate service to mark existing utilities, if necessary.

9. City will develop any required permit applications, supporting information, and required reports and pay all permit processing fees.

## WORK APPROACH

The Project Phase 2A will be carried out using a phased delivery approach to assure a logical and progressive completion of the work. Specifically, Tasks 2, 3 and 4 will be completed sequentially. A specific list of work products and deliverables are identified in the tasks below. Workshops will be conducted with the City's personnel, key individuals from the Consultant's project team and others as needed; the workshops will be conducted at critical design milestones as identified in the following sections.

- Task 1: Project Management
- Task 2: Preliminary Site Work
- Task 3: Confirm Building Program
- Task 4: Preliminary Design (30%)
- Task 5: Quality Management
- Task 6: Project Delivery Evaluation
- Task 7: Additional Services Allowance

Workshops are planned to be conducted in a hybrid environment (some team members in person and some virtual, using Microsoft Teams Video Conference) using digital tools to facilitate collaboration and solicit input from City stakeholders.

The schedule for this Project Phase 2A includes engagement of City stakeholders in multiple workshops with Consultant. While engaged in focused workshops on one topic, Consultant's other team members will be concurrently evaluating and developing material for other components of the Project Phase 2A. The proposed schedule distributes workshops across the span of the Project Phase 2A with adequate intervals for City feedback between each workshop.

- ❖ Workshops appear in this scope as bullet points in the diamond shape.

### Summary of Workshops

- ❖ Interiors Workshop (2 hrs)
- ❖ Code Evaluation Workshop (2 hrs)
- ❖ Support Discipline Workshop (4 hrs)
- ❖ Site and Facility Layout Workshop (4 hrs)
- ❖ Preliminary Design Kickoff Workshop (3 hrs)
- ❖ Preliminary Design Review Workshop (3 hrs)

## **Task 1 - Project Management**

The purpose of the Project Management task is to establish and monitor compliance with project budget and schedule.

### **Task 1.1: Progress Meetings and Updates**

The Consultant's project manager will talk or email with the City's project manager weekly to review Project Phase 2A progress and discuss upcoming work activities. The Consultant's project manager will provide monthly email summaries of work completed, upcoming activities and unresolved issues. The primary engagement with City staff is expected to be via video conference. Meetings held in person will be held either at the WRF Administration Building or at the PW Operations Building.

### **Task 1.2: Project Management Plan**

The Project Management Plan includes project instructions and a project health and safety plan for the Consultant's team.

### **Task 1.3: Invoicing, Cost and Schedule Control**

The Consultant's project manager will manage, administer, coordinate, and integrate work of the Consultant's team as required to deliver the Project Phase 2A within budget and on schedule. The Consultant's project manager will prepare and submit to the City's project manager on a monthly basis, a brief cost and schedule status report and updated summary project schedule showing actual versus projected. The report shall include a narrative description of progress to-date, actual costs for each major task, estimates of percent complete, and potential cost variances.

***Deliverables:*** *Monthly status reports and invoices. Project Management Plan, including QA/QC Plan.*

## **Task 2 – Preliminary Site Work**

### **Task 2.1: Survey**

This task will involve topographic surveying services necessary to establish elevations at the newly acquired property west of the WRF. This task will be performed under the responsible charge of a licensed land surveyor in the State of Oregon.

Prior to field work:

- If the City cannot perform their own utility locates then the City will hire a private utility locate company due to the fact that this project is entirely on private property and not within the scope of a One-Call utility locate.
- The City will be responsible for coordinating access to the property, including any permissions or access arrangements required for the survey crew.

Topographic features shall include but are not limited to the following:

- Grades, elevations and topography of the site sufficient for detail for 1-foot contours, including grades, and drainage features, roadways and parking lots.
- Ground shots taken to clarify any major breaks or discontinuities.
- Visible features associated with site utilities (water, wastewater, stormwater, natural gas, power, communications) and other utilities not indicated but which may be present on site) including but not limited to manholes, pedestals, transformers, poles, sizes and inverts of pipes at all manholes, and utility lines located within the site boundary.
- Fences
- Existing structures
- Existing hardscape elements such as retaining walls, curbs, and driveways.
- Stormwater features, such as swales, ditches, or detention basins.
- Trees 6" and greater in diameter

#### ***Deliverables:***

- *All survey information shall be provided in a 3-D electronic drawing in Microstation (current version) or Auto-Cad 2020 format, without proxy elements. The drawing shall show all control information established and provided to the Surveyor, all surveyed planimetric features or provided features where applicable, and all boundary/right of way lines with associated information.*
- *All topographic survey information shall be provided in a Microstation/InRoads (current version) or Civil3D 2020 software package. The Surveyor shall develop a Digital Terrain Model for the existing ground surface and shall deliver the electronic DTM or TIN file as well as a 3-D graphic CAD display of the DTM triangles.*

#### ***Assumptions:***

- Unless specifically requested by the client, and existing control provided:
  - The horizontal coordinates will be based Oregon State Plane, North Zone, NAD83/2011, established using ORGN RTK.
  - The vertical datum shall be NAVD88 with a tie to FEMA benchmark for reference and conversion if necessary.

- Boundary survey can be provided for additional cost.

## **Task 2.2: Geotechnical**

Consultant shall perform geotechnical field investigation and provide preliminary geotechnical recommendations for the Project. CH2M HILL, Inc. (CH2M) (now Jacobs) provided design services for previous phases of development of the McMinnville WRF. These services included advancing multiple borings, one cone penetration test (CPT) sounding, performing geophysical survey and laboratory testing completed in 1992, 1993, 2013, and 2022. Previous projects and explorations at the WRF have provided an understanding of the subsurface layers and general soil conditions present at the larger site. However, no geotechnical explorations were conducted at the current proposed building locations. Information is required in the current project area to help characterize the subsurface conditions and provide data for geotechnical analysis and the development of design recommendations for the proposed expansion. To complete this assessment, work will include the tasks described below.

### **Task 2.2.1: Geotechnical Exploration**

The objective of this field investigation is to gather subsurface information at the project site. This task covers the work necessary to perform geotechnical drilling and cone penetration testing (CPT) at the location of the proposed facilities. The proposed program consists of advancing three (3) geotechnical borings and three (3) CPT probes.

Two borings will be advanced to approximately 140 feet below ground surface, and one boring to approximately 100 feet below ground surface and the three CPT probes will be advanced to refusal, which is the depth where the CPT probe cannot be hydraulically pushed deeper into the ground. CPT refusal typically occurs in dense sand or gravel or in stiff cohesive soil. It is anticipated that refusal for this work will occur at a depth of approximately 100 to 120 feet below ground surface. The depths of the borings and CPT soundings are based on a review of geotechnical borings and CPT log from previous geotechnical explorations completed at the WRF in the vicinity of the current project location.

One boring will be advanced at the north end of the project site, one boring at the southeastern corner of the proposed administration building, and one boring in the building footprints located at the center of the project area. One CPT will be conducted at the northwest corner of the administration and shared spaces building, and two CPTs in the building footprints located at the center of the project area. Consultant will conduct a site visit prior to the field investigation to determine and mark boring and CPT locations and request utility locates.

Standpipe and vibrating wire piezometer will be installed in two of the borings to obtain groundwater data. Piezometers will be installed in the boring at the north end of the project site and the boring in the footprint of the new administration building. Drilling will be performed using mud-rotary drilling techniques. In general, standard penetration test (SPT) soil samples will be collected at 5-foot intervals. Additional soil

samples may be collected at changes in material types. SPT N-values will be documented to estimate the liquefaction and cyclic softening potential of the soils, and to correlate with material density, strength, and stiffness for stability evaluations. Rock coring is not anticipated for this project.

Downhole shear wave velocity measurements will be collected for all CPT soundings for each 3.5-foot (1-meter) interval as the electro-piezocone is advanced, or as directed by Consultant in the field. A pore pressure dissipation test will be conducted in each CPT sounding to measure the dissipation rate of excess pore pressure.

Consultant will provide full-time observation and logging of borings. The subsurface conditions encountered will be identified by a member of Consultant's geotechnical engineering group or an engineering geologist in accordance with ASTM D2488 and recorded on exploration logs. Consultant will also provide observation during completion of the CPT probe work.

### **Task 2.2.2: Geotechnical Laboratory Testing**

Representative samples of the subsurface strata encountered in the boring will be collected and laboratory testing will be performed to provide index and engineering properties that will be used for the geotechnical evaluations and support the design. Testing of soil samples is anticipated to consist of Atterberg Limits, water content, sieve and hydrometer analysis, and one-dimensional consolidation test. Testing will be performed in accordance with ASTM standards as applicable.

This proposal includes costs for conducting advanced laboratory testing, consisting of cyclic direct simple shear (cyclic-DSS) tests. The objective of these advanced tests would be to characterize the strength, excess pore water pressure generation potential, and post-cyclic settlement of potentially liquefiable soils under seismic loading. In many, but not all cases, results from these tests can be used to justify a smaller magnitude of post-seismic ground displacement (settlement or lateral spread) compared to predictions from empirical correlations.

Consultant will send select soil samples to a geotechnical laboratory for testing.

### **Task 2.2.3: Geotechnical Analysis**

The primary tasks associated with geotechnical analysis will include the following:

1. Development of simplified code-based seismic design parameters for applicable structures using ASCE 7-22.
2. Evaluation of seismic hazards using simplified methods. The simplified seismic hazard evaluation is based on published equation and chart-based solutions as well limit-equilibrium slope stability methods and does not include using advanced computer modeling of the soil behavior. The evaluations will include estimating the:
  - a. liquefaction hazard.
  - b. cyclic softening hazard.

- c. Settlement hazard, incorporating the liquefaction and cyclic softening hazard results if appropriate.
  - d. Lateral spreading hazard.
  - e. Seismic slope stability, incorporating the liquefaction and cyclic softening hazard results and mitigation alternatives if appropriate.
3. Preliminary recommendations for ground improvement required to mitigate seismically induced ground displacement for Risk Category IV structures will be provided. For the proposed new structures, the seismic assessment will reflect design requirements of ASCE 7-22.
  4. Evaluation of foundation conditions, development of preliminary recommendations for shallow or deep foundations.
  5. Development of static and seismic lateral earth pressures.

A site-specific seismic analysis was conducted in 2023 by the Consultant as part of the *City of McMinnville Water Reclamation Facility Solids Treatment Capacity Improvements Project*. Results from this site-specific seismic analysis will be used for the current project provided the geotechnical exploration identifies similar ground conditions between the two project areas.

Preliminary recommendations for foundation systems and ground improvement, if necessary to mitigate seismic hazards, will be sufficient to develop a preliminary design and associated cost estimate. Additional analyses and refinement of recommendations will need to be completed as part of future design development once building configurations and loads are determined. These analyses and recommendation refinements will be scoped and funded as part of a future contract.

***Task 2.4 Deliverables:*** *Draft and Final Geotechnical Data Report (GDR) and a Draft Geotechnical Recommendations Report (GRR) at 30% design.*

### **Assumptions**

- *Consultant will mark proposed geotechnical exploration locations in the field and will coordinate with a private utility locates company to perform locating services in the immediate vicinity of proposed explorations. Consultant, or its drilling subcontractor will be responsible for notifying the Utility Notification Center "One-Call" to notify public and private utility companies of the upcoming work in accordance with State law. The City will be responsible for locating and marking their own underground utilities in the vicinity of the proposed drilling and test pits.*
- *Soil and drill cuttings from the geotechnical borings will be disposed of by spreading the material at the south end of the property. Drill cuttings will not be disposed of offsite. Holes will be filled with suitable material.*
- *Soil encountered in borings will be free of contamination and no special handling or disposal will be required. If such a situation occurs, Consultant will notify City promptly and work with the City to address the situation.*
- *This scope of work does not include an assessment of the presence of contaminated soils.*
- *CPT probe work will take no more than one field day to complete.*

- *Drilling will take up to six field days to complete.*
- *The City will provide right-of-entry to all property that will be crossed in accessing the geotechnical borings and CPT probe locations.*
- *CPT and boring locations can be accessed using rubber-tired drill and CPT rigs. Track mounted equipment will not be required.*
- *All facilities except one will be designated as Risk Category III facilities according to the State of Oregon Structural Specialty Code. One facility will be designated as Risk Category IV.*



## **Task 3 – Confirm Building Program**

The purpose of this task is to revisit and revise, as necessary, the building program established in Phase 1 and establish the design criteria that will inform the 30% design. Task 3 will be finalized prior to beginning Task 4.

### **Task 3.1: Code Evaluation**

This task will:

- Identify existing easements, floodplains, environmental buffers or restrictions, topographical restrictions, or other regulatory constraints on the use of the land.
  - Identify applicable code governing the use of the available land.
  - Identify City of McMinnville planning and permitting requirements.
  - Update the Seismic Assessment Memorandum provided in 2023 for the WRF Administration Building.
  - Meet with the City of McMinnville Planning and Building Departments for a project pre-application meeting to review the planning and permitting process.
- ❖ Code Evaluation Workshop
- Consultant will facilitate a two-hour workshop with the City to review the code evaluation.
  - Five members of the Consultant's team will participate in the workshop.

***Deliverables:*** *Code Evaluation Workshop Agenda (PowerPoint Slides), Minutes, Updated Seismic Assessment Memorandum.*

### **Task 3.2: Existing Facility Evaluation**

Consultant will review record drawings and conduct limited field assessment to supplement the recent Phase 1 report. These activities may occur prior to or concurrent with Task 3. Consultant will:

- Note any substantive changes that may have occurred since the Phase 1 report.
- Document the facilities toured with photographs or walk-through video for use during subsequent analysis.
- Evaluate WRF Administration Building structure for consideration of potential seismic upgrades to meet current codes.
- Evaluate and document building mechanical, HVAC, and fire protection systems in WRF Administration Building for the purpose of identifying needed upgrades that may have changed since Phase 1.
- Tour the existing structures on the newly acquired property to understand type and materials of construction, existing utilities, and general physical condition.

***Deliverables:*** *Data gained from this task will inform and be incorporated into the Task 4 Preliminary Design Report.*

### **Task 3.3: Space Planning, Staffing and Programming**

This task will:

- Review previously developed Phase 1 Building Program with City department supervisors to confirm or update, including staffing levels and storage requirements.
- Determine space requirements for accommodating Facilities Maintenance, Engineering, and Stormwater groups.
- Review previously developed Phase 1 Building Program with City department supervisors for adjacencies and overlaps of work group functions and identify how program elements fit together.
- Update Phase 1 Space Planning Matrix organized by work group function showing determinations of square footages to be used.
- Identify operational requirements for:
  - Emergency management.
  - Operational resiliency.
  - Security and telecommunication. (Networking and SCADA covered in Task 6.)
  - Conferencing facilities.
  - Public parking, ADA and site access.
  - Diversity, equity, and inclusion accommodations.
- Review project sustainability goals, including evaluation of options for meeting requirements of Oregon Department of Energy's "1.5% for Green Energy Technology".

***Deliverables:*** *Organizational Space Planning Matrix,*

### **Task 3.4: Site and Facility Layout**

This task will build off of the Phase 1, Alternative 5 layout and Task 3.3 to establish a final conceptual site layout and facility layouts to be the basis for the 30% design. The task will include:

- Review previously developed Phase 1, Alternative 5 layout.
- Prepare one conceptual building layout for each building or facility, which will be used on the conceptual site layouts.
- Prepare up to three (3) variations of the Phase 1, Alternative 5 layout of the overall site which meet the requirements of the Task 3.3 building program. These layouts are limited to minor variations of Phase 1, Alternative 5 and will only consider layouts on the newly acquired land to the west of the WRF.
- Evaluation of site security, access, stormwater management, and parking concepts.
- Evaluation of street approaches to the new site and public access versus City-only access.
- Confirmation of bulk and covered storage needs and concepts developed in Phase 1.
- Security and telecommunication. (Networking and SCADA covered in Task 6.)
- Evaluate landscaping requirements and City preferences.

❖ Site and Facility Layout Alternatives Workshop

- Consultant will facilitate a four-hour workshop with the City to review layout concepts and to select a single concept to progress to 30%.
- Five members of the Consultant's team will participate in this workshop.

**Deliverables:** *Three (3) conceptual layout alternatives, Site Layout Workshop Agenda (PowerPoint Slides), Minutes.*

### **Task 3.5: Interior Design**

This task will develop the following for each facility type:

- Integrated Project Vision and Goals
- Space Program Development
- Space Standards
- Space Plan Concepts
- Integrated Building Concept – diagrams and design narrative
- Discovery Exercises.
- Initial Material Concepts presented digitally.
- Identify City's preferred or pre-existing vendor contract for Furniture, Fixtures, and Equipment (FF&E) and whether City will self-procure FF&E or include a contractor allowance to procure FF&E.
- Material and Finish Criteria

❖ Interior Design Workshop

- Consultant will facilitate a two-hour workshop with the City to review interiors concepts and gain an understanding of City's preferences.
- Up to 4 members of the Consultant's team will participate in the workshop.

**Deliverables:** *Interiors Workshop Agenda (PowerPoint Slides) and Minutes*

### **Task 3.6: Supporting Discipline Review**

This task will engage the structural, building mechanical, plumbing, fire protection/alarm, electrical, telecomm/network, audio-visual, acoustical and lighting design teams to establish design criteria for each type of facility to be implemented in development of the 30% design.

The task includes:

- Budget allowance for each support discipline to coordinate with the civil and architectural team to inform the project concepts.
- One workshop to discuss with the City discussion topics related to site-wide design criteria to be implement in the 30% design.

❖ Support Discipline Workshop

- Consultant will facilitate a four-hour workshop with the City to review the support discipline design criteria topics.
- Up to 4 members of the Consultant's team will participate in the workshop.

***Deliverables:*** *Support Discipline Workshop Agenda (PowerPoint Slides) and Minutes*

### **Task 3.7: Tours of Similar Facilities**

Consultant will engage City to make site visits to similar municipal administration and operations facilities within reasonable driving distance. This sub-task will include an allowance for Consultant's Project Manager and Lead Architect to attend one full day of site visits and one follow up meeting (4 hrs) to debrief.

***Deliverables:*** *Notes documenting the findings of the site visits will be shared with the City.*

## **Task 4 – Preliminary Design (30% Design)**

The purpose of this task is to use the data and guidelines developed in Task 3 to develop a single alternative to a 30% design milestone. Task 4 will not begin until Task 3 is complete. The end product from this task will be a Preliminary Design Report, including technical memoranda and preliminary drawings, which will provide sufficient information for City and agency review and design team coordination and review. Six (6) memoranda are anticipated.

The Preliminary Design Report memoranda and drawings will be based on the discipline-specific activities identified in the following subtasks.

### **Task 4.1: Civil, Site Development, and Landscaping**

Preliminary design work will include the following activities:

- Confirm adequacy of topographical and boundary mapping and evaluate permitting and zoning constraints.
- Develop site layout, including:
  - Building sizes, location, and orientation.
  - Roadways/truck access corridors and define maneuvering requirements.
  - Size and locate parking areas.
  - Emergency vehicle access requirements.
  - Stormwater management facilities.
  - Locate utility and piping corridors (horizontal and vertical) including domestic and fire water, irrigation, sanitary sewer, and stormwater.
  - Set preliminary finished floor levels for new structures. Establish preliminary finished grades; overall major surfaces, and road profiles.
  - Preliminary landscaping concepts.
  - General arrangement of site utility features including power poles, transformer pads, generators, hydrants, valve and meter valves, or backflow prevention devices.

### **Task 4.2: Architectural**

Preliminary design work for architectural will include the following activities:

- Perform a code review of existing facilities that require retrofit/rehabilitation to identify areas where the facilities do not meet current codes. Develop a plan to bring existing facilities into code compliance where necessary.
- Establish preliminary room sizes. Identify the adjacencies and functional requirements of each space.
- Establish architectural theme for exterior of building. Select interior and exterior construction materials for each building based on Task 3 workshop.
- Select roof type, slope, and roof support system for each building.
- Assign code classification to each building. Meet with local code official to review code classifications.

- Compile list of chemicals and amounts to be used. Coordinate with other disciplines (mechanical and electrical) to resolve code compliance issues specific to these disciplines.
- Prepare preliminary building layouts.

#### **Task 4.3: Structural**

Preliminary design for structural will include the following activities:

- Coordinate with architectural discipline on the selection of building concepts.
- Develop a building foundation and structure concept based on preliminary building layout and based on coordination with geotechnical engineer.
- Confirm seismic retrofit requirements for the existing WRF Administration Building.

#### **Task 4.4: Building Services**

Preliminary design for HVAC, plumbing, and fire alarm/protection will include the following:

- Select type of HVAC system to be used in each building.
- Coordinate with the architectural discipline to establish design R-values for exterior walls.
- Coordinate with local fire marshal and architect to determine requirements for sprinklers, fire protection, and fire alarm.
- Determine overall potable water requirements for each facility and the overall site, including backflow prevention requirements for each facility or for the overall site. Confirm adequate quantity and pressure can be obtained from the local potable water supply utility.
- Energy modeling will be completed in subsequent phases, if needed.

#### **Task 4.5: Instrumentation and Control (I&C), Operational Technology (OT), and Telecom**

Preliminary design work will include the following activities:

- WRF Administration Building Server and Control Room renovation concepts.
- Fiber optic network expansion and improvement concepts.
- OT hardware and core network equipment replacement concepts including sizing of network rooms in new facilities.
- SCADA system documentation concepts.
- SCADA software concepts.
- Telecom concepts.
- Audio-visual concepts.

#### **Task 4.6: Electrical**

Preliminary design work for electrical will include the following.

- Prepare preliminary overall site-wide one-line diagram for proposed facilities.
- Prepare preliminary load calculations.
- Size electrical rooms.
- Determine number of electrical feeds to be provided to buildings.

- Determine redundancy requirements for power supplies and power distribution and requirements for standby generators or other redundant service.
- Establish preferred voltages for power distribution and utilization equipment.
- Develop preliminary schedule of hazardous and corrosive locations.

#### **Task 4.7: Security**

Preliminary design work for security will include the following.

- Determine site security requirements.
  - Determine security requirements for each facility.
- ❖ Preliminary Design Kickoff Workshop
    - Consultant will conduct a 3-hour interactive workshop with the Owner's personnel to kickoff the phase. Consultant's project manager, design manager, and discipline lead engineers will attend. Workshop will be held at the WRF unless the City prefers video conference. When possible, discipline lead engineers will participate by video conference.
  - ❖ Preliminary Design Review Workshop
    - Consultant will conduct a 3-hour interactive workshop with the Owner's personnel to review the 30% work product at the end of the phase. Consultant's project manager, design manager, and discipline lead engineers will attend. Workshop will be held at the WRF unless the City prefers video conference. When possible, discipline lead engineers will participate by video conference.

***Deliverables:*** *Preliminary Design Technical Memoranda, preliminary drawings, Specifications Table of Contents, and workshop agenda and minutes. For memoranda and drawings, (5) hard copies of the deliverable shall be provided in addition to electronic version. Consultant will submit deliverables for City review 2 weeks prior to review meeting.*

## **Task 5: Quality Management**

The Consultant will carry out a quality assurance program (QAP). The purpose of this QAP is to monitor the quality of the Project by using internal quality assurance/quality control (QA/QC) reviews as described herein. The Consultant will manage multidiscipline internal QA/QC review activities with the senior review team. A QC review will be performed on engineering and cost calculations. A formal QC review will be performed prior to the City's review of the draft deliverables.

A Quality Management Plan (QMP) will be prepared for the project to serve as a guide for all phases of the project. Key features of the QMP will include:

- A single point of contact responsible for all quality management.
- Independent quality review performed by discipline-specific quality reviewers to provide critical analysis without bias.
- Procedures for engineers; detailed checks of reports, calculations, drawings, design details and specifications.

Audits by QA personnel will be conducted to verify conformance with the approved QMP and confirm that required checking and review functions are completed.

Design quality review documentation will demonstrate that quality review process is complete and review comments are acceptably addressed as a component of the overall records management system. The following documentation will be prepared, collected and properly stored in the project records system:

- Quality review forms used during internal quality reviews and issue tracking forms used to document those issues.
- Design review forms used by the City to document review comments.
- Project checklists or milestone checklists, signed by the reviewer and the appropriate project staff.
- Review-related correspondence with City staff and other external agencies or entities.
- Audit correspondence, including results and corrective action documentation.

The level of effort for this task includes preparation of the QMP and QC reviews for the Preliminary Design phase.

***Task 5 Deliverables:*** *Written documentation of QC reviews.*



## **Task 6: Project Delivery Evaluation**

The purpose of this task is to evaluate project delivery alternatives, including construction delivery method, phasing, and funding. Consultant will prepare an Estimate of Probable Construction Cost to accompany the Preliminary Design (30%) deliverable.

### **Task 6.1: Estimate of Probable Construction Cost**

Based on Preliminary Design documents, Consultant will prepare an AACEI Class 4 Opinion of Probable Construction Cost. The cost estimate will be prepared based on the design documents, scale-up or scale-down factors, and cost data from other projects. It is intended that the estimate will include sufficient contingency to cover expected cost impacts that will be identified as the design evolves.

The estimate will be based on the judgment and experience of the Consultant and shall not be construed as a guarantee of cost. In addition, predictions of economic feasibility, operating efficiency, costs and such other matters developed during designs, are forecasts based upon the judgment and experience of the Consultant and shall not constitute a guarantee of the final project cost.

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the Project, Consultant has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operational factors that may materially affect the ultimate Project cost or schedule. Therefore, Consultant makes no warranty that City's actual Project costs, financial aspects, economic feasibility, or schedules will not vary from Consultant's opinions, analyses, projections, or estimates.

***Task 6.1 Deliverables:*** AACE Class 4 opinion of probable construction cost to be included in the Preliminary Design Report.

### **Task 6.2: Evaluation of Funding Sources**

Consultant will assist the City as requested in exploring outside funding opportunities, including Federal grant programs if requested. Preparation of applications for funding can be provided but is not included. This task will be provided with an allowance of 40 hours to be used as directed by the City.

### **Task 6.3: Project Delivery Memorandum**

The task will evaluate feasible project delivery methods, including variations on design-bid-build (DBB), construction-manager/general-contractor (CMGC), fixed-price design-build (DB), or progressive design-build (PDB):

- Prepare a Project Delivery Memorandum including:

- Pros and cons of the different project delivery methods that would be feasible for this project, with a Consultant recommendation for the project delivery method best suited to this work.
- Procurement strategy for long-lead-time or specialty equipment.
- Potential for phased project delivery.
- Preliminary construction schedule, sequencing and constraints for the recommended project delivery method.

**Task 6.2 Deliverables:** *Project Delivery Memorandum to be included in the Preliminary Design Report.*

## **Task 7: Additional Services Allowance**

The City may elect to request additional services from Consultant during the course of the project. The scope, schedule and fee for each additional service will be negotiated and approved by the City prior to Consultant beginning the associated work. An allowance of \$30,659 has been provided.

Estimated Level of Effort  
 McMinnville Public Works Campus Project  
 30% Design Phase

Task No.	Task/Subtask	J Koch PM	S Adams DM	A Chang QC Man Gen	D Davis QC Man Arch	M McCann PIC	G Kirsten Arch - Lead	M Shoemaker Arch/Int - Support	S Hockman Arch - QC	J Stokdijk Int - Support	Josie Briggs Int - QC	S Wagoner Viz	A Sittel Civil - Lead	S Chandler Civil - QC	K Kong Survey	L Sherwood Constructab ility	A Firth Structural - Lead	Josh Kenny Structural - Support	Jeremy Jacobs Structural - QC	J Culverwell I&C/SCADA Lead	K Brown I&C/SCADA QC	J Bishop Laboratory - Lead	A Wille Laboratory - QC	L Bhaumik Geotech	T Cotten Geotech	J Hatten Electrical - Lead	R Abuhadra Electrical - Support	B Wilkinson Electrical - QC	J Campbell Fire Protection	J Godak Bldg Serv - Lead	T Moodley Bldg Serv - Support	T Price Bldg Serv - QC	C Harrell Telecom	R Lynn Security - Lead	F Gist Security - QC			
		\$ 271	\$ 224	\$ 259	\$ 295	\$ 295	\$ 271	\$ 165	\$ 225	\$ 144	\$ 295	\$ 179	\$ 148	\$ 172	\$ 160	\$ 247	\$ 285	\$ 220	\$ 273	\$ 187	\$ 226	\$ 232	\$ 206	\$ 155	\$ 295	\$ 275	\$ 150	\$ 268	\$ 295	\$ 262	\$ 174	\$ 279	\$ 251	\$ 279	\$ 295			
1.0	Project Management	\$ 16,281	\$ 10,297	\$ -	\$ -	\$ 4,130	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Task Hours	60	46	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
2.0	Preliminary Site Work	\$ 5,427	\$ 895	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,181	\$ -	\$ 10,237	\$ -	\$ -	\$ 1,320	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,721	\$ 14,160	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Task Hours	20	4	0	0	0	0	0	0	0	0	0	8	0	64	0	0	6	0	0	0	0	0	360	48	0	0	0	0	0	0	0	0	0	0	0	0	
3.0	Confirm Building Program	\$ 23,879	\$ 14,326	\$ -	\$ -	\$ 7,080	\$ 31,469	\$ 9,217	\$ -	\$ 4,596	\$ 10,620	\$ -	\$ 11,224	\$ -	\$ -	\$ 5,937	\$ 6,836	\$ 1,760	\$ -	\$ 6,351	\$ 3,622	\$ 6,041	\$ -	\$ -	\$ -	\$ 8,814	\$ 897	\$ -	\$ 4,720	\$ 6,816	\$ 1,396	\$ -	\$ 6,513	\$ 8,935	\$ -			
	Task Hours	88	64	0	0	24	116	56	0	32	36	0	76	0	0	24	24	8	0	34	16	26	0	0	0	32	6	0	16	26	8	0	26	32	0			
4.0	Preliminary Design 30%	\$ 54,270	\$ 44,770	\$ -	\$ -	\$ 5,900	\$ 97,662	\$ 32,918	\$ -	\$ 8,618	\$ -	\$ 24,364	\$ 26,583	\$ -	\$ -	\$ -	\$ 42,726	\$ 32,991	\$ -	\$ 14,009	\$ 16,979	\$ 9,294	\$ -	\$ 7,429	\$ 3,540	\$ 16,527	\$ 8,972	\$ -	\$ 10,620	\$ 26,217	\$ 17,449	\$ -	\$ 12,024	\$ 5,585	\$ 1,180			
	4.0 Task Management	200	200			20																																
	4.1 Civil, Site Development, and Landscaping												180																									
	4.2 Architectural						360	200		60		136										40																
	4.3 Structural															150	150							48	12													
	4.4 Building Services																																					
	4.5 I&C/Telecom/Networking																																					
	4.6 Electrical																										60	60										
	4.7 Security																																				20	4
	Task Hours	200	200	0	0	20	360	200	0	60	0	136	180	0	0	0	150	150	0	75	75	40	0	48	12	60	60	0	36	100	100	0	48	20	4	4		
5.0	Quality Management	\$ 2,713	\$ 2,238	\$ 4,141	\$ 4,720	\$ 2,360	\$ -	\$ -	\$ 2,247	\$ -	\$ 3,540	\$ -	\$ -	\$ 1,725	\$ -	\$ -	\$ -	\$ -	\$ 3,277	\$ -	\$ 2,717	\$ -	\$ 1,645	\$ -	\$ -	\$ -	\$ -	\$ 2,675	\$ -	\$ -	\$ -	\$ 2,788	\$ -	\$ -	\$ -	\$ 2,360		
	Task Hours	10	10	16	16	8	0	0	10	0	12	0	0	10	0	0	0	0	12	0	12	0	8	0	0	0	10	0	0	0	10	0	0	0	8			
6.0	Project Delivery Evaluation	\$ 5,427	\$ 4,477	\$ -	\$ -	\$ -	\$ 1,085	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 990	\$ -	\$ -	\$ -	\$ -	\$ 7,244	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Task Hours	20	20	0	0	0	4	0	0	0	0	0	0	0	0	4	0	0	0	0	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
7.0	Additional Services Allowance	\$ 10,854	\$ 8,954	\$ -	\$ -	\$ -	\$ 10,851	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Task Hours	40	40	0	0	0	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Task Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTAL</b>																																						
	<b>Cost</b>	\$ 118,851	\$ 85,958	\$ 4,141	\$ 4,720	\$ 19,470	\$ 141,068	\$ 42,135	\$ 2,247	\$ 13,214	\$ 14,160	\$ 24,364	\$ 38,988	\$ 1,725	\$ 10,237	\$ 6,927	\$ 49,562	\$ 36,070	\$ 3,277	\$ 20,359	\$ 30,562	\$ 15,336	\$ 1,645	\$ 63,150	\$ 17,700	\$ 25,342	\$ 9,869	\$ 2,675	\$ 15,340	\$ 33,033	\$ 18,845	\$ 2,788	\$ 18,538	\$ 14,520	\$ 3,540			
	<b>Hours</b>	438	384	16	16	66	520	256	10	92	48	136	264	10	64	28	174	164	12	109	135	66	8	408	60	92	66	10	52	126	108	10	74	52	12			

Estimated Level of Effort  
 McMinnville Public Works Campus Project  
 30% Design Phase

Task No.	Task/Subtask	L Wujcikowski	K Wetzel	R Cowan	H Jochimsen	J Hostetler	J Pfeifer	S Hostetler	B Stevenson	J Earnhart	A Labeledz	K Malin	M Schymtzik	G Bates / L Hurt Project Controls	T Riddle	Jacobs Labor		Mileage and	Total Jacobs Labor & Expenses	Subconsultants				Total Sub	
		Cost	Permitting	DDL	Struct CAD	Arch CAD	Civil CAD	Bld Svc CAD	Elect CAD	I&C CAD	Misc CAD	Specs	Editor	Hours	\$	Additional Expenses	and Expenses	Greenworks Landscape	Driller Geotech	CPT Geotech	Lab Geotech				
1.0	Project Management	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,234	\$ 738	154	\$35,680	\$0	\$35,680	\$ -	\$ -		\$ -	\$ -	
	Task Hours	0	0	0	0	0	0	0	0	0	0	0	0	28	6	154									
2.0	Preliminary Site Work	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 643	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,615	\$ -	\$ -	532	\$93,199	\$7,950	\$101,149	\$ -	\$ 31,000	\$ 9,000	\$ 9,000	\$ 49,000	
	Task Hours	0	0	0	0	0	4	0	0	0	0	0	18	0	0	532									
3.0	Confirm Building Program	\$ -	\$ 5,157	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	794	\$186,207	\$7,000	\$193,207	\$ -	\$ -		\$ -	\$ -	
	Task Hours	0	24	0	0	0	0	0	0	0	0	0	0	0	0	794									
4.0	Preliminary Design 30%	\$ -	\$ -	\$ 19,865	\$ 23,579	\$ 44,555	\$ 12,858	\$ 10,502	\$ 5,968	\$ 4,149	\$ 85,222	\$ 4,307	\$ 12,051	\$ -	\$ 4,921	3906	\$748,605	\$0	\$748,605	\$ 20,000	\$ -		\$ -	\$ 20,000	
	4.0 Task Management			95							95	24	60		40	734									
	4.1 Civil, Site Development, and Landscaping						80				100					360				\$ 20,000					
	4.2 Architectural					200					243					1239									
	4.3 Structural				150						125					635									
	4.4 Building Services							70			70					376									
	4.5 I&C/Telecom/Networking									50	50					298									
	4.6 Electrical								60		60					240									
	4.7 Security															24									
	Task Hours	0	0	95	150	200	80	70	60	50	743	24	60	0	40	3906									
5.0	Quality Management	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	152	\$39,148		\$39,148	\$ -	\$ -		\$ -	\$ -	
	Task Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	152									
6.0	Project Delivery Evaluation	\$ 33,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,205	\$ -	\$ -	198	\$53,468	\$0	\$53,468	\$ -	\$ -		\$ -	\$ -	
	Task Hours	112	0	0	0	0	0	0	0	0	0	0	6	0	0	198									
7.0	Additional Services Allowance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	120	\$30,659	\$0	\$30,659	\$ -	\$ -		\$ -	\$ -	
	Task Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	120									
	Task Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0									
	<b>TOTAL</b>															<b>5856</b>	<b>\$1,186,966</b>	<b>\$14,950</b>	<b>\$1,201,916</b>					<b>\$69,000</b>	
	<b>Cost</b>	\$ 33,040	\$ 5,157	\$ 19,865	\$ 23,579	\$ 44,555	\$ 13,501	\$ 10,502	\$ 5,968	\$ 4,149	\$ 85,222	\$ 4,307	\$ 16,871	\$ 4,234	\$ 5,660					\$ -	\$ -		\$ -	\$ 69,000	
	<b>Hours</b>	112	24	95	150	200	84	70	60	50	743	24	84	28	46		<b>\$1,186,966</b>	<b>\$14,950</b>	<b>\$1,201,916</b>				<b>\$69,000</b>	<b>\$ 1,270,916</b>	
																	<b>\$1,186,966</b>	<b>\$14,950</b>	<b>\$1,201,916</b>				<b>\$ 69,000</b>	<b>\$ 1,270,916</b>	



# Staff Report

**DATE:** November 27, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Claudia Cisneros, City Recorder  
**SUBJECT:** Certificate of Canvass of the November 5th, 2024 General Election Results

---

## **Report in Brief:**

A General Election was held on November 5th, 2024. The City Recorder's office has received the attached certified canvass report. The resolution reflecting the results is a housekeeping item required by the City Charter.

## **Background:**

Pursuant to Chapter VI, section 28 of the charter, election results "shall be made a matter of record in the record of the proceedings of the Council." Accordingly, the city elections officer requests that the Council adopt a resolution acknowledging and certifying the results of the November 5, 2024 election.

Further, the charter also directs that certificates of election be issued to each elected person. Therefore, the city elections officer will issue the attached (Exhibit B) certificates to the elected individuals.

## **Attachments:**

1. Resolution No. 2024-68.
  - Exhibit A: County Election Results Reports: Yamhill County's certified Cumulative Results Report (Summarized statement of votes cast) AND Yamhill County's certified Canvass Results Report (Statement of votes cast by precinct)
  - Exhibit B: Certificates of Election

## **Fiscal Impact:**

None

## **Recommendation:**

Staff recommends that the Council approve Resolution No. 2024-68 and certify the results of the November 5, 2024 election in accordance with the charter directive to make the results a part of the Council record.

**RESOLUTION NO. 2024-68**

A Resolution approving the issuance of the certificate for the canvass of the returns of the votes cast at the General Election conducted on November 5, 2024, electing three City Councilors and a Mayor.

**WHEREAS**, Chapter VI, Section 28 of the McMinnville City Charter requires election results to be included in the proceedings of the City Council; and

**WHEREAS**, the election results from the November 5, 2024 General Election have been certified by the Yamhill County Elections Division and received on December 3, 2024, by the City of McMinnville.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

Section 1. That the Common Council in this regular Council meeting on December 10, 2024, in accordance with the Charter of the City of McMinnville, has received, canvassed, and approved the returns of the votes cast in the General Election conducted on November 5, 2024, in regard to the election of three City Councilors and a Mayor, as more fully set forth in the Notice of Election Canvass attached hereto and by this reference incorporated herein, and such election results are hereby spread on the official records of the City of McMinnville.

Section 2. That the Common Council and Recorder have received the certified County Election Results Reports attached hereto as "Exhibit A".

Section 3. That the Common Council and Recorder are hereby authorized and directed to execute and deliver appropriate Certificates of Election pursuant to "Exhibit B".

Adopted by the Common Council of the City of McMinnville at a meeting held the 10<sup>th</sup> day of December 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10<sup>th</sup> day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

EXHIBIT:

- A. County Election Results Reports
- B. Certificate of Election

**Cumulative**

November 5, 2024 General Election

Run Time 5:56 PM

Run Date 11/27/2024

**Yamhill County, Oregon**

November 5, 2024 General Election

11/5/2024

Page 1

**Official Results**

**Registered Voters**

17319 of 77649 = 22.30%

**Precincts Reporting**

23 of 23 = 100.00%

**City of McMinnville, Mayor - 4 Year Term - Vote for one**

Choice	Party	Vote by Mail		Total	
Kim Morris		8,653	54.75%	8,653	54.75%
Remy Drabkin		7,099	44.92%	7,099	44.92%
Misc Write-in (W)		53	0.34%	53	0.34%
Cast Votes:		15,805	100.00%	15,805	100.00%
Undervotes:		1,513		1,513	
Overvotes:		1		1	

**City of McMinnville, Councilor, Ward 1 - 4 Year Term - Vote for one**

Choice	Party	Vote by Mail		Total	
Chris Chenoweth		2,978	95.45%	2,978	95.45%
Misc Write-in (W)		142	4.55%	142	4.55%
Cast Votes:		3,120	100.00%	3,120	100.00%
Undervotes:		1,725		1,725	
Overvotes:		0		0	

**City of McMinnville, Councilor, Ward 2 - 4 Year Term - Vote for one**

Choice	Party	Vote by Mail		Total	
Dan Tucholsky		4,593	98.54%	4,593	98.54%
Misc Write-in (W)		68	1.46%	68	1.46%
Cast Votes:		4,661	100.00%	4,661	100.00%
Undervotes:		2,597		2,597	
Overvotes:		0		0	

**City of McMinnville, Councilor, Ward 3 - 4 Year Term - Vote for one**

Choice	Party	Vote by Mail		Total	
Chaz Gibbins		1,786	42.24%	1,786	42.24%
Scott Cunningham		2,419	57.21%	2,419	57.21%
Misc Write-in (W)		23	0.54%	23	0.54%
Cast Votes:		4,228	100.00%	4,228	100.00%
Undervotes:		988		988	
Overvotes:		0		0	



\*\*\* End of report \*\*\*

**ABSTRACT OF VOTES**

I certify that this report accurately summarizes the tally of votes for each race and/or measure at the November 5, 2024 General Election.

Keri Hinton, Amended on 12/11/2024  
Date Certified: November 27, 2024



**Canvass**

November 5, 2024 General Election

Run Time 5:56 PM

Run Date 11/27/2024

**Yamhill County, Oregon**

November 5, 2024 General Election

11/5/2024

Page 1

**Official Results**

**Registered Voters**

17319 of 77649 = 22.30%

**Precincts Reporting**

23 of 23 = 100.00%

**City of McMinnville, Mayor - 4 Year Term - Vote for one**

Precinct	Kim Morris	Remy Drabkin	Misc Write-in (W)	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
14	1,369	915	6	2,290	244	0	2,534	2,534	3,506	72.28%
15	1,182	895	11	2,088	222	1	2,311	2,311	3,339	69.21%
16	1,116	837	10	1,963	197	0	2,160	2,160	3,080	70.13%
17	1,385	1,192	8	2,585	237	0	2,822	2,822	3,768	74.89%
18	2,218	1,889	7	4,114	322	0	4,436	4,436	5,645	78.58%
19	1,383	1,371	11	2,765	291	0	3,056	3,056	4,514	67.70%
<b>Totals</b>	<b>8,653</b>	<b>7,099</b>	<b>53</b>	<b>15,805</b>	<b>1,513</b>	<b>1</b>	<b>17,319</b>	<b>17,319</b>	<b>23,852</b>	<b>72.61%</b>



**ABSTRACT OF VOTES**  
 I certify that this report accurately summarizes the tally of votes for each race and/or measure at the November 5, 2024 General Election.

*Keri Hinton*  
 Keri Hinton, Yamhill County Clerk  
 Date Certified: November 27, 2024

Canvass

November 5, 2024 General Election

Run Time 5:56 PM

Run Date 11/27/2024

Yamhill County, Oregon

November 5, 2024 General Election

11/5/2024

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Official Results

Registered Voters

17319 of 77649 = 22.30%

Precincts Reporting

23 of 23 = 100.00%

City of McMinnville, Councilor, Ward 1 - 4 Year Term - Vote for one

Precinct	Chris Chenoweth	Misc Write-in (W)	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
14	1,596	73	1,669	865	0	2,534	2,534	3,506	72.28%
15	1,382	69	1,451	860	0	2,311	2,311	3,339	69.21%
<b>Totals</b>	<b>2,978</b>	<b>142</b>	<b>3,120</b>	<b>1,725</b>	<b>0</b>	<b>4,845</b>	<b>4,845</b>	<b>6,845</b>	<b>70.78%</b>

Canvass

November 5, 2024 General Election

Run Time 5:56 PM

Run Date 11/27/2024

Yamhill County, Oregon

November 5, 2024 General Election

11/5/2024

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Official Results

Registered Voters

17319 of 77649 = 22.30%

Precincts Reporting

23 of 23 = 100.00%

City of McMinnville, Councilor, Ward 2 - 4 Year Term - Vote for one

Precinct	Dan Tucholsky	Misc Write-in (W)	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
17	1,741	13	1,754	1,068	0	2,822	2,822	3,768	74.89%
18	2,852	55	2,907	1,529	0	4,436	4,436	5,645	78.58%
<b>Totals</b>	<b>4,593</b>	<b>68</b>	<b>4,661</b>	<b>2,597</b>	<b>0</b>	<b>7,258</b>	<b>7,258</b>	<b>9,413</b>	<b>77.11%</b>

**Canvass**

November 5, 2024 General Election

Run Time 5:56 PM

Run Date 11/27/2024

**Yamhill County, Oregon**

November 5, 2024 General Election

11/5/2024

Page 4

**Official Results**

**Registered Voters**

17319 of 77649 = 22.30%

**Precincts Reporting**

23 of 23 = 100.00%

**City of McMinnville, Councilor, Ward 3 - 4 Year Term - Vote for one**

Precinct	Chaz Gibbins	Scott Cunningham	Misc Write-in (W)	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
16	747	999	10	1,756	404	0	2,160	2,160	3,080	70.13%
19	1,039	1,420	13	2,472	584	0	3,056	3,056	4,514	67.70%
<b>Totals</b>	<b>1,786</b>	<b>2,419</b>	<b>23</b>	<b>4,228</b>	<b>988</b>	<b>0</b>	<b>5,216</b>	<b>5,216</b>	<b>7,594</b>	<b>68.69%</b>

**Canvass**

November 5, 2024 General Election

Run Time 5:56 PM

Run Date 11/27/2024

**Yamhill County, Oregon**

November 5, 2024 General Election

11/5/2024

Page 5

**Official Results**

**Registered Voters**

17319 of 77649 = 22.30%

**Precincts Reporting**

23 of 23 = 100.00%

\*\*\* End of report \*\*\*

# CERTIFICATE OF ELECTION

Exhibit B



This certifies that at the **November 5, 2024**, General Election held in the City of McMinnville, County of Yamhill, State of Oregon,

**KIM MORRIS**

was elected to the **Office of Mayor**

for a term beginning **January 1, 2025**, and ending **December 31, 2028**.

As directed by the City Charter, I have placed the seal of the City of McMinnville and signed this certificate, on **December 10, 2024**.

---

Claudia Cisneros, City Recorder

# CERTIFICATE OF ELECTION



This certifies that at the **November 5, 2024**, General Election held in the City of McMinnville, County of Yamhill, State of Oregon,

**Chris Chenoweth**

was elected to the **Office of City Councilor Ward 1** for a term beginning **January 1, 2025**, and ending **December 31, 2028**.

As directed by the City Charter, I have placed the seal of the City of McMinnville and signed this certificate, on **December 10, 2024**.

---

Claudia Cisneros, City Recorder

# CERTIFICATE OF ELECTION



This certifies that at the **November 5, 2024**, General Election held in the City of McMinnville, County of Yamhill, State of Oregon,

**Dan Tucholsky**

was elected to the **Office of City Councilor Ward 2** for a term beginning **January 1, 2025**, and ending **December 31, 2028**.

As directed by the City Charter, I have placed the seal of the City of McMinnville and signed this certificate, on **December 10, 2024**.

---

Claudia Cisneros, City Recorder



# CERTIFICATE OF ELECTION



This certifies that at the **November 5, 2024**, General Election held  
in the City of McMinnville, County of Yamhill, State of Oregon,

# Scott Cunningham

was elected to the **Office of City Councilor Ward 3**  
for a term beginning **January 1, 2025**, and ending **December 31, 2028**.

As directed by the City Charter, I have  
placed the seal of the City of McMinnville  
and signed this certificate, on **December 10,**  
**2024**.

---

Claudia Cisneros, City Recorder



## Staff Report

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Jeff Towery, City Manager  
**SUBJECT:** Appointment of new Police Chief

---

### **Report in Brief:**

This is the consideration of Resolution No. 2024-67, appointing the new Police Chief in accordance with Section 11 of Chapter 3 of the McMinnville City Charter.

### **Background:**

The City of McMinnville went through an in-depth recruitment process that began in August 2024. On December 9, 2024, City Manager Jeffrey Towery authorized the hire of Cord Wood as the new Police Chief for the City of McMinnville.

Per Section 11 of the City of McMinnville City Charter City Manager Jeffrey Towery recommends the City Council appoint Cord Wood as the Police Chief.

### **Attachments:**

- Resolution No. 2024-67: Resolution Approving the Appointment of a new City Police Chief

### **Recommendation:**

Staff recommends that the Council adopt the attached Resolution, making this appointment.

**RESOLUTION NO. 2024-67**

A Resolution Approving the Appointment of a new Police Chief.

**RECITALS:**

**WHEREAS**, City Manager Jeffrey R. Towery approved the hiring of Cord Wood as Police Chief with service commencing on January 6, 2025; and

**WHEREAS**, City Manager Towery has recommended that the City Council approve his recommendation for hire as provided by Section 11 of the City Charter.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:**

1. City Manager Towery’s recommended hiring of Cord Wood with service commencing on January 6, 2025, is hereby approved.
2. This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10<sup>th</sup> day of December 2024, by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Approved this 10<sup>th</sup> day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder



## Staff Report

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Jeff Towery, City Manager  
**SUBJECT:** Appointment of new Police Chief

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Per Section 11 of the City of McMinnville City Charter City Manager Jeffrey Towery recommends the City Council appoint Cord Wood as the Police Chief.

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- Resolution No. 2024-67: Resolution Approving the Appointment of a new City Police Chief

### **Recommendation:**

Staff recommends that the Council adopt the attached Resolution, making this appointment.

**RESOLUTION NO. 2024-67**

A Resolution Approving the Appointment of a new Police Chief.

**RECITALS:**

**WHEREAS**, City Manager Jeffrey R. Towery approved the hiring of Cord Wood as Police Chief with service commencing on January 6, 2025; and

**WHEREAS**, City Manager Towery has recommended that the City Council approve his recommendation for hire as provided by Section 11 of the City Charter.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:**

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2. This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10<sup>th</sup> day of December 2024, by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Approved this 10<sup>th</sup> day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder



**City of McMinnville**  
**Community Development**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Resolution No. 2024-61: Board, Committee, and Commission Appointments

## STRATEGIC PRIORITY & GOAL:



### ENGAGEMENT & INCLUSION

Create a culture of acceptance & mutual respect that acknowledges differences & strives for equity.

**OBJECTIVE/S:** Grow City's employees and Boards and Commissions to reflect our community

---

## Report in Brief:

This is the consideration of Resolution No. 2024-61, appointing volunteers to City boards, committees, and commissions.

## Background:

The City of McMinnville has many boards, committees and commissions that support the City's work on a volunteer basis. The City Council makes annual appointments to these boards, committees, and commissions at their meeting in December of each year to fill those positions that are being vacated by people whose terms have expired or have resigned from their position.

The City solicits applications by advertising the vacancies in the News Register, social media, and other communication opportunities. The applications are then reviewed, and interviews conducted by the Mayor and/or City Councilors, Committee Chair or Member, and city staff. All applicants are interviewed. The interview panel then makes a recommendation to the City Council for appointments.

## Discussion:

The following vacancies were advertised in the News Register and social media throughout the month of October and November.

**McMinnville Affordable Housing Committee – five (5) open positions.** The Affordable Housing Committee is a nine-member City Council appointed body tasked with evaluating and implementing an Affordable Housing Action Plan meant to increase housing supply for low- and no-income families. Appointments are for 3 years. There are five positions open. Four positions are for three year terms and one position is for an one year term.

**Landscape Review Committee – one (1) open positions (Must live within the Urban Growth Boundary).** The Landscape Review Committee is a five-member City Council appointed body that reviews all required landscape plans for the City of McMinnville. Applicants should have a background in landscape design or architecture and/or horticulture. Appointments are for 3 years. There is one three-year position open.

**McMinnville Planning Commission – Three (3) total positions per the description below:**

- **Ward 1 – one open position (must reside in the area generally south of West Second Street, and west of Davis Street and the South Yamhill River).**
- **Ward 2 – one open position (must reside in the area generally north of West Second Street, and west of Adams Street).**
- **At Large – one open position (must be a resident of the City of McMinnville or reside within the McMinnville Urban Growth Boundary).**

The Planning Commission is a nine-member City Council-appointed body, which takes action and makes recommendations to the City Council on a variety of current and long-range land use matters. Membership on the Commission requires that a person must be a resident of the City of McMinnville or within the Urban Growth Boundary and live in the ward they represent. Appointments are for 4 years.

**McMinnville Economic Vitaliy Leadership Council (MEVLC) – Three (3) total at-large positions as recommended by the MEVLC:**

This year there were 5 people that applied for the Affordable Housing Committee, 3 people for the Landscape Review Committee, and 7 people for the Planning Commission.

After interviews, the following are the recommendations of the interview panels to the City Council for the committee vacancies.

<b><u>AFFORDABLE HOUSING COMMITTEE</u></b>	
(3-year term)	
<b>Katie Curry</b>	Expires December 31, 2027
<b>Philip Higgins</b>	Expires December 31, 2027
<b>Brian Everest</b>	Expires December 31, 2027
_____	Expires December 31, 2027
_____	Expires December 31, 2025

<b><u>LANDSCAPE REVIEW COMMITTEE</u></b>	
(3-year term)	
<b>Brian Wicks</b>	Expires December 31, 2027

<b><u>PLANNING COMMISSION</u></b>	
(4-year term)	
<b>Rachel Flores, (Ward 1)</b>	Expires December 31, 2028
<b>Brian Randall, (Ward 2)</b>	Expires December 31, 2027
<b>Sidonie Winfield, (Ward 2)</b>	Expires December 31, 2028
<b>Brian Everest, (At Large)</b>	Expires December 31, 2028

<b><u>McMinnville Economic Vitality Leadership Council</u></b>	
<b><u>(3 Year Term)</u></b>	
<b>Carson Benner (At-Large),</b>	Expires December 31, 2027
_____	Expires December 31, 2027
_____	Expires December 31, 2027

**Attachments:**

- Resolution No. 2024-61



**Fiscal Impact:**

There is no anticipated fiscal impact to the City of McMinnville with this decision.

**Recommendation/Suggested Motion:**

**"I MOVE TO APPROVE RESOLUTION NO. 2024 – 61 APPOINTING VOLUNTEERS TO THE AFFORDABLE HOUSING COMMITTEE, THE LANDSCAPE REVIEW COMMITTEE, THE MCMINNVILLE PLANNING COMMISSION, AND THE MCMINNVILLE ECONOMIC VITALITY LEADERSHIP COUNCIL."**



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# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Resolution No. 2024-61: Board, Committee, and Commission Appointments

## STRATEGIC PRIORITY & GOAL:



### ENGAGEMENT & INCLUSION

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**OBJECTIVE/S:** Grow City's employees and Boards and Commissions to reflect our community

---

## Report in Brief:

This is the consideration of Resolution No. 2024-61, appointing volunteers to City boards, committees, and commissions.

## Background:

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(3-year term)	
<b>Brian Wicks</b>	Expires December 31, 2027

<b><u>PLANNING COMMISSION</u></b>	
(4-year term)	
<b>Rachel Flores, (Ward 1)</b>	Expires December 31, 2028
<b>Brian Randall, (Ward 2)</b>	Expires December 31, 2027
<b>Sidonie Winfield, (Ward 2)</b>	Expires December 31, 2028
<b>Brian Everest, (At Large)</b>	Expires December 31, 2028

<b><u>McMinnville Economic Vitality Leadership Council</u></b>	
<b><u>(3 Year Term)</u></b>	
<b>Carson Benner (At-Large),</b>	Expires December 31, 2027
_____	Expires December 31, 2027
_____	Expires December 31, 2027

**Attachments:**

- Resolution No. 2024-61

**Fiscal Impact:**

There is no anticipated fiscal impact to the City of McMinnville with this decision.

**Recommendation/Suggested Motion:**

**"I MOVE TO APPROVE RESOLUTION NO. 2024 – 61 APPOINTING VOLUNTEERS TO THE AFFORDABLE HOUSING COMMITTEE, THE LANDSCAPE REVIEW COMMITTEE, THE MCMINNVILLE PLANNING COMMISSION, AND THE MCMINNVILLE ECONOMIC VITALITY LEADERSHIP COUNCIL."**

**RESOLUTION NO. 2024 - 61**

A Resolution appointing and re-appointing members to the City's various Boards, Committees, and Commissions.

RECITALS:

**Whereas**, the City of McMinnville has several Boards, Committees, Commissions, and Task Forces made up of volunteers; and

**Whereas**, the City Council is responsible for making appointments and re-appointments.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:**

1. The City Council appoints the following volunteers to the various Boards, Committees, and Commissions as detailed below.

<b><u>AFFORDABLE HOUSING COMMITTEE</u></b> (3-year term)	
<b>Katie Curry</b>	Expires December 31, 2027
<b>Philip Higgins</b>	Expires December 31, 2027
<b>Brian Everest</b>	Expires December 31, 2027
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<b>Brian Randall, (Ward 2)</b>	Expires December 31, 2027
<b>Sidonie Winfield, (Ward 2)</b>	Expires December 31, 2028
<b>Brian Everest, (At Large)</b>	Expires December 31, 2028

<b><u>McMinnville Economic Vitality Leadership Council</u></b> <b><u>(3 Year Term)</u></b>	
<b>Carson Benner (At-Large),</b>	Expires December 31, 2027
_____	Expires December 31, 2027
_____	Expires December 31, 2027

2. This Resolution and these appointments will take effect January 1, 2025.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10<sup>th</sup> day of December 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10<sup>th</sup> day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

**RESOLUTION NO. 2024 - 61**

A Resolution appointing and re-appointing members to the City's various Boards, Committees, and Commissions.

RECITALS:

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<b>Brian Everest</b>	Expires December 31, 2027
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<b>Brian Wicks</b>	Expires December 31, 2027
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<b><u>McMinnville Economic Vitality Leadership Council</u></b> <b><u>(3 Year Term)</u></b>	
<b>Carson Benner (At-Large),</b>	Expires December 31, 2027
_____	Expires December 31, 2027
_____	Expires December 31, 2027

2. This Resolution and these appointments will take effect January 1, 2025.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10<sup>th</sup> day of December 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10<sup>th</sup> day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney


\_\_\_\_\_  
City Recorder



# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** City Council  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Resolution 2024-62. Southwest Area Plan – Contract Award

### STRATEGIC PRIORITY & GOAL:

 <p><b>GROWTH &amp; DEVELOPMENT CHARACTER</b> Guide growth &amp; development strategically, responsibly &amp; responsibly to enhance our unique character.</p>	 <p><b>HOUSING OPPORTUNITIES</b> <small>(ACROSS THE INCOME SPECTRUM)</small> Create diverse housing opportunities that support great neighborhoods.</p>
---	--

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

### Report in Brief:

This action is consideration of a resolution to award a contract for Professional Services for the Southwest Area Plan project to HHPR, with a budget not to exceed \$325,000.

The City issued a Request for Proposals (RFP) for professional services for the Southwest Area Plan, received responsive proposals, and evaluated those proposals. HHPR was identified as the Successful Proposer, and the City issued a Notice of Intent to Award the project to HHPR. No protests of the procurement were received by the deadline specified in the RFP. The City subsequently worked with HHPR to refine the scope of work as provided for in the RFP. The draft contract with the scope of work is attached as Exhibit A to the resolution.

Staff recommends approval of the resolution.

### Background:

The City of McMinnville amended its urban growth boundary (UGB) by adopting the McMinnville Growth Management and Urbanization Plan (MGMUP, [MGMUP 2003 UGB Remand Project | McMinnville Oregon](#)) (Ordinance No. 5098, December 8, 2020).

The MGMUP amended McMinnville’s UGB by 924 gross buildable acres. Most of this acreage was placed into an Urban Holding (UH) comprehensive plan designation. *Figures 1a and 1b.*

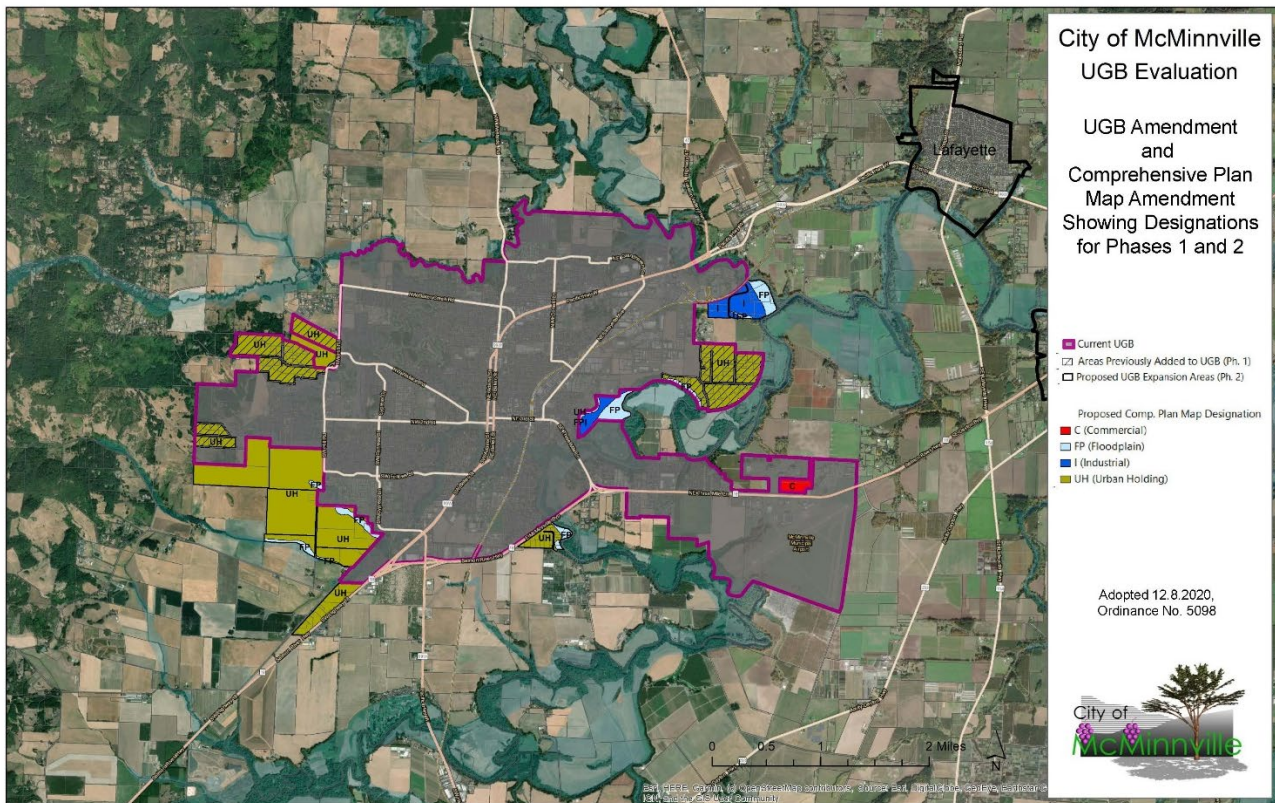
The unincorporated areas in the southwest portion of the UGB which have UH plan designations include approximately 650 gross acres.

All land within a UH comprehensive plan designation needs to undergo an area planning process prior to annexation into the city limits, rezoning and development. Area planning can be initiated by the City or by private property owners. Area plans need to be consistent with the Framework Plan adopted as part of the MGMUP. **Figures 2a, 2b, and 3.** Some of the acreage figures in Figure 4 will be updated as a result of subsequently planning work occurring.

Each area plan is adopted as a supplement to the McMinnville Comprehensive Plan, completed by the City and adopted by the City Council as a guiding land use document. Area plans must embody the development principles of the MGMUP, MGMUP Framework Plan, McMinnville Comprehensive Plan and any other applicable City land use policies and standards.

The Southwest Area Plan is a budgeted plan in the FY 24/25 budget - Long Range Planning Fund, the main revenue source being the general fund.

**Figure 1a: MGMUP Comprehensive Plan Map Designations**



**Figure 1b: MGMUP Comprehensive Plan Map Designations – Enlargement of SW Area**

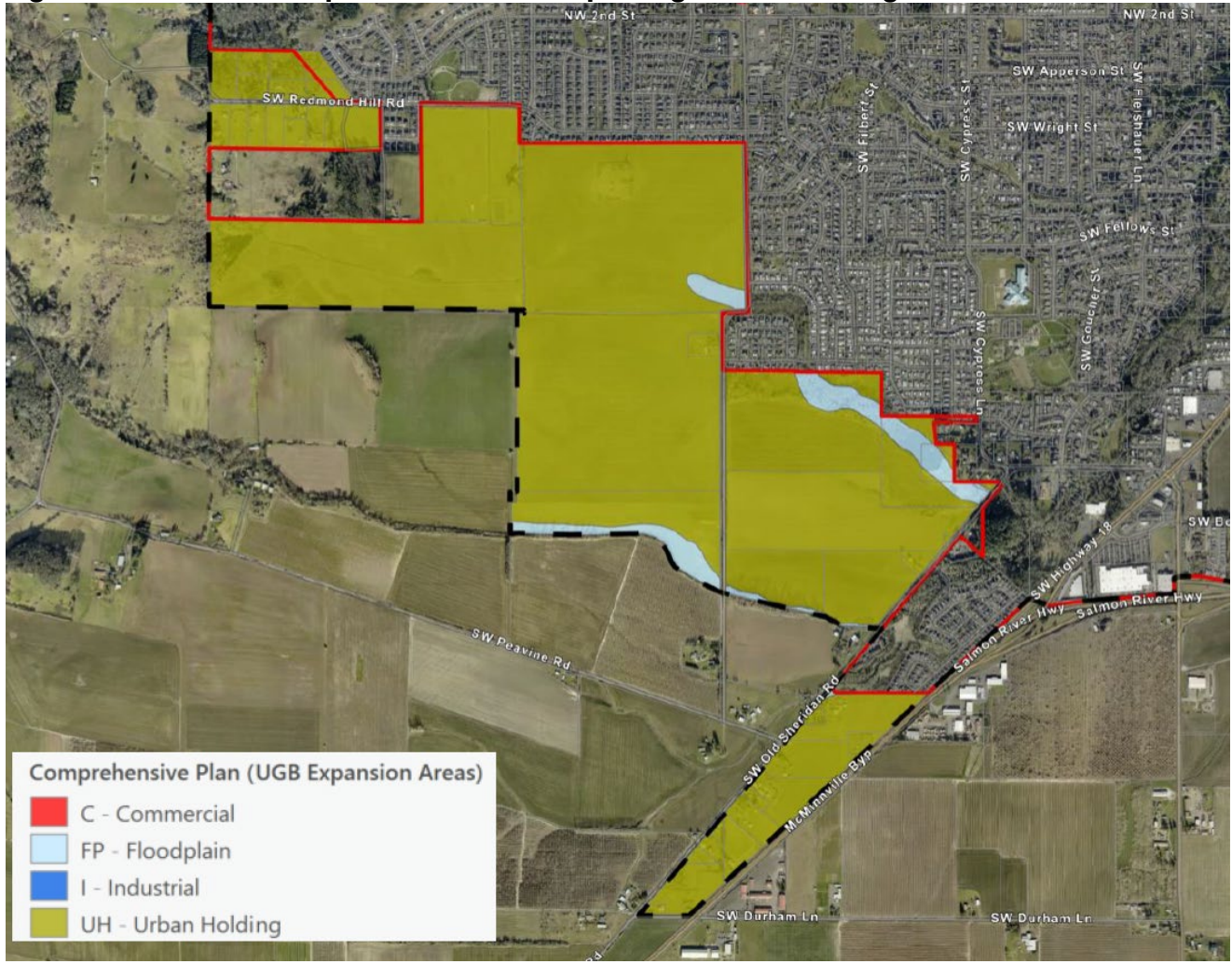


Figure 2a: MGMUP Framework Plan

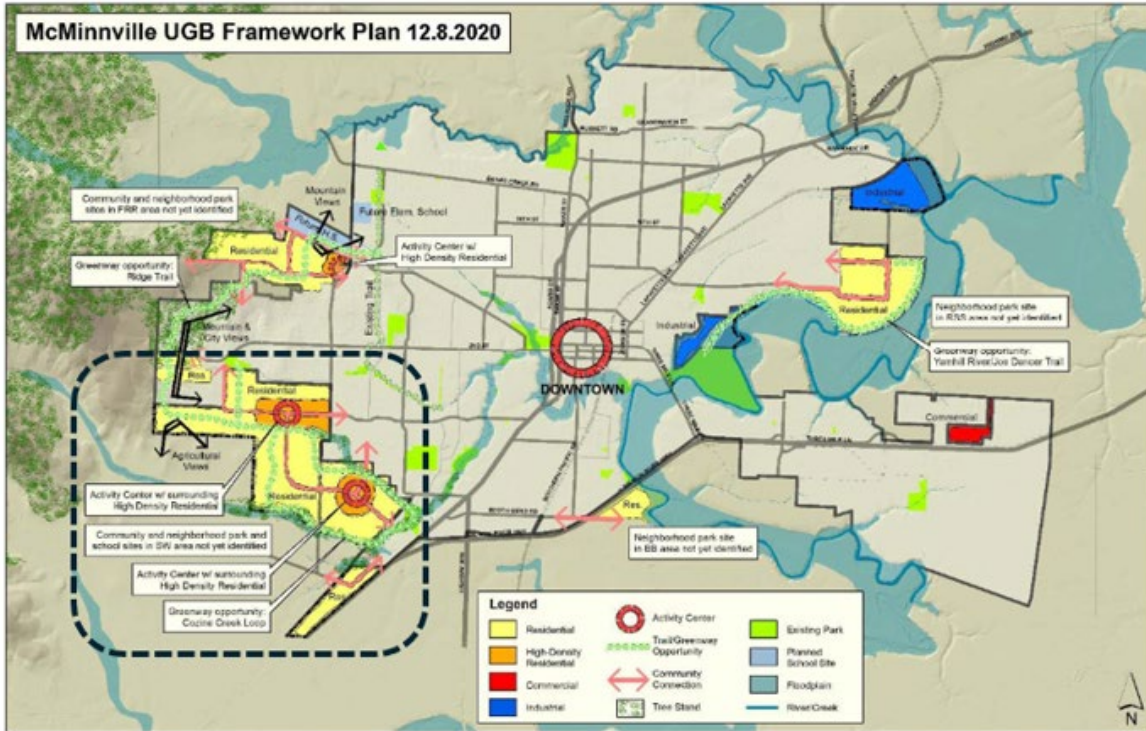
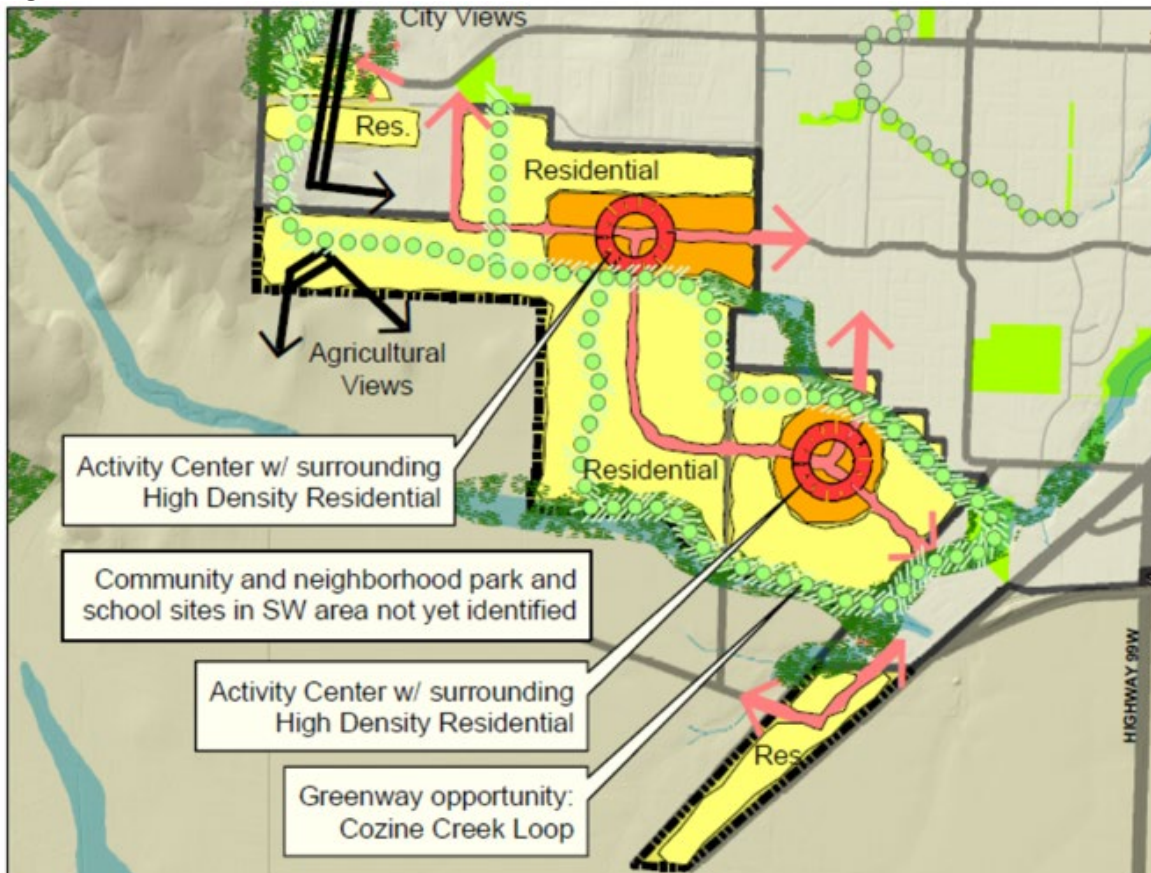


Figure 2b. Southwest Area as Shown in MGMUP Framework Plan



**Figure 3. Potential Assignment of Land Need in Area Plans (as provided in original Framework Plan, to be updated consistent with subsequent planning work)**

Land Need		Southwest	Fox Ridge Road	Riverside South	Redmond Hill Road	Booth Bend Road	Riverside North
Residential							
R-5	36 acres						
Parks							
Neighborhood Park	88.11 acres						
Community Park	58.84 acres						
Greenways/Natural Areas	106.81 acres						
Schools	43 acres						
Commercial	39.3 acres						
Industrial	Surplus						

Additional information about the Southwest Area Plan is provided below, excerpted from the Framework Plan. The Framework Plan describes specific land needs and opportunities to consider in the development of each of the Area Plans. Some of the information below will be updated, associated with subsequent planning work underway.

Southwest Area Plan:

The Southwest area includes some of the larger and more contiguous areas of vacant land to be included in the McMinnville UGB. The area requires coordinated planning of infrastructure to ensure provision of services to areas in the western portion of the UGB expansion area. This area is also adjacent to existing built-out areas of the existing UGB, so coordination of street networks and neighborhood continuity will be important to consider in the development of an Area Plan. For these reasons, it is suggested that one Area Plan be completed for all of the UGB expansion areas in the Southwest area. There could be a potential to complete smaller Area Plans, potentially using Hill Road as the separation point with the areas west of Hill Road included in one Area Plan (West Hills South, Southwest 2, and West of Old Sheridan Road) and the areas east of Hill Road (Southwest 06 and Old Sheridan Road) included in another Area Plan.

The overall Southwest Area will primarily provide land for housing. However, to incorporate elements of the Traditional Neighborhood and to accommodate commercial land need identified in the MGMUP, the Southwest area should include two (2) Neighborhood Activity Centers (NACs), one in the northwest portion along a westerly extension of Fellows Street and one in the southeastern portion along a new major street that could provide a connection between Hill Road and Old Sheridan Road. Each NAC may be approximately 40 to 80 acres in size with approximately 5-10 acres of neighborhood serving commercial and approximately 5 to 10 acres of office space. Each NAC should also include approximately 15 acres of high density residential development (R-5 zone). There should be about 2.0 acres of public plazas/parks in each NAC and the remaining land in the NAC should be

medium and lower density housing as appropriate to achieve the overall targeted density of 5.7 dwelling units per acre. Additional areas may be suitable for high density residential development (R-5 zone) where potentially adjacent to future identified park locations, or along appropriate street corridors that may support future transit service.

To further provide services to support this residential area and to accommodate the park land need identified in the MGMUP, the Southwest Area should incorporate two neighborhood parks of 5-10 acres in size. The neighborhood parks should be placed to ensure that every residence is within a ½ mile of a neighborhood park, as described in the City of McMinnville Parks, Recreation, and Open Space Master Plan. The Southwest Area should also incorporate one or two community parks to accommodate the community park land need identified in the MGMUP. The Southwest Area also has the opportunity for the development of greenway linear parks along the Cozine Creek per the greenway land need identified in the MGMUP. A bike and pedestrian trail system could also be considered that connects the NACs and other major amenities (parks, schools, etc.) whose exact locations are yet to be determined. There may also be an opportunity for greenway or trail connectivity to the north through the Redmond Hill Road and West Hills areas, potentially in the form of a ridgeline greenway/greenspace at higher elevations that could also preserve existing tree stands that currently provide wildlife habitat.

Future school sites should also be identified within the Southwest Area Plan. As an area that will accommodate a significant amount of the planned residential growth in the expanded UGB, additional school sites may be necessary in this area. Further coordination should occur with the McMinnville School District on the identification of future school sites, but the Southwest area could accommodate the approximately 43 acres of additional school land need identified in the MGMUP.

**Attachments:**

1. Resolution No. 2024-62 with Exhibit (Draft Contract with Scope of Work)

**Fiscal Impact:**

The Southwest Area Plan is a budgeted plan in the FY 24/25 budget - Long Range Planning Fund, the main revenue source being the general fund.

**Recommendation:**

Staff recommends that the City Council adopt the resolution awarding the contract for Professional Services for the Southwest Area Plan project to HHPR, with a budget not to exceed \$325,000.

## RESOLUTION NO. 2024-62

A Resolution Awarding the Contract for Professional Services for the Southwest Area Plan Project to HHPR.

### RECITALS:

**Whereas**, the City of McMinnville amended its urban growth boundary (UGB) by adopting the McMinnville Growth Management and Urbanization Plan (MGMUP, [MGMUP 2003 UGB Remand Project | McMinnville Oregon](#)) (Ordinance No. 5098, December 8, 2020); and

**Whereas**, the MGMUP amended McMinnville's UGB by 924 gross buildable acres. Most of this acreage was placed into an Urban Holding (UH) comprehensive plan designation; and

**Whereas**, the unincorporated areas in the southwest portion of the UGB which have UH plan designations include approximately 650 gross acres; and

**Whereas**, all land within a UH comprehensive plan designation needs to undergo an area planning process prior to annexation into the city limits, rezoning and development. Area planning can be initiated by the City or by private property owners; and

**Whereas**, each area plan is adopted as a supplement to the McMinnville Comprehensive Plan, completed by the City and adopted by the City Council as a guiding land use document. Area plans must embody the development principles of the MGMUP, MGMUP Framework Plan, McMinnville Comprehensive Plan and any other applicable City land use policies and standards; and

**Whereas**, the Southwest Area Plan is a budgeted plan in the FY 24/25 budget - Long Range Planning Fund, the main revenue source being the general fund; and

**Whereas**, the City issued a Request for Proposals (RFP) for professional services for the Southwest Area Plan, received responsive proposals, and evaluated those proposals. HHPR was identified as the Successful Proposer, and the City issued a Notice of Intent to Award the project to HHPR. No protests of the procurement were received by the deadline specified in the RFP. The City subsequently worked with HHPR to refine the scope of work as provided for in the RFP.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

1. That HHPR is hereby awarded the contract for Professional Services for the Southwest Area Plan project, with a contract not to exceed \$325,000 and an approximate 18 month timeline for completion of the scope of work.
2. That the City Manager is hereby authorized and directed to execute the contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.



Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of December, 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10th day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

EXHIBITS:

- A. Draft Contract with Attached Scope of Work

**CITY OF McMinnville  
PROFESSIONAL SERVICES AGREEMENT**

This Professional Services Agreement (“Agreement”) for the Southwest Area Plan Project (“Project”) is made and entered into on this \_\_\_\_ day of \_\_\_\_\_ 2024 (“Effective Date”) by and between the **City of McMinnville**, a municipal corporation of the State of Oregon (hereinafter referred to as the “City”), and \_\_\_\_\_ a(n) \_\_\_\_\_ [state] \_\_\_\_\_ [corporation/limited liability company, etc.] (hereinafter referred to as “Consultant”).

**RECITALS**

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

**AGREEMENT**

**Section 1. Scope of Work**

Consultant shall diligently perform the professional planning services according to the requirements and deliverable dates identified in the Scope of Work for the Project, attached hereto as **Exhibit A** and incorporated by reference herein (the “Services”).

**Section 2. Term**

The term of this Agreement shall be from the Effective Date until all Services required to be performed hereunder are completed and accepted, or no later than \_\_\_\_\_, 20\_\_\_\_, whichever occurs first, unless earlier terminated in accordance herewith or an extension of time is agreed to, in writing, by the City.

**Section 3. Consultant’s Services**

3.1. All written documents prepared by Consultant in conjunction with the Services shall bear the signature, name, or logo of, or otherwise be identified as coming from, Consultant’s authorized Project Manager.

3.2. Consultant will not be deemed to be in default by reason of delays in performance due to circumstances beyond Consultant's reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts of third parties not under Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

3.3. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Work described herein.

3.4. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

#### **Section 4. Compensation**

4.1. Except as otherwise set forth in this **Section 4**, the City agrees to pay Consultant a not-to-exceed amount of THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$325,000) for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Addendum to be executed between the City and Consultant.

4.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Work described on **Exhibit A**, a written Addendum to this Agreement must be executed in compliance with the provisions of **Section 16**.

4.3. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

4.4. The City will be responsible for the direct payment of required fees payable to governmental agencies, including but not limited to plan checking, land use, zoning, permitting, and all other similar fees resulting from this Project, that are not specifically covered by **Exhibit A**.

4.5. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, all work-related costs, expenses, salaries or wages, plus fringe

benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or software charges, licensing, trademark, and/or copyright costs, office expenses, travel expenses, mileage, and all other indirect and overhead charges.

## **Section 5. City's Rights and Responsibilities**

5.1. The City will designate a Project Manager to facilitate day-to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

5.2. Award of this contract is subject to budget appropriation. Funds are approved for Fiscal Year 2024-25. If not completed within this fiscal year, funds may not be appropriated for the next fiscal year. The City also reserves the right to terminate this contract early, as described in **Section 14**.

## **Section 6. City's Project Manager**

The City's Project Manager is Tom Schauer, Senior Planner. The City shall give Consultant prompt written notice of any re-designation of its Project Manager.

## **Section 7. Consultant's Project Manager**

Consultant's Project Manager is Brad Kilby. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such re-designation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

## **Section 8. Project Information**

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

## **Section 9. Subcontractors and Assignments**

9.1. Consultant shall not assign any of Consultant's rights acquired hereunder without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Some Services may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they

intend to perform, and the City specifically agrees in writing to such subcontracting. The City hereby agrees that Consultant will contract with DKS Associates, Walker Macy, Leland Consulting, and JLA Public Involvement for specialized services including transportation planning and analysis, urban design, economic analysis, and public involvement services, which are a critical part of this Agreement. Consultant acknowledges such work will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for work performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

9.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

9.3. Consultant shall include this Agreement by reference in any subcontract and require subcontractors to perform in strict compliance with this Agreement.

## **Section 10. Consultant Is Independent Contractor**

10.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 4** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

10.2. Consultant has requested that some consulting services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant acknowledges that if such services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

10.3. Consultant shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise agreed to, in writing, by the City, Consultant shall require that all of Consultant's subcontractors also

comply with, and be subject to, the provisions of this **Section 10** and meet the same insurance requirements of Consultant under this Agreement.

## **Section 11. Consultant Responsibilities**

11.1. Consultant must make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the person furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

11.2. Consultant must comply with all applicable Oregon and federal wage and hour laws, including BOLI wage requirements, if applicable. Consultant shall make all required workers compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses.

11.3. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the basis of sex, gender, race, color, creed, religion, marital status, age, disability, sexual orientation, gender identity, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City. References to "subcontractor" mean a subcontractor at any tier.

## **Section 12. Indemnity**

12.1. Indemnification. Consultant acknowledges responsibility for liability arising out of the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Agreement, or from Consultant's failure to perform its responsibilities as set forth in this Agreement. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other work performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to

adhere to the standards of performance and care described in **Subsection 12.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant. As used herein, the term “Consultant” applies to Consultant and its own agents, employees, and suppliers, and to all of Consultant’s subcontractors, including their agents, employees, and suppliers.

12.2. Standard of Care. In the performance of the Services, Consultant agrees to use at least that degree of care and skill exercised under similar circumstances by reputable members of Consultant’s profession practicing in the Portland metropolitan area. Consultant will re-perform any Services not meeting this standard without additional compensation. Consultant’s re-performance of any Services, even if done at the City’s request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant’s failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

### **Section 13. Insurance**

13.1. Insurance Requirements. Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant’s activities or work hereunder. Any and all agents, contractors, or subcontractors with which Consultant contracts to work on the Services must have insurance that conforms to the insurance requirements in this Agreement. Additionally, if a subcontractor is an engineer, architect, or other professional, Consultant must require the subcontractor to carry Professional Errors and Omissions insurance and must provide to the City proof of such coverage. The amount of insurance carried is in no way a limitation on Consultant’s liability hereunder. The policy or policies maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

13.1.1. Commercial General Liability Insurance. Consultant and all subcontractors shall obtain, at each of their own expense, and keep in effect during the term of this Agreement, comprehensive Commercial General Liability Insurance covering Bodily Injury and Property Damage, written on an “occurrence” form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts: The coverage shall be in the amount of **\$2,000,000** for each occurrence and **\$3,000,000** general aggregate and shall include Products-Completed Operations Aggregate in the minimum amount of **\$2,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**. All of the foregoing coverages must be carried and maintained at all times during this Agreement.

13.1.2. Professional Errors and Omissions Coverage. Consultant agrees to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000** per claim. Consultant shall maintain this insurance for damages alleged to be as a result of

errors, omissions, or negligent acts of Consultant. Such policy shall have a retroactive date effective before the commencement of any work by Consultant on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years after termination of this Agreement.

13.1.3. Business Automobile Liability Insurance. If Consultant or any subcontractors will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant and its subcontractors have business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

13.1.4. Workers Compensation Insurance. Consultant, its subcontractors, and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

13.1.5. Insurance Carrier Rating. Coverages provided by Consultant and its subcontractors must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

13.1.6. Additional Insured and Termination Endorsements. The City will be named as an additional insured with respect to Consultant's liabilities hereunder in insurance coverages. Additional Insured coverage under Consultant's Commercial General Liability, Automobile Liability, and Excess Liability Policies, as applicable, will be provided by endorsement. Additional insured coverage shall be for both ongoing operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory. Waiver of Subrogation endorsement via ISO Form CG 2404 or its equivalent shall be provided. The following is included as additional insured: "The City of McMinnville, its elected and appointed officials, officers, agents, employees, and volunteers." An endorsement shall also be provided requiring the insurance carrier to give the City at least thirty (30) days' written notification of any termination or major modification of the insurance policies required hereunder. Consultant must be an additional insured on the insurance policies obtained by its subcontractors performing work on the Services contemplated under this Agreement.

13.1.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the City. This



Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days' prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

13.2. Primary Coverage. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If insurance policies are "Claims Made" policies, Consultant will be required to maintain such policies in full force and effect throughout any warranty period.

#### **Section 14. Early Termination; Default**

14.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

14.1.1. By mutual written consent of the parties;

14.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; or

14.1.3. By Consultant, effective upon seven (7) days' prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

14.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the ten (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

14.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

14.4. Termination under any provision of this Section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 18**, for which Consultant has received payment or the City has made payment.

### **Section 15. Suspension of Services**

The City may suspend, delay, or interrupt all or any part of the Services for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within Consultant's control. The City shall not be responsible for Services performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Services and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

### **Section 16. Modification/Addendum**

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 4** of this Agreement, or changes or modifies the Scope of Work or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) days after receipt, make a written request for modification to the City's Project Manager in the form of an Addendum. Consultant's failure to submit such written request for modification in the form of an Addendum shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Addendum. To be enforceable, the Addendum must describe with particularity the nature of the change, any delay in time the Addendum will cause, or any increase or decrease in the Compensation Amount. The Addendum must be signed and dated by both Consultant and the City before the Addendum may be implemented.

### **Section 17. Access to Records**

The City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts during the term of this Agreement and for a period of four (4) years after termination of the Agreement, unless the City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

**Section 18. Property of the City**

18.1. Originals or certified copies of the original work forms, including but not limited to documents, drawings, tracings, surveying records, mylars, spreadsheets, charts, graphs, modeling, data generation, papers, diaries, inspection reports, and photographs, performed or produced by Consultant under this Agreement shall be the exclusive property of the City and shall be delivered to the City prior to final payment. Any statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to the City upon request without additional compensation. Upon the City’s written approval, and provided the City is identified in connection therewith, Consultant may include Consultant’s work in its promotional materials. Drawings may bear a disclaimer releasing Consultant from any liability for changes made on the original drawings and for reuse of the drawings subsequent to the date they are turned over to the City.

18.2. Consultant shall not be held liable for any damage, loss, increased expenses, or otherwise, caused by or attributed to the reuse by the City or its designees of all work performed by Consultant pursuant to this Agreement without the express written permission of Consultant.

**Section 19. Notices**

Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one party may indicate by written notice to the other party.

To City: City of McMinnville  
Attn: Tom Schauer, Senior Planner  
231 NE Fifth Street  
McMinnville, OR 97128  
[Tom.Schauer@mcminnvilleoregon.gov](mailto:Tom.Schauer@mcminnvilleoregon.gov)

To Consultant: \_\_\_\_\_  
Attn: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 20. Miscellaneous Provisions**

20.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

20.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

20.3. No Assignment. Consultant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

20.4. Adherence to Law. In the performance of this Agreement, Consultant shall adhere to all applicable federal, state, and local laws (including the McMinnville Code and Public Works Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform the Services described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement.

20.5. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. All contractual provisions required by ORS Chapters 279A, 279B, 279C, and related Oregon Administrative Rules to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

20.6. Jurisdiction. Venue for any dispute will be in Yamhill County Circuit Court.

20.7. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

20.8. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

20.9. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

20.10. Modification. This Agreement may not be modified except by written instrument executed by Consultant and the City.

20.11. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

20.12. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

20.13. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

20.14. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

20.15. Good Faith and Reasonableness. The parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City “sole discretion” or the City is allowed to make a decision in its “sole judgment.”

20.16. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

20.17. Interpretation. As a further condition of this Agreement, the City and Consultant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

20.18. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.

20.19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

20.20. Authority. Each party signing on behalf of Consultant and the City hereby warrants actual authority to bind their respective party.

The Consultant and the City hereby agree to all provisions of this Agreement.

**CONSULTANT:**

**CITY:**

\_\_\_\_\_

CITY OF McMinnville

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

As Its: \_\_\_\_\_

As Its: \_\_\_\_\_

Employer I.D. No. \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
City of McMinnville, Oregon

# SOUTHWEST AREA PLAN REVISED PROJECT APPROACH

## Project Approach

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### PHASE 1: PROJECT START-UP

#### Task 1.1: Kickoff Meeting

Initiating the start of the project, the consultant team, in partnership with City Staff, will review the scope of work, overall project schedule, project management and roles, and discuss communication protocols along with additional expectations within the scope.

**Deliverables:** Agenda, project schedule, and meeting summary.

#### Task 1.2: Public Engagement Plan

First impressions make a big difference—even with long term projects. Understanding that, our team is prepared to support the City with kicking off the project successfully by developing a thoughtful public engagement plan that involves key stakeholders and the greater community at large throughout each major project phase. The engagement plan will ensure that the project is led by the Project Advisory Committee (PAC) with technical advisory from the Project Management Team (PMT). Discussion and decision making of the PAC will be informed by broader community outreach including feedback from stakeholder focus groups, Community Design Workshops, and online surveys. The engagement plan itself will be informed by the City’s Public Engagement Charter and Equity Lens using best practices to identify any project specific need for multi-lingual engagement. Our team will approach public engagement by:

- **Maintaining open communication and providing project information** in ways that are understandable and speak to why the community cares about the project, as well as responding to community questions and concerns as they arise so people feel heard.
- **Reducing participation fatigue by combining public meetings** with other City project events when possible.
- **Reaching people who may be reluctant to engage with government** by meeting them where they already gather, and developing creative and community-centered engagement activities.

**Deliverables:** Agenda, project schedule, and meeting summary.

#### Task 1.3: Data Collection and Plan Review

The consultant team will review existing planning documents adopted by the City and current planning efforts impacting the Southwest study area to ensure consistency with the findings, goals, and policies adopted in these documents, including state and regional planning frameworks. The consultant team will ensure the Great Neighborhood Principles adopted in Comprehensive Plan Policies 187.10 through 187.50 and McMinnville’s Traditional Neighborhood act as a model for future neighborhood development. The relevant planning documents include:

- City Comprehensive Plan
- McMinnville Growth Management and Urbanization Plan
- McMinnville Transportation System Plan
- 1995 McMinnville Westside Bicycle and Pedestrian Plan
- Parks, Recreation and Open Space Plan
- McMinnville Municipal Code and Zoning Ordinance
- 2002 Highway 18/99W South Interchange Area Management Plan
- Oregon Department of State Lands Statewide Wetlands Inventory
- Oregon Department of Fish and Wildlife Compass Tool
- Concurrent planning efforts that are forecasted to overlap with the Southwest Area Plan

**Deliverables:** Existing conditions memorandum summarizing consultant’s findings and any key issues that could impact the planning process.

#### Task 1.4: Project Advisory Committee (PAC) Orientation

Initiating Consultant team will meet with the selected PAC members, introduce the project, establish ground rules for engagement, and facilitate a guided tour of the study area to collectively identify key features that need to be considered.

**Deliverables:** Orientation agenda and guided tour of the study area with PAC members, project team, and City Staff.

#### Task 1.5: Site Analysis

Walker Macy will work with HHPR to obtain base information and set up new base mapping for the team’s use, including feedback received during the guided tour and site visit. With the base mapping completed, Walker Macy will prepare summary site analysis diagrams including:

- Parcelization and ownership
- Slope analysis
- Existing natural features (soils, hydrology, vegetation, and views)
- Adjacent development and available utilities
- Circulation
- Regional sense of place and contextual influences.

**Deliverables:** Base map and summary site analysis diagrams.

## Task 1.6: Economic Analysis

Leland Consulting Group (LCG) will conduct market research of socioeconomic, economic, and real estate data to inform two core aspects of the plan:

- **Residential:** LCG will evaluate McMinnville’s residential demand drivers and real estate conditions to identify feasible residential typologies that are likely to be built in the SW Area. While market-driven, the analysis will also consider McMinnville’s Housing Needs Analysis so that recommended housing types, quantities, and locations reflect the need to achieve housing affordability for residents of a wide range of incomes both in the near term and over time.
- **Commercial:** LCG will evaluate McMinnville’s commercial real estate market to identify the scale, location, and character of neighborhood activity centers that are viable in the study area. This will involve detailed market research of commercial and mixed-use areas in McMinnville today coupled with an analysis of future demand within the study area and how that demand will translate into supportable retail and services. The analysis will consider the timing of likely development so that the plan can anticipate future commercial demand if it is not feasible in early phases of development.

For both the housing and commercial analysis, research will include case studies of similar projects around Oregon and the Northwest, as well as one-on-one interviews with developers, landowners, and real estate practitioners to validate market data and gather insights into the investment market. The analyses will consider and describe the locational opportunities and constraints for each use and will identify implementation strategies that address phasing and intensifying development over time. The result of this analysis will be one or more development programs for the residential and commercial areas that detail the quantity, scale, and character of supportable land uses to be used in the concept planning process.

**Deliverables:** Economic analysis memorandum.

## Task 1.7: Project Website and Launch

Initiating working with City Staff, HHPR will prepare text content supported by maps and visual graphics for the City’s website. The initial website content will clarify what this project is, what topics will be considered in each phase, and how people can provide their thoughts. The consultant team recognizes the need to communicate clearly throughout the process to make sure the community has every opportunity to understand what is being planned and participate in collaborative conversations. As such, the team will keep in mind:

- Creating highly visual communications, including graphics that explain the concepts being presented.
- Considering the use of mixed media to present information without relying heavily on text information that can be shared on social media and other platforms within the community.

- Always offering an online engagement option in conjunction with in-person engagement, providing ways for people to receive information and provide their thoughts.

**Deliverables:** Website content including project overview, background, goals, objectives, project schedule, and information on how to stay connected. Updates will be regularly provided throughout the project.

## PHASE 2: DEVELOP AND EVALUATE ALTERNATIVES

### Task 2.1: Initial Public Engagement

Gather additional information about the project and study area from the public including non-technical data (e.g. ideas, assets, issues, concerns) to better understand constraints and public sentiment. Utilizing public input from the online comment form, Walker Macy will prepare an Opportunities and Constraints Diagram that summarizes the opportunities for various land uses, development patterns, building relationships, open spaces, natural features, and potential connections, as well as any key constraints that would need to be overcome in order to realize those opportunities. As identified in the public engagement plan, the consultant team will begin developing content for additional public outreach. Public engagement materials will be highly graphic, easily legible, and translated into Spanish to provide equal opportunities for community members to provide input.

**Deliverables:** Opportunities and constraints diagram, draft content for online public outreach, database of comments received, draft survey questions, and other agreed-upon public engagement materials. Spanish translations provided.

### Task 2.2: PAC Meeting #1 – Introduction, Input, and Identification of Issues

The consultant team will present the information prepared from Task 2.1 and the vision statement. Our team is prepared to get the most out of the regular meeting with the Project Advisory Committee and know how to keep productive conversations moving even when committee members have conflicting goals for a project. These meetings will be an opportunity to bring options for discussion about tradeoffs and to uncover community assets or concerns. This meeting will provide discussion topics to further identify issues within the study area based on stakeholder input and feedback and share public comments received.

**Deliverables:** Agenda, meeting presentation, and meeting summary.



### Task 2.3: Stakeholder Focus Groups

The consultant team, in coordination with City staff, will prepare for and conduct up to three focus groups meetings to understand the perspective of closely involved stakeholders including property owners, public agencies, nearby residents, and developers. Stakeholders will be identified at the kickoff meeting and focus groups will be sorted based on common interests, in order to allow more focused and detailed questions. HHPR and Leland Consulting will facilitate two stakeholder focus groups, and JLA will be facilitating one Spanish-speaking focus group.

**Deliverables:** List of questions and notes summarizing each focus group. Some stipends to overcome/offset barriers to participation.

### Task 2.4: Community Design Workshop #1 – Land Use and Circulation

JLA and Walker Macy will lead a Community Design Workshop to engage stakeholders, citizens, and City Staff through an interactive design session discussing potential land uses suitable for the study area and circulation between potential land uses. The workshop will include discussion of opportunities for pedestrian connections and the location and amount of park land needed in the Southwest Area based on the MGMUP Framework Plan, as revised. Walker Macy will develop preliminary concepts with public input to be prepared in Task 2.5.

**Deliverables:** Agenda, meeting presentation, meeting materials, base maps, and meeting summary.

### Task 2.5: Develop Land Use and Circulation Concept Alternatives

Based on the input of the workshop, Walker Macy will prepare three (3) land use alternatives for the study area. Each will be illustrated in plans, sections, diagrams, supporting text, and precedent imagery from influential projects and similar developments. Alternatives will include calculations of density and areas dedicated to streets, trails and open space. Given the sensitivity to locating parks on specific private parcels, these can be conceptual locations. Each alternative will also show options for suitable locations of neighborhood activity centers as well as potential school sites.

**Deliverables:** Three (3) land use and circulation alternatives.

### Task 2.6: Trip Generation Estimates

DKS will coordinate with the Transportation Planning & Analysis Unit (TPAU) at the Oregon Department of Transportation Analysis regarding the transportation analysis assumptions. DKS will request land use data, trip generation rates, vehicle trip growth rates, and trip distribution rates from TPAU from the regional travel demand model. This information will be compared to the previous analysis assumptions, including those used in the Fox Ridge Road Area Plan transportation study and will be used to perform the analysis.

**Deliverables:** Coordination meeting with ODOT and the City Staff, memo.

### Task 2.7: PAC Meeting #2 – Discussion of Public Comments and Alternatives

The consultant team will present the PAC with the summary of comments and feedback collected from the in-person and virtual open house. The PAC will review the three (3) land use alternatives and engage in a facilitated discussion to determine the strengths and weaknesses of each alternative and provide possible revisions.

**Deliverables:** Agenda, meeting presentation, and meeting summary.

### Task 2.8: Planning Commission and City Council Project Update #1

The consultant team and City Staff will provide the project overview, introduce the information prepared in Phase 1, present the opportunities and constraints diagram, and share a draft vision statement for the Southwest Area planning process. The consultant team and City Staff will share the results of Community Design Workshop #1 and PAC Meeting #2 and obtain feedback before moving into Phase 3.

**Deliverables:** Meeting presentation and meeting summary of key issues identified by the Planning Commission and City Council.

## PHASE 3: SELECT PREFERRED CONCEPTS

### Task 3.1: Community Design Workshop #2: Land Use Concept Selection

JLA and Walker Macy will lead a second Community Design Workshop to engage stakeholders, citizens, and City Staff by presenting the three (3) land use alternatives that were developed based on input from the first workshop and obtain feedback on which alternative or concepts of the alternatives are preferred. Discussion will be held on the pros and cons of each alternative.

**Deliverables:** Agenda, meeting presentation, meeting materials, meeting summary.

### Task 3.2: Develop Preferred Concept

Walker Macy will develop a preferred concept plan and any supplemental diagrams based on the feedback received from Task 3.1. The developed preferred concept plan will incorporate input from the public and PAC, and guidance from the Planning Commission and City Council.

**Deliverables:** Preferred Concept plan and diagrams.

### Task 3.3: PAC Meeting #3 - Discussion of Preferred Concept and Guidance

With City Staff, the project team will review public input to determine the direction for the Preferred Alternative, which will be illustrated in plan, section and diagrams. The Preferred Alternative will include land use and circulation, a calculation

of density and diagrams of areas dedicated to streets, trails and open spaces. The plan will be computer-drafted with an illustrative aerial view.

**Deliverables:** Agenda, meeting presentation, and meeting summary.

### **Task 3.4: Planning Commission and City Council Project Update #2**

HHPR will prepare for and attend a Planning Commission and City Council Joint Work Session to share results of Community Design Workshop #2, the draft preferred concept, and guidance from the PAC in order to seek additional direction for refinement from the Planning Commission and City Council.

**Deliverables:** Update memorandum and project presentation.

### **Task 3.5: Traffic Analysis**

As part of this task, DKS will conduct intersection operations analysis during the PM peak hour. These intersections may include, but are not limited to, the following: SW Hill Road/SW Fellows Street, SW Hill Road/SW Alexandria Street, and SW Hill Road/SW Peavine Road. Intersection analysis will be conducted under existing conditions and 20-year conditions, which will allow DKS to identify a list of future anticipated transportation deficiencies and needs for all modes of travel. Based on the transportation analysis findings, the DKS team will establish transportation mitigations that would address those future multimodal needs as well as satisfy the Transportation Planning Rule (TPR) requirements. DKS will document the analysis methodology, analysis results, Goal 12 findings, and recommendations into a transportation study report.

**Deliverables:** Draft and final Transportation Study; draft Goal 12 findings.

## **PHASE 4: REFINE PREFERRED CONCEPT**

### **Task 4.1: Develop Refined Concept (Land Use and Circulation Plan, Local Street and Trail Connectivity)**

Walker Macy will further refine the preferred concept plan and update supplemental diagrams based on previous input and guidance from tasks in Phase 3. Refinement of the concept plan will require an in depth review and development of a land use and circulation plan, as well as considerations for local street and trail connectivity within the plan area.

**Deliverables:** Refined Preferred Concept plan and updated diagrams.

### **Task 4.2: PAC Meeting #4 – Discussion of Refined Concept**

HHPR will present the refined Preferred Concept plan to the PAC for discussion. Walker Macy will finalize based on input.

**Deliverables:** Agenda, meeting presentation, and meeting summary.

### **Task 4.3: Draft Area Plan Document**

HHPR will prepare the preliminary draft of the plan including project overview, background information, public engagement, and goals and policies based on public input. The text portions of the draft will incorporate visual diagrams, photos, and graphics created throughout the process.

**Deliverables:** Draft area plan document for initial review.

### **Task 4.4: PAC Meeting #5 – Goals and Policies**

HHPR will prepare for and present the proposed goals and policies to the PAC for discussion and direction on development of site and area specific goals and policies.

**Deliverables:** Agenda, meeting presentation, and meeting summary.

## **PHASE 5: PREPARE DRAFT AMENDMENTS AND IMPLEMENTATION MEASURES**

### **Task 5.1: Technical Review and Draft Area Plan**

HHPR will distribute the draft Area Plan to members of the consultant team and technical reviews at the City of McMinnville for review prior to revision.

**Deliverables:** Draft Area Plan document to consultant team and technical reviewers.

### **Task 5.2: PAC Meeting #6 – Draft Area Plan Document Review**

HHPR will present the draft Area Plan document to the PAC for review and discuss feedback and possible revisions prior to the adoption phase, and potential implementation measures.

**Deliverables:** Agenda and meeting summary.

### **Task 5.3: Implementation Measures**

The consultant team will evaluate current plans, policies, and regulations to determine implementation measures for the preferred alternative. Additional amendments or updates that may be necessary will be identified and prepared for review by the City's technical reviewers.

**Deliverables:** Draft implementation measures memorandum.

### **Task 5.4: Preferred Concept Public Event**

The Consultant team will present the Preferred Concept and how public feedback was considered at a community meeting with a brief presentation and informational displays. This 2-hour event will allow the community to provide final feedback before the finalization and adoption of the Area Plan document. Two (2) Public Involvement consultants will staff this 2-hour event along with technical team members who can speak to the Preferred Concept plan. The Consultant will design up to six (6) display boards with the technical team's support and provide a meeting summary of all feedback received.

**Deliverables:** Event plan, meeting materials including a comment form or survey, display boards, and meeting summary.

## PHASE 6: ADOPTION

### Task 6.1: Finalize Document and Translations

The consultant team will incorporate feedback received throughout Phase 4 to prepare a revised “adoption-ready” draft of the Area Plan document, consistent with locally adopted planning documents, regulations, and Statewide Planning Goals. After final review, the document will be professionally translated by IRCO to be provided in both English and Spanish.

**Deliverables:** Adoption-ready draft Area Plan document in both English and Spanish translations.

### Task 6.2: Compliance Findings

HHPR will prepare findings for compliance with Oregon Land Use Planning Goals, the goals and policies of the McMinnville Comprehensive Plan, and city regulations.

**Deliverables:** Findings document.

### Task 6.3: Hearings and Adoption

HHPR will prepare and present the final Southwest Area Plan at a Planning Commission hearing and a City Council hearing for adoption.

**Deliverables:** Project presentations, updated findings and plan document reflecting revisions resulting from Planning Commission and City Council meetings and decision-making.

# PROJECT SCHEDULE

TASK	2025												2026					
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
1.1: Kickoff Meeting																		
1.2: Public Engagement Plan																		
1.3 Data Collection and Plan Review																		
1.4: PAC Orientation																		
1.5: Site Analysis																		
1.6: Economic Analysis																		
1.7: Project Website and Launch																		
2.1: Initial Public Engagement																		
2.2: PAC Meeting #1																		
2.3: Stakeholder Focus Groups																		
2.4: Community Design Workshop #1																		
2.5: Develop Land Use Concepts																		
2.6: Trip Generation Estimates																		
2.7: PAC Meeting #2																		
2.8: PC & CC Project Update #1																		
3.1: Community Design Workshop #2																		
3.2: Develop Preferred Concept																		
3.3: PAC Meeting #3																		
3.4: PC & CC Project Update #2																		
3.5: Traffic Analysis																		
4.1: Develop Refined Concept																		
4.2: PAC Meeting #4																		
4.3: Draft Area Plan Document																		
4.4: PAC Meeting #5																		
5.1: Technical Review of Draft Plan																		
5.2: PAC Meeting #6																		
5.3: Implementation Measures																		
5.4: Preferred Concept Public Event																		
6.1: Finalize Document & Translations																		
6.2: Compliance Findings																		
6.3: Hearings and Adoption																		



City of McMinnville  
Community Development  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Community Development Director  
Jody Christensen, Special Projects Manager  
**SUBJECT:** Resolution No. 2024-63, \$2,000,000 Business Oregon Grant for Zone 2 Water Infrastructure

## STRATEGIC PRIORITY & GOAL:



**HOUSING OPPORTUNITIES** (ACROSS THE INCOME SPECTRUM)  
Create diverse housing opportunities that support great neighborhoods.

**OBJECTIVE/S:** Collaborate to improve the financial feasibility of diverse housing development opportunities

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### Report in Brief:

This is the consideration of Resolution No. 2024-63.

Resolution No. 2024-63 authorizes the City Manager to sign a contract with Business Oregon for \$2,000,000 for infrastructure to support workforce housing.

### Background:

During the 2024 Oregon State Legislative Session, the City of McMinnville worked with Representative Lucetta Elmer (HD 24) to pass HB 4134 Housing Oregon’s Workforce, which allocated funds to four (4) workforce housing projects around the state. The City of McMinnville secured \$2,000,000 for water infrastructure for workforce housing development in Water Zone 2.

The project is the purchase and installation of the necessary piping and pumps to activate a pump station for a water zone that currently does not have water service (Water Zone 2). This infrastructure improvement will support a housing subdivision that was approved in 2007 but could not move forward due to the costs and subsequent lack of water infrastructure in Water Zone 2. The approved subdivision has 290 lots in this water zone and there are approximately 470 additional future lots in the UGB in this same water zone. Each lot is zoned to allow single housing

units as well as missing middle housing such as duplexes, triplexes, quadplexes, townhomes, and cottage clusters.

The developer has committed to building 20 housing units dedicated specifically to workforce households earning 130% AMI or less and retaining those housing units for workforce housing for at least ten years. These 20 units are part of Phase 3 and 4 of the subdivision, the first phases that will be built in Water Zone 2.

The housing subdivision is located on tax lot R4524 00801 within the city limits. The proposed pump station and water infrastructure will be installed at 12302 NW Fox Ridge Road, just north of the subject housing development. The infrastructure project will make improvements to an existing water pump station building to provide potable water within the City of McMinnville to a new water pressure zone (Zone 2) through the installation of four booster pumps, associated piping, valves, flow meters, associated electrical equipment including motor control centers, adjustable speed drives, and a standby engine generator; associated instrumentation and control equipment, and a surge tank and associated air compressor and control system.

**Discussion:**

Business Oregon, the State of Oregon’s Economic Development Department, administers the funding. The City and Business Oregon have negotiated the terms of the contract to receive the \$2,000,000 distribution.

**Attachments:**

- HB 4134 Award Letter
- McMinnville HB 4134 Project Information Form
- Resolution 2024-63
  - Exhibit A to Resolution No. 2024-63, Contract with Business Oregon

**Fiscal Impact:**

There is no fiscal impact with the adoption of Resolution 2024-63.

**Recommendation:**

Staff is recommending adoption of Resolution No. 2024-63 authorizing the City Manager to sign a contract with Business Oregon for \$2,000,000 for infrastructure to support workforce housing.



April 22, 2024

Honorable Remy Drabkin, Mayor  
City of McMinnville  
230 Second Street  
McMinnville, OR 97128

RE: Legislative Appropriation for Piping and Pumps to activate a Water Pump Station for Developable Lands, \$2,000,000 funded with the 2024 General Fund appropriation.

Dear Mayor Drabkin:

As identified in HB 4134 of the 2024 Oregon legislative session, your organization was awarded an allocation of General Funds for the above referenced project. Prior to moving forward with a grant award contract, Business Oregon must verify the project status and its eligibility as an infrastructure project that will benefit housing developments under the bill guidelines.

Please note that the legal obligations for funding are subject to execution of a contract between your jurisdiction and the State acting by and through Oregon Business Development Department.

Business Oregon, in partnership with League of Oregon Cities (LOC) will be hosting an informational webinar with Q&A for recipients on Friday May 3<sup>rd</sup> at noon. An invitation will be forthcoming from LOC.

Attached to this letter is a Project Information Form for collecting details on your project. This information will help us understand the nature of the project, expedite contract development, determine readiness to proceed, and understand if additional resources are needed.

Please submit the completed Project Information Form to your Regional Project Manager (RPM), Shelby Gonzales, via email to [shelby.m.gonzales@biz.oregon.gov](mailto:shelby.m.gonzales@biz.oregon.gov). Should you have any further questions, please contact your RPM at 971-718-3285

Sincerely,

*Mollie Croisan*

Mollie Croisan, J.D., Projects and Services Manager  
Business Oregon

C: Heather Richards, Planning Director  
Shelby Gonzales, Regional Project Manager  
Arthur Chaput, Regional Development Officer

**HOUSING INFRASTRUCTURE PROJECT CONTRACT INFORMATION – HB 4134**

<b>Entity Name:</b>	City of McMinnville
<b>Project Name:</b>	Water Infrastructure for Workforce Housing Development
<b>Funding Amount:</b>	\$2,000,000
<b>Funding Source:</b>	<b>HB 4134</b>
<b>Funding language from bill</b>	For piping and pumps to activate a water pump station for developable lands.
<b>Project Location (physical address):</b>	Pumpstation = 12302 NW Fox Ridge Road Housing Development = Tax Lot R4524 00801
<b>Project Type (choose one):</b>	Construction / Infrastructure

<b>Entity Information</b>	
<b>Street Address:</b>	231 NE Fifth Street
<b>Mailing Address:</b>	McMinnville, Oregon 97128
<b>County:</b>	Yamhill County
<b>Contact Name:</b>	Heather Richards
<b>Title:</b>	Community Development Director
<b>Phone Number:</b>	503-474-5107
<b>Email Address:</b>	<a href="mailto:Heather.Richards@mcminnvilleoregon.gov">Heather.Richards@mcminnvilleoregon.gov</a>
<b>Contract Signatory Name (Highest Elected Official):</b>	Remy Drabkin
<b>Title:</b>	Mayor



**Project Information**

**Background:**

**Please provide the project background including how project directly or indirectly leads to additional housing production as well as the need and community benefit:**

The project is the purchase and installation of the necessary piping and pumps to activate a pump station for a water zone that currently does not have water service (Water Zone 2). This infrastructure improvement will support a housing subdivision that was approved in 2007 but could not move forward due to the costs and subsequent lack of water infrastructure in Water Zone 2. The approved subdivision has 290 lots in this water zone and there are approximately 470 additional future lots in the UGB in this same water zone. Each lot is zoned to allow single housing units as well as missing middle housing such as duplexes, triplexes, quadplexes, townhomes, and cottage clusters.

The developer has committed to building 20 housing units dedicated specifically to workforce households earning 130% AMI or less and retaining those housing units for workforce housing for at least ten years. These 20 units are part of Phase 3 and 4 of the subdivision, the first phases that will be built in Water Zone 2.

**Detailed Project Description / Scope of Work:**

**Clearly describe the proposed project work to be accomplished. Identify each project element to be constructed/replaced/rehabilitated. Include address(es)/location of Project. If the project includes multiple types of infrastructure, e.g. water, sewer, stormwater, wastewater, roads, etc., describe each part of the project and how it supports development of housing.**

The housing subdivision is located on tax lot R4524 00801 within the city limits. The proposed pump station and water infrastructure will be installed at 12302 NW Fox Ridge Road, just north of the subject housing development. The infrastructure project will make improvements to an existing water pump station building to provide potable water within the City of McMinnville to a new water pressure zone (Zone 2) through the installation of four booster pumps, associated piping, valves, flow meters, associated electrical equipment including motor control centers, adjustable speed drives, and a standby engine generator; associated instrumentation and control equipment, and a surge tank and associated air compressor and control system.



775 Summer Street, NE, Suite 200  
Salem, Oregon 97301-1280

**Did you contract with a licensed engineer to assist with any preliminary project development? (i.e., design, environmental, cost estimate) X Yes  No**

If yes, list name and contact information:

Engineer Name: Craig Whitman Massie

Firm: Jacobs Engineering Group, Inc.

Phone: 541-768-3478

Email: craig.massie@jacobs.com

Project Budget Line Items and Estimated Cost			
Project Budget Line Items	Legislative Amount	Other Funds	Total
Engineering (Final Design/Construction)	\$97,000		\$97,000
Construction	\$1,703,000		\$1,703,000
Construction Contingency (minimum 10% of total construction cost)	\$200,000		\$200,000
Legal			
Land Acquisition			
Permits/Fees			
<b>TOTAL</b>	<b>\$2,000,000</b>		<b>\$2,000,000</b>

**Budget table prepared by:**

Name: Craig Massie

Title: Project Manager

Organization: Jacobs Engineering Group, Inc.

Date: 9.12.2024

Source of Other Funds and Status (Committed / Budgeted)		
Source	Status	Amount
<b>TOTAL</b>		<b>0.00</b>



775 Summer Street, NE, Suite 200  
 Salem, Oregon 97301-1280

The grant award will not be disbursed until Recipient and the property owner of the identified housing development have entered into agreement. Recipient will be required to provide evidence of authorized Project expenditures. Costs incurred after April 17, 2024, are eligible. Please indicate in the table below the expected expenditure plan, i.e. the month and amount Recipient will likely incur cost this funding will pay for. If some requests will likely occur in the 2025-2027 biennium, please check the box at the bottom of the table.

Anticipated Spend Plan	
Reimbursement Month	Not to exceed: \$2,000,000
April-24	\$
May-24	\$
June-24	\$
July-24	\$
August-24	\$
September-24	\$
October-24	\$
November-24	\$
December-24	\$
January-25	
February-25	\$
March-25	\$
April-25	\$
May-25	\$2,000,000
June-25	\$
July-25	\$
<input type="checkbox"/> 2025-2027 Biennium requests	\$
<b>Total Grant Award (Funding Amount)</b>	<b>\$2,000,000</b>

<b>Proposed Work Plan</b>		
List project activity milestones with estimated start and completion dates.		
<b>Activity</b>	<b>Estimated Date</b>	
	<b>Start</b>	<b>Completion</b>
Engineering Services Procurement	July 2024	January 2027
Permitting / Regulatory Agency Approval	December 2024	February 2025
Final Design Specifications and BID Packet <i>*Please note OBDD must review and approve prior to BID advertisement</i>	February 2025	April 2025
Construction Contract Executed	May 2025	September 2026
Substantial Completion		October 2026
Project Closeout		December 2026
Construction of Housing Development (if applicable)		December 2029
Other:		
Other:		

<b>Permits and Regulatory Authorizations</b>				
List the permits and regulatory authorizations needed for the Project to be ready to proceed with construction. Add additional rows as necessary:				
Permit or Regulatory Authorization	Review Agency	Description	Status	Actual or Expected Approval Date
Oregon Health Authority	Yes	**	On-Going	December 2024

\*\* OHA review for drinking water requirements

**Upon project completion, will the publicly owned water/wastewater infrastructure have the capacity to serve the desired additional housing units?**  Yes  No

If no, describe additional work that will be needed:

**Does the grant recipient (entity named in HB 4134) either own, or have a permanent easement or right of way, for all properties on which the improvements will take place?**

X Yes  No

If no, please explain and provide a timeline for needed property acquisition:

**Will the Infrastructure Project be owned by the grant recipient (entity named in HB 4134)?** X Yes  No

If no, describe that entity and their involvement in the Project.

**Will the grant funds be provided to another entity (not named in HB4134) that will be responsible for project implementation?** X Yes  No

If yes, identify the other entity and the roles and responsibilities of various parties. *Note: an inter-governmental agreement or memorandum of understanding between involved parties will be requested prior to funding contract execution.*

The City will enter into a development agreement with Holt Homes, the housing developer, to build 20 units of workforce housing that is retained for 10 years, and disburse the \$2,000,000 to Holt Homes for the development of the necessary water infrastructure.

Holt Homes will enter into an agreement with McMinnville Water & Light to pay them \$2,000,000 to purchase and build the water infrastructure.

The following questions are specific to criteria identified in [HB 4134](#) (2024) Section 1 (3) and (4).

**Will the infrastructure project be within the city's urban growth boundary and contribute to the development of housing within the urban growth boundary?** X Yes  No

**Is the city prepared to complete the infrastructure project within 24 months of the first disbursement of grant funds?** X Yes  No

**Has the city identified a specific, planned housing development that will be primarily benefitted by the infrastructure project?** X Yes  No

If yes, describe the type of housing (multifamily, single-family, etc.), number of housing units and any other information related to the proposed development, including area median income restrictions planned for the development, if known.

Holt Homes, the subdivision developer will build 66 units of housing in Phase 3 and part of 4 of the approved Hillcrest Subdivision within five years of the disbursement of funds. 20 of those units will be sold to households of 130% Area Median Income (workforce housing), and retained as workforce housing for 10 years by recording a Certificate of Performance on the property

Phase 3 is the first phase of Water Zone 2.

**Note:** As described in Section 1 (4) of HB 4134 (2024) disbursement of grant funds may not occur until the city and an owner of a housing development have entered into one or more agreements to provide that:

- The owner will construct a minimum specified number of housing units before the latter of 36 months after the completion of the infrastructure project or 60 months after the disbursement of the infrastructure grant.
- No less than 30 percent of the dwelling units within the housing development will be subject to an affordable housing covenant, as defined in ORS 456.270, under which:
  - (A) The city shall serve as or designate the covenant holder; and
  - (B) The housing will be made affordable to workforce income households for a period of no less than 10 years.
- In addition to any other remedies, the owner is liable to repay to the city the amount of the infrastructure grant under this section if the units are not developed

or the affordability is not maintained as required in this subsection, except for delays outside of the owner's control.

- The owner will assist the city in its reporting requirements under section 2 of [HB 4134](#) (2024).

**Describe work to date in developing agreement(s) with the housing development property owner that meets all the bulleted criteria above. If agreement(s) are not yet in place, describe next steps.**

The City is currently in the final negotiation and drafting stages of the development agreement with the housing developer. All bulleted criteria will be accounted for in the development agreement.

Upon contract signatures with Business Oregon, the City will sign the development agreement with the housing developer.

### Attachment(s)

#### Attachments

##### Project Map or Site Plan

Yes  No

##### Engineers Cost Estimate

Yes  No

##### Project Feasibility Documentation

Yes  No

##### Other Funding Letters of Commitment

Yes  No

##### Other: (please label accordingly)

Yes  No

**RESOLUTION NO. 2024-63**

A Resolution authorizing the City Manager to enter into a contract with Business Oregon for \$2,000,000 for infrastructure to support workforce housing.

**RECITALS:**

**Whereas**, the City of McMinnville worked with Representative Lucetta Elmer (HD-24) on 2024 Oregon Legislative House Bill 4134; and

**Whereas**, the City of McMinnville was allocated \$2,000,000 for water infrastructure for workforce housing development in Water Zone 2; and

**Whereas**, the workforce housing development will result in 20 housing units dedicated specifically to workforce households earning 130% AMI or less and retaining those housing units for workforce housing for at least ten years; and

**Whereas**, the water infrastructure will service 290 lots in this water zone and there are approximately 470 additional future lots in the UGB in this same water zone.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

1. That entry into a contract with Business Oregon is hereby approved.
2. The City Manager is hereby authorized and directed to execute the Contract, provided as Exhibit A.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of December 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10th day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

Exhibit A: Contract with Business Oregon



GRANT AGREEMENT

Project Name: Water Infrastructure for Workforce Housing Development

Project Number: C2024779

This grant agreement (“Contract”), dated as of the date the Contract is fully executed, is made by the State of Oregon, acting by and through its Oregon Business Development Department (“OBDD”), and City of McMinnville (“Recipient”) for financing of the project referred to above and described in Exhibit B (“Project”). This Contract becomes effective only when fully signed and approved as required by applicable law. Capitalized terms not defined in Section 1 and elsewhere in the body of the Contract have the meanings assigned to them by Exhibit A.

This Contract includes the following, listed in descending order of precedence for purposes of resolving any conflict between two or more of the parts:

This Contract less Exhibits	
Exhibit A	General Definitions
Exhibit B	Project Description
Exhibit C	Project Budget

Pursuant to ORS 285A.075(3) and Oregon Laws 2024, Chapter 103, section 5(2) (the “Act” aka HB 4134 (2024)), OBDD is authorized to enter into a grant agreement with Recipient to assist in financing the costs of an Infrastructure project as defined by the Act.

SECTION 1 - KEY TERMS

The following capitalized terms have the meanings assigned below.

**Estimated Project Cost:** \$2,000,000.

**Grant Amount:** \$2,000,000.

**Project Close-Out Deadline:** 90 days after the earlier of the Project Completion Date or the Project Completion Deadline.

**Project Completion Deadline:** The Project shall be completed within 24 months of the disbursement of the Grant Amount per the terms of the Act and any extension shall be in accordance with such deadline.

SECTION 2 – FINANCIAL ASSISTANCE

OBDD shall provide Recipient, and Recipient shall accept from OBDD, a grant (the “Grant”) in an aggregate amount not to exceed the Grant Amount. Notwithstanding the Grant Amount, the aggregate total of Financing Proceeds disbursed under this Contract cannot exceed the Costs of the Project.

Conditions Precedent. OBDD’s obligations are subject to the receipt of the following items, in form and substance satisfactory to OBDD and its Counsel:

- (1) This Contract duly signed by an authorized officer of Recipient; and
- (2) Such other certificates, documents, opinions and information as OBDD may reasonably require.

### SECTION 3 – DISBURSEMENTS

A. Grant Disbursements.

Upon execution of this Contract and satisfaction of all Conditions to Disbursement in Section 3C. below, OBDD shall disburse the Grant Amount to Recipient.

B. Financing Availability. OBDD's obligation to make, and Recipient's right to request, disbursements under this Contract terminate on the Project Close-out Deadline.

C. Conditions to Disbursement. As to any disbursement, OBDD has no obligation to disburse funds unless all following conditions are met:

- (1) There is no Event of Default.
- (2) The representations and warranties made in this Contract are true and correct on the date of disbursement as if made on such date.
- (3) OBDD, in the reasonable exercise of its administrative discretion, has sufficient funding, appropriations, limitations, allotments and other expenditure authority to make the disbursement. (Recipient acknowledges OBDD's appropriation and expenditure authority for this Grant presently expires on June 30, 2025; OBDD will seek a carry-over extension in the 2025 Oregon Legislative Session.)
- (4) Reserved.
- (5) OBDD has received a completed Disbursement Request.
- (6) Recipient has delivered documentation satisfactory to OBDD that, in addition to the Financing Proceeds, Recipient has available or has obtained binding commitments for all funds necessary to complete the Project.
- (7) Provide a copy of the agreement(s) required by Section 6D.(10) below to OBDD. Recipient may not receive a disbursement of the Financing Proceeds until OBDD has determined Recipient has satisfied Section 6D.(10) below (as required by the Act in Section 1(4)).
- (8) Any conditions to disbursement elsewhere in this Contract are met.

### SECTION 4 – USE OF FINANCIAL ASSISTANCE

A. Use of Proceeds. Recipient shall use the Financing Proceeds only for the activities described in Exhibit B and according to the Project Budget in Exhibit C. Recipient may not transfer Financing Proceeds among line items in the Project Budget without the prior written consent of OBDD.

B. Costs of the Project. Recipient shall apply the Financing Proceeds to the Costs of the Project in accordance with the Act and Oregon law, as applicable. Financing Proceeds cannot be used for costs in excess of one hundred percent (100%) of the total Costs of the Project and cannot be used for pre-award Costs of the Project.

C. Costs Paid for by Others. Recipient may not use any of the Financing Proceeds to cover costs to be paid for by other financing for the Project, whether from OBDD or from another State of Oregon agency or any third party.

D. Unexpended Grant Moneys. Any Grant moneys disbursed to Recipient, and any interest earned by Recipient on the Grant moneys, that are not used as set out herein or that remain after the Project is completed or this Contract is terminated shall be immediately returned to OBDD.

## SECTION 5 – REPRESENTATIONS AND WARRANTIES OF RECIPIENT

Recipient represents and warrants to OBDD:

- A. Estimated Project Cost, Funds for Repayment. A reasonable estimate of the Costs of the Project is shown in Section 1, and the Project is fully funded.
- B. Organization and Authority.
- (1) Recipient is a Municipality as defined in ORS in ORS 285B.410(9), and validly organized and existing under the laws of the State of Oregon.
  - (2) Recipient has all necessary right, power and authority under its organizational documents and under Oregon law to (a) execute and deliver this Contract, (b) incur and perform its obligations under this Contract, and (c) receive financing for the Project.
  - (3) This Contract has been authorized by an ordinance, order or resolution of Recipient's governing body that was adopted in accordance with applicable law.
  - (4) This Contract has been duly executed by Recipient, and when executed by OBDD, is legal, valid and binding, and enforceable in accordance with their terms.
- C. Recipient has identified a specific, planned housing development that will be primarily benefited by the Project. Recipient represents that the identified housing development will be planned, owned or constructed by Holt Homes Realty, LLC, doing business as Holt Homes.
- D. Full Disclosure. Recipient has disclosed in writing to OBDD all facts that materially adversely affect the Project, or the ability of Recipient to perform all obligations required by this Contract. Recipient has made no false statements of fact, nor has it omitted information necessary to prevent any statements from being misleading. The information contained in this Contract, including Exhibit B and Exhibit C, is true and accurate in all respects.
- D. Pending Litigation. Recipient has disclosed in writing to OBDD all proceedings pending (or to the knowledge of Recipient, threatened) against or affecting Recipient, in any court or before any governmental authority or arbitration board or tribunal, that, if adversely determined, would materially adversely affect the Project or the ability of Recipient to perform all obligations required by this Contract.
- E. No Events of Default.
- (1) No Events of Default exist or occur upon authorization, execution or delivery of this Contract.
  - (2) Recipient has not violated, and has not received notice of any claimed violation of, any agreement or instrument to which it is a party or by which the Project or its property may be bound, that would materially adversely affect the Project or the ability of Recipient to perform all obligations required by this Contract.
- F. Compliance with Existing Agreements and Applicable Law. The authorization and execution of, and the performance of all obligations required by, this Contract will not: (i) cause a breach of any agreement or instrument to which Recipient is a party or by which the Project or any of its property or assets may be bound; (ii) violate any provision of the charter or other document pursuant to which Recipient was organized or established; or (iii) violate any laws, regulations, ordinances, resolutions, or court orders related to Recipient, the Project or its properties or operations.
- G. Compliance with Tax Laws. Recipient is not in violation of any Oregon tax laws, including but not limited to a state tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250 and ORS chapters

118, 314, 316, 317, 318, 321 and 323 and local taxes administered by the Department of Revenue under ORS 305.620.

- H. Governmental Consent. Recipient has obtained or will obtain all permits and approvals, and has made or will make all notifications, declarations, filings or registrations, required for the making and performance of its obligations under this Contract and the undertaking and completion of the Project.

## SECTION 6 - COVENANTS OF RECIPIENT

Recipient covenants as follows:

- A. Within Urban Growth Boundary. The Project will be located within Recipient's urban growth boundary and will contribute to the development of housing within Recipient's urban growth boundary.
- B. Notice of Adverse Change. Recipient shall promptly notify OBDD of any adverse change in the activities, prospects or condition (financial or otherwise) of Recipient or the Project related to the ability of Recipient to perform all obligations required by this Contract.
- C. Compliance with Laws. Recipient shall comply with all applicable laws, rules, regulations and orders of any court or governmental authority that relate to this Contract and the Project. In particular, but without limitation, Recipient shall comply with the following, as applicable:
- (1) Oregon Tax Laws, (as defined in Section 5.G) and federal tax laws.
  - (2) State procurement regulations found in the Oregon Public Contracting Code, ORS Chapters 279A, 279B and 279C.
  - (3) Prevailing Wage Requirements.
    - (a) Recipient shall comply with state prevailing wage law as set forth in ORS 279C.800 through 279C.870, and the administrative rules promulgated thereunder (OAR Chapter 839, Division 25) (collectively, state "PWR"). This includes but is not limited to imposing an obligation that when PWR applies to the Project, contractors and subcontractors on the Project must pay the prevailing rate of wage for workers in each trade or occupation in each locality as determined by the Commissioner of the Bureau of Labor and Industries ("BOLI") under ORS 279C.815.
    - (b) When the federal Davis-Bacon Act applies to the Project, contractors and subcontractors on the Project must pay the prevailing rate of wage as determined by the United States Secretary of Labor under the Davis-Bacon Act (40 U.S.C. 3141 *et seq.*).
    - (c) Notwithstanding (3)(a) and (3)(b) above, when both PWR and the federal Davis-Bacon Act apply to the Project, contractors and subcontractors on the Project must pay a rate of wage that meets or exceeds the greater of the rate provided in (3)(a) or (3)(b) above.
    - (d) When PWR applies, Recipient and its contractors and subcontractors shall not contract with any contractor on BOLI's current List of Contractors Ineligible to Receive Public Works Contracts.
    - (e) When PWR applies, Recipient shall be responsible for both providing the notice to the BOLI Commissioner required by ORS 279C.835 and the payment of any prevailing wage fee(s) required under ORS 279C.825 and BOLI's rules, including OAR 839-025-0200 to OAR 839-025-0230. For avoidance of any doubt, Recipient contractually agrees to pay applicable prevailing wage fees for the Project rather than OBDD, the public agency

providing Financing Proceeds under this Contract.

- (f) Pursuant to ORS 279C.817, Recipient and any contractors or subcontractors may request that the BOLI Commissioner make a determination about whether the Project is a public works on which payment of the prevailing rate of wage is required under ORS 279C.840 (i.e. whether PWR applies).

These laws, rules, regulations and orders are incorporated by reference in this Contract to the extent required by law.

D. Project Obligations. Recipient shall:

- (1) When procuring professional consulting services, provide OBDD with copies of all solicitations at least 10 days before advertising, and all contracts at least 10 days before signing. Provide OBDD with copies of all plans and specifications relating to the Project, and a timeline for the bidding/award process, at least ten (10) days before advertising for bids.
- (2) Provide a copy of the bid tabulation and notice of award to OBDD within ten (10) days after selecting a construction contractor.
- (3) Provide OBDD with an expenditure report of all Project expenditures using the Financing Proceeds. All expenditure reports are subject to OBDD review and approval for compliance with the Financing Proceeds use terms of this Contract.
- (4) Permit OBDD to conduct inspection of the Project at any time.
- (5) Complete the Project using its own fiscal resources or money from other sources to pay for any Costs of the Project in excess of the total amount of financial assistance provided pursuant to this Contract.
- (6) Complete the Project no later than the Project Completion Deadline, unless otherwise permitted by OBDD in writing.
- (7) Provide status reports to OBDD annually on a form provided for or approved by OBDD. Reports are due August 15 each year until the final project completion report detailed in subsection (8) below is accepted by OBDD or until this Contract is terminated. Status reports shall include a minimum of the following:
  - (a) a progress report on the Project;
  - (b) an updated estimated Project completion timeline or a report of the completed results;
  - (c) an accounting of the moneys spent and remaining for the Project;
  - (d) the number of housing units constructed within the Housing Development served by the Project along with the number of those constructed housing units subject to an affordable housing covenant as required by Section 6D.(10) of this Contract; and
  - (e) an updated number of existing and additional/new housing units estimated to be served by the completed Housing Development and an updated number of units anticipated to be served by the completed Project that will subject to an affordable housing covenant.
- (8) No later than the Project Closeout Deadline, provide OBDD with a final project completion report on a form provided by OBDD, including Recipient's certification that the Project is complete, all payments are made, and no further disbursements are needed; provided however, for the purposes of this Contract, OBDD will be the final judge of the Project's completion.
- (9) Obtain and maintain as-built drawings for all facilities constructed as part of the Project.

- (10) Enter into one or more agreements with the property owner(s) of the Housing Development to be served by the Project (identified by Section 5C. of this Contract) with the agreements including the following requirements:
- (a) The owner's construction of a minimum specified number of housing units in the Housing Development;
  - (b) No less than 30 percent of the dwelling units within the Housing Development will be subject to an affordable housing covenant, as defined in ORS 456.270, under which:
    - (i) Recipient shall serve as or designate the covenant holder; and
    - (ii) The housing will be made affordable to Workforce Income Households for a period of no less than 10 years.
  - (c) The owner shall construct the housing units in the Housing Development before the latter of 36 months after the completion of the Project or 60 months after the disbursement of the Grant Amount.
  - (d) A remedy and liability provision requiring the owner to repay to Recipient the Grant Amount if the units are not developed or the affordability is not maintained as required by this Section 6D.(10), except for delays outside of the owner's control. Recipient hereby assigns any moneys or claims available under this Section 6D.(1)(d) to OBDD.
  - (e) The owner will assist Recipient in its reporting obligations to OBDD as provided by Section 6D.(7) of this Contract.

- E. Ownership of Project. The Project will be owned by Recipient during the Project and for not less than ten years following the Project Close-Out Deadline.
- F. Operation and Maintenance of the Project. Recipient shall operate and maintain the Project in good repair and operating condition so as to preserve the long term public benefits of the Project, including making all necessary and proper repairs, replacements, additions, and improvements during the Project and for not less than ten years following the Project Close-Out Deadline. On or before the Project Closeout Deadline, Recipient shall adopt a plan acceptable to OBDD for the on-going operation and maintenance of the Project without reliance on OBDD financing and furnish OBDD, at its request, with evidence of such adoption. The plan must include measures for generating revenues sufficient to assure the operation and maintenance of the Project during the usable life of the Project.
- G. Insurance, Damage. During the Project and for a period of not less than ten years following the Project Close-Out Deadline, Recipient shall maintain, or cause to be maintained, insurance policies with responsible insurers or self-insurance programs, insuring against liability and risk of direct physical loss, damage or destruction of the Project, at least to the extent that similar insurance is customarily carried by governmental units constructing, operating and maintaining similar facilities. Nothing in this provision precludes Recipient from exerting a defense against any party other than OBDD, including a defense of immunity.
- H. Sales, Leases and Encumbrances. During the Project and for a period of not less than ten years following Project Close-Out Deadline, except as specifically described in Exhibit B (Project Description), Recipient shall not sell, lease, exchange, abandon, transfer or otherwise dispose of any substantial portion of or interest in the Project, unless worn out, obsolete, or, in the reasonable business judgment of Recipient, no longer useful in the operation of the Project. Nevertheless,

OBDD may consent to such disposition if it has received 90 days' prior written notice from Recipient.

- I. Books and Records. Recipient shall keep accurate books and records and maintain them according to generally accepted accounting principles established by the Government Accounting Standards Board in effect at the time. Recipient shall have these records audited annually by an independent certified public accountant, which may be part of the annual audit of all records of Recipient.
- J. Inspections; Information. Recipient shall permit OBDD and any party designated by OBDD: (i) to inspect, at any reasonable time, the property, if any, constituting the Project; and (ii) at any reasonable time, to inspect and make copies of any accounts, books and records, including, without limitation, its records regarding receipts, disbursements, contracts, investments and any other related matters. Recipient shall supply any related reports and information as OBDD may reasonably require.
- K. Records Maintenance. Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Contract, the Project or the Financing Proceeds for a minimum of ten years, or such longer period as may be required by other provisions of this Contract or applicable law, following the Project Closeout Deadline. If there are unresolved issues at the end of such period, Recipient shall retain the books, documents, papers and records until the issues are resolved.
- L. Economic Benefit Data. OBDD may require Recipient to submit specific data on the economic development benefits of the Project and other information to evaluate the success and economic impact of the Project, from the date of this Contract until six years after the Project Completion Date. Recipient shall, at its own expense, prepare and submit the data within the time specified by OBDD.
- M. Disadvantaged Business Enterprises. ORS 200.090 requires all public agencies to “aggressively pursue a policy of providing opportunities for disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, veteran-owned businesses and emerging small businesses...” OBDD encourages Recipient in any contracting activity to follow good faith efforts as described in ORS 200.045, available at: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors200.html](https://www.oregonlegislature.gov/bills_laws/ors/ors200.html). Additional resources are provided by the Governor’s Policy Advisor for Economic and Business Equity. Also, the Certification Office for Business Inclusion and Diversity at the Oregon Business Development Department maintains a list of certified firms and can answer questions. Search for certified MWESB firms on the web at: <https://oregon4biz.diversitysoftware.com/FrontEnd/SearchCertifiedDirectory.asp?XID=2315&TN=oregon4biz>.
- N. Professional Responsibility. A professional engineer or architect, as applicable, registered and in good standing in Oregon, will be responsible for any construction design for the Project. All service providers retained for their professional expertise must be certified, licensed, or registered, as appropriate, in the State of Oregon for their specialty. Recipient shall follow standard construction practices, such as bonding requirements for construction contractors, requiring errors and omissions insurance, and performing testing and inspections during construction.
- O. Notice of Event of Default. Recipient shall give OBDD prompt written notice of any Event of Default, or any circumstance that with notice or the lapse of time, or both, may become an Event of Default, as soon as Recipient becomes aware of its existence or reasonably believes an Event of Default is likely.
- P. (1) Contributory Liability and Contractor Indemnification – Tort Claims

- (a) If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (“Third Party Claim”) against a party (the “Notified Party”) with respect to which the other party may have liability, the Notified Party must promptly notify the other party in writing and deliver a copy of the claim, process, and all legal pleadings related to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. The foregoing provisions are conditions precedent for either party’s liability to the other in regard to the Third Party Claim.

If the parties are jointly liable (or would be if joined in the Third Party Claim), the parties shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable in such proportion as is appropriate to reflect their respective relative fault. The relative fault of the parties shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Each party’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if that party had sole liability in the proceeding. This Section shall survive termination of this Contract.

- (b) Recipient shall take all reasonable steps to require its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents (“Indemnitee”) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys’ fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Recipient’s contractor or any of the officers, agents, employees or subcontractors of the contractor (“Claims”). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims. This Section shall survive termination of this Contract.

(2) Indemnity; Release—Claims Other Than Torts.

- (a) Except for Third-Party Tort Claims and Contractor Tort Claims as provided in Section P(1) above, to the extent authorized by law, Recipient shall defend, indemnify, save and hold harmless and release the State, OBDD, and their officers, employees and agents from and against any and all claims, demands, suits, actions, proceedings, losses, damages, liability and court awards including but not limited to costs, expenses, and reasonable attorneys’ fees incurred (collectively, “Non-Tort Claims”), related to any actual or alleged act or omission by Recipient, or its officers, employees, contractors, or agents in connection with this Contract, the Project, PWR or Davis-Bacon Act requirements, including without limitation, any expenses incurred or amounts paid in connection with an inquiry, investigation, audit or similar proceeding by BOLI, the U.S. Department of Labor, the Internal Revenue Service, Treasury and any other federal, state, governmental or quasi-governmental body with regulatory jurisdiction arising from the Project or the actions or omissions of Recipient, or its officers, employees, contractors, or agents.
- (b) Notwithstanding the foregoing, neither Recipient nor any attorney engaged by Recipient may defend any Non-Tort Claim in the name of the State of Oregon, nor purport to act as legal representative for the State of Oregon, without first receiving from the Oregon



Attorney General in a form and manner determined appropriate by the Oregon Attorney General, authority to act as legal counsel for the State of Oregon, nor may Recipient settle any Non-Tort Claim on behalf of the State of Oregon without the approval of the Oregon Attorney General. If the State of Oregon assumes its own defense, Recipient will be liable for the attorney fees of the State of Oregon, including but not limited to any fees charged by the Oregon Department of Justice. The provisions of this section are not to be construed as a waiver by the State of Oregon, OBDD, of any immunity, defense or limitation on damages provided for under Chapter 30 of the Oregon Revised Statutes or under the laws of the United States or other laws of the State of Oregon. If attorney fees are awarded to Recipient, such attorney fees shall not exceed the rate charged to OBDD by its attorneys.

#### SECTION 7 – DEFAULTS

Any of the following constitutes an “Event of Default”:

- A. Any false or misleading representation is made by or on behalf of Recipient, in this Contract or in any document provided by Recipient related to this Grant or the Project.
- B. Recipient fails to perform any obligation required under this Contract, other than those referred to in subsection A of this section 7, and that failure continues for a period of 30 calendar days after written notice specifying such failure is given to Recipient by OBDD. OBDD may agree in writing to an extension of time if it determines Recipient instituted and has diligently pursued corrective action.

#### SECTION 8 - REMEDIES

- A. Remedies. Upon any Event of Default, OBDD may pursue any or all remedies in this Contract and any other remedies available at law or in equity to enforce the performance of any obligation of Recipient. Remedies may include, but are not limited to any one or more of the following:
  - (1) Terminating OBDD’s commitment and obligation to make the Grant or disbursements of Financing Proceeds under the Contract.
  - (2) Barring Recipient from applying for future awards.
  - (3) Withholding amounts otherwise due to Recipient for application to the payment of amounts due under this Contract.
  - (4) Requiring repayment of the Grant and all interest earned by Recipient on those Grant funds.
- B. Application of Moneys. Any moneys collected by OBDD pursuant to section 8.A will be applied first, to pay any attorneys’ fees and other fees and expenses incurred by OBDD; then, as applicable, to repay any Grant proceeds owed; then, to pay other amounts due and payable under this Contract, if any.
- C. No Remedy Exclusive; Waiver; Notice. No remedy available to OBDD is intended to be exclusive, and every remedy will be in addition to every other remedy. No delay or omission to exercise any right or remedy will impair or is to be construed as a waiver of such right or remedy. No single or partial exercise of any right power or privilege under this Contract will preclude any other or further exercise thereof or the exercise of any other such right, power or privilege. OBDD is not required to provide any notice in order to exercise any right or remedy, other than notice required in section 7 of this Contract.

D. Default by OBDD. In the event OBDD defaults on any obligation in this Contract, Recipient's sole remedy will be for disbursement of Financing Proceeds for Costs of the Project, not to exceed the Grant Amount, less any claims OBDD has against Recipient.

## SECTION 9 - MISCELLANEOUS

A. Time is of the Essence. Recipient agrees that time is of the essence under this Contract.

B. Relationship of Parties; Successors and Assigns; No Third Party Beneficiaries.

- (1) The parties agree that their relationship is that of independent contracting parties and that Recipient is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265.
- (2) Nothing in this Contract gives, or is to be construed to give, directly or indirectly, to any third persons any rights and benefits greater than those enjoyed by the general public.
- (3) This Contract will be binding upon and inure to the benefit of OBDD, Recipient, and their respective successors and permitted assigns.
- (4) Recipient may not assign or transfer any of its rights or obligations or any interest in this Contract without the prior written consent of OBDD. OBDD may grant, withhold or impose conditions on such consent in its sole discretion. In the event of an assignment, Recipient shall pay, or cause to be paid to OBDD, any fees or costs incurred because of such assignment, including but not limited to attorneys' fees of OBDD's Counsel. Any approved assignment is not to be construed as creating any obligation of OBDD beyond those in this Contract, nor does assignment relieve Recipient of any of its duties or obligations under this Contract.
- (5) Recipient hereby approves and consents to any assignment, sale or transfer of this Contract that OBDD deems to be necessary.

C. Disclaimer of Warranties; Limitation of Liability. Recipient agrees that:

- (1) OBDD makes no warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for any use of the Project or any portion of the Project, or any other warranty or representation.
- (2) In no event are OBDD or its agents liable or responsible for any direct, indirect, incidental, special, consequential or punitive damages in connection with or arising out of this Contract or the existence, furnishing, functioning or use of the Project.

D. Notices and Communication. Except as otherwise expressly provided in this Contract, any communication between the parties or notices required or permitted must be given in writing by personal delivery, email, or by mailing the same, postage prepaid, to Recipient or OBDD at the addresses set forth below, or to such other persons or addresses that either party may subsequently indicate pursuant to this Section.

Any communication or notice by personal delivery will be deemed effective when actually delivered to the addressee. Any communication or notice so addressed and mailed will be deemed to be received and effective five (5) days after mailing. Any communication or notice given by email becomes effective 1) upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system or 2) the recipient's confirmation of receipt, whichever is earlier. Notwithstanding this provision, the following notices may not be given by email: notice of default or notice of termination.

If to OBDD: Deputy Director  
Oregon Business Development Department  
775 Summer Street NE Suite 310  
Salem, OR 97301-1280

If to Recipient: Community Development Director  
City of McMinnville  
231 NE 5th Avenue  
McMinnville, OR 97128

- E. No Construction against Drafter. This Contract is to be construed as if the parties drafted it jointly.
- F. Severability. If any term or condition of this Contract is declared by a court of competent jurisdiction as illegal, invalid or unenforceable, that holding will not invalidate or otherwise affect any other provision.
- G. Amendments, Waivers. This Contract may not be amended without the prior written consent of OBDD (and when required, the Department of Justice) and Recipient. This Contract may not be amended in a manner that is not in compliance with the Act. No waiver or consent is effective unless in writing and signed by the party against whom such waiver or consent is sought to be enforced. Such waiver or consent will be effective only in the specific instance and for the specific purpose given.
- H. Attorneys' Fees and Other Expenses. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Contract is entitled to recover its reasonable attorneys' fees and costs at trial and on appeal. Reasonable attorneys' fees cannot exceed the rate charged to OBDD by its attorneys.
- I. Choice of Law; Designation of Forum; Federal Forum. The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Contract, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Contract shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

Notwithstanding the prior paragraph, if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This paragraph applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This paragraph is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

- J. Integration. This Contract (including all exhibits, schedules or attachments) constitutes the entire agreement between the parties on the subject matter. There are no unspecified understandings, agreements or representations, oral or written, regarding this Contract.
- K. Execution in Counterparts. This Contract may be signed in several counterparts, each of which is an original and all of which constitute one and the same instrument.

Recipient, by its signature below, acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions.



**STATE OF OREGON**  
acting by and through its  
Oregon Business Development Department

**CITY OF MCMINNVILLE**

By: \_\_\_\_\_  
Chris Cummings, Deputy Director

By: \_\_\_\_\_  
The Honorable Remy Drabkin, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:**

/s/ David Berryman per email dated 27 November 2024  
David Berryman, Assistant Attorney General

## **EXHIBIT A - GENERAL DEFINITIONS**

As used in this Contract, the following terms have the meanings below.

“Costs of the Project” means Recipient’s actual costs (including any financing costs properly allocable to the Project) that are (a) reasonable, necessary and directly related to the Project, (b) permitted by generally accepted accounting principles to be Costs of the Project, and (c) are eligible or permitted uses of the Financing Proceeds under applicable state or federal statute and rule.

“Counsel” means an attorney at law or firm of attorneys at law duly admitted to practice law before the highest court of any state, who may be of counsel to, or an employee of, OBDD or Recipient.

“Financing Proceeds” means the proceeds of the Grant.

“Housing Development” means multifamily housing or a mix of multifamily, middle housing and single-family housing units planned, owned or constructed together through one or more applications or development projects under ORS 227.175 or a development agreement under ORS 94.504 to 94.528.

“ORS” means the Oregon Revised Statutes.

“Project Completion Date” means the date on which Recipient completes the Project.

“Workforce Income Household” means a household with income less than or equal to 130 percent of the county median income based on information or estimates available from the United States Census Bureau.

## **EXHIBIT B - PROJECT DESCRIPTION**

Recipient shall use the Grant for piping and pumps to activate a water pump station for developable lands. The Project will be located at 12302 NW Fox Ridge Road in McMinnville, Oregon.

Recipient will procure an engineer licensed in Oregon to design a pump station and related water system infrastructure. The Project will include, but is not limited to, acquisition and installation of the following:

- Four (4) booster pumps
- Water distribution lines
- Flow meters
- Associated pump station electrical equipment
- Standby engine generator
- Surge tank
- Air compressor and control system(s)

**EXHIBIT C - PROJECT BUDGET**

	<b>OBDD Funds</b>	<b>Other / Matching Funds</b>
Activity	Approved Budget	Estimated Budget
Design/Engineering	\$97,000	\$0
Construction	\$1,703,000	\$0
Construction Contingency	\$200,000	\$0
Total	\$2,000,000	\$0



**City of McMinnville**  
**City Attorney's Office**  
230 NE Second Street  
McMinnville, OR 97128  
(503) 434-7303

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** David Ligtenberg, City Attorney  
**SUBJECT:** Unified Board & Committee Appointment Policy

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## **Report in Brief:**

The City has a number of City-Council-appointed Boards, Commissions, or Committees (“Committees”) which function as Governing Bodies, exercising authority to make decisions or recommendations for a public body on policy or administration. While those bodies share an initial application and similar interview and appointments standards, ultimately their processes are decentralized and determined individually—either by their assigned staff or the Committees themselves.

Standardization of application, interview, and appointment standards is an effort to promote transparency of process, thereby increasing transparency of governance. Such policies also seek to bring a higher level of accessibility to potential candidates throughout the City. Additionally, standardized policy processes help staff navigate turnover issues as seamlessly as possible. The policy proposed here for adoption seeks to address those concerns.

## **Discussion:**

The attached policy for adoption focuses on four major areas in the Committee appointment process: Vacancy, Application, Interview, and Appointment.

**Vacancy:** Proposed policies in this section focus on how vacant seats are handled, mainly setting goals and standards for advertising such vacancy. Advertisements are meant to be visible from multiple sources including City websites, social media, and traditional newsprint. Advertisements should also go out in Spanish.

**Application:** Policies seek to make application availability broad, specifically with a mind for any technological limitations in getting an application or getting it filled out and submitted. This also sets a standard for contacting applicants, making sure everybody who applied is contacted.

**Interview:** All minimally-qualified applicants should be offered an interview, and this series of policies sets standards for the scheduling of those interviews. Scheduling concerns are addressed for applicants (at least two weeks after staff contact with provisions for access) and for interviewers (recommending specified interview panel members, but allowing designees or absences if scheduling becomes problematic). This also requires standard questions and scoring rubrics across interviews for a particular seat.

**Appointment:** Sets a timeline for bringing appointment recommendations to the City Council and sets content standards for staff onboarding of Committee members.

**Attachments:**

1. Resolution 2024-65: Adopting a Unified Board & Committee Appointment Policy
  - a. Exhibit A: Unified Board & Committee Appointment Policy

**Fiscal Impact:**

None.



**RESOLUTION NO. 2024-65**

A Resolution adopting a Unified Board & Committee Appointment Policy.

**RECITALS:**

**Whereas**, the City has a number of City-Council-appointed Boards, Commissions, or Committees (“Committees”); and

**Whereas**, these Committees function as Governing Bodies, exercising authority to make decisions or recommendations for a public body on policy or administration; and

**Whereas**, standardization of application, interview, and appointment standards across such Committees would promote transparency of process, thereby increasing transparency of governance; and

**Whereas**, the proposed policies seek to implement said transparency and also seek to bring a higher level of accessibility to potential candidates throughout the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:**

1. The attached Unified Board & Committee Appointment Policy is adopted for use in the City.
2. This resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of December, 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10th day of December, 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

**EXHIBITS:**

- A. Unified Board & Committee Appointment Policy



## Unified Board & Committee Appointment Policy

### 1. Purpose and Applicability

- a. This policy is intended to provide standardization of City board and committee vacancy appointments. Such standardization is intended to promote transparency of process, thereby increasing transparency of governance. These policies also seek to bring a higher level of accessibility to potential candidates throughout the City.
- b. The provisions of this policy shall apply unless otherwise indicated by any provision of the McMinnville Municipal Code or any Federal or State of Oregon laws.
- c. This policy applies specifically to City-Council-appointed seats on boards, commissions, and committees, which will all be referred to in this policy as “committees.” It does not apply to Project Advisory Committees or any liaison seats on any committee, whether City-Council-appointed or not.

### 2. Vacancy and Advertisement

- a. Vacant seats should not be allowed to remain vacant. Rather, such vacancies should be communicated and advertised, as per this policy, as soon as reasonably possible following such vacancy or notice to City staff of pending vacancy.
- b. Vacancies should be posted on both the City’s Boards and Comissions webpage and any City-approved community engagement platform for at least 30 days before interviews take place. Deadlines can be extended up to another 30 days at staff’s or the relevant committee’s discretion, particularly in the event of having received too few applications.
- c. During the posted vacancy period, advertisements should be placed, in both English and Spanish, in the local newspaper and all approved City social media channels. Staff are encouraged to further advertise on any identified partner-agency networks or to other relevant groups or message boards.
- d. Advertisements should include the nature of the vacancy, any specific parameters for the vacancy (i.e., ward resident, business/property owner, UGB resident, etc.), term of the vacant seat, link to the application, and staff contact for questions or information.



### 3. Application

- a. Applications should be available as fillable PDF, online form, and by paper at the library.
- b. All applicants should be contacted within a week of the original application deadline date to either schedule interviews, notify of an extended deadline, or explain that the application has not met relevant minimum requirements.

### 4. Interview

- a. All applicants must be offered an interview, except those who failed to meet statutory or advertised minimum requirements.
- b. Interviews should be scheduled at least two weeks after contact with applicant under paragraph 3.b. Applicants should be allowed to interview via videoconference, teleconference, or in person. Rescheduling interviews is entirely at staff's discretion, and depending on interviewer availability.
- c. Interview panels should include, as scheduling allows, the board or commission's staff liaison or a designee, the committee's City Council Liaison, and one sitting committee member. City Council leadership (the Mayor or Council President) should be included as available.
- d. Interview questions should be standard across all interviews for a particular vacancy. Such questions should be approved by the relevant committee.
- e. Interview scoring should be consistent across all interviews for a particular vacancy. Such rubric or weighting of categories should be approved by the relevant committee. All committees are encouraged to include "Diversity of Experience or Expertise" as a weighted category among such scoring.

### 5. Appointment/Onboarding

- a. Appointments should be recommended to the City Council at the first practicable regular meeting following interviews.
- b. Staff onboarding of new committee members should occur as soon as practicable following their appointment. Onboarding should include orientation to the functions



and procedures of the committee, as well as basic information regarding public meetings law, public records, and rules of order. New members should also be given, or directed to, any relevant enabling legislation or bylaws.



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## STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** David Ligtenberg, City Attorney  
**SUBJECT:** Real Estate Purchase from McMinnville Water & Light for Proposed Recreation Center

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### **Report in Brief:**

City Staff have negotiated a proposed Purchase & Sale Agreement of approximately 27 acres of real property on Riverside Drive from McMinnville Water & Light. The Agreement is contingent upon obtaining a voter-approved bond funding the purchase. Staff now requests that Council authorize execution of the Agreement to advance the process toward construction of a recreation center on the property.

### **Discussion:**

The "Miller Property" is an approximately 27-acre parcel on Riverside Drive, inside City limits and adjacent to Marsh Lane and the McMinnville Water & Light facility, as well as Joe Dancer Park and a stretch of the South Yamhill River. It became the preferred potential location for a proposed future recreation center because of the collaborative partnership between the City and MWL, their willingness as a seller, and the adjacency to Joe Dancer Park.

The Agreement includes reservation by MWL of a number of easements accommodating water mains along and across the Property, as well as a "Conservation Easement" and "Access Easement" on and to portions of the riverside floodplain area. The Conservation Easement area remaining available to the City for recreation or open space needs unless and until MWL needs it for compensatory wetlands mitigation.

The negotiated Agreement for purchase of the Property was signed by MWL on November 25, 2024, with a total purchase price of \$3,840,000. It anticipates a closing date within about two and a half years to accommodate the City's efforts to secure bond financing for this project. Closing is contingent upon the obtaining of such financing.

### **Attachments:**

1. Resolution 2024-69: Authorizing the City Manager to enter into a Purchase & Sale Agreement with McMinnville Water & Light for the purchase of the Miller Property, contingent upon future bond financing, for a future recreation center.

### **Fiscal Impact:**

Purchase of the Property is contingent upon passage of a future voter-approved bond. The Property will be bought with such bond-financed proceeds.

**RESOLUTION NO. 2024-69**

A Resolution authorizing the City Manager to enter into a Purchase & Sale Agreement with McMinnville Water & Light for the purchase of the Miller Property, contingent upon future bond financing, for a future recreation center.

**RECITALS:**

**Whereas**, the "Miller Property" is an approximately 27-acre parcel on Riverside Drive; and

**Whereas**, the Miller Property has been identified as a recommended location for a proposed future recreation center; and

**Whereas**, McMinnville Water & Light (MWL) is the owner of the Miller Property; and

**Whereas**, City staff have negotiated with MWL staff on a Purchase & Sale Agreement for the Miller Property (Agreement); and

**Whereas**, the Agreement is contingent upon the City securing voter-approved bond funding over the next approximately two and a half years; and

**Whereas**, the Agreement reserves to MWL two water main easements, a conservation easement and an access easement; and

**Whereas**, the City and MWL have negotiated a purchase price of \$3,840,000; and

**Whereas**, MWL signed the Agreement on November 25, 2024.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

1. The City Manager is authorized to enter into a Purchase & Sale Agreement, as negotiated by the City Attorney, with McMinnville Water & Light for the purchase of the Miller Property for \$3,840,000.
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10th day of December, 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10th day of December, 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder



# STAFF REPORT

**DATE:** December 3, 2024  
**TO:** McMinnville City Council  
**FROM:** Darcy Reynolds, Code Compliance Officer  
**SUBJECT:** Resolution No. 2024-71, Unpaid Citations and Abatement Costs

**STRATEGIC PRIORITY & GOAL:**



**COMMUNITY SAFETY & RESILIENCY**

Proactively plan for & responsively maintain a safe & resilient community.

**OBJECTIVE/S:** Build a community culture of safety (consider safety best practices)

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**Report in Brief:**

This is the consideration of Resolution No. 2024-71, approving liens on properties for civil penalty citations for violations of Section 8.10 of the McMinnville Municipal Code and corrective action abatement cost that have not been paid.

**Background:**

In October 2019, City Council voted to approve amendments to Title 2 and Title 8 of the McMinnville Municipal Code. Those updates provided code compliance staff with more efficient tools for addressing property maintenance and health and safety concerns in an expeditious time frame. Since that time, code compliance staff has continued to resolve most complaints through voluntary compliance. For those property owners who do not voluntarily comply, the City may issue civil penalty citations. Per Section 2.50.250(E)(6) of the McMinnville Municipal Code, if the property owner refuses to pay the civil penalty citation within 30 days of issuance, the City has the right to lien the property for the amount owed per the McMinnville Municipal Code after City Council approval.

In addition, Per Section 2.50.250(F) the City has the right to lien a property for any corrective action abatement cost invoices that have gone unpaid for 30 since issuance.

Resolution No. 2024-71 represents unpaid civil penalty citations for four properties that have gone unpaid for more than 30 days.

**Discussion Items:**

**A. Unpaid Civil Penalty Citations and Abatement Costs since February 27, 2024, are as follows:**

*3248 NE Newby Street*

*Noise; Dogs at Large: \$3,000.00*

Code Compliance Staff received numerous a complaint two dogs running at large and repeated episodes of dogs barking more than 10 minutes per hour. Staff issued \$3,000.00 in civil penalty citations for failing to voluntarily comply with code requirements.

*917 SE Angela Court*

*Debris, Junk and Garbage; Motor Vehicles; Animals and Animal Excrement: \$500.00*

Code Compliance Staff received several complaints about debris junk and garbage, discarded motor vehicles, vehicles parked on the lawn and animals at large. Staff issued \$500.00 in civil penalty citations for failing to voluntarily comply with code requirements.

*1963 NW 22<sup>nd</sup> Street*

*Unpermitted Street Tree Removal: \$300.00*

Code Compliance Staff received a complaint that a street tree was removed without a permit. Staff issued a \$300 civil penalty citation for failing to voluntarily comply with code requirements.

*120 SW Fleishaur Lane*

*Debris, Junk and Garbage; Open Storage of Items: \$500.00*

Code Compliance staff received a complaint about debris, junk, garbage and outdoor storage of items. Staff issued \$500 in civil penalty citations for failing to voluntarily comply with code requirements.

*915 NW Alder Street*

*Keeping of Animals in Residential Zones; Noise: \$750.00*

Code Compliance Staff received numerous complaints about the dogs at large and dogs barking more than 10 minutes in an hour. Staff issued \$750.00 in civil penalty citations for failing to voluntarily comply with code requirements.

*1941 NW Haun Drive*

*Hazardous and Noxious Vegetation; Animal Excrement: \$500.00*

Code Compliance Staff received complaints about grass and weeds taller than 10 inches and dog excrement. Staff issued \$500.00 in civil penalty citations for owners failing to comply with code requirements voluntarily.

*411 SE Baker Street*

*Debris, Junk and Garbage; Attractive Nuisance: \$350.00*

Code Compliance Staff received a complaint about debris, junk and garbage and attractive nuisance structures. Staff issued \$350.00 in civil penalty citations for owners failing to comply with code requirements voluntarily.

*834 NE Hembree Street*

*Hazardous and Noxious Vegetation: \$250.00*

Code Compliance Staff received a complaint about grass, weeds, and blackberries taller than 10 inches. Staff issued \$250.00 in civil penalty citations for failing to voluntarily comply with code requirements.



*1249 NW Michelbook Lane*

*Keeping of Animals in a Residential Zone: \$250.00*

Code Compliance Staff received a complaint about a dog running at large. Staff issued a \$250.00 civil penalty citation for failing to voluntarily comply with code requirements.

*648 SW Arthur Street*

*Debris, junk and Garbage; Discarded Vehicles: \$500.00*

Code Compliance Staff received a complaint about debris, junk, garbage and parking in the yard. Staff issued \$500.00 in civil penalty citations for failing to voluntarily comply with code requirements.

*765 SE Morgan Lane*

*Motor Vehicles; Hazardous and Noxious Vegetation: \$500.00*

Code Compliance Staff received a complaint about discarded vehicles, parking in the lawn and grass and weeds taller than 10 inches. Staff issued \$500.00 in civil penalties for failing to voluntarily comply with code requirements.

*1200 NW Saint Andrews Point*

*Noise: \$250.00*

Code Compliance Staff received a complaint about dogs barking more than 10 minutes in an hour. Staff issued \$250.00 in civil penalty citations for failing to voluntarily comply with code requirements.

*696 NW Fenton Street*

*Debris, Junk and Garbage: \$250.00*

Code Complaint Staff received a complaint about debris junk and garbage. Staff issued \$250.00 in civil penalties for failing to voluntarily comply with code requirements.

**B. Unpaid Corrective Action Costs since February 27, 2024 are as follows:**

*1935 SE Woodmill Court*

*Hazardous and Noxious Vegetation; Debris, Junk, and Garbage Removal: \$3,015.62*

Code Compliance Staff had to abate property after homeowner failed to correct code violations voluntarily. The total corrective action cost was \$3,015.62.

*120 SW Fleishauer Lane*

*Debris Junk and Garbage Removal: \$615.62*

Code Compliance Staff had to abate property after homeowner failed to correct code violations voluntarily. The total Corrective action cost was \$615.62.

*1941 NW Haun Drive*

*Hazardous and Noxious Vegetation and Dog Excrement Removal: \$240.80*

Code Compliance Staff had to abate property after homeowner failed to correct code violations voluntarily. The total Corrective action cost was \$240.80.

*696 NW Fenton Street*

*Debris, Junk and Garbage Removal: \$2333.20*

Code Compliance Staff had to abate property after homeowners failed to correct code violations voluntarily. The total corrective action cost was \$2333.20.

**Attachments:**

Resolution No. 2024-71

**Fiscal Impact:**

Placing these unpaid civil penalty citations as liens against the properties will result in eventual full cost recovery, including administrative time and resources.

**Recommendation:**

Staff recommends that these unpaid civil penalty citations be placed on the lien docket.

***“I move to approve Resolution No. 2024-71”***

**RESOLUTION NO. 2024-71**

A Resolution approving code compliance liens on properties to recover unpaid civil penalty citations and corrective action abatement costs.

**RECITALS:**

**Whereas**, On August 13, 2019, the McMinnville City Council adopted Ordinances No. 5078 and 5079, amending the McMinnville Municipal Code to restructure the code compliance program with an emphasis on efficiency, timeliness, voluntary compliance, and the ability to abate properties and issue civil penalties when voluntary compliance was not achieved; and

**Whereas**, Per Section 2.50.310(A) of the McMinnville Municipal Code, if it is found that a code violation exists and has not been corrected within ten (10) days of the date of the notice of code violation or the final order issued upon appeal of the notice, the city manager or designee may impose a civil penalty; and

**Whereas**, Per Section 2.50.310(E)(6) of the McMinnville Municipal Code, the amount of the civil penalty may become a lien on the property if not paid within thirty (30) days of invoicing; and

**Whereas**, Per Section 2.50.250(F)(2) of the McMinnville Municipal Code, assessment of delinquent correction action costs to be entered in the docket of city liens must be made by city council resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

- 1. That the following properties have been assessed either corrective action costs or civil penalties that after due process and notification, the property owners have refused to pay within thirty (30) days and are now approved to be recorded as liens on the property:

<b>Property Address</b>	<b>Violation Type</b>	<b>Amount of Lien</b>
3248 NE Newby St	Noise, Dogs at Large	\$3000.00
917 SE Angela Ct	Debris, junk and garbage, motor vehicles, dogs at large	\$500.00
1963 NW 22 <sup>nd</sup> Street	Street Trees	\$300.00
120 SW Fleishauer Ln	Debris, junk, garbage, Storage	\$500.00
915 NW Alder St	Noise, Dogs at Large	\$750.00
1941 NW Haun Dr	Tall grass and weeds, Dog excrement	\$500.00
834 NE Hembree St	Tall grass and weeds	\$250.00
1249 NW Michelbook Ln	Dog at Large	\$250.00
648 SW Arthur St	Debris, Motor Vehicles	\$500.00

765 SE Morgan Ln	Motor Vehicles, Tall grass and weeds	\$500.00
1200 SW Saint Andrews Pt	Noise	\$250.00
696 NW Fenton St	Debris, junk and garbage	\$250.00
1935 SE Woodmill Ct	Corrective Action Costs	\$3,015.62
120 SW Fleishauer Ln	Corrective Action Costs	\$615.62
1941 NW Haun Dr	Corrective Action Costs	\$240.80
696 NW Fenton St	Corrective Action Costs	\$2,333.20

2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 10<sup>th</sup> day of December, 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 10<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder



# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Taylor Graybehl, Senior Planner  
**SUBJECT:** Ordinance No. 5154 (Second Reading): Zone Change (ZC 3-24)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth and development strategically, responsively, and responsibly to enhance our unique character

**OBJECTIVE: Strategically plan for short and long-term growth and development that will create enduring value for the community.**

### Report in Brief:

This is the second reading of Ordinance No. 5154, approving the Planning Commission recommendation to approve the Zone Change application for property located west of the NE Newby Street and NE Hoffman Drive intersection, identified as Tax Lot R4409DC 01100.

The City Council voted on the first reading of Ordinance No. 5154 at the November 26, 2024, City Council meeting, 6 – 1 in favor. Since it was not a unanimous vote, the City Council could not consider a vote for the second reading.

**Zone Change Application (ZC 3-24)** – The application requests approval to change the zoning designation of Tax Lot R4409DC 01100 from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential). The subject parcel is approximately 2.93 acres in size. This application only requests a zone change. Any future development will require a separate development application. A Zone Change proposal must satisfy all relevant requirements of the review criteria set forth in McMinnville Municipal Code (MMC) 17.74.020.

This is a quasi-judicial application subject to the procedures of Section 17.72.130 of the Zoning Ordinance. Per Section 17.72.130 (5) and (6) of the Zoning Ordinance, the Planning Commission makes a recommendation to the City Council to approve or deny the application. Per Section 17.72.130(C)(5) and (6) of the McMinnville Municipal Code:

- 5) *Following the public hearing for all other quasi-judicial applications listed in Section 17.72.120, the Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.*

- a. *If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council, a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the Planning Commission, and any other materials deemed necessary for decision by the City Council*
  - b. *If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.*
- 6) *Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:*
- a. *Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;*
  - b. *Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D)-(F).*

The Planning Commission held a public hearing on November 7, 2024 and voted 6 – 2 to recommend **approval with conditions** of the zone map amendment to City Council based on the findings provided in Exhibit A to Ordinance No. 5154, the Decision Document, Findings of Fact and Conclusionary Findings for Docket ZC 3-24.

**Background:**

The applicant and property owner submitted a Zone Change application to the Community Development Department on August 5, 2024. The application was deemed incomplete on August 27, 2024. On August 30, 2024 the applicant submitted additional materials, including a written notice that no other information will be provided. The application was deemed complete on August 30, 2024. A Notice of public hearing was mailed to all property owners within 300 feet of the exterior boundary of the subject property on October 16, 2024. Notice of the public hearing was published in the News-Register on November 1, 2024.

Figure 1: Vicinity Map (Property lines approximate)

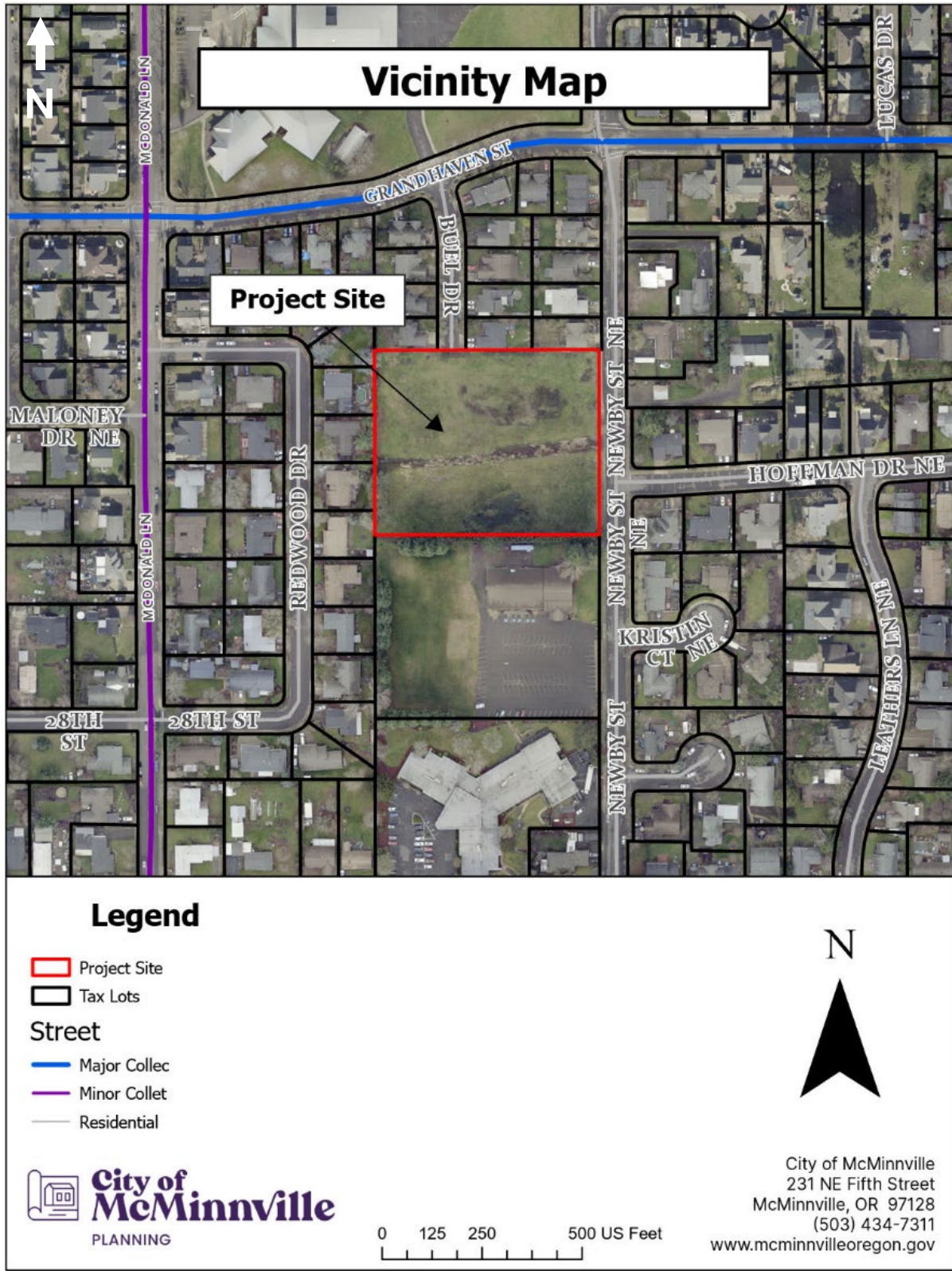
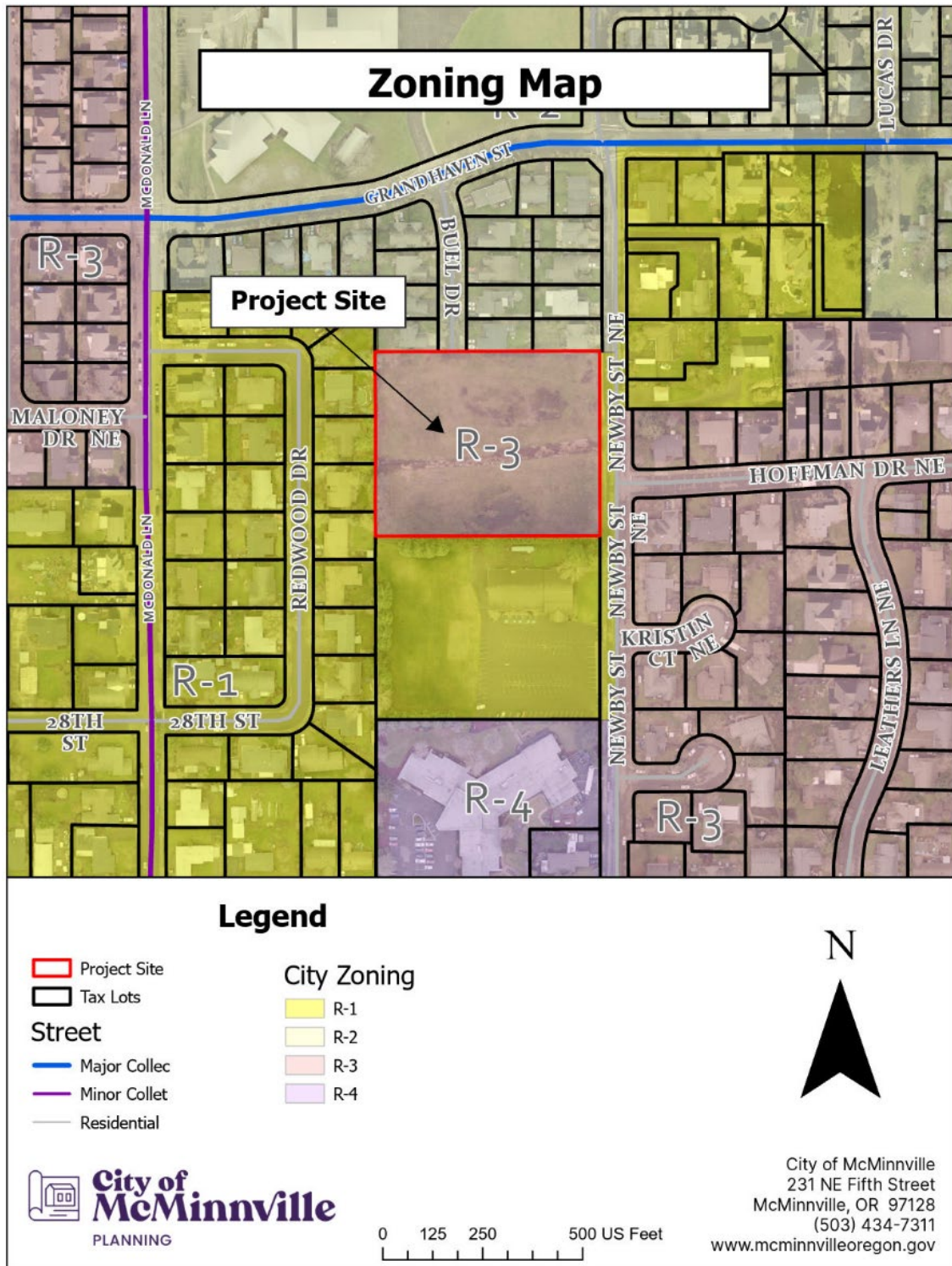
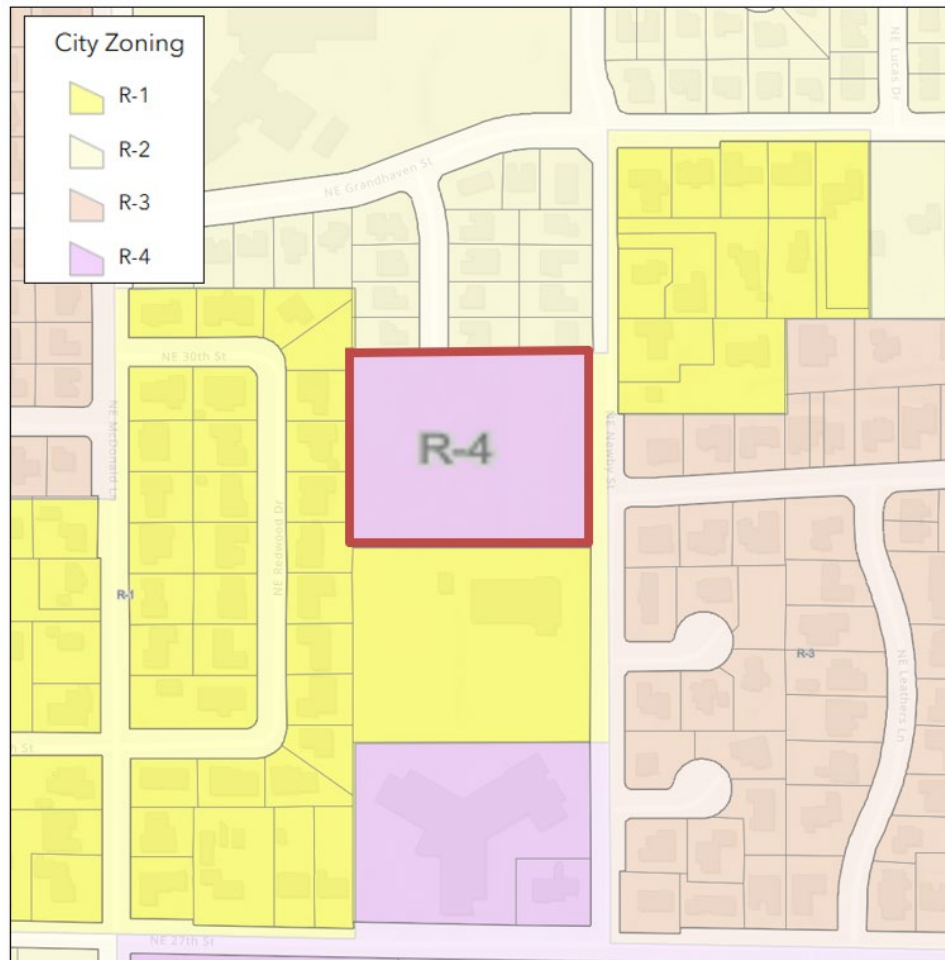


Figure 2: Current Zoning Map





**Figure 3: Proposed Zoning Map**



**Discussion**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Zone Change are in the McMinnville Municipal Code (MMC), Title 17, Chapter 17.74 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of a proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II.

Amendments to the City’s adopted and acknowledged planning documents, including amendments to the Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

The application is for a rezone only, with no proposed development or alterations to the subject site or adjacent lands. Future development will require additional application(s) and will be subject to review to ensure compliance with the City of McMinnville, local, state, and federal regulations, which may include building and safety, fire, traffic and parking, architectural

standards, building size, landscaping, street trees, stormwater management, and wetlands/stream alteration.

During deliberation, the Planning Commission made the recommendation to modify the proposed Decision, Findings of Fact, and Conclusionary Findings to address Comprehensive Plan Policy 187.50(8)(a).

*187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

*8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

*a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

The Planning Commission found that potential apartment development, now permitted by the R-4 zone, would be out of scale with the neighboring single-family detached residential structures to the west and north of the subject site. To ensure the size, form, and proportion of future development are consistent with the existing built environment, the Planning Commission recommends the condition of approval to require yard setbacks to be established at fifteen (15) feet along the west and north property lines. The Planning Commission found that zone change application ZC 3-24, with a condition of approval, satisfied all zone change criteria, applicable Comprehensive Plan Goals and Polices, and applicable Statewide Planning Goals.

#### **Attachments:**

- Ordinance No. 5154.
  - Exhibit A to Ordinance No. 5154. – Docket ZC 3-24 Decision Document

#### **Fiscal Impact:**

There are no costs to the City of McMinnville relative to this land-use decision. The proposed amendment will allow for needed housing and tax base added with the development.

#### **City Council Options:**

1. **Conduct the Second Reading and ADOPT THE ORDINANCE with a majority vote of yes votes**, approving ZC 3-24 and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.
2. **Conduct the Second Reading and DO NOT ADOPT THE ORDINANCE with a majority vote of no votes**, providing findings of fact and conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5154
3. **Conduct the Second Reading and DO NOT ADOPT THE ORDINANCE with a majority vote of no votes**, providing findings of fact and conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5154 as originally proposed. Then **make a motion to amend the Decision Document with new**

**conditions of approval and findings** and propose **ADOPTING THE ORDINANCE** with the amendments.

**Recommendation:**

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found that the applicable criteria were satisfied, as provided in the decision document, and **RECOMMENDED APPROVAL** of the applications.

Staff **RECOMMENDS ADOPTION OF THE ORDINANCE** approving the application as recommended by the Planning Commission.

**Suggested Motion:**

**“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5154.”**

**ORDINANCE NO. 5154**

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (MEDIUM-DENSITY, 6000 SF LOT RESIDENTIAL) TO R-4 (MEDIUM, HIGH DENSITY, 5000 SF LOT RESIDENTIAL ZONE) FOR PROPERTY OF APPROXIMATELY 2.93 ACRE LOCATED WEST OF NE NEWBY STREET AND NE HOFFMAN DRIVE INTERSECTION (TAX LOT R4409DC 01100), DOCKET ZC 3 - 24.**

**RECITALS:**

**WHEREAS**, the Planning Department received a land-use application (Docket ZC 3-24) from applicant Monika Development LLC, on behalf of Monika Development LLC, requesting approval of a Zone Map amendment of a property from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential) for the subject property; and

**WHEREAS**, the subject property is approximately 2.93 acres, located West of NE Newby Street and NE Hoffman Drive Intersection, Tax Lot R4409DC 01100; and

**WHEREAS**, a duly noticed public hearing before the McMinnville Planning Commission was held on November 7, 2024 after due notice had been provided in the local newspaper on November 1, 2024 and written notice had been mailed to property owners within 300 feet of the affected property on October 16, 2024; and

**WHEREAS**, at said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received.

**WHEREAS**, the Planning Commission, being fully informed about said request, found that the requested Zone Map Amendment conformed to the applicable McMinnville Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

**WHEREAS**, the Planning Commission, by a vote of 6-2, recommended approval of said Zone Change; and

**WHEREAS**, 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, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A, approving the Zone Change (ZC 3-24); and
2. That the property is hereby rezoned from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential) subject to the following conditions:

a. Yard setbacks shall be established at fifteen (15) feet along the west and north property lines;

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the McMinnville City Council this 10th day of December, 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

EXHIBITS:

A. Decision Document for Docket ZC 1-24



**City of McMinnville**  
**Community Development**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR ZONG CHANGE FROM R-3 (MEDIUM-DENSITY, 6000 SF LOT RESIDENTIAL ZONE) TO R-4 (MEDIUM, HIGH-DENSITY, 5000 SF RESIDENTIAL ZONE) FOR A PROPERTY APPROXIMATELY 2.93 ACRES LOCATED AT TAX LOT R4409DC 01100.**

**DOCKET:** ZC 3-24 (Zone Change)

**REQUEST:** The application requests approval to change the zoning designation of Tax Lot R4409DC 01100 from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential). The subject parcel is approximately 2.93 acres in size. This application only requests a zone change. Any future development will require a separate development application.

**LOCATION:** West of NE Newby Street and NE Hoffman Drive Intersection  
(see attached map)

Map & Tax Lot: R4409DC 01100

**CURRENT ZONING:** R-3, Medium-Density, 6000 SF Lot Residential Zone

**APPLICANT:** Monika Development LLC c/o Wendi Kellington  
**PROPERTY**

**OWNER:** Monika Development LLC c/o Lori Zumwalt

**STAFF:** Taylor Graybehl, Senior Planner

**DATE DEEMED COMPLETE:** August 30, 2024

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission decision of denial becomes the final decision unless that decision is appealed to the City Council.

**PLANNING COMMISSION**

**HEARING DATE & LOCATION:**

November 7, 2024 at 6:30 P.M., 200 NE 2<sup>nd</sup> Street, McMinnville, OR 97128.  
Zoom meeting ID: 894 0886 2808, Passcode: 608036

**DECISION-MAKING**

**BODY:**

The McMinnville City Council makes the final decision, unless the Planning Commission decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

**MEETING DATE & LOCATION:**

November 26, 2024, Kent Taylor Civic Hall, 200 NE Second Street and via Zoom.

December 10, 2024, Kent Taylor Civic Hall, 200 NE Second Street and via Zoom.

**PROCEDURE:**

An application for a Zone Map amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

**CRITERIA:**

The applicable criteria for a Zone Map Amendment is specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests. The proposal must also be consistent with applicable provisions of state law.

**APPEAL:**

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

*Note: The City's final decision is usually subject to a 120-day processing timeline, including resolution of any local appeal. However, per ORS 227.178(7), the 120-day period does not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.*

**COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and

Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in Section IV of this document.

**II. DECISION**

Based on the findings and conclusions, the McMinnville City Council finds the applicable criteria are satisfied and **APPROVES** the Zone Change (ZC 3-24).

////////////////////////////////////  
**DECISION: APPROVAL**  
////////////////////////////////////

City Council: \_\_\_\_\_  
Remy Drabkin, Interim Mayor of McMinnville

Date: \_\_\_\_\_

Planning Commission: \_\_\_\_\_  
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Community Development Director

Date: \_\_\_\_\_



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## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The applicant requests an amendment to the Zone Map from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential) for a property approximately 2.93 acres in size located west of NE Newby Street and NE Hoffman Drive Intersection (Tax Lot: R4409DC 01100). **See Vicinity Map (Figure 1), Zoning Map (Figure 2).**

The subject property is vacant with sparse ground covering and one (1) street tree; a stream bisects the site from west to east, which has been identified with potential riverine wetlands under the Oregon Department of State Lands (DSL) jurisdiction. Future development will be subject to wetland regulations as implemented by the DSL.

The subject abuts two public rights-of-way, with frontage along the eastern property line (NE Newby Street) and the northern property line (where NE Nuel Drive terminates plugs). NE Newby Street has been improved with curb, gutter, sidewalk, and overhead wires. NE Nuel Drive terminates as a street plug, with the improved street (curb, gutter, sidewalk, and planter strip) butting into the property line. Future development may be responsible for improving public right-of-way abutting the site.

The Applicant has summarized the request as follows:

*The Applicant seeks land use approval from the City of McMinnville for a zone change from R-3 to R-4. The subject property is already planned residential. Therefore, no plan amendment is required. The purpose of the zone change is to allow higher residential density on the property. The intended use of the property is to allow for the development of multifamily units.*

As noted by the Applicant, the request is for a zone map amendment to allow for the future development of multi-family units. Although the application has identified the purpose of the amendment as to allow multi-family units, no development is proposed or reviewed as part of this application. Future development of the site, such as a multi-family development, will be subject to additional review to ensure compliance with local, state, and federal regulations, which may include building and safety, fire, traffic and parking, architectural standards, building size, landscaping, street trees, stormwater management, and wetlands/stream alteration.

In summary, the proposal is to change the subject site's zone from R-3 to R-4. The decision will be limited to the application and based only on the proposed Zone Map amendment's review criteria; a detailed analysis of the proposal's compliance with review criteria can be found in the Conclusionary Findings below.

Figure 1. Vicinity Map

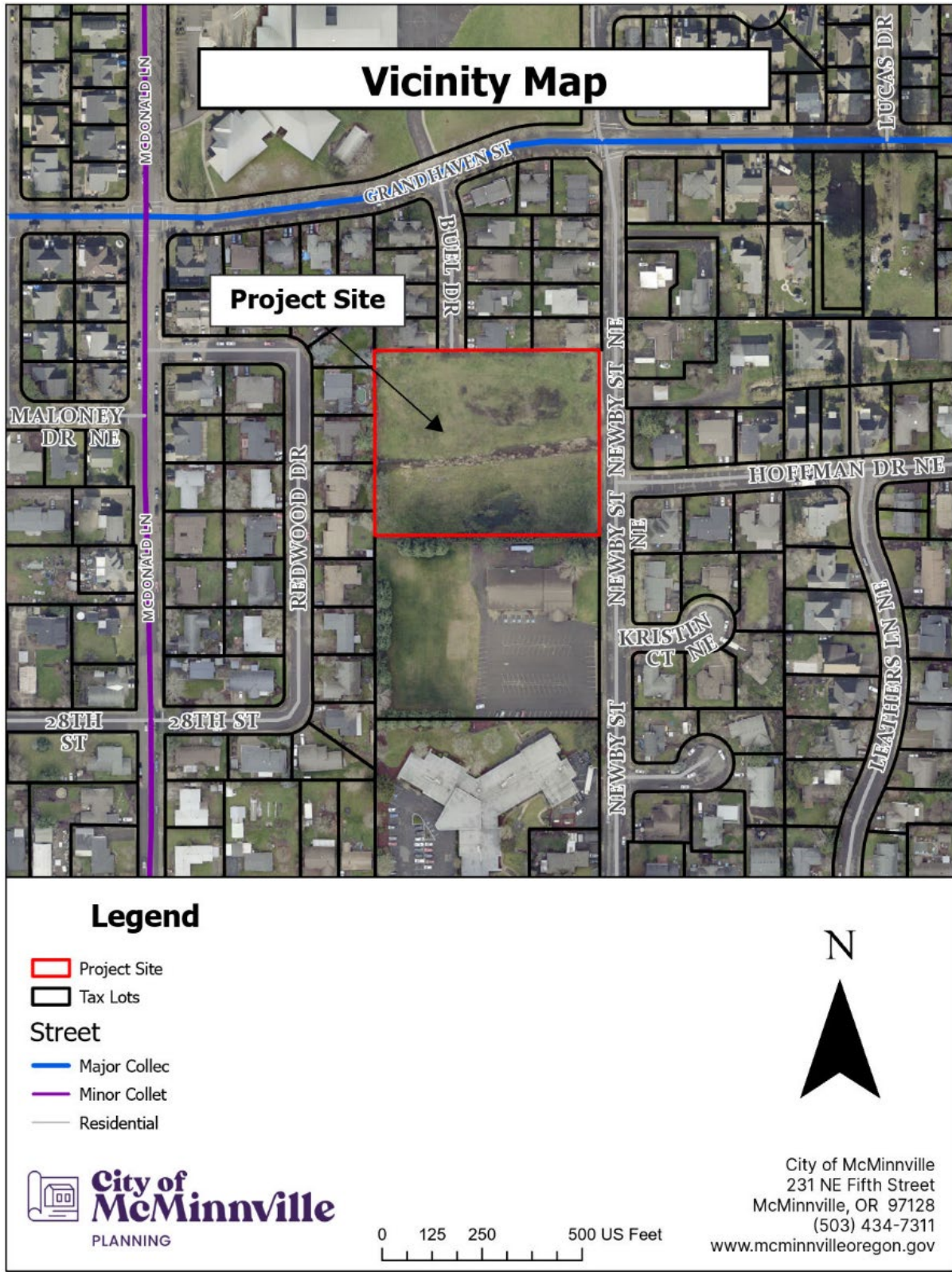


Figure 2. Current Zone Map

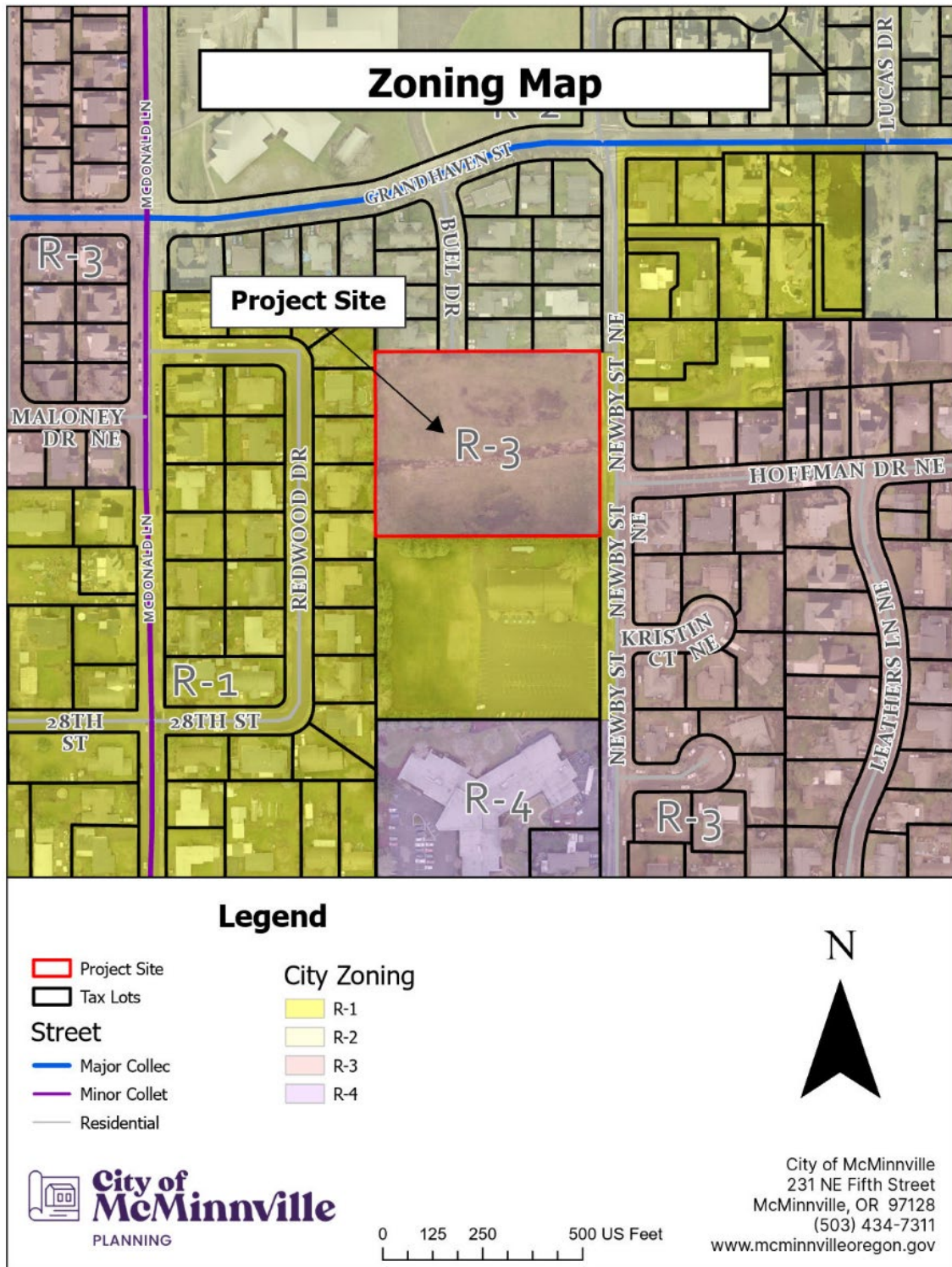
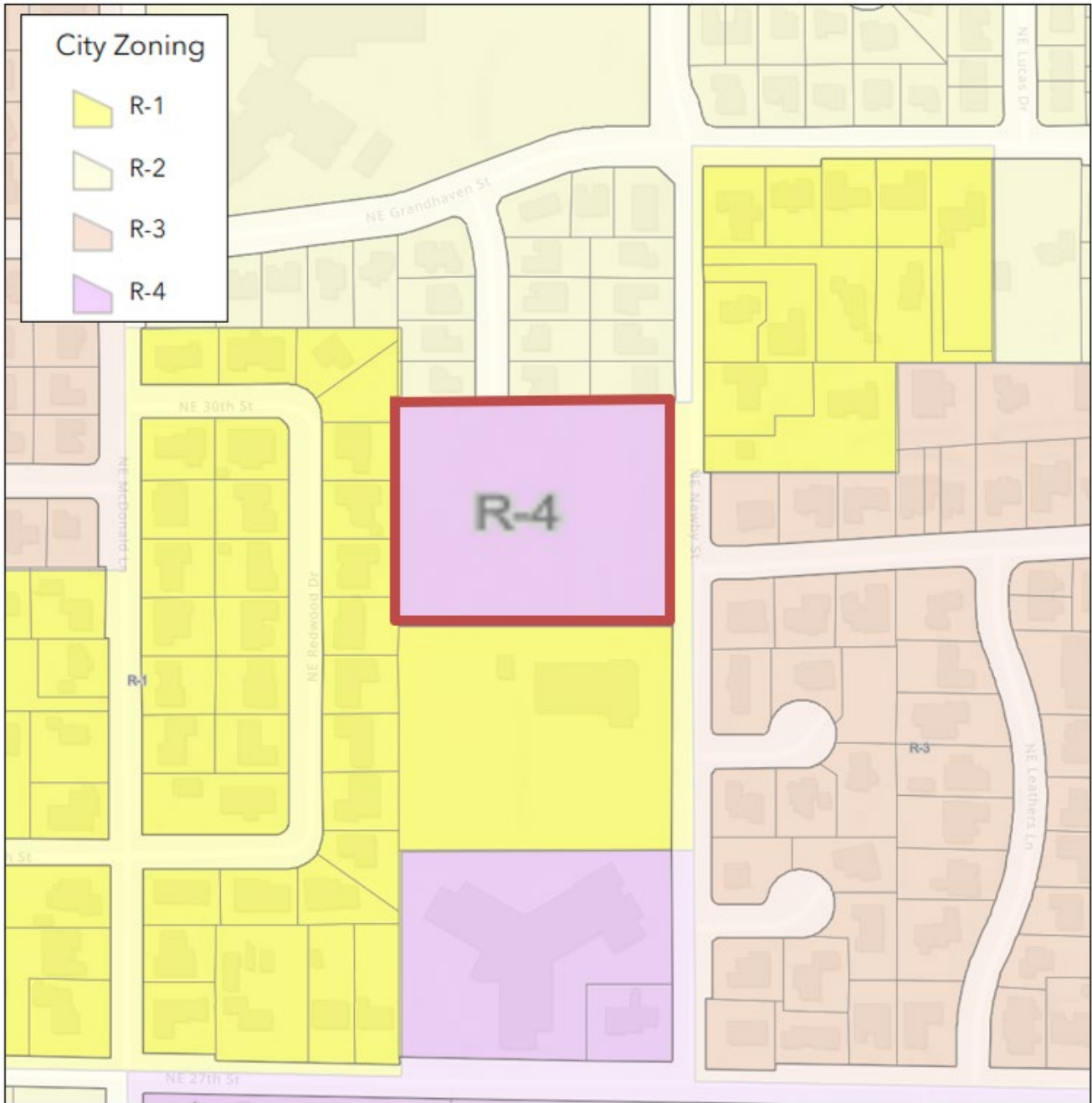


Figure 3. Proposed Zone Map



**II. CONDITIONS:**

1. Yard setbacks shall be established at fifteen (15) feet along the west and north property lines;

**III. ATTACHMENTS:**

1. ZC 3-24 Application and Attachments (on file with the Planning Division)

**IV. COMMENTS:**

*Agency Comments*

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Responses were received from the following agencies, provided below:

- McMinnville Engineering Department
- McMinnville Water & Light
- Comcast

Most of the comments do not create conditions of approval for the Zone Map amendment land-use decision but are important comments for the applicant when developing on the property.

Comcast

After review, Comcast has no conflict or comment.

McMinnville Engineering Department

Future development may be responsible for entering into a reimbursement agreement with the City Engineering Department to analyze the capacity of the downstream Sanitary Sewer System. The future applicant will have the following options with this agreement:

- Pay for the City's Consultant to review the analysis provided. If the City's Consultant determines that the applicant's provided analysis is acceptable, no further analysis is needed. If the City's Consultant determines the provided analysis conflicts with the Wastewater Masterplan modeling results, the analysis provided by the applicant will not be deemed acceptable. If not acceptable, the analysis will either need to be revised by the applicant or the City's Consultant can provide an analysis to be paid for by the applicant.
- City's Consultant can provide an analysis at the expense of the applicant.

If the result of the analysis calls for capacity improvements the developer may be required to provide the capacity improvements as a condition of a development permit.

McMinnville Water & Light

Power: Please submit electrical loading information, in addition to design plans for MW&L. MW&L will look at system capacity, along with requests for proposed development and determine power supply path.

Water: No additional comments

***Public Comments***

Notice of this request was mailed to property owners located within 300 feet of the subject site on October 16, 2024. As of 9:40 A.M. on November 1, 2024, no public testimony was submitted.

**V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The application was submitted with the fee on August 5, 2024.
2. The application was deemed incomplete on August 27, 2024. The letter informed the Applicant that the documentation provided did not adequately demonstrate that a neighborhood meeting had been held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.
3. On August 30, 2024, the applicant submitted additional materials, including a written notice that no other information will be provided. The application was deemed complete on August 30, 2024.
4. On September 6, 2024, notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Comments received from agencies are addressed in Section VI of this Decision Document.

5. On October 2, 2024, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
6. On October 16, 2024, notice of the application and the November 7, 2024, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

7. On November 1, 2024, notice of the application and the November 7, 2024, Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
8. The Planning Commission held a public hearing on November 7, 2024, to consider the request and recommended approval with conditions.
9. The City Council met on November 26, 2024, to consider the request and the recommendation of the Planning Commission, conducting the first reading of Ordinance No. 5154.
10. The City Council met on December 10, 2024, to consider the second reading of Ordinance No. 5154 approving the zone change application.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:**
  - o **Site Address:** No site address at this time.
  - o **Map & Tax Lot:** R4409DC 01100
2. **Size:** 2.93 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Current Zoning:**
  - a. **Subject Property:** R-3 (Medium-Density, 6000 SF Lot Residential Zone)
  - b. **Surrounding Properties:**
    - i. **North:** R-2 (Low-Density, 7000 SF Lot Residential Zone)
    - ii. **West:** R-1 (Low-Density, 9000 SF Lot Residential Zone)
    - iii. **South:** R-1 (Low-Density, 9000 SF Lot Residential Zone)
    - iv. **East:**
      1. R-1 (Low-Density, 9000 SF Lot Residential Zone)
      2. R-3 (Medium-Density, 6000 SF Lot Residential Zone)
5. **Overlay Zones/Special Districts:** None
6. **Current Development:** The subject property is vacant with sparse ground covering and one (1) street tree; a stream bisects the site from west to east, identified with potential riverine wetlands under the Oregon Department of State Lands (DSL) jurisdiction.
7. **Inventoried Significant Resources:** None
8. **Other Features:**
  - a. **Slopes:** The property is generally flat.



- b. **Easements:** (E-236) 10' wide permanent pipeline and right-of-way easement to the City of McMinnville
- c. **Trees:** There is one tree that is located along the front of the property adjacent to NE Newby Street.

9. **Utilities:**

- a. **Water:** McMinnville Water & Light has power facilities along NE Newby Street.
- b. **Sewer:** The development will not likely reach a point where sewer capacity improvements are warranted. If sewer capacity increases are required, the City may require improvements through applicable standards at the time of development.
- c. **Stormwater:** Adequate stormwater infrastructure will be required by the City's Engineering Division at the time of development. No concerns regarding stormwater facilities have been raised at this time.
- d. **Power:** McMinnville Water & Light has power facilities along NE Newby Street.

10. **Transportation and Access:** NE Buel Drive and NE Newby Street are classified as Local Streets in the Transportation System Plan (TSP). The Transportation System Plan (TSP) Future Local Street Connections (Exhibit 2-1) identifies the extension of Local Streets through the subject site.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Zone Change are found in Chapter 17.74 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of a proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

Amendments to the City's adopted and acknowledged planning documents, including amendments to the Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

### **MCMINNVILLE ZONING ORDINANCE (TITLE 17 OF THE MUNICIPAL CODE)**

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

#### **CHAPTER 17.74. REVIEW CRITERIA**

***17.74.020. Comprehensive Plan Map Amendment and Zone Change - Review Criteria.*** *An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:*

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

**APPLICANT'S RESPONSE:** The proposal is consistent with the City comprehensive plan. See responses to IV Application Question 2 below.

**FINDING: SATISFIED.** The applicant responded to all applicable Comprehensive Plan Goals and Policies. Staff found that the application and all applicant responses satisfied the goals and policies. Findings for Comprehensive Plan Goals and Policies are provided below.

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;*

*[...]*

*When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.*

**APPLICANT'S RESPONSE:** Per MDC 17.74.020, this standard does not apply. This is because MDC 17.74.020 expressly states that it does not apply where the applicant is seeking a zone change concerning needed housing. State law defines "needed housing" in ORS 197A.018 to include any type of housing that the City's Housing Needs Analysis indicates there is a deficiency of.

The City's Housing Needs Analysis describes "apartment buildings" as a needed housing type for the City. HNA p 93. The proposed zone change to R-4 will allow an apartment building on the subject property and, therefore, is for needed housing. That means that per its express terms, that this standard is inapplicable

**FINDING: NOT APPLICABLE.** The City concurs with the applicant's response that criterion B does not apply because the proposal concerns needed housing, and the subject site is land designated for residential use on the Comprehensive Plan Map. The proposal would change the subject site's zoning classification from R-3 to R-4, allowing for "apartment buildings," which have been identified as needed housing in the City's Housing Needs Analysis. The project sites' Comprehensive Plan Map designation is Residential. As the proposed rezoning would allow for needed housing and is land designated for residential use on the plan map, criterion B does not apply.

*C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

**APPLICANT'S RESPONSE:** The Applicant's engineer confirms that utilities can be efficiently provided to the subject property per Exhibit F to this application. See also IV Application Question 7 response.

The Applicant's request to change zoning from R-3 to R-4 is consistent with the housing policies of the McMinnville Comprehensive Plan. The application provides appropriate emphasis on City plan policies that support providing needed housing for all citizens of the City.

**FINDING: SATISFIED.** The subject property has access to all necessary public services, at a level needed for urban development. When given the opportunity to provide comments on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services. At time of future development, McMinnville Water and Light and the City's Engineering Division will analyze if the system capacity can handle the proposed development. If capacity increases are required, the McMinnville Water and Light or the City's

Engineering Division may require improvements through applicable standards at the time of development.

### **COMPREHENSIVE PLAN VOLUME II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply certain applications, and are not addressed below

The following findings are made relating to specific Goals and Policies:

### **CHAPTER II. NATURAL RESOURCES**

#### **GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.**

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed zone change from R-3 to R-4 should not have significant impacts on the quality of air, water, and land resources. The proposed R-4 zoning allows higher densities of development in comparison to the existing R-3 zoning; however, any potential impacts will be mitigated or prevented through the enforcement of applicable standards at the time of development.

#### *Policies – Land*

*2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** A portion of the subject site has been identified as potential wetlands subject to the Oregon Department of State Lands (DSL) jurisdiction. Although the application has identified the potential future use of the subject site as multi-family housing, no development has been proposed or reviewed as part of this application. Future development, including multi-family housing, and its impacts on those potential wetlands will be forwarded to the Oregon Department of State Lands for review.

### **CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT**

**GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS**

*General Housing Policies:*

58.00 *City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

59.00 *Opportunities for multiple dwelling and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*

**APPLICANT'S RESPONSE:** None

**FINDING: SATISFIED.** The proposed zone change to R-4 allows for more housing types and increased densities than permitted in the R-3 zone. Multiple dwelling development is an allowed land use in R-4 while not in the R-3 zone. As noted in Policy 59.00, multiple dwelling developments may lead to lower-cost rentals or owner-occupied housing.

**GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.**

70.00 *The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.*

**APPLICANT'S RESPONSE:** 70.00 is satisfied. The proposal provides for an efficient and intensive use of undeveloped urban land that is already planned and zoned for urban residential use. The proposal is to enable a greater residential density than is otherwise possible, thus promoting a residential development pattern that makes an efficient residential use of scarce urban land resources and promotes energy efficiency.

**FINDING: SATISFIED.** The application proposes changing the subject site's zoning designation from R-3 to R-4. The R-4 zone allows for more housing types and densities than the R-3 zone; specifically, the R-4 zone allows for multi-family housing (apartments), while the R-3 zone does not. The proposal would allow for a greater variety of housing types and densities in compliance with Policy 70.00.

71.00 *The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated*

*may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

**APPLICANT'S RESPONSE:** 71.00 is satisfied. The subject property is designated "Residential." This plan provision requires the City to allow the entire spectrum of residential zones in residentially designated areas, such as the subject property. The R-4 zone is a residential zone and the subject property is designated as Residential. Therefore, per this policy the proposal "shall be allowed."

**FINDING: SATISFIED.** The subject property is designated as "Residential" on the City of McMinnville Comprehensive Plan Map. The proposed R-4 zoning classification is identified as a residential zoning classification and is allowed per Policy 71.00.

71.05 *The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)*

**APPLICANT'S RESPONSE:** 71.05 is satisfied. The proposed zoned change to R-4 is consistent with the City's goals to increase the five-year supply of buildable land for the "apartment building" needed housing type identified in the City's HNA.

**FINDING: SATISFIED.** The proposed rezoning is consistent with the Comprehensive Plan Map (see Policy 77.00 above) and would allow for more needed housing types, including multi-family housing (apartment buildings) (see Policy 70.00 above).

The City of McMinnville's most recent Draft Housing Needs Analysis (HNA) estimates that the City will need to add 4,657 dwelling units by 2041 to accommodate its projected growth in population, with 33% of these new units being for multi-family development. Based on these estimates, the HNA projects that the City of McMinnville does not have enough land to accommodate the needed housing, with a deficit of 1,101 dwelling units. Approving the upzoning of the subject site from R-3 to R-4 will allow for additional density than otherwise permitted and potentially accommodate the needed housing in McMinnville, satisfying Policy 71.05.

71.09 *Medium and Medium-High Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:*

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street;*

3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter mile of existing or planned public transportation. (Ord. 5098, December 8, 2020; Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** Plan 71.09 (1-5). This goal is satisfied by the proposal. Plan 71.09 characterizes R-3 and R-4 zones interchangeably and treats Medium and Medium High Density zoning the same. Because the subject property is already zoned R-3, it is prima facie appropriately zoned R-4 under this policy. The area is not "committed to low density development." Rather, the area includes a mix of R-1, R-2, R-3 and R-4 zones. Specifically, land designated R-1 is located to the west and northeast and is residentially developed with lots meeting R-1 requirements. Adjacent R-1 land to the south is developed with a conditional use for a Church property. Adjacent land to the north is zoned and residentially developed to R-2 standards and land to the east across Newby Street from the site is zoned and residentially developed commensurate with R-3 standards. Both R-4 and C-3 zoned lands are located across 27th Street further to the south and are developed with uses and densities appropriate to those zones.

Urban facilities are in place to serve the property. See Exhibit F. The natural storm drainage that bisects the property limits single family layout options and requires impacting wetlands to develop any reasonable number of SFDs. This application enables more flexible development options, while increasing the allowable density enabling the City to come closer to meeting its needs for housing over the planning period.

**FINDING: SATISFIED.** The proposed zone change from R-3 to R-4 complies with policies 71.09 as detailed below.

*Policy 71.09*

1. This subsection is satisfied as the subject site is not committed to low density. The subject site's existing zoning classification of R-3 Medium-Density 6000 SF Zone (underline added for emphasis) is identified as "Medium" and not "Low."
2. This subsection is satisfied as the subject site is within 600 feet (approximately 400 feet) of Grandhaven Street, identified as a Major Collector in the City of McMinnville Transportation Plan.
3. This subsection is satisfied as the majority of the site is developable, even with possible development limitations due to the potential presence of wetlands.
4. This subsection is satisfied as facilities exist in the surrounding area that support additional development.
5. This subsection is satisfied as public transit (bus stops) is within a quarter mile of the subject site, including a bus stop on 27<sup>th</sup> Street adjacent to Orchard Plaza, approximately 1/8 mile from the site.

*Residential Design Policies:*

*79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)*

*80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.*

**APPLICANT'S RESPONSE:** Plan Policies 79.00 and 80.00 are satisfied by this proposal. The precise housing type and proposed residential density will be established upon submission of a site plan consistent with the R-4 Zone and Residential Design Standards for the housing type. The housing types allowed by the R-4 zone, such as, in the example of multi-family units, allows a concentrated housing density in one area and can better accommodate for the land constraint of the open storm drain. Therefore, the R-4 zone will better accommodate Plan Policy 80.0 because it enables the existing drainage swale to remain but allowing the concentration of housing in other areas that are not possible under the current R-3 zoning. Please note that a particular housing type, site plan or a Planned Development designation is not requested as part of this land use proposal.

**FINDING: SATISFIED.** A portion of the subject site has been identified as potential wetlands subject to the Oregon Department of State Lands (DSL) jurisdiction. Although the application has identified the potential future use of the subject site as multi-family housing, no development has been proposed or reviewed as part of this application. Future development, including multi-family housing, and its impacts on those potential wetlands will be forwarded to the Oregon Department of State Lands for review.

*Urban Policies:*

*99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*



3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
5. *Deleted as per Ord. 4796, October 14, 2003.*

**APPLICANT'S RESPONSE:** Plan 99.00 is satisfied in that all utilities are available to the subject site and have adequate capacity. See Goal VII 1 Policy 151.00 answer.

[*STAFF NOTE:* The applicant's Goal VII 1 Policy 151.00 answer is provided below]

Water: There is currently a 6" water main present along the frontage of Newby Street and an 8" water main is present in Buel Drive.

Sewer: There is a 12" sewer main that crosses the subject property from west to east within a 10' wide City sewer easement. Additionally, there is a 15" sewer main present in Newby Street. Westech Engineer Josh Wells has prepared a report that is Exhibit F to this application that demonstrates that there is adequate capacity in the city sewer system to serve the property if it is zoned R-4. Additionally, please see answer to sewer capacity in response to Question #7,

Storm: There is an open drainage swale that traverses the site from west to east that collects storm water from adjacent residential development to the west. This open drainage ditch flows into a 30" wide pipe located at the subject property's east edge. From the east edge, the drainage flows in a culvert under Newby Street and continues piped for approximately 200' before daylighting again where it continues as a natural open drainage to the North Yamhill River. This open drainage has been identified by the National Wetland Inventory as a riverine wetland.

Electrical: There is electrical service at the Buel Drive entrance close to the site that can be extended to service the site. Also, the power supply could come from the overhead power line on the east side of Newby Street, according to McMinnville Water and Light.

**FINDING: SATISFIED.** The subject property has access to all necessary public services at a level needed for urban development. When given the opportunity to provide comments on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services. At the time of future development, McMinnville Water and Light and the City's Engineering Division will analyze if the system capacity can handle the proposed development. If capacity increases are required, the McMinnville Water and Light or the City's Engineering Division may require improvements through applicable standards at the time of development.

**CHAPTER VI. TRANSPORTATION SYSTEM**

**GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.**

*Policies – Streets:*

117.00 *The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*

118.00 *The City of McMinnville shall encourage development of roads that include the following design factors:*

1. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
3. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
4. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*
5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

**APPLICANT'S RESPONSE:** Goal VI 1 and Policies 117.00, 118.00 are satisfied by this zone change. (117.00). The existing roadway network has a local residential street that connects to a Major Collector from Buel Drive to Grandhaven Drive and a connection of Newby Street, a local residential street, north to a Major Collector, Grandhaven Drive, and South to a Minor Collector 27th Street. This satisfies 117.00 as the street network will be the same and provide safe and easy access to the parcel. Policy 118.00: Applicant is not requesting approval for development of the site, but has included a traffic analysis for the "worst case" scenario for expected traffic volume when the subject property's zone is changed from R-3 to R-4. See answer to Question #8 concerning potential traffic impacts from the requested R-3 to R-4 zone change.

**FINDING: SATISFIED.** The applicant has adequately demonstrated that the proposed Zone Map Amendment satisfies policies 117.00 and 118.00. The subject site has safe and easy access from two rights-of-way. The development of roads is not included in this

application, and the applicant has demonstrated that potential “worse case” scenario traffic volumes under the R-4 zoning classification do not exceed applicable thresholds. Additional analysis is provided for Goal 11 of the Statewide Planning Goals below.

*Policies – Complete Streets:*

132.26.00 *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.*

132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)*

**APPLICANT’S RESPONSE:** Plan 132.26.00 and 132.26.05 are satisfied as the subject property is in an established neighborhood with established vehicle, pedestrian, transit and bicycle circulation systems that are designed to connect to major activity centers, i.e. Grandhaven Elementary School, Town Plaza, Anytime Fitness, Harbor Freight, McDonalds, and other food and banking needs, as well as Chegwyn Farms Neighborhood Park all within a 1/2 mile of the site. Further connections may be addressed upon a proposed future site plan.

**FINDING: SATISFIED.** No new streets, pedestrian, or bicycle facilities are proposed as part of the application or required for approval. Required improvements, including street connections or pedestrian and bicycle improvements, will be reviewed at the time of development application.

**CHAPTER VII. COMMUNITY FACILITIES AND SERVICES**

**GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.**

*Policies Water and Sewer-Land Development Criteria*

151.00 *The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made*

*available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT'S RESPONSE:** Policy 99.00 (1-5) and Goal VII 1 Policy 151.00 are satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply are available to the site, as explained in greater detail below.

**Utility Specifics:**

Water: There is currently a 6" water main present along the frontage of Newby Street and an 8" water main is present in Buel Drive.

Sewer: There is a 12" sewer main that crosses the subject property from west to east within a 10' wide City sewer easement. Additionally, there is a 15" sewer main present in Newby Street. Westech Engineer Josh Wells has prepared a report that is Exhibit F to this application that demonstrates that there is adequate capacity in the city sewer system to serve the property if it is zoned R-4. Additionally, please see answer to sewer capacity in response to Question #7,

Storm: There is an open drainage swale that traverses the site from west to east that collects storm water from adjacent residential development to the west. This open drainage ditch flows into a 30" wide pipe located at the subject property's east edge. From the east edge, the drainage flows in a culvert under Newby Street and continues piped for approximately 200' before daylighting again where it continues as a natural open drainage to the North Yamhill River. This open drainage has been identified by the National Wetland Inventory as a riverine wetland.

Electrical: There is electrical service at the Buel Drive entrance close to the site that can be extended to service the site. Also, the power supply could come from the overhead power line on the east side of Newby Street, according to McMinnville Water and Light.

**FINDING: SATISFIED.** The subject property has access to all necessary public services at a level needed for urban development. When given the opportunity to provide comments

on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services.

*Policies – Police and Fire Protection:*

153.00        *The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

**APPLICANT'S RESPONSE** Policy 153.00 will be satisfied by the City sending agency notice to McMinnville Fire. Fire requirements will be met when a development application is submitted for the property per the McMinnville Fire District Fire Code. We note that to the extent required, that the proposal meets the McMinnville Fire District Fire Code Applications Guide page 5, Multiple Access Roads:

**"MULTIPLE ACCESS ROADS:** Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units and where vehicle congestion, adverse terrain conditions or other factors that could limit access, as determined by the fire code official, shall be provided with not less than two approved means of fire department access. Exceptions may be allowed for approved automatic sprinkler system. The approval of fire sprinklers as an alternate, in lieu of adequate fire apparatus access, shall be accomplished in accordance with OFC 104.8. (OFC 503.1.2, D106 & D107)."

In a multi-family dwelling proposal, the Police and Fire Protection Policy 153.00 is satisfied by provision of two accesses to the property from Buel Drive and Newby Street providing required access, including fire department access.

**FINDING: SATISFIED.** The McMinnville Fire District was notified of the proposed application.

No development is reviewed or approved as part of this application. Future development and major land use decisions will be subject to applicable local, state, and federal standards, including fire code regulations. At the time of major land use decisions, McMinnville Fire will be notified and provided an opportunity to comment.

**CHAPTER VIII. ENERGY**

**GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.**

178.00        *The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.*

**APPLICANT'S RESPONSE: None.**

**FINDING:** The proposed zone change to R-4 allows for a more compact development pattern by increasing the maximum density allowed. Locating higher-density

development near pedestrian facilities, access to public transit, and commercial land uses may reduce emissions caused by personal vehicles.

## **CHAPTER IX. URBANIZATION**

**GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.**

**GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan**

*181.10 When evaluating areas for future urbanization, the City shall consider the "7 Guiding Principles for Future Land Use" contained in the MGMUP:*

*[...]*

*Principle 5: Density. Adopt policies that allow the market to increase densities, and push it to do so in some instances.*

*[...]*

**APPLICANT'S RESPONSE:** Goal IX 1 and 181.10 are satisfied in that the site is located within both the McMinnville City boundary, as well as this site is already designated as residential and zoned R-3 on the Comprehensive Plan Map. Changing the zone from R-3 to R-4 will allow potential new residential development to increase residential density at the site and meet Principle 5 of the McMinnville Guiding Principles for Future Land Use, encouraging increased densities on the site and more efficient use of land and urban facilities and services.

**FINDING: SATISFIED.** Although no development proposal has been submitted, the applicant's submittal contemplates the development of multi-family housing in the future. For this reason, it is worth noting that the City's recently updated Housing Needs Analysis, adopted under Ordinance 5141 on February 27, 2024 outlined McMinnville's housing needs over a 20-year period of 2021 to 2041. It is forecasted that McMinnville will need 4,657 new dwelling units by 2041. Rezoning properties to medium- and high-density residential zoning (R-4/R-5) is one approach to reaching housing targets. Rezoning for increased density satisfies both Goal IX 1 and Policy 181.10.

### *Great Neighborhood Principles*

#### *Policies:*

*187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all*

*developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

*187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

*1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

*a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

*2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*

*a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

*3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*

- a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*
4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
    - a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
    - b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*
5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
    - a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
    - b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*
6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*



- a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
  - b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*
7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
- a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - b. *Design practices should strive for best practices and not minimum practices.*
8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
- a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
  - b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
  - c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*
9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*

- a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. *Neighborhoods are designed such that owning a vehicle can be optional.*
10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
- a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*
11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
- a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*
12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
- a. *Neighborhoods shall have several different housing types.*
  - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*
13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

- a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
- b. *Opportunities for public art provided in private and public spaces.*
- c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

**APPLICANT’S RESPONSE:** Because no specific development is proposed, many of these policies do not apply. The following Great Neighborhood Principles are addressed as pertinent to the proposed zone change.

#1. There is a natural open storm drainage the flows through the property that can be preserved while at the same time offering the City efficient use of this urban residential land by allowing increased density in an area that is away from the natural resource.

# 2 The surrounding views are residential neighborhoods with the exception of a church to the south. There are no particular scenic views that are potentially impacted by the proposal.

#3 The property is within 1/2 mile of Chegwyn Farms Neighborhood Park.

#4 and 5 In relation to Pedestrian and Bike Friendliness, there are existing sidewalks abutting and alongside the property for pedestrian use and the existing Newby Street leads north to Grandhaven Elementary School and south to the commercial area.

#6. The TSP suggests that there might someday be a local city street connecting Buel Drive to Hoffman Drive. But the proposal does not seek approval of any development to justify any exaction in this regard. Relatedly, no site design proposal is included or required with this zone change and therefore no streets are appropriate or proportional to require with this proposal that merely changes the zone of the subject property. In this regard, it is well-established that merely because a city adopts an ordinance that requires or contemplates street improvements, does not give the city the right to demand those improvement or land dedications for them. Rather, any local government seeking exactions from a private property owner, regardless of whether the requested exaction is based upon a city code standard, must be able to write proportionality findings establishing that the impacts of the proposal are proportional to requested exactions. *Koontz v. St. Johns River Water Mgmt. Dist*, 570 U.S. 595, 606-07 (2013) (local government cannot escape the constitutional requirements of *Dolan v. City of Tigard*, 512 U.S. 374 (1994), by artful phrasing of ordinance requirements), *Hill v. City of Portland*, 293 Or App 283 (2018) (merely adopting an ordinance requiring exactions, does not give city the right to demand exactions that violate the rough proportionality principle of *Dolan v. City of Tigard*), *McClure v City of Springfield*, 37 Or LUBA 759, 768-69 (2000) (city’s enactment of dedication

requirements did not relieve it of the obligation to make particularized findings showing that any resulting exactions were roughly proportional to the impact of the proposed development), McClure v. Springfield, 175 Or App 425 (2001) (findings adopted by city on remand were inadequate to meet the city's burden under United States Supreme Court's decision in Dolan v. City of Tigard), Brown v. City of Medford, 251 Or App 42 (2012) (requirement that landowner grant easement to city as a condition of partition approval violates Dolan rough proportionality requirement because the partition of itself had no impacts to which the exaction could be roughly proportional to), Community Participation Organization 4m v. City of Tigard, 2023 WL 2388669 (2023) (when faced with an ordinance that requires unconstitutional exactions, city is free not to apply such ordinance), Columbia Riverkeeper v. Clatsop County, 58 Or LUBA 235, 242 (2009) (same for counties). There is no justification for imposing any exaction here.

#7. The property is accessible through Buel Drive and Newby Street.

#8. This criteria shall be addressed upon a site development proposal submission to the City.

#9. The property is within close proximity of many commercial services, public parks and Yamhill County Transit.

#10. This is an infill parcel surrounded by existing residential properties. The addition of more housing will fit appropriately in this residential area of town.

#11-13. These principles are properly addressed upon a development proposal submission to the City.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #1.** No development is proposed or approved as part of this application. Future development will be subject to the standards of the Comprehensive Plan, Transportation System Plan, Great Neighborhood Principles, and Zoning Ordinance. Findings are outlined below for each of the thirteen Great Neighborhood Principles.

1. Natural Feature Preservation. Wetlands, which are identified as a natural feature, appear to be located on the subject site. The proposal does not include development or alteration of the wetlands. Future development will be subject to the Great Neighborhood principles and wetland regulations implemented by the Oregon Department of State Lands.
2. Scenic Views. The subject property does not provide a scenic view of any of the listed attributes (significant natural features, landscapes, vistas, skylines, and other important features).
3. Parks and Open Spaces. The subject property is located near Chegwyn Farms Neighborhood Park. Additional park or open space may be required on-site at the time of development, in accordance with applicable regulations.
4. Pedestrian Friendly. The property has existing sidewalks along Newby Street and terminating into the property from Buel Drive. Future development may be required to provide pedestrian connections to meet connectivity standards,

including connectivity to schools like the neighboring Grandhaven Elementary School.

5. Bike Friendly: Newby Street and Buel Drive are classified as local streets, which are to provide shared bike lanes per the Complete Street Design Standards. Future development may be required to provide bike connections to meet connectivity standards, including connectivity to schools like the neighboring Grandhaven Elementary School.
6. Connected Streets. No development is proposed as part of the application. At the time of future development, the project must comply with the Comprehensive Plan, Transportation System Plan, Great Neighborhood Principles, and Zoning Ordinance standards. Future development may be required to provide street connections that are compliant with applicable standards and design requirements.
7. Accessibility. At the time of development, the City shall enforce all applicable accessibility requirements on the subject site.
8. Human Scale Design. Great Neighborhood principles require buildings and spaces designed to be comfortable at a human scale. The Planning Commission found that an increased yard setback from the adjacent single-family properties located on the subject site's west and north property lines is necessary to comply with Great Neighborhood principle 8.a to ensure development size, form, and proportionality are designed to function and be balanced with the existing built environment.
9. Mix of Activities. This neighborhood currently has neighborhood-serving commercial uses, religious assembly, and schools. The availability of sidewalks, and public transit stops provides residents with an alternative to owning a vehicle.
10. Urban-Rural Interface. This is not applicable because all neighboring properties are within the Urban Growth Boundary.
11. Housing for Diverse Incomes and Generations. The proposed zone change to R-4 expands the housing types and densities allowed. This generally introduces expanded housing options for different income levels and age groups.
12. Housing Variety. The proposed zone change to R-4 expands the housing types and densities allowed. This promotes increased housing variety.
13. Unique and Integrated Design Elements. At the time of development, the subject property may include unique and integrated design elements.

**CONDITION OF APPROVAL #1:** Yard setbacks shall be established at fifteen (15) feet along the west and north property lines;

## ***CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT***

### **GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMinnville.**

*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.*

189.00      *The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The requested land use action is to change the Zoning Map designation from R-3 to R-4. As required, citizens have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council prior to issuance of the land use decision. Properties within three hundred (300) feet of the subject property received notice of the application and the Planning Commission public hearing. Notice of the application and the Planning Commission public hearing was published in the News-Register. The Planning Commission held a public hearing on November 7, 2024.

### **STATEWIDE PLANNING GOALS AND APPLICABLE STATE LAW**

#### **Goal 1: Citizen Involvement**

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The requested land use action is a change to the Zoning Map designation for the size from R-3 to R-4. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council.

#### **Goal 2: Land Use Planning**

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The decision-making is based on the City's adopted and acknowledged Comprehensive Plan and Land Use Regulations, including the factual base and procedures. Determination of consistency with the applicable statewide planning goals and associated administrative rules is also based on an adequate factual basis.

#### **Goal 3: Agricultural Lands**

**APPLICANT'S RESPONSE:**

**FINDING: SATISFIED.** The subject site is located within the City of McMinnville City Limits, zoned for Urban Development, and not identified as farmland (EFU) per the Comprehensive Plan. The proposed Zone Map amendment will not impact farmlands protected by Goal 3.

#### **Goal 4: Forest Lands**

**APPLICANT'S RESPONSE: None.**

**FINDING: SATISFIED.** The subject site is located within the City of McMinnville City Limits, zoned for Urban Development, and not identified as forest land per the Comprehensive Plan. The proposed Zone Map amendment will not impact forest lands protected by Goal 4.

#### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

**APPLICANT'S RESPONSE: None.**

**FINDING: SATISFIED.** No natural resources, scenic, or historic areas are identified on the subject site.

#### **Goal 6: Air, Water and Land Resources Quality**

**APPLICANT'S RESPONSE: None.**

**FINDING: SATISFIED.** The proposed Zone Map amendment does not include the development of the property; before the site's development, a separate permit will be required for review and approval. The permitting process will ensure compliance with local, state, and federal air, water, and land resource quality standards.

#### **Goal 7: Areas Subject to Natural Hazards**

**APPLICANT'S RESPONSE: None.**

**FINDING: SATISFIED.** No natural hazards, as identified in the City of McMinnville Comprehensive Plan, are identified on the subject site.

#### **Goal 8: Recreation Needs**

**APPLICANT'S RESPONSE: None.**

**FINDING: SATISFIED.** The proposed Zone Map amendment does not include the development of the property; before the site's development, a separate permit will be required for review and approval. Future development will be required to pay applicable System Development Charges (SDCs) for parks to help fund the implementation of the

City's adopted Parks Plan, which has been adopted to address recreational needs in the community.

### **Goal 9: Economic Development**

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Although no development proposal has been submitted as this time, the applicant's submittal contemplates the development of multi-family housing in the future. For this reason, it is worth noting that the City's recently updated Housing Needs Analysis, adopted under Ordinance 5141 on February 27, 2024 outlined McMinnville's housing needs over a 20-year period of 2021 to 2041. It is forecasted that McMinnville will need 4,657 new dwelling units by 2041. Rezoning properties to medium- and high-density residential zoning (R-4/R-5) is one approach to reaching housing targets.

### **Goal 10: Housing**

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Housing choice and affordability are two key challenges facing both Oregon and McMinnville. The proposed zone change from R-3 to R-4 would expand the residential uses that are allowed on the property to include multi-family development. The subject property is designated as Residential in the City's adopted Comprehensive Plan. The subject property meets the R-4 zoning designation criteria that are established in the Comprehensive Plan policies. The zone change is also consistent with the findings outlined in City's adopted Housing Needs Analysis.

### **Goal 11: Public Facilities and Services**

**APPLICANT'S RESPONSE:**

[**Staff note:** the below response is to Policies 99.00 and 151.00; however, the response addresses Goal 11 and is provided for clarification]

Policy 99.00 (1-5) and Goal VII 1 Policy 151.00 are satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply are available to the site, as explained in greater detail below.

#### **Utility Specifics:**

Water: There is currently a 6" water main present along the frontage of Newby Street and an 8" water main is present in Buel Drive.

Sewer: There is a 12" sewer main that crosses the subject property from west to east within a 10' wide City sewer easement. Additionally, there is a 15" sewer main present in Newby Street. Westech Engineer Josh Wells has prepared a report that is Exhibit F



to this application that demonstrates that there is adequate capacity in the city sewer system to serve the property if it is zoned R-4. Additionally, please see answer to sewer capacity in response to Question #7,

Storm: There is an open drainage swale that traverses the site from west to east that collects storm water from adjacent residential development to the west. This open drainage ditch flows into a 30" wide pipe located at the subject property's east edge. From the east edge, the drainage flows in a culvert under Newby Street and continues piped for approximately 200' before daylighting again where it continues as a natural open drainage to the North Yamhill River. This open drainage has been identified by the National Wetland Inventory as a riverine wetland.

Electrical: There is electrical service at the Buel Drive entrance close to the site that can be extended to service the site. Also, the power supply could come from the overhead power line on the east side of Newby Street, according to McMinnville Water and Light.

**FINDING: SATISFIED.** The subject property has access to all necessary public services at a level needed for urban development. When given the opportunity to provide comments on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services. At the time of future development, McMinnville Water and Light and the City's Engineering Division will analyze if the system capacity can handle the proposed development. If capacity increases are required, the McMinnville Water and Light or the City's Engineering Division may require improvements through applicable standards at the time of development.

## Goal 12: Transportation

### APPLICANT'S RESPONSE:

[**Staff note:** Below are extract excerpts from the Transportation Planning Rule Analysis memo provided by the applicant]

The applicant is requesting a zone change for a 2.93-acre parcel located on NE Newby St between NE Grandhaven St and NE 27th St (Tax Lot 1100) in McMinnville, OR. The owner desires to rezone the property from Medium-Density Residential (R-3) to Medium/High-Density Residential (R-4). The proposed zone change would result in a net increase of 123 weekday trips and net increase of 8 AM peak hour trips and 10 PM peak hour trips based on reasonable worst-case development scenarios.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660- 12-0060) is to ensure that future land use and traffic growth is

consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a net increase of less than 400 daily trips (ODOT threshold) and fewer than 200 daily trips or 20 peak hours trips on any roadway segment or intersection (City threshold). As such, no additional traffic analysis is required.

Additionally, the average daily trips generated by the proposed zone change will not cause the nearby streets to change functional classification or cause the streets to be inconsistent with the functional classification.

It can be concluded that the proposed zone change will not have a significant effect on the surrounding transportation system. Therefore, this request complies with TPR and City of McMinnville requirements.

**FINDING: SATISFIED.** As the applicant has proposed a Zone Map amendment, traffic analysis is required in accordance with the Transportation Planning Rule to ensure that future land use and traffic growth are consistent with the Transportation System Plan and do not create a significant impact on the surrounding transportation system beyond currently allowed uses. This analysis is part of a two-step process, and at the time of future development, additional traffic analysis will be conducted to ensure compliance with the Transportation System Plan.

The applicant has adequately demonstrated that the proposed Zone Map amendment will not have a significant impact on the surrounding transportation system and complies with the Transportation Planning Rule requirements. As shown by the applicant in the Transportation Planning Rule Analysis memo, the proposed zone amendment will not allow for a reasonable worst-case development scenario that exceeds City thresholds. The project will not generate more than 200 average daily trips (ADT) or 20 Peak P.M. trips or cause a street to exceed the maximum number of allowed average daily trips (ADT).

The Transportation Planning Rule Analysis memo compares the reasonable worst-case trip generation for the existing R-3 zoning (Table 2) to that for the proposed R-4 zoning (Table 4). Table 3 provides the expected average trip generation rates by housing type, examining the currently permitted single-family attached housing type as permitted in the R-3 zone and mid-rise apartments as permitted in the R-4 zone.

Table 2 shows that under the current R-3 zoning classification, the “reasonable worst-case trip generation” would be 85 single-family attached homes that generate 612 average daily trips and 49 peak P.M. hour trips.

**TABLE 2: REASONABLE WORST-CASE TRIP GENERATION FOR EXISTING R-3 ZONING**

LAND USE (ITE CODE)	SIZE	TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE FAMILY ATTACHED HOME (215)	85 dwellings	612	41	49

Table 3 shows the expected trip generation rates for different housing types by ITE code. As shown in Table 3, a mid-rise apartment unit generates fewer average daily trips and fewer P.M. peak hour trips than a single-family attached home. While single-family attached homes generate fewer average daily trips and fewer P.M. peak hour trips than single-family detached homes.

**TABLE 3: TRIP GENERATION RATES FOR PERMITTED LAND USES UNDER R-4 ZONING**

LAND USE (ITE CODE)	UNITS	TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE FAMILY DETACHED HOME (210)	Dwelling Units	9.43	0.70	0.94
SINGLE FAMILY ATTACHED HOME (215)	Dwelling Units	7.20	0.48	0.57
MID-RISE APARTMENTS (221)	Dwelling Units	4.54	0.37	0.39

Table 4 analyzes the reasonable worst-case scenario by looking at single-family attached and mid-rise apartments under the proposed R-4 zoning classification. Table 4 increases the number of units expected by worst-case trip generation for single-family attached home ITE classification from 85 (under current R-3) to 102 for the R-4 zone.

As shown in the table below, 102 single-family attached homes would generate the greatest traffic impact at 735 daily trips and 59 P.M. peak hour trips.

**TABLE 4: REASONABLE WORST-CASE TRIP GENERATION FOR PROPOSED R-4 ZONING**

LAND USE (ITE CODE)	SIZE	TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE FAMILY ATTACHED HOME (215)	<b>102 Dwelling Units</b>	<b>735</b>	<b>49</b>	<b>59</b>
MID-RISE APARTMENTS (221)	120 Dwelling Units	545	44	47

By comparing the reasonable worst-case trip generation of Table 2 (existing R-3 zone) to Table 4 (proposed R-4 zone), it is found that the project would increase the reasonable worst-case trip generation number of average daily trips by 122 and peak P.M. trips by 10 (see below).

Zoning Classification	Average Daily Trips	Peak P.M Trips
R-3	612	49
R-4	734	59
<b>Difference</b>	<b>+122</b>	<b>+10</b>

The expected trip generation is less than 200 average daily trips and 20 peak P.M. trips; therefore, the project complies with Goal 12.

Table 5 examines the proposed project's impact on Grandhaven Street, 27th Street, and Newby Street, analyzing if the future number of average daily trips would exceed the maximum number of average daily trips, as allowed by City standards.

**TABLE 5: ESTIMATED DAILY TRAFFIC VOLUMES ON NEARBY STREETS**

STREET	FUNC. CLASS.	MAXIMUM ADT PER TSP	EXISTING ADT <sup>A</sup>	ADDITIONAL ADT FROM R-3 ZONING <sup>B</sup>	ADDITIONAL ADT FROM ZONE CHANGE <sup>B</sup>	FUTURE ADT WITH ZONE CHANGE
GRANDHAVEN STREET	Major Collector	<b>16,000 vpd</b>	975 vpd	+305 vpd	+65 vpd	<b>1,345 vpd</b>
27 <sup>TH</sup> STREET	Minor Collector	<b>10,000 vpd</b>	5,125 vpd	+305 vpd	+65 vpd	<b>5,495 vpd</b>
NEWBY STREET	Local Street	<b>1,200 vpd</b>	525 vpd	+305 vpd	+65 vpd	<b>895 vpd</b>

<sup>A</sup> Existing ADT for Grandhaven Street and Newby Street was collected in July 2024. ADT for 27<sup>th</sup> Street was collected by the Oregon Department of Transportation in 2022.

<sup>B</sup> The estimated additional ADT generated by the proposed zone change is based on engineering judgement and surrounding land uses, with the assumption that future access to the site would be via Buel Drive and Newby Street. Approximately 50% of trips were assumed to travel along Grandhaven Street while the other 50% of trips were assumed to travel along Newby Street and 27<sup>th</sup> Street.

The expected average daily trips on neighboring Grandhaven Street, 27th Street, and Newby Street are less than the maximum permitted; therefore, the project complies with Goal 12.

**Goal 13: Energy Conservation**

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed zone change to R-4 allows for a more compact development pattern by increasing the maximum density allowed. Locating higher-density

development near pedestrian facilities, access to public transit, and commercial land uses may reduce emissions caused by personal vehicles.

#### **Goal 14: Urbanization**

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject property is within the Urban Growth Boundary. The proposed zone change promotes a more efficient use of land within an urbanized area by allowing higher densities.

#### **Goal 15: Willamette River Greenway**

**APPLICANT'S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** The subject site is not located within the Willamette River Greenway planning area.

#### **Goal 16: Estuarine Resources**

**APPLICANT'S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** The subject site does not contain an estuary as it is not located at the tidal mouth of a river and, therefore, is not subject to Goal 16.

#### **Goal 17: Coastal Shorelands**

**APPLICANT'S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** The subject site is not a "costal shoreland" as it does not border an estuary, ocean shore, or coast lake, and, therefore, is not subject to Goal 17.

#### **Goal 18: Beaches and Dunes**

**APPLICANT'S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** The subject site is not a beach or dune and, therefore, is not subject to Goal 18.

#### **Goal 19: Ocean Resources**

**APPLICANT'S RESPONSE:** None.

**FINDING: NOT APPLICABLE.** The subject site is not the open sea, nor does it propose to impact the sea, and, therefore, is not subject to Goal 19



# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Ordinance No. 5153: Zoning Text Amendment, Chapter 17.64 – Psilocybin Activities, Time, Place and Manner, Docket G 5-22

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## Report in Brief:

This is the consideration of Ordinance No. 5153, an ordinance approving amendments to the McMinnville Municipal Code, Chapter 17.64, relative to time, manner, and place regulations for Psilocybin Activities (Docket G 5-22).

## Background:

In November 2020, the Oregon electorate passed Measure 109, legalizing the production and facilitation of psilocybin services for adults 21 years of age or older.

Per the measure, the Oregon Health Authority would start accepting applications for psilocybin-related licenses on January 2, 2023, and would adopt rules for psilocybin activities by December 31, 2022.

Measure 109 also had a provision that local cities could vote to delay the production and facilitation of psilocybin services within their jurisdictional authority by two years, which the community of McMinnville approved in November 2022.

ORS 457A.530 provides the legal parameters for time, place and manner regulations for psilocybin mushroom manufacturers and distributors. (Please see below).

### **ORS 475A.530**

- (1)** For purposes of this section, “reasonable regulations” includes:
- (a)** Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under [ORS 475A.290 \(Manufacturer license\)](#) may manufacture psilocybin products;
  - (b)** Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under [ORS 475A.305 \(Psilocybin service center operator license\)](#) may provide psilocybin services;

- (c) Reasonable limitations on the hours during which a premises for which a license has been issued under [ORS 475A.210 \(Short title\)](#) to [475A.722 \(Severability\)](#) may operate;*
- (d) Reasonable requirements related to the public's access to a premises for which a license has been issued under [ORS 475A.210 \(Short title\)](#) to [475A.722 \(Severability\)](#); and*
- (e) Reasonable limitations on where a premises for which a license may be issued under [ORS 475A.210 \(Short title\)](#) to [475A.722 \(Severability\)](#) may be located.*

*(2) Notwithstanding [ORS 30.935 \(Prohibition on local laws that make farm practice a nuisance or trespass\)](#), [215.253 \(Restrictive local ordinances affecting farm use zones prohibited\)](#) (1) or [633.738 \(Prohibition of local laws to inhibit or prevent production or use of seeds or products of seeds\)](#), the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under [ORS 475A.210 \(Short title\)](#) to [475A.722 \(Severability\)](#) if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under [ORS 475A.305 \(Psilocybin service center operator license\)](#) from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under [ORS 475A.305 \(Psilocybin service center operator license\)](#). [2021 c.1 §81]*

### **Discussion:**

On October 19, and November 16, 2022, the McMinnville City Council conducted work sessions with city staff on possible time, place, and manner regulations for Psilocybin Activities. At that time, City Council asked for time, place and manner provisions similar to the production and sale of marijuana in McMinnville. Chapter 17.64 of the McMinnville Municipal Code has been amended to reflect this direction.

Proposed regulations include limiting service centers to commercial zoning separated by 1,000 feet, banning operation within 1,000 feet of schools (including preschools and daycares), libraries, community centers or recreation facilities and in mixed use properties. They would also require development standards such as exterior lighting and prohibit displays of paraphernalia in view of the public.

### **Attachments:**

Ordinance No. 5153

- Exhibit A to Ordinance No. 5153 – Proposed Amendments to the MMC, Chapter 17.64
- Exhibit B to Ordinance No. 5153 – Decision Document and Findings

December 5, 2024 Planning Commission Minutes (Added on 12.09 revised packet)

### **City Council Options:**

1. **ADOPT THE ORDINANCE** approving G 5-22 and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.
2. **ADOPT THE ORDINANCE WITH AMENDMENTS AND PROPOSED FINDINGS TO SUPPORT THE AMENDMENTS**, approving G 5-22 and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.

3. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting.
4. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5153

**Recommendation:**

The Planning Commission reviewed the proposal for consistency with the applicable state and local criteria. The Planning Commission found that the applicable criteria were satisfied, as provided in the decision document, and **RECOMMENDED APPROVAL** of the applications.

Staff **RECOMMENDS ADOPTION OF THE ORDINANCE** approving the application as recommended by the Planning Commission.

**Suggested Motion:**

**“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5153.”**



## **ORDINANCE NO. 5153**

### **AN ORDINANCE AMENDING THE MCMINNVILLE MUNICIPAL CODE, CHAPTER 17.64 TO PROVIDE TIME, PLACE, AND MANNER REGULATIONS FOR PSILOCYBIN ACTIVITIES IN MCMINNVILLE.**

#### **RECITALS:**

**WHEREAS**, in November 2020, Oregon residents voted to approve Measure 109, legalizing the use of psilocybin mushrooms; and

**WHEREAS**, the ballot language allowed city residents to vote to delay the implementation of Measure 109 in their communities by two years; and

**WHEREAS**, in November 2022, McMinnville residents voted to delay the implementation of Measure 109 activities in McMinnville by two years; and

**WHEREAS**, ORS 475A.530 allows cities to enact reasonable time, place and manner regulations for psilocybin activities in their jurisdictions; and

**WHEREAS**, the McMinnville City Council met on October 19 and November 16, 2022, to conduct work sessions on time, place, and manner regulations for psilocybin activities in McMinnville, directing city staff to draft regulations similar to those used by the City for marijuana activities; and

**WHEREAS**, a duly noticed public hearing before the McMinnville Planning Commission was held on December 5, 2024 after due notice had been provided in the local newspaper on November 29, 2024; and

**WHEREAS**, the Planning Commission, being fully informed about said request, found that the requested McMinnville Municipal Code amendments conformed to the applicable state and local governing regulations contained in Exhibit B of this ordinance and voted to recommend approval of the proposed code amendments in Exhibit A of this ordinance; and

**WHEREAS**, 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 proposed McMinnville Municipal Code Amendments as documented in Exhibit A; and
2. That the Council approves the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit B, approving the amendments ("G 5-22); and
3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the McMinnville City Council this 10th day of December, 2024 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

EXHIBITS:

- A. Chapter 17.64 Code Amendments
- B. Decision Document for Docket G 5-22

AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE –

New proposed language is represented by red font, deleted language is represented by strikethrough font.

Chapter 17.06

Sections:

17.06.010	Generally.
17.06.015	General Definitions.
17.06.020	Special Definitions.
17.06.025	Airport Overlay Zone Related Definitions.
17.06.030	Flood Area Zone Related Definitions.
17.06.035	Landscaping Related Definitions.
<del>17.06.036</del>	<del>Marijuana Activities Related Definitions.</del>
17.06.040	Sign Related Definitions.
17.06.045	Tree Related Definitions.
17.06.050	Wireless Communication Facilities Related Definitions.
17.06.060	Historic Preservation Related Definitions.

~~17.06.036~~ ~~Marijuana Activities Related Definitions.~~

~~For the purpose of Marijuana Related Activities (Chapter 17.64), the following definitions shall apply.~~

~~**Cannabinoid** – Any of the chemical compounds that are the active constituents of marijuana.~~

~~**Cannabinoid Product** – A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers.~~

~~**Canopy** – The surface area utilized to produce mature marijuana plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants including all of the space within the boundaries.~~

~~**Cultivation** – All phases of growth of marijuana from seed to harvest, or preparing, packaging or repackaging, labeling, or relabeling of marijuana prior to consumption, or incorporation into a recreational marijuana infused product.~~

**Immature Marijuana Plant** – A marijuana plant that is not flowering.

**Marijuana** — The plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300.

**Marijuana Business** — Any person or entity appropriately licensed by the Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC) that sells, produces, cultivates, grows, wholesales, processes or tests medical marijuana or recreational adult use marijuana within the City of McMinnville.

**Marijuana Paraphernalia** — Any instrument that is used in the manufacture, production, distribution, sale, or consumption of marijuana. Examples include but are not limited to certain types of smoking pipes, bongos, roach clips, rolling papers, grinders, or scales.

**Marijuana Processing** — Preparing, compounding or conversion of marijuana into edibles, skin and hair products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes. “Processing” does not include packaging or labeling.

**Marijuana Production** — The planting, cultivation, growing, trimming, drying or harvesting of retail recreational marijuana.

**Medical Marijuana Dispensary** — A medical marijuana dispensary registered under ORS 475.314 or a site for which an applicant has submitted an application for registration under ORS 475.314.

**Medical Marijuana Grow Site** — A specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient. Medical grow sites are regulated by state law as follows: 12 mature plants are allowed per grow site in residential zones; 48 mature plants per grow site in all other zones. If all grows at the site had registered with the State of Oregon by January 2, 2015, the grow site is limited to the number of plants at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones.

**Production, Indoor** — Producing marijuana within an enclosed building in any manner utilizing artificial lighting on mature marijuana plants, and that does not meet the definition as an outdoor production facility.

**Production, Outdoor** — Producing marijuana in an expanse of open or cleared ground, or in a greenhouse, hoop house or similar non-rigid structure that does not utilize artificial lighting on mature plants, including but not limited to electrical lighting sources. (Ord. 5000 §1, 2015).

Chapter 17.64

MARIJUANA RELATED SPECIAL ACTIVITIES

Sections:

- 17.64.000 Marijuana Related Activities
- 17.64.010 Purpose
- 17.64.015 Definitions
- 17.64.020 Applicability
- 17.64.030 Locations
- 17.64.040 Performance Standards
- 17.64.050 Non-conforming Use
- 17.64.060 Enforcement
  
- 17.64.100 Psilocybin Related Activities
- 17.64.110 Purpose
- 17.64.120 Definitions
- 17.64.130 Applicability
- 17.64.140 Locations
- 17.64.150 Performance Standards
- 17.64.160 Enforcement

**17.64.000 MARIJUANA RELATED ACTIVITIES**

17.64.010 Purpose. The purpose of this Chapter is to establish zoning regulations that provide for state licensed medical marijuana and commercial recreational marijuana activities allowed under voter-approved statewide initiatives and subject to other statewide administrative rules. The requirements of this Chapter are intended to be consistent with those regulations and, in some cases, augment them as necessary to provide adequate safeguards to address potential public health, safety and welfare considerations, particularly those associated with the cultivation, processing, and production of marijuana and the detrimental effects such activities may have upon McMinnville citizens and neighborhoods.

17.64.015 Definitions For the purpose of Marijuana Related Activities the following definitions shall apply. *(Note: Relocated from 17.06)*

**Cannabinoid** – Any of the chemical compounds that are the active constituents of marijuana.

**Cannabinoid Product** – A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers.

**Canopy** – The surface area utilized to produce mature marijuana plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants including all of the space within the boundaries.

**Cultivation** – All phases of growth of marijuana from seed to harvest, or preparing, packaging or repackaging, labeling, or relabeling of marijuana prior to consumption, or incorporation into a recreational marijuana-infused product.

**Immature Marijuana Plant** - A marijuana plant that is not flowering.

**Marijuana** – The plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300.

**Marijuana Business** – Any person or entity appropriately licensed by the Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC) that sells, produces, cultivates, grows, wholesales, processes or tests medical marijuana or recreational adult use marijuana within the City of McMinnville.

**Marijuana Paraphernalia** – Any instrument that is used in the manufacture, production, distribution, sale, or consumption of marijuana. Examples include but are not limited to certain types of smoking pipes, bongs, roach clips, rolling papers, grinders, or scales.

**Marijuana Processing** – Preparing, compounding or conversion of marijuana into edibles, skin and hair products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes. “Processing” does not include packaging or labeling.

**Marijuana Production** – The planting, cultivation, growing, trimming, drying or harvesting of retail recreational marijuana.

**Medical Marijuana Dispensary** – A medical marijuana dispensary registered under ORS 475.314 or a site for which an applicant has submitted an application for registration under ORS 475.314.

**Medical Marijuana Grow Site** – A specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient. Medical grow sites are regulated by state law as follows: 12 mature plants are allowed per grow site in residential zones; 48 mature plants per grow site in all other zones. If all grows at the site had registered with the State of Oregon by January 2, 2015, the grow site is limited to the number of plants at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones.

**Production, Indoor** – Producing marijuana within an enclosed building in any manner utilizing artificial lighting on mature marijuana plants, and that does not meet the definition as an outdoor production facility.

**Production, Outdoor** – Producing marijuana in an expanse of open or cleared ground, or in a greenhouse, hoop house or similar non-rigid structure that does not utilize artificial lighting on mature plants, including but not limited to electrical lighting sources. (Ord. 5000 §1, 2015).

**17.64.020 Applicability.**

- A. The requirements of this Chapter shall apply to the following state licensed uses or activities:
  - 1. Medical marijuana dispensaries;
  - 2. Medical marijuana processing activities;
  - 3. Medical marijuana production activities;
  - 4. Commercial marijuana retail activities;
  - 5. Commercial marijuana wholesale activities;
  - 6. Commercial marijuana processing activities; and
  - 7. Commercial marijuana production activities.
- B. Where existing planned development provisions differ from the standards of this Chapter, the standards of the planned development ordinance shall take precedence.

**17.64.030 Locations.**

- A. Marijuana activities may locate in the following zones, as described below and as may be required by Section 17.64.040.
  - 1. State licensed medical marijuana dispensary or commercial recreational marijuana retail business shall be located only on lands zoned C-1 or C-3.
  - 2. State licensed medical marijuana processing or production, or commercial recreational marijuana processing or production shall be located only on lands zoned M-1 or M-2.
  - 3. State licensed commercial marijuana wholesale use shall be located only on lands zoned L-M, M-1, or M-2.

**17.64.040 Performance Standards.**

- A. In addition to other requirements noted in this Chapter, medical marijuana and commercial recreational marijuana activities shall be subject to the following:
  - 1. Medical marijuana dispensaries and commercial recreational marijuana retail businesses may operate between the hours of 9:00am and 9:00pm only.
  - 2. Any state licensed marijuana activity operating within the city shall be located indoors within a permanent building and may not locate in a trailer, cargo container or motor vehicle. Outdoor storage of any merchandise, plants, or other marijuana activity related materials is not allowed. Further, no drive-through facilities or temporary facilities shall be permitted.
  - 3. There shall be no marijuana, marijuana product, or marijuana paraphernalia visible from the exterior of the building.
  - 4. Medical marijuana dispensaries may not be located within 1,000 feet of another state licensed dispensary.
  - 5. Commercial recreational retail businesses may not be located within 1,000 feet of another state licensed commercial recreational retail business.

6. Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following:
  - a. ~~School as defined by OAR 333-008-1110(2)~~  
Public/private or parochial pre-school, elementary, middle and high school.
  - b. McMinnville public library, community center, or aquatic center.
  - c. Recreation facility attended primarily by minors.
7. Commercial marijuana production shall be limited to indoor production and up to Tier II size limits (10,000 square foot maximum canopy).
8. All sites on which a state licensed marijuana facility is located shall provide landscaping and off-street parking consistent with the requirements of Chapter 17.57 (Landscaping) and Chapter 17.60 (Off-Street Parking) of the zoning ordinance.
9. Signs for locations on which a state licensed marijuana facility is located shall comply with the applicable provisions of Chapter 17.62 (Signs) of the zoning ordinance.
10. All other development requirements (e.g., fencing, property setbacks and buffers, solid waste disposal, lighting) shall be as required by the zone in which the marijuana activity is located or otherwise required by the zoning ordinance or applicable planned development ordinance.
11. The City Building Division will require a proof of license from the State (either OHA or OLCC, as applicable) showing the security plan, waste disposal plan, and all other required improvements prior to release of a final occupancy permit.
12. All other applicable requirements of state law regarding the operation of a state licensed marijuana activity shall apply as they now exist or may be amended.
13. The private growing or cultivation of marijuana for non-commercial personal use, as defined by state law, is not regulated by this chapter. (Ord. 5014 §1, 2016)
14. Marijuana dispensaries or production facilities may not be located within a mixed-use development with a residential component.

17.64.050 Non-conforming Use. A marijuana activity lawfully established prior to the adoption of this ordinance but that is not in compliance with the allowed uses or the standards for those uses as described in this Chapter shall be considered a lawful nonconforming use. The continuation of a lawful nonconforming use is subject to the applicable provisions of Chapter 17.63 (Nonconforming Uses). In addition, any dispensary that offered for sale commercial recreational marijuana as provided by SB 460 (early sales legislation) prior to the adoption of this ordinance but that is not in compliance with the allowed uses or the performance standards for such use as described in this Chapter shall not be permitted to continue such commercial recreational retail sales after December 31, 2016.

17.64.060 Enforcement. Nothing contained herein shall preclude the issuance of citations for violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a marijuana activity to be unlawful. Marijuana activities found to be in violation of the provisions of this Chapter, or other applicable provisions of this zoning ordinance, are subject to the provisions of Chapter 17.03 (General Provisions)



## **17.64.100 PSILOCYBIN RELATED ACTIVITIES**

**17.64.110 Purpose.** The purpose of this section is to establish zoning regulations that provide for state licensed psilocybin activities allowed under voter-approved statewide initiatives and subject to other statewide administrative rules. The requirements of this Chapter are intended to be consistent with those regulations and, in some cases, augment them as necessary to provide adequate safeguards to address potential public health, safety and welfare considerations, particularly those associated with the cultivation and administration of psilocybin products and the potential detrimental effects such activities may have upon McMinnville citizens and neighborhoods.

**17.64.120 Definitions** For the purpose of Psilocybin Related Activities the following definitions shall apply.

**Psilocybin Manufacturer** - A building or structure, licensed under ORS 475A.290, used in whole or in part for the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.;

**Psilocybin Testing Lab** - A building or structure, licensed under ORS 475A.594, used in whole or in part for the testing of psilocybin products.;

**Psilocybin Facilitators** - A building or structure with offices licensed under ORS 475A.305, used in whole or in part for psilocybin facilitators.

**Psilocybin Service Centers** - A building or structure, licensed under ORS 475A.305, used in whole or in part for psilocybin administration sessions and at which other psilocybin services may be provided.

**Psilocybin Waste.** The unwanted part or parts of a psilocybin-bearing mushroom or any related elements (such as growth medium, etc.) that a producer wishes to dispose of. Psilocybin waste for the purposes of this Code does not include waste that has been treated or contaminated with solvents, or other chemicals that would be considered household hazardous waste or hazardous waste.

**17.64.130 Applicability** The requirements of this Chapter shall apply to the following state licensed uses or activities related to psilocybin.:

- A. Manufacturers;
- B. Testing Labs;
- C. Facilitators;
- D. Service Centers

**17.64.140 Locations.**

- A. Psilocybin activities may locate in the following zones, as described below and as may be required by Section 17.64.150.
1. State licensed facilitator offices and service centers shall be located only on lands zoned C-1 or C-3.
  2. State licensed testing labs or manufacturers shall be located only on lands zoned M-1 or M-2.

17.64.150 Performance Standards.

- A. In addition to other requirements noted in this Chapter, psilocybin activities shall be subject to the following:
1. Service centers may operate between the hours of 9:00am and 9:00pm only.
  2. Any state licensed psilocybin activity operating within the city shall be located indoors within a permanent building and may not locate in a trailer, cargo container or motor vehicle. Outdoor storage of any merchandise, plants, or other psilocybin activity related materials is not allowed. Further, no drive-through facilities or temporary facilities shall be permitted.
  3. There shall be no psilocybin product or paraphernalia visible from the exterior of the building.
  4. Service centers may not be located within 1,000 feet of another state licensed service center.
  5. Psilocybin service centers, testing labs or manufacturers may not be located within 1,000 feet of the following:
    - a. Public/private or parochial pre-school, elementary, middle and highschool.
    - b. McMinnville public library, community center, or aquatic center.
    - d. Recreation facility attended primarily by minors.
    - e. Public plaza and active use parks.
    - f. Licensed Daycare or Childcare Center
  6. Psilocybin service centers, testing labs or manufacturers may not be located on a property with a residence, including a caretaker's residence.
  7. All sites on which a state licensed psilocybin facility is located shall provide landscaping and off-street parking consistent with the requirements of Chapter 17.57 (Landscaping) and Chapter 17.60 (Off-Street Parking) of the zoning ordinance.
  8. Signs for locations on which a state licensed psilocybin facility is located shall comply with the applicable provisions of Chapter 17.62 (Signs) of the zoning ordinance.
  9. Security Measures Required
    - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
    - b. Exterior lighting shall be provided and continuously maintained.
    - c. Any security bars installed on doors or windows visible from the public right-of-way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
    - d. Access to a production or testing facility shall be limited to employees, personnel, and guests over the age of 21 who are authorized by the facility operator.

10. All other development requirements (e.g., fencing, property setbacks and buffers, solid waste disposal, lighting) shall be as required by the zone in which the marijuana activity is located or otherwise required by the zoning ordinance or applicable planned development ordinance.
11. The City Building Division will require a proof of license from the State (either OHA or OLCC, as applicable) showing the security plan, waste disposal plan, and all other required improvements prior to release of a final occupancy permit.
12. All other applicable requirements of state law regarding the operation of a state licensed psilocybin activity shall apply as they now exist or may be amended.
13. The private growing or cultivation of psilocybin for non-commercial personal use, as defined by state law, is not regulated by this chapter. (Ord. 5014 §1, 2016)

17.64.160 Enforcement. Nothing contained herein shall preclude the issuance of citations for violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a psilocybin activity to be unlawful. Psilocybin activities found to be in violation of the provisions of this Chapter, or other applicable provisions of this zoning ordinance, are subject to the provisions of Chapter 17.03 (General Provisions)



**City of McMinnville  
Community Development**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE ZONING ORDINANCE, DOCKET G 5-22, RELATING TO TIME, PLACE AND MANNER REGULATIONS FOR PSILOCYBIN ACTIVITIES, CHAPTER 17.64.**

- DOCKET:** G 5-22, Zone Text Amendment
- REQUEST:** The City of McMinnville is proposing amendments to Section 17.64. The proposal would create time, place and manner regulations for psilocybin activities.
- LOCATION:** N/A. The proposal is a legislative text amendment.
- ZONING:** N/A. The proposal is a legislative text amendment.
- APPLICANT:** City of McMinnville
- STAFF:** Heather Richards, Community Development Director
- HEARINGS BODY:** McMinnville Planning Commission

**PLANNING COMMISSION**

**HEARING DATE &**

**LOCATION:** December 5, 2024 at 6:30 P.M., 200 NE 2<sup>nd</sup> Street, McMinnville, OR 97128.  
Zoom meeting ID: 893 6863 4307, Passcode: 989853

**DECISION-MAKING**

**BODY:** The McMinnville City Council makes the final decision, unless the Planning Commission decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

**MEETING DATE**

**& LOCATION:** December 10, 2024, Kent Taylor Civic Hall, 200 NE Second Street and via Zoom. Zoom meeting ID: 895 7953 6277, Passcode: 108222

**PROCEDURE:** The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.

**CRITERIA:** Amendments to the McMinnville Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance. The proposal must also be consistent with applicable provisions of state law.

**APPEAL:** The Planning Commission makes a recommendation to the City Council. The City Council’s decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council’s decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in Section IV of this document.

**II. DECISION**

Based on the findings and conclusions, the McMinnville City Council **APPROVES** the legislative amendments to the Zoning Ordinance (Docket G 5-22).

////////////////////////////////////  
**DECISION: APPROVAL**  
////////////////////////////////////

City Council: \_\_\_\_\_  
Remy Drabkin, Interim Mayor of McMinnville

Date: \_\_\_\_\_

Planning Commission: \_\_\_\_\_  
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Community Development Director

Date: \_\_\_\_\_

## **I. PROPOSAL SUMMARY:**

This is a legislative text amendment to the McMinnville Municipal Code, Title 17, Zoning Ordinance to create time, place, and manner regulations concerning psilocybin activities in McMinnville.

## **II. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. November 2020, the Oregon electorate passed Measure 109 legalizing the use of psilocybin mushrooms in particular circumstances.
2. In 2021, the Oregon Legislature drafted and adopted statewide statutory guidelines for psilocybin activities.
3. On October 19 and November 16, 2022, the City Council hosted work sessions with city staff to discuss draft code language.
4. November 2022, the City of McMinnville electorate voted to postpone the allowance of psilocybin activities within the city limits by two years.
5. On October 29, 2024, the City noticed the proposed zoning ordinance amendments to the Department of Land Conservation and Development.
6. On November 29, 2024, the "City noticed a public hearing to consider time, place and manner regulations for psilocybin activities in the News Register.
7. On December 5, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission made a recommendation to City Council to adopt time, place and manner regulations for psilocybin activities.
8. On December 10, 2024, the City Council adopted Ordinance No. 5153, approving the proposed code amendments.

## **V. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

### **Zoning Ordinance**

The Purpose Statement of the Zoning Ordinance serves as a criterion for Zoning Ordinance amendments:

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: SATISFIED.**

**Comprehensive Plan**

As described in the Comprehensive Plan, the Goals and Policies of the Comprehensive Plan serve as criteria for land use decisions. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

**CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

**GOAL X 1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

**FINDING: SATISFIED.** The proposal is consistent with this applicable Goal of Chapter X of the Comprehensive Plan.

Notice of the proposal and public hearing was provided to DLCD and published in the newspaper.

The public hearing process provides further opportunity for consideration of citizen involvement and input and associated deliberation.

ORS 475A.530

*(1) For purposes of this section, "reasonable regulations" includes:*

*(a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under [ORS 475A.290 \(Manufacturer license\)](#) may manufacture psilocybin products;*

*(b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under [ORS 475A.305 \(Psilocybin service center operator license\)](#) may provide psilocybin services;*

*(c) Reasonable limitations on the hours during which a premises for which a license has been issued under [ORS 475A.210 \(Short title\)](#) to [475A.722 \(Severability\)](#) may operate;*

*(d) Reasonable requirements related to the public's access to a premises for which a license has been issued under [ORS 475A.210 \(Short title\)](#) to [475A.722 \(Severability\)](#); and*

*(e) Reasonable limitations on where a premises for which a license may be issued under [ORS 475A.210 \(Short title\)](#) to [475A.722 \(Severability\)](#) may be located.*

*(2) Notwithstanding [ORS 30.935 \(Prohibition on local laws that make farm practice a nuisance or trespass\)](#), [215.253 \(Restrictive local ordinances affecting farm use zones prohibited\)](#) (1) or [633.738 \(Prohibition of local laws to inhibit or prevent](#)*

production or use of seeds or products of seeds), the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under ORS 475A.210 (Short title) to 475A.722 (Severability) if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475A.305 (Psilocybin service center operator license) from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under ORS 475A.305 (Psilocybin service center operator license). [2021 c.1 §81]

**FINDING: SATISFIED.** The proposed time, place and manner regulations are reasonable and does not have separation standards greater than 1000 feet.



# MINUTES

December 5, 2024  
Planning Commission  
Regular Meeting

6:30 pm  
Hybrid Meeting  
McMinnville, Oregon

**Members Present:** Dan Tucholsky, Sylla McClellan, Rachel Flores, Meg Murray, Brian Randall, Beth Rankin, and Elena Mudrak

**Members Absent:** Sidonie Winfield and Matthew Jones

**Staff Present:** Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Taylor Graybehl – Senior Planner, Susan Muir – Parks and Recreation Director, and Bill Kabeiseman – Bateman Seidel

## 1. Call to Order

Vice Chair Tucholsky called the meeting to order at 6:30 p.m.

## 2. Citizen Comments

None.

## 3. Minutes

- November 7, 2024

Commissioner Randall and Rankin noted they had visited the site for the first public hearing, but their names were not listed.

Commissioner McClellan moved to approve the November 7, 2024, minutes as amended. The motion was seconded by Commissioner Rankin and passed unanimously.

## 4. Public Hearings

### A. Quasi-Judicial Hearing: Sign Appeal (AP 3-24), 2155 NE Lafayette Avenue, Tax Lot R4415 1300

**Request:** An appeal of the Planning Director decision on a sign permit application (SR 11-24). The decision being appealed is the denial of the installation of one (1) freestanding sign facing Lafayette Avenue, located at 2155 NE Lafayette Avenue. The application was denied because the proposed sign exceeds the maximum area of freestanding sign in the Commercial Zone as permitted by Section 17.62.070(C)(1) of the McMinnville Municipal Code (MMC).

Applicant: Scott Thorkildson

Vice Chair Tucholsky said this issue had been resolved and the applicant had withdrawn the appeal.

**B. Legislative Hearing: City of McMinnville Proposed Amendments To The Comprehensive Plan To Support The Parks, Recreation And Open Space Plan (Docket G 5-24)**

Request: A proposal to adopt the June 2024 Parks Recreation and Open Space Plan as a supplemental document to the McMinnville Comprehensive Plan, and to amend Volume I, Background Information, Volume II, Goals and Policies and Volume III, McMinnville Growth Management and Urbanization Plan’s Framework Plan, to support the Parks, Recreation, and Open Space (PROS) Plan.

Applicant: City of McMinnville

Vice Chair Tucholsky said the public hearing for this application had been closed at the last meeting, and the Commission would now deliberate on the application.

Staff Report: Community Development Director Richards said this was a legislative initiative to support the June 2024 Parks, Recreation, and Open Space Plan with the land use program. It required adoption of the Parks Plan as part of the Comprehensive Plan through an acknowledged Comprehensive Plan amendment process. She explained the purpose of the adoption and answered a question about the alignment of the Parks Plan with the proposed amendments to the Framework Plan and how it impacted the Fox Ridge Road Area Plan. She discussed the parks identified in the Fox Ridge Plan and the proposed language that the Fox Ridge Plan would incorporate one neighborhood park of a 5-acre minimum. The park would be co-located on or near the future high school site and would include opportunities for passive and active recreation that was accessible to all residents with a 10 minute (or ½ mile) walk of their home. The Fox Ridge Plan also included several natural and geographic features that provided an excellent opportunity for a natural resource park. Staff thought the proposed amendments were more in alignment with the plans than they were today without the amendments.

Commissioner Deliberation: The Commission deliberated on how this satisfied the spirit of what the Fox Ridge area citizens envisioned, adding language that would encourage acquiring public park land and the challenge to fund the operating costs of new acquisitions, and handicapped access to the park if it was privately owned.

Commissioner Murray MOVED to recommend the Council APPROVE the proposed amendments to the Comprehensive Plan to support the Parks, Recreation and Open Space Plan (Docket G 5-24). SECONDED by Commissioner Flores. The motion PASSED 7-0.

**C. Legislative Hearing: City of McMinnville Psilocybin Activities, Time, Place and Manner Regulations (Docket G 5-22)**

Request: A proposal to amend the McMinnville City Code, Title 17, Chapter 17.64, to add a section with time, place and manner regulations relative to licensed Psilocybin Manufacturers and Service Centers.

Applicant: City of McMinnville

Vice Chair Tucholsky opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Community Development Director Richards presented the text amendment to the zoning ordinance for time, place, and manner regulations for psilocybin services. She gave a background on psilocybin services and how the Council voted to postpone onboarding for two years while Oregon Health Authority adopted rules. Those rules were adopted in 2022 and the direction from Council was to create similar time, place, and manner regulations to marijuana activities. She discussed the types of services, local government issues, what the law allowed for time, place, and manner regulations for manufacturers and service centers, McMinnville's regulations for marijuana facilities, and other cities' regulations for psilocybin. The proposed regulations for psilocybin facilities in McMinnville were: service centers allowed in C1 and C3 zones and manufacturing in ML, M1, and M2 zones, must be separated by 1,000 feet, could not be within 1,000 feet of a school (including preschools), library, community center, aquatic center, recreational facility attended primarily by minors, or licensed daycare center, and could not be located on a property with a residence, including a caretaker's residence. Hours of operation would be from 9 a.m. to 9 p.m. The development standards for these facilities included: must be in a building and not a trailer, cargo container, or motor vehicle, no outdoor storage allowed, no paraphernalia visible to the public, no drive-through facilities or temporary facilities, and must have exterior lighting and waste disposal.

Commissioner Questions: There were questions regarding these uses being allowed in the same building as marijuana and how co-location in facilities was prohibited but they could be adjacent on the same tax lot, adding distance from potential future community centers, how the language meant daycare facilities not home based daycares that were not licensed, requiring space between marijuana and psilocybin businesses or allowing them to be located close together, how they could not be located on a property with a residence due to the effects of psilocybin and safety concerns of adjacent residents, making the location restrictions the same for marijuana and psilocybin, how at the dispensaries they did not consume the product but people experienced the treatment at the psilocybin facilities which posed a greater potential risk and further restrictions were appropriate, allowing manufacturing to be more concentrated but not distribution, and how not allowing psilocybin in McMinnville was not a choice due to Council's previous direction.

Commissioner Randall suggested making the marijuana location restrictions the same as the psilocybin restrictions. Any existing licensed marijuana facilities in these locations would be grandfathered in.

There was no public testimony.

Commissioner Rankin MOVED to CLOSE the public hearing, SECONDED by Commissioner McClellan. The motion PASSED 7-0.

Vice Chair Tucholsky closed the public hearing.

Commissioner McClellan MOVED to recommend the Council APPROVE City of McMinnville Psilocybin Activities, Time, Place and Manner Regulations (Docket G 5-22)

and to add the same time, place, and manner restrictions to marijuana facilities, allowing current licensed facilities to be grandfathered in. **SECONDED** by Commissioner Rankin. The motion **PASSED** 6-1 with Commissioner Mudrak opposed.

#### **5. Commissioner Comments**

None.

#### **6. Staff Comments**

Community Development Director Richards discussed upcoming meetings.

#### **7. Adjournment**

Vice Chair Tucholsky adjourned the meeting at 8:07 p.m.

# STAFF REPORT

**DATE:** December 10, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Ordinance No. 5155 – Planned Development Amendment PDA 1-24, Subdivision Tentative Plan Amendment S 3-24

## STRATEGIC PRIORITY & GOAL:



### **GROWTH & DEVELOPMENT CHARACTER**

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community



### **HOUSING OPPORTUNITIES** (ACROSS THE INCOME SPECTRUM)

Create diverse housing opportunities that support great neighborhoods.

**OBJECTIVE/S:** Collaborate to improve the financial feasibility of diverse housing development opportunities

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## **Report in Brief:**

This is the consideration of Ordinance No. 5155, reflecting the Planning Commission's recommendation to the City Council to approve, with conditions, Planned Development Amendment PDA 1-24 and Subdivision Tentative Plan Amendment S 3-24, for a multi-phased subdivision. This is for the remaining phases of the Hilcrest Planned Development and Subdivision, approximately 106 acres., Tax Lot R4525 00801. ***See Vicinity Map (Figure 1) and Zoning Map (Figure 2).***

This proceeding is a quasi-judicial land use item for the City Council. The City Council is the final decision maker for this application since the applicant is requesting to amend the planned development ordinance, Ordinance No. 5024.

The application is subject to the 120-day processing timeline. The 120-day deadline is January 13, 2025.

The Planning Commission held an evidentiary public hearing on November 7, 2024 and left the record open, then deliberated on November 21, 2024 and voted to recommend approval of the proposed development to the City Council.

The Planned Development includes a request for some additional modifications to standards of the underlying R-2 zone that aren't part of the currently approved Planned Development. Therefore, the Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. The applications also include requests for amendments to the conditions of approval. More detailed background information is provided in the decision document.

**PDA 1-24.** (Planned Development Amendment). The applicant is requesting approval of a Planned Development Amendment to the current Planned Development approval applicable to the property for the remaining undeveloped phases, approximately 106 remaining acres. *(See Figure 3)*. Principal elements of the proposed amendment include requests to: reconfigure parts of the street layout, change the number of remaining residential lots from 394 to 392, provide tracts for open space and recreation and pedestrian connections (approximately 13 acres) and stormwater management (approximately 1.6 acres), modify phasing boundaries, and request modifications to certain development standards, including reduced setbacks, lot size averaging with average lot size of 7,960 sf and minimum lot size of 5,000 sf, and flexibility to street/alley standards for address frontage for three lots, and request to remove all trees as necessary to accommodate the proposed development plan.

In addition, while not noted in the list of requested changes in the application, the narrative also indicates all of the proposed lots in the remaining unplatted phases would be lots for detached homes, whereas the previous approvals included lots for attached housing (originally 50, revised to 43 in the 2017 amendment). The applicant subsequently proposed that a minimum of 43 of the proposed lots would be developed with multi-generational homes with a primary dwelling and a secondary attached dwelling. This is incorporated as a condition of approval.

**S 3-24.** (Amendment to Corresponding Subdivision Tentative Plan). The applicant is also requesting approval of an amendment to the corresponding Subdivision Tentative Plan for the property, to be consistent with the requested Planned Development Amendment.

***The illustrative map for the planned development and subdivision tentative plan is provided below as Figure 3. The application materials provide more detailed maps.***

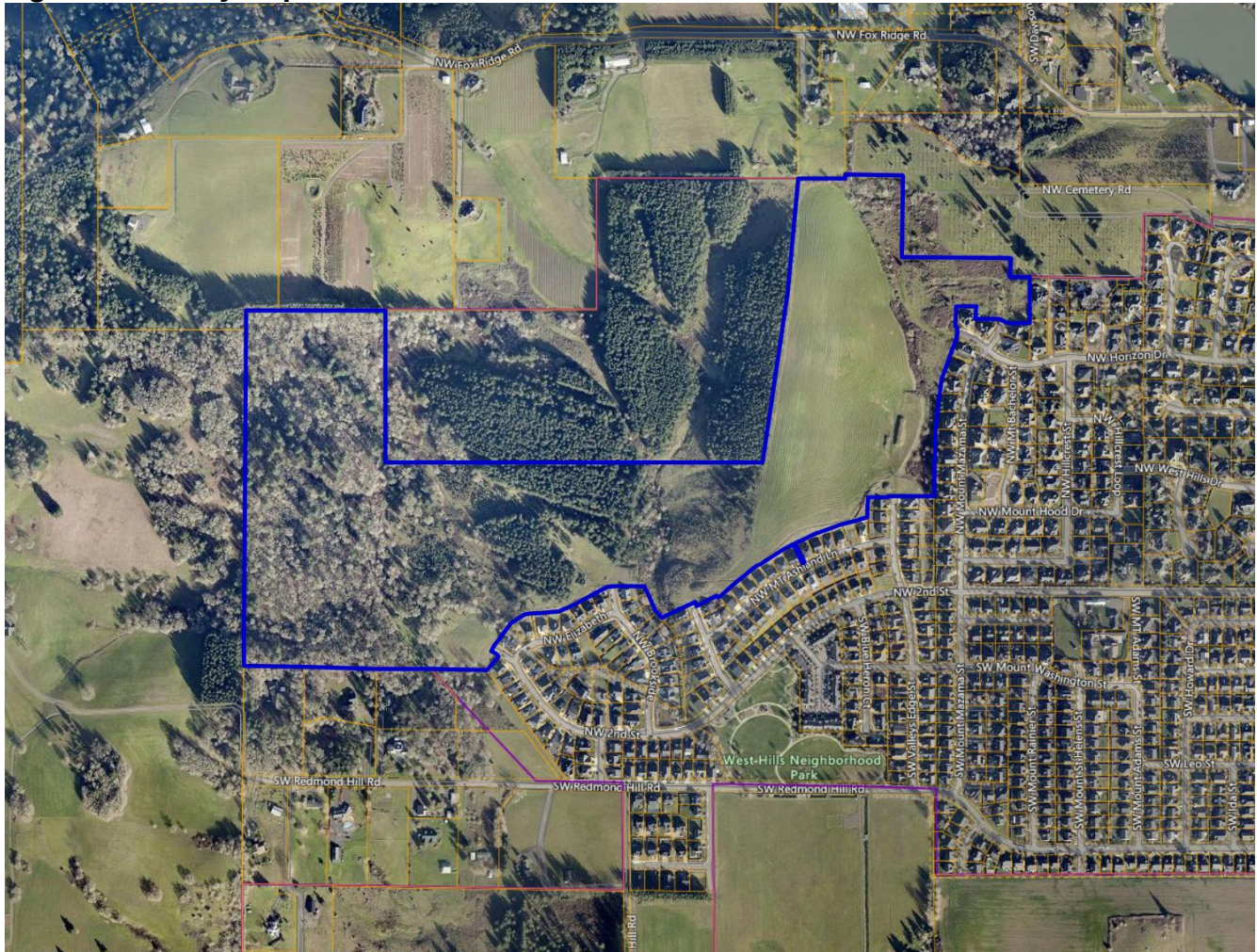
This is a consolidated review to consider these applications associated with the development of the subject property. The consolidated review procedures specify that the decisions for all applications are subject to the procedure that affords the most opportunity for public hearing and notice:

17.72.070 Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

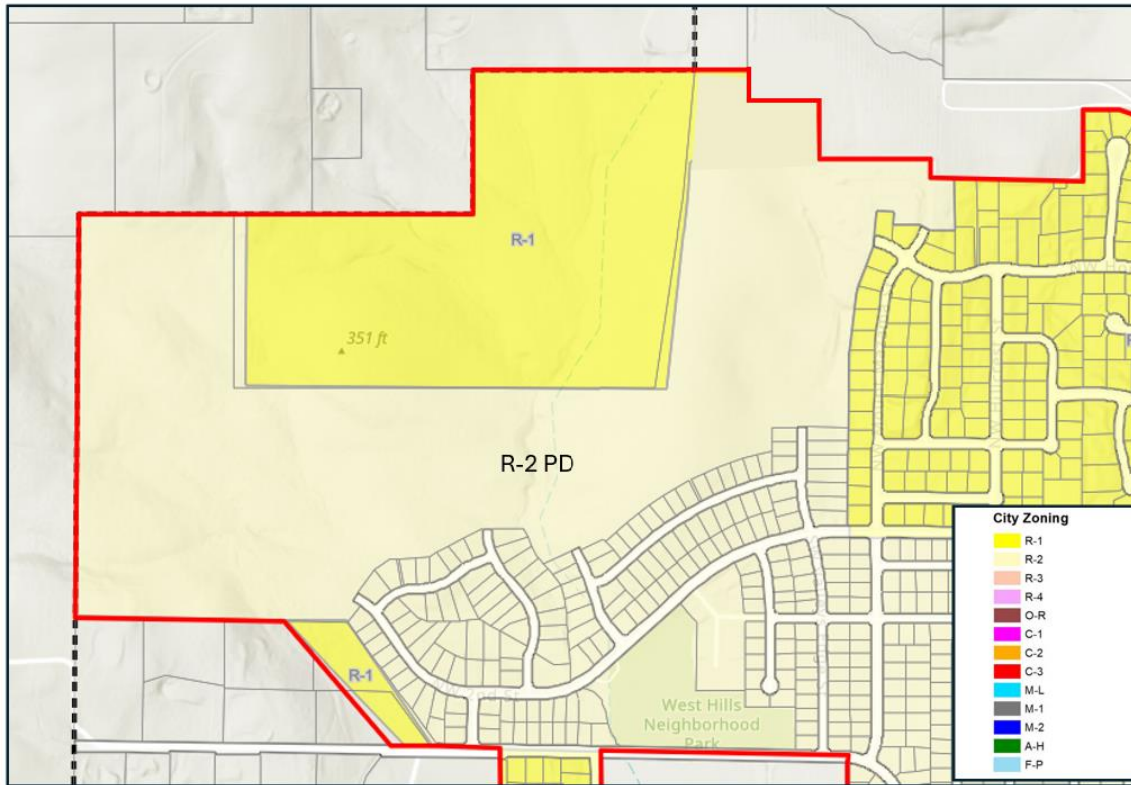
Accordingly, the Planning Commission makes a recommendation on both applications, with the City Council making the final decision on both applications.

Written public testimony submitted before the record was closed is provided in the record. Oral testimony provided at the Planning Commission hearing is summarized in the meeting minutes.

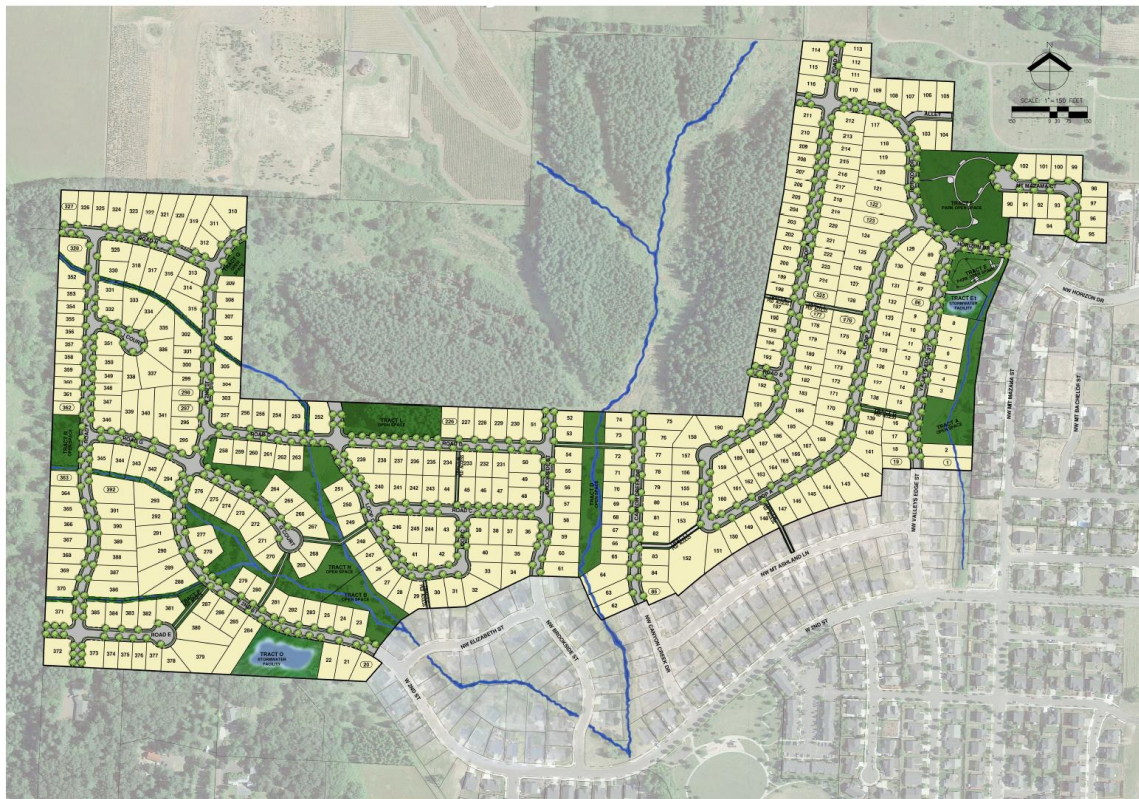
**Figure 1. Vicinity Map**



**Figure 2. Zoning Map**



**Figure 3. Proposed Master Plan/Tentative Plan – Illustrative Map**





## **Background:**

### ***History***

The request is for a Planned Development Amendment and an amendment to the corresponding Subdivision Tentative Plan for the remaining unplatted 106-acre tract of the original 164-acre site. A more detailed background regarding the previous land use approvals and development of the property is provided as an attachment to the November 7, 2024 Staff Report to the Planning Commission in the record, which includes the previously approved maps.

- City Council adopts West Hills PD Overlay (Ordinance 4132, amended by Ordinance 4225) establishing policies for development of properties within the West Hills area identified in the Ordinance, which encompasses properties including the subject property.
- The original application for the original 164-acre property was for a Planned Development (ZC 19-06/Ordinance 4868) and Subdivision Tentative Plan S 13-06), which was appealed to City Council (AP 2-07). The City Council upheld the decision, but with revisions. They approved the application, but with a revised master plan and tentative plan, which was also subject to additional revisions/conditions that were not reflected on the revised plan. The proposal included 512 lots, a park site, storm drain facility, and a site for apartments. 50 lots were townhouse lots (predominantly in the Northridge Phase).
- Valley's Edge 2 and Valley's Edge 3 were subsequently developed, and these phases included West Hills Park, the storm drainage facility, and Valley Pointe Apartments.
- The applicant applied for a Planned Development amendment for the remaining phases (approximately 132 acres), which was approved (ZC 6-17), including an amended plan and amended conditions for the PD and Tentative Plan (Ordinance 5024). The application reconfigured the street layout, added 40 lots, for a total of 552 lots, and reduced the number of townhouse lots to 43 (in the Northridge Phase).
- Hillcrest 6, Valley's Edge 4, Brookshire 1, and Valley's Edge 5 were subsequently platted. With these phases, approximately 58 acres of the original PD area were platted, leaving a tract of approximately 106 acres.
- The current applications PDA 1-24 and S 3-24 were submitted for the remaining tract of approximately 106 acres.

The application materials include the Planned Development Amendment application PDA 1-24 submitted on July 3, 2024, supplemental application materials submitted on August 16, 2024, the Subdivision Tentative Plan amendment application S 3-24, and supplemental application materials submitted on October 23, 2024.

### ***Current Applications and Applicable Criteria***

As noted, the property is within the West Hills Planned Development Overlay Ordinance 4132. The property is also subject to the approved planned development (ZC 6-17/Ordinance 5024) and subdivision tentative plan (S 13-06 as amended by Ordinance 5024).

As discussed in the application materials, the original planned development approval applied to a property of 164 acres. It rezoned the property from R-1 to R-2 PD with conditions and approved a Planned Development master plan and tentative subdivision plan for 13 phases, which included a 4-acre multi-dwelling site, land for West Hills Park (5.1 acres) and a stormwater detention facility (2.1 acres), 50 lots for attached housing (revised to 43), and the balance of the site for 444 single-detached dwelling lots, for a total of 487 single dwellings and 4 acres of multi-dwelling housing.

As of the time of the current application, seven (revised) phases have been platted and developed, with 158 lots, including the multi-dwelling development (68 units constructed) and the park and stormwater facility, totaling approximately 58 acres. The current applications address amendments for the remaining unplatted area of approximately 106 acres.

The current applications are PDA 1-24 and S 3-24. The request includes proposed amendments to the approved Planned Development Master Plan and Subdivision Tentative Plan for the remaining 106 acres and requests additional flexibility to the provisions of the underlying R-2 zone and subdivision standards that weren't part of the approval of ZC 6-17/Ordinance 5024, as well as requested amendments to the current conditions of approval, and elements of the prior proposal.

The application materials state that the proposed amendments are necessary following the discovery of geotechnical conditions and on-site natural resource features that were previously unknown. The application materials provide more detailed information regarding the requested changes and rationale. Supplemental materials provide additional information regarding the nature of these conditions, as well as supplemental findings and further requests for amended conditions.

The supplemental application materials submitted on October 23, 2024 include updated information and aspects of the request. See discussion below.

The applicable criteria and standards are summarized below:

- The applicable criteria for the Planned Development Amendment PDA 1-24 are specified in Section 17.74.070 of the Zoning Ordinance and applicable development standards. The approval is also subject to the provisions of the West Hills Planned Development Overlay Ordinance (Ordinance 4132), Planned Development Overlay Ordinance 5024, and the applicable Goals and Policies of the Comprehensive Plan.
- The applicable criteria for the amendment to the Subdivision Tentative Plan S 3-24 are provided in Section 17.53.073 of the Zoning Ordinance, the applicable requirements of Chapter 17.53, the provisions of the West Hills Planned Development Overlay Ordinance (Ordinance 4132), consistency with the provisions of Planned Development Overlay Ordinance 5024 and its approved master plan, as may be amended through PDA 1-24, the conditions of approval of Tentative Subdivision Plan approval S 13-06 as amended by Ordinance 5024 as may be amended, and applicable Goals and Policies of the Comprehensive Plan.

Please note that if the current applications are not approved, the currently approved plan remains in effect.

### **Discussion:**

The original application submittal summarized the proposed changes in the Executive Summary and in Table 1, excerpted below.

Table 1: Summary of PD Amendments			
Standard	Ordinance 5024	Planned	Justification
Street Network Alignment	See Exhibit A, Sheet P-03	See Exhibit A, Sheet P-03	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands
Open Space and Pedestrian Tracts	±1.0 acres of open space/pedestrian tracts	±13.0 acres of open space/pedestrian tracts (±1200 percent increase)	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands City of McMinnville Great Neighborhood Principles
Stormwater Management	0.0 acres of stormwater facilities on the subject site	±1.6 acres of stormwater facilities on the subject site (see Exhibit A, Tract E1 and O)	Stormwater studies/modeling conducted post Ordinance 5024
Lot Count	394 residential lots within remaining phases (552 lots in total Hillcrest PD site)	±392 residential lots within remaining phases (550 lots in total Hillcrest PD site) (less than a 1 percent decrease)	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands Additional open space/parks
Lot Size	Average lot area = ±9,550 square feet	Average lot area = ±7,960 square feet	Natural resources including streams and wetlands Additional open space/parks
Setbacks/Yards	R-4 setbacks in Northridge Phase; Reduced setbacks in other Hillcrest PD lots permitted as necessary for tree protection	Front: 20-foot Interior side: 5-foot Street side: 15-foot Rear: 20-foot; rear yard decks may encroach 10-feet into rear yard setback	Reduced side yard setbacks allow similar lot yield as Ordinance 5024 accounting for more than 14.0 acres of additional open space and protected natural resource areas HNA density target for R-2 zoning district is 4.46 dwellings/acre

However, the application materials also discussed some additional amendments and requests that were not listed in the summary table, which were addressed in supplemental application materials. Those are listed in more detail in Section I of the attached decision document.

**Site Conditions, Proposal, and Foundational Policies**

The original application submittal didn't depict the site conditions and constraints which the amended plan sought to address. The applicant provided supplemental information depicting these conditions.

The first map below shows the anticipated hard rock excavation areas (magenta) and the approximate undocumented fill area (green). It also depicts the approximate areas proposed to remain undisturbed (blue), approximately 4.1 acres of the 106-acre site. The undisturbed areas generally correspond to the jurisdictional wetlands/waters shown on the second map below which are proposed to be within the open space tract, as reflected on the third map. Upper westerly

reaches of those drainages above the wetlands/waters are not shown on the maps as jurisdictional. Those portions are proposed to remain as open conveyances, proposed to be within easements on the lots, and the grading plans appear to show those as being regraded as part of the mass grading of the site.

Please note that the majority of the tracts depicted in green are not intended for public access and do not include trails. Staff requested the following clarification:

Please clarify whether any trails are proposed along the streams in the open space tracts or limited to the pedestrian way crossings shown on the plans. Please clarify whether those tracts will be limited to storm drainage easements, or whether they would also provide easements for pedestrian or public access.

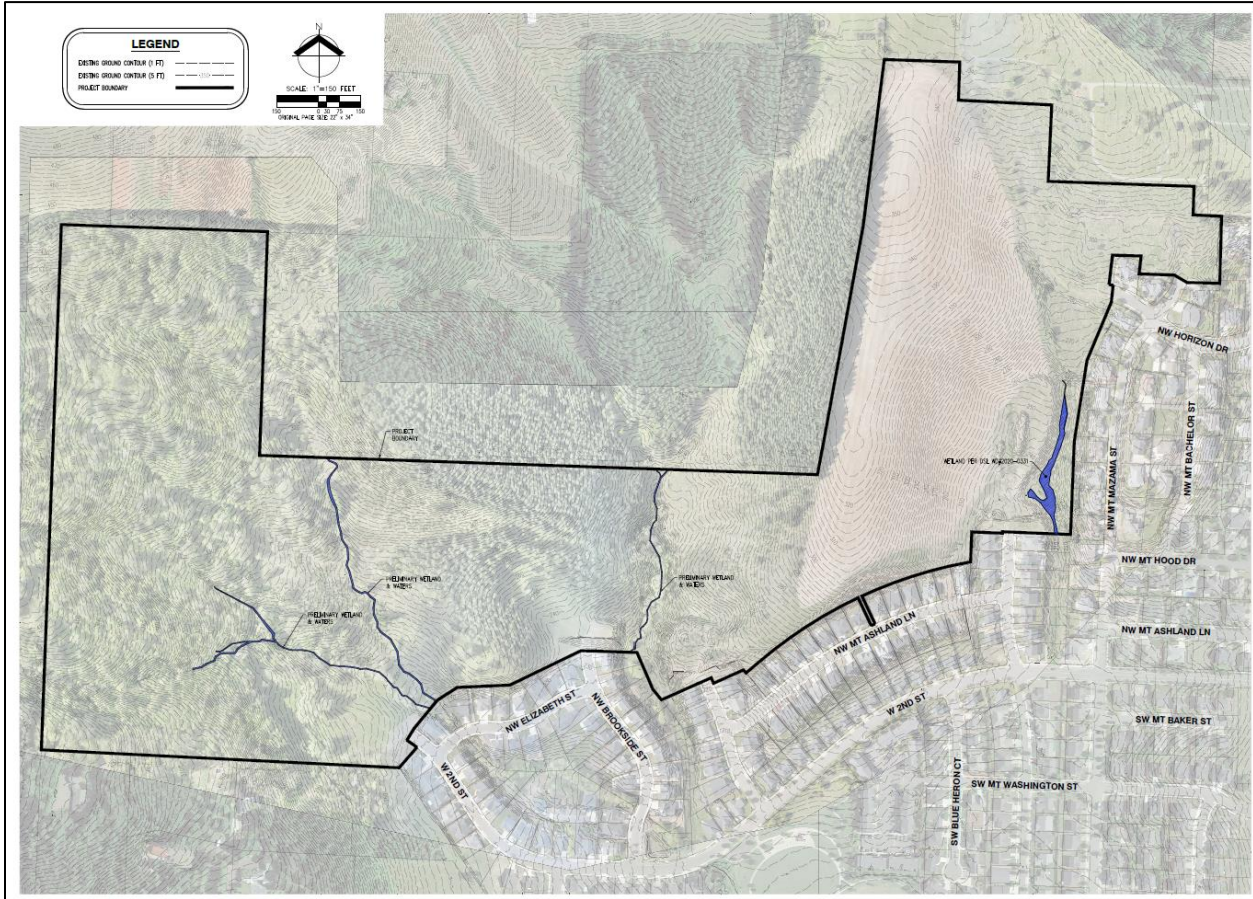
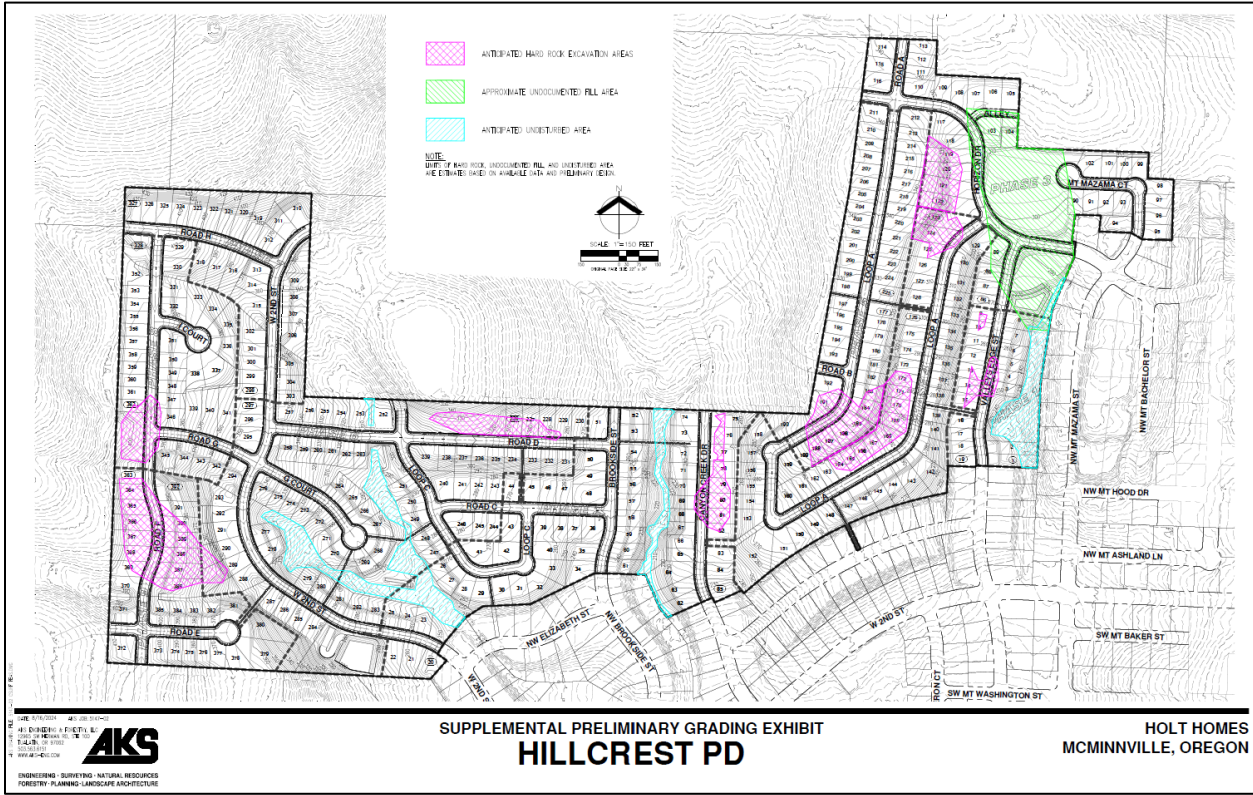
The applicant provided the following clarification:

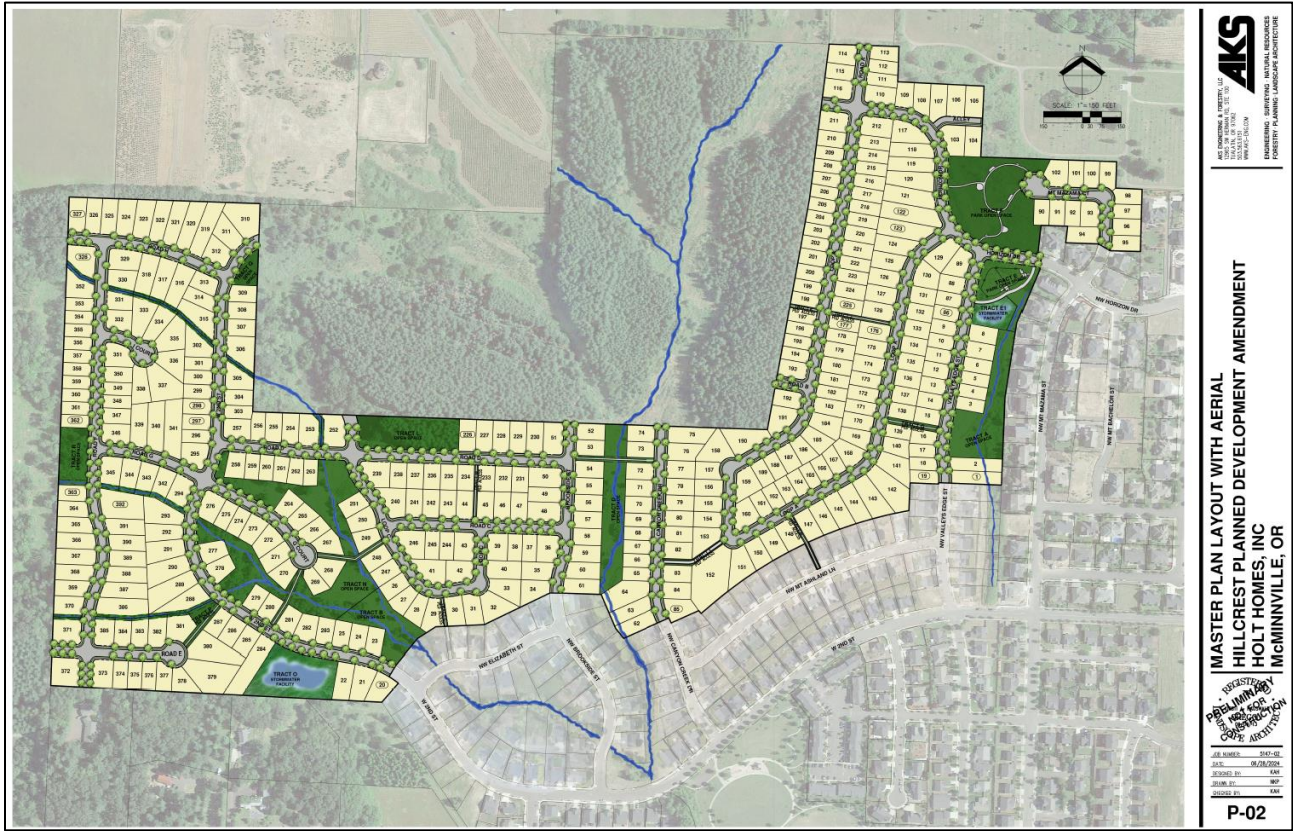
All planned pathways/trails are indicated on the Preliminary Circulation Plan provided in Exhibit A of the original application submittal and in Attachment B of this letter. No additional trails are planned along the streams in the open space tracts. All pedestrian paths will either be within the specified tracts or the pedestrian access easements as shown on the revised Preliminary Subdivision Plat in Attachment B.

Based on this initial response, it appeared there would be no access to tracts other than those specifically identified for pedestrian easements and the private park tracts E (0.8 acres) and F (2.5 acres). Access was not proposed to any other open space tracts (A, B, D, L, N, P, Q, or R), except for those portions where pedestrian connectors are shown across tracts D, N, and P.

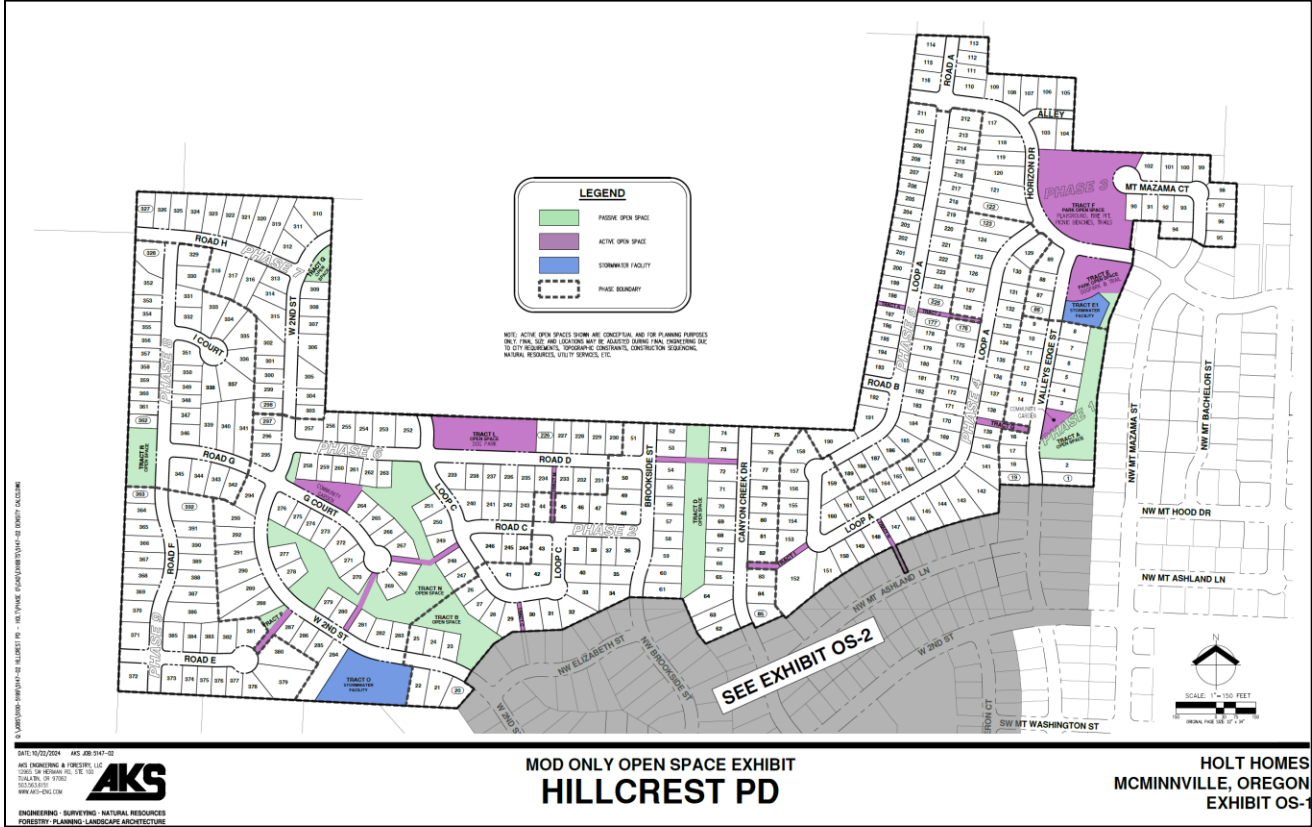
Staff has included a condition regarding pedestrian access at external open space tracts to allow future connections to abutting properties if developed.

In addition, with the applicant's October 23, 2024 supplemental submittal, additional tracts are now identified as Active Open Space. A condition of approval is included that requires submittal of a landscape plan for the open space tracts for review and approval, addressing the specific facilities.





With the October 23, 2024 submittal the applicant also provided Open Space Exhibit OS-1 that illustrates this differentiation:



**Attachments:**

1. List of Materials in the Public Record for PDA 1-24/S3-24 with Hyperlink to Webpage with Materials
2. Ordinance No. 5155 with Decision Document

**Recommendation:**

**City Council Options:** Per Section 17.72.130(6) of the McMinnville Municipal Code, upon receipt of the decision of the Planning Commission to recommend approval, the City Council shall either:

- Based on the material in the record and transmitted to the City Council, adopt an Ordinance effecting the proposed change; or
- Call for a public hearing on the proposal subject to the notice requirements in Section 17.72.120 (D) – (F).
  1. **ADOPT THE ORDINANCE** approving Dockets PDA 1-24 and S 3-24 with the proposed amendments, adopting the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings per the decision document provided.
  2. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting. A special meeting would be required in order to meet the 120-day application deadline of January 13, 2025.
  3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and/or conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5155.

***Ordinance No. 5155 Recommendation (PDA 1-24 and S 3-24):***

**PDA 1-24**

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found that, based on the findings in the Decision Document, the application submitted by the applicant, and the record, the applicable criteria are satisfied, subject to conditions of approval.

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the application based as recommended by the Planning Commission.

**S 3-24**

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found that, based on the findings in the Decision Document, the application submitted by the applicant, and the record, the applicable criteria are satisfied, subject to conditions of approval.

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the application as recommended by the Planning Commission.

***Suggested Motion:***

**PDA 1-24**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5155 APPROVING THE DECISION DOCUMENT AND APPROVING PLANNED DEVELOPMENT AMENDMENT PDA 1-24, SUBJECT TO THE CONDITIONS IN THE DECISION DOCUMENT.**

**S 3-24**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5155 APPROVING THE DECISION DOCUMENT AND APPROVING THE SUBDIVISION TENTATIVE PLAN AMENDMENT S 3-24, SUBJECT TO THE CONDITIONS IN THE DECISION DOCUMENT.**



**PDA 1-24/S 3-24 Record**

The full record is posted on the project website at the link below:

<https://www.mcminnvilleoregon.gov/cd/page/pda-1-24-hillcrest-planned-development-amendment-and-s-3-24-subdivision-tentative-plan>

The record includes the following materials:

1. Application and Attachments
  - a. PDA 1-24 Submittal
  - b. PDA 1-24 Supplemental Submittal
  - c. S 3-24 Submittal
  - d. September 26, 2024 Written Request for Continuance and 30-day Extension to 120-Day Decision Period
  - e. PDA 1-24/S 3-24 Supplemental Submittal
2. Additional Agency Comments
  - a. McMinnville Water and Light
  - b. Yamhill County Transit
  - c. Oregon Department of State Lands
3. Written Public Testimony
  - a. Jerry Hubbard Testimony Submitted via e-mail September 23, 2024
  - b. Clarke Ellingson Testimony Submitted via e-mail October 3, 2024
  - c. November 7, 2024 e-mail from Kristi Bahr submitted at November 7, 2024 Planning Commission Public Hearing
4. Staff Report for November 7, 2024 Planning Commission Hearing with Attachments
5. Staff PowerPoint Presentation from November 7, 2024 Planning Commission Meeting
6. Applicant's PowerPoint Presentation from November 7, 2024 Planning Commission Meeting
7. Applicant's Letter Dated November 14, 2024 with Attachments
8. November 14, 2024 Staff Report and Attachments
9. November 19, 2024 Staff Memo and Attachments
10. November 20, 2024 Letter from Applicant
11. Minutes:
  - a. November 7, 2024 Planning Commission Public Hearing
  - b. November 21, 2024 Planning Commission Deliberations

**ORDINANCE NO. 5155**

**AN ORDINANCE AMENDING ORDINANCE NO. 5024, THE PREVIOUS PLANNED DEVELOPMENT AMENDMENT APPROVAL (ZC 6-17); AMENDING THE PREVIOUS SUBDIVISION TENTATIVE PLAN APPROVAL (S 13-06/AP 2-07 AS AMENDED BY ORDINANCE NO. 5024); APPROVING A PLANNED DEVELOPMENT AMENDMENT (PDA 1-24); AND APPROVING AN AMENDED SUBDIVISION TENTATIVE PLAN (S 3-24) FOR THE REMAINING PHASES OF THE HILLCREST PLANNED DEVELOPMENT, APPROXIMATELY 106 ACRES, TAX LOT R4524 00801**

**RECITALS:**

**WHEREAS**, Ordinance No. 4868 was adopted by the McMinnville City Council on April 24, 2007, approving zone change from R-1 to R-2 PD and a Planned Development for a parcel of approximately 164 acres (ZC 19-06/AP 2-07) known as the Hillcrest Planned Development, and the City Council upheld the Planning Commission approval of a Subdivision Tentative Plan (S 13-06/AP 2-07), based on a revised plan and revised conditions of approval' and

**WHEREAS**, Ordinance No. 5024 was adopted by the City Council on June 27, 2017, approving a Planned Development Amendment (ZC 6-17) for the remaining phases of the Hillcrest Planned Development, and approving an amendment to the Subdivision Tentative Plan S 13-06/AP2-07) and its conditions of approval; and

**WHEREAS**, in 2024, the Planning Department received an application for a Planned Development Amendment (PDA 1-24) and an amendment to the Subdivision Tentative Plan (S 3-24) for the remaining undeveloped phases of the original Hillcrest Planned Development, approximately 106 acres, and

**WHEREAS**, the Planning Commission held an evidentiary public hearing on November 7, 2024 to consider the request, and the Planning Commission voted to keep the record open. After the record was closed, the Planning Commission deliberated on November 21, 2024 and voted to recommend approval of the proposed amendments, with conditions, to the City Council; and

**WHEREAS**, after reviewing the public record and the Planning Commission's findings on December 10, 2024;

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A and recommended by the Planning Commission; and
2. That Ordinance No. 5024 is hereby amended to adopt the following conditions of approval for PDA 1-24 and S 3-24 for the remaining phases

of the Hillcrest Planned Development, Tax Lot R4524 00801, approximately 106 acres:

Except as noted, the following conditions apply to phases platted after the approval of PDA 1-24 and S 3-24. The previous approvals and conditions in effect at the time of previous approvals remain in effect for those phases.

**PDA 1-24 Conditions of Approval**

1. For phases platted before approval of PDA 1-24/S 3-24, the planned development overlay shall require the following setbacks:
  - A. Development of the multi-family lot ~~and single-family lots within the Northridge subdivision~~ shall be to standard R-4 zone setbacks.
  - B. Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.
  - C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

2. For remaining phases platted after approval of PDA 1-24/S 3-24, the following setbacks shall apply, except as otherwise provided in MMC Chapter 17.54:
  - A. Front Yard: 20 feet
  - B. Rear Yard: 20 feet
  - C. Interior Side Yard: 5 feet
  - D. Exterior Side Yard: 15 feet (except garage door faces shall be 20 feet per MMC Chapter 17.54).
  - E. Interior side or rear yard abutting private drainage easements containing open drainageways and vegetation: Structures shall be setback a minimum of 3 feet from the easement and fencing at the edge of the easement to allow a path around the structure for maintenance and any egress doors and/or landings, excluding upper story cantilevers.
3. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the

building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.

4. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

5. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: This continues to apply to Lot 46 of Valley's Edge Phase 2 and any subsequent alterations or modifications to the development of that property: That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:

- A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
- B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
- C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.
- D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.
- E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.

6. Prior to the issuance of the 290th building permit for the master planned development (including all phases approved from ZC 19-06/S13-06 and later), the developer shall complete the installation of left-turn-lane improvements, meeting the City's and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.
  7. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure). In PDA 1-24/S 3-24 remaining phases, average lot size of buildable lots shall not be less than 7,000 square feet. No buildable lot shall be less than 5,000 square feet, except for minor adjustments that may be necessary to comply with these conditions of approval, upon review and approval by the Planning Director to determine adequacy of building envelope.
  8. Per MMC 17.53.101(L), grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
    - A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
    - B. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).
- Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.
9. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).
  10. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).
  11. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and

approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.

12. The following condition was partially applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases because it is replaced with a new condition for the remaining phases: That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.
13. All private pedestrian connections shown on the approved master plan for PDA 1-24/S 3-24 shall be dedicated as tracts commonly held and maintained by a Homeowner's Association. In addition, the applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.
14. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (previous Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of previous Phase 4.
15. *(Deleted)*
16. Grading/Geotechnical Certification. The following shall be required prior to the issuance of a grading permit for On-Site Development:
  - A. As provided in Applicant's submittal, the preliminary grading plan is subject to change. Any future change to the preliminary grading plan is subject to review and approval by the City Engineer.
  - B. A final Geotechnical Report by a licensed Geotechnical Engineer shall be submitted with the grading permit application for review by the Building and Engineering Divisions. In addition, a grading review letter from the Geotechnical Engineer of record is required

to confirm the final civil design for grading (cut & fill slopes), keyways (if needed), slope stability, drainage control, and pavement support for the project is in accordance with their recommendations and identifies the special inspections required by the geotechnical engineer during construction of the subdivision.

C. The Geotechnical Report shall be prepared and stamped by a Geotechnical Engineer, which means a Licensed Civil Engineer, licensed in the specialty of Geotechnical Engineering by the Oregon State Board of Engineering Examiners. The Geotechnical Report shall make specific recommendations to avoid or mitigate geological hazards. At a minimum, the Geotechnical Report shall include the following elements:

1. Data regarding the nature, distribution and strength of existing soils on the site.
2. Analysis, conclusions, and recommendations for grading procedures.
3. Design standards for corrective measures, including buttress fill, when necessary.
4. A professional opinion on the adequacy of the development site for the intended use considering the proposed grading in relation to soils engineering factors, such as slope stability.
5. The location of proposed development and public facilities; and
6. Relevant information from the McMinnville Natural Hazards Inventory.

D. The Applicant shall be required to obtain and provide an Erosion Control Plan prepared by an engineer licensed in the State of Oregon. The area of disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, the project shall obtain an NPDES 1200-C Erosion Control Permit from DEQ and submit evidence of the permit to the building and engineering departments.

17. Geotechnical Certification. Prior to the acceptance of Public Improvements for each phase of the project, the Applicant shall obtain a geotechnical observation and testing letter from the Geotechnical Engineer of Record with the following:

A. Final letter indicating that the geotechnical related inspections and testing was completed under their observation and guidance and that construction of the public improvements and the lot grading for the subdivision phase has been completed in general conformance with the recommendations provided in the final Geotechnical Report or as modified based on their field inspections.

- B. The geotechnical review letter shall identify lots, if any, which require lot-specific geotechnical reports and/or special inspections required by the geotechnical engineer during the construction of foundations and/or grading for each home or unit.
18. Phasing for the Subdivision Tentative Plan S 3-24 is authorized as follows. The proposed boundaries for the nine phases are approved, subject to the following provisions.
- A. If the applicant seeks changes to the phasing boundaries, the request shall be submitted to the Planning Director for review and approval. This includes merging phases or the addition of subphases. The Planning Director may approve modifications to the phasing boundaries upon a finding that there no practical issues created by the revised phasing and that there isn't detriment to the public health, safety, or welfare. The Director may require conditions to ensure such, including requirements such as temporary emergency vehicle access or other conditions.
  - B. The applicant shall submit to the City a final plat for the first phase of the project within two (2) years following final land use approval, including resolution of any appeals and proceedings on remand. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
  - C. There shall not be more than two (2) years between final platting between phases. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
  - D. However, within twelve (12) years of the date of recording of the plat for the first phase of the project, Applicant shall have submitted to the City a final plat for the final phase of the project. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the final phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.



19. Prior to start of construction of the first phase, the applicant shall identify the number of multi-generational homes (homes with primary and attached secondary units) to be developed in each phase, to include 43 lots. Prior to start of construction of each phase, the applicant shall identify the specific lots for multi-generational homes for that phase. Those lots shall be dispersed throughout the different phases. In addition, within each phase, those lots shall be dispersed throughout the phase. The proposal shall be submitted to the Planning Director for review and approval. The Planning Director may subsequently approve minor changes consistent with the provisions of this condition.
20. Prior to start of construction of the first phase, the applicant shall submit an application for a landscape plan review to the Planning Division that provides detailed plans for the specific design and amenities for the open space tracts consistent with the facilities described in the application which shall demonstrate compliance with the MMC 17.11.110.

For the open space tracts, the developer shall provide a landscape plan identifying all of the landscaping and amenities planned for both the active and passive open space tracts that would be appropriate for serving approximately 1,200 people, including playground equipment, shelters, lighting, signage, benches, tables, landscaping and any other amenities planned. The active open space should include a playlot for pre-school children, apparatus for older children, open space for informal games and play activities, shaded areas, shelter, passive seating areas, etc. All equipment (furnishings and playground) will need to be commercially grade with focused play events that serve 2-5 years old and 5-12 years old.

21. Common area tracts shall be privately owned and maintained.
22. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under the conditions of approval of PDA 1-24 and S 3-24, where the Planning Director finds such tree replanting in full is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology below. This methodology is authorized instead of the methodology described in MMC 17.58.090(F):

If paid in total for all phases prior to removal of trees in the overall project area, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the applicant shall pay a fee-in-lieu of \$550 per tree.

If paid prior to removal of trees by phase, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the fee-in-lieu shall be the greater of \$550 per tree or the cost calculated using the same method prior to removal of trees in the respective phase.

**Note:** The fee-in-lieu payment at \$550 per tree for an estimated 324 trees would be \$178,200. The fee in-lieu payment at \$550 per tree for an estimated 1,150 trees would be \$632,500.

23. (Deleted).
24. Basalt Blasting/Drilling: Blasting and drilling activities can only occur between 8 AM – 6 PM, with notice provided to property owners within 500 feet one week in advance of the event.
25. For the street serving Lots 103-107, flexibility to the standards of MMC 17.53.100(C) and MMC 17.53.105(B) is granted to allow the City Engineer and Fire Marshal discretion regarding S 3-24 Condition 3(I), to consider easement access to serve up to 5 lots, subject to additional requirements that may be required by the City Engineer and Fire Marshal, including easement width and paved surface that may be wider than specified in MMC 17.53.100(C) and MMC 17.53.105(B).
26. The tree mitigation and fee-in-lieu methodology specified in S 3-24 Condition #13, applying to trees outside of the proposed right-of-way, is authorized, which is consistent with the prior methodology previously proposed by the applicant and approved in S 13-06/AP 2-07. This methodology is authorized instead of the methodology described in MMC Chapter 17.58.
27. That Planned Development Ordinance No. 4868 is repealed in its entirety.

### **S 3-24 Conditions of Approval**

1. That this amended subdivision approval (S 3-24) shall not take effect unless and until the companion Planned Development Amendment application (PDA 1-24) is approved by the City Council.
2. That the final plat shall include:
  - a) The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: Dedication of additional right-of-way along the site's frontage of Redmond Hill Road, sufficient to provide 30 feet from centerline.
  - b) Existing and proposed private and public easements for utilities, to include water, sewer, and power.
  - c) Use, ownership, and maintenance rights and responsibilities for all easements and tracts.
3. That prior to final plat recordation:
  - a) That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted

to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

The application submittal proposes 20-foot wide minimum width for private stormwater easements. Easements for open stormwater conveyance may be a minimum of 15-feet in width or the width of the 100-year storm event, whichever is greater. These shall be reflected in the final development plans, revised tentative plan for each phase, and the final plat for each phase.

- b) The applicant/owner shall enter into a construction permit agreement (CPA) with the City Engineering Department. The CPA will be based on approved engineered plans and engineering estimate.
- c) The applicant shall gain a fill and grading permit for lot fill and grading from the City Building Division.
- d) The final development plans for the subject site shall include a detailed sanitary sewage collection plan, which incorporates the requirements of the City's Collection System Facilities Plan. The plan must be submitted to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. Any potential offsite easements that may be required for any phase must be dedicated to and accepted by the City prior to the City's approval of the final plat.
- e) Submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
- f) Submit evidence of a completed extension agreement with McMinnville Water & Light, for water and power extension. Relocation or abandoning of existing facilities may be required, and easements will be necessary for utilities to be retained. Conversion and relocation of existing water and electric facilities and services to new roadway alignments will be required. Contact Technical Services at (503) 472-6919.

- g) Submit to the Planning Department a street tree plan prepared by the applicant, for any park strip to be provided within this development. Plans shall identify species, caliper size, and spacing. Plans will be forwarded for review and approval by the Landscape Review Committee. All street trees shall have a two inch minimum caliper measured at six inches above ground level, shall exhibit size and growing characteristics appropriate for the particular planting strip, and shall be spaced as appropriate for the selected species and as may be required for the location of above-ground utility vaults, transformers, light poles, and hydrants. In addition, street trees shall not be planted within 30 feet of street intersections. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI 260.1). The Planning Director reserves the right to reject any plant material that does not meet this standard.
- h) Street trees shall be planted in accordance with the approved street tree plan. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

For trees not installed prior to final platting, each year the applicant/owner shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and has received final occupancy, or adjacent to any non-buildable tracts for which street trees are required. This planting schedule shall continue until all platted lots have been planted with street trees.

It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees that may die due to neglect or vandalism, for two years from the date of planting.

- i) The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the US Army Corps of Engineers, Division of State Lands (DSL), and/or the Oregon Department of Environmental Quality (DEQ) all applicable environmental, erosion control (1200C), storm runoff, and site development permits. Evidence of such permits shall be submitted to the City Engineer. Provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.
- j) ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following

webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.

- k) Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- l) All streets shall be designed/improved to the standard per the Transportation System Plan and have the City's typical crowned section. The final design of the street serving Lots 103-107 and its terminus shall be subject to review and approval of the City Engineer and Fire Marshal.

The street serving Lots 103-107 shall be designed to meet one of the following, subject to City Engineer and Fire Marshal approval of the street design and terminus:

- Street meeting the standards of the Transportation System Plan.
- MMC 17.53.100. Complete Street Design Standards Table, Street Design Standard Notes: "The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area."
- MMC 17.53.161. Exceptions in the Case of Hillside Development. "The Planning Commission may modify the standards and requirements of this ordinance if the subdivision is located on land of 20 (twenty) percent or greater slope. To minimize disturbance of the existing grade and to take advantage of natural building sites, modification may concern alignment, width and improvement of streets, and building site locations. If modification involves the creation of some lots of less than the minimum area, the average area of lots in the subdivision shall equal the density established for the area under the zoning in effect."
- MMC 17.53.100(C) and 17.53.105(B). Private Access Easement for Up to Three Lots. This would specify Lots 103 and 107 taking access from Horizon Drive and Lots 104, 105, and 106 taking access of a private easement consistent with the standards of these sections, except as otherwise authorized by PDA 1-24 Conditions of Approval, subject to approval of the City Engineer and Fire Marshal.
- MMC 17.53.100(D). Private Way or Drive. A private drive would need to be consistent with the standards of this section.

- m) The City Engineering Department shall review the Final Storm Water Report. The Preliminary Stormwater Report appears to demonstrate compliance with standards.
  - n) The applicant shall contact McMinnville Water & Light for placement of water utility and fire hydrants.
4. That prior to issuance of building permits:
- a) Submit evidence that any fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
  - b) Adequate fire-fighting water supplies must be available, and approved— consistent with the fire code. Fire access must be available to within 150 feet of the most remote portion of all structures. Hydrants must be spaced at no more than 600-foot intervals. At least 1,000gpm of water must be available for all homes up to 3,600 sq ft in size.
  - c) Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended, or as may be agreed upon by the City and developer as a result of purchase by the City of the proposed park land.
  - d) The applicant shall provide a pattern book showing the proposed home plans for lots demonstrating compliance with the residential design and development standards of MMC 17.11 and demonstrating differentiation of home plans on abutting and adjacent lots.
5. That at the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development."
6. That street names shall be submitted to the Planning Director for review and approval prior to submittal of the final subdivision plat.
7. That plat phasing shall be in accordance with the authorization and requirements provided in PDA 1-24.
8. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant dedicate to the City of McMinnville the area designated for park purposes (a total of approximately 5.1 acres), and that the dedication be noted on the face of the final plat. The value of said dedication shall be applied as a credit against park land system development charges applicable to each residential unit, or as may be agreed upon by the City and developer as a result of purchase by the

City of the proposed parkland. The applicant is advised that in determining such credit the City will consider the drainage swale area situated generally in the west and northwest portions of the area proposed for park dedication to be of lesser value than other "buildable" portions of the site.

9. *(Deleted).*
10. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat." *(as amended by Ordinance 5024)*
11. Restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval. The CCR's shall include provisions addressing the requirements for maintenance and operation of common private facilities.

The documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any private and/or common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

If desired, some other form of guarantee that the subdivision property owners accept the responsibility for maintenance of common ownership features may be approved by the Planning Director subject to review and approval of the Planning Director.

12. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases. New conditions apply to future phases. Additionally, the applicant shall: Enact CC&Rs that require each home builder/lot developer to replant trees on the lots based upon the number of existing natural trees on the lot and the number of proposed trees to be removed to accommodate home construction. The proposed requirement for inclusion in the CC&Rs is: "Plant one new tree for every tree removed on lots with five or fewer natural trees, or plant one tree for every one and one-half trees removed on lots with six or more natural trees."
13. Tree Removal and Replacement. Prior to approval of the On-Site Development permit for each phase of development by the engineering department, the Applicant shall survey and identify all existing trees

greater than nine (9) inches in diameter measured at 4.5 feet above grade (diameter at breast height – DBH). For those trees that are removed, outside of planned rights-of-way, tree preservation and mitigation shall adhere to the following:

- A. To the extent possible, all trees within undisturbed areas shall be preserved as highlighted in the application.
  - B. Trees greater than 9 inches DBH proposed for removal will be replaced on-site at a ratio of 1:1 (one tree planted for every tree removed on future platted lots with 5 or less trees) or 1:1.5 (one tree planted for every one and a half trees removed on future lots with 6 or more trees).
  - C. Tree replacement may be met by a combination of planting trees within common open space tracts, stormwater facilities, and natural resource areas, and/or trees planted on each lot. The tree preservation and mitigation plan for each phase shall identify required tree plantings during the current phase and may incorporate past plantings (not previously identified as mitigation trees) and/or future plantings to achieve the required number of mitigation trees for the entire project within the remaining area of PDA 1-24/S 3-24 Phases 1-9 (see Attachment 2).
  - D. Prior to the issuance of occupancy for the first home in each development phase, the Applicant shall plant all mitigation trees for common open spaces and tract frontages in each phase according to approved plans.
  - E. Prior to the issuance of occupancy for each individual home, the applicant shall install all lot trees and street trees along the frontage of each individual lot.
  - F. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under this condition, where the Planning Director finds such tree replanting in full within the project area is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology authorized by PDA 1-24.
  - G. The requirements for tree retention, removal, and replacement shall be included in the CC&Rs.
14. In order to ensure adequate capacity of the channels to convey larger storm events, the restrictive covenants shall require that the areas within the easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.



15. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant obtain approvals as necessary from Yamhill County for any proposed off-site drainage.
16. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: The applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the work in Redmond Hill Road, and shall construct any improvements to Redmond Hill Road required by the County Engineer.
17. Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2<sup>nd</sup> Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. *(as amended by Ordinance 5024)*.
18. That unless deemed unfeasible by the City Engineer due to topography or utility conflicts, driveways for all corner lots abutting the collector streets shall be limited to the side street frontage and no access will be allowed onto the collector street. The appropriate driveway restrictions shall be reflected on the final subdivision plat(s).
19. That curbside sidewalks shall be allowed in those locations where the City Engineer deems it is impractical, due to topography or to save significant trees.
20. That the final plat shall include 10' wide public utility easements (PUEs) adjacent to all public streets.
21. That in order to ensure adequate capacity of the channels to convey larger storm events, the subdivision plats shall state that the areas within the storm drainage easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.
22. The Planning Director and City Engineer shall approve the final design detail for pedestrian crossings where pedestrian paths cross roadways or where they extend across from a roadway into a pedestrian path or open space tract.
23. The applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The

applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.

24. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the storm drainage work in Redmond Hill Road, and shall construct any improvements required by the County Engineer.
25. *(Deleted)*.
26. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That SW Washington Street shall be extended to the west and terminate at the eastern edge of Lot 47, thereby providing two public access points for the proposed multi-family development (West Second Street and SW Washington Street).
27. That prior to the platting of Phase 9, the applicant shall provide to the City a plan for the applicable subdivision for the public street extension to the subject site's southern property line in order to provide for the future development of adjacent property. Such plan shall be submitted to the City Engineer for review and approval prior to construction of any public improvements. The plan shall include information regarding the adjacent property's slope, existing improvements, and other detail as necessary to demonstrate the feasibility of the street's future extension to the south.
28. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the proposed pedestrian / utility easement extending south from the unnamed cul-de-sac that fronts Lots 29-46 not be designated for public access use.
29. Should any "early grading" extending beyond phase boundaries be necessary to complete grading of a phase before final civil plans have been approved beyond the phase line, an early grading application and permit will be required, to be approved by the Building and Engineering Divisions.
30. Where wetland delineations have not been completed, the applicant shall complete wetland delineations with DSL for the respective phases and submit a tentative plan for those phases to the Planning Division showing the delineated wetlands and any proposed approved mitigation for disturbance where infrastructure is proposed. The applicant shall demonstrate the jurisdictional wetlands/waters are fully contained within the common space tracts, which may require minor adjustments to lot lines shown on the plans submitted for S 3-24. For any jurisdictional wetland/waters which are proposed within private easements across buildable lots, the tentative plan shall demonstrate adequate building envelope on the lot outside of the delineated wetlands and easement areas, or the applicant shall modify the lot

layout, which may require reduction in the number of lots if the presence of wetlands and associated easement would preclude a buildable envelope on the lot. (Note: See Lots 252 and 253 in Phase 6, "Preliminary Wetland and Waters" shown on Sheet P-01 submitted 8/16/2024, and "Anticipated Undisturbed Areas" shown on the "Supplemental Grading Exhibit submitted 8/16/2024). The Planning Director may approve changes which constitute a minor change consistent with Condition #4 of PDA 1-24.

31. No grading shall occur within any phase area until wetland/jurisdictional water delineations have been completed within the disturbance area for any wetlands or jurisdictional waters that are within or partially within the disturbance area.
  32. Prior to tree removal, the applicant shall obtain necessary permits from DEQ, including erosion control, for any area in which tree removal will occur.
  33. Prior to final plat of a phase, temporary emergency access may be required to be constructed beyond phase boundaries until permanent improvements have been installed in subsequent phases.
  34. Prior to the final plat of the first phase, the applicant shall submit language to the City for review and approval for the easements and tracts for the proposed privately owned and maintained stormwater conveyance. The easement language shall ensure adequate provisions for continued conveyance of flows from upstream properties.
  35. Required transportation mitigation at 2<sup>nd</sup> and Hill is subject to review and approval by the Engineering Division.
  36. Water and Power Service are subject to the requirements of McMinnville Water and Light summarized in their comments. Water: For phases and properties within water pressure Zone 2, Applicant will be responsible for funding and extending new Zone 2 public water infrastructure. Power: MW&L may need to extend power through open spaces, tracts, pedestrian pathways, or other spaces in addition to the typical street right-of-way alignment.
3. That subject to the conditions in Section 2, the amended Site Plan/Master Plan for PDA 1-24 and the amended Subdivision Tentative Plan for S 3-24 are hereby approved.
  4. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 10th day of December 2024,  
by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

EXHIBITS:

- A. Decision Document with Findings of Fact and Conclusionary Findings for Dockets PDA 1-24 and S 3-24



City of McMinnville  
Community Development Department  
231 NE Fifth Street  
McMinnville, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT, AND AMENDMENT TO A SUBDIVISION TENTATIVE PLAN FOR A SITE OF APPROXIMATELY 106 ACRES, INCLUDING THE GENERAL AREA BETWEEN THE WESTERLY ENDS OF SW 2<sup>ND</sup> STREET AND NW HORIZON DRIVE AND EXTENDING TO THE NORTHWEST, TAX LOT R4524 00801**

**DOCKET:** PDA 1-24 (Planned Development Amendment)  
S 3-24 (Amendment to Corresponding Subdivision Tentative Plan)

**REQUEST:** Concurrent review of applications for a Planned Development Amendment (PDA 1-24) and amendment of the corresponding Subdivision Tentative Plan (S 3-24)

**PDA 1-24.** The applicant is requesting approval of a Planned Development Amendment to the current Planned Development approval applicable to the property for the remaining undeveloped phases, approximately 106 remaining acres. (See maps below). Principal elements of the proposed amendment include requests to: reconfigure parts of the street layout, change the number of remaining residential lots from 394 to 392, provide tracts for open space and recreation and pedestrian connections (approximately 13 acres) and stormwater management (approximately 1.6 acres), modify phasing boundaries, and request modifications to certain development standards, including reduced setbacks, lot size averaging with average lot size of 7,960 sf and minimum lot size of 5,000 sf, and flexibility to street/alley standards for address frontage for three lots, and request to remove all trees as necessary to accommodate the proposed development plan.

In addition, while not included in the list of requested changes in the application, the narrative also indicates all of the proposed lots in the remaining unplatted phases would be lots for detached homes, whereas the current approval includes lots for attached housing (originally 50, revised to 43 in the 2017 amendment).

**S 3-24.** The applicant is also requesting approval of an amendment to the corresponding Subdivision Tentative Plan for the property, to be consistent with the requested Planned Development Amendment.

**LOCATION:** No Site Address (Undeveloped) – (see attached map)

The site is approximately 106 acres, including the general area between the westerly ends of SW 2<sup>nd</sup> Street and NW Horizon Drive and extending to the northwest.

Map & Tax Lot: R4524 00801

**ZONING:** R-2 PD (Low Density 7000sf Lot Size Residential, with a Planned Development Overlay)

**APPLICANT:** Holt Homes, Inc. c/o Applicant's Consultant:  
Zach Pelz, AKS Engineering & Forestry, LLC

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED COMPLETE:** August 16, 2024 and September 13, 2024

**DECISION MAKING BODY & ACTION:** The Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.

- If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the recommendation is provided to the City Council , and the City Council makes a decision.
- If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.

**PLANNING COMMISSION HEARING:** October 3, 2024, continued to November 7, 2024. The hearing was held and closed on November 7, with the record open to November 14 for new evidence, and the record left open to November 21 for rebuttal. Planning Commission deliberation was held at the November 21, 2024 meeting.

**Meeting Location:**  
Kent Taylor Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville (in-person).  
The meeting was also available virtually.  
Zoom Meeting ID: 893 6863 4307, Passcode: 989853

**CITY COUNCIL MEETING:**

December 10, 2024, at 7:00pm at Kent Taylor Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville (in-person). The meeting was also available virtually. Zoom Meeting ID: 895 7953 6277; Passcode: 108222

**PROCEDURE:**

For consolidated application review per Section 17.72.070 of the Zoning Ordinance, the applications are processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. The Planning Commission makes a recommendation to City Council. A decision/recommendation of denial is final unless appealed to City Council. A recommendation of approval is considered by the City Council, and the City Council shall take one of the actions specified in Section 17.72.130.

**CRITERIA:**

The applicable criteria for the Planned Development Amendment PDA 1-24 are specified in Section 17.74.070 of the Zoning Ordinance and applicable development standards. The approval is also subject to the provisions of the West Hills Planned Development Overlay Ordinance (Ordinance 4132), Planned Development Overlay Ordinance 5024, and the applicable Goals and Policies of the Comprehensive Plan.

The applicable criteria for the amendment to the Subdivision Tentative Plan S 3-24 are provided in Section 17.53.073 of the Zoning Ordinance, the applicable requirements of Chapter 17.53, the provisions of the West Hills Planned Development Overlay Ordinance (Ordinance 4132), consistency with the provisions of Planned Development Overlay Ordinance 5024 and its approved master plan, as may be amended through PDA 1-24, the conditions of approval of Tentative Subdivision Plan approval S 13-06 as amended by Ordinance 5024 as may be amended, and applicable Goals and Policies of the Comprehensive Plan.

**APPEAL:**

A Planning Commission recommendation/decision of denial is appealable to the City Council as specified in Section 17.72.180. A decision of the City Council is appealable to LUBA as specified in Section 17.72.190. The City's final decision is subject to a 120-day processing timeline, including resolution of any local appeal, per MMC 17.72.050 and ORS 227.

**COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas. Their comments are provided in Section IV this document.





## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

In 2007 The City Council previously approved a Planned Development and Subdivision Tentative Plan for property encompassing approximately 164 acres. Previous phases of the Planned Development and Subdivision have developed, and an amendment was approved in 2017. Approximately 106 acres remain unplatted and undeveloped. The applicant is requesting an amendment to the Planned Development and corresponding Subdivision Tentative Plan for the remaining 106 acres. **See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map.**

This is concurrent review of applications for a Planned Development Amendment (PDA 1-24) and amendment of the corresponding Subdivision Tentative Plan (S 3-24)

**PDA 1-24.** The applicant is requesting approval of a Planned Development Amendment to the current Planned Development approval applicable to the property for the remaining undeveloped phases, approximately 106 remaining acres. (See maps below). Principal elements of the proposed amendment include requests to: reconfigure parts of the street layout, change the number of remaining residential lots from 394 to 392, provide tracts for open space and recreation and pedestrian connections (approximately 13 acres) and stormwater management (approximately 1.6 acres), modify phasing boundaries, and request modifications to certain development standards, including reduced setbacks, lot size averaging with average lot size of 7,960 sf and minimum lot size of 5,000 sf, and flexibility to street/alley standards for address frontage for three lots, and request to remove all trees as necessary to accommodate the proposed development plan.

In addition, while not included in the list of requested changes in the application, the narrative also indicates all of the proposed lots in the remaining unplatted phases would be lots for detached homes, whereas the current approval includes lots for attached housing (originally 50, revised to 43 in the 2017 amendment).

**S 3-24.** The applicant is also requesting approval of an amendment to the corresponding Subdivision Tentative Plan for the property, to be consistent with the requested Planned Development Amendment.

The applicant describes the proposed amendments and reasons for the amendments in the application submittal. The applicant discovered site conditions that were previously unknown. As a result, they are seeking to avoid development of portions of the site with these conditions and generally leave those in open space tracts, and they are proposing a modified street layout. They are proposing to keep approximately the same number of lots within the remaining phases. The current master plan doesn't include any new common open space tracts. The proposed amendments would reduce the lot size and setbacks of the lots to allow approximately the same number of lots on the portions of the site that wouldn't be within the common open space tracts.

**Figures 4 and 5** below show the currently approved plan and the proposed amendment. **Figure 3** provides shading to help illustrate and differentiate the buildable lots from the open space tracts .

The initial application included Table 1, "Summary of PD Amendments" which listed proposed amendments. However, there were additional changes discussed in the

application that weren't listed in this table, and the applicant also addressed additional issues in supplemental materials

**Listed in Table 1 of Original Application:**

- Modify street network alignment and pedestrian connectors
- Add open space tracts
- Add stormwater management tracts
- Change number of buildable lots (394 to 392)
- Change to lot sizes (still maintain lot size averaging consistent with R-2 zone sizes)
- Some lots exceed lot width to depth ratios
- Reduce certain required setbacks/yards
- Propose mass grading, removing provisions from previous approval:

**Drainageway and Natural Resource Protection**

The street pattern and lot configuration included in this modification to the Planned Development (PD) approved in 2007 also incorporates natural resource protection measures that have been adopted since the original approval. While the 2007 approval recognized the need to provide some measure of stream corridor protection, it failed to identify and protect streams located on the western half of the site. The modified PD locates all three stream channels on-site almost entirely within conservation easements located at the rear of residential lots to ensure that new home construction on these lots will not adversely affect the habitat or water quality functions of these resources. Because the site design approved in 2007 failed to identify these drainage corridors, new home construction on the lots approved at that time would have most certainly resulted in the complete elimination or reconfiguration of these drainageways.

As stated above, the revised layout included in the modified PD seeks to strike a balance between natural resource protection, street and intersection grade requirements, and local block length standards. The Applicant believes the proposed layout provides the best possible mix of these competing objectives in the context of the difficult topography on this site and does so within the authority established in the City's Zoning Ordinance. In conclusion, it is our belief that the site's topography justifies an exception to the block length and block perimeter length as provided by MZO Section 17.53.103.B.

(Current request: non-jurisdictional waterways on west side of site discussed above in previous decision will be regraded but kept as open conveyances).

The application before you proposes to address the goal of residential clustering by developing an approximately 60-unit multi-family complex as well as 50 single-family attached residences; 43 of which are proposed to be located within the Northridge subdivision, along the prominent ridge in the northeast portion of the site.

Further, the proposed public street layout has been designed to weave between the majority of the established, mature trees. To further preserve trees, the applicant proposes to:

1. Perform a detailed tree survey prior to submitting engineered construction drawings for public street and utility improvements within the site's naturally wooded area. The tree survey would be completed by a licensed surveyor and the survey would show horizontal location of tree, provide tree species and size of tree (DBH).
2. Limit clearing activities to the footprint of the public right-of-way and adjacent public utility easement.
3. Meander sidewalks where significant or desirable hardwood trees can be avoided.
4. Consider adjusting street alignment to avoid significant or desirable trees.
5. Avoid mass grading within residential lot areas as this leads to clearing large areas of vegetation prior to placing engineering fill embankments.
6. Plant street trees as required by City code.
7. Enact CC&Rs that require each home builder/lot developer to work with the City Planning Department staff to shift house footprint on the lot, within the allowable setbacks, to avoid impact to significant or desirable hardwood trees. Because the lots in the West Hills phases are large, there exists the ability to shift home sites on the lots.
8. Enact CC&Rs that require each home builder/lot developer to replant trees on the lots based upon the number of existing natural trees on the lot and the number of proposed trees to be removed to accommodate home construction. The proposed requirement for inclusion in the CC&Rs is: "Plant one new tree for every tree removed on lots with five or fewer natural trees, or plant one tree for every one and one-half trees removed on lots with six or more natural trees."

In sum, given the steep and varied topography of the site and the tree preservation and replanting efforts addressed by the applicant, staff finds that the proposed design provides a sensitivity to the scenic value of the area that results in a reduced impact on the existing natural habitat and tree cover than would otherwise typically occur. Staff contends that the intent and purpose of ORD 4132 have been met.

(Current request: #2, 3, 4, 5 discussed above from previous decision are not part of current proposal). Other conditions are the same or similar).

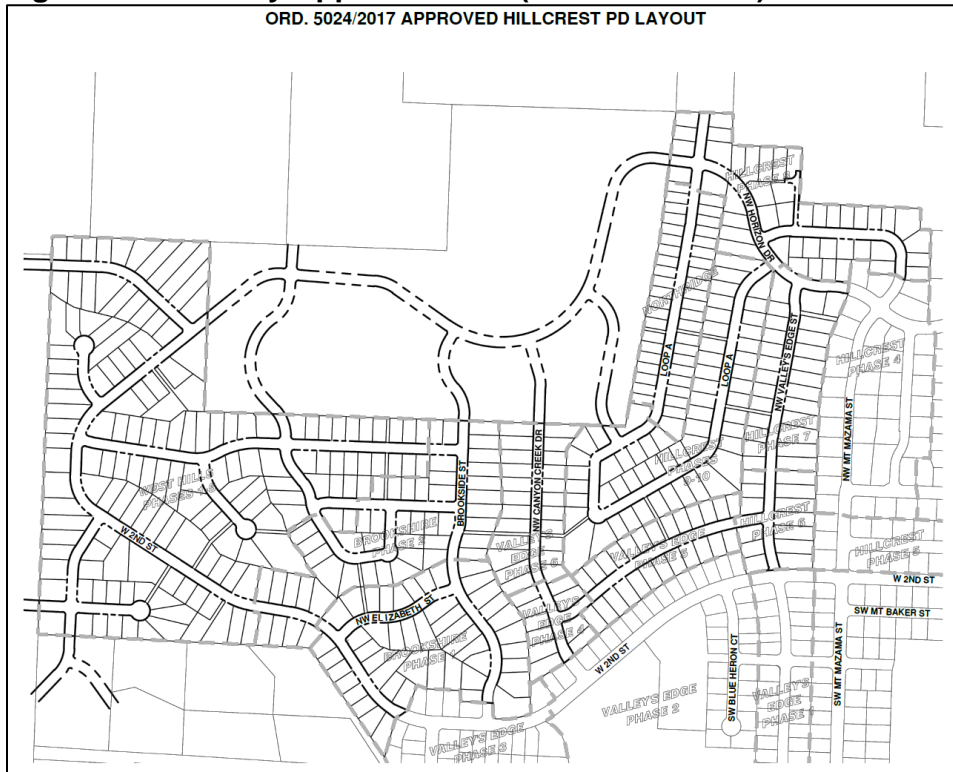
**Other Items Not Listed in Table 1 or Which Were Addressed in Supplemental Materials:**

- Request to remove "all trees necessary to accomplish the plan"
- Request for flexible street standards for one dead-end street
- Change proposal to remove 43 attached housing/townhouse lots which were part of previous proposal and propose as all detached home lots. The October 23, 2024 supplemental submittal specifies a minimum of 43 lots will be developed

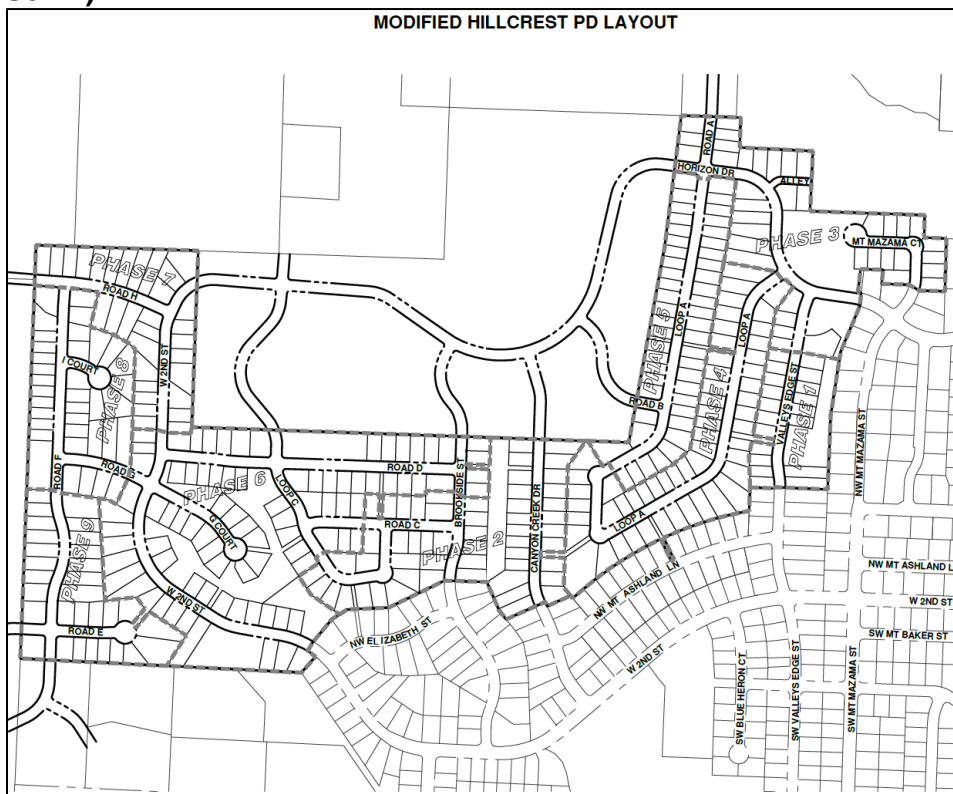




**Figure 4. Currently Approved Plan (Ordinance 5024)**



**Figure 5. Plan as Proposed with Planned Development Amendment (PDA 1-24/S3-24)**



## **Public Comments**

Written testimony is listed in Section IV and attached.

## **Agency Comments**

Notice of the proposal was sent to affected agencies and departments. Comments received from agencies are provided in Section IV of this Decision Document.

## **II. CONDITIONS:**

Except as noted, the following conditions apply to phases platted after the approval of PDA 1-24 and S 3-24. The previous approvals and conditions in effect at the time of previous approvals remain in effect for those phases.

### **PDA 1-24 Conditions of Approval**

1. For phases platted before approval of PDA 1-24/S 3-24, the planned development overlay shall require the following setbacks:
  - A. Development of the multi-family lot ~~and single-family lots within the Northridge subdivision~~ shall be to standard R-4 zone setbacks.
  - B. Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.
  - C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

2. For remaining phases platted after approval of PDA 1-24/S 3-24, the following setbacks shall apply, except as otherwise provided in MMC Chapter 17.54:
  - A. Front Yard: 20 feet
  - B. Rear Yard: 20 feet
  - C. Interior Side Yard: 5 feet
  - D. Exterior Side Yard: 15 feet (except garage door faces shall be 20 feet per MMC Chapter 17.54).
  - E. Interior side or rear yard abutting private drainage easements containing open drainageways and vegetation: Structures shall be setback a minimum of 3 feet from the easement and fencing at the edge of the easement to allow a path around the structure for maintenance and any egress doors and/or landings, excluding upper story cantilevers.

3. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.
4. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

5. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: This continues to apply to Lot 46 of Valley's Edge Phase 2 and any subsequent alterations or modifications to the development of that property: That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:
  - A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
  - B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
  - C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.
  - D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.
  - E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.
6. Prior to the issuance of the 290th building permit for the master planned development (including all phases approved from ZC 19-06/S13-06 and later),



the developer shall complete the installation of left-turn-lane improvements, meeting the City's and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.

7. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure). In PDA 1-24/S 3-24 remaining phases, average lot size of buildable lots shall not be less than 7,000 square feet. No buildable lot shall be less than 5,000 square feet, except for minor adjustments that may be necessary to comply with these conditions of approval, upon review and approval by the Planning Director to determine adequacy of building envelope.
8. Per MMC 17.53.101(L), grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
  - A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
  - B. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

9. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).
10. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).
11. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
12. The following condition was partially applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases because it is replaced with a new condition for the remaining phases: That in

addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.

13. All private pedestrian connections shown on the approved master plan for PDA 1-24/S 3-24 shall be dedicated as tracts commonly held and maintained by a Homeowner's Association. In addition, the applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.
14. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (previous Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of previous Phase 4.
15. *(Deleted)*
16. Grading/Geotechnical Certification. The following shall be required prior to the issuance of a grading permit for On-Site Development:
  - A. As provided in Applicant's submittal, the preliminary grading plan is subject to change. Any future change to the preliminary grading plan is subject to review and approval by the City Engineer.
  - B. A final Geotechnical Report by a licensed Geotechnical Engineer shall be submitted with the grading permit application for review by the Building and Engineering Divisions. In addition, a grading review letter from the Geotechnical Engineer of record is required to confirm the final civil design for grading (cut & fill slopes), keyways (if needed), slope stability, drainage control, and pavement support for the project is in accordance with their recommendations and identifies the special inspections required by the geotechnical engineer during construction of the subdivision.
  - C. The Geotechnical Report shall be prepared and stamped by a Geotechnical Engineer, which means a Licensed Civil Engineer, licensed in the specialty of Geotechnical Engineering by the Oregon State Board of Engineering Examiners. The Geotechnical Report shall make specific recommendations to avoid or mitigate geological hazards. At a minimum, the Geotechnical Report shall include the following elements:

1. Data regarding the nature, distribution and strength of existing soils on the site.
  2. Analysis, conclusions, and recommendations for grading procedures.
  3. Design standards for corrective measures, including buttress fill, when necessary.
  4. A professional opinion on the adequacy of the development site for the intended use considering the proposed grading in relation to soils engineering factors, such as slope stability.
  5. The location of proposed development and public facilities; and
  6. Relevant information from the McMinnville Natural Hazards Inventory.
- D. The Applicant shall be required to obtain and provide an Erosion Control Plan prepared by an engineer licensed in the State of Oregon. The area of disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, the project shall obtain an NPDES 1200-C Erosion Control Permit from DEQ and submit evidence of the permit to the building and engineering departments.
17. Geotechnical Certification. Prior to the acceptance of Public Improvements for each phase of the project, the Applicant shall obtain a geotechnical observation and testing letter from the Geotechnical Engineer of Record with the following:
- A. Final letter indicating that the geotechnical related inspections and testing was completed under their observation and guidance and that construction of the public improvements and the lot grading for the subdivision phase has been completed in general conformance with the recommendations provided in the final Geotechnical Report or as modified based on their field inspections.
  - B. The geotechnical review letter shall identify lots, if any, which require lot-specific geotechnical reports and/or special inspections required by the geotechnical engineer during the construction of foundations and/or grading for each home or unit.
18. Phasing for the Subdivision Tentative Plan S 3-24 is authorized as follows. The proposed boundaries for the nine phases are approved, subject to the following provisions.
- A. If the applicant seeks changes to the phasing boundaries, the request shall be submitted to the Planning Director for review and approval. This includes merging phases or the addition of subphases. The Planning Director may approve modifications to the phasing boundaries upon a finding that there no practical issues created by the revised phasing and that there isn't detriment to the public health, safety, or welfare. The Director may require conditions to ensure such, including requirements such as temporary emergency vehicle access or other conditions.
  - B. The applicant shall submit to the City a final plat for the first phase of the project within two (2) years following final land use approval, including resolution of any appeals and proceedings on remand. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider

to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

- C. There shall not be more than two (2) years between final platting between phases. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
  - D. However, within twelve (12) years of the date of recording of the plat for the first phase of the project, Applicant shall have submitted to the City a final plat for the final phase of the project. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the final phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
19. Prior to start of construction of the first phase, the applicant shall identify the number of multi-generational homes (homes with primary and attached secondary units) to be developed in each phase, to include 43 lots. Prior to start of construction of each phase, the applicant shall identify the specific lots for multi-generational homes for that phase. Those lots shall be dispersed throughout the different phases. In addition, within each phase, those lots shall be dispersed throughout the phase. The proposal shall be submitted to the Planning Director for review and approval. The Planning Director may subsequently approve minor changes consistent with the provisions of this condition.
20. Prior to start of construction of the first phase, the applicant shall submit an application for a landscape plan review to the Planning Division that provides detailed plans for the specific design and amenities for the open space tracts consistent with the facilities described in the application which shall demonstrate compliance with the MMC 17.11.110.

For the open space tracts, the developer shall provide a landscape plan identifying all of the landscaping and amenities planned for both the active and passive open space tracts that would be appropriate for serving approximately 1,200 people, including playground equipment, shelters, lighting, signage, benches, tables, landscaping and any other amenities planned. The active open space should include a playlot for pre-school children, apparatus for older children, open space for informal games and play activities, shaded areas, shelter, passive seating areas, etc. All equipment (furnishings and playground) will need to be commercially grade with focused play events that serve 2-5 years old and 5-12 years old.

21. Common area tracts shall be privately owned and maintained.

22. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under the conditions of approval of PDA 1-24 and S 3-24, where the Planning Director finds such tree replanting in full is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology below. This methodology is authorized instead of the methodology described in MMC 17.58.090(F):

If paid in total for all phases prior to removal of trees in the overall project area, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the applicant shall pay a fee-in-lieu of \$550 per tree.

If paid prior to removal of trees by phase, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the fee-in-lieu shall be the greater of \$550 per tree or the cost calculated using the same method prior to removal of trees in the respective phase.

**Note:** *The fee-in-lieu payment at \$550 per tree for an estimated 324 trees would be \$178,200. The fee in-lieu payment at \$550 per tree for an estimated 1,150 trees would be \$632,500.*

23. *(Deleted).*
24. Basalt Blasting/Drilling: Blasting and drilling activities can only occur between 8 AM – 6 PM, with notice provided to property owners within 500 feet one week in advance of the event.
25. For the street serving Lots 103-107, flexibility to the standards of MMC 17.53.100(C) and MMC 17.53.105(B) is granted to allow the City Engineer and Fire Marshal discretion regarding S 3-24 Condition 3(l), to consider easement access to serve up to 5 lots, subject to additional requirements that may be required by the City Engineer and Fire Marshal, including easement width and paved surface that may be wider than specified in MMC 17.53.100(C) and MMC 17.53.105(B).
26. The tree mitigation and fee-in-lieu methodology specified in S 3-24 Condition #13, applying to trees outside of the proposed right-of-way, is authorized, which is consistent with the prior methodology previously proposed by the applicant and approved in S 13-06/AP 2-07. This methodology is authorized instead of the methodology described in MMC Chapter 17.58.
27. That Planned Development Ordinance No. 4868 is repealed in its entirety.

### **S 3-24 Conditions of Approval**

1. That this amended subdivision approval (S 3-24) shall not take effect unless and until the companion Planned Development Amendment application (PDA 1-24) is approved by the City Council.
2. That the final plat shall include:

- a) The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: Dedication of additional right-of-way along the site's frontage of Redmond Hill Road, sufficient to provide 30 feet from centerline.
  - b) Existing and proposed private and public easements for utilities, to include water, sewer, and power.
  - c) Use, ownership, and maintenance rights and responsibilities for all easements and tracts.
3. That prior to final plat recordation:

- a) That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

The application submittal proposes 20-foot wide minimum width for private stormwater easements. Easements for open stormwater conveyance may be a minimum of 15-feet in width or the width of the 100-year storm event, whichever is greater. These shall be reflected in the final development plans, revised tentative plan for each phase, and the final plat for each phase.

- b) The applicant/owner shall enter into a construction permit agreement (CPA) with the City Engineering Department. The CPA will be based on approved engineered plans and engineering estimate.
- c) The applicant shall gain a fill and grading permit for lot fill and grading from the City Building Division.
- d) The final development plans for the subject site shall include a detailed sanitary sewage collection plan, which incorporates the requirements of the City's Collection System Facilities Plan. The plan must be submitted to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. Any potential offsite easements that may be required for any phase must be dedicated to and accepted by the City prior to the City's approval of the final plat.
- e) Submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the

requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.

- f) Submit evidence of a completed extension agreement with McMinnville Water & Light, for water and power extension. Relocation or abandoning of existing facilities may be required, and easements will be necessary for utilities to be retained. Conversion and relocation of existing water and electric facilities and services to new roadway alignments will be required. Contact Technical Services at (503) 472-6919.
- g) Submit to the Planning Department a street tree plan prepared by the applicant, for any park strip to be provided within this development. Plans shall identify species, caliper size, and spacing. Plans will be forwarded for review and approval by the Landscape Review Committee. All street trees shall have a two inch minimum caliper measured at six inches above ground level, shall exhibit size and growing characteristics appropriate for the particular planting strip, and shall be spaced as appropriate for the selected species and as may be required for the location of above-ground utility vaults, transformers, light poles, and hydrants. In addition, street trees shall not be planted within 30 feet of street intersections. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI 260.1). The Planning Director reserves the right to reject any plant material that does not meet this standard.
- h) Street trees shall be planted in accordance with the approved street tree plan. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

For trees not installed prior to final platting, each year the applicant/owner shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and has received final occupancy, or adjacent to any non-buildable tracts for which street trees are required. This planting schedule shall continue until all platted lots have been planted with street trees.

It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees that may die due to neglect or vandalism, for two years from the date of planting.

- i) The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the US Army Corps of Engineers, Division of State Lands (DSL), and/or the Oregon Department of Environmental Quality (DEQ) all applicable environmental, erosion control (1200C), storm runoff, and site development permits. Evidence of such permits shall be submitted to the City Engineer. Provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.

- j) ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
- k) Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- l) All streets shall be designed/improved to the standard per the Transportation System Plan and have the City's typical crowned section. The final design of the street serving Lots 103-107 and its terminus shall be subject to review and approval of the City Engineer and Fire Marshal.

The street serving Lots 103-107 shall be designed to meet one of the following, subject to City Engineer and Fire Marshal approval of the street design and terminus:

- Street meeting the standards of the Transportation System Plan.
  - MMC 17.53.100. Complete Street Design Standards Table, Street Design Standard Notes: "The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area."
  - MMC 17.53.161. Exceptions in the Case of Hillside Development. "The Planning Commission may modify the standards and requirements of this ordinance if the subdivision is located on land of 20 (twenty) percent or greater slope. To minimize disturbance of the existing grade and to take advantage of natural building sites, modification may concern alignment, width and improvement of streets, and building site locations. If modification involves the creation of some lots of less than the minimum area, the average area of lots in the subdivision shall equal the density established for the area under the zoning in effect."
  - MMC 17.53.100(C) and 17.53.105(B). Private Access Easement for Up to Three Lots. This would specify Lots 103 and 107 taking access from Horizon Drive and Lots 104, 105, and 106 taking access of a private easement consistent with the standards of these sections, except as otherwise authorized by PDA 1-24 Conditions of Approval, subject to approval of the City Engineer and Fire Marshal.
  - MMC 17.53.100(D). Private Way or Drive. A private drive would need to be consistent with the standards of this section.
- m) The City Engineering Department shall review the Final Storm Water Report. The Preliminary Stormwater Report appears to demonstrate compliance with standards.



- n) The applicant shall contact McMinnville Water & Light for placement of water utility and fire hydrants.
4. That prior to issuance of building permits:
  - a) Submit evidence that any fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
  - b) Adequate fire-fighting water supplies must be available, and approved consistent with the fire code. Fire access must be available to within 150 feet of the most remote portion of all structures. Hydrants must be spaced at no more than 600-foot intervals. At least 1,000gpm of water must be available for all homes up to 3,600 sq ft in size.
  - c) Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended, or as may be agreed upon by the City and developer as a result of purchase by the City of the proposed park land.
  - d) The applicant shall provide a pattern book showing the proposed home plans for lots demonstrating compliance with the residential design and development standards of MMC 17.11 and demonstrating differentiation of home plans on abutting and adjacent lots.
5. That at the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development."
6. That street names shall be submitted to the Planning Director for review and approval prior to submittal of the final subdivision plat.
7. That plat phasing shall be in accordance with the authorization and requirements provided in PDA 1-24.
8. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant dedicate to the City of McMinnville the area designated for park purposes (a total of approximately 5.1 acres), and that the dedication be noted on the face of the final plat. The value of said dedication shall be applied as a credit against park land system development charges applicable to each residential unit, or as may be agreed upon by the City and developer as a result of purchase by the City of the proposed parkland. The applicant is advised that in determining such credit the City will consider the drainage swale area situated generally in the west and northwest portions of the area proposed for park dedication to be of lesser value than other "buildable" portions of the site.
9. *(Deleted)*.
10. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street

name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat." *(as amended by Ordinance 5024)*

11. Restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval. The CCR's shall include provisions addressing the requirements for maintenance and operation of common private facilities.

The documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any private and/or common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

If desired, some other form of guarantee that the subdivision property owners accept the responsibility for maintenance of common ownership features may be approved by the Planning Director subject to review and approval of the Planning Director.

12. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases. New conditions apply to future phases. Additionally, the applicant shall: Enact CC&Rs that require each home builder/lot developer to replant trees on the lots based upon the number of existing natural trees on the lot and the number of proposed trees to be removed to accommodate home construction. The proposed requirement for inclusion in the CC&Rs is: "Plant one new tree for every tree removed on lots with five or fewer natural trees, or plant one tree for every one and one-half trees removed on lots with six or more natural trees."

13. Tree Removal and Replacement. Prior to approval of the On-Site Development permit for each phase of development by the engineering department, the Applicant shall survey and identify all existing trees greater than nine (9) inches in diameter measured at 4.5 feet above grade (diameter at breast height – DBH). For those trees that are removed, outside of planned rights-of-way, tree preservation and mitigation shall adhere to the following:

- A. To the extent possible, all trees within undisturbed areas shall be preserved as highlighted in the application.
- B. Trees greater than 9 inches DBH proposed for removal will be replaced on-site at a ratio of 1:1 (one tree planted for every tree removed on future platted lots with 5 or less trees) or 1:1.5 (one tree planted for every one and a half trees removed on future lots with 6 or more trees).
- C. Tree replacement may be met by a combination of planting trees within common open space tracts, stormwater facilities, and natural resource areas,

and/or trees planted on each lot. The tree preservation and mitigation plan for each phase shall identify required tree plantings during the current phase and may incorporate past plantings (not previously identified as mitigation trees) and/or future plantings to achieve the required number of mitigation trees for the entire project within the remaining area of PDA 1-24/S 3-24 Phases 1-9 (see Attachment 2).

- D. Prior to the issuance of occupancy for the first home in each development phase, the Applicant shall plant all mitigation trees for common open spaces and tract frontages in each phase according to approved plans.
  - E. Prior to the issuance of occupancy for each individual home, the applicant shall install all lot trees and street trees along the frontage of each individual lot.
  - F. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under this condition, where the Planning Director finds such tree replanting in full within the project area is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology authorized by PDA 1-24.
  - G. The requirements for tree retention, removal, and replacement shall be included in the CC&Rs.
14. In order to ensure adequate capacity of the channels to convey larger storm events, the restrictive covenants shall require that the areas within the easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.
15. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant obtain approvals as necessary from Yamhill County for any proposed off-site drainage.
16. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: The applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the work in Redmond Hill Road, and shall construct any improvements to Redmond Hill Road required by the County Engineer.
17. Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2<sup>nd</sup> Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. *(as amended by Ordinance 5024)*.
18. That unless deemed unfeasible by the City Engineer due to topography or utility conflicts, driveways for all corner lots abutting the collector streets shall be limited

- to the side street frontage and no access will be allowed onto the collector street. The appropriate driveway restrictions shall be reflected on the final subdivision plat(s).
19. That curbside sidewalks shall be allowed in those locations where the City Engineer deems it is impractical, due to topography or to save significant trees.
  20. That the final plat shall include 10' wide public utility easements (PUEs) adjacent to all public streets.
  21. That in order to ensure adequate capacity of the channels to convey larger storm events, the subdivision plats shall state that the areas within the storm drainage easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.
  22. The Planning Director and City Engineer shall approve the final design detail for pedestrian crossings where pedestrian paths cross roadways or where they extend across from a roadway into a pedestrian path or open space tract.
  23. The applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.
  24. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the storm drainage work in Redmond Hill Road, and shall construct any improvements required by the County Engineer.
  25. *(Deleted)*.
  26. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That SW Washington Street shall be extended to the west and terminate at the eastern edge of Lot 47, thereby providing two public access points for the proposed multi-family development (West Second Street and SW Washington Street).
  27. That prior to the platting of Phase 9, the applicant shall provide to the City a plan for the applicable subdivision for the public street extension to the subject site's southern property line in order to provide for the future development of adjacent property. Such plan shall be submitted to the City Engineer for review and approval prior to construction of any public improvements. The plan shall include information regarding the adjacent property's slope, existing improvements, and other detail as necessary to demonstrate the feasibility of the street's future extension to the south.

28. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the proposed pedestrian / utility easement extending south from the unnamed cul-de-sac that fronts Lots 29-46 not be designated for public access use.
29. Should any "early grading" extending beyond phase boundaries be necessary to complete grading of a phase before final civil plans have been approved beyond the phase line, an early grading application and permit will be required, to be approved by the Building and Engineering Divisions.
30. Where wetland delineations have not been completed, the applicant shall complete wetland delineations with DSL for the respective phases and submit a tentative plan for those phases to the Planning Division showing the delineated wetlands and any proposed approved mitigation for disturbance where infrastructure is proposed. The applicant shall demonstrate the jurisdictional wetlands/waters are fully contained within the common space tracts, which may require minor adjustments to lot lines shown on the plans submitted for S 3-24. For any jurisdictional wetland/waters which are proposed within private easements across buildable lots, the tentative plan shall demonstrate adequate building envelope on the lot outside of the delineated wetlands and easement areas, or the applicant shall modify the lot layout, which may require reduction in the number of lots if the presence of wetlands and associated easement would preclude a buildable envelope on the lot. (Note: See Lots 252 and 253 in Phase 6, "Preliminary Wetland and Waters" shown on Sheet P-01 submitted 8/16/2024, and "Anticipated Undisturbed Areas" shown on the "Supplemental Grading Exhibit submitted 8/16/2024). The Planning Director may approve changes which constitute a minor change consistent with Condition #4 of PDA 1-24.
31. No grading shall occur within any phase area until wetland/jurisdictional water delineations have been completed within the disturbance area for any wetlands or jurisdictional waters that are within or partially within the disturbance area.
32. Prior to tree removal, the applicant shall obtain necessary permits from DEQ, including erosion control, for any area in which tree removal will occur.
33. Prior to final plat of a phase, temporary emergency access may be required to be constructed beyond phase boundaries until permanent improvements have been installed in subsequent phases.
34. Prior to the final plat of the first phase, the applicant shall submit language to the City for review and approval for the easements and tracts for the proposed privately owned and maintained stormwater conveyance. The easement language shall ensure adequate provisions for continued conveyance of flows from upstream properties.
35. Required transportation mitigation at 2<sup>nd</sup> and Hill is subject to review and approval by the Engineering Division.
36. Water and Power Service are subject to the requirements of McMinnville Water and Light summarized in their comments. Water: For phases and properties within water pressure Zone 2, Applicant will be responsible for funding and extending new Zone 2 public water infrastructure. Power: MW&L may need to extend power

through open spaces, tracts, pedestrian pathways, or other spaces in addition to the typical street right-of-way alignment.

### **III. ATTACHMENTS: (on file with Planning Division)**

1. Application and Attachments
  - a. PDA 1-24 Submittal
  - b. PDA 1-24 Supplemental Submittal
  - c. S 3-24 Submittal
  - d. September 26, 2024 Written Request for Continuance and 30-day Extension to 120-Day Decision Period
  - e. PDA 1-24/S 3-24 Supplemental Submittal
2. Additional Agency Comments
  - a. McMinnville Water and Light
  - b. Yamhill County Transit
  - c. Oregon Department of State Lands
3. Written Public Testimony
  - a. Jerry Hubbard Testimony Submitted via e-mail September 23, 2024
  - b. Clarke Ellingson Testimony Submitted via e-mail October 3, 2024
  - c. November 7, 2024 e-mail from Kristi Bahr submitted at November 7, 2024 Planning Commission Public Hearing
4. Staff PowerPoint Presentation from November 7, 2024 Planning Commission Meeting
5. Applicant's PowerPoint Presentation from November 7, 2024 Planning Commission Meeting
6. Applicant's Letter Dated November 14, 2024 with Attachments
7. November 14, 2024 Staff Report and Attachments
8. November 19, 2024 Staff Memo and Attachments
9. November 20, 2024 Letter from Applicant
10. Minutes:
  - a. November 7, 2024 Planning Commission Public Hearing
  - b. November 21, 2024 Planning Commission Deliberations

### **IV. COMMENTS:**

#### ***Agency Comments***

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas. The following comments were received:

- **McMinnville Building Department**
  1. The vague language following is necessary to preserve the option of addressing water supply and site access as required by OAR 918-480-0125  
  
This is notice that the intent to allow Uniform Alternate Construction Standards to all, or portions of, the development based on phasing chosen by the developer.

The building official, acting in conformance with OAR 918-480-0125, may choose to apply one or more Uniform Alternate Construction Standards after a determination by a fire official with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. A building official shall give consideration to advice of the State Fire Marshal or local fire official that does not conflict with OAR 918-480-0125, but shall retain the authority to make final decisions. Decisions to consider a Uniform Alternate Construction Standard and the selection of one or more Uniform Alternate Construction Standards by a building official are final.

2. A grading permit, administered by the building department, is likely necessary for properties that will be built upon in areas outside the rights of way, based on ICC Appendix J.

The geological investigation and report necessary as part of the grading permit, if desired, may prove adequate to address the need for individual lot soils investigations. If the more general excavation permit does not address the lot-by-lot conditions, then each property may need an individual soils investigation as part of the building permit review.

- **McMinnville Engineering Department**

Please note that the intersection of 2<sup>nd</sup> and Hill Road will have required improvements with development of this property.

**Suggested Conditions of Approval:**

1. The applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.
2. Provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.
3. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
4. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
5. All streets should be improved to the standard per the Transportation System Plan and have the City's typical crowned section.
6. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the

federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

7. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall be approved by the City Building Division prior to building permit issuance.
  8. Preliminary Storm Water Report appears to demonstrate compliance with standards, the City Engineering Department to review Final Storm Water Report.
  9. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.
  10. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any building permits. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.
  11. Contact McMinnville Water and Light for placement of water utility and potential fire hydrants.
  12. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
  13. The requested street grade and block length exceptions are acceptable to the Engineering Department.
- **McMinnville Fire District**  
The Fire District would need the following:
    - Fire access to within 150ft of the most remote portion of all proposed structures
    - Hydrants spaced at no more than 600ft intervals.
    - At least 1,000 gpm of water available for all homes up to 3,600 sq. ft. in size.

City road standards would apply for public road grades, turning radii and width.



- **McMinnville Water & Light**  
Comments are attached as Attachment 2a.
- **Yamhill County Transit**  
Comments are attached as Attachment 2b.
- **Oregon Department of State Lands**  
Comments are attached as Attachment 2c.
- **McMinnville Airport Manager**  
No airport concerns.
- **Comcast**  
No comments

### ***Public Comments***

The following written public comments were received and are included as Attachments:

- Jerry Hubbard Testimony Submitted via e-mail September 23, 2024
- Clarke Ellingson Testimony Submitted via e-mail October 3, 2024
- November 7, 2024 e-mail from Kristi Bahr submitted at November 7, 2024 Planning Commission Public Hearing

The following parties provided oral testimony at the November 7, 2024 Planning Commission public hearing (in addition to the applicant and applicant's representatives):

- Linda Berlin, 3106 SW 2<sup>nd</sup> Street, McMinnville
- Stephen Goldsmith, 2905 NW Mt. Ashland Ln., McMinnville
- Howard Aster, 335 NW 8<sup>th</sup> St., McMinnville
- Kristi Bahr, 3431 SW Redmond Hill Rd., McMinnville

## **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant held a noticed neighborhood meeting on May 20, 2024.
2. The applicant submitted the application for PDA 1-24 on July 3, 2024.
3. The application was deemed incomplete on August 2, 2024. The applicant submitted additional information on August 16, 2024, and the application was deemed complete as of August 16, 2024. The 120-day processing deadline was December 14, 2024.
4. The applicant submitted the application for S 3-24 on September 13, 2024, and the application was deemed complete on September 13, 2024. The 120-day processing deadline was January 11, 2025.
5. On September 12, 2024, notice of the applications was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier

Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of this Decision Document.

6. On September 13, 2024, notice of the applications and the October 3, 2024 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
7. Notice of the applications and the October 3, 2024 Planning Commission public hearing was published in the News Register on Friday, September 27, 2024, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. On September 26, 2024, the applicant provided a written request via e-mail to extend the 120-day decision deadlines for the applications by 30 days. With the extensions, the 120-day dates are January 13, 2025 for PDA 1-24 and February 10, 2025 for S 3-24.
9. On October 3, 2024, the Planning Commission opened a duly noticed public hearing and continued the hearing to November 7, 2024 without a staff report or testimony.
10. On October 23, 2024, the applicant submitted supplemental information.
11. On November 7, 2024, the Planning Commission held the public hearing continued from October 3, 2024 to consider the requests. Following the public hearing, the Planning closed the public hearing and left the record open to November 14, 2024 at 5pm for submittal of additional written evidence, arguments, or testimony, and left the record open to November 21, 2024 at 5pm to allow an opportunity for any participant to respond to any new evidence submitted through November 14. At the November 7 meeting, the applicant waived their right to an additional 7 day period to submit final written argument in support of the application after the record is closed to all other parties. The purpose of this waiver was to allow the Planning Commission to conduct deliberations on November 21.
12. Additional materials submitted through November 14 and through November 21 are incorporated into the record and the Decision Document .
13. On November 21, 2024, the Planning Commission deliberated and issued a decision with a recommendation to City Council.
14. The City Council held a meeting on December 10, 2024 and considered the recommendation of the Planning Commission

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:**
  - a. Address: No site address (undeveloped). See map.
  - b. Map & Tax Lot: R4524 00801

2. **Size:** Approximately 106 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD, Ordinance 5024
5. **Overlay Zones/Special Districts/Area Plans:**
  - a. West Hills Planned Development Overlay, Ordinance 4132, as amended
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:**
    - i. Ordinance 4132 addresses wooded areas, trees, and wildlife habitat.
    - ii. Wetlands and/or waters of the state are present on the property. The applicant has submitted information to DSL regarding wetlands and waters of the state on two portions of the site. The applicant has not submitted information to DSL regarding expected wetland and/or waters of the state regarding other portions of the site, including the more westerly area identified by the applicant on the plans as expected wetland/waters of the state.
    - iii. The City's draft Natural Features Inventory (not adopted) identifies significant tree groves on the westerly portion of the site and a scenic viewpoint.
    - iv. Mapping conducted as part of the MGMUP analysis, based on ODFW data, identifies habitat for bird species of concern.
8. **Other Features:**
  - a. **Slopes:** The site contains significant slopes and natural drainageways
  - b. **Easements:** None identified.
9. **Utilities:** Utilities are present adjacent to the property in previously developed phases. A portion of the property is in Water Pressure Zone 2 and is dependent on needed Zone 2 infrastructure, which would initially require improvements to the MWL facilities on Fox Ridge Road for a pump station. Long term, Zone 2 is to be served with a future reservoir/storage facility. Lots at higher elevations, predominantly on the westerly portion of the site may desire or require private booster pumps for suitable water pressures on the private side of the meters where floor elevations may be above the height of the water meters.
10. **Transportation:** The property would be served through new streets to be provided as extension of existing stubbed streets. The proposed amendments would modify the street configurations of the currently approved Planned Development (Ordinance 5024).

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

### **McMinnville Zoning Ordinance**

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the requests:

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

### **Chapter 17.74. Review Criteria (PDA 1-24)**

17.74.070 Planned Development Amendment - Review Criteria. *An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:*

- *An increase in the amount of land within the subject site;*
- *An increase in density including the number of housing units;*
- *A reduction in the amount of open space; or*
- *Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.*

**APPLICANT'S RESPONSE** This application requests a PD Amendment to the remaining phases of the Hillcrest PD, approved by Ordinance 5024. As detailed in the Executive Summary of this written narrative, the planned modifications to the 2017 Hillcrest PD Master Plan layout include a minor decrease in density, a significant increase in open space, new stormwater management facilities, modifications to the lot layout, and street realignment. Due only to the planned changes to the street realignment, a Major PD Amendment is required. A summary of the planned PD amendments and their justification is provided in Table 1 below.

Table 1: Summary of PD Amendments			
Standard	Ordinance 5024	Planned	Justification
Street Network Alignment	See Exhibit A, Sheet P-03	See Exhibit A, Sheet P-03	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands
Open Space and Pedestrian Tracts	±1.0 acres of open space/pedestrian tracts	±13.0 acres of open space/pedestrian tracts (±1200 percent increase)	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands City of McMinnville Great Neighborhood Principles
Stormwater Management	0.0 acres of stormwater facilities on the subject site	±1.6 acres of stormwater facilities on the subject site (see Exhibit A, Tract E1 and O)	Stormwater studies/modeling conducted post Ordinance 5024
Lot Count	394 residential lots within remaining phases (552 lots in total Hillcrest PD site)	±392 residential lots within remaining phases (550 lots in total Hillcrest PD site) (less than a 1 percent decrease)	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands Additional open space/parks
Lot Size	Average lot area = ±9,550 square feet	Average lot area = ±7,960 square feet	Natural resources including streams and wetlands Additional open space/parks
Setbacks/Yards	R-4 setbacks in Northridge Phase; Reduced setbacks in other Hillcrest PD lots permitted as necessary for tree protection	Front: 20-foot Interior side: 5-foot Street side: 15-foot Rear: 20-foot; rear yard decks may encroach 10-feet into rear yard setback	Reduced side yard setbacks allow similar lot yield as Ordinance 5024 accounting for more than 14.0 acres of additional open space and protected natural resource areas HNA density target for R-2 zoning district is 4.46 dwellings/acre

*An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:*

**APPLICANT’S RESPONSE** As demonstrated in this narrative and in the accompanying exhibits, the planned PD Amendment satisfies the applicable approval criteria and does not affect compliance with the relevant requirements of this ordinance. Moreover, while the PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles and related site development standards that were enacted after Ordinance 5024. Subsequently, this application is far superior to Ordinance 5024 in its ability to promote the City’s current residential development aspirations. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS/APPLICABLE.** The applicant is requesting changes to the street system, which constitutes a major amendment. In addition, the applicant is requesting flexibility to additional standards of the underlying R-2 zone that were not approved as part of the previous planned development approval. Therefore, the R-2 standards must be applied unless the City Council approves additional provisions as part of the Planned Development Amendment to allow different standards than required by the R-2 zone or previous PDA approval (Ordinance 5024). Findings regarding the relevant requirements of the ordinance are provided in the respective sections below.

A. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

**APPLICANT'S RESPONSE** The subject site is a part of the approved Hillcrest PD. As a part of the previous approvals, the City determined that the steep slopes and natural drainage patterns on-site warrant departure from standard regulation requirements. Although modifications to the approved layout are being requested as a part of this application, the physical and environmental constraints of the property remain. This criterion is met.

Table 2 provides a summary of, and justification for, the standard regulation requirements for which deviations have been previously approved and those for which deviations are being requested as a part of this application.

Table 1: Summary of Standards Where PD Deviations are Requested			
Standard	Ordinance 5024	Planned	Justification
17.53.101(L) Street Grade	Exceed the maximum grade of 12 percent for local residential streets on <u>seven segments</u> of roadway within the remaining phases of the Hillcrest PD	Exceed the maximum grade of 12 percent for local residential streets on <u>four segments</u> of roadway as shown on the Street Plan with Road Grade (Sheet P-05) in Exhibit A	Due to site topography and ADA requirements certain streets have grades up to 15 percent (see Exhibit A) Current plan reduces total street segments where grades exceed 12 percent
17.53.103(B) Block Length and Perimeter	Exceed the maximum block length of 400 feet	Exceed the maximum block length of 400 feet	Site topography and ADA requirements Mid-block pedestrian and bicycle connections in lieu of grid-style street connectivity
	Exceed the maximum block perimeter of 1,600 feet.	Exceed the maximum block perimeter of 1,600 feet.	
17.53.105(A)(1) Lot Depth to Width	Exceed the lot depth to width ratio of 2 to 1	Exceed the lot depth to width standard of 2 to 1	Site topography Natural resources preservation
17.15.030 Lot Size	Allowed lots below 7,000 square foot minimum lot size, provided the average lot size is 7,000 square feet or greater	Allow lots below 7,000 square foot minimum lot size, provided the average lot size is 7,000 square feet or greater	Site topography HNA density target of 4.46 dwellings/acre ±14 acres of additional open space and natural resources preservation
17.15.040 Yard Requirements	R-4 setbacks in Northridge Phase; Reduced setbacks as necessary for tree protection	Front: 20-feet Interior side: 5-feet Street side: 15-feet Rear: 20-feet; rear yard decks may encroach 10-feet into rear yard setback	Reduced side yard setbacks allow similar lot yield as Ordinance 5024 accounting for more than 14.0 acres of additional open space and protected natural resource areas HNA density target for R-2 zoning district is 4.46 dwellings/acre

**FINDING, SUBSECTION (A): SATISFIED WITH CONDITIONS.** The applicant has described the physical conditions and development objectives which warrant departure from the standard regulation requirements.

*B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

**APPLICANT’S RESPONSE** Upon passage of Ordinance 5024, the City Council found the 2017 PD Amendment to be consistent with the Comprehensive Plan objectives of the area. As described above, the planned changes in this application move the site closer to conformance with McMinnville’s Great Neighborhood Principles and related standards that have been enacted since Ordinance 5024. More importantly, the City can find that this PD Amendment results in a phased residential subdivision that can be cost-effectively constructed and that will provide the best possible likelihood that the City may achieve its need for additional single-family homes as expressed in the 2023 HNA. Responses summarizing

conformance to the applicable Comprehensive Plan objectives are included in this written narrative. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** See findings in respective sections of these findings regarding the Comprehensive Plan Policies, Great Neighborhood Principles, and Overlay Zones.

- C. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

**APPLICANT'S RESPONSE** The Preliminary Circulation and Preliminary Composite Utility Plans in Exhibit A illustrate how planned streets and other public utilities will connect with existing utilities in abutting developed areas as well as how such will be extended to abutting undeveloped parcels to accommodate efficient urbanization of those parcels when warranted. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant's proposed identifies street connections to adjoining undeveloped and lower-density rural properties. The plans includes extension of utilities to serve the property and which can be extended to serve abutting properties. Conditions of approval regarding public improvements provide for consistency with this criterion.

- D. *The plan can be completed within a reasonable period of time;*

**APPLICANT'S RESPONSE** The remaining nine phases of the Hillcrest PD are planned for consecutive construction over the next ±10–15 years, acknowledging that any major housing market fluctuations or other external factors could render such construction infeasible. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant has demonstrated the development can be completed within a reasonable period of time. In addition, conditions of approval establish timelines for phased completion of the development.

- E. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

**APPLICANT'S RESPONSE** All streets will be constructed in accordance with the City's street standards, and the street realignment will continue to connect to the existing street stubs in the constructed phases of the Hillcrest PD. Traffic studies submitted with prior approvals for the Hillcrest PD indicate acceptable traffic flow at full buildout, with certain improvements as included in Ordinance 5024. Per Ordinance 5024, prior to the issuance of the 290<sup>th</sup> building permit (which is expected to occur in Phase 4), Applicant will construct the required mitigative measures that include a left-turn lane at the intersections of W 2<sup>nd</sup> Street/SW Hill Road and NW Horizon Drive/NW Hill Road. This PD Amendment application reduces the number of residential lots by two, which will slightly reduce traffic impacts. Therefore, the streets will remain adequate to support the anticipated traffic of the Hillcrest PD with the required mitigative measures outlined in the approved traffic studies for the Hillcrest PD.



**FINDING: SATISFIED WITH CONDITIONS.** The street connections external to the development are substantially the same as the current plan, and the current approval requires mitigation outside of the development, which carries over as a condition of approval.

- F. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

**APPLICANT'S RESPONSE** Utilities serving the site will be adequate for the remaining homes in the Hillcrest PD. Utility capacity was reviewed during the past approval processes and determined to be adequate, accounting for the need to install a water system booster pump station to serve lots above the 275-foot elevation contour. The Preliminary Composite Utility Plan in Exhibit A and Preliminary Stormwater Report in Exhibit H demonstrate that each remaining phase of the Hillcrest PD has been designed to include all necessary infrastructure for that phase. Furthermore, this PD Amendment will not result in an increase in utility and drainage demand beyond the prior approval. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** Affected agencies and departments have reviewed the proposed development plans. Subject to conditions of approval, including requirements for provision of utilities and requirement addressing drainage, the development will have adequate utility and drainage facilities.

- G. *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

**APPLICANT'S RESPONSE** The Hillcrest PD is expected to generate noise, air, and water impacts similar to those of a typical residential development and will comply with all applicable City, state, and federal regulations related to these impacts. Additionally, the planned modifications to the Hillcrest PD layout will improve the site's capacity for on-site stormwater management and enhance the protection of natural drainage features. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed development is residential use. Subject to conditions of approval, there will be adequate utilities. There are not substantially different impacts than the current approval.

### **Chapter 17.03. General Provisions (PDA 1-24 and S 3-24)**

[...]

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.*

[...]

**APPLICANT'S RESPONSE** The purpose of this application is to modify the layout for the remaining phases of the Hillcrest PD to ensure the highest likelihood that residential homes will be constructed on site and to serve the needs of McMinnville's growing population. Compliance with the provisions of Chapter 17.03 is detailed in this written narrative.

**FINDING: SATISFIED WITH CONDITIONS.** Based on compliance with the applicable criteria, development standards, and conditions of approval, the proposed plan and terms of approval are consistent with the purpose of Chapter 17.03.

### **Chapter 17.11. Residential Design and Development Standards (PDA 1-24)**

*17.11.110. Planned Development Residential Design and Development Standards. Chapter 17.51 of the McMinnville Municipal Code allows for planned development overlays in McMinnville as a means of providing greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. McMinnville encourages residential planned developments as a means of achieving the City's adopted Great Neighborhood Principles.*

**APPLICANT'S RESPONSE** The Planned Development Residential Design and Development Standards of this chapter were adopted in 2022 as part of Ordinance 5113. This application is for a PD Amendment to Hillcrest PD approved by Ordinance 5024 in 2017, predating the adoption of City's Great Neighborhood Principles and the standards of this chapter. While this PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles and related site development standards that were enacted after Ordinance 5024. The currently planned PD amendment substantially improves conformance with the City's Great Neighborhood Principles as detailed in the written narrative below.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** Scenic views. The preservation of scenic views is identified in Section 17.11.110.B.2 (Ord. 3380) and within City of McMinnville Ord. 4132.

Ord. 3380, 17.11.110.B.2. The City of McMinnville adopted Residential Design and Development Standards in April 2022, upon passage of Ord. 5113. These standards were not in place in 2017 when the planned development was most recently approved for the subject site.

Per 17.11.011, the standards in Chapter 17.11 apply to, “all new housing construction, residential conversions, and new additions that comprise 50% or more of the structure.”

Applicant has worked to implement the Great Neighborhood Principles into this amendment to the extent practical given special physical site conditions and in consideration of existing development that has already occurred in prior phases of the PD and adjacent the site.

17.11.110.B.2. aspires to locate and orient public and private open spaces and streets to take advantage of views of natural features and landscapes. As demonstrated in Applicant’s submittal materials, this amendment includes ±15-acres of additional parks and open spaces compared to the approval in Ord. 5024, and which are located along natural drainageways, near wetland areas, and near upper elevation portions of the site, affording good access to natural features and scenic views, consistent with this principle.

The location of streets has been designed to accommodate the logical extension of vehicle and pedestrian access from existing development at the perimeter of the site, to complement existing site topography, and to minimize disturbance to geotechnically sensitive areas of the site. The planned street layout serves to promote this principle (Scenic Views) by accommodating public and private open spaces that can be located along natural features and in areas with good views. For these reasons, the City can find that this principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The flexibility in the proposal allows for balancing of issues, including changes from the current planned development approval to balance residential development, avoidance of jurisdictional wetlands/waters, avoidance of hazards and geologic features, and provision of active and passive open space.

*A. Guiding Principles.*

*A1. Appropriate site size and scale. Small to medium sites (10,000 square feet to 40,000 square feet) should act as infill sites and respond to the surrounding neighborhood in scale, character, building design, details and materials. Large sites (over 40,000 square feet) should provide a variety of housing types, centralized common open space, and an interconnected system of streets and pathways that connect to the surrounding neighborhood.*

**APPLICANT’S RESPONSE** The remaining phases of the Hillcrest PD comprises ±106.3 acres, qualifying as a “large site.” This PD Amendment includes ±392 residential lots and 17 private open space and pedestrian access tracts spanning ±13.0 acres, which provide significantly enhanced connectivity throughout the Hillcrest PD and surrounding neighborhood than that in Ordinance 5024. Although the remaining phases of the Hillcrest PD subdivision are planned to comprise exclusively single-family detached home lots, previous phases of the Hillcrest PD include multiple-family homes, which together satisfy the City’s goal for a mix of housing types while acknowledging development limitations in this area. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The application is comparable to the current plan in terms of street and pathway connectivity, it provides open space

tracts for these phases where the previous plan had no open space tracts for these phases. The applicant is no longer proposed the 43 townhouse lots. However, with the October 23, 2024 submittal, the proposed includes a minimum of 43 multi-generational housing lots, each with a primary and attached secondary unit.

*A2. Livability. Residential Planned Developments should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.*

**APPLICANT'S RESPONSE** The planned PD amendments significantly increase the amount of open space and pedestrian connectivity with 17 private open space and pedestrian access tracts spanning ±13.0 acres (compared to approximately 1.0 acres in Ordinance 5024). This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The application is comparable to the current plan in terms of street and pathway connectivity, it provides open space tracts for these phases where the previous plan had no open space tracts for these phases.

*A3. Compatibility. Residential Developments should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of McMinnville.*

**APPLICANT'S RESPONSE** As detailed in this written narrative, the planned PD amendments are relatively minor and do not materially change the scale or character of the neighborhood compared with Ordinance 5024. A substantial increase in parks and opens spaces in this PD Amendment will provide greater opportunities for social interactions, will provide better integration of trees and natural spaces into the neighborhood, and will improve the overall character of the neighborhood. Finally, because the planned PD amendments largely maintain the approved density in Ordinance 5024 (planned density is two lots fewer), the City can find the planned PD Amendment is appropriate for the surrounding neighborhood and will maintain the overall residential character of the City. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The development is comparable to the existing development with number of lots, but provides additional open space tracts. Homes to be developed on the lots will be subject to the City's clear and objective residential design and development standards consistent with state law.

*A4. Safety and Functionality. Developments should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.*

**APPLICANT'S RESPONSE** The application provides safe and functional circulation through the site and to surrounding neighborhoods as shown on the Preliminary Circulation Plan in Exhibit A. Pedestrian connectivity is enhanced through the provision of 17 private open space and pedestrian access tracts spanning ±13.0 acres. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment doesn't differ significantly in these respects from the current approval.

*A5. Enduring quality. Residential Planned Developments should incorporate design and building practices that promote the economic, ecological, and aesthetic environment of McMinnville, such as energy conservation, preservation of trees and open space, and quality building materials.*

**APPLICANT'S RESPONSE** The planned PD amendments provide enhanced protection of trees, open space, and natural features through the inclusion of ±13.0 acres of open space. The open spaces are designed to not only preserve but also promote the creeks and natural drainageways that traverse the site and encourage community engagement with the environment as shown on the Preliminary Community Amenity Plan in Exhibit A. Finally, Applicant anticipates that new homes will incorporate sustainable design and building practices to increase energy conservation. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment substantially avoids jurisdictional wetlands and waters and provides open space tracts. It is comparable to the current approval with respect to other features on site. The homes will be subject to the City's clear and objective standards consistent with state law.

*B. Required Elements, Great Neighborhood Principles. All residential planned developments shall meet the Great Neighborhood Principles as identified below.*

*B1. Natural Feature Preservation. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT'S RESPONSE** The planned PD amendments included in this application are necessary following the discovery of geotechnical conditions and on-site natural resources features that were not known or considered in Ordinance 5024; the result is superior preservation of natural features/resources compared with Ordinance 5024. Approximately 13.0 acres of open space is located to protect and provide enjoyment of the natural drainageways traversing the site, as shown on the Preliminary Community Amenity Plan in Exhibit A. This principle is met.

**Note:** *The applicant has provided supplemental information in the October 23, 2024 submittal addressing this Principle and Ordinance 4132.*

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above and in the October 23, 2024 submittal, and conditions of approval, this principle is satisfied with conditions.

*B2. Scenic Views. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Community Amenity Plan in Exhibit A, the planned PD amendments include ±13.0 acres of open space located to protect and provide enjoyment of the natural drainageways traversing the site, increase pedestrian connectivity, and provide common open space for the community to enjoy. The common open space will provide opportunities to enjoy

scenic views of both the natural features on site and vistas beyond the Hillcrest PD. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above and in the October 23, 2024 submittal, and conditions of approval, this principle is satisfied with conditions.

*B3. Parks and Open Spaces.*

- a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
- b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Community Amenity Plan in Exhibit A, the planned PD amendments include ±13.0 acres of open space that has been located to protect and provide enjoyment of the natural drainageways traversing the site, increase pedestrian connectivity, and provide community gathering spaces. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant is proposing privately maintained parks and open spaces consistent with this principle. There are no public parks proposed in this area in the parks plan.

*B4. Pedestrian Friendly.*

- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Circulation Plan in Exhibit A, the planned PD amendments provide a system of mid-block pedestrian and bicycle paths throughout the remaining phases of the Hillcrest PD subdivision. The planned network of on-street and mid-block pedestrian and bicycle connections, in conjunction with additional on-site parks and open spaces, create more and more convenient opportunities for walking and biking in the neighborhood. This principle is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE:** The current layout maintains substantially the same block configuration for that area of the site east of the intersection of W 2nd St/Road D and reduces the length of the reconfigured block perimeters west of that intersection (see Attachment 3). In their decision in 2017, both the Planning Commission and City Council found that an exception to the standard block length requirement in 17.53.103.B was justified due to the

topography and natural drainageways on site. Subsequently, the City can find that the current layout equally or better justifies this exception.

Section 17.11.110.B.4-6 were not in place during the approval of the 2017 plan. These standards seek to promote the same connectivity objectives as 17.53.103.B. and state the following...

As illustrated by Applicant's Preliminary Circulation Plan (included in Applicant's submittal materials), the planned pedestrian network comprises sidewalks in the public rights-of-way, mid-block pedestrian connections, and pedestrian connections located within parks and open space areas.

Subsequently, this planned network of pedestrian improvements promotes walking for transportation, recreational, and social engagement purposes as outlined in a. above.

Further, while no commercial areas or schools are within the vicinity of the subject site, planned pedestrian facilities connect with existing parks (e.g., West Hills Neighborhood Park) as well as planned parks and open spaces on site. Finally, and consistent with the 2017 approval, pedestrian connections are provided between all but one of the planned cul-de-sac streets. Together with the City's 2017 approved exception to the block length/perimeter standards, the City can find that these standards, which seek to promote walkability, are met with the current plan.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above and conditions of approval, this principle is satisfied with conditions. A condition of approval is also included to provide for additional future pedestrian connectivity from open space tracts to abutting properties.

*B5. Bike Friendly.*

- a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
- b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Street Plan Overview with Road Grade in Exhibit A, the planned PD amendments include street realignment, which decreases the number of street sections that exceed a 12 percent grade and will support an enhanced bicycle network. Moreover, a well-connected network of on-street and mid-block bicycle connections will improve convenience for bicyclists. This principle is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** As illustrated by Applicant's Preliminary Street Plan (included in Applicant's submittal materials), the planned bicycle network comprises 14-foot-wide shared vehicle/bicycle lanes within all planned local and neighborhood connector streets, mid-block pedestrian/bicycle connections, and pedestrian/bicycle connections located within parks and open space areas. Subsequently, this planned network of bicycle

improvements promotes bicycling for health, transportation, and recreational purposes as outlined in a. above.

Although no commercial areas or schools are within the vicinity of the subject site, planned bicycle facilities connect with existing parks (e.g., West Hills Neighborhood Park), planned parks and open spaces on site as well as existing public streets and bicycle facilities abutting the subject site. With the City's 2017 approved exception to the block length/perimeter standards, the City can find that these standards, which seek to promote bicycling, are met with the current plan

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above, this principle is satisfied with conditions. A condition of approval is also included to provide for additional future pedestrian connectivity from open space tracts to abutting properties.

*B6. Connected Streets.*

- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
- b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Circulation Plan in Exhibit A, streets have been designed to respect the topography of the site while providing connections to existing phases of the Hillcrest PD and future development areas north and west of the site. Mid-block pedestrian and bicycle connections in several locations throughout the site encourage walking and bicycling and reduce reliance on automobile trips. Streets are designed according to the City's local residential street standards and feature two 14-foot-wide travel lanes intended to accommodate vehicles, bicycles, and on-street parking and a 5-foot-wide sidewalk and 4.5-foot-wide landscape strip with a 0.5-foot curb on either side of the roadway. This street design and network of multimodal on-site facilities encourage walking and bicycling while accommodating the needs of motor vehicles. This principle is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** As shown on the Preliminary Circulation Plan in Applicant's submittal, streets have been designed to respect the topography of the site while providing connections to existing phases of the Hillcrest PD and future development areas north and west of the site. Mid-block pedestrian and bicycle connections in several locations throughout the site encourage walking and bicycling and reduce reliance on automobile trips. Tract I serves dual purpose as a pedestrian mid-block connection and provides secondary emergency vehicle access between Loop A and Canyon Creek Drive. Streets are designed according to the City's local residential street standards and feature two 14-foot-wide travel lanes intended to accommodate vehicles, bicycles, and on-street parking, and a 5-foot-wide sidewalk and 4.5-foot-wide landscape strip b on either side of the roadway.



This street design and network of multimodal on-site facilities encourages walking and bicycling, reduces reliance on vehicles, and accommodates the needs of motor vehicles. With the City's 2017 approved exception to the block length/perimeter standards, the City can find that these standards, which seek to promote neighborhood connectivity, are met with the current plan.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above, this principle is satisfied with conditions. A condition of approval is also included to provide for additional future pedestrian connectivity from open space tracts to abutting properties. The street network and connectivity is comparable to the existing approval, and flexibility to block length and perimeter standards was previously approved due to topography, and the plan provides for avoidance of jurisdictional wetlands and waterways on site.

*B7. Accessibility.*

- a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
- b. *Design practices should strive for best practices and not minimum practices.*

**APPLICANT'S RESPONSE** The planned PD amendments include street realignments as necessary to avoid sensitive areas of the site. The redesign of the street network results in fewer street segments (when compared to Ordinance 5024) that have grades in excess of 12 percent, which improves accessibility. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** this principle is satisfied with conditions. In addition, there is a condition of approval requiring approval of a plan for the open space tracts which will provide an opportunity to address accessible features.

*B8. Human Scale Design.*

- a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
- b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
- c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

**APPLICANT'S RESPONSE** As outlined above, the planned PD amendments maintain consistency with the scale and design of the constructed phases of the Hillcrest PD and significantly enhance opportunities for recreation and socialization through the inclusion of 17 parks and open space tracts over more than 13 acres of the site. Pedestrian and bicycle connections located in many of these tracts promote walking and biking. As shown in Exhibit A, all open spaces are located adjacent to public rights-of-way or are visible from a public right-of-way. Where

necessary, lighting will be provided to ensure these areas are visible and safe during the evening. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above, this principle is satisfied with conditions. In addition, there is a condition of approval requiring approval of a plan for the open space tracts which will provide an opportunity to address this principle.

*B9. Mix of Activities.*

- a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
- b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
- c. *Neighborhoods are designed such that owning a vehicle can be optional.*

**APPLICANT'S RESPONSE** As shown in Exhibit A, the planned PD amendments include more than 13 acres of parks and open space areas that will be used to provide mid-block pedestrian and bicycle connectivity, dog parks, walking trails, and open lawn areas. This mix of amenities is in addition to the Hillcrest regional park previously constructed in Phase 1 and together will provide recreational opportunities for a broad range of user groups. The application does not include any commercial uses. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment is for changes to the development of the property which was previously approved for exclusively residential development. The proposed amendment doesn't request the addition of commercial use. The proposed amendment adds open spaces tracts and passive and active recreational use.

*B10. Urban-Rural Interface. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT'S RESPONSE** The City's application of the R-2 zoning designation for the subject site was chosen, in part, to facilitate a smooth transition between urban and rural areas as suggested by this principle. The planned PD amendments include ±392 residential homes at a density of ±4.6 units per acre, which complies with the density requirements for the R-2 zoning district and all other relevant standards, as addressed in this written narrative. This principle is met.

**FINDING: SATISFIED.** The proposed amendment is not significantly different than the current plan regarding residential development abutting rural lands outside the UGB.

*B11. Housing for Diverse Incomes and Generations. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

*B12. Housing Variety.*

- a. *Neighborhoods shall have several different housing types.*

- b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

**APPLICANT'S RESPONSE** The constructed phases of the Hillcrest PD contain a mix of housing types including a 68-unit multi-family housing complex and a variety of single-family homes. The planned PD amendments include ±392 new single-family detached homes on lots ranging in size from ±5,000 to ±28,193 square feet. The varying lot sizes will cater to a broad spectrum of housing needs across different age groups and income levels and provide needed housing for existing and future residents of the City at a density of ±4.6 units per acre. The project will also incorporate a variety of building styles and designs. These principles are met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** Housing variety standards are contained in McMinnville Ord. 3380, Section 17.11.110.B.11. and 12.

The City of McMinnville adopted Residential Design and Development Standards in April 2022, with the passage of Ord. 5113. These standards were not in place in 2017 when the planned development was most recently approved for the subject site. The purpose of these standards is to, "permit a wide variety of housing types while maintaining the character and values of McMinnville...The proposed housing types range in size, affordability, and configurations, including attached and detached dwellings..."

Applicant has worked to implement these principles into the current amendment as follows:

- ***17.11.110.B.11. Housing for Diverse Incomes and Generations. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.***

McMinnville's 2023 HNA finds that 4,657 new housing units are needed to accommodate anticipated population growth in McMinnville through 2043. Of this total housing need, more than 55 percent (2,561 homes) of the demand is expected to be for single-family detached home types. To meet projected housing demand, the 2023 HNA recommends that future development on buildable land in the R-2 zoning district should occur at a minimum density of 4.4 dwellings per acre. The 2023 HNA acknowledges Applicant's property as one of the largest R-2 zoned parcels within the City and with buildable land that could accommodate needed housing.

The planned amendments included in this application would provide 435 new residential dwellings across 392 lots at a density of ±5 dwellings per acre and directly addresses that need identified in the 2023 HNA.

The City's Comprehensive Plan calls for a mix of housing types; however, it also specifically recognizes those areas with mapped development limitations such as steep slopes, stream corridors, natural drainage ways, and wetlands as the appropriate areas to accommodate low density residential development. For these reasons, Applicant proposes a mix of single-family detached and multi-general housing types throughout the remaining phases of the Hillcrest PD subdivision. Together with multi-family and two-family homes developed in prior phases of the

Hillcrest PD, the City's goal for a mix of housing types on this relatively constrained site can be realized.

Applicant intends to develop the subdivision as well as construct the future homes on lots in each of the nine planned phases of the amended planned development/subdivision. Currently, Applicant is considering 9 distinct floor plans (with 27 distinct exterior elevations) for the property, with homes ranging in size from ±1,900 square feet to ±3,400 square feet. Planned multi-generational homes will range in size from between 550- and 770 square feet. New homes are planned to comprise a mix of one- and two-stories and will include an attached 2- or 3-car garage. Of the total 435 new homes that are planned for the site, ±72 percent will comprise floor plans with a primary (master) bedroom on the main level and 10 percent will comprise multi-generational (homes with an attached ADU) home floor plans. Planned homes are expected to range in sale price by more than \$200,000 across the various home plans.

The planned mix of one- and two-level homes, across single-family detached and multi-generational homes, that will be offered in a wide range of sizes, many with main floor bedrooms, ensures that new homes are available to buyers across a range of income levels and in various stages of life.

Moreover, Applicant has selected home plans that are complementary to existing homes nearby and to ensure that future phases of the Hillcrest Planned Development fit seamlessly within the existing community

***17.11.110.B.12. Housing variety. a) Neighborhoods shall have several different housing types; and b) Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.***

As stated previously, this Application seeks approval to amend a planned development/subdivision that was most recently approved in 2017 (Ord. 5028). Three phases of the Hillcrest Planned Development have been platted and new homes have been constructed. Prior phases include a mix of single-family, two-family, and multi-family homes.

The current application seeks to replace 43 lots (in the former Northridge Phase) that were intended for single-family attached homes with 43 multi-generational homes located throughout the planned 9 phases of development.

The driving force behind this modification application is the desire to move forward with a plan that is constructable, given area-specific site constraints. After a robust analysis of site characteristics, including slopes, soils, and geotechnical conditions, it was determined that the prior layout was not financially viable. The layout was modified to avoid the most constrained areas of the site and results in a plan that is financially viable, achieves the City's housing needs and desire for generational living across a variety of incomes and housing types, while providing open space and other opportunities for social interaction.

**FINDING: SATISFIED WITH CONDITIONS.** Earlier phases of the Planned development included apartments. The current Planned Development approval includes 43 townhouse lots within the remaining phases. The applicant is requesting an amendment that would not liner include the 43 townhouse lots. As

addressed in the applicant's October 23, 2024 submittal, and addressed as a condition of approval, there will be 43 lots for multi-generational homes, with a primary and attached secondary unit.

*B13. Unique and Integrated Design Elements. Residential Planned Developments shall be encouraged to have:*

- a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
- b. Opportunities for public art provided in private and public spaces.*
- c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, streetlights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**APPLICANT'S RESPONSE** The purpose of this modification application is to modify the approval in Ordinance 5024 to better protect geologically sensitive areas of the site, wetlands, and other on-site natural resources. Further, Applicant anticipates that they will construct a majority, if not all, future homes on the site, and such homes are anticipated to be constructed using environmentally friendly materials, appliances, and building practices. Neighborhood elements will be designed to complement the existing design of previously constructed phases of the Hillcrest PD. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities. Conditions of approval require submittal of a landscape plan for review of the open space tracts, which will provide opportunities to incorporate features.

*C. Required Elements, Common Open Space. All Residential Planned Developments over four units shall meet the fundamental and supplemental requirements for Common Open Space.*

*C1. Characteristics.*

- a. Common open spaces offer residents social and health benefits while also defining and bringing character to a development.*
- b. Common open spaces may include shared recreational facilities such as play areas, sports fields, or swimming pools; rooftop decks that prompt interaction and include shared amenities such as grills, play space, or seating.*

*C2. Guiding Principles.*

- a. Common open space should be appropriately located so users feel safe and residents take ownership and responsibility for the shared space.*
- b. The design should consider its relationship to units, entries, and windows, as well as how landscaping, or other barriers, may impact sight corridors.*
- c. Common open spaces should have clear intended uses with visual cues to inform users as to the desired function.*

- d. *Avoid large, hard-surfaced, or landscaped areas that lack furnishings or other design elements suggesting specific activities.*
- e. *Break down large spaces into smaller, comfortable outdoor rooms using fencing or low walls, furnishings, and lighting, building placement, and plantings.*
- f. *Sensitive design will produce greater benefits than expensive materials or furnishings and certainly more options for use than large undefined open areas*

**APPLICANT’S RESPONSE** The planned PD amendments include 17 parks and open space as well as pedestrian access tracts spanning ±13.0 acres. These parks and open spaces offer safe, accessible, and natural open space amenities that will encourage socialization and will provide opportunities for recreation as advocated by the guiding principles above.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities. Conditions of approval require submittal of a landscape plan for review of the open space tracts, which will provide opportunities to address these principles.

**C3. Fundamental Requirements.**

- a. *A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents in the planned development. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open space shall be accessible to all residents.*

**APPLICANT’S RESPONSE:** The completed phases of the Hillcrest PD include a ±7-acre neighborhood park that serves as the main common open space for the Hillcrest PD per Ordinance 5024. The planned PD amendments add more than ±13.0 acres of parks and open space above that approved in Ordinance 5024. As shown on the Preliminary Community Amenity Plan in Exhibit A, these common open spaces are integrated throughout the site to increase accessibility to all residents and offer a range of activities to suit a wide range of user groups. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment adds common open spaces of different sizes and configurations. The park serves the entire area, and as such is designed so as to not be focused on the exclusive use of only the abutting homes.

- b. *Common open space shall be a minimum of 15 percent of the planned development. Passive open space shall not be more than 5 percent of the planned development.*

**APPLICANT’S RESPONSE:** As enumerated above, this application is for a PD Amendment to Hillcrest PD approved by Ordinance 5024 in 2017 and predates the adoption of City’s Great Neighborhood Principles and the standards of this chapter. While this PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles and related site development

standards that were enacted after Ordinance 5024, including these common open space requirements.

The completed phases of the Hillcrest PD currently include ±7.1 acres of active open space, primarily within the neighborhood park known as West Hills Neighborhood Park. This open space comprises ±11.9 percent of the net developable area of these completed phases.

As approved, Ordinance 5024 would add only ±1.0 acre of open space. The planned PD amendments include new parks and open spaces that will add more than ±13.0-acres of parks and open to the site. Planned open space equals ±15.3 percent of the net developable area of the subject site. Planned active use areas make up ±4.3 acres (±5.1 percent) of the subject site and will include activities such as pedestrian paths, trails, a dog park, and open lawns for programmed and spontaneous activities. Planned passive use areas will occupy ±8.7 acres (±10.3 percent) of the site and include areas that preserve natural features and create opportunities for scenic vistas and community enjoyment of nature.

With the planned PD Amendment, the overall Hillcrest PD will provide ±20.1 acres of open space (±13.9 percent of the total net developable area) including ±11.4 acres of active open space (±7.9 percent) and ±8.6 acres of passive open space (±6.0 percent).

Because prior phases of the Hillcrest PD have been constructed prior to this open space standard and because of the need to achieve the planned residential density to make it feasible to move forward with the project, achieving 15 percent open space and 10 percent active open space is not practicable.

While this principle does not apply, the Applicant has made significant effort to incorporate more passive and active open spaces into the site. The planned PD amendments represent a more than 1,200 percent increase in passive and active open space on this site (compared with Ordinance 5024). Although the planned PD amendments do not meet this requirement, conformance with this has been increased significantly; the current application includes ±1,200 percent more open space than Ordinance 5024.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities that were not part of the previous approval. The previous plan didn't include any common tracts for these phases. The findings provided by the applicant demonstrate compliance with this principle.

- c. *When vehicular areas are located between dwellings and common open space, clearly defined pathways shall be provided to enhance pedestrian safety.*

**APPLICANT'S RESPONSE:** As shown in Exhibit A, in locations where vehicular areas are located between future dwellings and open spaces, clearly defined pathways have been provided. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS.** The findings provided by the applicant demonstrate compliance with this principle. In addition, pedestrian connectors and intersections at streets and open spaces will provide for clearly defined pedestrian facilities.

- d. *Pathway surface shall be clearly marked and differentiated from the vehicular area with paint or alternative paving material.*

**APPLICANT'S RESPONSE:** Pathway surfaces will be clearly marked and differentiated from the vehicular areas on site. This requirement is met.

**FINDING: SATISFIED.** This criterion is satisfied.

- e. *Common open space shall have a minimum dimension of 20 feet at the narrowest part.*

**APPLICANT'S RESPONSE:** Common open spaces will exceed the minimum dimension of 20 feet across the site as shown on the Preliminary Subdivision Plat in Exhibit A. This requirement is met.

**FINDING: SATISFIED.** This criterion is satisfied. See finding above and below.

- f. *Walkways are required between dwellings and common open space.*

**APPLICANT'S RESPONSE:** Walkways will be provided throughout common open space, as practicable while ensuring preservation of the relatively steep slopes and natural resources, as shown on the Preliminary Community Amenity Plan in Exhibit A. This requirement is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE:** The completed phases of the Hillcrest PD include a ±7-acre neighborhood park that is centrally located and designed to enhance the livability of residents in this PD. This amendment create ±15-acres of additional parks and open space across 17 new discrete parks and open space areas. The ±22 total acres of planned parks and open space represents ±17 percent of the developable area (±126-acres) of the site. Approximately 7 percent of the development area includes areas dedicated to passive open spaces and approximately 10 percent of the development area is dedicated to areas for active recreation (see Attachment 4).

Although the standard above states that passive open space areas shall not exceed 5 percent, Applicant believes the intent of this standard is to ensure that a minimum of 10 percent of the area be set aside for active recreational uses, which Applicant has demonstrated. In the event that the City disagrees, Applicant can revise their plans to remove ±2.5 acres of passive open space to achieve a maximum of 5 percent passive open space.

All common open space areas have a minimum dimension greater than 20-feet. Vehicular areas are located between future dwellings and Tracts A, B, E, F, L, N, P, Q, and Tract R.

In each of these cases, clearly defined pedestrian access across these vehicular areas will be provided. The City can find that the fundamental requirements for common open space, as expressed above, are met.

**FINDING: SATISFIED WITH CONDITIONS.** The findings provided by the applicant demonstrate compliance with this principle.

**C4. Supplemental Requirements. Provide at least four of the options listed below.**



- a. *Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sport fields, play structure, bike track, courts, swimming pool, or other options.*
- b. *Provide tall deciduous trees for summer shade and winter solar access. When possible, preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.*
- c. *Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.*
- d. *Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.*
- e. *Provide opportunities for food cultivation. Include a community garden and/or incorporate cultivated species into the landscaping.*

**APPLICANT’S RESPONSE** As detailed in the Preliminary Community Amenity Plan in Exhibit A, opportunities for formal and informal recreation use by residents of all ages is provided throughout the remaining phases of the Hillcrest PD to a substantially greater degree as compared to Ordinance 5024. Additional open spaces provide opportunities for enhanced tree preservation as well as provide appropriate places to site benches, fire pits, and other community amenities. Drought tolerant and/or low water demanding landscaping will be used throughout the site. Therefore, the application incorporates elements a. through d. above. The supplemental requirements are met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities. Conditions of approval require submittal of a landscape plan for review of the open space tracts, which will address these principles.

*D. Supplemental Elements, Consideration.*

*D1. Modular Block Layouts.*

*[...]*

*D2. Block Lengths.*

*[...]*

*D3. Partial alley at the end of a block. A partial alley is where an alley is used to provide access to parking at the rear of lots, in lieu of driveways located at the front of the lot (see Figure, Partial Alley Block). Turnarounds are not required for partial alleys.*

*[...]*

*D4. Usable Side Yard Setback. Optional for Tiny Homes, Plexes, and Single Dwellings in Residential Planned Developments. A usable side yard setback development is where dwelling units sharing street frontage are shifted to one side of their lot, to within 3 feet of the property line. This provides for greater usable yard space on each lot. These developments require that the planning for all house locations be done at the same time.*

*[...]*

**APPLICANT’S RESPONSE** The supplemental elements provided in this subsection were considered but are not feasible given the topography and natural resources present throughout the site.

**APPLICANT’S 10/23/2024 SUPPLEMENTAL RESPONSE** Existing and planned open spaces will comprise a mix of opportunities for formal and informal

recreational use. Formal recreational opportunities are provided at: the West Hills Neighborhood Park which includes a playground, benches, and walking paths; at a planned park in Tract F, which will include a playground, a fire pit, picnic benches, and trails; within two new dog parks planned in Tracts E and L; within a community garden in Tract N; and, throughout the numerous mid-block pedestrian accessways that connect pedestrian and bicycle facilities within the public right-of-way to other areas of the community via the several open space areas on site (see preliminary circulation plan in Applicant's submittal materials).

Informal recreational opportunities are provided within open spaces in Tracts A, B, D, N, R, and Tract Q.

As above, planned grading is anticipated to require tree removal throughout the site. Efforts will be made to preserve significant trees where possible. Where tree preservation cannot be accommodated, Applicant is committed to replacing trees as detailed in our proposed draft tree replacement condition of approval above.

The usability of open spaces will be enhanced through the inclusion of features such as dog parks, fire pits, playground equipment, benches, and walking paths. Applicant intends to incorporate cultivated species into the site landscaping via two new community gardens; one that is planned to be located in Tract N, and a second whose location will be chosen after additional community input.

The City can find that the application satisfies the minimum 4 of these supplemental requirements for common open space, as expressed above.

**FINDING: SATISFIED WITH CONDITIONS.** Consistent with the previous approvals, the proposed amendment includes flexibility to the block length and perimeter standards due to topography. To help mitigate this, the proposal includes mid-block pedestrian crossings comparable to the previous approval.

### **Chapter 17.15. R-2 Low Density, 7000 SF Lot Residential Zone (PDA 1-24 & S 3-24)**

#### *17.15.010 Permitted Uses.*

*In an R-2 Zone, the following uses and their accessory uses are permitted:*

*A. Tiny Houses, Site built single detached dwelling and Class A mobile home subject to the following standards:*

[...]

**APPLICANT'S RESPONSE** This application anticipates that the lots created via this planned PD Amendment will host detached single-family dwellings, which are permitted in the R-2 zoning district. This provision is met.

[...]

#### *17.15.030 Lot Size.*

*In an R-2 Zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.11.070(C), Table 1(C), Townhouses, of this title.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Land Use Plans in Exhibit A, the planned lots range in size from ±5,000 square feet to ±28,193 square feet, with an average lot size of ±7,965 square feet. Consistent with the approval in Ordinance 5024, the average lot size exceeds the 7,000 square foot minimum and the overall density does not exceed that allowed in the R-2 zoning district or that approved in Ordinance 5024. This standard is met.

*17.15.040 Yard Requirements.*

*In an R-2 Zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:*

- A. A front yard shall not be less than twenty feet, except as provided in Section 17.11.030(C) Table 1(d), Cottage Clusters.*
- B. A rear yard shall not be less than twenty feet, except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.*
- C. A side yard shall not be less than seven and one-half feet. An exterior side yard on the street side of a corner lot shall be not less than twenty feet, except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.*

**APPLICANT'S RESPONSE** As outlined in Table 2, the application seeks approval for reduced street side-yard setbacks, reduced interior side yard setbacks, and approval for decks/patios to encroach into the 20-foot rear yard setback. The requested deviation in side yard setbacks allows Applicant to achieve the same density as approved by Ordinance 5024 and as recommended by the 2023 HNA and makes the project financially feasible while simultaneously setting aside nearly 14-acres of additional land for parks and protected open space (compared to Ordinance 5024). Moreover, allowing decks to encroach into the rear yard setback will provide opportunities for private outdoor open space throughout the steeply sloping site. A typical setback legend is provided on the Preliminary Product Distribution Plan in Exhibit A. With the requested PD flexibility, the criteria are met.

*17.15.050 Building Height.*

*In an R-2 zone, a building shall not exceed a height of thirty-five feet.*

**APPLICANT'S RESPONSE** Applicant anticipates that future homes on the subject site will not require deviation from this building height standard. This standard can be met.

*17.15.060 Density Requirements.*

*In an R-2 zone, the maximum density for single attached dwellings may not exceed four dwelling units per 7,000 square feet. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.*

**APPLICANT'S RESPONSE** Policy 17.01 of the McMinnville Comprehensive Plan sets a targeted maximum density of 6.0 dwellings units per acre on the City's westside, where the subject site is located. The application plans to achieve a density of 4.6 dwellings per acre and therefore satisfies the applicable density standard. This standard does not apply.

**FINDING (CHAPTER 17.15):** The proposed amendment complies with the applicable standards of the R-2 zone, or flexibility to the R-2 standards has been incorporated into the Planned Development approval. Lot size averaging is permitted for a Planned Development, based on the minimum lot size established by the underlying zoning district, which is achieved with the proposed amendment. The policy cited in the applicant's response was previously repealed and is no longer applicable.

[...]

## **Chapter 17.51. Planned Development Overlay (PDA 1-24)**

### *17.51.010 Purpose*

*The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.*

**APPLICANT'S RESPONSE** The planned PD amendments continue to meet the purpose for PD Overlays stated above. The planned amendments offer significantly more open space and increased preservation of natural features. As detailed in this written narrative, some flexibility to the applicable standards is requested; however, the Hillcrest PD continues to meet the intent of the zoning ordinance.

### *17.51.020 Standards and Requirements*

*The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:*

- A. *The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;*

**APPLICANT'S RESPONSE** The planned PD amendments continue to be consistent with the residential zoning indicated on the comprehensive plan map and zoning map as detailed in this written narrative. This requirement is met.

- A. *Density for residential planned development shall be determined by the underlying zone designations.*

**APPLICANT'S RESPONSE** Policy 17.01 of the McMinnville Comprehensive Plan sets a targeted maximum density of 6.0 dwellings units per acre on the City's westside, where the subject site is located. The application plans to achieve a density of 4.6 dwellings per acre and therefore satisfies this density standard. This requirement is met.

**FINDING (CHAPTER 17.51):** The proposed amendment is consistent with the purpose of the Planned Development Overlay chapter, and the amendment complies with the criteria provided in Chapter 17.74, which are also substantially the same as the criteria of this Chapter.

The proposed amendment complies with the applicable standards of the R-2 zone, or flexibility to the R-2 standards has been incorporated into the Planned Development approval. Lot size averaging is permitted for a Planned Development, based on the minimum lot size established by the underlying zoning district, which is achieved with the proposed amendment.

**NOTE:** The policy cited in the applicant’s response was previously repealed and is no longer applicable.

[...]

**Chapter 17.53. Land Division Standards (PDA 1-24 and S 3-24)**

[...]

*Approval of Streets and Ways*

[...]

**17.53.101 Streets**

*A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:*

- 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
- 2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or*
- 3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.*

**APPLICANT’S RESPONSE** While the topography presents challenges with steep slopes and natural features, the planned alignment of streets has been thoughtfully designed to prioritize accessibility (minimize portions of roadway that exceed a 12 percent grade). The planned street network seamlessly connects to the existing Hillcrest PD and surrounding community, as detailed in the Preliminary Circulation Plan in Exhibit A. The planned PD amendments continue to utilize existing Neighborhood Collector streets, ensuring efficient traffic flow. These provisions are met.

*B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:*

**Complete Street Design Standards**

	<i>Arterial</i>		<i>Collector</i>		<i>Neighborhood Connector</i>	<i>Local Residential</i>	<i>Alley</i>
	<i>Major</i>	<i>Minor</i>	<i>Major</i>	<i>Minor</i>			
<i>Right-of-Way</i>	<i>104 ft.</i>	<i>96 ft.</i>	<i>74 ft.</i>	<i>56 ft. (no bike lane) 66 ft. (bike lane)</i>	<i>50 ft.</i>	<i>50 ft.</i>	<i>20 ft.</i>

**APPLICANT'S RESPONSE** As shown on the Preliminary Street Plan in Exhibit A, all new local streets are designed with a 50-foot-wide public right-of-way and meet the Local Residential Street Design Standards. A private alley, maintenance accessway, and fire accessway will also be provided that have a right-of-way width of at least 20 feet. These requirements are met.

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

**APPLICANT'S RESPONSE** Except for planned alleys, the application does not include streets with a right-of-way width that is less than 50-feet. This requirement does not apply.

*C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.*

**APPLICANT'S RESPONSE** Reserve strips or street plugs are not requested with this PD Amendment application. This requirement does not apply.

*D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Circulation Plan, the planned PD amendments continue to extend the main Neighborhood Collector streets serving the site including W 2nd Street and Horizon Drive. In recognition of the challenging site topography, there is one instance of a staggered T intersection located in the vicinity of the intersections of W 2nd Street/Road G and W 2nd Street/Road D where the distance between street centerlines is less than 200 feet; as shown on the Preliminary Subdivision Plat sheet in Exhibit A, the distance between these T intersections is  $\pm 148$  feet. Per D above, where necessary, this standard may be reduced to a minimum of 125-feet. Given the site topography and associated street and lot design considerations, this planned intersection spacing is necessary to balance the multiple objectives of development on this site. Correspondence with the City confirming the reduced intersection spacing is acceptable is provided in Exhibit G. This requirement is met.

#### *17.53.103 Blocks*

*A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

*B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT'S RESPONSE** As discussed above, site topography mandates a deviation from the block size requirements here, as was similarly approved by Ordinance 5024. In return, ample mid-block pedestrian and bicycle connections have been provided and assure convenient access and mobility for these travel modes. These requirements are met through flexibility authorized by the PD Amendment.

**C. Easements.**

1. *Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*

2. *Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.*

3. *Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways.*

**APPLICANT'S RESPONSE** As shown in Exhibit A, the application includes utility easements, easements that conserve natural drainageways, as well as pedestrian access tracts. Each of these easement types have been designed pursuant to applicable City standards. These requirements are met.

**17.53.105 Lots**

**A. Size and shape.** *Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.*

1. *Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.*

**APPLICANT'S RESPONSE** The planned lot size, lot width, shape, and orientation are appropriate for maximizing protection of sensitive areas on-site, providing a similar number of residential lots as compared to Ordinance 5024, meeting the HNA density target for the R-2 zoning district, and for ensuring that all lots are buildable. As above, this PD Amendment (similar to Ordinance 5024) seeks relief from the standard R-2 lot size and lot depth-to-width ratio

requirements. These requirements are met through flexibility authorized by the PD Amendment.

*B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-detached, common wall, or duplex residential use, unless no other access point is practical.*

**APPLICANT'S RESPONSE** Each lot is planned to abut a street or an alley for a width of at least 25 feet, as shown on the Preliminary Subdivision Plat in Exhibit A. This standard is met.

*C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.*

**APPLICANT'S RESPONSE** No through lots are planned. This standard is not applicable.

*D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**APPLICANT'S RESPONSE** All lot lines are planned to run at right angles to the street upon which the lots face as far as practicable as shown on the Preliminary Subdivision Plat in Exhibit A. This standard is met.

*E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.*

**APPLICANT'S RESPONSE** No flag lots are planned. This standard is not applicable.

#### *17.53.110 Lot Grading*

*Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:*

- A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.*
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*
- C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.*
- D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.*
- E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In*



*addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.*

**APPLICANT'S RESPONSE** As shown in Exhibit A, cut slopes will not exceed 1½ feet horizontally to 1 foot vertically, and fill slopes will not exceed 2 feet horizontally to 1 foot vertically. The Preliminary Grading Plan has been designed such that all cut and fill slopes are 2:1 or flatter per these requirements. Additional geotechnical studies and evaluations will be conducted and provided with final engineering submittals for construction. Finally, a Preliminary Stormwater Report (Exhibit H) outlines the conceptual stormwater management system for the project and documents the drainage characteristics on-site, both pre- and post-development. The criteria are met.

#### *17.53.120 Building Lines*

*If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.*

**APPLICANT'S RESPONSE** Deviations from building setbacks are requested with this PD Amendment application as detailed in this written narrative and shown on the Preliminary Product Distribution Plan in Exhibit A. The approved special building setback lines will be noted on the plat or included in the deed restrictions. This provision will be met.

[...]

*Improvements*

[...]

#### *17.53.153 Improvement Requirements.*

*The following improvements shall be installed at the expense of the subdivider:*

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*

**APPLICANT'S RESPONSE:** As shown in the Preliminary Composite Utility Plan in Exhibit A, the PD Amendment application includes the installation of all water, sanitary sewer, and electrical infrastructure, as well as stormwater and public street infrastructure to serve future homes on the site. These requirements are met.

- D. Drainage. Such grading shall be performed, and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*

**APPLICANT'S RESPONSE** Drainage facilities will be installed conforming to City specifications to provide proper drainage within the subdivision and other affected areas. The drainage facilities on-site have been designed to ensure that post-development flows do not exceed pre-development flows. Two new stormwater

facilities are planned with this application (beyond that approved in Ordinance 5024) and that, in concert with existing stormwater facilities constructed in prior phases of the Hillcrest PD, will better ensure the appropriate management of stormwater runoff. The Preliminary Stormwater Report in Exhibit H provides additional details regarding on-site stormwater management. This requirement is met.

- E. *Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*

**APPLICANT'S RESPONSE** Street improvements are planned to be completed in accordance with all applicable City standards. As above, and as approved in Ordinance 5024, the application seeks approval for relief from the 12 percent maximum street grade standard in recognition of the challenging topography on-site. In such cases, steep streets are limited to short segments no longer than 200 feet. It is worth noting that Ordinance 5024 approved seven street segments where grades exceeded 12 percent. With the modifications to the street layout planned in this application, there are only four street segments where grades will exceed 12 percent.

As in Ordinance 5024, this flexibility is necessary to ensure compliance with ADA accessibility standards and serves to better protect on-site natural areas. All associated street elements, including curbs, sidewalk aprons at intersections, street signs, gutters, and shoulders, will be provided as applicable. Refer to the Preliminary Street Plan Overview with Road Grade and Preliminary Street Plan in Exhibit A. This requirement is met.

- F. *Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*

**APPLICANT'S RESPONSE** Pedestrian ways will be provided with a paved sidewalk not less than 5 feet wide through the middle of each of the pedestrian tracts as shown on the Preliminary Street Plan in Exhibit A. This requirement is met.

- G. *Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*

**APPLICANT'S RESPONSE** All private ways and private drives will be graded and improved to conform to City specifications in terms of structural standards. This requirement will be met.

- H. *Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

**APPLICANT'S RESPONSE** Street trees will be planted in compliance with the requirements of Chapter 17.58 and an approved street tree plan for the subdivision as detailed in this written narrative. This requirement will be met.

**FINDING (CHAPTER 17.53): PDA 1-24 is SATISFIED WITH CONDITIONS and S 3-24 IS SATISFIED WITH CONDITIONS CONTINGENT ON APPROVAL OF PDA 1-24. Subject to conditions of approval, the applicant's plan submittal and responses demonstrate compliance with Chapter 17.53, except where the Planned Development amendment requests flexibility to the standards of this Chapter, including provisions regarding lot size averaging, longer block length and block perimeter, and flexible design standards to the street serving Lots 103-107, which shall be a street subject to the conditions of approval, not an alley.**

**Chapter 17.54. General Regulations (PDA 1-24 and S 3-24)**

[...]

**17.54.030 Buildings - Number Per Lot**

*In an R-1, R-2, and R-3 zone there shall be only one main building on a lot.*

**APPLICANT'S RESPONSE** No new home construction is requested with this application. However, Applicant anticipates that lots planned with this application will host only one main building each. This standard can be met.

This standard contradicts Oregon Revised Statutes (ORS) 197.758, which obligates cities to allow at least a duplex on all lots zoned for single-family detached homes. Because McMinnville defines a duplex as two dwellings on a single lot or parcel that may be attached or detached, the City must allow two detached buildings (of equal status, e.g., main building) on a lot per ORS 197.758.

[...]

**17.54.050 Yards**

- A. *Measurement. The measurement of a yard shall be made perpendicular from the property line to the nearest portion of the building.*
- B. *Requirement exceptions. The following exceptions to the front-yard requirements for a dwelling are authorized for a lot in any zone:*
  - 1. *If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.*
  - 2. *If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front- yard depth.*
  - 3. *Whether attached to a residence or as a separate structure, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 (twenty) feet from the property line bordering the street.*
- C. *Projections into yards. Architectural features such as cornices, canopies, sunshades, windows, chimneys, and flues shall not project more than 18 (eighteen) inches into a required yard. Eaves may extend a distance not to exceed 30 (thirty) inches into a required yard. Stairs may encroach up to five (5) feet into a required front yard provided that the stairs are not covered or enclosed, except for an eave not exceeding the 30 (thirty) inch encroachment as noted above.*

**APPLICANT'S RESPONSE** As shown in Exhibit A, the PD Amendment application conforms to applicable front yard setback requirements. The

application seeks relief to the rear yard setbacks, such that decks or patios are allowed to encroach into the rear yard setback. Reductions to this setback help to provide private outdoor living space while accommodating the targeted density on-site necessary to achieve the City's housing needs and make development feasible in consideration of additional planned parks and open space (relative to Ordinance 5024). These requirements are met through flexibility authorized by the PD Amendment.

**FINDING:** The City Council recently adopted amendments to MMC Chapter 17.54 which allows for encroachment of decks and patios into rear yards. Therefore, flexibility is not required as part of the PD amendment.

- D. *In a district where automobile service stations are permitted or conditionally permitted, freestanding gasoline pumps and pump islands shall not be closer than 10 (ten) feet to a street property line.*

**APPLICANT'S RESPONSE:** The subject property is within the R-2 zoning district and no automobile service stations are planned. This provision is not applicable.

- E. *In a commercial or industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the center of the alley.*

**APPLICANT'S RESPONSE** The subject property is within the R-2 zoning district. This provision is not applicable.

- F. *Yards required along arterial streets. Except in zones where greater setbacks are required, a minimum five (5) foot yard shall be provided where a lot or parcel abuts an arterial street, as those streets are defined in the City's Transportation Master Plan. The required five (5) foot yard shall be maintained as a clear vision area as defined in Section 17.54.080 except that the following uses may be allowed when alternatives are unavailable:*

1. *The exceptions described in Section 17.54.080.*
2. *Signs and signposts provided that the body of the sign is below three (3) feet in height or above eight (8) feet in height when measured from the top of the curb, or where no curb exists, eight and one-half (8.5) feet from the edge of the pavement or top of asphalt measured at the property line.*

**APPLICANT'S RESPONSE** No portion of the remaining phases of the Hillcrest PD are located along Arterial streets. These provisions are not applicable.

- G. *A building may be constructed with a cantilever which extends up to two (2) feet over the setback at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half (8.5) feet above the edge of the pavement, or top of asphalt measured at the property line.*

**APPLICANT'S RESPONSE** This provision is understood.

- H. *Setback variance requests shall be processed under the provisions of Chapters 17.72 (Applications and Review Process) and 17.74 (Review Criteria), except that:*
1. *The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance:*

2. *Variances to the requirements of this section which do not involve building setbacks must comply with Section 17.54.060(H)(1) above, but need not comply with Section 17.74.110. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE** The City's Planned Development process is intended to offer flexibility to standard lot design requirements, including setbacks, and is not subject to the variance process in H. above. This provision is not applicable.

[...]

#### 17.54.080 Clear Vision Area

*A. Clear vision area requirement. A clear vision area shall be maintained on the corners of all properties at the intersection of two streets, a street and an alley, or a street and a railroad. Clear vision area requirements shall also apply to the first 10 (ten) feet of commercial and industrial access driveways when the driveway intersects with a street or alley. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.*

1. *Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;*
2. *Telephone, power, and cable television pole, electrical junction boxes.*
3. *Government issued traffic safety signs.*
4. *Telephone switch boxes provided they are less than 10 inches wide at the widest dimension. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

*B. Clear Vision Area Measurement. The following measurements used in conjunction with the formula established in Section 17.06.080 shall be used to establish clear vision areas:*

1. *In a residential zone the minimum length of the triangle legs shall be 30 (thirty) feet at street intersections and 10 (ten) feet where a street and an alley intersect;*
2. *In all other zones the minimum length of the triangle legs shall be 15 (fifteen) feet at street intersections and 10 (ten) feet where a street and an alley or street and access drive intersect, except that when the angle of intersection between two streets, is less than 30 (thirty) degrees, the length of the triangle legs shall be 25 (twenty-five) feet;*
3. *In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half feet above the edge of the pavement, or top of asphalt measured at the property line;*

**APPLICANT'S RESPONSE** Clear vision areas will be maintained in accordance with these requirements on all lots at the intersection of two streets or a street and an alley. These requirements will be met.

[...]

#### 17.54.110 Use of Required Open Space

No lot area, yard, other open space, or off-street parking or loading area which is required by this title for one use shall be used as a required lot area, yard, or other open space or off-street parking or loading area for another use except as provided in Section 17.60.120 of this Ordinance.

**APPLICANT'S RESPONSE** This provision is understood. No lot area, yard, other open space, or off-street parking or loading area required by this title for one use will be used as a required lot area, yard, or other open space or off-street parking or loading area for another use.

#### 17.54.120 Minimum Requirement Maintenance

No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimums required for it by this title, except when the provisions of either the variance or the planned development overlay processes are utilized. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE** The planned PD amendments continue to utilize the PD overlay process to reduce the street side, internal side, and rear yard requirements, as detailed in this written narrative. This provision is met.

#### 17.54.130 Address Assignments

The Building Official shall be responsible for assigning addresses to new structures. Addresses shall conform to the established numbering system for the City and to the requirements of McMinnville Ordinance 1770 and shall be assigned at the time the building permit is issued or before final occupancy is granted. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE** This provision is understood.

**FINDING (CHAPTER 17.54): SATISFIED.** No development is proposed at this time that would conflict with provisions of Chapter 17.54. With the recent code amendments regarding porch and patio setbacks, no additional flexibility is required as part of the PD application. At the time of development of lots, development will be reviewed for compliance with this chapter.

#### **Chapter 17.57. Landscaping (PDA 1-24 and S 3-24)**

**FINDING (Chapter 17.57): SATISFIED WITH CONDITIONS.** A condition has been included to require a landscape plan for the open space tracts, and the street tree plan required as a condition per Chapter 17.58 can also be submitted as a concurrent application.

#### **Chapter 17.58. Trees (PDA 1-24 and S 3-24)**

[...]

#### 17.58.020 Applicability

The provisions of this ordinance shall apply to:

- A. *Individual significant or historic trees as defined in this ordinance.*
- B. *All trees with trunks located completely or partially within any public area or right-of-way;*
- C. *All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;*

**APPLICANT’S RESPONSE** The subject site includes developable land and is subject to the planned development/subdivision review. Therefore, the provisions of MZO Chapter 17.58 are applicable and addressed in this written narrative.

[...]

*17.58.040 Tree Removal/Replacement*

*A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Applications shall be reviewed by the City Manager or City Manager’s Designee (hereafter “Manager”) or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, except as authorized in Section 17.58.050. Requests for tree removal within the Downtown Tree Zone shall be submitted to the City. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Manager should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Manager may be appealed to the Planning Commission if written notice of the appeal is filed with the City within 15 (fifteen) days of the committee’s or Manager’s decision. A decision made by the Manager in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.*

**APPLICANT’S RESPONSE** The application seeks approval for the removal of all on-site trees as necessary to construct new streets, sidewalks, landscape strips, public utilities, perform necessary site and lot grading, and to prep the site and planned lots for the construction of future homes. Where possible, mature trees will be preserved. New street trees and individual lot landscaping will serve to replace trees that are removed to accommodate this development plan.

*B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.*

C. *The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.*

D. *Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.*

E. *The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.*

**APPLICANT'S RESPONSE** The application seeks approval for the removal of all on-site trees as necessary to construct new streets, sidewalks, landscape strips, public utilities, perform necessary site and lot grading, and to prep the site and planned lots for the construction of future homes. Where possible, mature trees will be preserved. New street trees and individual lot landscaping will serve to replace trees that are removed to accommodate this development plan. These provisions can be met.

F. *The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Manager's or Landscape Review Committee's decision. The Manager or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.*

G. *Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.*

**APPLICANT'S RESPONSE** Applicant plans to complete the requested tree removal for development in Phase 1 within 6 months of approval. Applicant requests that the City condition this approval such that tree removal in Phases 2 through 9 may commence concurrent with development activities in each of these phases. This approach will ensure that trees are not removed prematurely and will survive in the event that future modifications to the plan allow.

H. *The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and*



removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.

**APPLICANT'S RESPONSE** This provision is understood. Planting of street trees will be in accordance with all applicable City standards.

[...]

*17.58.050 Application Review and Criteria.*

*A. Application for Simple Tree Removal Permit.*

*1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:*

*a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.*

*b. The tree is dead or in an advanced state of decline.*

*c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.*

*d. Tree is infested with pests or disease.*

*e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.*

*f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.*

*g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.*

*h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.*

**APPLICANT'S RESPONSE** The remaining phases of the Hillcrest PD subject to this application contain trees, many of which will be necessary to remove in accordance with criterion (g). The subject tree removal will require a simple tree removal permit application. The site is steeply sloped, and extensive grading will be required to accommodate safe and efficient vehicular, pedestrian, and bicycle circulation as well as provide needed housing that will result in the necessity to remove many of the existing trees on-site. No reasonable alternatives to the removal of trees are available while still completing the remaining phases of the Hillcrest PD. Consistent with the approval in Ordinance 5024, a tree protection plan will be submitted with construction permits for approval.

[...]

*17.58.080 Street Tree Planting - When Required*

*All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.*

**APPLICANT'S RESPONSE** This application is for the remaining phases of the Hillcrest PD, a phased residential subdivision. Street trees will be planted according to the standards listed in Section 17.58.090.

*17.58.090 Street Tree Standards*

*A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2019-26, and as may have been subsequently amended, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.*

*B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.*

*C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.*

*D. Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City's adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk. Except when authorized by the Manager, street trees shall not be planted within a curbside landscape strip narrower than four (4) feet in width between the sidewalk and curb. When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards, street trees adjacent to major collector streets or arterial streets shall be placed a minimum of five (5) feet from the back edge of the sidewalk. Except when authorized by the Director, a street tree shall not be planted closer than two and one-half (2 1/2) feet from the face of*

a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.

*E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.*

*F. Existing street trees shall be retained unless approved by the Manager for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Manager to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.*

*G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.*

**APPLICANT'S RESPONSE** All street trees will be planted in 4.5-foot-wide planter strips according to the standards listed above. A conceptual overview of the street trees is provided on the Master Plan Layout with Aerial in Exhibit A. A local residential street section depicting the 4.5-foot-wide landscape strip is shown on the Preliminary Street Plan. These standards will be met.

#### 17.58.100 Street Tree Plans

##### A. Submittal.

*1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.*

*2. Commercial, Industrial, Parking Lots, and Multi-dwelling Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.*

##### B. Street Tree Plan Content. At a minimum, the street tree planting plan should:

*1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;*

*2. Indicate whether existing trees will be retained, removed or relocated;*

*3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;*

*4. Indicate the location, species, and size (caliper and height) of street trees to be planted;*

*5. Indicate the location of proposed and existing utilities and driveways; and*

6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site.

**APPLICANT'S RESPONSE** A street tree planting plan containing all applicable content listed above will be submitted prior to filing of the final subdivision plat. This provision will be met.

#### 17.58.110 Street Tree Planting

##### A. Residential subdivisions and partitions

1. *Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.*

**APPLICANT'S RESPONSE** Street trees will be installed prior to the submittal of final plat or an approved security will be filed to assure the planting of the required street trees. This provision will be met.

**FINDING (CHAPTER 17.58): PDA 1-24 is SATISFIED WITH CONDITIONS and S 3-24 IS SATISFIED WITH CONDITIONS CONTINGENT ON APPROVAL OF PDA 1-24.** The applicant has requested flexibility from the fee in lieu provisions of this Chapter as part of the PD application. Conditions of approval have been included for compliance with the tree retention/removal/replacement provisions of this chapter, except as modified and authorized through conditions of approval. As a condition of approval, the applicant will also need to submit an application for a street tree plan.

#### **Chapter 17.60. Off-Street Parking and Loading (Not Applicable)**

##### 17.60.050 Spaces – Location

A. *Except as provided below, required off-street parking spaces for dwellings shall be located on the same lot with the dwelling. For the following residential uses, off-street parking shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building.*

1. *Off-street parking for one or two upper story residential dwelling units above a non-residential use*
2. *Off-street parking for residential uses in the City Center Housing Overlay Zone designated in Chapter 17.66*

**APPLICANT'S RESPONSE** All off-street parking spaces will be located on the same lot as the residential home. This standard is met.

[...]

##### 17.60.060 Spaces. Number Required

*Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of*

*enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.*

*A. Residential Land Use Category*

[...]

*4. Single Detached*

*Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.*

**APPLICANT'S RESPONSE:** A minimum of two spaces will be provided per dwelling unit in garages and within driveways. This requirement is met.

[...]

*17.60.080 Design Requirements*

*A. All parking lots and driving aisles shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked, except that in an industrial zone, parking spaces which are in addition to those required by this chapter, may be surfaced with a minimum of treated gravel and maintained dust free.*

**APPLICANT'S RESPONSE:** No parking lots are planned. This requirement is not applicable.

*B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed by this ordinance, and such parking space shall not be less than twenty feet in depth from the property line.*

**APPLICANT'S RESPONSE:** No yard adjacent to a street will be used for any purpose except for off-street parking. All driveways will be a minimum of 20 feet in depth from the property line. This requirement is met.

*C. Safe access shall be provided as follows:*

[...]

*5. Driveway cuts shall be a minimum of twenty feet from a street intersection.*

**APPLICANT'S RESPONSE** No driveway cuts will be located less than 20 feet from a street intersection. This requirement is met.

**FINDING (CHAPTER 17.58): SATISFIED/NOT APPLICABLE.** No off-street parking is proposed at this time. The applicant is not requesting flexibility to the provisions of this chapter as part of the PDA. The applicant has indicated they intend to provide required off-street parking on the respective lots at the time of building permits consistent with the provisions of this chapter.

**NOTE:** *Please be aware the driveways will be subject to the provisions of MMC 12.20.070, "In case the service driveway is constructed or installed on a corner lot, such*

driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead.”

**Chapter 17.72. Applications and Review Process (PDA 1-24 and S 3-24)**

[...]

17.72.095 Neighborhood Meetings

[...]

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.*

**APPLICANT’S RESPONSE** A neighborhood meeting was held on May 20, 2024. Evidence of compliance is provided in Exhibit F. The comments received at the meeting were generally project-related and were responded to in the meeting. The following revisions or actions were taken after the meeting in response to comments received:

- Community members expressed the desire for open spaces to include dog parks, stations with dog waste bags, benches and seating areas, and play areas for children. Each of these elements has been incorporated into the common open space areas as shown on the Preliminary Community Amenity Plan in Exhibit A.
- Community members expressed concerns regarding deficiencies in water pressure in the surrounding neighborhood. Applicant contacted McMinnville Water & Light to bring these concerns to their attention. McMinnville Water & Light confirmed that their recent measurements indicate appropriate pressure in the areas discussed, as shown in Exhibit G. Further coordination will occur with McMinnville Water & Light throughout the project to ensure adequate water pressure. Additionally, all future homes above the 275-foot elevation contour will rely on a new public water booster pump station to provide sufficient pressure to these homes. Applicant is closely coordinating with the City and McMinnville Water & Light to procure the necessary water booster pump station infrastructure in time for Phase 3 home construction.
- Neighbors expressed the desire to purchase lots prior to home building. Applicant will reach out to those who expressed interest when lots are platted.

**FINDING (CHAPTER 17.72): SATISFIED.** The applications are processed in accordance with this chapter. With the application, the applicant submitted the necessary documentation of the neighborhood meeting per 17.72.095(G).

**Ordinance 4132. West Hills Planned Development Overlay (Amended by Ordinance 4225) (PDA 1-24 and S 3-24)**

**Section 1. Statement of Purpose.** *The City of McMinnville finds that it is necessary to reserve specified areas in western McMinnville within the West Hills, for future development in residential uses. In the process of establishing an Urban Growth Boundary for the City, it has been determined that other areas outside the city limits should be developed prior to this area to insure an orderly and timely conversion of urbanizable and future urbanizable lands to urban lands. The City shall therefore phase development of this area in relation to other residentially designated lands within the Urban Growth Boundary.*

*The City of McMinnville also recognizes the West Hills area as having scenic values unique to our area, and topographical features which are not conducive to the standard development practices normally employed in residential designs in the City. Recognizing these concerns, the City shall allow and encourage a planned residential design which preserves and takes advantage of the unique natural features of the area, that allows concentrated building in suitable areas to maintain the overall density designated for the area, and that provides for a cost efficient provision of streets, utilities and other public and private services.*

*The City has found through the comprehensive planning process that the best way to insure that the above concerns are addressed in the development of this property is to place a planned development overlay over said property.*

**APPLICANT'S RESPONSE: N/A**

**FINDING: APPLICABLE.** The subject property is within the overlay area. The provisions of this ordinance are applied to the applications to address the purpose in this section of this ordinance.

**Section 2. Planned Development Overlay.** *The planned development overlay which is created and implemented by this ordinance shall be placed over portions of the area commonly referred to as the West Hills of McMinnville, located to the northwest and southwest of the intersection of West Second Street with Hill Road. The affected area is further described by map in Exhibit "A". Both areas within and without the city limits shall carry this designation.*

*The policies and procedures set by this ordinance shall be applied to the following land use decisions concerning this property: (1) Extension of public streets and utilities, to include water, sanitary sewer and storm sewer; (2) Land division activities; (3) Comprehensive plan and zone map changes; (4) Annexation. Development of single-family residential structures on existing legal lots shall be exempted from these ordinance requirements. The overlay shall not impinge the legal jurisdiction of Yamhill County for areas outside the city limits.*

**APPLICANT'S RESPONSE: N/A**

**FINDING: APPLICABLE.** The subject property is within the overlay area. These policies and procedures were applied to the previous actions and are applied to the current proposal.

**Section 3. Notation on Zoning and Comprehensive Plan Maps.** *The perimeters of the areas affected by this ordinance shall be noted on the official McMinnville Comprehensive Plan Map of 1980 and the official McMinnville Zoning Map of 1980.*

**FINDING: NOT APPLICABLE.** This is not a decision-making criterion.

**Section 4. Policies.** *The following policies shall apply to the subject property:*

- (a) *The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.*
- (b) *The designated residential area west of Hill Road (beyond the limits of the first water service level and the service boundary of the trunk sewer line that is extended to the corner of Hill Road and West Second Street) shall not be allowed to develop at an urban density until all other designated residential areas within the Urban Growth Boundary area are substantially developed. "Substantially developed" shall mean that seventy-five (75) percent of the future residentially designated land area outside the city limits, but within the Urban Growth Boundary (excluding the designated West Hills area and the Three Mile Lane residential area) at the time of LCDC acknowledgment of the Urban Growth Boundary, is developed or has development approval of the City. Development of single-family residential structures on legal lots created before this ordinance shall be allowed subject to applicable city building requirements.*
- (c) *The density of any proposed development shall be set by the zoning classification.*
- (d) *The wooded portions of the site shall be incorporated into the development of the property so that they will be left substantially intact and with consideration given to the preservation of wildlife habitat. (Amended by Ordinance No. 4225, November 23, 1982)*
- (e) *Scenic values of the property, as viewed from the City towards the site, shall be emphasized and enhanced in residential development designs. This should be accomplished by encouragement of a design which clusters housing in suitable areas while reserving large open areas. This policy shall not preclude incorporation of single-family structures in development designs.*

**APPLICANT'S RESPONSE** *(Staff Note: The following is excerpted from the applicant's October 23, 2024 supplemental submittal. Please see that submittal for full response which addresses multiple items):*

As outlined in Applicant's submittal materials for the above-referenced application, the application seeks approval for an amendment to a planned development and



tentative subdivision that was last approved by the City of McMinnville in 2017, per City of McMinnville Ordinance (Ord.) 5024.

...

**1. Natural feature preservation, grading, and tree removal.** Natural feature preservation is referenced by Section 17.11.110.B.1 (Ord. 3380) and City of McMinnville Ord. 4132, policies 4(a) and 4(c).

...

In the City's review and ultimate approval of Planning File No. ZC 19-06/S 13-06, both the Planning Commission and City Council agreed with the then applicant's findings that these wooded areas could not be left substantially intact because: 1) clustering residences "would result in a patchwork design of rooftops and vegetation" and would require clearing of large areas of vegetation anyway, and 2) attempting to avoid tree removal on the steep site while providing streets that meet local design standards would result in numerous dead ends "and a noticeable decrease in neighborhood connectivity." (see Attachment 1)

Subsequently, then applicant offered that tree preservation would be further evaluated at time of final design review to save trees where possible by meandering the alignment of streets and sidewalks and shifting homes on individual lots, among other strategies. This approach also committed to replanting trees on individual lots and in the public rights-of-way where tree removal was necessary. This approach was approved by the City and has been implemented throughout prior phases of the Hillcrest PD.

Applicant's submitted preliminary land use plans illustrate the location of the site's several natural features, including surficial drainageways, steep slopes, wetlands, wooded areas, areas of shallow basalt and expansive soils, as well as areas of undocumented fill. Due to site topography, geologic/geotechnical concerns (such as uncontrolled fills, hard rock, expansive clays, and slope stability considerations), and local and emergency access requirements for maximum street grades, considerable site grading is necessary and that will result in the removal of trees within wooded areas on site. Site topography also mandates grading within or near existing watercourses to ensure that drainage features are preserved in perpetuity and do not create future erosion-related problems for the community or downstream.

Additionally, the proposed mass grading of the site, which would occur at the time of site development for each phase of the project, allows the project cut and fill volumes to be designed and constructed wholistically across phase and lots lines and minimizes the potential for future drainage or slope instability problems that are otherwise likely to result from partially completed grading that is confined to the right-of-way only.

Planned grading and associated tree removal is unavoidable in the context of the subject site; however, Applicant's plan achieves an optimum balance of maintaining natural features while providing needed housing. To ensure that public and private improvements occur on site in a manner that is consistent with best practices for tree canopy retention and the development of geologically sensitive areas, Applicant requests to replace COAs 2.2 and 2.12 (Ord. 5024) and COA 11 (S 13-6) with the following conditions of approval:...

**2. Scenic views.** The preservation of scenic views is identified in Section 17.11.110.B.2 (Ord. 3380) and within City of McMinnville Ord. 4132.

\*\*\*  
**Ord. 4132.** The City has interpreted in their review and approval of prior planned developments/tentative subdivisions affecting the subject site that applicable policies of Ord. 4132, including those related to scenic views, are met. Additional analysis is offered below.

The City of McMinnville adopted Ord. 4132 in April 1982, which was amended by Ord. 4225 in November 1982. This Ordinance establishes the West Hills Planned Development boundary and acknowledges that due to topographical constraints, *“the City shall allow and encourage a planned residential design which preserves and takes advantage of the unique natural features of the area, that allows concentrated building in suitable areas to maintain the overall density designated for the area, and that provides for a cost efficient provision of streets, utilities, and other public and private services.”*

Section 4 of this Ordinance outlines the following 5 policy objectives that apply to land within the West Hills Development Boundary:

(a) The goals of the Comprehensive Plan and applicable regulations and standards shall be adhered to.

(b) The area west of Hill Road shall not be allowed to develop at an urban density until all other residential areas within the UGB are substantially developed.

(b) The density of proposed development shall be set by the zoning classification.

(c) The wooded portions of the site shall be incorporated into the development of the property so that they will be left substantially intact.

(d) Scenic values of the property, as viewed from the City towards the site, shall be emphasized in residential development designs. This should be accomplished by clustering housing in a manner that reserves large open areas. This policy shall not preclude incorporation of single-family structures in development designs.

Section 5, Subsection (a) of this Ordinance vests the authority in the Planning Commission to determine compliance with policies (a) through (d) above.

The Planning Commission has approved two subsequent residential planned development/subdivisions on this site that show clustering of multi-family homes as well as single-family attached and detached homes that are arranged in a manner that accommodates the set aside for a large neighborhood park at the south end of the site. The current application seeks reductions to certain yard setback requirements which further cluster remaining residential development in a manner that will allow the creation of ±15-acres of additional parks and open space on site. It is the position of Applicant, that because the Planning Commission, and City Council, have approved prior planned development/subdivision layouts that provide less area for public and private open space and with fewer opportunities for views of natural areas as compared to the current proposal, and have thereby interpreted that such prior layouts comply with Ord. 4132, that the current layout equally or better meets the applicable policies of Ord. 4132.

#### **FINDINGS (Section 4):**

- (a) Findings regarding the applicable Comprehensive Plan Goals and Policies are addressed in a separate section of these findings.
- (b) **SATISFIED.** This threshold as previously achieved.
- (c) **SATISFIED.** The proposed density and lot size averaging are consistent with the density allowed by the R-2 PD zoning.
- (d) **SATISFIED WITH CONDITIONS.** The applicant's October 23, 2024 supplemental responses above demonstrate consistency with Subsection (d). The application is an amendment to a Planned Development and Subdivision that was previously approved by the Planning Commission and City Council, with a subsequent amendment also previously approved by the Planning Commission and City Council. The current applications have a comparable impact and pattern and intensity of development within the wooded areas of the property as the previous application approval and amendment, which would remain in effect if the requested amendment is not approved. The conditions of approval address retention and replacement of trees. Due to the mass grading, most trees would be removed, so the application relies substantially on replanting rather than retention of trees and wooded areas comparable to the prior approvals.
- (e) **SATISFIED WITH CONDITIONS.** The applicant's October 23, 2024 supplemental responses above demonstrate consistency with Subsection (e). The application is an amendment to a Planned Development and Subdivision that was previously approved by the Planning Commission and City Council, with a subsequent amendment also previously approved by the Planning Commission and City Council. The current applications have a comparable impact and pattern and intensity of development within the wooded areas of the property as the previous application approval and amendment, which would remain in effect if the requested amendment is not approved. The current applications include a greater degree of clustering than the current approval, resulting in some open space tracts. This is limited within the most heavily wooded portions of the site, but provides tracts that aren't part of the current approval. Even with a more clustered pattern, it should be recognized that, due to the mass grading, most trees would still be removed, including many within open space tracts, except where noted on the applicant's exhibit that shows area that are not anticipated to be disturbed, which predominantly corresponds to the tracts with jurisdictional wetlands/waterways, comprising approximately 4 acres of the site. Conditions are included to address tree removal and replacement.

#### **Section 5. Procedures for Review.**

- (a) *The Planning Commission shall review proposals on the subject property to determine the acceptability of the plans. Neglect or failure of the applicants to take reasonable account of policies (a) through (e) in Section 4 shall constitute the Commission's sole basis for disapproving a proposal provided all applicable City codes are adhered to.*

- (b) *Annexation to the City of lands within the area covered by this ordinance shall not be allowed until policy (b) of Section 4 of this ordinance has been met.*
- (c) *Zone changes and land divisions submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of Ordinance No. 3380 (Zoning Ordinance).*
- (d) *Land division requests shall also be processed under the requirements of Ordinance No. 3702 (Land Division Ordinance).*
- (e) *Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 of Ordinance No. 3380 (Zoning Ordinance).*

**FINDINGS (Section 5):**

- (a) Findings regarding Policies (a)-(e) are provided above.
- (b) **NOT APPLICABLE.** The subject property has already been annexed.
- (c) **SATISFIED.** The original applications were a Planned Development and Subdivision tentative Plan. The current proposals are amendments to those previous decisions.
- (d) **SATISFIED.** The proposed amendment to the Subdivision Tentative Plan is processed under Chapter 17.53 of the Zoning Ordinance, which replaced Ordinance 3702.
- (e) **NOT APPLICABLE.** No amendment to this ordinance is proposed.

**Planned Development Ordinance 5024 (PDA 1-24 and S 3-24)**

**FINDING: PDA 1-24: SATISFIED WITH CONDITIONS; S 3-24 SATISFIED WITH CONDITIONS CONTINGENT ON APPROVAL OF PDA 1-24.** The recommendation includes changes to conditions of Ordinance 5024. PDA 1-24 is consistent with the revised provisions subject to conditions of approval. S 3-24 is consistent with the revised provisions, subject to conditions of approval, contingent on approval of PDA 1-24. Please see the conditions in Section II.

*That the Conditions of Approval as documented in Exhibit A for ZC 6-17 are as follows:*

1. *That the planned development overlay shall require the following setbacks:*
  - A. *Development of the multi-family lot and single-family lots within the Northridge subdivision shall be to standard R-4 zone setbacks.*
  - B. *Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.*
  - C. *All other lots shall meet applicable R-2 zoning setbacks.*

*The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from*

*the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.*

**APPLICANT'S RESPONSE** The planned PD amendments no longer request R-4 zoning district setbacks be applied to portions of the site; however, deviations from yard standards are still necessary. A typical setback legend is provided on the Preliminary Product Distribution Plan in Exhibit A. Because of the need to protect more open space, avoid development in geologically sensitive areas, and provide additional stormwater management facilities, ±14 acres of the subject site that were formerly believed to be developable are no longer available for new dwellings. Subsequently, this application seeks to balance these objectives by requesting reductions to the side- and rear-yard setback requirements and by slightly reducing the size of the lots.

Taken together, this program achieves density targets established in Ordinance 5024, the City's Comprehensive Plan, and the 2023 HNA, while providing housing needed for McMinnville's anticipated population growth.

**FINDING: SATISFIED SUBJECT TO REVISIONS.** The proposal includes requested changes would require revisions to this condition.

2. *That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.*

**APPLICANT'S RESPONSE** The application seeks approval for the removal of all on-site trees as necessary to construct new streets, sidewalks, landscape strips, public utilities, to perform necessary site and lot grading, and to prepare the site and planned lots for the construction of future homes as shown in Exhibit A. Where possible, mature trees will be preserved. New street trees and individual lot landscaping will serve to replace trees that are removed to accommodate this development plan.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

3. *That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.*

*The developer shall be responsible for requesting approval of the Planning*

*Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.*

**APPLICANT'S RESPONSE** In accordance with this condition and the standards in MZO 17.74.070, this application seeks approval for a major change to the remaining phases of the Hillcrest PD phased tentative subdivision plan.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

4. *That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:*
  - A. *The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.*
  - B. *The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.*
  - C. *The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.*
  - D. *Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.*
  - E. *Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.*

**APPLICANT'S RESPONSE** The multi-family component of the original Hillcrest PD has been constructed. This application does not seek a modification that would impact the constructed multi-family units.

**FINDING: NOT APPLICABLE.** This section applied to the previously constructed multi-dwelling development in a previous phase.

5. *Prior to the issuance of the 290<sup>th</sup> building permit for the master planned development, the developer shall complete the installation of left-turn-lane improvements, meeting the City's and Yamhill County's standards, at the*

*intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.*

**APPLICANT'S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024. Applicant will install the required improvements prior to the issuance of the 290th building permit.

**FINDING: SATISFIED WITH CONDITIONS.** This development will trigger improvements, which must be addressed consistent with this condition.

6. *That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure).*

**APPLICANT'S RESPONSE** This application does not seek a modification to the reduction of minimum lot sizes approved as a part of Ordinance 5024. The remaining phases of the Hillcrest PD subject to this application continue to provide lots that are below 7,000 square feet while maintaining an average lot size that is greater than 7,000 square feet and not exceeding the maximum density permitted within the R-2 zoning district as detailed in this written narrative.

**FINDING: SATISFIED.** With the proposed lot size averaging, the proposed development of the remaining 106 acres would be consistent with R-2 densities.

7. *Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:*

- A. *A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.*
- B. *Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).*

*Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to*

*provide buildable lots, the Planning Commission may accept sharper curves.*

**APPLICANT'S RESPONSE** This application does not seek a modification to the street grade standards approved as a part of Ordinance 5024.

The planned PD amendments include street realignments as necessary to avoid sensitive areas of the site and to minimize the depths of cuts into bedrock whenever possible. Additionally, eyebrow corners or curb bulb-outs with reduced centerline radii of curves are planned as necessary to maximize buildable lots to achieve the same density as approved by Ordinance 5024 and as recommended by the 2023 HNA. Eyebrow corners and curb bulb-outs will be designed according to local fire department requirements and standard engineering practices.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

8. *That condition of approval number 10 of S 13-06 is supplanted as follows: "The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat."*

**APPLICANT'S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

9. *That condition of approval numbers 14, 15 and 16 of S 13-06 is supplanted as follows: "Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2<sup>nd</sup> Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets."*

**APPLICANT'S RESPONSE** This application does not seek a modification to the street standards approved as a part of Ordinance 5024. All remaining streets will be constructed to the local residential street standard as shown on the Preliminary Street Plan in Exhibit A. All streets will be improved with a 28-foot-wide paved section, 4.5-foot-wide planting strip with a 0.5-foot curb, and 5-foot-wide sidewalks placed 1 foot from the property line within a 50-foot right-of-way.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases. In addition, the application has requested flexibility for the standards for a short dead-end



street which would require an amendment to this condition for the one street.

10. *That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.*

**APPLICANT'S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

11. *That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2<sup>nd</sup> Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.*

**APPLICANT'S RESPONSE** This application does not seek a modification to the additional pedestrian connections required as a part of Ordinance 5024. These six additional pedestrian connections, along with significantly more open space and pedestrian connectivity, have been integrated into the amended Hillcrest PD layout as shown on the Preliminary Subdivision Plat in Exhibit A.

**FINDING: SATISFIED WITH CONDITIONS.** A revised condition has been provided to address pedestrian connector for the revised plan.

12. *That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of Phase 4.*

**APPLICANT'S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024. This condition is specific to Valleys Edge Phase 4, which was completed/platted in early 2021 and is no longer applicable. However, based on the geotechnical conditions at the site, further site-specific geotechnical investigations will be conducted and provided during final engineering, including evaluations for slope stability and surface drainage control. All recommendations from the geotechnical engineer will be integrated into site design and hillside development.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases. Updated conditions have also been provided regarding geotechnical review.

13. *That Planned Development Ordinance No. 4868 is repealed in its entirety.*

**APPLICANT'S RESPONSE** The changes to the layout for the remaining portion of the Hillcrest PD included in this PD Amendment application comply with the requirements of Ordinance 5024. Applicant understands that, should this request be approved, Ordinance 5024 will similarly be repealed and replaced with the ordinance enacting the approval of this request. The ordinance will contain applicable elements of Ordinance 5024 in addition to new conditions reflecting the modifications to the phased tentative subdivision plan included in this application. The new ordinance will serve to continue the Planning Commission's original 2007 approval and 2017 PD Amendment approval for the Hillcrest PD.

**FINDING: NOT APPLICABLE.** This is not a criterion. Updated conditions have been provided to clarify new conditions are applicable to future phases, and that some previous conditions only applied to previously platted phases.

**Comprehensive Plan Volume II: (PDA 1-24 and S 1-24)**

The implementation of the goal, policy, and proposal statements in Volume II of the Comprehensive Plan shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements.

Certain Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request. The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to certain applications, and are not addressed below.

The following findings are made relating to specific Goals and Policies:

**CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT**

**GOAL V.1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.**

**General Housing Policies**

*Policy 58. City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

**FINDING (HOUSING GOAL V.1 AND APPLICABLE POLICIES): SATISFIED.** Most of the policies under this goal are directives to the City which are implemented with the land use regulations.

**GOAL V.2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.**

**Policies:**

68.00 *The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use. (Ord. 5098, December 8, 2020)*

**Planned Development Policies:**

*Policy 72. Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*

*Policy 73. Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

*Policy 74. Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*

*Policy 75. Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the city, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*

*Policy 76. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*

*Policy 77. The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*

*Policy 78. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

**Urban Policies.**

*Policy 99. An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
2. Storm sewer and drainage facilities (as required).
3. Streets within the development and providing access to the development, improved to city standards (as required).
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).

**APPLICANT'S RESPONSE (CHAPTER V AND GOALS V-1 AND V-2):** The planned PD amendments would provide ±392 new single-family dwellings at a density of ±4.6 dwellings per acre, which directly addresses the need identified in the City's HNA and does not exceed the maximum westside density of 6 units per acre (Policy 17.01). Although the remaining phases of the Hillcrest PD subdivision are planned to comprise exclusively single-family detached home lots, the previous phases of the Hillcrest PD include multiple-family homes, which together satisfy the City's goal for a mix of housing types while acknowledging development limitations in this area. These goals are met.

*STAFF NOTE: See applicant's supplemental 10/23/2024 submittal. Also, the policy referenced above has been repealed.*

**FINDING (HOUSING GOAL V.2 AND APPLICABLE POLICIES): SATISFIED WITH CONDITIONS.** Findings related to these policies have been addressed under the respective provisions of the Zoning Ordinance, including the provisions of Chapter 17.53 regarding land divisions and 17.11.110 which implements Great Neighborhood Principles for Planned Developments. These policies and provisions are satisfied with conditions as discussed in the respective sections of these findings.

## **CHAPTER VI TRANSPORTATION SYSTEM**

### **GOAL VI-1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.**

**APPLICANT'S RESPONSE (CHAPTER VI AND GOAL VI-1):** As shown on the Preliminary Street Plan Exhibit A and detailed in this written narrative, all streets will be constructed in accordance with applicable street standards, and the revised street network will continue to provide connections to the previous phases of the Hillcrest PD and surrounding neighborhoods in a safe and efficient manner.

Traffic studies submitted with prior approvals for the Hillcrest PD indicate acceptable traffic flow at full buildout, with certain improvements as included in Ordinance 5024. Per Ordinance 5024, prior to the issuance of the 290th building permit (which is expected to occur in Phase 4), Applicant will construct the required mitigative measures, which include a left-turn lane at the intersections of W 2nd Street/SW Hill Road and NW Horizon Drive/NW Hill Road. This PD Amendment application reduces the number of residential lots by two, which will slightly reduce traffic impacts. Therefore, the streets will remain adequate to support the anticipated traffic of the Hillcrest PD with the required mitigative measures outlined in the approved traffic studies for the Hillcrest PD. This goal is met.

**FINDING (CHAPTER VI): SATISFIED WITH CONDITIONS.** Findings related to these policies have been addressed under the respective provisions of the Zoning Ordinance, including the provisions of Chapter 17.53 regarding land divisions and complete street standards, and 17.11.110 which implements Great Neighborhood Principles for Planned

Developments, including those related to the transportation system, and the standards in the Transportation System Plan. These policies and provisions are satisfied with conditions as discussed in the respective sections of these findings.

The proposed street network is substantially the same where it connects to existing street stubs and provides for new street stubs to abutting properties. The predominant changes to the street system are internal to the site. The number of lots is approximately the same as the current approval. Conditions in the current approval will carry forward regarding off-site improvements that will be required of the developer.

## **CHAPTER VII COMMUNITY FACILITIES AND SERVICES**

**GOAL VII-1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMinnville Urban Growth Boundary.**

**GOAL VII-3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.**

**APPLICANT'S RESPONSE (CHAPTER VII AND GOALS VII-1 AND VII-3):** Utilities serving the site will be adequate for the remaining homes in the Hillcrest PD. Utility capacity was reviewed during the past approval processes and determined to be adequate, accounting for the need to install a water system booster pump station to serve lots above the 275-foot elevation contour. The Preliminary Composite Utility Plan in Exhibit A and Preliminary Stormwater Report in Exhibit H demonstrate that each remaining phase of the Hillcrest PD has been designed to include all necessary infrastructure for that phase. Furthermore, this PD Amendment will not result in an increase in utility and drainage demand beyond the prior approval.

The planned PD amendments will provide an additional ±13.0 acres of parks and open space beyond that approved in Ordinance 5024, significantly increasing the amount of land dedicated to parks and recreation within the Hillcrest PD. These goals are met.

**FINDING (CHAPTER VI): SATISFIED WITH CONDITIONS.** Findings related to these policies have been addressed under the respective provisions of the Zoning Ordinance, including the provisions of Chapter 17.53 regarding land divisions and complete street standards, and 17.11.110 which implements Great Neighborhood Principles for Planned Developments, including those related to the transportation system and recreational facilities. These policies and provisions are satisfied with conditions as discussed in the respective sections of these findings.

## **CHAPTER VIII ENERGY**

### **ENERGY CONSERVATION**

**GOAL VIII-2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.**

**APPLICANT’S RESPONSE (CHAPTER VIII AND GOAL VIII-2):** The planned PD amendments continue to propose compact urban development, as appropriate for site's topographical limitations, which is consistent with the land utilization approved in Ordinance 5024. This goal is met.

**FINDING: SATISFIED.** The applicant’s response addresses this goal.

**CHAPTER IX URBANIZATION**

**GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.**

**GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan**

**APPLICANT’S RESPONSE (CHAPTER IX AND GOALS IX-1 AND IX-2):** The site will remain within the City and its UGB. As mentioned above, urban services will be available to the site. While the PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles of this chapter that were enacted after Ordinance 5024. The currently planned PD Amendment substantially improves conformance with the City’s Great Neighborhood Principles as compared to Ordinance 5024. These goals are met.

*Note: Please see the applicant’s updated 10/23/2024 responses addressed under the findings for Section 17.11.110.*

**GREAT NEIGHBORHOOD PRINCIPLES:**

*187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today’s technology and infrastructure, and can accommodate future technology and infrastructure.*

*187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

*Policies:*

*187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle*

*1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

*a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

*2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*

*a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

*3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*

*a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*

*b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*

*c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

*4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*

*a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*

*b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

*5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*

*a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*

*b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

*6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*

*a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*

*b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

*7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

*a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*

*b. Design practices should strive for best practices and not minimum practices.*

*8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

*a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

*b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*

*c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

*9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*



*a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*

*b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*

*c. Neighborhoods are designed such that owning a vehicle can be optional.*

*10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*

*a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

*11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*

*a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

*12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

*a. Neighborhoods shall have several different housing types.*

*b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

*13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

*a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*

*b. Opportunities for public art provided in private and public spaces.*

*c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**FINDINGS (CHAPTER IX and Policy 187.50: Great Neighborhood Principles):** Please see Applicant's Responses and Findings provided under MMC Section 17.11.110 *Planned Development Residential Design and Development Standards, Subsection (B) Required Elements, Great Neighborhood Principles*, which includes specific provisions for residential planned developments to meet the same thirteen Great Neighborhood Principles provided in Policy 187.50.

**CHAPTER X: CITIZEN INVOLVEMENT AND PLAN AMENDMENT (PDA 1-24 and S 3-24)**

**GOAL X.1. TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.**

***Policies***

**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.*

**APPLICANT'S RESPONSE N/A**

**FINDING: SATISFIED.** The review process allows for consolidated review of applications, with the review procedure following the process for the individual application that affords the most opportunity for public hearing and notice. This procedure provides for a Planning Commission recommendation with final decision by City Council.

In addition, the procedures require the applicant to conduct a neighborhood meeting prior to submitting the application. The applicant conducted the required neighborhood meeting and submitted the required documentation with the application.

TS

## **ORDINANCE NO. 5155**

**AN ORDINANCE AMENDING ORDINANCE NO. 5024, THE PREVIOUS PLANNED DEVELOPMENT AMENDMENT APPROVAL (ZC 6-17); AMENDING THE PREVIOUS SUBDIVISION TENTATIVE PLAN APPROVAL (S 13-06/AP 2-07 AS AMENDED BY ORDINANCE NO. 5024); APPROVING A PLANNED DEVELOPMENT AMENDMENT (PDA 1-24); AND APPROVING AN AMENDED SUBDIVISION TENTATIVE PLAN (S 3-24) FOR THE REMAINING PHASES OF THE HILLCREST PLANNED DEVELOPMENT, APPROXIMATELY 106 ACRES, TAX LOT R4524 00801.**

### **RECITALS:**

**WHEREAS**, Ordinance No. 4868 was adopted by the McMinnville City Council on April 24, 2007, approving zone change from R-1 to R-2 PD and a Planned Development for a parcel of approximately 164 acres (ZC 19-06/AP 2-07) known as the Hillcrest Planned Development, and the City Council upheld the Planning Commission approval of a Subdivision Tentative Plan (S 13-06/AP 2-07), based on a revised plan and revised conditions of approval' and

**WHEREAS**, Ordinance No. 5024 was adopted by the City Council on June 27, 2017, approving a Planned Development Amendment (ZC 6-17) for the remaining phases of the Hillcrest Planned Development, and approving an amendment to the Subdivision Tentative Plan S 13-06/AP2-07) and its conditions of approval; and

**WHEREAS**, in 2024, the Planning Department received an application for a Planned Development Amendment (PDA 1-24) and an amendment to the Subdivision Tentative Plan (S 3-24) for the remaining undeveloped phases of the original Hillcrest Planned Development, approximately 106 acres, and

**WHEREAS**, the Planning Commission held an evidentiary public hearing on November 7, 2024 to consider the request, and the Planning Commission voted to keep the record open. After the record was closed, the Planning Commission deliberated on November 21, 2024 and voted to recommend approval of the proposed amendments, with conditions, to the City Council; and

**WHEREAS**, after reviewing the public record and the Planning Commission's findings on December 10, 2024;

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A and recommended by the Planning Commission; and
2. That Ordinance No. 5024 is hereby amended to adopt the following conditions of approval for PDA 1-24 and S 3-24 for the remaining phases

of the Hillcrest Planned Development, Tax Lot R4524 00801, approximately 106 acres:

Except as noted, the following conditions apply to phases platted after the approval of PDA 1-24 and S 3-24. The previous approvals and conditions in effect at the time of previous approvals remain in effect for those phases.

**PDA 1-24 Conditions of Approval**

1. For phases platted before approval of PDA 1-24/S 3-24, the planned development overlay shall require the following setbacks:
  - A. Development of the multi-family lot ~~and single-family lots within the Northridge subdivision~~ shall be to standard R-4 zone setbacks.
  - B. Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.
  - C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

2. For remaining phases platted after approval of PDA 1-24/S 3-24, the following setbacks shall apply, except as otherwise provided in MMC Chapter 17.54:
  - A. Front Yard: 20 feet
  - B. Rear Yard: 20 feet
  - C. Interior Side Yard: 5 feet
  - D. Exterior Side Yard: 15 feet (except garage door faces shall be 20 feet per MMC Chapter 17.54).
  - E. Interior side or rear yard abutting private drainage easements containing open drainageways and vegetation: Structures shall be setback a minimum of 3 feet from the easement and fencing at the edge of the easement to allow a path around the structure for maintenance and any egress doors and/or landings, excluding upper story cantilevers.
3. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the

Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.

4. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

5. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: This continues to apply to Lot 46 of Valley's Edge Phase 2 and any subsequent alterations or modifications to the development of that property: That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:

- A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
- B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
- C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.
- D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.

- E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.
6. Prior to the issuance of the 290th building permit for the master planned development (including all phases approved from ZC 19-06/S13-06 and later), the developer shall complete the installation of left-turn-lane improvements, meeting the City's and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.
  7. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure). In PDA 1-24/S 3-24 remaining phases, average lot size of buildable lots shall not be less than 7,000 square feet. No buildable lot shall be less than 5,000 square feet, except for minor adjustments that may be necessary to comply with these conditions of approval, upon review and approval by the Planning Director to determine adequacy of building envelope.
  8. Per MMC 17.53.101(L), grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
    - A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
    - B. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).
- Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.
9. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).

10. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).
11. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
12. The following condition was partially applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases because it is replaced with a new condition for the remaining phases: That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.
13. All private pedestrian connections shown on the approved master plan for PDA 1-24/S 3-24 shall be dedicated as tracts commonly held and maintained by a Homeowner's Association. In addition, the applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.
14. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (previous Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of previous Phase 4.
15. *(Deleted)*
16. Grading/Geotechnical Certification. The following shall be required prior to the issuance of a grading permit for On-Site Development:

- A. As provided in Applicant's submittal, the preliminary grading plan is subject to change. Any future change to the preliminary grading plan is subject to review and approval by the City Engineer.
  - B. A final Geotechnical Report by a licensed Geotechnical Engineer shall be submitted with the grading permit application for review by the Building and Engineering Divisions. In addition, a grading review letter from the Geotechnical Engineer of record is required to confirm the final civil design for grading (cut & fill slopes), keyways (if needed), slope stability, drainage control, and pavement support for the project is in accordance with their recommendations and identifies the special inspections required by the geotechnical engineer during construction of the subdivision.
  - C. The Geotechnical Report shall be prepared and stamped by a Geotechnical Engineer, which means a Licensed Civil Engineer, licensed in the specialty of Geotechnical Engineering by the Oregon State Board of Engineering Examiners. The Geotechnical Report shall make specific recommendations to avoid or mitigate geological hazards. At a minimum, the Geotechnical Report shall include the following elements:
    - 1. Data regarding the nature, distribution and strength of existing soils on the site.
    - 2. Analysis, conclusions, and recommendations for grading procedures.
    - 3. Design standards for corrective measures, including buttress fill, when necessary.
    - 4. A professional opinion on the adequacy of the development site for the intended use considering the proposed grading in relation to soils engineering factors, such as slope stability.
    - 5. The location of proposed development and public facilities; and
    - 6. Relevant information from the McMinnville Natural Hazards Inventory.
  - D. The Applicant shall be required to obtain and provide an Erosion Control Plan prepared by an engineer licensed in the State of Oregon. The area of disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, the project shall obtain an NPDES 1200-C Erosion Control Permit from DEQ and submit evidence of the permit to the building and engineering departments.
17. Geotechnical Certification. Prior to the acceptance of Public Improvements for each phase of the project, the Applicant shall obtain a geotechnical observation and testing letter from the Geotechnical Engineer of Record with the following:



- A. Final letter indicating that the geotechnical related inspections and testing was completed under their observation and guidance and that construction of the public improvements and the lot grading for the subdivision phase has been completed in general conformance with the recommendations provided in the final Geotechnical Report or as modified based on their field inspections.
  - B. The geotechnical review letter shall identify lots, if any, which require lot-specific geotechnical reports and/or special inspections required by the geotechnical engineer during the construction of foundations and/or grading for each home or unit.
18. Phasing for the Subdivision Tentative Plan S 3-24 is authorized as follows. The proposed boundaries for the nine phases are approved, subject to the following provisions.
- A. If the applicant seeks changes to the phasing boundaries, the request shall be submitted to the Planning Director for review and approval. This includes merging phases or the addition of subphases. The Planning Director may approve modifications to the phasing boundaries upon a finding that there no practical issues created by the revised phasing and that there isn't detriment to the public health, safety, or welfare. The Director may require conditions to ensure such, including requirements such as temporary emergency vehicle access or other conditions.
  - B. The applicant shall submit to the City a final plat for the first phase of the project within two (2) years following final land use approval, including resolution of any appeals and proceedings on remand. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
  - C. There shall not be more than two (2) years between final platting between phases. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

- D. However, within twelve (12) years of the date of recording of the plat for the first phase of the project, Applicant shall have submitted to the City a final plat for the final phase of the project. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the final phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
19. Prior to start of construction of the first phase, the applicant shall identify the number of multi-generational homes (homes with primary and attached secondary units) to be developed in each phase, to include 43 lots. Prior to start of construction of each phase, the applicant shall identify the specific lots for multi-generational homes for that phase. Those lots shall be dispersed throughout the different phases. In addition, within each phase, those lots shall be dispersed throughout the phase. The proposal shall be submitted to the Planning Director for review and approval. The Planning Director may subsequently approve minor changes consistent with the provisions of this condition.
20. Prior to start of construction of the first phase, the applicant shall submit an application for a landscape plan review to the Planning Division that provides detailed plans for the specific design and amenities for the open space tracts consistent with the facilities described in the application which shall demonstrate compliance with the MMC 17.11.110.

For the open space tracts, the developer shall provide a landscape plan identifying all of the landscaping and amenities planned for both the active and passive open space tracts that would be appropriate for serving approximately 1,200 people, including playground equipment, shelters, lighting, signage, benches, tables, landscaping and any other amenities planned. The active open space should include a playlot for pre-school children, apparatus for older children, open space for informal games and play activities, shaded areas, shelter, passive seating areas, etc. All equipment (furnishings and playground) will need to be commercially grade with focused play events that serve 2-5 years old and 5-12 years old.

21. Common area tracts shall be privately owned and maintained.
22. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under the conditions of approval of PDA 1-24 and S 3-24, where the Planning Director finds such tree replanting in full is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology below. This methodology is authorized instead of the methodology described in MMC 17.58.090(F):

If paid in total for all phases prior to removal of trees in the overall project area, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the applicant shall pay a fee-in-lieu of \$550 per tree.

If paid prior to removal of trees by phase, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the fee-in-lieu shall be the greater of \$550 per tree or the cost calculated using the same method prior to removal of trees in the respective phase.

**Note:** *The fee-in-lieu payment at \$550 per tree for an estimated 324 trees would be \$178,200. The fee in-lieu payment at \$550 per tree for an estimated 1,150 trees would be \$632,500.*

23. *(Deleted).*
24. Basalt Blasting/Drilling: Blasting and drilling activities can only occur between 8 AM – 6 PM, with notice provided to property owners within 500 feet one week in advance of the event.
25. For the street serving Lots 103-107, flexibility to the standards of MMC 17.53.100(C) and MMC 17.53.105(B) is granted to allow the City Engineer and Fire Marshal discretion regarding S 3-24 Condition 3(I), to consider easement access to serve up to 5 lots, subject to additional requirements that may be required by the City Engineer and Fire Marshal, including easement width and paved surface that may be wider than specified in MMC 17.53.100(C) and MMC 17.53.105(B).
26. The tree mitigation and fee-in-lieu methodology specified in S 3-24 Condition #13, applying to trees outside of the proposed right-of-way, is authorized, which is consistent with the prior methodology previously proposed by the applicant and approved in S 13-06/AP 2-07. This methodology is authorized instead of the methodology described in MMC Chapter 17.58.
27. That Planned Development Ordinance No. 4868 is repealed in its entirety.

### **S 3-24 Conditions of Approval**

1. That this amended subdivision approval (S 3-24) shall not take effect unless and until the companion Planned Development Amendment application (PDA 1-24) is approved by the City Council.
2. That the final plat shall include:
  - a) The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: Dedication of additional right-of-way along the

site's frontage of Redmond Hill Road, sufficient to provide 30 feet from centerline.

- b) Existing and proposed private and public easements for utilities, to include water, sewer, and power.
- c) Use, ownership, and maintenance rights and responsibilities for all easements and tracts.

3. That prior to final plat recordation:

- a) That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

The application submittal proposes 20-foot wide minimum width for private stormwater easements. Easements for open stormwater conveyance may be a minimum of 15-feet in width or the width of the 100-year storm event, whichever is greater. These shall be reflected in the final development plans, revised tentative plan for each phase, and the final plat for each phase.

- b) The applicant/owner shall enter into a construction permit agreement (CPA) with the City Engineering Department. The CPA will be based on approved engineered plans and engineering estimate.
- c) The applicant shall gain a fill and grading permit for lot fill and grading from the City Building Division.
- d) The final development plans for the subject site shall include a detailed sanitary sewage collection plan, which incorporates the requirements of the City's Collection System Facilities Plan. The plan must be submitted to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. Any potential offsite easements that may be required for any phase must be dedicated to and accepted by the City prior to the City's approval of the final plat.

- e) Submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
- f) Submit evidence of a completed extension agreement with McMinnville Water & Light, for water and power extension. Relocation or abandoning of existing facilities may be required, and easements will be necessary for utilities to be retained. Conversion and relocation of existing water and electric facilities and services to new roadway alignments will be required. Contact Technical Services at (503) 472-6919.
- g) Submit to the Planning Department a street tree plan prepared by the applicant, for any park strip to be provided within this development. Plans shall identify species, caliper size, and spacing. Plans will be forwarded for review and approval by the Landscape Review Committee. All street trees shall have a two inch minimum caliper measured at six inches above ground level, shall exhibit size and growing characteristics appropriate for the particular planting strip, and shall be spaced as appropriate for the selected species and as may be required for the location of above-ground utility vaults, transformers, light poles, and hydrants. In addition, street trees shall not be planted within 30 feet of street intersections. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI 260.1). The Planning Director reserves the right to reject any plant material that does not meet this standard.
- h) Street trees shall be planted in accordance with the approved street tree plan. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

For trees not installed prior to final platting, each year the applicant/owner shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and has received final occupancy, or adjacent to any non-buildable tracts for which street trees are required. This planting schedule shall continue until all platted lots have been planted with street trees.

It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees,

and for the replacement of any trees that may die due to neglect or vandalism, for two years from the date of planting.

- i) The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the US Army Corps of Engineers, Division of State Lands (DSL), and/or the Oregon Department of Environmental Quality (DEQ) all applicable environmental, erosion control (1200C), storm runoff, and site development permits. Evidence of such permits shall be submitted to the City Engineer. Provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.
- j) ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
- k) Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- l) All streets shall be designed/improved to the standard per the Transportation System Plan and have the City's typical crowned section. The final design of the street serving Lots 103-107 and its terminus shall be subject to review and approval of the City Engineer and Fire Marshal.

The street serving Lots 103-107 shall be designed to meet one of the following, subject to City Engineer and Fire Marshal approval of the street design and terminus:

- Street meeting the standards of the Transportation System Plan.
- MMC 17.53.100. Complete Street Design Standards Table, Street Design Standard Notes: "The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area."
- MMC 17.53.161. Exceptions in the Case of Hillside Development. "The Planning Commission may modify the

standards and requirements of this ordinance if the subdivision is located on land of 20 (twenty) percent or greater slope. To minimize disturbance of the existing grade and to take advantage of natural building sites, modification may concern alignment, width and improvement of streets, and building site locations. If modification involves the creation of some lots of less than the minimum area, the average area of lots in the subdivision shall equal the density established for the area under the zoning in effect.”

- MMC 17.53.100(C) and 17.53.105(B). Private Access Easement for Up to Three Lots. This would specify Lots 103 and 107 taking access from Horizon Drive and Lots 104, 105, and 106 taking access of a private easement consistent with the standards of these sections, except as otherwise authorized by PDA 1-24 Conditions of Approval, subject to approval of the City Engineer and Fire Marshal.
  - MMC 17.53.100(D). Private Way or Drive. A private drive would need to be consistent with the standards of this section.
- m) The City Engineering Department shall review the Final Storm Water Report. The Preliminary Stormwater Report appears to demonstrate compliance with standards.
- n) The applicant shall contact McMinnville Water & Light for placement of water utility and fire hydrants.
4. That prior to issuance of building permits:
- a) Submit evidence that any fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
  - b) Adequate fire-fighting water supplies must be available, and approved– consistent with the fire code. Fire access must be available to within 150 feet of the most remote portion of all structures. Hydrants must be spaced at no more than 600-foot intervals. At least 1,000gpm of water must be available for all homes up to 3,600 sq ft in size.
  - c) Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended, or as may be agreed upon by the City and developer as a result of purchase by the City of the proposed park land.
  - d) The applicant shall provide a pattern book showing the proposed home plans for lots demonstrating compliance with the residential design and development standards of MMC 17.11 and

demonstrating differentiation of home plans on abutting and adjacent lots.

5. That at the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development."
6. That street names shall be submitted to the Planning Director for review and approval prior to submittal of the final subdivision plat.
7. That plat phasing shall be in accordance with the authorization and requirements provided in PDA 1-24.
8. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant dedicate to the City of McMinnville the area designated for park purposes (a total of approximately 5.1 acres), and that the dedication be noted on the face of the final plat. The value of said dedication shall be applied as a credit against park land system development charges applicable to each residential unit, or as may be agreed upon by the City and developer as a result of purchase by the City of the proposed parkland. The applicant is advised that in determining such credit the City will consider the drainage swale area situated generally in the west and northwest portions of the area proposed for park dedication to be of lesser value than other "buildable" portions of the site.
9. *(Deleted)*.
10. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat." *(as amended by Ordinance 5024)*
11. Restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval. The CCR's shall include provisions addressing the requirements for maintenance and operation of common private facilities.

The documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any private and/or common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice



to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

If desired, some other form of guarantee that the subdivision property owners accept the responsibility for maintenance of common ownership features may be approved by the Planning Director subject to review and approval of the Planning Director.

12. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases. New conditions apply to future phases. Additionally, the applicant shall: Enact CC&Rs that require each home builder/lot developer to replant trees on the lots based upon the number of existing natural trees on the lot and the number of proposed trees to be removed to accommodate home construction. The proposed requirement for inclusion in the CC&Rs is: "Plant one new tree for every tree removed on lots with five or fewer natural trees, or plant one tree for every one and one-half trees removed on lots with six or more natural trees."
13. Tree Removal and Replacement. Prior to approval of the On-Site Development permit for each phase of development by the engineering department, the Applicant shall survey and identify all existing trees greater than nine (9) inches in diameter measured at 4.5 feet above grade (diameter at breast height – DBH). For those trees that are removed, outside of planned rights-of-way, tree preservation and mitigation shall adhere to the following:
  - A. To the extent possible, all trees within undisturbed areas shall be preserved as highlighted in the application.
  - B. Trees greater than 9 inches DBH proposed for removal will be replaced on-site at a ratio of 1:1 (one tree planted for every tree removed on future platted lots with 5 or less trees) or 1:1.5 (one tree planted for every one and a half trees removed on future lots with 6 or more trees).
  - C. Tree replacement may be met by a combination of planting trees within common open space tracts, stormwater facilities, and natural resource areas, and/or trees planted on each lot. The tree preservation and mitigation plan for each phase shall identify required tree plantings during the current phase and may incorporate past plantings (not previously identified as mitigation trees) and/or future plantings to achieve the required number of mitigation trees for the entire project within the remaining area of PDA 1-24/S 3-24 Phases 1-9 (see Attachment 2).
  - D. Prior to the issuance of occupancy for the first home in each development phase, the Applicant shall plant all mitigation trees

for common open spaces and tract frontages in each phase according to approved plans.

- E. Prior to the issuance of occupancy for each individual home, the applicant shall install all lot trees and street trees along the frontage of each individual lot.
  - F. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under this condition, where the Planning Director finds such tree replanting in full within the project area is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology authorized by PDA 1-24.
  - G. The requirements for tree retention, removal, and replacement shall be included in the CC&Rs.
14. In order to ensure adequate capacity of the channels to convey larger storm events, the restrictive covenants shall require that the areas within the easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.
15. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant obtain approvals as necessary from Yamhill County for any proposed off-site drainage.
16. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: The applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the work in Redmond Hill Road, and shall construct any improvements to Redmond Hill Road required by the County Engineer.
17. Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2<sup>nd</sup> Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. *(as amended by Ordinance 5024)*.
18. That unless deemed unfeasible by the City Engineer due to topography or utility conflicts, driveways for all corner lots abutting the collector streets shall be limited to the side street frontage and no access will be

allowed onto the collector street. The appropriate driveway restrictions shall be reflected on the final subdivision plat(s).

19. That curbside sidewalks shall be allowed in those locations where the City Engineer deems it is impractical, due to topography or to save significant trees.
20. That the final plat shall include 10' wide public utility easements (PUEs) adjacent to all public streets.
21. That in order to ensure adequate capacity of the channels to convey larger storm events, the subdivision plats shall state that the areas within the storm drainage easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.
22. The Planning Director and City Engineer shall approve the final design detail for pedestrian crossings where pedestrian paths cross roadways or where they extend across from a roadway into a pedestrian path or open space tract.
23. The applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.
24. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the storm drainage work in Redmond Hill Road, and shall construct any improvements required by the County Engineer.
25. *(Deleted)*.
26. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That SW Washington Street shall be extended to the west and terminate at the eastern edge of Lot 47, thereby providing two public access points for the proposed multi-family development (West Second Street and SW Washington Street).
27. That prior to the platting of Phase 9, the applicant shall provide to the City a plan for the applicable subdivision for the public street extension to the subject site's southern property line in order to provide for the future development of adjacent property. Such plan shall be submitted

to the City Engineer for review and approval prior to construction of any public improvements. The plan shall include information regarding the adjacent property's slope, existing improvements, and other detail as necessary to demonstrate the feasibility of the street's future extension to the south.

28. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the proposed pedestrian / utility easement extending south from the unnamed cul-de-sac that fronts Lots 29-46 not be designated for public access use.
29. Should any "early grading" extending beyond phase boundaries be necessary to complete grading of a phase before final civil plans have been approved beyond the phase line, an early grading application and permit will be required, to be approved by the Building and Engineering Divisions.
30. Where wetland delineations have not been completed, the applicant shall complete wetland delineations with DSL for the respective phases and submit a tentative plan for those phases to the Planning Division showing the delineated wetlands and any proposed approved mitigation for disturbance where infrastructure is proposed. The applicant shall demonstrate the jurisdictional wetlands/waters are fully contained within the common space tracts, which may require minor adjustments to lot lines shown on the plans submitted for S 3-24. For any jurisdictional wetland/waters which are proposed within private easements across buildable lots, the tentative plan shall demonstrate adequate building envelope on the lot outside of the delineated wetlands and easement areas, or the applicant shall modify the lot layout, which may require reduction in the number of lots if the presence of wetlands and associated easement would preclude a buildable envelope on the lot. (Note: See Lots 252 and 253 in Phase 6, "Preliminary Wetland and Waters" shown on Sheet P-01 submitted 8/16/2024, and "Anticipated Undisturbed Areas" shown on the "Supplemental Grading Exhibit submitted 8/16/2024). The Planning Director may approve changes which constitute a minor change consistent with Condition #4 of PDA 1-24.
31. No grading shall occur within any phase area until wetland/jurisdictional water delineations have been completed within the disturbance area for any wetlands or jurisdictional waters that are within or partially within the disturbance area.
32. Prior to tree removal, the applicant shall obtain necessary permits from DEQ, including erosion control, for any area in which tree removal will occur.
33. Prior to final plat of a phase, temporary emergency access may be required to be constructed beyond phase boundaries until permanent improvements have been installed in subsequent phases.

- 34. Prior to the final plat of the first phase, the applicant shall submit language to the City for review and approval for the easements and tracts for the proposed privately owned and maintained stormwater conveyance. The easement language shall ensure adequate provisions for continued conveyance of flows from upstream properties.
  - 35. Required transportation mitigation at 2<sup>nd</sup> and Hill is subject to review and approval by the Engineering Division.
  - 36. Water and Power Service are subject to the requirements of McMinnville Water and Light summarized in their comments. Water: For phases and properties within water pressure Zone 2, Applicant will be responsible for funding and extending new Zone 2 public water infrastructure. Power: MW&L may need to extend power through open spaces, tracts, pedestrian pathways, or other spaces in addition to the typical street right-of-way alignment.
- 3. That subject to the conditions in Section 2, the amended Site Plan/Master Plan for PDA 1-24 and the amended Subdivision Tentative Plan for S 3-24 are hereby approved.
  - 4. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 10th day of December 2024, by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

EXHIBITS:

- A. Decision Document with Findings of Fact and Conclusionary Findings for Dockets PDA 1-24 and S 3-24

**EXHIBIT A TO ORDINANCE NO. 5155**



**City of McMinnville  
Community Development Department  
231 NE Fifth Street  
McMinnville, OR 97128**

**503-434-7311**

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT, AND AMENDMENT TO A SUBDIVISION TENTATIVE PLAN FOR A SITE OF APPROXIMATELY 106 ACRES, INCLUDING THE GENERAL AREA BETWEEN THE WESTERLY ENDS OF SW 2<sup>ND</sup> STREET AND NW HORIZON DRIVE AND EXTENDING TO THE NORTHWEST, TAX LOT R4524 00801**

**DOCKET:** PDA 1-24 (Planned Development Amendment)  
S 3-24 (Amendment to Corresponding Subdivision Tentative Plan)

**REQUEST:** Concurrent review of applications for a Planned Development Amendment (PDA 1-24) and amendment of the corresponding Subdivision Tentative Plan (S 3-24)

**PDA 1-24.** The applicant is requesting approval of a Planned Development Amendment to the current Planned Development approval applicable to the property for the remaining undeveloped phases, approximately 106 remaining acres. (See maps below). Principal elements of the proposed amendment include requests to: reconfigure parts of the street layout, change the number of remaining residential lots from 394 to 392, provide tracts for open space and recreation and pedestrian connections (approximately 13 acres) and stormwater management (approximately 1.6 acres), modify phasing boundaries, and request modifications to certain development standards, including reduced setbacks, lot size averaging with average lot size of 7,960 sf and minimum lot size of 5,000 sf, and flexibility to street/alley standards for address frontage for three lots, and request to remove all trees as necessary to accommodate the proposed development plan.

In addition, while not included in the list of requested changes in the application, the narrative also indicates all of the proposed lots in the remaining unplatted phases would be lots for detached homes, whereas the current approval includes lots for attached housing (originally 50, revised to 43 in the 2017 amendment).

**S 3-24.** The applicant is also requesting approval of an amendment to the corresponding Subdivision Tentative Plan for the property, to be consistent with the requested Planned Development Amendment.

**LOCATION:** No Site Address (Undeveloped) – (see attached map)  
The site is approximately 106 acres, including the general area between the westerly ends of SW 2<sup>nd</sup> Street and NW Horizon Drive and extending to the northwest.  
Map & Tax Lot: R4524 00801

**ZONING:** R-2 PD (Low Density 7000sf Lot Size Residential, with a Planned Development Overlay)

**APPLICANT:** Holt Homes, Inc. c/o Applicant's Consultant:  
Zach Pelz, AKS Engineering & Forestry, LLC

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED COMPLETE:** August 16, 2024 and September 13, 2024

**DECISION MAKING BODY & ACTION:** The Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.

- If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the recommendation is provided to the City Council , and the City Council makes a decision.
- If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.

**PLANNING COMMISSION HEARING:** October 3, 2024, continued to November 7, 2024. The hearing was held and closed on November 7, with the record open to November 14 for new evidence, and the record left open to November 21 for rebuttal. Planning Commission deliberation was held at the November 21, 2024 meeting.

**Meeting Location:**  
Kent Taylor Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville (in-person).  
The meeting was also available virtually.  
Zoom Meeting ID: 893 6863 4307, Passcode: 989853

**CITY COUNCIL MEETING:**

December 10, 2024, at 7:00pm at Kent Taylor Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville (in-person). The meeting was also available virtually. Zoom Meeting ID: 895 7953 6277; Passcode: 108222

**PROCEDURE:**

For consolidated application review per Section 17.72.070 of the Zoning Ordinance, the applications are processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. The Planning Commission makes a recommendation to City Council. A decision/recommendation of denial is final unless appealed to City Council. A recommendation of approval is considered by the City Council, and the City Council shall take one of the actions specified in Section 17.72.130.

**CRITERIA:**

The applicable criteria for the Planned Development Amendment PDA 1-24 are specified in Section 17.74.070 of the Zoning Ordinance and applicable development standards. The approval is also subject to the provisions of the West Hills Planned Development Overlay Ordinance (Ordinance 4132), Planned Development Overlay Ordinance 5024, and the applicable Goals and Policies of the Comprehensive Plan.

The applicable criteria for the amendment to the Subdivision Tentative Plan S 3-24 are provided in Section 17.53.073 of the Zoning Ordinance, the applicable requirements of Chapter 17.53, the provisions of the West Hills Planned Development Overlay Ordinance (Ordinance 4132), consistency with the provisions of Planned Development Overlay Ordinance 5024 and its approved master plan, as may be amended through PDA 1-24, the conditions of approval of Tentative Subdivision Plan approval S 13-06 as amended by Ordinance 5024 as may be amended, and applicable Goals and Policies of the Comprehensive Plan.

**APPEAL:**

A Planning Commission recommendation/decision of denial is appealable to the City Council as specified in Section 17.72.180. A decision of the City Council is appealable to LUBA as specified in Section 17.72.190. The City's final decision is subject to a 120-day processing timeline, including resolution of any local appeal, per MMC 17.72.050 and ORS 227.

**COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest





## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

In 2007 The City Council previously approved a Planned Development and Subdivision Tentative Plan for property encompassing approximately 164 acres. Previous phases of the Planned Development and Subdivision have developed, and an amendment was approved in 2017. Approximately 106 acres remain unplatted and undeveloped. The applicant is requesting an amendment to the Planned Development and corresponding Subdivision Tentative Plan for the remaining 106 acres. **See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map.**

This is concurrent review of applications for a Planned Development Amendment (PDA 1-24) and amendment of the corresponding Subdivision Tentative Plan (S 3-24)

**PDA 1-24.** The applicant is requesting approval of a Planned Development Amendment to the current Planned Development approval applicable to the property for the remaining undeveloped phases, approximately 106 remaining acres. (See maps below). Principal elements of the proposed amendment include requests to: reconfigure parts of the street layout, change the number of remaining residential lots from 394 to 392, provide tracts for open space and recreation and pedestrian connections (approximately 13 acres) and stormwater management (approximately 1.6 acres), modify phasing boundaries, and request modifications to certain development standards, including reduced setbacks, lot size averaging with average lot size of 7,960 sf and minimum lot size of 5,000 sf, and flexibility to street/alley standards for address frontage for three lots, and request to remove all trees as necessary to accommodate the proposed development plan.

In addition, while not included in the list of requested changes in the application, the narrative also indicates all of the proposed lots in the remaining unplatted phases would be lots for detached homes, whereas the current approval includes lots for attached housing (originally 50, revised to 43 in the 2017 amendment).

**S 3-24.** The applicant is also requesting approval of an amendment to the corresponding Subdivision Tentative Plan for the property, to be consistent with the requested Planned Development Amendment.

The applicant describes the proposed amendments and reasons for the amendments in the application submittal. The applicant discovered site conditions that were previously unknown. As a result, they are seeking to avoid development of portions of the site with these conditions and generally leave those in open space tracts, and they are proposing a modified street layout. They are proposing to keep approximately the same number of lots within the remaining phases. The current master plan doesn't include any new common open space tracts. The proposed amendments would reduce the lot size and setbacks of the lots to allow approximately the same number of lots on the portions of the site that wouldn't be within the common open space tracts.

**Figures 4 and 5** below show the currently approved plan and the proposed amendment. **Figure 3** provides shading to help illustrate and differentiate the buildable lots from the open space tracts .

The initial application included Table 1, "Summary of PD Amendments" which listed proposed amendments. However, there were additional changes discussed in the application that weren't listed in this table, and the applicant also addressed additional issues in supplemental materials

**Listed in Table 1 of Original Application:**

- Modify street network alignment and pedestrian connectors
- Add open space tracts
- Add stormwater management tracts
- Change number of buildable lots (394 to 392)
- Change to lot sizes (still maintain lot size averaging consistent with R-2 zone sizes)
- Some lots exceed lot width to depth ratios
- Reduce certain required setbacks/yards
- Propose mass grading, removing provisions from previous approval:

**Drainageway and Natural Resource Protection**

The street pattern and lot configuration included in this modification to the Planned Development (PD) approved in 2007 also incorporates natural resource protection measures that have been adopted since the original approval. While the 2007 approval recognized the need to provide some measure of stream corridor protection, it failed to identify and protect streams located on the western half of the site. The modified PD locates all three stream channels on-site almost entirely within conservation easements located at the rear of residential lots to ensure that new home construction on these lots will not adversely affect the habitat or water quality functions of these resources. Because the site design approved in 2007 failed to identify these drainage corridors, new home construction on the lots approved at that time would have most certainly resulted in the complete elimination or reconfiguration of these drainageways.

As stated above, the revised layout included in the modified PD seeks to strike a balance between natural resource protection, street and intersection grade requirements, and local block length standards. The Applicant believes the proposed layout provides the best possible mix of these competing objectives in the context of the difficult topography on this site and does so within the authority established in the City's Zoning Ordinance. In conclusion, it is our belief that the site's topography justifies an exception to the block length and block perimeter length as provided by MZO Section 17.53.103.B.

(Current request: non-jurisdictional waterways on west side of site discussed above in previous decision will be regraded but kept as open conveyances).

The application before you proposes to address the goal of residential clustering by developing an approximately 60-unit multi-family complex as well as 50 single-family attached residences; 43 of which are proposed to be located within the Northridge subdivision, along the prominent ridge in the northeast portion of the site.

Further, the proposed public street layout has been designed to weave between the majority of the established, mature trees. To further preserve trees, the applicant proposes to:

1. Perform a detailed tree survey prior to submitting engineered construction drawings for public street and utility improvements within the site's naturally wooded area. The tree survey would be completed by a licensed surveyor and the survey would show horizontal location of tree, provide tree species and size of tree (DBH).
2. Limit clearing activities to the footprint of the public right-of-way and adjacent public utility easement.
3. Meander sidewalks where significant or desirable hardwood trees can be avoided.
4. Consider adjusting street alignment to avoid significant or desirable trees.
5. Avoid mass grading within residential lot areas as this leads to clearing large areas of vegetation prior to placing engineering fill embankments.
6. Plant street trees as required by City code.
7. Enact CC&Rs that require each home builder/lot developer to work with the City Planning Department staff to shift house footprint on the lot, within the allowable setbacks, to avoid impact to significant or desirable hardwood trees. Because the lots in the West Hills phases are large, there exists the ability to shift home sites on the lots.
8. Enact CC&Rs that require each home builder/lot developer to replant trees on the lots based upon the number of existing natural trees on the lot and the number of proposed trees to be removed to accommodate home construction. The proposed requirement for inclusion in the CC&Rs is: "Plant one new tree for every tree removed on lots with five or fewer natural trees, or plant one tree for every one and one-half trees removed on lots with six or more natural trees."

In sum, given the steep and varied topography of the site and the tree preservation and replanting efforts addressed by the applicant, staff finds that the proposed design provides a sensitivity to the scenic value of the area that results in a reduced impact on the existing natural habitat and tree cover than would otherwise typically occur. Staff contends that the intent and purpose of ORD 4132 have been met.

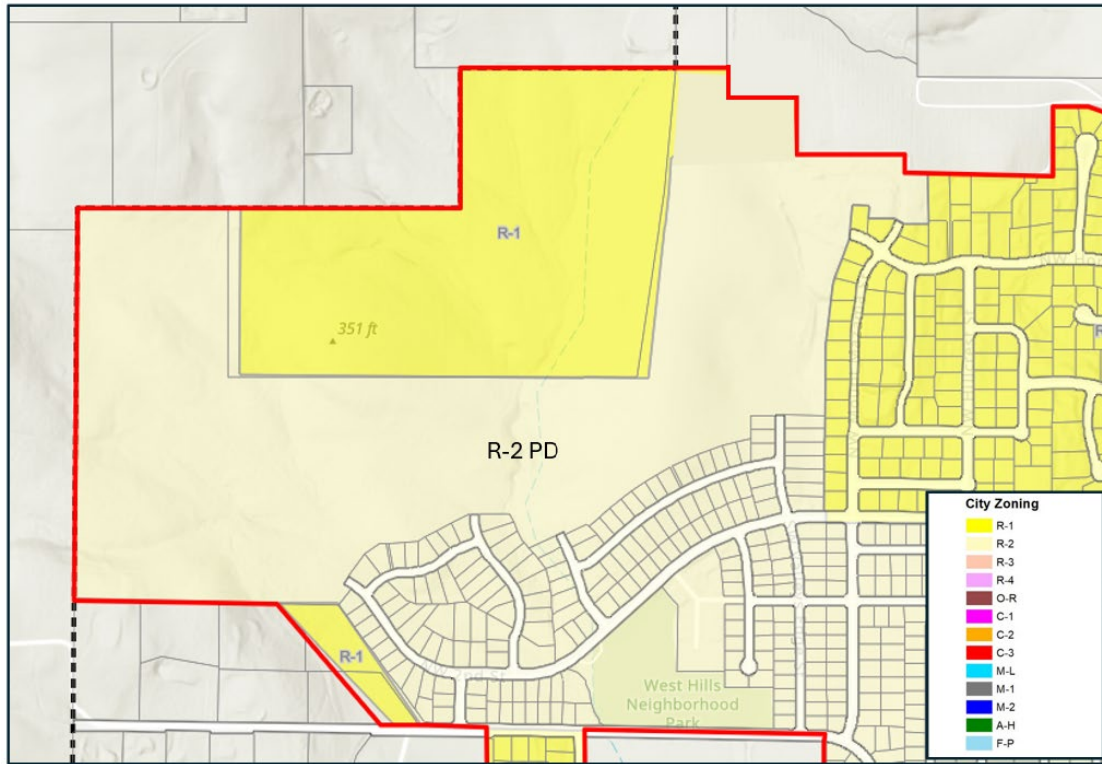
(Current request: #2, 3, 4, 5 discussed above from previous decision are not part of current proposal). Other conditions are the same or similar).

**Other Items Not Listed in Table 1 or Which Were Addressed in Supplemental Materials:**

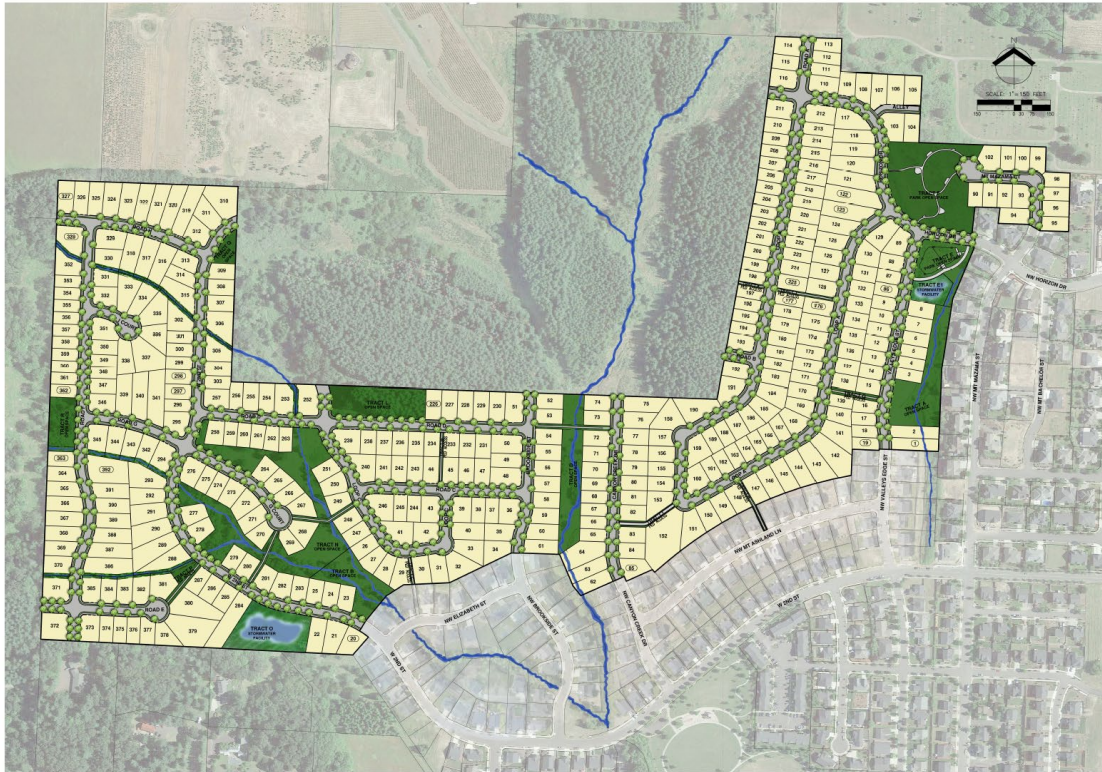
- Request to remove "all trees necessary to accomplish the plan"
- Request for flexible street standards for one dead-end street
- Change proposal to remove 43 attached housing/townhouse lots which were part of previous proposal and propose as all detached home lots. The October 23,



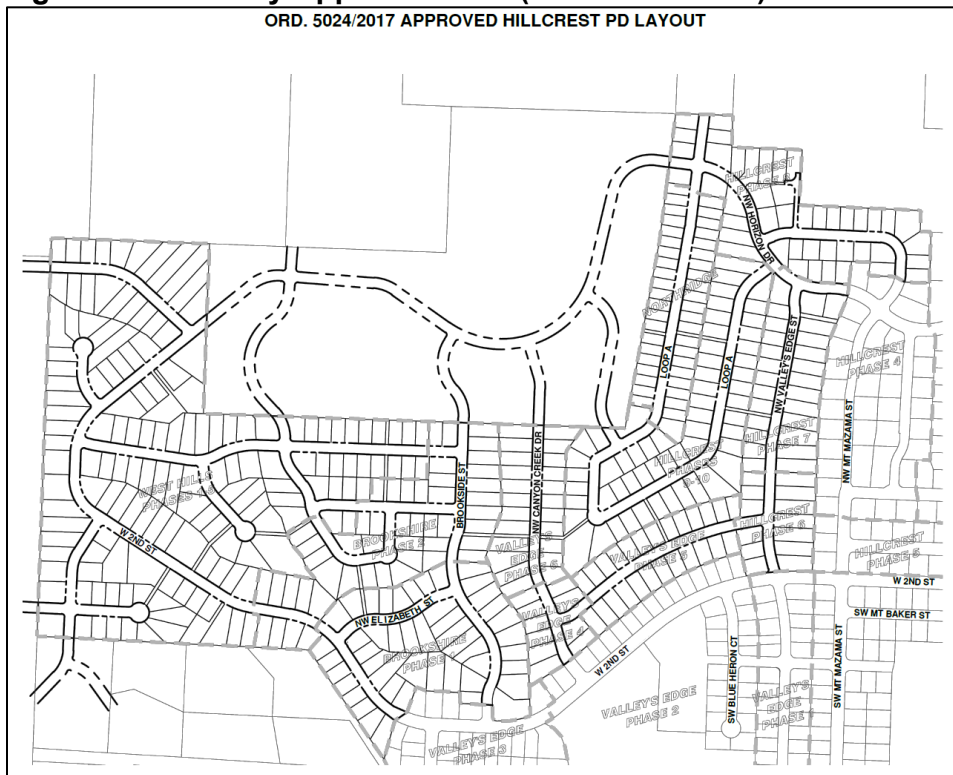
**Figure 2. Zoning Map**



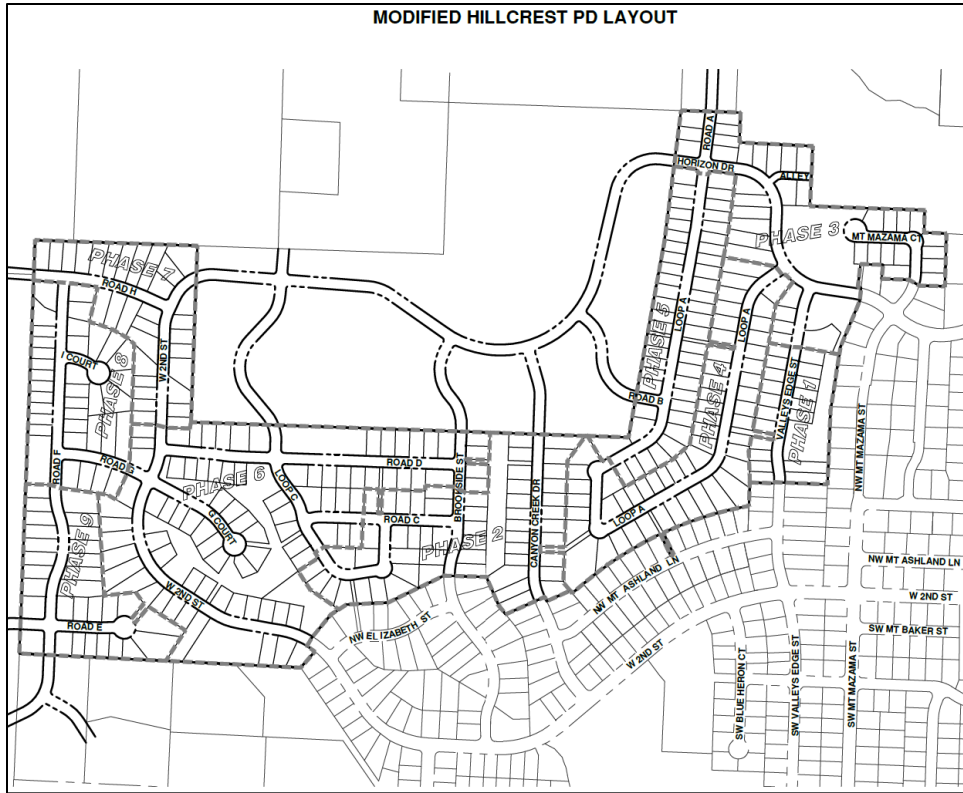
**Figure 3. Plan as Proposed with Planned Development Amendment (PDA 1-24), with Aerial Photo and with Features Depicted**  
*(See application on project website for detailed plans)*



**Figure 4. Currently Approved Plan (Ordinance 5024)**



**Figure 5. Plan as Proposed with Planned Development Amendment (PDA 1-24/ S3-24)**



**Public Comments**

Written testimony is listed in Section IV and attached.

**Agency Comments**

Notice of the proposal was sent to affected agencies and departments. Comments received from agencies are provided in Section IV of this Decision Document.

**II. CONDITIONS:**

Except as noted, the following conditions apply to phases platted after the approval of PDA 1-24 and S 3-24. The previous approvals and conditions in effect at the time of previous approvals remain in effect for those phases.

**PDA 1-24 Conditions of Approval**

1. For phases platted before approval of PDA 1-24/S 3-24, the planned development overlay shall require the following setbacks:
  - A. Development of the multi-family lot and ~~single-family lots within the Northridge subdivision~~ shall be to standard R-4 zone setbacks.
  - B. Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.



- C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

- 2. For remaining phases platted after approval of PDA 1-24/S 3-24, the following setbacks shall apply, except as otherwise provided in MMC Chapter 17.54:
  - A. Front Yard: 20 feet
  - B. Rear Yard: 20 feet
  - C. Interior Side Yard: 5 feet
  - D. Exterior Side Yard: 15 feet (except garage door faces shall be 20 feet per MMC Chapter 17.54).
  - E. Interior side or rear yard abutting private drainage easements containing open drainageways and vegetation: Structures shall be setback a minimum of 3 feet from the easement and fencing at the edge of the easement to allow a path around the structure for maintenance and any egress doors and/or landings, excluding upper story cantilevers.
- 3. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.
- 4. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

5. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: This continues to apply to Lot 46 of Valley's Edge Phase 2 and any subsequent alterations or modifications to the development of that property: That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:
  - A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
  - B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
  - C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.
  - D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.
  - E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.
6. Prior to the issuance of the 290th building permit for the master planned development (including all phases approved from ZC 19-06/S13-06 and later), the developer shall complete the installation of left-turn-lane improvements, meeting the City's and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.
7. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure). In PDA 1-24/S 3-24 remaining phases, average lot size of buildable lots shall not be less than 7,000 square feet. No buildable lot shall be less than 5,000 square feet, except for minor adjustments that may be necessary to comply with these conditions of approval, upon review and approval by the Planning Director to determine adequacy of building envelope.
8. Per MMC 17.53.101(L), grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

- A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
- B. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

- 9. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).
- 10. (Note: This condition is now incorporated into the conditions of approval for S 3-24 below).
- 11. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
- 12. The following condition was partially applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases because it is replaced with a new condition for the remaining phases: That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.
- 13. All private pedestrian connections shown on the approved master plan for PDA 1-24/S 3-24 shall be dedicated as tracts commonly held and maintained by a Homeowner's Association. In addition, the applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.

14. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (previous Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of previous Phase 4.
15. *(Deleted)*
16. Grading/Geotechnical Certification. The following shall be required prior to the issuance of a grading permit for On-Site Development:
  - A. As provided in Applicant's submittal, the preliminary grading plan is subject to change. Any future change to the preliminary grading plan is subject to review and approval by the City Engineer.
  - B. A final Geotechnical Report by a licensed Geotechnical Engineer shall be submitted with the grading permit application for review by the Building and Engineering Divisions. In addition, a grading review letter from the Geotechnical Engineer of record is required to confirm the final civil design for grading (cut & fill slopes), keyways (if needed), slope stability, drainage control, and pavement support for the project is in accordance with their recommendations and identifies the special inspections required by the geotechnical engineer during construction of the subdivision.
  - C. The Geotechnical Report shall be prepared and stamped by a Geotechnical Engineer, which means a Licensed Civil Engineer, licensed in the specialty of Geotechnical Engineering by the Oregon State Board of Engineering Examiners. The Geotechnical Report shall make specific recommendations to avoid or mitigate geological hazards. At a minimum, the Geotechnical Report shall include the following elements:
    1. Data regarding the nature, distribution and strength of existing soils on the site.
    2. Analysis, conclusions, and recommendations for grading procedures.
    3. Design standards for corrective measures, including buttress fill, when necessary.
    4. A professional opinion on the adequacy of the development site for the intended use considering the proposed grading in relation to soils engineering factors, such as slope stability.
    5. The location of proposed development and public facilities; and
    6. Relevant information from the McMinnville Natural Hazards Inventory.
  - D. The Applicant shall be required to obtain and provide an Erosion Control Plan prepared by an engineer licensed in the State of Oregon. The area of disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, the project shall obtain an NPDES 1200-C Erosion

Control Permit from DEQ and submit evidence of the permit to the building and engineering departments.

17. Geotechnical Certification. Prior to the acceptance of Public Improvements for each phase of the project, the Applicant shall obtain a geotechnical observation and testing letter from the Geotechnical Engineer of Record with the following:
  - A. Final letter indicating that the geotechnical related inspections and testing was completed under their observation and guidance and that construction of the public improvements and the lot grading for the subdivision phase has been completed in general conformance with the recommendations provided in the final Geotechnical Report or as modified based on their field inspections.
  - B. The geotechnical review letter shall identify lots, if any, which require lot-specific geotechnical reports and/or special inspections required by the geotechnical engineer during the construction of foundations and/or grading for each home or unit.
  
18. Phasing for the Subdivision Tentative Plan S 3-24 is authorized as follows. The proposed boundaries for the nine phases are approved, subject to the following provisions.
  - A. If the applicant seeks changes to the phasing boundaries, the request shall be submitted to the Planning Director for review and approval. This includes merging phases or the addition of subphases. The Planning Director may approve modifications to the phasing boundaries upon a finding that there no practical issues created by the revised phasing and that there isn't detriment to the public health, safety, or welfare. The Director may require conditions to ensure such, including requirements such as temporary emergency vehicle access or other conditions.
  - B. The applicant shall submit to the City a final plat for the first phase of the project within two (2) years following final land use approval, including resolution of any appeals and proceedings on remand. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
  - C. There shall not be more than two (2) years between final platting between phases. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

- D. However, within twelve (12) years of the date of recording of the plat for the first phase of the project, Applicant shall have submitted to the City a final plat for the final phase of the project. As provided in MMC 17.53.075, upon written request, the Director may approve a one year extension for the final phase. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions. A request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
19. Prior to start of construction of the first phase, the applicant shall identify the number of multi-generational homes (homes with primary and attached secondary units) to be developed in each phase, to include 43 lots. Prior to start of construction of each phase, the applicant shall identify the specific lots for multi-generational homes for that phase. Those lots shall be dispersed throughout the different phases. In addition, within each phase, those lots shall be dispersed throughout the phase. The proposal shall be submitted to the Planning Director for review and approval. The Planning Director may subsequently approve minor changes consistent with the provisions of this condition.
20. Prior to start of construction of the first phase, the applicant shall submit an application for a landscape plan review to the Planning Division that provides detailed plans for the specific design and amenities for the open space tracts consistent with the facilities described in the application which shall demonstrate compliance with the MMC 17.11.110.

For the open space tracts, the developer shall provide a landscape plan identifying all of the landscaping and amenities planned for both the active and passive open space tracts that would be appropriate for serving approximately 1,200 people, including playground equipment, shelters, lighting, signage, benches, tables, landscaping and any other amenities planned. The active open space should include a playlot for pre-school children, apparatus for older children, open space for informal games and play activities, shaded areas, shelter, passive seating areas, etc. All equipment (furnishings and playground) will need to be commercially grade with focused play events that serve 2-5 years old and 5-12 years old.

21. Common area tracts shall be privately owned and maintained.
22. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under the conditions of approval of PDA 1-24 and S 3-24, where the Planning Director finds such tree replanting in full is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology below. This methodology is authorized instead of the methodology described in MMC 17.58.090(F):

If paid in total for all phases prior to removal of trees in the overall project area, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the applicant shall pay a fee-in-lieu of \$550 per tree.

If paid prior to removal of trees by phase, subject to approval by the Planning Director for trees not mitigated within the project area of PDA 1-24 and S 3-24, the fee-in-lieu shall be the greater of \$550 per tree or the cost calculated using the same method prior to removal of trees in the respective phase.

**Note:** *The fee-in-lieu payment at \$550 per tree for an estimated 324 trees would be \$178,200. The fee in-lieu payment at \$550 per tree for an estimated 1,150 trees would be \$632,500.*

23. (Deleted).
24. Basalt Blasting/Drilling: Blasting and drilling activities can only occur between 8 AM – 6 PM, with notice provided to property owners within 500 feet one week in advance of the event.
25. For the street serving Lots 103-107, flexibility to the standards of MMC 17.53.100(C) and MMC 17.53.105(B) is granted to allow the City Engineer and Fire Marshal discretion regarding S 3-24 Condition 3(l), to consider easement access to serve up to 5 lots, subject to additional requirements that may be required by the City Engineer and Fire Marshal, including easement width and paved surface that may be wider than specified in MMC 17.53.100(C) and MMC 17.53.105(B).
26. The tree mitigation and fee-in-lieu methodology specified in S 3-24 Condition #13, applying to trees outside of the proposed right-of-way, is authorized, which is consistent with the prior methodology previously proposed by the applicant and approved in S 13-06/AP 2-07. This methodology is authorized instead of the methodology described in MMC Chapter 17.58.
27. That Planned Development Ordinance No. 4868 is repealed in its entirety.

### **S 3-24 Conditions of Approval**

1. That this amended subdivision approval (S 3-24) shall not take effect unless and until the companion Planned Development Amendment application (PDA 1-24) is approved by the City Council.
2. That the final plat shall include:
  - a) The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: Dedication of additional right-of-way along the site's frontage of Redmond Hill Road, sufficient to provide 30 feet from centerline.
  - b) Existing and proposed private and public easements for utilities, to include water, sewer, and power.
  - c) Use, ownership, and maintenance rights and responsibilities for all easements and tracts.

3. That prior to final plat recordation:

- a) That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.

The application submittal proposes 20-foot wide minimum width for private stormwater easements. Easements for open stormwater conveyance may be a minimum of 15-feet in width or the width of the 100-year storm event, whichever is greater. These shall be reflected in the final development plans, revised tentative plan for each phase, and the final plat for each phase.

- b) The applicant/owner shall enter into a construction permit agreement (CPA) with the City Engineering Department. The CPA will be based on approved engineered plans and engineering estimate.
- c) The applicant shall gain a fill and grading permit for lot fill and grading from the City Building Division.
- d) The final development plans for the subject site shall include a detailed sanitary sewage collection plan, which incorporates the requirements of the City's Collection System Facilities Plan. The plan must be submitted to, and approved by, the City Engineering Department prior to final plat and prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. Any potential offsite easements that may be required for any phase must be dedicated to and accepted by the City prior to the City's approval of the final plat.
- e) Submit cross sections for the public street system to be constructed. Cross sections shall depict utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineer for review and approval prior to submittal of the final plat. All such submittals must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.
- f) Submit evidence of a completed extension agreement with McMinnville Water & Light, for water and power extension. Relocation or abandoning of existing facilities may be required, and easements will be necessary for utilities to be retained. Conversion and relocation of existing water and electric facilities and services to new roadway alignments will be required. Contact Technical Services at (503) 472-6919.



- g) Submit to the Planning Department a street tree plan prepared by the applicant, for any park strip to be provided within this development. Plans shall identify species, caliper size, and spacing. Plans will be forwarded for review and approval by the Landscape Review Committee. All street trees shall have a two inch minimum caliper measured at six inches above ground level, shall exhibit size and growing characteristics appropriate for the particular planting strip, and shall be spaced as appropriate for the selected species and as may be required for the location of above-ground utility vaults, transformers, light poles, and hydrants. In addition, street trees shall not be planted within 30 feet of street intersections. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI 260.1). The Planning Director reserves the right to reject any plant material that does not meet this standard.
- h) Street trees shall be planted in accordance with the approved street tree plan. All required trees shall be installed by the applicant prior to final platting, or security equal to 120 percent of the cost of installing the required street trees shall be posted with the City. The amount and form of such security shall be as required by the Planning Director.

For trees not installed prior to final platting, each year the applicant/owner shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and has received final occupancy, or adjacent to any non-buildable tracts for which street trees are required. This planting schedule shall continue until all platted lots have been planted with street trees.

It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees that may die due to neglect or vandalism, for two years from the date of planting.

- i) The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the US Army Corps of Engineers, Division of State Lands (DSL), and/or the Oregon Department of Environmental Quality (DEQ) all applicable environmental, erosion control (1200C), storm runoff, and site development permits. Evidence of such permits shall be submitted to the City Engineer. Provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.
- j) ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.

- k) Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- l) All streets shall be designed/improved to the standard per the Transportation System Plan and have the City's typical crowned section. The final design of the street serving Lots 103-107 and its terminus shall be subject to review and approval of the City Engineer and Fire Marshal.

The street serving Lots 103-107 shall be designed to meet one of the following, subject to City Engineer and Fire Marshal approval of the street design and terminus:

- Street meeting the standards of the Transportation System Plan.
  - MMC 17.53.100. Complete Street Design Standards Table, Street Design Standard Notes: "The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area."
  - MMC 17.53.161. Exceptions in the Case of Hillside Development. "The Planning Commission may modify the standards and requirements of this ordinance if the subdivision is located on land of 20 (twenty) percent or greater slope. To minimize disturbance of the existing grade and to take advantage of natural building sites, modification may concern alignment, width and improvement of streets, and building site locations. If modification involves the creation of some lots of less than the minimum area, the average area of lots in the subdivision shall equal the density established for the area under the zoning in effect."
  - MMC 17.53.100(C) and 17.53.105(B). Private Access Easement for Up to Three Lots. This would specify Lots 103 and 107 taking access from Horizon Drive and Lots 104, 105, and 106 taking access of a private easement consistent with the standards of these sections, except as otherwise authorized by PDA 1-24 Conditions of Approval, subject to approval of the City Engineer and Fire Marshal.
  - MMC 17.53.100(D). Private Way or Drive. A private drive would need to be consistent with the standards of this section.
- m) The City Engineering Department shall review the Final Storm Water Report. The Preliminary Stormwater Report appears to demonstrate compliance with standards.
  - n) The applicant shall contact McMinnville Water & Light for placement of water utility and fire hydrants.

4. That prior to issuance of building permits:

- a) Submit evidence that any fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
  - b) Adequate fire-fighting water supplies must be available, and approved consistent with the fire code. Fire access must be available to within 150 feet of the most remote portion of all structures. Hydrants must be spaced at no more than 600-foot intervals. At least 1,000gpm of water must be available for all homes up to 3,600 sq ft in size.
  - c) Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended, or as may be agreed upon by the City and developer as a result of purchase by the City of the proposed park land.
  - d) The applicant shall provide a pattern book showing the proposed home plans for lots demonstrating compliance with the residential design and development standards of MMC 17.11 and demonstrating differentiation of home plans on abutting and adjacent lots.
5. That at the completion of each phase of the development, the applicant shall install barricades consistent with City standards at the terminus of any street to be extended by future phases, or by adjacent developments. Each barricade shall include a sign with text stating: "This street is planned for extension to serve future development."
  6. That street names shall be submitted to the Planning Director for review and approval prior to submittal of the final subdivision plat.
  7. That plat phasing shall be in accordance with the authorization and requirements provided in PDA 1-24.
  8. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant dedicate to the City of McMinnville the area designated for park purposes (a total of approximately 5.1 acres), and that the dedication be noted on the face of the final plat. The value of said dedication shall be applied as a credit against park land system development charges applicable to each residential unit, or as may be agreed upon by the City and developer as a result of purchase by the City of the proposed parkland. The applicant is advised that in determining such credit the City will consider the drainage swale area situated generally in the west and northwest portions of the area proposed for park dedication to be of lesser value than other "buildable" portions of the site.
  9. *(Deleted)*.
  10. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat." *(as amended by Ordinance 5024)*

11. Restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval. The CCR's shall include provisions addressing the requirements for maintenance and operation of common private facilities.

The documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any private and/or common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

If desired, some other form of guarantee that the subdivision property owners accept the responsibility for maintenance of common ownership features may be approved by the Planning Director subject to review and approval of the Planning Director.

12. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases. New conditions apply to future phases. Additionally, the applicant shall: Enact CC&Rs that require each home builder/lot developer to replant trees on the lots based upon the number of existing natural trees on the lot and the number of proposed trees to be removed to accommodate home construction. The proposed requirement for inclusion in the CC&Rs is: "Plant one new tree for every tree removed on lots with five or fewer natural trees, or plant one tree for every one and one-half trees removed on lots with six or more natural trees."

13. Tree Removal and Replacement. Prior to approval of the On-Site Development permit for each phase of development by the engineering department, the Applicant shall survey and identify all existing trees greater than nine (9) inches in diameter measured at 4.5 feet above grade (diameter at breast height – DBH). For those trees that are removed, outside of planned rights-of-way, tree preservation and mitigation shall adhere to the following:

- A. To the extent possible, all trees within undisturbed areas shall be preserved as highlighted in the application.
- B. Trees greater than 9 inches DBH proposed for removal will be replaced on-site at a ratio of 1:1 (one tree planted for every tree removed on future platted lots with 5 or less trees) or 1:1.5 (one tree planted for every one and a half trees removed on future lots with 6 or more trees).
- C. Tree replacement may be met by a combination of planting trees within common open space tracts, stormwater facilities, and natural resource areas, and/or trees planted on each lot. The tree preservation and mitigation plan for

each phase shall identify required tree plantings during the current phase and may incorporate past plantings (not previously identified as mitigation trees) and/or future plantings to achieve the required number of mitigation trees for the entire project within the remaining area of PDA 1-24/S 3-24 Phases 1-9 (see Attachment 2).

- D. Prior to the issuance of occupancy for the first home in each development phase, the Applicant shall plant all mitigation trees for common open spaces and tract frontages in each phase according to approved plans.
  - E. Prior to the issuance of occupancy for each individual home, the applicant shall install all lot trees and street trees along the frontage of each individual lot.
  - F. Subject to approval of the Planning Director, the Applicant may elect to pay a fee-in-lieu of on-site replacement trees for a portion of the trees required under this condition, where the Planning Director finds such tree replanting in full within the project area is infeasible to the extent required. In such case, Applicant shall remit a fee-in-lieu to the City's street tree replacement fund following the methodology authorized by PDA 1-24.
  - G. The requirements for tree retention, removal, and replacement shall be included in the CC&Rs.
14. In order to ensure adequate capacity of the channels to convey larger storm events, the restrictive covenants shall require that the areas within the easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.
15. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant obtain approvals as necessary from Yamhill County for any proposed off-site drainage.
16. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: The applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the work in Redmond Hill Road, and shall construct any improvements to Redmond Hill Road required by the County Engineer.
17. Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2<sup>nd</sup> Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. *(as amended by Ordinance 5024)*.

18. That unless deemed unfeasible by the City Engineer due to topography or utility conflicts, driveways for all corner lots abutting the collector streets shall be limited to the side street frontage and no access will be allowed onto the collector street. The appropriate driveway restrictions shall be reflected on the final subdivision plat(s).
19. That curbside sidewalks shall be allowed in those locations where the City Engineer deems it is impractical, due to topography or to save significant trees.
20. That the final plat shall include 10' wide public utility easements (PUEs) adjacent to all public streets.
21. That in order to ensure adequate capacity of the channels to convey larger storm events, the subdivision plats shall state that the areas within the storm drainage easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas.
22. The Planning Director and City Engineer shall approve the final design detail for pedestrian crossings where pedestrian paths cross roadways or where they extend across from a roadway into a pedestrian path or open space tract.
23. The applicant shall provide for future public pedestrian connections across open space and storm drainage tracts to provide connectivity to potential future development of abutting properties, including the tracts labeled as Tracts K, N, and Q on Sheet SU-00 and some plan sheets and as Tracts L, O, and R on Sheet SU-03 and other plan sheets. The applicant shall submit revised plan sheets with consistent labeling and designation of all tracts.
24. The following condition was applicable to a previous phase of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the applicant shall obtain all necessary permits from the Yamhill County Public Works Department for the storm drainage work in Redmond Hill Road, and shall construct any improvements required by the County Engineer.
25. *(Deleted)*.
26. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That SW Washington Street shall be extended to the west and terminate at the eastern edge of Lot 47, thereby providing two public access points for the proposed multi-family development (West Second Street and SW Washington Street).
27. That prior to the platting of Phase 9, the applicant shall provide to the City a plan for the applicable subdivision for the public street extension to the subject site's southern property line in order to provide for the future development of adjacent property. Such plan shall be submitted to the City Engineer for review and approval prior to construction of any public improvements. The plan shall include information regarding the adjacent property's slope, existing improvements, and

other detail as necessary to demonstrate the feasibility of the street's future extension to the south.

28. The following condition was applicable to a previous phase (Valley's Edge Phase 2) of the development prior to PDA 1-24/S 3-24 and doesn't apply to remaining phases: That the proposed pedestrian / utility easement extending south from the unnamed cul-de-sac that fronts Lots 29-46 not be designated for public access use.
29. Should any "early grading" extending beyond phase boundaries be necessary to complete grading of a phase before final civil plans have been approved beyond the phase line, an early grading application and permit will be required, to be approved by the Building and Engineering Divisions.
30. Where wetland delineations have not been completed, the applicant shall complete wetland delineations with DSL for the respective phases and submit a tentative plan for those phases to the Planning Division showing the delineated wetlands and any proposed approved mitigation for disturbance where infrastructure is proposed. The applicant shall demonstrate the jurisdictional wetlands/waters are fully contained within the common space tracts, which may require minor adjustments to lot lines shown on the plans submitted for S 3-24. For any jurisdictional wetland/waters which are proposed within private easements across buildable lots, the tentative plan shall demonstrate adequate building envelope on the lot outside of the delineated wetlands and easement areas, or the applicant shall modify the lot layout, which may require reduction in the number of lots if the presence of wetlands and associated easement would preclude a buildable envelope on the lot. (Note: See Lots 252 and 253 in Phase 6, "Preliminary Wetland and Waters" shown on Sheet P-01 submitted 8/16/2024, and "Anticipated Undisturbed Areas" shown on the "Supplemental Grading Exhibit submitted 8/16/2024). The Planning Director may approve changes which constitute a minor change consistent with Condition #4 of PDA 1-24.
31. No grading shall occur within any phase area until wetland/jurisdictional water delineations have been completed within the disturbance area for any wetlands or jurisdictional waters that are within or partially within the disturbance area.
32. Prior to tree removal, the applicant shall obtain necessary permits from DEQ, including erosion control, for any area in which tree removal will occur.
33. Prior to final plat of a phase, temporary emergency access may be required to be constructed beyond phase boundaries until permanent improvements have been installed in subsequent phases.
34. Prior to the final plat of the first phase, the applicant shall submit language to the City for review and approval for the easements and tracts for the proposed privately owned and maintained stormwater conveyance. The easement language shall ensure adequate provisions for continued conveyance of flows from upstream properties.
35. Required transportation mitigation at 2<sup>nd</sup> and Hill is subject to review and approval by the Engineering Division.

36. Water and Power Service are subject to the requirements of McMinnville Water and Light summarized in their comments. Water: For phases and properties within water pressure Zone 2, Applicant will be responsible for funding and extending new Zone 2 public water infrastructure. Power: MW&L may need to extend power through open spaces, tracts, pedestrian pathways, or other spaces in addition to the typical street right-of-way alignment.

### **III. ATTACHMENTS: (on file with Planning Division)**

1. Application and Attachments
  - a. PDA 1-24 Submittal
  - b. PDA 1-24 Supplemental Submittal
  - c. S 3-24 Submittal
  - d. September 26, 2024 Written Request for Continuance and 30-day Extension to 120-Day Decision Period
  - e. PDA 1-24/S 3-24 Supplemental Submittal
2. Additional Agency Comments
  - a. McMinnville Water and Light
  - b. Yamhill County Transit
  - c. Oregon Department of State Lands
3. Written Public Testimony
  - a. Jerry Hubbard Testimony Submitted via e-mail September 23, 2024
  - b. Clarke Ellingson Testimony Submitted via e-mail October 3, 2024
  - c. November 7, 2024 e-mail from Kristi Bahr submitted at November 7, 2024 Planning Commission Public Hearing
4. Staff PowerPoint Presentation from November 7, 2024 Planning Commission Meeting
5. Applicant's PowerPoint Presentation from November 7, 2024 Planning Commission Meeting
6. Applicant's Letter Dated November 14, 2024 with Attachments
7. November 14, 2024 Staff Report and Attachments
8. November 19, 2024 Staff Memo and Attachments
9. November 20, 2024 Letter from Applicant
10. Minutes:
  - a. November 7, 2024 Planning Commission Public Hearing
  - b. November 21, 2024 Planning Commission Deliberations

### **IV. COMMENTS:**

#### ***Agency Comments***

This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas. The following comments were received:



- **McMinnville Building Department**

1. The vague language following is necessary to preserve the option of addressing water supply and site access as required by OAR 918-480-0125

This is notice that the intent to allow Uniform Alternate Construction Standards to all, or portions of, the development based on phasing chosen by the developer.

The building official, acting in conformance with OAR 918-480-0125, may choose to apply one or more Uniform Alternate Construction Standards after a determination by a fire official with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. A building official shall give consideration to advice of the State Fire Marshal or local fire official that does not conflict with OAR 918-480-0125, but shall retain the authority to make final decisions. Decisions to consider a Uniform Alternate Construction Standard and the selection of one or more Uniform Alternate Construction Standards by a building official are final.

2. A grading permit, administered by the building department, is likely necessary for properties that will be built upon in areas outside the rights of way, based on ICC Appendix J.

The geological investigation and report necessary as part of the grading permit, if desired, may prove adequate to address the need for individual lot soils investigations. If the more general excavation permit does not address the lot-by-lot conditions, then each property may need an individual soils investigation as part of the building permit review.

- **McMinnville Engineering Department**

Please note that the intersection of 2<sup>nd</sup> and Hill Road will have required improvements with development of this property.

**Suggested Conditions of Approval:**

1. The applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.
2. Provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.
3. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.

4. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
5. All streets should be improved to the standard per the Transportation System Plan and have the City's typical crowned section.
6. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.
7. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall be approved by the City Building Division prior to building permit issuance.
8. Preliminary Storm Water Report appears to demonstrate compliance with standards, the City Engineering Department to review Final Storm Water Report.
9. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.
10. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any building permits. Any utility easements needed to comply with the approved sanitary sewage plan must be reflected on the final plat. Any offsite public easements must be dedicated to and accepted by the City prior to the City's approval of the final plat.
11. Contact McMinnville Water and Light for placement of water utility and potential fire hydrants.
12. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.

13. The requested street grade and block length exceptions are acceptable to the Engineering Department.

- **McMinnville Fire District**

The Fire District would need the following:

- Fire access to within 150ft of the most remote portion of all proposed structures
- Hydrants spaced at no more than 600ft intervals.
- At least 1,000 gpm of water available for all homes up to 3,600 sq. ft. in size.

City road standards would apply for public road grades, turning radii and width.

- **McMinnville Water & Light**

Comments are attached as Attachment 2a.

- **Yamhill County Transit**

Comments are attached as Attachment 2b.

- **Oregon Department of State Lands**

Comments are attached as Attachment 2c.

- **McMinnville Airport Manager**

No airport concerns.

- **Comcast**

No comments

### ***Public Comments***

The following written public comments were received and are included as Attachments:

- Jerry Hubbard Testimony Submitted via e-mail September 23, 2024
- Clarke Ellingson Testimony Submitted via e-mail October 3, 2024
- November 7, 2024 e-mail from Kristi Bahr submitted at November 7, 2024 Planning Commission Public Hearing

The following parties provided oral testimony at the November 7, 2024 Planning Commission public hearing (in addition to the applicant and applicant's representatives):

- Linda Berlin, 3106 SW 2<sup>nd</sup> Street, McMinnville
- Stephen Goldsmith, 2905 NW Mt. Ashland Ln., McMinnville
- Howard Aster, 335 NW 8<sup>th</sup> St., McMinnville
- Kristi Bahr, 3431 SW Redmond Hill Rd., McMinnville

## **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant held a noticed neighborhood meeting on May 20, 2024.
2. The applicant submitted the application for PDA 1-24 on July 3, 2024.

3. The application was deemed incomplete on August 2, 2024. The applicant submitted additional information on August 16, 2024, and the application was deemed complete as of August 16, 2024. The 120-day processing deadline was December 14, 2024.
4. The applicant submitted the application for S 3-24 on September 13, 2024, and the application was deemed complete on September 13, 2024. The 120-day processing deadline was January 11, 2025.
5. On September 12, 2024, notice of the applications was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of this Decision Document.

6. On September 13, 2024, notice of the applications and the October 3, 2024 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
7. Notice of the applications and the October 3, 2024 Planning Commission public hearing was published in the News Register on Friday, September 27, 2024, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. On September 26, 2024, the applicant provided a written request via e-mail to extend the 120-day decision deadlines for the applications by 30 days. With the extensions, the 120-day dates are January 13, 2025 for PDA 1-24 and February 10, 2025 for S 3-24.
9. On October 3, 2024, the Planning Commission opened a duly noticed public hearing and continued the hearing to November 7, 2024 without a staff report or testimony.
10. On October 23, 2024, the applicant submitted supplemental information.
11. On November 7, 2024, the Planning Commission held the public hearing continued from October 3, 2024 to consider the requests. Following the public hearing, the Planning closed the public hearing and left the record open to November 14, 2024 at 5pm for submittal of additional written evidence, arguments, or testimony, and left the record open to November 21, 2024 at 5pm to allow an opportunity for any participant to respond to any new evidence submitted through November 14. At the November 7 meeting, the applicant waived their right to an additional 7 day period to submit final written argument in support of the application after the record is closed to all other parties. The purpose of this waiver was to allow the Planning Commission to conduct deliberations on November 21.

12. Additional materials submitted through November 14 and through November 21 are incorporated into the record and the Decision Document .
13. On November 21, 2024, the Planning Commission deliberated and issued a decision with a recommendation to City Council.
14. The City Council held a meeting on December 10, 2024 and considered the recommendation of the Planning Commission

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:**
  - a. Address: No site address (undeveloped). See map.
  - b. Map & Tax Lot: R4524 00801
2. **Size:** Approximately 106 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 PD, Ordinance 5024
5. **Overlay Zones/Special Districts/Area Plans:**
  - a. West Hills Planned Development Overlay, Ordinance 4132, as amended
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:**
    - i. Ordinance 4132 addresses wooded areas, trees, and wildlife habitat.
    - ii. Wetlands and/or waters of the state are present on the property. The applicant has submitted information to DSL regarding wetlands and waters of the state on two portions of the site. The applicant has not submitted information to DSL regarding expected wetland and/or waters of the state regarding other portions of the site, including the more westerly area identified by the applicant on the plans as expected wetland/waters of the state.
    - iii. The City's draft Natural Features Inventory (not adopted) identifies significant tree groves on the westerly portion of the site and a scenic viewpoint.
    - iv. Mapping conducted as part of the MGMUP analysis, based on ODFW data, identifies habitat for bird species of concern.
8. **Other Features:**
  - a. **Slopes:** The site contains significant slopes and natural drainageways
  - b. **Easements:** None identified.
9. **Utilities:** Utilities are present adjacent to the property in previously developed phases. A portion of the property is in Water Pressure Zone 2 and is dependent on needed Zone 2 infrastructure, which would initially require improvements to the

MWL facilities on Fox Ridge Road for a pump station. Long term, Zone 2 is to be served with a future reservoir/storage facility. Lots at higher elevations, predominantly on the westerly portion of the site may desire or require private booster pumps for suitable water pressures on the private side of the meters where floor elevations may be above the height of the water meters.

10. **Transportation:** The property would be served through new streets to be provided as extension of existing stubbed streets. The proposed amendments would modify the street configurations of the currently approved Planned Development (Ordinance 5024).

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

### **McMinnville Zoning Ordinance**

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the requests:

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

### **Chapter 17.74. Review Criteria (PDA 1-24)**

*17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:*

- *An increase in the amount of land within the subject site;*
- *An increase in density including the number of housing units;*
- *A reduction in the amount of open space; or*
- *Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.*

**APPLICANT'S RESPONSE** This application requests a PD Amendment to the remaining phases of the Hillcrest PD, approved by Ordinance 5024. As detailed in the Executive Summary of this written narrative, the planned modifications to the 2017 Hillcrest PD Master Plan layout include a minor decrease in density, a significant increase in open space, new stormwater management facilities, modifications to the lot layout, and street realignment. Due only to the planned changes to the street realignment, a Major PD Amendment is required. A summary of the planned PD amendments and their justification is provided in Table 1 below.

Table 1: Summary of PD Amendments			
Standard	Ordinance 5024	Planned	Justification
Street Network Alignment	See Exhibit A, Sheet P-03	See Exhibit A, Sheet P-03	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands
Open Space and Pedestrian Tracts	±1.0 acres of open space/pedestrian tracts	±13.0 acres of open space/pedestrian tracts (±1200 percent increase)	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands City of McMinnville Great Neighborhood Principles
Stormwater Management	0.0 acres of stormwater facilities on the subject site	±1.6 acres of stormwater facilities on the subject site (see Exhibit A, Tract E1 and O)	Stormwater studies/modeling conducted post Ordinance 5024
Lot Count	394 residential lots within remaining phases (552 lots in total Hillcrest PD site)	±392 residential lots within remaining phases (550 lots in total Hillcrest PD site) (less than a 1 percent decrease)	Geotechnical conditions (undocumented/uncontrolled fills and pockets of shallow basalt) Natural resources including streams and wetlands Additional open space/parks
Lot Size	Average lot area = ±9,550 square feet	Average lot area = ±7,960 square feet	Natural resources including streams and wetlands Additional open space/parks
Setbacks/Yards	R-4 setbacks in Northridge Phase; Reduced setbacks in other Hillcrest PD lots permitted as necessary for tree protection	Front: 20-foot Interior side: 5-foot Street side: 15-foot Rear: 20-foot; rear yard decks may encroach 10-feet into rear yard setback	Reduced side yard setbacks allow similar lot yield as Ordinance 5024 accounting for more than 14.0 acres of additional open space and protected natural resource areas HNA density target for R-2 zoning district is 4.46 dwellings/acre

*An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:*

**APPLICANT'S RESPONSE** As demonstrated in this narrative and in the accompanying exhibits, the planned PD Amendment satisfies the applicable approval criteria and does not affect compliance with the relevant requirements of this ordinance. Moreover, while the PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles and related site development standards that were enacted after Ordinance 5024. Subsequently, this application is far superior to Ordinance 5024 in its ability to



promote the City's current residential development aspirations. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS/APPLICABLE.** The applicant is requesting changes to the street system, which constitutes a major amendment. In addition, the applicant is requesting flexibility to additional standards of the underlying R-2 zone that were not approved as part of the previous planned development approval. Therefore, the R-2 standards must be applied unless the City Council approves additional provisions as part of the Planned Development Amendment to allow different standards than required by the R-2 zone or previous PDA approval (Ordinance 5024). Findings regarding the relevant requirements of the ordinance are provided in the respective sections below.

A. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

**APPLICANT'S RESPONSE** The subject site is a part of the approved Hillcrest PD. As a part of the previous approvals, the City determined that the steep slopes and natural drainage patterns on-site warrant departure from standard regulation requirements. Although modifications to the approved layout are being requested as a part of this application, the physical and environmental constraints of the property remain. This criterion is met.

Table 2 provides a summary of, and justification for, the standard regulation requirements for which deviations have been previously approved and those for which deviations are being requested as a part of this application.

Table 1: Summary of Standards Where PD Deviations are Requested			
Standard	Ordinance 5024	Planned	Justification
17.53.101(L) Street Grade	Exceed the maximum grade of 12 percent for local residential streets on <u>seven segments</u> of roadway within the remaining phases of the Hillcrest PD	Exceed the maximum grade of 12 percent for local residential streets on <u>four segments</u> of roadway as shown on the Street Plan with Road Grade (Sheet P-05) in Exhibit A	Due to site topography and ADA requirements certain streets have grades up to 15 percent (see Exhibit A) Current plan reduces total street segments where grades exceed 12 percent
17.53.103(B) Block Length and Perimeter	Exceed the maximum block length of 400 feet	Exceed the maximum block length of 400 feet	Site topography and ADA requirements Mid-block pedestrian and bicycle connections in lieu of grid-style street connectivity
	Exceed the maximum block perimeter of 1,600 feet.	Exceed the maximum block perimeter of 1,600 feet.	
17.53.105(A)(1) Lot Depth to Width	Exceed the lot depth to width ratio of 2 to 1	Exceed the lot depth to width standard of 2 to 1	Site topography Natural resources preservation
17.15.030 Lot Size	Allowed lots below 7,000 square foot minimum lot size, provided the average lot size is 7,000 square feet or greater	Allow lots below 7,000 square foot minimum lot size, provided the average lot size is 7,000 square feet or greater	Site topography HNA density target of 4.46 dwellings/acre ±14 acres of additional open space and natural resources preservation
17.15.040 Yard Requirements	R-4 setbacks in Northridge Phase; Reduced setbacks as necessary for tree protection	Front: 20-foot Interior side: 5-foot Street side: 15-foot Rear: 20-foot; rear yard decks may encroach 10-feet into rear yard setback	Reduced side yard setbacks allow similar lot yield as Ordinance 5024 accounting for more than 14.0 acres of additional open space and protected natural resource areas  HNA density target for R-2 zoning district is 4.46 dwellings/acre

**FINDING, SUBSECTION (A): SATISFIED WITH CONDITIONS.** The applicant has described the physical conditions and development objectives which warrant departure from the standard regulation requirements.

*B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

**APPLICANT’S RESPONSE** Upon passage of Ordinance 5024, the City Council found the 2017 PD Amendment to be consistent with the Comprehensive Plan objectives of the area. As described above, the planned changes in this application move the site closer to conformance with McMinnville’s Great Neighborhood Principles and related standards that have been enacted since Ordinance 5024. More importantly, the City can find that this PD Amendment results in a phased residential subdivision that can be cost-effectively constructed and that will provide the best possible likelihood that the City may achieve its need for additional single-family homes as expressed in the 2023 HNA. Responses summarizing

conformance to the applicable Comprehensive Plan objectives are included in this written narrative. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** See findings in respective sections of these findings regarding the Comprehensive Plan Policies, Great Neighborhood Principles, and Overlay Zones.

- C. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

**APPLICANT'S RESPONSE** The Preliminary Circulation and Preliminary Composite Utility Plans in Exhibit A illustrate how planned streets and other public utilities will connect with existing utilities in abutting developed areas as well as how such will be extended to abutting undeveloped parcels to accommodate efficient urbanization of those parcels when warranted. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant's proposed identifies street connections to adjoining undeveloped and lower-density rural properties. The plans includes extension of utilities to serve the property and which can be extended to serve abutting properties. Conditions of approval regarding public improvements provide for consistency with this criterion.

- D. *The plan can be completed within a reasonable period of time;*

**APPLICANT'S RESPONSE** The remaining nine phases of the Hillcrest PD are planned for consecutive construction over the next ±10–15 years, acknowledging that any major housing market fluctuations or other external factors could render such construction infeasible. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant has demonstrated the development can be completed within a reasonable period of time. In addition, conditions of approval establish timelines for phased completion of the development.

- E. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

**APPLICANT'S RESPONSE** All streets will be constructed in accordance with the City's street standards, and the street realignment will continue to connect to the existing street stubs in the constructed phases of the Hillcrest PD. Traffic studies submitted with prior approvals for the Hillcrest PD indicate acceptable traffic flow at full buildout, with certain improvements as included in Ordinance 5024. Per Ordinance 5024, prior to the issuance of the 290<sup>th</sup> building permit (which is expected to occur in Phase 4), Applicant will construct the required mitigative measures that include a left-turn lane at the intersections of W 2<sup>nd</sup> Street/SW Hill Road and NW Horizon Drive/NW Hill Road. This PD Amendment application reduces the number of residential lots by two, which will slightly reduce traffic impacts. Therefore, the streets will remain adequate to support the

anticipated traffic of the Hillcrest PD with the required mitigative measures outlined in the approved traffic studies for the Hillcrest PD.

**FINDING: SATISFIED WITH CONDITIONS.** The street connections external to the development are substantially the same as the current plan, and the current approval requires mitigation outside of the development, which carries over as a condition of approval.

- F. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

**APPLICANT'S RESPONSE** Utilities serving the site will be adequate for the remaining homes in the Hillcrest PD. Utility capacity was reviewed during the past approval processes and determined to be adequate, accounting for the need to install a water system booster pump station to serve lots above the 275-foot elevation contour. The Preliminary Composite Utility Plan in Exhibit A and Preliminary Stormwater Report in Exhibit H demonstrate that each remaining phase of the Hillcrest PD has been designed to include all necessary infrastructure for that phase. Furthermore, this PD Amendment will not result in an increase in utility and drainage demand beyond the prior approval. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** Affected agencies and departments have reviewed the proposed development plans. Subject to conditions of approval, including requirements for provision of utilities and requirement addressing drainage, the development will have adequate utility and drainage facilities.

- G. *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

**APPLICANT'S RESPONSE** The Hillcrest PD is expected to generate noise, air, and water impacts similar to those of a typical residential development and will comply with all applicable City, state, and federal regulations related to these impacts. Additionally, the planned modifications to the Hillcrest PD layout will improve the site's capacity for on-site stormwater management and enhance the protection of natural drainage features. This criterion is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed development is residential use. Subject to conditions of approval, there will be adequate utilities. There are not substantially different impacts than the current approval.

### **Chapter 17.03. General Provisions (PDA 1-24 and S 3-24)**

[...]

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.*

[...]

**APPLICANT'S RESPONSE** The purpose of this application is to modify the layout for the remaining phases of the Hillcrest PD to ensure the highest likelihood that residential homes will be constructed on site and to serve the needs of McMinnville's growing population. Compliance with the provisions of Chapter 17.03 is detailed in this written narrative.

**FINDING: SATISFIED WITH CONDITIONS.** Based on compliance with the applicable criteria, development standards, and conditions of approval, the proposed plan and terms of approval are consistent with the purpose of Chapter 17.03.

### **Chapter 17.11. Residential Design and Development Standards (PDA 1-24)**

*17.11.110. Planned Development Residential Design and Development Standards. Chapter 17.51 of the McMinnville Municipal Code allows for planned development overlays in McMinnville as a means of providing greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. McMinnville encourages residential planned developments as a means of achieving the City's adopted Great Neighborhood Principles.*

**APPLICANT'S RESPONSE** The Planned Development Residential Design and Development Standards of this chapter were adopted in 2022 as part of Ordinance 5113. This application is for a PD Amendment to Hillcrest PD approved by Ordinance 5024 in 2017, predating the adoption of City's Great Neighborhood Principles and the standards of this chapter. While this PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles and related site development standards that were enacted after Ordinance 5024. The currently planned PD amendment substantially improves conformance with the City's Great Neighborhood Principles as detailed in the written narrative below.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** Scenic views. The preservation of scenic views is identified in Section 17.11.110.B.2 (Ord. 3380) and within City of McMinnville Ord. 4132.

Ord. 3380, 17.11.110.B.2. The City of McMinnville adopted Residential Design and Development Standards in April 2022, upon passage of Ord. 5113. These

standards were not in place in 2017 when the planned development was most recently approved for the subject site.

Per 17.11.011, the standards in Chapter 17.11 apply to, “all new housing construction, residential conversions, and new additions that comprise 50% or more of the structure.”

Applicant has worked to implement the Great Neighborhood Principles into this amendment to the extent practical given special physical site conditions and in consideration of existing development that has already occurred in prior phases of the PD and adjacent the site.

17.11.110.B.2. aspires to locate and orient public and private open spaces and streets to take advantage of views of natural features and landscapes. As demonstrated in Applicant’s submittal materials, this amendment includes ±15-acres of additional parks and open spaces compared to the approval in Ord. 5024, and which are located along natural drainageways, near wetland areas, and near upper elevation portions of the site, affording good access to natural features and scenic views, consistent with this principle.

The location of streets has been designed to accommodate the logical extension of vehicle and pedestrian access from existing development at the perimeter of the site, to complement existing site topography, and to minimize disturbance to geotechnically sensitive areas of the site. The planned street layout serves to promote this principle (Scenic Views) by accommodating public and private open spaces that can be located along natural features and in areas with good views. For these reasons, the City can find that this principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The flexibility in the proposal allows for balancing of issues, including changes from the current planned development approval to balance residential development, avoidance of jurisdictional wetlands/waters, avoidance of hazards and geologic features, and provision of active and passive open space.

*A. Guiding Principles.*

*A1. Appropriate site size and scale. Small to medium sites (10,000 square feet to 40,000 square feet) should act as infill sites and respond to the surrounding neighborhood in scale, character, building design, details and materials. Large sites (over 40,000 square feet) should provide a variety of housing types, centralized common open space, and an interconnected system of streets and pathways that connect to the surrounding neighborhood.*

**APPLICANT’S RESPONSE** The remaining phases of the Hillcrest PD comprises ±106.3 acres, qualifying as a “large site.” This PD Amendment includes ±392 residential lots and 17 private open space and pedestrian access tracts spanning ±13.0 acres, which provide significantly enhanced connectivity throughout the Hillcrest PD and surrounding neighborhood than that in Ordinance 5024. Although the remaining phases of the Hillcrest PD subdivision are planned to comprise exclusively single-family detached home lots, previous phases of the Hillcrest PD include multiple-family homes, which together satisfy the City’s goal for a mix of

housing types while acknowledging development limitations in this area. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The application is comparable to the current plan in terms of street and pathway connectivity, it provides open space tracts for these phases where the previous plan had no open space tracts for these phases. The applicant is no longer proposed the 43 townhouse lots. However, with the October 23, 2024 submittal, the proposed includes a minimum of 43 multi-generational housing lots, each with a primary and attached secondary unit.

*A2. Livability. Residential Planned Developments should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.*

**APPLICANT'S RESPONSE** The planned PD amendments significantly increase the amount of open space and pedestrian connectivity with 17 private open space and pedestrian access tracts spanning ±13.0 acres (compared to approximately 1.0 acres in Ordinance 5024). This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The application is comparable to the current plan in terms of street and pathway connectivity, it provides open space tracts for these phases where the previous plan had no open space tracts for these phases.

*A3. Compatibility. Residential Developments should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of McMinnville.*

**APPLICANT'S RESPONSE** As detailed in this written narrative, the planned PD amendments are relatively minor and do not materially change the scale or character of the neighborhood compared with Ordinance 5024. A substantial increase in parks and opens spaces in this PD Amendment will provide greater opportunities for social interactions, will provide better integration of trees and natural spaces into the neighborhood, and will improve the overall character of the neighborhood. Finally, because the planned PD amendments largely maintain the approved density in Ordinance 5024 (planned density is two lots fewer), the City can find the planned PD Amendment is appropriate for the surrounding neighborhood and will maintain the overall residential character of the City. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The development is comparable to the existing development with number of lots, but provides additional open space tracts. Homes to be developed on the lots will be subject to the City's clear and objective residential design and development standards consistent with state law.

*A4. Safety and Functionality. Developments should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.*

**APPLICANT'S RESPONSE** The application provides safe and functional circulation through the site and to surrounding neighborhoods as shown on the Preliminary Circulation Plan in Exhibit A. Pedestrian connectivity is enhanced through the provision of 17 private open space and pedestrian access tracts spanning ±13.0 acres. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment doesn't differ significantly in these respects from the current approval.

*A5. Enduring quality. Residential Planned Developments should incorporate design and building practices that promote the economic, ecological, and aesthetic environment of McMinnville, such as energy conservation, preservation of trees and open space, and quality building materials.*

**APPLICANT'S RESPONSE** The planned PD amendments provide enhanced protection of trees, open space, and natural features through the inclusion of ±13.0 acres of open space. The open spaces are designed to not only preserve but also promote the creeks and natural drainageways that traverse the site and encourage community engagement with the environment as shown on the Preliminary Community Amenity Plan in Exhibit A. Finally, Applicant anticipates that new homes will incorporate sustainable design and building practices to increase energy conservation. This guiding principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment substantially avoids jurisdictional wetlands and waters and provides open space tracts. It is comparable to the current approval with respect to other features on site. The homes will be subject to the City's clear and objective standards consistent with state law.

*B. Required Elements, Great Neighborhood Principles. All residential planned developments shall meet the Great Neighborhood Principles as identified below.*

*B1. Natural Feature Preservation. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT'S RESPONSE** The planned PD amendments included in this application are necessary following the discovery of geotechnical conditions and on-site natural resources features that were not known or considered in Ordinance 5024; the result is superior preservation of natural features/resources compared with Ordinance 5024. Approximately 13.0 acres of open space is located to protect and provide enjoyment of the natural drainageways traversing the site, as shown on the Preliminary Community Amenity Plan in Exhibit A. This principle is met.

**Note:** *The applicant has provided supplemental information in the October 23, 2024 submittal addressing this Principle and Ordinance 4132.*

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above and in the October 23, 2024 submittal, and conditions of approval, this principle is satisfied with conditions.



*B2. Scenic Views. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Community Amenity Plan in Exhibit A, the planned PD amendments include ±13.0 acres of open space located to protect and provide enjoyment of the natural drainageways traversing the site, increase pedestrian connectivity, and provide common open space for the community to enjoy. The common open space will provide opportunities to enjoy scenic views of both the natural features on site and vistas beyond the Hillcrest PD. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above and in the October 23, 2024 submittal, and conditions of approval, this principle is satisfied with conditions.

*B3. Parks and Open Spaces.*

- a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
- b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Community Amenity Plan in Exhibit A, the planned PD amendments include ±13.0 acres of open space that has been located to protect and provide enjoyment of the natural drainageways traversing the site, increase pedestrian connectivity, and provide community gathering spaces. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant is proposing privately maintained parks and open spaces consistent with this principle. There are no public parks proposed in this area in the parks plan.

*B4. Pedestrian Friendly.*

- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Circulation Plan in Exhibit A, the planned PD amendments provide a system of mid-block pedestrian and bicycle paths throughout the remaining phases of the Hillcrest PD subdivision.

The planned network of on-street and mid-block pedestrian and bicycle connections, in conjunction with additional on-site parks and open spaces, create more and more convenient opportunities for walking and biking in the neighborhood. This principle is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE:** The current layout maintains substantially the same block configuration for that area of the site east of the intersection of W 2nd St/Road D and reduces the length of the reconfigured block perimeters west of that intersection (see Attachment 3). In their decision in 2017, both the Planning Commission and City Council found that an exception to the standard block length requirement in 17.53.103.B was justified due to the topography and natural drainageways on site. Subsequently, the City can find that the current layout equally or better justifies this exception.

Section 17.11.110.B.4-6 were not in place during the approval of the 2017 plan. These standards seek to promote the same connectivity objectives as 17.53.103.B. and state the following...

As illustrated by Applicant's Preliminary Circulation Plan (included in Applicant's submittal materials), the planned pedestrian network comprises sidewalks in the public rights-of-way, mid-block pedestrian connections, and pedestrian connections located within parks and open space areas.

Subsequently, this planned network of pedestrian improvements promotes walking for transportation, recreational, and social engagement purposes as outlined in a. above.

Further, while no commercial areas or schools are within the vicinity of the subject site, planned pedestrian facilities connect with existing parks (e.g., West Hills Neighborhood Park) as well as planned parks and open spaces on site. Finally, and consistent with the 2017 approval, pedestrian connections are provided between all but one of the planned cul-de-sac streets. Together with the City's 2017 approved exception to the block length/perimeter standards, the City can find that these standards, which seek to promote walkability, are met with the current plan.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above and conditions of approval, this principle is satisfied with conditions. A condition of approval is also included to provide for additional future pedestrian connectivity from open space tracts to abutting properties.

*B5. Bike Friendly.*

- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Street Plan Overview with Road Grade in Exhibit A, the planned PD amendments include street realignment, which decreases the number of street sections that exceed a 12 percent grade and will support an enhanced bicycle network. Moreover, a well-connected network of on-street and mid-block bicycle connections will improve convenience for bicyclists. This principle is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** As illustrated by Applicant's Preliminary Street Plan (included in Applicant's submittal materials), the planned bicycle network comprises 14-foot-wide shared vehicle/bicycle lanes within all planned local and neighborhood connector streets, mid-block pedestrian/bicycle connections, and pedestrian/bicycle connections located within parks and open space areas. Subsequently, this planned network of bicycle improvements promotes bicycling for health, transportation, and recreational purposes as outlined in a. above.

Although no commercial areas or schools are within the vicinity of the subject site, planned bicycle facilities connect with existing parks (e.g., West Hills Neighborhood Park), planned parks and open spaces on site as well as existing public streets and bicycle facilities abutting the subject site. With the City's 2017 approved exception to the block length/perimeter standards, the City can find that these standards, which seek to promote bicycling, are met with the current plan

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above, this principle is satisfied with conditions. A condition of approval is also included to provide for additional future pedestrian connectivity from open space tracts to abutting properties.

*B6. Connected Streets.*

- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
- b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Circulation Plan in Exhibit A, streets have been designed to respect the topography of the site while providing connections to existing phases of the Hillcrest PD and future development areas north and west of the site. Mid-block pedestrian and bicycle connections in several locations throughout the site encourage walking and bicycling and reduce reliance on automobile trips. Streets are designed according to the City's local residential street standards and feature two 14-foot-wide travel lanes intended to accommodate vehicles, bicycles, and on-street parking and a 5-foot-wide sidewalk and 4.5-foot-wide landscape strip with a 0.5-foot curb on either side of the roadway. This street design and network of multimodal on-site facilities encourage walking and bicycling while accommodating the needs of motor vehicles. This principle is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** As shown on the Preliminary Circulation Plan in Applicant's submittal, streets have been designed to respect the topography of the site while providing connections to existing phases of the Hillcrest PD and future development areas north and west of the site. Mid-block pedestrian and bicycle connections in several locations throughout the site encourage walking and bicycling and reduce reliance on automobile trips. Tract I serves dual purpose as a pedestrian mid-block connection and provides secondary emergency vehicle access between Loop A and Canyon Creek Drive. Streets are designed according to the City's local residential street standards and feature two 14-foot-wide travel lanes intended to accommodate vehicles, bicycles, and on-street parking, and a 5-foot-wide sidewalk and 4.5-foot-wide landscape strip on either side of the roadway.

This street design and network of multimodal on-site facilities encourages walking and bicycling, reduces reliance on vehicles, and accommodates the needs of motor vehicles. With the City's 2017 approved exception to the block length/perimeter standards, the City can find that these standards, which seek to promote neighborhood connectivity, are met with the current plan.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above, this principle is satisfied with conditions. A condition of approval is also included to provide for additional future pedestrian connectivity from open space tracts to abutting properties. The street network and connectivity is comparable to the existing approval, and flexibility to block length and perimeter standards was previously approved due to topography, and the plan provides for avoidance of jurisdictional wetlands and waterways on site.

*B7. Accessibility.*

- a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
- b. Design practices should strive for best practices and not minimum practices.*

**APPLICANT'S RESPONSE** The planned PD amendments include street realignments as necessary to avoid sensitive areas of the site. The redesign of the street network results in fewer street segments (when compared to Ordinance 5024) that have grades in excess of 12 percent, which improves accessibility. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** this principle is satisfied with conditions. In addition, there is a condition of approval requiring approval of a plan for the open space tracts which will provide an opportunity to address accessible features.

*B8. Human Scale Design.*

- a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

- b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
- c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

**APPLICANT’S RESPONSE** As outlined above, the planned PD amendments maintain consistency with the scale and design of the constructed phases of the Hillcrest PD and significantly enhance opportunities for recreation and socialization through the inclusion of 17 parks and open space tracts over more than 13 acres of the site. Pedestrian and bicycle connections located in many of these tracts promote walking and biking. As shown in Exhibit A, all open spaces are located adjacent to public rights-of-way or are visible from a public right-of-way. Where necessary, lighting will be provided to ensure these areas are visible and safe during the evening. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the findings provided above, this principle is satisfied with conditions. In addition, there is a condition of approval requiring approval of a plan for the open space tracts which will provide an opportunity to address this principle.

*B9. Mix of Activities.*

- a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
- b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
- c. *Neighborhoods are designed such that owning a vehicle can be optional.*

**APPLICANT’S RESPONSE** As shown in Exhibit A, the planned PD amendments include more than 13 acres of parks and open space areas that will be used to provide mid-block pedestrian and bicycle connectivity, dog parks, walking trails, and open lawn areas. This mix of amenities is in addition to the Hillcrest regional park previously constructed in Phase 1 and together will provide recreational opportunities for a broad range of user groups. The application does not include any commercial uses. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment is for changes to the development of the property which was previously approved for exclusively residential development. The proposed amendment doesn’t request the addition of commercial use. The proposed amendment adds open spaces tracts and passive and active recreational use.

*B10. Urban-Rural Interface. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT'S RESPONSE** The City's application of the R-2 zoning designation for the subject site was chosen, in part, to facilitate a smooth transition between urban and rural areas as suggested by this principle. The planned PD amendments include ±392 residential homes at a density of ±4.6 units per acre, which complies with the density requirements for the R-2 zoning district and all other relevant standards, as addressed in this written narrative. This principle is met.

**FINDING: SATISFIED.** The proposed amendment is not significantly different than the current plan regarding residential development abutting rural lands outside the UGB.

*B11. Housing for Diverse Incomes and Generations. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

*B12. Housing Variety.*

- a. Neighborhoods shall have several different housing types.*
- b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

**APPLICANT'S RESPONSE** The constructed phases of the Hillcrest PD contain a mix of housing types including a 68-unit multi-family housing complex and a variety of single-family homes. The planned PD amendments include ±392 new single-family detached homes on lots ranging in size from ±5,000 to ±28,193 square feet. The varying lot sizes will cater to a broad spectrum of housing needs across different age groups and income levels and provide needed housing for existing and future residents of the City at a density of ±4.6 units per acre. The project will also incorporate a variety of building styles and designs. These principles are met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** Housing variety standards are contained in McMinnville Ord. 3380, Section 17.11.110.B.11. and 12.

The City of McMinnville adopted Residential Design and Development Standards in April 2022, with the passage of Ord. 5113. These standards were not in place in 2017 when the planned development was most recently approved for the subject site. The purpose of these standards is to, "permit a wide variety of housing types while maintaining the character and values of McMinnville...The proposed housing types range in size, affordability, and configurations, including attached and detached dwellings..."

Applicant has worked to implement these principles into the current amendment as follows:

- 17.11.110.B.11. Housing for Diverse Incomes and Generations. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.***

McMinnville's 2023 HNA finds that 4,657 new housing units are needed to accommodate anticipated population growth in McMinnville through 2043. Of this total housing need, more than 55 percent (2,561 homes) of the demand is expected to be for single-family detached home types. To meet projected housing demand, the 2023 HNA recommends that future development on buildable land in the R-2 zoning district should occur at a minimum density of 4.4 dwellings per acre. The 2023 HNA acknowledges Applicant's property as one of the largest R-2 zoned parcels within the City and with buildable land that could accommodate needed housing.

The planned amendments included in this application would provide 435 new residential dwellings across 392 lots at a density of  $\pm 5$  dwellings per acre and directly addresses that need identified in the 2023 HNA.

The City's Comprehensive Plan calls for a mix of housing types; however, it also specifically recognizes those areas with mapped development limitations such as steep slopes, stream corridors, natural drainage ways, and wetlands as the appropriate areas to accommodate low density residential development. For these reasons, Applicant proposes a mix of single-family detached and multi-general housing types throughout the remaining phases of the Hillcrest PD subdivision. Together with multi-family and two-family homes developed in prior phases of the Hillcrest PD, the City's goal for a mix of housing types on this relatively constrained site can be realized.

Applicant intends to develop the subdivision as well as construct the future homes on lots in each of the nine planned phases of the amended planned development/subdivision. Currently, Applicant is considering 9 distinct floor plans (with 27 distinct exterior elevations) for the property, with homes ranging in size from  $\pm 1,900$  square feet to  $\pm 3,400$  square feet. Planned multi-generational homes will range in size from between 550- and 770 square feet. New homes are planned to comprise a mix of one- and two-stories and will include an attached 2- or 3-car garage. Of the total 435 new homes that are planned for the site,  $\pm 72$  percent will comprise floor plans with a primary (master) bedroom on the main level and 10 percent will comprise multi-generational (homes with an attached ADU) home floor plans. Planned homes are expected to range in sale price by more than \$200,000 across the various home plans.

The planned mix of one- and two-level homes, across single-family detached and multi-generational homes, that will be offered in a wide range of sizes, many with main floor bedrooms, ensures that new homes are available to buyers across a range of income levels and in various stages of life.

Moreover, Applicant has selected home plans that are complementary to existing homes nearby and to ensure that future phases of the Hillcrest Planned Development fit seamlessly within the existing community

***17.11.110.B.12. Housing variety. a) Neighborhoods shall have several different housing types; and b) Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.***

As stated previously, this Application seeks approval to amend a planned development/subdivision that was most recently approved in 2017 (Ord. 5028). Three phases of the Hillcrest Planned Development have been platted and new homes have been constructed. Prior phases include a mix of single-family, two-family, and multi-family homes.

The current application seeks to replace 43 lots (in the former Northridge Phase) that were intended for single-family attached homes with 43 multi-generational homes located throughout the planned 9 phases of development.

The driving force behind this modification application is the desire to move forward with a plan that is constructable, given area-specific site constraints. After a robust analysis of site characteristics, including slopes, soils, and geotechnical conditions, it was determined that the prior layout was not financially viable. The layout was modified to avoid the most constrained areas of the site and results in a plan that is financially viable, achieves the City's housing needs and desire for generational living across a variety of incomes and housing types, while providing open space and other opportunities for social interaction.

**FINDING: SATISFIED WITH CONDITIONS.** Earlier phases of the Planned development included apartments. The current Planned Development approval includes 43 townhouse lots within the remaining phases. The applicant is requesting an amendment that would not include the 43 townhouse lots. As addressed in the applicant's October 23, 2024 submittal, and addressed as a condition of approval, there will be 43 lots for multi-generational homes, with a primary and attached secondary unit.

*B13. Unique and Integrated Design Elements. Residential Planned Developments shall be encouraged to have:*

- a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
- b. Opportunities for public art provided in private and public spaces.*
- c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, streetlights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**APPLICANT'S RESPONSE** The purpose of this modification application is to modify the approval in Ordinance 5024 to better protect geologically sensitive areas of the site, wetlands, and other on-site natural resources. Further, Applicant anticipates that they will construct a majority, if not all, future homes on the site, and such homes are anticipated to be constructed using environmentally friendly materials, appliances, and building practices. Neighborhood elements will be designed to complement the existing design of previously constructed phases of the Hillcrest PD. This principle is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities. Conditions of approval



require submittal of a landscape plan for review of the open space tracts, which will provide opportunities to incorporate features.

*C. Required Elements, Common Open Space. All Residential Planned Developments over four units shall meet the fundamental and supplemental requirements for Common Open Space.*

*C1. Characteristics.*

- a. Common open spaces offer residents social and health benefits while also defining and bringing character to a development.*
- b. Common open spaces may include shared recreational facilities such as play areas, sports fields, or swimming pools; rooftop decks that prompt interaction and include shared amenities such as grills, play space, or seating.*

*C2. Guiding Principles.*

- a. Common open space should be appropriately located so users feel safe and residents take ownership and responsibility for the shared space.*
- b. The design should consider its relationship to units, entries, and windows, as well as how landscaping, or other barriers, may impact sight corridors.*
- c. Common open spaces should have clear intended uses with visual cues to inform users as to the desired function.*
- d. Avoid large, hard-surfaced, or landscaped areas that lack furnishings or other design elements suggesting specific activities.*
- e. Break down large spaces into smaller, comfortable outdoor rooms using fencing or low walls, furnishings, and lighting, building placement, and plantings.*
- f. Sensitive design will produce greater benefits than expensive materials or furnishings and certainly more options for use than large undefined open areas*

**APPLICANT'S RESPONSE** The planned PD amendments include 17 parks and open space as well as pedestrian access tracts spanning ±13.0 acres. These parks and open spaces offer safe, accessible, and natural open space amenities that will encourage socialization and will provide opportunities for recreation as advocated by the guiding principles above.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities. Conditions of approval require submittal of a landscape plan for review of the open space tracts, which will provide opportunities to address these principles.

*C3. Fundamental Requirements.*

- a. A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents in the planned development.*

*These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open space shall be accessible to all residents.*

**APPLICANT'S RESPONSE:** The completed phases of the Hillcrest PD include a ±7-acre neighborhood park that serves as the main common open space for the Hillcrest PD per Ordinance 5024. The planned PD amendments add more than ±13.0 acres of parks and open space above that approved in Ordinance 5024. As shown on the Preliminary Community Amenity Plan in Exhibit A, these common open spaces are integrated throughout the site to increase accessibility to all residents and offer a range of activities to suit a wide range of user groups. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendment adds common open spaces of different sizes and configurations. The park serves the entire area, and as such is designed so as to not be focused on the exclusive use of only the abutting homes.

- b. *Common open space shall be a minimum of 15 percent of the planned development. Passive open space shall not be more than 5 percent of the planned development.*

**APPLICANT'S RESPONSE:** As enumerated above, this application is for a PD Amendment to Hillcrest PD approved by Ordinance 5024 in 2017 and predates the adoption of City's Great Neighborhood Principles and the standards of this chapter. While this PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles and related site development standards that were enacted after Ordinance 5024, including these common open space requirements.

The completed phases of the Hillcrest PD currently include ±7.1 acres of active open space, primarily within the neighborhood park known as West Hills Neighborhood Park. This open space comprises ±11.9 percent of the net developable area of these completed phases.

As approved, Ordinance 5024 would add only ±1.0 acre of open space. The planned PD amendments include new parks and open spaces that will add more than ±13.0-acres of parks and open to the site. Planned open space equals ±15.3 percent of the net developable area of the subject site. Planned active use areas make up ±4.3 acres (±5.1 percent) of the subject site and will include activities such as pedestrian paths, trails, a dog park, and open lawns for programmed and spontaneous activities. Planned passive use areas will occupy ±8.7 acres (±10.3 percent) of the site and include areas that preserve natural features and create opportunities for scenic vistas and community enjoyment of nature.

With the planned PD Amendment, the overall Hillcrest PD will provide ±20.1 acres of open space (±13.9 percent of the total net developable area) including ±11.4 acres of active open space (±7.9 percent) and ±8.6 acres of passive open space (±6.0 percent).

Because prior phases of the Hillcrest PD have been constructed prior to this open space standard and because of the need to achieve the planned residential density to make it feasible to move forward with the project, achieving 15 percent open space and 10 percent active open space is not practicable.

While this principle does not apply, the Applicant has made significant effort to incorporate more passive and active open spaces into the site. The planned PD amendments represent a more than 1,200 percent increase in passive and active open space on this site (compared with Ordinance 5024). Although the planned PD amendments do not meet this requirement, conformance with this has been increased significantly; the current application includes  $\pm 1,200$  percent more open space than Ordinance 5024.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities that were not part of the previous approval. The previous plan didn't include any common tracts for these phases. The findings provided by the applicant demonstrate compliance with this principle.

- c. *When vehicular areas are located between dwellings and common open space, clearly defined pathways shall be provided to enhance pedestrian safety.*

**APPLICANT'S RESPONSE:** As shown in Exhibit A, in locations where vehicular areas are located between future dwellings and open spaces, clearly defined pathways have been provided. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS.** The findings provided by the applicant demonstrate compliance with this principle. In addition, pedestrian connectors and intersections at streets and open spaces will provide for clearly defined pedestrian facilities.

- d. *Pathway surface shall be clearly marked and differentiated from the vehicular area with paint or alternative paving material.*

**APPLICANT'S RESPONSE:** Pathway surfaces will be clearly marked and differentiated from the vehicular areas on site. This requirement is met.

**FINDING: SATISFIED.** This criterion is satisfied.

- e. *Common open space shall have a minimum dimension of 20 feet at the narrowest part.*

**APPLICANT'S RESPONSE:** Common open spaces will exceed the minimum dimension of 20 feet across the site as shown on the Preliminary Subdivision Plat in Exhibit A. This requirement is met.

**FINDING: SATISFIED.** This criterion is satisfied. See finding above and below.

- f. *Walkways are required between dwellings and common open space.*

**APPLICANT'S RESPONSE:** Walkways will be provided throughout common open space, as practicable while ensuring preservation of the relatively steep slopes and natural resources, as shown on the Preliminary Community Amenity Plan in Exhibit A. This requirement is met.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE:** The completed phases of the Hillcrest PD include a ±7-acre neighborhood park that is centrally located and designed to enhance the livability of residents in this PD. This amendment create ±15-acres of additional parks and open space across 17 new discrete parks and open space areas. The ±22 total acres of planned parks and open space represents ±17 percent of the developable area (±126-acres) of the site. Approximately 7 percent of the development area includes areas dedicated to passive open spaces and approximately 10 percent of the development area is dedicated to areas for active recreation (see Attachment 4).

Although the standard above states that passive open space areas shall not exceed 5 percent, Applicant believes the intent of this standard is to ensure that a minimum of 10 percent of the area be set aside for active recreational uses, which Applicant has demonstrated. In the event that the City disagrees, Applicant can revise their plans to remove ±2.5 acres of passive open space to achieve a maximum of 5 percent passive open space.

All common open space areas have a minimum dimension greater than 20-feet. Vehicular areas are located between future dwellings and Tracts A, B, E, F, L, N, P, Q, and Tract R.

In each of these cases, clearly defined pedestrian access across these vehicular areas will be provided. The City can find that the fundamental requirements for common open space, as expressed above, are met.

**FINDING: SATISFIED WITH CONDITIONS.** The findings provided by the applicant demonstrate compliance with this principle.

*C4. Supplemental Requirements. Provide at least four of the options listed below.*

- a. Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sport fields, play structure, bike track, courts, swimming pool, or other options.*
- b. Provide tall deciduous trees for summer shade and winter solar access. When possible, preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.*
- c. Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.*
- d. Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.*
- e. Provide opportunities for food cultivation. Include a community garden and/or incorporate cultivated species into the landscaping.*

**APPLICANT'S RESPONSE** As detailed in the Preliminary Community Amenity Plan in Exhibit A, opportunities for formal and informal recreation use by residents of all ages is provided throughout the remaining phases of the Hillcrest PD to a

substantially greater degree as compared to Ordinance 5024. Additional open spaces provide opportunities for enhanced tree preservation as well as provide appropriate places to site benches, fire pits, and other community amenities. Drought tolerant and/or low water demanding landscaping will be used throughout the site. Therefore, the application incorporates elements a. through d. above. The supplemental requirements are met.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal includes open space tracts and passive and active recreational opportunities. Conditions of approval require submittal of a landscape plan for review of the open space tracts, which will address these principles.

*D. Supplemental Elements, Consideration.*

*D1. Modular Block Layouts.*

[...]

*D2. Block Lengths.*

[...]

*D3. Partial alley at the end of a block. A partial alley is where an alley is used to provide access to parking at the rear of lots, in lieu of driveways located at the front of the lot (see Figure, Partial Alley Block). Turnarounds are not required for partial alleys.*

[...]

*D4. Usable Side Yard Setback. Optional for Tiny Homes, Plexes, and Single Dwellings in Residential Planned Developments. A usable side yard setback development is where dwelling units sharing street frontage are shifted to one side of their lot, to within 3 feet of the property line. This provides for greater usable yard space on each lot. These developments require that the planning for all house locations be done at the same time.*

[...]

**APPLICANT'S RESPONSE** The supplemental elements provided in this subsection were considered but are not feasible given the topography and natural resources present throughout the site.

**APPLICANT'S 10/23/2024 SUPPLEMENTAL RESPONSE** Existing and planned open spaces will comprise a mix of opportunities for formal and informal recreational use. Formal recreational opportunities are provided at: the West Hills Neighborhood Park which includes a playground, benches, and walking paths; at a planned park in Tract F, which will include a playground, a fire pit, picnic benches, and trails; within two new dog parks planned in Tracts E and L; within a community garden in Tract N; and, throughout the numerous mid-block pedestrian accessways that connect pedestrian and bicycle facilities within the public right-of-way to other areas of the community via the several open space areas on site (see preliminary circulation plan in Applicant's submittal materials).

Informal recreational opportunities are provided within open spaces in Tracts A, B, D, N, R, and Tract Q.

As above, planned grading is anticipated to require tree removal throughout the site. Efforts will be made to preserve significant trees where possible. Where tree preservation cannot be accommodated, Applicant is committed to replacing trees as detailed in our proposed draft tree replacement condition of approval above.

The usability of open spaces will be enhanced through the inclusion of features such as dog parks, fire pits, playground equipment, benches, and walking paths. Applicant intends to incorporate cultivated species into the site landscaping via two new community gardens; one that is planned to be located in Tract N, and a second whose location will be chosen after additional community input.

The City can find that the application satisfies the minimum 4 of these supplemental requirements for common open space, as expressed above.

**FINDING: SATISFIED WITH CONDITIONS.** Consistent with the previous approvals, the proposed amendment includes flexibility to the block length and perimeter standards due to topography. To help mitigate this, the proposal includes mid-block pedestrian crossings comparable to the previous approval.

**Chapter 17.15. R-2 Low Density, 7000 SF Lot Residential Zone (PDA 1-24 & S 3-24)**

*17.15.010 Permitted Uses.*

*In an R-2 Zone, the following uses and their accessory uses are permitted:*

*A. Tiny Houses, Site built single detached dwelling and Class A mobile home subject to the following standards:*

[...]

**APPLICANT'S RESPONSE** This application anticipates that the lots created via this planned PD Amendment will host detached single-family dwellings, which are permitted in the R-2 zoning district. This provision is met.

[...]

*17.15.030 Lot Size.*

*In an R-2 Zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.11.070(C), Table 1(C), Townhouses, of this title.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Land Use Plans in Exhibit A, the planned lots range in size from ±5,000 square feet to ±28,193 square feet, with an average lot size of ±7,965 square feet. Consistent with the approval in Ordinance 5024, the average lot size exceeds the 7,000 square foot minimum and the overall density does not exceed that allowed in the R-2 zoning district or that approved in Ordinance 5024. This standard is met.

*17.15.040 Yard Requirements.*

*In an R-2 Zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:*

*A. A front yard shall not be less than twenty feet, except as provided in Section 17.11.030(C) Table 1(d), Cottage Clusters.*

*B. A rear yard shall not be less than twenty feet, except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.*

*C. A side yard shall not be less than seven and one-half feet. An exterior side yard on the street side of a corner lot shall be not less than twenty feet, except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.*

**APPLICANT'S RESPONSE** As outlined in Table 2, the application seeks approval for reduced street side-yard setbacks, reduced interior side yard setbacks, and approval for decks/patios to encroach into the 20-foot rear yard

setback. The requested deviation in side yard setbacks allows Applicant to achieve the same density as approved by Ordinance 5024 and as recommended by the 2023 HNA and makes the project financially feasible while simultaneously setting aside nearly 14-acres of additional land for parks and protected open space (compared to Ordinance 5024). Moreover, allowing decks to encroach into the rear yard setback will provide opportunities for private outdoor open space throughout the steeply sloping site. A typical setback legend is provided on the Preliminary Product Distribution Plan in Exhibit A. With the requested PD flexibility, the criteria are met.

*17.15.050 Building Height.*

*In an R-2 zone, a building shall not exceed a height of thirty-five feet.*

**APPLICANT'S RESPONSE** Applicant anticipates that future homes on the subject site will not require deviation from this building height standard. This standard can be met.

*17.15.060 Density Requirements.*

*In an R-2 zone, the maximum density for single attached dwellings may not exceed four dwelling units per 7,000 square feet. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.*

**APPLICANT'S RESPONSE** Policy 17.01 of the McMinnville Comprehensive Plan sets a targeted maximum density of 6.0 dwellings units per acre on the City's westside, where the subject site is located. The application plans to achieve a density of 4.6 dwellings per acre and therefore satisfies the applicable density standard. This standard does not apply.

**FINDING (CHAPTER 17.15):** The proposed amendment complies with the applicable standards of the R-2 zone, or flexibility to the R-2 standards has been incorporated into the Planned Development approval. Lot size averaging is permitted for a Planned Development, based on the minimum lot size established by the underlying zoning district, which is achieved with the proposed amendment. The policy cited in the applicant's response was previously repealed and is no longer applicable.

[...]

**Chapter 17.51. Planned Development Overlay (PDA 1-24)**

*17.51.010 Purpose*

*The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.*

**APPLICANT'S RESPONSE** The planned PD amendments continue to meet the purpose for PD Overlays stated above. The planned amendments offer significantly more open space and increased preservation of natural features. As detailed in this written narrative, some flexibility to the applicable standards is requested; however, the Hillcrest PD continues to meet the intent of the zoning ordinance.

*17.51.020 Standards and Requirements*

*The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:*

- A. *The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;*

**APPLICANT'S RESPONSE** The planned PD amendments continue to be consistent with the residential zoning indicated on the comprehensive plan map and zoning map as detailed in this written narrative. This requirement is met.

- A. *Density for residential planned development shall be determined by the underlying zone designations.*

**APPLICANT'S RESPONSE** Policy 17.01 of the McMinnville Comprehensive Plan sets a targeted maximum density of 6.0 dwellings units per acre on the City's westside, where the subject site is located. The application plans to achieve a density of 4.6 dwellings per acre and therefore satisfies this density standard. This requirement is met.

**FINDING (CHAPTER 17.51):** The proposed amendment is consistent with the purpose of the Planned Development Overlay chapter, and the amendment complies with the criteria provided in Chapter 17.74, which are also substantially the same as the criteria of this Chapter.

The proposed amendment complies with the applicable standards of the R-2 zone, or flexibility to the R-2 standards has been incorporated into the Planned Development approval. Lot size averaging is permitted for a Planned Development, based on the minimum lot size established by the underlying zoning district, which is achieved with the proposed amendment.

**NOTE:** *The policy cited in the applicant's response was previously repealed and is no longer applicable.*

[...]

**Chapter 17.53. Land Division Standards (PDA 1-24 and S 3-24)**

[...]

*Approval of Streets and Ways*



[...]

17.53.101 Streets

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or
3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

**APPLICANT’S RESPONSE** While the topography presents challenges with steep slopes and natural features, the planned alignment of streets has been thoughtfully designed to prioritize accessibility (minimize portions of roadway that exceed a 12 percent grade). The planned street network seamlessly connects to the existing Hillcrest PD and surrounding community, as detailed in the Preliminary Circulation Plan in Exhibit A. The planned PD amendments continue to utilize existing Neighborhood Collector streets, ensuring efficient traffic flow. These provisions are met.

B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:

Complete Street Design Standards

	Arterial		Collector		Neighborhood Connector	Local Residential	Alley
	Major	Minor	Major	Minor			
Right-of-Way	104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.

**APPLICANT’S RESPONSE** As shown on the Preliminary Street Plan in Exhibit A, all new local streets are designed with a 50-foot-wide public right-of-way and meet the Local Residential Street Design Standards. A private alley, maintenance accessway, and fire accessway will also be provided that have a right-of-way width of at least 20 feet. These requirements are met.

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

**APPLICANT'S RESPONSE** Except for planned alleys, the application does not include streets with a right-of-way width that is less than 50-feet. This requirement does not apply.

*C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.*

**APPLICANT'S RESPONSE** Reserve strips or street plugs are not requested with this PD Amendment application. This requirement does not apply.

*D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.*

**APPLICANT'S RESPONSE** As shown on the Preliminary Circulation Plan, the planned PD amendments continue to extend the main Neighborhood Collector streets serving the site including W 2nd Street and Horizon Drive. In recognition of the challenging site topography, there is one instance of a staggered T intersection located in the vicinity of the intersections of W 2nd Street/Road G and W 2nd Street/Road D where the distance between street centerlines is less than 200 feet; as shown on the Preliminary Subdivision Plat sheet in Exhibit A, the distance between these T intersections is ±148 feet. Per D above, where necessary, this standard may be reduced to a minimum of 125-feet. Given the site topography and associated street and lot design considerations, this planned intersection spacing is necessary to balance the multiple objectives of development on this site. Correspondence with the City confirming the reduced intersection spacing is acceptable is provided in Exhibit G. This requirement is met.

#### *17.53.103 Blocks*

*A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

*B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT'S RESPONSE** As discussed above, site topography mandates a deviation from the block size requirements here, as was similarly approved by Ordinance 5024. In return, ample mid-block pedestrian and bicycle connections have been provided and assure convenient access and mobility for these travel modes. These requirements are met through flexibility authorized by the PD Amendment.

*C. Easements.*

1. *Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*

2. *Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.*

3. *Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways.*

**APPLICANT'S RESPONSE** As shown in Exhibit A, the application includes utility easements, easements that conserve natural drainageways, as well as pedestrian access tracts. Each of these easement types have been designed pursuant to applicable City standards. These requirements are met.

#### 17.53.105 Lots

A. *Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.*

1. *Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.*

**APPLICANT'S RESPONSE** The planned lot size, lot width, shape, and orientation are appropriate for maximizing protection of sensitive areas on-site, providing a similar number of residential lots as compared to Ordinance 5024, meeting the HNA density target for the R-2 zoning district, and for ensuring that all lots are buildable. As above, this PD Amendment (similar to Ordinance 5024) seeks relief from the standard R-2 lot size and lot depth-to-width ratio requirements. These requirements are met through flexibility authorized by the PD Amendment.

B. *Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct*

access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-detached, common wall, or duplex residential use, unless no other access point is practical.

**APPLICANT'S RESPONSE** Each lot is planned to abut a street or an alley for a width of at least 25 feet, as shown on the Preliminary Subdivision Plat in Exhibit A. This standard is met.

*C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.*

**APPLICANT'S RESPONSE** No through lots are planned. This standard is not applicable.

*D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**APPLICANT'S RESPONSE** All lot lines are planned to run at right angles to the street upon which the lots face as far as practicable as shown on the Preliminary Subdivision Plat in Exhibit A. This standard is met.

*E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.*

**APPLICANT'S RESPONSE** No flag lots are planned. This standard is not applicable.

#### 17.53.110 Lot Grading

*Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:*

- A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.*
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*
- C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.*
- D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.*
- E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.*

**APPLICANT'S RESPONSE** As shown in Exhibit A, cut slopes will not exceed 1½ feet horizontally to 1 foot vertically, and fill slopes will not exceed 2 feet horizontally

to 1 foot vertically. The Preliminary Grading Plan has been designed such that all cut and fill slopes are 2:1 or flatter per these requirements. Additional geotechnical studies and evaluations will be conducted and provided with final engineering submittals for construction. Finally, a Preliminary Stormwater Report (Exhibit H) outlines the conceptual stormwater management system for the project and documents the drainage characteristics on-site, both pre- and post-development. The criteria are met.

*17.53.120 Building Lines*

*If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.*

**APPLICANT'S RESPONSE** Deviations from building setbacks are requested with this PD Amendment application as detailed in this written narrative and shown on the Preliminary Product Distribution Plan in Exhibit A. The approved special building setback lines will be noted on the plat or included in the deed restrictions. This provision will be met.

[...]

*Improvements*

[...]

*17.53.153 Improvement Requirements.*

*The following improvements shall be installed at the expense of the subdivider:*

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*

**APPLICANT'S RESPONSE:** As shown in the Preliminary Composite Utility Plan in Exhibit A, the PD Amendment application includes the installation of all water, sanitary sewer, and electrical infrastructure, as well as stormwater and public street infrastructure to serve future homes on the site. These requirements are met.

- D. Drainage. Such grading shall be performed, and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*

**APPLICANT'S RESPONSE** Drainage facilities will be installed conforming to City specifications to provide proper drainage within the subdivision and other affected areas. The drainage facilities on-site have been designed to ensure that post-development flows do not exceed pre-development flows. Two new stormwater facilities are planned with this application (beyond that approved in Ordinance 5024) and that, in concert with existing stormwater facilities constructed in prior phases of the Hillcrest PD, will better ensure the appropriate management of

stormwater runoff. The Preliminary Stormwater Report in Exhibit H provides additional details regarding on-site stormwater management. This requirement is met.

- E. *Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*

**APPLICANT'S RESPONSE** Street improvements are planned to be completed in accordance with all applicable City standards. As above, and as approved in Ordinance 5024, the application seeks approval for relief from the 12 percent maximum street grade standard in recognition of the challenging topography on-site. In such cases, steep streets are limited to short segments no longer than 200 feet. It is worth noting that Ordinance 5024 approved seven street segments where grades exceeded 12 percent. With the modifications to the street layout planned in this application, there are only four street segments where grades will exceed 12 percent.

As in Ordinance 5024, this flexibility is necessary to ensure compliance with ADA accessibility standards and serves to better protect on-site natural areas. All associated street elements, including curbs, sidewalk aprons at intersections, street signs, gutters, and shoulders, will be provided as applicable. Refer to the Preliminary Street Plan Overview with Road Grade and Preliminary Street Plan in Exhibit A. This requirement is met.

- F. *Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*

**APPLICANT'S RESPONSE** Pedestrian ways will be provided with a paved sidewalk not less than 5 feet wide through the middle of each of the pedestrian tracts as shown on the Preliminary Street Plan in Exhibit A. This requirement is met.

- G. *Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*

**APPLICANT'S RESPONSE** All private ways and private drives will be graded and improved to conform to City specifications in terms of structural standards. This requirement will be met.

- H. *Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

**APPLICANT'S RESPONSE** Street trees will be planted in compliance with the requirements of Chapter 17.58 and an approved street tree plan for the subdivision as detailed in this written narrative. This requirement will be met.

**FINDING (CHAPTER 17.53): PDA 1-24 is SATISFIED WITH CONDITIONS and S 3-24 IS SATISFIED WITH CONDITIONS CONTINGENT ON APPROVAL OF PDA 1-24.**

**Subject to conditions of approval**, the applicant's plan submittal and responses demonstrate compliance with Chapter 17.53, except where the Planned Development amendment requests flexibility to the standards of this Chapter, including provisions regarding lot size averaging, longer block length and block perimeter, and flexible design standards to the street serving Lots 103-107, which shall be a street subject to the conditions of approval, not an alley.

**Chapter 17.54. General Regulations (PDA 1-24 and S 3-24)**

[...]

**17.54.030 Buildings - Number Per Lot**

*In an R-1, R-2, and R-3 zone there shall be only one main building on a lot.*

**APPLICANT'S RESPONSE** No new home construction is requested with this application. However, Applicant anticipates that lots planned with this application will host only one main building each. This standard can be met.

This standard contradicts Oregon Revised Statutes (ORS) 197.758, which obligates cities to allow at least a duplex on all lots zoned for single-family detached homes. Because McMinnville defines a duplex as two dwellings on a single lot or parcel that may be attached or detached, the City must allow two detached buildings (of equal status, e.g., main building) on a lot per ORS 197.758.

[...]

**17.54.050 Yards**

- A. *Measurement. The measurement of a yard shall be made perpendicular from the property line to the nearest portion of the building.*
- B. *Requirement exceptions. The following exceptions to the front-yard requirements for a dwelling are authorized for a lot in any zone:*
  - 1. *If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.*
  - 2. *If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front- yard depth.*
  - 3. *Whether attached to a residence or as a separate structure, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 (twenty) feet from the property line bordering the street.*
- C. *Projections into yards. Architectural features such as cornices, canopies, sunshades, windows, chimneys, and flues shall not project more than 18 (eighteen) inches into a required yard. Eaves may extend a distance not to exceed 30 (thirty) inches into a required yard. Stairs may encroach up to five (5) feet into a required front yard provided that the stairs are not covered or enclosed, except for an eave not exceeding the 30 (thirty) inch encroachment as noted above.*

**APPLICANT'S RESPONSE** As shown in Exhibit A, the PD Amendment application conforms to applicable front yard setback requirements. The

application seeks relief to the rear yard setbacks, such that decks or patios are allowed to encroach into the rear yard setback. Reductions to this setback help to provide private outdoor living space while accommodating the targeted density on-site necessary to achieve the City's housing needs and make development feasible in consideration of additional planned parks and open space (relative to Ordinance 5024). These requirements are met through flexibility authorized by the PD Amendment.

**FINDING:** The City Council recently adopted amendments to MMC Chapter 17.54 which allows for encroachment of decks and patios into rear yards. Therefore, flexibility is not required as part of the PD amendment.

- D. *In a district where automobile service stations are permitted or conditionally permitted, freestanding gasoline pumps and pump islands shall not be closer than 10 (ten) feet to a street property line.*

**APPLICANT'S RESPONSE:** The subject property is within the R-2 zoning district and no automobile service stations are planned. This provision is not applicable.

- E. *In a commercial or industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the center of the alley.*

**APPLICANT'S RESPONSE** The subject property is within the R-2 zoning district. This provision is not applicable.

- F. *Yards required along arterial streets. Except in zones where greater setbacks are required, a minimum five (5) foot yard shall be provided where a lot or parcel abuts an arterial street, as those streets are defined in the City's Transportation Master Plan. The required five (5) foot yard shall be maintained as a clear vision area as defined in Section 17.54.080 except that the following uses may be allowed when alternatives are unavailable:*

1. *The exceptions described in Section 17.54.080.*
2. *Signs and signposts provided that the body of the sign is below three (3) feet in height or above eight (8) feet in height when measured from the top of the curb, or where no curb exists, eight and one-half (8.5) feet from the edge of the pavement or top of asphalt measured at the property line.*

**APPLICANT'S RESPONSE** No portion of the remaining phases of the Hillcrest PD are located along Arterial streets. These provisions are not applicable.

- G. *A building may be constructed with a cantilever which extends up to two (2) feet over the setback at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half (8.5) feet above the edge of the pavement, or top of asphalt measured at the property line.*

**APPLICANT'S RESPONSE** This provision is understood.

- H. *Setback variance requests shall be processed under the provisions of Chapters 17.72 (Applications and Review Process) and 17.74 (Review Criteria), except that:*



1. *The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance:*
2. *Variances to the requirements of this section which do not involve building setbacks must comply with Section 17.54.060(H)(1) above, but need not comply with Section 17.74.110. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE** The City's Planned Development process is intended to offer flexibility to standard lot design requirements, including setbacks, and is not subject to the variance process in H. above. This provision is not applicable.

[...]

#### 17.54.080 Clear Vision Area

*A. Clear vision area requirement. A clear vision area shall be maintained on the corners of all properties at the intersection of two streets, a street and an alley, or a street and a railroad. Clear vision area requirements shall also apply to the first 10 (ten) feet of commercial and industrial access driveways when the driveway intersects with a street or alley. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.*

1. *Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;*
2. *Telephone, power, and cable television pole, electrical junction boxes.*
3. *Government issued traffic safety signs.*
4. *Telephone switch boxes provided they are less than 10 inches wide at the widest dimension. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

*B. Clear Vision Area Measurement. The following measurements used in conjunction with the formula established in Section 17.06.080 shall be used to establish clear vision areas:*

1. *In a residential zone the minimum length of the triangle legs shall be 30 (thirty) feet at street intersections and 10 (ten) feet where a street and an alley intersect;*
2. *In all other zones the minimum length of the triangle legs shall be 15 (fifteen) feet at street intersections and 10 (ten) feet where a street and an alley or street and access drive intersect, except that when the angle of intersection between two streets, is less than 30 (thirty) degrees, the length of the triangle legs shall be 25 (twenty-five) feet;*
3. *In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from eight and one-half feet above the edge of the pavement, or top of asphalt measured at the property line;*

**APPLICANT'S RESPONSE** Clear vision areas will be maintained in accordance with these requirements on all lots at the intersection of two streets or a street and an alley. These requirements will be met.

[...]

*17.54.110 Use of Required Open Space*

*No lot area, yard, other open space, or off-street parking or loading area which is required by this title for one use shall be used as a required lot area, yard, or other open space or off-street parking or loading area for another use except as provided in Section 17.60.120 of this Ordinance.*

**APPLICANT'S RESPONSE** This provision is understood. No lot area, yard, other open space, or off-street parking or loading area required by this title for one use will be used as a required lot area, yard, or other open space or off-street parking or loading area for another use.

*17.54.120 Minimum Requirement Maintenance*

*No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimums required for it by this title, except when the provisions of either the variance or the planned development overlay processes are utilized. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE** The planned PD amendments continue to utilize the PD overlay process to reduce the street side, internal side, and rear yard requirements, as detailed in this written narrative. This provision is met.

*17.54.130 Address Assignments*

*The Building Official shall be responsible for assigning addresses to new structures. Addresses shall conform to the established numbering system for the City and to the requirements of McMinnville Ordinance 1770 and shall be assigned at the time the building permit is issued or before final occupancy is granted. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE** This provision is understood.

**FINDING (CHAPTER 17.54): SATISFIED.** No development is proposed at this time that would conflict with provisions of Chapter 17.54. With the recent code amendments regarding porch and patio setbacks, no additional flexibility is required as part of the PD application. At the time of development of lots, development will be reviewed for compliance with this chapter.

**Chapter 17.57. Landscaping (PDA 1-24 and S 3-24)**

**FINDING (Chapter 17.57): SATISFIED WITH CONDITIONS.** A condition has been included to require a landscape plan for the open space tracts, and the street tree plan

required as a condition per Chapter 17.58 can also be submitted as a concurrent application.

**Chapter 17.58. Trees (PDA 1-24 and S 3-24)**

[...]

*17.58.020 Applicability*

*The provisions of this ordinance shall apply to:*

- A. Individual significant or historic trees as defined in this ordinance.*
- B. All trees with trunks located completely or partially within any public area or right-of-way;*
- C. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;*

**APPLICANT'S RESPONSE** The subject site includes developable land and is subject to the planned development/subdivision review. Therefore, the provisions of MZO Chapter 17.58 are applicable and addressed in this written narrative.

[...]

*17.58.040 Tree Removal/Replacement*

*A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Applications shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, except as authorized in Section 17.58.050. Requests for tree removal within the Downtown Tree Zone shall be submitted to the City. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Manager should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Manager may be appealed to the Planning Commission if written notice of the appeal is filed with the City within 15 (fifteen) days of the committee's or Manager's decision. A decision made by the Manager in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.*

**APPLICANT'S RESPONSE** The application seeks approval for the removal of all on-site trees as necessary to construct new streets, sidewalks, landscape strips, public utilities, perform necessary site and lot grading, and to prep the site and planned lots for the construction of future homes. Where possible, mature trees

will be preserved. New street trees and individual lot landscaping will serve to replace trees that are removed to accommodate this development plan.

*B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.*

*C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.*

*D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.*

*E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.*

**APPLICANT'S RESPONSE** The application seeks approval for the removal of all on-site trees as necessary to construct new streets, sidewalks, landscape strips, public utilities, perform necessary site and lot grading, and to prep the site and planned lots for the construction of future homes. Where possible, mature trees will be preserved. New street trees and individual lot landscaping will serve to replace trees that are removed to accommodate this development plan. These provisions can be met.

*F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Manager's or Landscape Review Committee's decision. The Manager or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.*

*G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.*

**APPLICANT'S RESPONSE** Applicant plans to complete the requested tree removal for development in Phase 1 within 6 months of approval. Applicant requests that the City condition this approval such that tree removal in Phases 2 through 9 may commence concurrent with development activities in each of these phases. This approach will ensure that trees are not removed prematurely and will survive in the event that future modifications to the plan allow.

*H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE** This provision is understood. Planting of street trees will be in accordance with all applicable City standards.

[...]

*17.58.050 Application Review and Criteria.*

*A. Application for Simple Tree Removal Permit.*

*1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:*

*a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.*

*b. The tree is dead or in an advanced state of decline.*

*c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.*

*d. Tree is infested with pests or disease.*

*e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.*

*f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.*

*g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.*

*h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.*

**APPLICANT'S RESPONSE** The remaining phases of the Hillcrest PD subject to this application contain trees, many of which will be necessary to remove in accordance with criterion (g). The subject tree removal will require a simple tree removal permit application. The site is steeply sloped, and extensive grading will be required to accommodate safe and efficient vehicular, pedestrian, and bicycle circulation as well as provide needed housing that will result in the necessity to remove many of the existing trees on-site. No reasonable alternatives to the removal of trees are available while still completing the remaining phases of the Hillcrest PD. Consistent with the approval in Ordinance 5024, a tree protection plan will be submitted with construction permits for approval.

[...]

#### *17.58.080 Street Tree Planting - When Required*

*All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.*

**APPLICANT'S RESPONSE** This application is for the remaining phases of the Hillcrest PD, a phased residential subdivision. Street trees will be planted according to the standards listed in Section 17.58.090.

#### *17.58.090 Street Tree Standards*

*A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2019-26, and as may have been subsequently amended, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.*

*B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.*

*C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville*

*Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.*

*D.Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City's adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk. Except when authorized by the Manager, street trees shall not be planted within a curbside landscape strip narrower than four (4) feet in width between the sidewalk and curb. When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards, street trees adjacent to major collector streets or arterial streets shall be placed a minimum of five (5) feet from the back edge of the sidewalk. Except when authorized by the Director, a street tree shall not be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.*

*E.Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.*

*F.Existing street trees shall be retained unless approved by the Manager for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Manager to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.*

*G.Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.*

**APPLICANT'S RESPONSE** All street trees will be planted in 4.5-foot-wide planter strips according to the standards listed above. A conceptual overview of the street trees is provided on the Master Plan Layout with Aerial in Exhibit A. A local residential street section depicting the 4.5-foot-wide landscape strip is shown on the Preliminary Street Plan. These standards will be met.

#### *17.58.100 Street Tree Plans*

*A. Submittal.*

*1.Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.*

*2.Commercial, Industrial, Parking Lots, and Multi-dwelling Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.*

*B. Street Tree Plan Content. At a minimum, the street tree planting plan should:*

*1.Indicate all existing trees, noting location, species, size (caliper and height) and condition;*

*2.Indicate whether existing trees will be retained, removed or relocated;*

*3.Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;*

*4.Indicate the location, species, and size (caliper and height) of street trees to be planted;*

*5.Indicate the location of proposed and existing utilities and driveways; and*

*6.Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site.*

**APPLICANT’S RESPONSE** A street tree planting plan containing all applicable content listed above will be submitted prior to filing of the final subdivision plat. This provision will be met.

*17.58.110 Street Tree Planting*

*A. Residential subdivisions and partitions*

*1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.*

**APPLICANT’S RESPONSE** Street trees will be installed prior to the submittal of final plat or an approved security will be filed to assure the planting of the required street trees. This provision will be met.

**FINDING (CHAPTER 17.58): PDA 1-24 is SATISFIED WITH CONDITIONS and S 3-24 IS SATISFIED WITH CONDITIONS CONTINGENT ON APPROVAL OF PDA 1-24.** The applicant has requested flexibility from the fee in lieu provisions of this Chapter as part of the PD application. Conditions of approval have been included for compliance with the tree retention/removal/replacement provisions of this chapter, except as modified and authorized through conditions of approval. As a condition of approval, the applicant will also need to submit an application for a street tree plan.

**Chapter 17.60. Off-Street Parking and Loading (Not Applicable)**

*17.60.050 Spaces – Location*



A. *Except as provided below, required off-street parking spaces for dwellings shall be located on the same lot with the dwelling. For the following residential uses, off-street parking shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building.*

1. *Off-street parking for one or two upper story residential dwelling units above a non-residential use*
2. *Off-street parking for residential uses in the City Center Housing Overlay Zone designated in Chapter 17.66*

**APPLICANT'S RESPONSE** All off-street parking spaces will be located on the same lot as the residential home. This standard is met.

[...]

#### *17.60.060 Spaces. Number Required*

*Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.*

#### *A. Residential Land Use Category*

[...]

#### *4. Single Detached*

*Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.*

**APPLICANT'S RESPONSE:** A minimum of two spaces will be provided per dwelling unit in garages and within driveways. This requirement is met.

[...]

#### *17.60.080 Design Requirements*

*A. All parking lots and driving aisles shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked, except that in an industrial zone, parking spaces which are in addition to those required by this chapter, may be surfaced with a minimum of treated gravel and maintained dust free.*

**APPLICANT'S RESPONSE:** No parking lots are planned. This requirement is not applicable.

*B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed by this ordinance, and such parking space shall not be less than twenty feet in depth from the property line.*

**APPLICANT'S RESPONSE:** No yard adjacent to a street will be used for any purpose except for off-street parking. All driveways will be a minimum of 20 feet in depth from the property line. This requirement is met.

C. *Safe access shall be provided as follows:*

[...]

5. *Driveway cuts shall be a minimum of twenty feet from a street intersection.*

**APPLICANT'S RESPONSE** No driveway cuts will be located less than 20 feet from a street intersection. This requirement is met.

**FINDING (CHAPTER 17.58): SATISFIED/NOT APPLICABLE.** No off-street parking is proposed at this time. The applicant is not requesting flexibility to the provisions of this chapter as part of the PDA. The applicant has indicated they intend to provide required off-street parking on the respective lots at the time of building permits consistent with the provisions of this chapter.

**NOTE:** *Please be aware the driveways will be subject to the provisions of MMC 12.20.070, "In case the service driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead."*

**Chapter 17.72. Applications and Review Process (PDA 1-24 and S 3-24)**

[...]

17.72.095 *Neighborhood Meetings*

[...]

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.*

**APPLICANT'S RESPONSE** A neighborhood meeting was held on May 20, 2024. Evidence of compliance is provided in Exhibit F. The comments received at the meeting were generally project-related and were responded to in the meeting. The following revisions or actions were taken after the meeting in response to comments received:

- Community members expressed the desire for open spaces to include dog parks, stations with dog waste bags, benches and seating areas, and play areas for children. Each of these elements has been incorporated into the common open space areas as shown on the Preliminary Community Amenity Plan in Exhibit A.
- Community members expressed concerns regarding deficiencies in water pressure in the surrounding neighborhood. Applicant contacted McMinnville Water & Light to bring these concerns to their attention. McMinnville Water & Light confirmed that their recent measurements indicate appropriate pressure in the areas discussed, as shown in Exhibit G. Further coordination will occur with McMinnville Water & Light throughout the project to ensure adequate water pressure. Additionally, all future homes above the 275-foot elevation contour will rely on a new public water booster pump station to provide sufficient pressure to these homes. Applicant is closely coordinating with the City and McMinnville Water & Light to procure the necessary water booster pump station infrastructure in time for Phase 3 home construction.
- Neighbors expressed the desire to purchase lots prior to home building. Applicant will reach out to those who expressed interest when lots are platted.

**FINDING (CHAPTER 17.72): SATISFIED.** The applications are processed in accordance with this chapter. With the application, the applicant submitted the necessary documentation of the neighborhood meeting per 17.72.095(G).

**Ordinance 4132. West Hills Planned Development Overlay (Amended by Ordinance 4225) (PDA 1-24 and S 3-24)**

**Section 1. Statement of Purpose.** *The City of McMinnville finds that it is necessary to reserve specified areas in western McMinnville within the West Hills, for future development in residential uses. In the process of establishing an Urban Growth Boundary for the City, it has been determined that other areas outside the city limits should be developed prior to this area to insure an orderly and timely conversion of urbanizable and future urbanizable lands to urban lands. The City shall therefore phase development of this area in relation to other residentially designated lands within the Urban Growth Boundary.*

*The City of McMinnville also recognizes the West Hills area as having scenic values unique to our area, and topographical features which are not conducive to the standard development practices normally employed in residential designs in the City. Recognizing these concerns, the City shall allow and encourage a planned residential design which preserves and takes advantage of the unique natural features of the area, that allows concentrated building in suitable areas to maintain the overall density designated for the area, and that provides for a cost efficient provision of streets, utilities and other public and private services.*

*The City has found through the comprehensive planning process that the best way to insure that the above concerns are addressed in the development of this property is to place a planned development overlay over said property.*

**APPLICANT’S RESPONSE: N/A**

**FINDING: APPLICABLE.** The subject property is within the overlay area. The provisions of this ordinance are applied to the applications to address the purpose in this section of this ordinance.

**Section 2. Planned Development Overlay.** *The planned development overlay which is created and implemented by this ordinance shall be placed over portions of the area commonly referred to as the West Hills of McMinnville, located to the northwest and southwest of the intersection of West Second Street with Hill Road. The affected area is further described by map in Exhibit "A". Both areas within and without the city limits shall carry this designation.*

*The policies and procedures set by this ordinance shall be applied to the following land use decisions concerning this property: (1) Extension of public streets and utilities, to include water, sanitary sewer and storm sewer; (2) Land division activities; (3) Comprehensive plan and zone map changes; (4) Annexation. Development of single-family residential structures on existing legal lots shall be exempted from these ordinance requirements. The overlay shall not impinge the legal jurisdiction of Yamhill County for areas outside the city limits.*

**APPLICANT'S RESPONSE: N/A**

**FINDING: APPLICABLE.** The subject property is within the overlay area. These policies and procedures were applied to the previous actions and are applied to the current proposal.

**Section 3. Notation on Zoning and Comprehensive Plan Maps.** *The perimeters of the areas affected by this ordinance shall be noted on the official McMinnville Comprehensive Plan Map of 1980 and the official McMinnville Zoning Map of 1980.*

**FINDING: NOT APPLICABLE.** This is not a decision-making criterion.

**Section 4. Policies.** *The following policies shall apply to the subject property:*

- (a) *The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.*
- (b) *The designated residential area west of Hill Road (beyond the limits of the first water service level and the service boundary of the trunk sewer line that is extended to the corner of Hill Road and West Second Street) shall not be allowed to develop at an urban density until all other designated residential areas within the Urban Growth Boundary area are substantially developed. "Substantially developed" shall mean that seventy-five (75) percent of the future residentially designated land area outside the city limits, but within the Urban Growth Boundary (excluding the designated West Hills area and the Three Mile Lane residential area) at the time of LCDC acknowledgment of the Urban Growth Boundary, is developed or has development approval of the City. Development of single-family residential structures on legal lots created before this ordinance shall be allowed subject to applicable city building requirements.*

- (c) *The density of any proposed development shall be set by the zoning classification.*
- (d) *The wooded portions of the site shall be incorporated into the development of the property so that they will be left substantially intact and with consideration given to the preservation of wildlife habitat. (Amended by Ordinance No. 4225, November 23, 1982)*
- (e) *Scenic values of the property, as viewed from the City towards the site, shall be emphasized and enhanced in residential development designs. This should be accomplished by encouragement of a design which clusters housing in suitable areas while reserving large open areas. This policy shall not preclude incorporation of single-family structures in development designs.*

**APPLICANT’S RESPONSE** *(Staff Note: The following is excerpted from the applicant’s October 23, 2024 supplemental submittal. Please see that submittal for full response which addresses multiple items):*

As outlined in Applicant’s submittal materials for the above-referenced application, the application seeks approval for an amendment to a planned development and tentative subdivision that was last approved by the City of McMinnville in 2017, per City of McMinnville Ordinance (Ord.) 5024.

...

**1. Natural feature preservation, grading, and tree removal.** Natural feature preservation is referenced by Section 17.11.110.B.1 (Ord. 3380) and City of McMinnville Ord. 4132, policies 4(a) and 4(c).

...

In the City’s review and ultimate approval of Planning File No. ZC 19-06/S 13-06, both the Planning Commission and City Council agreed with the then applicant’s findings that these wooded areas could not be left substantially intact because: 1) clustering residences “would result in a patchwork design of rooftops and vegetation” and would require clearing of large areas of vegetation anyway, and 2) attempting to avoid tree removal on the steep site while providing streets that meet local design standards would result in numerous dead ends “and a noticeable decrease in neighborhood connectivity.” (see Attachment 1)

Subsequently, then applicant offered that tree preservation would be further evaluated at time of final design review to save trees where possible by meandering the alignment of streets and sidewalks and shifting homes on individual lots, among other strategies. This approach also committed to replanting trees on individual lots and in the public rights-of-way where tree removal was necessary. This approach was approved by the City and has been implemented throughout prior phases of the Hillcrest PD.

Applicant’s submitted preliminary land use plans illustrate the location of the site’s several natural features, including surficial drainageways, steep slopes, wetlands, wooded areas, areas of shallow basalt and expansive soils, as well as areas of undocumented fill. Due to site topography, geologic/geotechnical concerns (such as uncontrolled fills, hard rock, expansive clays, and slope stability considerations),

and local and emergency access requirements for maximum street grades, considerable site grading is necessary and that will result in the removal of trees within wooded areas on site. Site topography also mandates grading within or near existing watercourses to ensure that drainage features are preserved in perpetuity and do not create future erosion-related problems for the community or downstream.

Additionally, the proposed mass grading of the site, which would occur at the time of site development for each phase of the project, allows the project cut and fill volumes to be designed and constructed wholistically across phase and lots lines and minimizes the potential for future drainage or slope instability problems that are otherwise likely to result from partially completed grading that is confined to the right-of-way only.

Planned grading and associated tree removal is unavoidable in the context of the subject site; however, Applicant's plan achieves an optimum balance of maintaining natural features while providing needed housing. To ensure that public and private improvements occur on site in a manner that is consistent with best practices for tree canopy retention and the development of geologically sensitive areas, Applicant requests to replace COAs 2.2 and 2.12 (Ord. 5024) and COA 11 (S 13-6) with the following conditions of approval:...

**2. Scenic views.** The preservation of scenic views is identified in Section 17.11.110.B.2 (Ord. 3380) and within City of McMinnville Ord. 4132.

...

**Ord. 4132.** The City has interpreted in their review and approval of prior planned developments/tentative subdivisions affecting the subject site that applicable policies of Ord. 4132, including those related to scenic views, are met. Additional analysis is offered below.

The City of McMinnville adopted Ord. 4132 in April 1982, which was amended by Ord. 4225 in November 1982. This Ordinance establishes the West Hills Planned Development boundary and acknowledges that due to topographical constraints, *"the City shall allow and encourage a planned residential design which preserves and takes advantage of the unique natural features of the area, that allows concentrated building in suitable areas to maintain the overall density designated for the area, and that provides for a cost efficient provision of streets, utilities, and other public and private services."*

Section 4 of this Ordinance outlines the following 5 policy objectives that apply to land within the West Hills Development Boundary:

- (a) The goals of the Comprehensive Plan and applicable regulations and standards shall be adhered to.
- (b) The area west of Hill Road shall not be allowed to develop at an urban density until all other residential areas within the UGB are substantially developed.
- (b) The density of proposed development shall be set by the zoning classification.

(c) The wooded portions of the site shall be incorporated into the development of the property so that they will be left substantially intact.

(d) Scenic values of the property, as viewed from the City towards the site, shall be emphasized in residential development designs. This should be accomplished by clustering housing in a manner that reserves large open areas. This policy shall not preclude incorporation of single-family structures in development designs.

Section 5, Subsection (a) of this Ordinance vests the authority in the Planning Commission to determine compliance with policies (a) through (d) above.

The Planning Commission has approved two subsequent residential planned development/subdivisions on this site that show clustering of multi-family homes as well as single-family attached and detached homes that are arranged in a manner that accommodates the set aside for a large neighborhood park at the south end of the site. The current application seeks reductions to certain yard setback requirements which further cluster remaining residential development in a manner that will allow the creation of ±15-acres of additional parks and open space on site. It is the position of Applicant, that because the Planning Commission, and City Council, have approved prior planned development/subdivision layouts that provide less area for public and private open space and with fewer opportunities for views of natural areas as compared to the current proposal, and have thereby interpreted that such prior layouts comply with Ord. 4132, that the current layout equally or better meets the applicable policies of Ord. 4132.

**FINDINGS (Section 4):**

(a) Findings regarding the applicable Comprehensive Plan Goals and Policies are addressed in a separate section of these findings.

(b) **SATISFIED.** This threshold as previously achieved.

(c) **SATISFIED.** The proposed density and lot size averaging are consistent with the density allowed by the R-2 PD zoning.

(d) **SATISFIED WITH CONDITIONS.** The applicant's October 23, 2024 supplemental responses above demonstrate consistency with Subsection (d). The application is an amendment to a Planned Development and Subdivision that was previously approved by the Planning Commission and City Council, with a subsequent amendment also previously approved by the Planning Commission and City Council. The current applications have a comparable impact and pattern and intensity of development within the wooded areas of the property as the previous application approval and amendment, which would remain in effect if the requested amendment is not approved. The conditions of approval address retention and replacement of trees. Due to the mass grading, most trees would be removed, so the application relies substantially on replanting rather than retention of trees and wooded areas comparable to the prior approvals.

- (e) **SATISFIED WITH CONDITIONS.** The applicant's October 23, 2024 supplemental responses above demonstrate consistency with Subsection (e). The application is an amendment to a Planned Development and Subdivision that was previously approved by the Planning Commission and City Council, with a subsequent amendment also previously approved by the Planning Commission and City Council. The current applications have a comparable impact and pattern and intensity of development within the wooded areas of the property as the previous application approval and amendment, which would remain in effect if the requested amendment is not approved. The current applications include a greater degree of clustering than the current approval, resulting in some open space tracts. This is limited within the most heavily wooded portions of the site, but provides tracts that aren't part of the current approval. Even with a more clustered pattern, it should be recognized that, due to the mass grading, most trees would still be removed, including many within open space tracts, except where noted on the applicant's exhibit that shows area that are not anticipated to be disturbed, which predominantly corresponds to the tracts with jurisdictional wetlands/waterways, comprising approximately 4 acres of the site. Conditions are included to address tree removal and replacement.

**Section 5. Procedures for Review.**

- (a) *The Planning Commission shall review proposals on the subject property to determine the acceptability of the plans. Neglect or failure of the applicants to take reasonable account of policies (a) through (e) in Section 4 shall constitute the Commission's sole basis for disapproving a proposal provided all applicable City codes are adhered to.*
- (b) *Annexation to the City of lands within the area covered by this ordinance shall not be allowed until policy (b) of Section 4 of this ordinance has been met.*
- (c) *Zone changes and land divisions submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of Ordinance No. 3380 (Zoning Ordinance).*
- (d) *Land division requests shall also be processed under the requirements of Ordinance No. 3702 (Land Division Ordinance).*
- (e) *Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 of Ordinance No. 3380 (Zoning Ordinance).*

**FINDINGS (Section 5):**

- (a) Findings regarding Policies (a)-(e) are provided above.
- (b) **NOT APPLICABLE.** The subject property has already been annexed.
- (c) **SATISFIED.** The original applications were a Planned Development and Subdivision tentative Plan. The current proposals are amendments to those previous decisions.
- (d) **SATISFIED.** The proposed amendment to the Subdivision Tentative Plan is processed under Chapter 17.53 of the Zoning Ordinance, which replaced Ordinance 3702.



(e) **NOT APPLICABLE.** No amendment to this ordinance is proposed.

**Planned Development Ordinance 5024 (PDA 1-24 and S 3-24)**

**FINDING: PDA 1-24: SATISFIED WITH CONDITIONS; S 3-24 SATISFIED WITH CONDITIONS CONTINGENT ON APPROVAL OF PDA 1-24.** The recommendation includes changes to conditions of Ordinance 5024. PDA 1-24 is consistent with the revised provisions subject to conditions of approval. S 3-24 is consistent with the revised provisions, subject to conditions of approval, contingent on approval of PDA 1-24. Please see the conditions in Section II.

*That the Conditions of Approval as documented in Exhibit A for ZC 6-17 are as follows:*

1. *That the planned development overlay shall require the following setbacks:*
  - A. *Development of the multi-family lot and single-family lots within the Northridge subdivision shall be to standard R-4 zone setbacks.*
  - B. *Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.*
  - C. *All other lots shall meet applicable R-2 zoning setbacks.*

*The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.*

**APPLICANT'S RESPONSE** The planned PD amendments no longer request R-4 zoning district setbacks be applied to portions of the site; however, deviations from yard standards are still necessary. A typical setback legend is provided on the Preliminary Product Distribution Plan in Exhibit A. Because of the need to protect more open space, avoid development in geologically sensitive areas, and provide additional stormwater management facilities, ±14 acres of the subject site that were formerly believed to be developable are no longer available for new dwellings. Subsequently, this application seeks to balance these objectives by requesting reductions to the side- and rear-yard setback requirements and by slightly reducing the size of the lots.

Taken together, this program achieves density targets established in Ordinance 5024, the City's Comprehensive Plan, and the 2023 HNA, while

providing housing needed for McMinnville's anticipated population growth.

**FINDING: SATISFIED SUBJECT TO REVISIONS.** The proposal includes requested changes would require revisions to this condition.

2. *That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.*

**APPLICANT'S RESPONSE** The application seeks approval for the removal of all on-site trees as necessary to construct new streets, sidewalks, landscape strips, public utilities, to perform necessary site and lot grading, and to prepare the site and planned lots for the construction of future homes as shown in Exhibit A. Where possible, mature trees will be preserved. New street trees and individual lot landscaping will serve to replace trees that are removed to accommodate this development plan.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

3. *That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.*

*The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.*

**APPLICANT'S RESPONSE** In accordance with this condition and the standards in MZO 17.74.070, this application seeks approval for a major change to the remaining phases of the Hillcrest PD phased tentative subdivision plan.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

4. *That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:*

- A. *The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.*
- B. *The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.*
- C. *The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.*
- D. *Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.*
- E. *Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.*

**APPLICANT’S RESPONSE** The multi-family component of the original Hillcrest PD has been constructed. This application does not seek a modification that would impact the constructed multi-family units.

**FINDING: NOT APPLICABLE.** This section applied to the previously constructed multi-dwelling development in a previous phase.

- 5. *Prior to the issuance of the 290<sup>th</sup> building permit for the master planned development, the developer shall complete the installation of left-turn-lane improvements, meeting the City’s and Yamhill County’s standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.*

**APPLICANT’S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024. Applicant will install the required improvements prior to the issuance of the 290th building permit.

**FINDING: SATISFIED WITH CONDITIONS.** This development will trigger improvements, which must be addressed consistent with this condition.

- 6. *That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure).*

**APPLICANT’S RESPONSE** This application does not seek a

modification to the reduction of minimum lot sizes approved as a part of Ordinance 5024. The remaining phases of the Hillcrest PD subject to this application continue to provide lots that are below 7,000 square feet while maintaining an average lot size that is greater than 7,000 square feet and not exceeding the maximum density permitted within the R-2 zoning district as detailed in this written narrative.

**FINDING: SATISFIED.** With the proposed lot size averaging, the proposed development of the remaining 106 acres would be consistent with R-2 densities.

7. *Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:*

A. *A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.*

B. *Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).*

*Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.*

**APPLICANT'S RESPONSE** This application does not seek a modification to the street grade standards approved as a part of Ordinance 5024.

The planned PD amendments include street realignments as necessary to avoid sensitive areas of the site and to minimize the depths of cuts into bedrock whenever possible. Additionally, eyebrow corners or curb bulb-outs with reduced centerline radii of curves are planned as necessary to maximize buildable lots to achieve the same density as approved by Ordinance 5024 and as recommended by the 2023 HNA. Eyebrow corners and curb bulb-outs will be designed according to local fire department requirements and standard engineering practices.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

8. *That condition of approval number 10 of S 13-06 is supplanted as follows: “The City Public Works Department will install, at the applicant’s expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City’s approval of the final plat.”*

**APPLICANT’S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

9. *That condition of approval numbers 14, 15 and 16 of S 13-06 is supplanted as follows: “Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2<sup>nd</sup> Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.”*

**APPLICANT’S RESPONSE** This application does not seek a modification to the street standards approved as a part of Ordinance 5024. All remaining streets will be constructed to the local residential street standard as shown on the Preliminary Street Plan in Exhibit A. All streets will be improved with a 28-foot-wide paved section, 4.5-foot-wide planting strip with a 0.5-foot curb, and 5-foot-wide sidewalks placed 1 foot from the property line within a 50-foot right-of-way.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases. In addition, the application has requested flexibility for the standards for a short dead-end street which would require an amendment to this condition for the one street.

10. *That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.*

**APPLICANT’S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases.

11. *That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2<sup>nd</sup> Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.*

**APPLICANT'S RESPONSE** This application does not seek a modification to the additional pedestrian connections required as a part of Ordinance 5024. These six additional pedestrian connections, along with significantly more open space and pedestrian connectivity, have been integrated into the amended Hillcrest PD layout as shown on the Preliminary Subdivision Plat in Exhibit A.

**FINDING: SATISFIED WITH CONDITIONS.** A revised condition has been provided to address pedestrian connector for the revised plan.

12. *That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of Phase 4.*

**APPLICANT'S RESPONSE** This application does not seek a modification that would impact this condition of Ordinance 5024. This condition is specific to Valleys Edge Phase 4, which was completed/platted in early 2021 and is no longer applicable. However, based on the geotechnical conditions at the site, further site-specific geotechnical investigations will be conducted and provided during final engineering, including evaluations for slope stability and surface drainage control. All recommendations from the geotechnical engineer will be integrated into site design and hillside development.

**FINDING: SATISFIED WITH CONDITIONS.** This condition continues to be applicable to the remaining development phases. Updated conditions have also been provided regarding geotechnical review.

13. *That Planned Development Ordinance No. 4868 is repealed in its entirety.*

**APPLICANT'S RESPONSE** The changes to the layout for the remaining portion of the Hillcrest PD included in this PD Amendment application comply with the requirements of Ordinance 5024. Applicant understands that, should this request be approved, Ordinance 5024 will similarly be repealed and replaced with the ordinance enacting the approval of this request. The ordinance will contain applicable elements of Ordinance

5024 in addition to new conditions reflecting the modifications to the phased tentative subdivision plan included in this application. The new ordinance will serve to continue the Planning Commission's original 2007 approval and 2017 PD Amendment approval for the Hillcrest PD.

**FINDING: NOT APPLICABLE.** This is not a criterion. Updated conditions have been provided to clarify new conditions are applicable to future phases, and that some previous conditions only applied to previously platted phases.

**Comprehensive Plan Volume II: (PDA 1-24 and S 1-24)**

The implementation of the goal, policy, and proposal statements in Volume II of the Comprehensive Plan shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements.

Certain Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request. The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to certain applications, and are not addressed below.

The following findings are made relating to specific Goals and Policies:

**CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT**

**GOAL V.1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.**

**General Housing Policies**

*Policy 58. City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

**FINDING (HOUSING GOAL V.1 AND APPLICABLE POLICIES): SATISFIED.** Most of the policies under this goal are directives to the City which are implemented with the land use regulations.

**GOAL V.2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.**

**Policies:**

68.00 *The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use. (Ord. 5098, December 8, 2020)*

Planned Development Policies:

*Policy 72. Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*

*Policy 73. Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

*Policy 74. Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*

*Policy 75. Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the city, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*

*Policy 76. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*

*Policy 77. The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*

*Policy 78. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

Urban Policies.

*Policy 99. An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).*

**APPLICANT'S RESPONSE (CHAPTER V AND GOALS V-1 AND V-2):** The planned PD amendments would provide ±392 new single-family dwellings at a density of ±4.6 dwellings per acre, which directly addresses the need identified in the City's HNA and



does not exceed the maximum westside density of 6 units per acre (Policy 17.01). Although the remaining phases of the Hillcrest PD subdivision are planned to comprise exclusively single-family detached home lots, the previous phases of the Hillcrest PD include multiple-family homes, which together satisfy the City's goal for a mix of housing types while acknowledging development limitations in this area. These goals are met.

*STAFF NOTE: See applicant's supplemental 10/23/2024 submittal. Also, the policy referenced above has been repealed.*

**FINDING (HOUSING GOAL V.2 AND APPLICABLE POLICIES): SATISFIED WITH CONDITIONS.** Findings related to these policies have been addressed under the respective provisions of the Zoning Ordinance, including the provisions of Chapter 17.53 regarding land divisions and 17.11.110 which implements Great Neighborhood Principles for Planned Developments. These policies and provisions are satisfied with conditions as discussed in the respective sections of these findings.

## **CHAPTER VI TRANSPORTATION SYSTEM**

### **GOAL VI-1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.**

**APPLICANT'S RESPONSE (CHAPTER VI AND GOAL VI-1):** As shown on the Preliminary Street Plan Exhibit A and detailed in this written narrative, all streets will be constructed in accordance with applicable street standards, and the revised street network will continue to provide connections to the previous phases of the Hillcrest PD and surrounding neighborhoods in a safe and efficient manner.

Traffic studies submitted with prior approvals for the Hillcrest PD indicate acceptable traffic flow at full buildout, with certain improvements as included in Ordinance 5024. Per Ordinance 5024, prior to the issuance of the 290th building permit (which is expected to occur in Phase 4), Applicant will construct the required mitigative measures, which include a left-turn lane at the intersections of W 2nd Street/SW Hill Road and NW Horizon Drive/NW Hill Road. This PD Amendment application reduces the number of residential lots by two, which will slightly reduce traffic impacts. Therefore, the streets will remain adequate to support the anticipated traffic of the Hillcrest PD with the required mitigative measures outlined in the approved traffic studies for the Hillcrest PD. This goal is met.

**FINDING (CHAPTER VI): SATISFIED WITH CONDITIONS.** Findings related to these policies have been addressed under the respective provisions of the Zoning Ordinance, including the provisions of Chapter 17.53 regarding land divisions and complete street standards, and 17.11.110 which implements Great Neighborhood Principles for Planned Developments, including those related to the transportation system, and the standards in the Transportation System Plan. These policies and provisions are satisfied with conditions as discussed in the respective sections of these findings.

The proposed street network is substantially the same where it connects to existing street stubs and provides for new street stubs to abutting properties. The predominant changes to the street system are internal to the site. The number of lots is approximately the same as the current approval. Conditions in the current approval will carry forward regarding off-site improvements that will be required of the developer.

## **CHAPTER VII COMMUNITY FACILITIES AND SERVICES**

**GOAL VII-1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMinnville Urban Growth Boundary.**

**GOAL VII-3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.**

**APPLICANT'S RESPONSE (CHAPTER VII AND GOALS VII-1 AND VII-3):** Utilities serving the site will be adequate for the remaining homes in the Hillcrest PD. Utility capacity was reviewed during the past approval processes and determined to be adequate, accounting for the need to install a water system booster pump station to serve lots above the 275-foot elevation contour. The Preliminary Composite Utility Plan in Exhibit A and Preliminary Stormwater Report in Exhibit H demonstrate that each remaining phase of the Hillcrest PD has been designed to include all necessary infrastructure for that phase. Furthermore, this PD Amendment will not result in an increase in utility and drainage demand beyond the prior approval.

The planned PD amendments will provide an additional ±13.0 acres of parks and open space beyond that approved in Ordinance 5024, significantly increasing the amount of land dedicated to parks and recreation within the Hillcrest PD. These goals are met.

**FINDING (CHAPTER VI): SATISFIED WITH CONDITIONS.** Findings related to these policies have been addressed under the respective provisions of the Zoning Ordinance, including the provisions of Chapter 17.53 regarding land divisions and complete street standards, and 17.11.110 which implements Great Neighborhood Principles for Planned Developments, including those related to the transportation system and recreational facilities. These policies and provisions are satisfied with conditions as discussed in the respective sections of these findings.

## **CHAPTER VIII ENERGY**

### **ENERGY CONSERVATION**

**GOAL VIII-2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.**

**APPLICANT'S RESPONSE (CHAPTER VIII AND GOAL VIII-2):** The planned PD amendments continue to propose compact urban development, as appropriate for site's topographical limitations, which is consistent with the land utilization approved in Ordinance 5024. This goal is met.

**FINDING: SATISFIED.** The applicant's response addresses this goal.

## **CHAPTER IX URBANIZATION**

**GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.**

**GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN**

**APPLICANT'S RESPONSE (CHAPTER IX AND GOALS IX-1 AND IX-2):** The site will remain within the City and its UGB. As mentioned above, urban services will be available to the site. While the PD Amendment is not subject to new standards enacted since the adoption of Ordinance 5024, Applicant has made considerable efforts to incorporate the Great Neighborhood Principles of this chapter that were enacted after Ordinance 5024. The currently planned PD Amendment substantially improves conformance with the City's Great Neighborhood Principles as compared to Ordinance 5024. These goals are met.

**Note:** Please see the applicant's updated 10/23/2024 responses addressed under the findings for Section 17.11.110.

### **GREAT NEIGHBORHOOD PRINCIPLES:**

*187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

*Policies:*

*187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle*

*1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

*a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

*2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*

*a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

*3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*

*a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*

*b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*

*c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

*4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*

*a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*

*b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

*5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*

*a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by*

*people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*

*b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

*6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*

*a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*

*b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

*7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

*a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*

*b. Design practices should strive for best practices and not minimum practices.*

*8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

*a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

*b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*

*c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

*9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*

a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*

b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*

c. *Neighborhoods are designed such that owning a vehicle can be optional.*

10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*

a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*

a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

a. *Neighborhoods shall have several different housing types.*

b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*

b. *Opportunities for public art provided in private and public spaces.*

c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**FINDINGS (CHAPTER IX and Policy 187.50: Great Neighborhood Principles):** Please see Applicant's Responses and Findings provided under MMC Section 17.11.110 *Planned Development Residential Design and Development Standards, Subsection (B) Required Elements, Great Neighborhood Principles*, which includes specific provisions for residential planned developments to meet the same thirteen Great Neighborhood Principles provided in Policy 187.50.

**CHAPTER X: CITIZEN INVOLVEMENT AND PLAN AMENDMENT (PDA 1-24 and S 3-24)**

**GOAL X.1. TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.**

***Policies***

**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.*

**APPLICANT'S RESPONSE N/A**

**FINDING: SATISFIED.** The review process allows for consolidated review of applications, with the review procedure following the process for the individual application that affords the most opportunity for public hearing and notice. This procedure provides for a Planning Commission recommendation with final decision by City Council.

In addition, the procedures require the applicant to conduct a neighborhood meeting prior to submitting the application. The applicant conducted the required neighborhood meeting and submitted the required documentation with the application.

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