

**Special Called City Council Meeting Agenda  
Wednesday, December 18, 2024  
7:00 p.m.– (Immediately following Regular Work Session Meeting)**

**REVISED 12/13/2024**

*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 16th** to [CityRecorderTeam@mcminnvilleoregon.gov](mailto:CityRecorderTeam@mcminnvilleoregon.gov)*
- *If appearing via telephone only please sign up prior by **noon on Monday, December 16th** 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*

**SPECIAL CALLED CITY COUNCIL MEETING:**

*You may join online via Zoom Meeting:*

<https://mcminnvilleoregon.zoom.us/j/86233424870?pwd=uvl5wCKvZ7uRfOJFesLa5MojNbNwkN.1>

Zoom ID: 862 3342 4870

Zoom Password: 167592

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

ID: 862 3342 4870

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

1. CALL TO ORDER & ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES & PROCLAMATIONS

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. NEW BUSINESS (Action Item)

- a. McMinnville Water and Light Commission Appointment.
- b. Second McMinnville Water and Light Commission Appointment.

6. ADVICE/ INFORMATION ITEMS

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

7. CONSENT AGENDA

- a. Consider the request from Bad Dog Bakery LLC for Full On-Premises Commercial, OLCC Liquor License located at 1208 SW Baker Street.

8. RESOLUTION

- a. Consider **Resolution No. 2024-72**: A Resolution authorizing the City Manager to amend by Change Order the contract with Fackler Construction Company for the Construction Manager/General Contractor contract for the AnyDoor Place, a McMinnville Navigation Center. **(Added on 12.13.2024)**
- b. Consider **Resolution No. 2024-73**: A Resolution appointing and re-appointing members to the City's various Boards, Committees, and Commissions. **(Added on 12.13.2024)**

9. ORDINANCES

- a. Consider the 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. **(Added on 12.13.2024)**
- b. Consider the 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. **(Added on 12.13.2024)**

10. ADJOURNMENT OF SPECIAL CALLED MEETING



# PROCLAMATION

**Whereas,** Councilor Menke has demonstrated unwavering commitment to public service, beginning with her tenure on the Budget Committee in 1996; and

**Whereas,** Councilor Menke contributed to addressing food insecurity by serving on the St. Barnabas Soup Kitchen Board for 5 years; and

**Whereas,** Councilor Menke dedicated her time and expertise to numerous community organizations, including serving on the Habitat for Humanity Board from 2001 to 2004, helping to advance affordable housing opportunities for local families; and

**Whereas,** Councilor Menke championed economic and business growth through service on the Chamber of Commerce Board, including as Treasurer, fostering a stronger local economy; and

**Whereas,** Councilor Menke’s commitment to education and cultural enrichment was exemplified by serving on the Library Foundation Board from 2002 to 2006, supporting access to knowledge and resources for the community; and

**Whereas,** Councilor Menke displayed exemplary leadership within Sunrise Rotary, serving as President twice, exemplifying the Rotary motto of “Service Above Self”; and

**Whereas,** Councilor Menke has exemplified dedicated leadership and commitment as a member of the McMinnville City Council from 2005 to 2024, including serving as Council President from 2017 to 2021; and

**Whereas,** Councilor Menke has actively supported regional social services and community well-being through ongoing service on the Yamhill Community Action Partnership (YCAP) Board since 2020; and

**Whereas**, Councilor Menke’s dedication to civic and volunteer efforts has made a profound and lasting impact on the lives of countless individuals within our community.

**Now, therefore, I, Remy Drabkin**, Mayor of the City of McMinnville, Oregon, do hereby proclaim December 18, 2024 as:

## **KELLIE MENKE DAY**

**In Witness Whereof**, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 18th day of December, 2024.

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Remy Drabkin, Mayor



# PROCLAMATION

**Whereas**, Council President Garvin has shown exceptional dedication to public service, beginning as a volunteer firefighter with the McMinnville Fire Department from 2005 to 2008, providing invaluable service to the safety and well-being of our community; and

**Whereas**, Council President Garvin served on the McMinnville Jaycees Board from 2010 to 2018, contributing to leadership development and community improvement initiatives; and

**Whereas**, Council President Garvin was an integral member of the Pyrotechnician team responsible for organizing and executing the McMinnville Fireworks Show from 2010 to 2018, bringing joy and celebration to the city of McMinnville; and

**Whereas**, Council President Garvin demonstrated a strong commitment to fostering economic growth and civic engagement through his service on the McMinnville Area Chamber of Commerce Government Affairs Council from 2012 to 2018; and

**Whereas**, Council President Garvin further supported local businesses and community development as a member of the Chamber of Commerce Board from 2015 to 2018; and

**Whereas**, Council President Garvin has served with distinction on the McMinnville City Council from 2015 to 2024, most recently as Council President, providing thoughtful leadership and advocating for the betterment of our city; and

**Whereas**, Council President Garvin continues to show his dedication to public safety and emergency services by serving on the McMinnville Fire District Board since its formation in 2023; and

**Whereas**, Council President Garvin's extensive contributions to public service and volunteerism have left a lasting mark on the McMinnville community; and

**Now, therefore, I, Remy Drabkin,** Mayor of the City of McMinnville, Oregon, do hereby proclaim December 18, 2024 as:

# **ADAM GARVIN DAY**

**In Witness Whereof,** I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 18th day of December, 2024.

-----  
Remy Drabkin, Mayor

# PROCLAMATION

**Whereas,** Mayor Remy Drabkin began her dedicated service to the City of McMinnville with her appointment to the Planning Commission on October 12, 2011, where she contributed to thoughtful city planning and development; and

**Whereas,** Mayor Drabkin was elected as City Councilor for Ward 3 in the November 4, 2014 General Election and took office on January 1, 2015, beginning her journey as an elected official; and

**Whereas,** Mayor Drabkin demonstrated exceptional leadership and dedication as she was elected Council President on January 11, 2021 and

**Whereas,** Mayor Drabkin was appointed as McMinnville's Interim Mayor on April 12, 2022, during a pivotal time for the City; and

**Whereas,** Mayor Drabkin was elected as Mayor in the November 8, 2022 General Election, filling the unexpired term of Mayor Scott Hill through December 31, 2024; and

**Whereas,** Mayor Drabkin has also served on the McMinnville Affordable Housing Task Force, McMinnville Homelessness Sub Committee, McMinnville Urban Renewal Agency (Chair), McMinnville Water & Light Commission, to name a few in her tenure as an elected official; and

**Whereas,** Mayor Drabkin in addition to her public service has supported McMinnville's cultural and economic growth as the Culinary Director for the International Pinot Noir Celebration and by facilitating the merger of the McMinnville Downtown Wineries Association with the McMinnville Downtown Association

**Whereas,** Mayor Drabkin has been a steadfast advocate for addressing local housing needs for nearly a decade, championing efforts to support homeless and low-income residents; and

**Whereas,** Mayor Drabkin's commitment to equity and inclusion has enriched the community, including the creation of Wine Country Pride in 2020, fostering a sense of belonging and celebration for all; and

**Whereas,** Mayor Drabkin's dedication to serving and supporting the community has been invaluable, leaving a legacy of leadership and advocacy.

**NOW, THEREFORE,** I, Adam Garvin, Council President of the City of McMinnville do hereby proclaim **December 18, 2024** as

## **Mayor Remy Drabkin Day**

in the City of McMinnville and urge community members to reflect on the passion and leadership of this caring and community-minded Mayor 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 18<sup>th</sup> day of December, 2024.

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Adam Garvin, Council President



**From:** [Dan Tucholsky](#)  
**To:** [Claudia Cisneros](#); [Mayor Remy Drabkin](#); [Adam Garvin](#); [Sal Peralta](#); [Chris Chenoweth](#); [Kellie Menke](#); [Zack Geary](#); [Jessica Payne](#); [Dan Tucholsky](#)  
**Subject:** Concerns Regarding the Appointment Process for the McMinnville Water and Light Commission  
**Date:** Wednesday, December 18, 2024 4:54:16 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Dan Tucholsky Letter to City Council 12 18 2024.pdf](#)

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Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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**This message originated outside of the City of McMinnville.**

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Greetings Mayor and City Councilors,

Attached you will find a letter regarding the recommended appointment of two individuals for the McMinnville Water and Light Board. I wanted you to have a copy of this letter I intend to read at the City Council meeting tonight.

Thank you.

Dan Tucholsky

Subject: Concerns Regarding the Appointment Process for the McMinnville Water and Light Commission

Dear Mayor Drabkin and City Council,

I am writing to express concern about the rushed recommendations for appointment to the two vacant positions on the McMinnville Water and Light Commission.

One week ago, this very City Council Voted 5 to 1 to approve Resolution 2024-65 intended to clearly outline a transparent process for filling vacancies on City Boards, Committees, and Commissions. While it's debated whether this applies to the McMinnville Water and Light board it's the spirit of the resolution which our tight-knit community has agreed should be followed but in this case is missing.

Section 1.a. of this policy states *“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.”*

This resolution supports an open recruitment process, formal applications, multiple interviews, and a thorough vetting of those recommended for appointment. In this case there was no open recruitment process, application process, interviews or vetting of anyone for the city to understand their qualifications to run a \$60 Million utility responsible for our most precious resource – drinking water.

These rushed appointments raise significant questions about the integrity and fairness of the decision-making process and stand in stark contrast to the support the Mayor and City Council once again purported for DEI at the last Council meeting.

DEI Defined is a framework promoting fair treatment and participation for all people, especially those who have been historically underrepresented or discriminated against.

- I ask how will you achieve Diversity if you haven't given anyone the chance to apply?
- I ask how is this Equitable if you have just made recommendations instead of conducting a fair and impartial process?
- I ask how is this Inclusion if you've not given anyone the opportunity of equal access or opportunity to serve.

As a concerned citizen and an incoming City Councilor, I strongly ask these appointments be delayed and properly conducted on the grounds these appointments violate the spirit of 2024-65 and also DEI for which the city has stated support. The public deserves a fair, transparent, and accountable process—one upholding the standards set by the recent appointment of Commissioner Elmer to the McMinnville Water and Light Board and reflects the spirit of the resolution which was passed by City Council.

Please delay this vote and conduct a proper application and vetting process.

Sincerely,  
Dan Tucholsky

Water and Light Commission Appointment

On December 18, 2024, the City Council of the City of McMinnville unanimously approved my recommendation to appoint Lisa Macy Baker to the McMinnville Water and Light Commission.

I, Mayor Remy Drabkin, do hereby appoint Lisa Macy Baker to fulfill the unexpired term of Kathy Tate. Ms. Macy Baker’s term will expire on December 31, 2026.

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Remy Drabkin, Mayor  
City of McMinnville

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Date

## Water and Light Commission Appointment

On December 18, 2024, the City Council of the City of McMinnville unanimously approved my recommendation to appoint Adam Garvin to the McMinnville Water and Light Commission.

I, Mayor Remy Drabkin, do hereby appoint Adam Garvin to fulfill the unexpired term of Jody Christensen. Mr. Garvin's term will expire on December 31, 2027.

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Remy Drabkin, Mayor  
City of McMinnville

-----  
Date

## Liquor License Recommendation

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BUSINESS NAME / INDIVIDUAL: Bad Dog Bakery LLC  
BUSINESS LOCATION ADDRESS: 1208 SW Baker Street  
LIQUOR LICENSE TYPE: Full On-Premises Commercial

Is the business at this location currently licensed by OLCC

Yes  No

If yes, what is the name of the existing business:

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- Retail Off-premises sales
- Retail on-premises sales & consumption
- Indoor consumption
- Outdoor consumption
- Proposing to allow minors in building

EXEMPTIONS:  
(list any exemptions)

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Tritech Records Management System Check: Yes  No

Criminal Records Check: Yes  No

Recommended Action: Approve  Disapprove

*Tim Symons*

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Chief of Police / Designee

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City Manager / Designee



# Local Government Recommendation – Liquor License

### Annual Liquor License Types

|  |                                |
|--|--------------------------------|
| Off-Premises Sales                         | Brewery-Public House           |
| Limited On-Premises Sales                  | Brewery                        |
| Full On-Premises, Caterer                  | Distillery                     |
| Full On-Premises, Commercial               | Grower Sales Privilege         |
| Full On-Premises, For Profit Private Club  | Winery                         |
| Full On-Premises, Non Profit Private Club  | Wholesale Malt Beverage & Wine |
| Full On-Premises, Other Public Location    | Warehouse                      |
| Full On-Premises, Public Passenger Carrier |                                |

### Section 1 – Submission – To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): *Helsey Ramer DBA. Bad Day Bakery*

Proposed Trade Name: *Summon Coffee LLC*

Premises Address: *1208 SW Baker St* *Posh Florals LLC* Unit:

City: *McMinnville* County: *Yamhill* Zip: *97128*

Application Type:  New License Application  Change of Ownership  Change of Location

License Type: *FLOM*  Additional Location for an Existing License

Contact Name: *Helsey Ramer* Phone: [REDACTED]

Mailing Address: [REDACTED]

City: *McMinnville* State: *OR* Zip: *97128*

Email Address: [REDACTED]

Please check all that apply to your proposed business operations at this location:

- Manufacturing/Production
- Retail Off-Premises Sales
- Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

- Indoor Consumption  Outdoor Consumption
- Proposing to Allow Minors

Section 1 continued on next page



## Local Government Recommendation – Liquor License

### Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): *Welsey Palmer DBA. Bad Day Bakery*

Proposed Trade Name:

*Summer Coffee LLC*

*Posh Florals LLC*

**IMPORTANT:** You MUST submit this form to the local government PRIOR to submitting to OLCC.

Section 2 must be completed **by the local government** for this form to be accepted with your CAMP application.

### Section 2 – Acceptance - To be completed by Local Government:

#### Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: **McMinnville**

Optional Date Received Stamp

Date Application Received: **December 10, 2024**

Received by: **Tim Symons**

### Section 3 – Recommendation - To be completed by Local Government:

- Recommend this license be granted**
- Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0306](#))
- No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



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 18, 2024  
**TO:** McMinnville City Council  
**FROM:** Jody Christensen, Special Projects Manager  
**SUBJECT:** Resolution No. 2024-72 for the AnyDoor Place Navigation Center Fackler Construction Company Contract Sum Increase

## STRATEGIC PRIORITY & GOAL:



**HOUSING OPPORTUNITIES** (ACROSS THE INCOME SPECTRUM)  
Create diverse housing opportunities that support great neighborhoods.

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## Report in Brief:

This is a consideration of Resolution No. 2024-72.

Resolution 2024-72 authorizes the City Manager to execute the A1A G701-2017 Change Order No. 5 the A1A A133-2019 Guaranteed Maximum Price (GMP) contract dated July 12, 2023, with Fackler Construction Company (FCC) for the AnyDoor Place, a Navigation Center approving an increase in the contract sum amount.

The Change Order No. 5 at \$20,060.37 is \$496.00 more than the authorized amount.

This change order of \$20,060.37 is for expected costs of the project and was calculated as part of the overall project budget in the city's contingency funds. There is no additional fiscal impact to the City associated with this change order.

## Project Background:

AnyDoor Place, a Navigation Center, located on 327 SW Adams Street in McMinnville, is an emergency low-barrier shelter with 36 beds and on-site supportive services to help people who are experiencing houselessness to stabilize and work towards achieving permanent shelter. Onsite services will be counseling, medical provisions, employment coaching, and housing case management. The City has a project manager assigned to manage the construction. Yamhill Community Action Partnership (YCAP) owns the facility and will manage the services.

## Discussion:

A change order must be approved by the City Council if it increases the contract amount or extends the substantial completion date.



Under Resolution No. 2024-11, the City Council authorized the City Manager to execute future additional A1A G701-2017 Change Orders to the AIA A133-2019 GMP FCC Contract in an amount not to exceed \$19,564.41, which was a forecasted estimate based on known pending work to be executed.

The work when completed was slightly higher than the forecasted estimate (by \$496.00), and thus needs to be approved by the City Council.

Change Order No. 5 will increase the Guaranteed Maximum Price of the contract by \$20,060.37.

All the items have been reviewed and approved by the City, the architectural team and YCAP, are within the City's budget contingency, and were anticipated costs of the project.

**Attachments:**

1. Resolution No. 2024-72
2. Exhibit A to Resolution No. 2024-72, Change Order No. 5

**Fiscal Impact:**

This action will amend the contract to \$20,060.37, which is within the City's contingency budget, and has been part of the City's construction project budget. There is no additional fiscal impact to the City with the approval of this change order.

**Recommendation:**

Staff recommends that the City Council adopt Resolution 2024-72 authorizing the City Manager to execute A1A G701-2017 Change Order No. 5 to the A1A A133-2019 Guaranteed Maximum Price (GMP) contract dated July 12, 2023, with Fackler Construction Company (FCC) for the AnyDoor Place, a Navigation Center, approving an increase to the contract amount by \$20,060.37.

**RESOLUTION NO. 2024-72**

A Resolution authorizing the City Manager to amend by Change Order the contract with Fackler Construction Company for the Construction Manager/General Contractor contract for the AnyDoor Place, a McMinnville Navigation Center.

**RECITALS:**

**Whereas**, the AnyDoor Place, a McMinnville Navigation Center, addresses the need for an emergency low barrier shelter and supportive services facility in McMinnville; and

**Whereas**, Fackler Construction Company was approved by Resolution 2023-23 for the AIA A133-2019 Guaranteed Maximum Price (GMP) contract of the AnyDoor Place, A McMinnville Navigation Center; and

**Whereas**, knowing that this was a future project cost excluded from the original contract, the City of McMinnville set aside a contingency fund in its project budget to pay for this future change order and any other unaccounted costs associated with the project; and;

**Whereas**, the AIA A133-2019 Guaranteed Maximum Price (GMP) contract terms can be changed by AIA G701-2017 Change Orders;

**Whereas**, Funding for this project is included in the adopted FY24 Affordable Housing Fund of the City of McMinnville budget.

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

1. That entry into the A1A G701-2017 Change Order No. 5 to the A1A A133-2019 Guaranteed Maximum Price (GMP) contract dated July 12, 2023, with Fackler Construction Company (FCC) for the AnyDoor Place, a Navigation Center is hereby approved.
2. The City Manager is hereby authorized and directed to execute the A1A G701-2017 Change Order No. 5 to the AIA A133-2019 GMP Contract, provided as Exhibit A in a not to exceed amount of (\$20,060.37).
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 18th day of December by the following votes:

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

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

Approved this 18th day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

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

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

Exhibit A:  
AnyDoor Place, AIA Document G107-2017, Change Order #5

**Change Order**

|  |  |   |
|--|--|---|
| <b>PROJECT:</b> <i>(Name and address)</i><br>AnyDoor Place - McMinnville<br>237 & 329 SE Adams St<br>McMinnville, OR | <b>CONTRACT INFORMATION:</b><br>Contract For: Construction<br>Date: 05.25.2023   | <b>CHANGE ORDER INFORMATION:</b><br>Change Order Number: 05<br>Date: 12.10.2024   |
| <b>OWNER:</b> <i>(Name and address)</i><br>City of McMinnville<br><br>230 NE 2nd St.<br>McMinnville, OR 97128        | <b>ARCHITECT:</b> <i>(Name and address)</i><br>FFA Architecture & Interiors<br><br>520 SW Yamhill St. Suite 900,<br>Portland, OR 97204 | <b>CONTRACTOR:</b> <i>(Name and address)</i><br>Fackler Construction Co.<br><br>505 SE Adams St. Suite 200<br>McMinnville, OR 97128 |

**THE CONTRACT IS CHANGED AS FOLLOWS:**

*(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

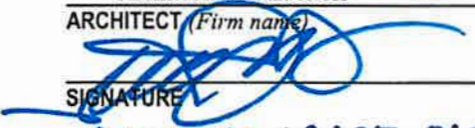
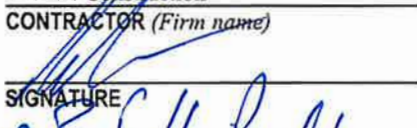
- PCO #004 - Change Events: \$20,060.37
- CE#031 - 329 Walkway Concrete Deduct
- CE#032 - 327 Door Change
- CE#034 - 329 Basement Foundation Wall Crack
- CE#037 - Utility Crossing Change in Cost
- CE#038 - Landscape Deduct
- CE#039 - White Board Paint Deduct
- CE#040 - 327 Smooth Wall Deduct
- CE#043 - Dry Rot Repair
- CE#048 - Window Well Landscape Blocks
- CE#050 - Mirrors - Material Only

|  |                 |
|--|-----------------|
| The original Contract Sum was  | \$ 2,184,066.87 |
| The net change by previously authorized Change Orders                    | \$ 123,668.86   |
| The Contract Sum prior to this Change Order was                          | \$ 2,307,735.73 |
| The Contract Sum will be increased by this Change Order in the amount of | \$ 20,060.37    |
| The new Contract Sum including this Change Order will be                 | \$ 2,327,796.10 |

The Contract Time will be unchanged by Zero (0) days.  
The new date of Substantial Completion will be 05.24.2024

**NOTE:** This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

|  |   |  |
|--|---|--|
| FFA Architecture & Interiors<br>ARCHITECT <i>(Firm name)</i><br><br>SIGNATURE<br>RICHARD GRACE, PARTNER<br>PRINTED NAME AND TITLE<br>12/10/2024<br>DATE | Fackler Construction Co.<br>CONTRACTOR <i>(Firm name)</i><br><br>SIGNATURE<br>Fackler President<br>PRINTED NAME AND TITLE<br>12/11/24<br>DATE | City of McMinnville<br>OWNER <i>(Firm name)</i><br><br>SIGNATURE<br><br>PRINTED NAME AND TITLE<br><br>DATE |
|--|---|--|



**City of McMinnville**  
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# STAFF REPORT

**DATE:** December 18, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Community Development Director  
**SUBJECT:** Resolution No. 2024-73: 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

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## Report in Brief:

This is the consideration of Resolution No. 2024-73, 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 position (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.

Most position were filled by Resolution on December 10, 2024. The following two appointments are being recommended for additional seats that were vacant on the Affordable Housing Committee and the Landscape Review Committee.

**AFFORDABLE HOUSING COMMITTEE**

(3-year term)

**Mandee Tatum**

Expires December 31, 2027

\_\_\_\_\_

Expires December 31, 2025

**LANDSCAPE REVIEW COMMITTEE**

(3-year term)

**Lee McCollins**

Expires December 31, 2025

**Attachments:**

- Resolution No. 2024-73

**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 – 73 APPOINTING VOLUNTEERS TO THE AFFORDABLE HOUSING COMMITTEE AND, THE LANDSCAPE REVIEW COMMITTEE."**

**RESOLUTION NO. 2024 - 73**

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><br>(3-year term) |                           |
| <b>Mandee Tatum</b>   | Expires December 31, 2027 |
| _____   | Expires December 31, 2025 |
| <b><u>LANDSCAPE REVIEW COMMITTEE</u></b><br>(3-year term)   |                           |
| <b>Lee McCollins (fulfilling vacant term)</b>               | Expires December 31, 2025 |

- 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 18<sup>th</sup> day of December 2024 by the following votes:

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

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

Approved this 18<sup>th</sup> day of December 2024.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

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

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



# STAFF REPORT

**DATE:** December 18, 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 second reading 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).

Planning Commission hosted a public hearing on December 5, 2024, closed the hearing and voted to recommend it to the City Council.

City Council conducted the reading by title, deliberated and conducted the first reading on December 10, 2024. The first reading did not pass unanimously, so per the City’s Charter the second reading could not be conducted on the same evening.

## **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]

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.

**Discussion:**

The Planning Commission conducted a public hearing on December 5, 2024. They closed the public hearing and then deliberated, eventually voting to recommend approval to the City Council with the following amendment to Section 17.64.060(A)(6), adding (d) and (e) for conformity with the psilocybin separation standards. (Bold red underline language is amended language from the Planning Commission. Red language is a recommended amendment from the 2022 City Council work sessions that Planning Commission considered and supported.)

- 6. Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following **(lawfully licensed facilities authorized prior to December 10, 2024 are considered conforming)**:
  - 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.
- d. **Public plaza and active use parks.**
- e. **Licensed Daycare or Childcare Center**

Staff also asked City Council to consider proposed amendments to correct a scrivener's lettering error at Section 17.64.150(A)(5).

City Council discussed the Planning Commission's proposed amendment to Section 17.644.060(A)(6), and Councilor Garvin made a motion to adopt Ordinance No. 5153 without the proposed planning commission amendments at Section 17.64.060(A)(6) as described above, but with the staff recommendation for a proposed amendment at Section 17.64.150(A)(5) to correct the scrivener's error, explaining that the difference between the two activities was that people bought marijuana from marijuana dispensaries and commercial retail centers to be used elsewhere and that people used psilocybin mushrooms at the service centers.

The majority of the council voted in support of the motion with the first reading, but since it was not unanimous it did not proceed to a second reading at the same meeting.

The attached ordinance and exhibits reflect the motion made by Councilor Garvin that passed by the majority as a first reading.

#### **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

Draft Planning Commission Minutes, December 5, 2024

#### **City Council Options:**

1. **Conduct the Second Reading and ADOPT THE ORDINANCE with a majority vote of yes votes**, approving Docket G 5-22 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**, essentially electing not to adopt time, place and manner regulations for psilocybin activities.
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. 5153 as originally proposed. Then **make a motion to adopt Ordinance No. 5153 in a different form, and adjust the findings if necessary.**

#### **Recommendation:**

Staff **RECOMMENDS ADOPTION OF THE ORDINANCE** approving the proposed time, place and manner regulations for psilocybin activities.

## **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 18th 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.
    - c. Recreation facility attended primarily by minors.
    - d. Public plaza and active use parks.
    - e. 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

December 18, 2024, Kent Taylor Civic Hall, 200 NE Second Street and via Zoom. Zoom meeting ID: 862 3342 4870, Passcode: 167592

**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 voted on the first reading of Ordinance No. 5153.
9. On December 18, 2024, the City Council voted on the second reading of 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.

## EXHIBIT 1 - 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

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### 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.

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 18, 2024  
**TO:** Mayor and City Councilors  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Ordinance No. 5155 – Second Reading - 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 to consider Ordinance No. 5155 and the second reading. The vote on the first reading at the December 10, 2024 meeting was not unanimous.

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

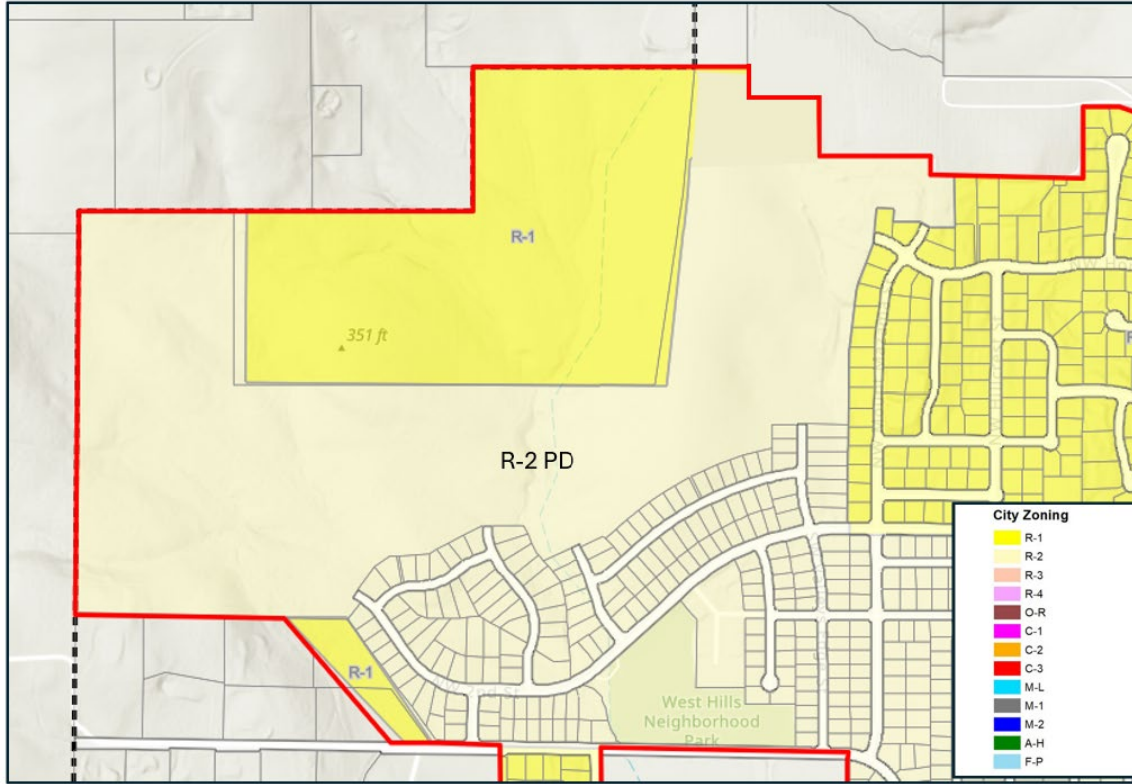
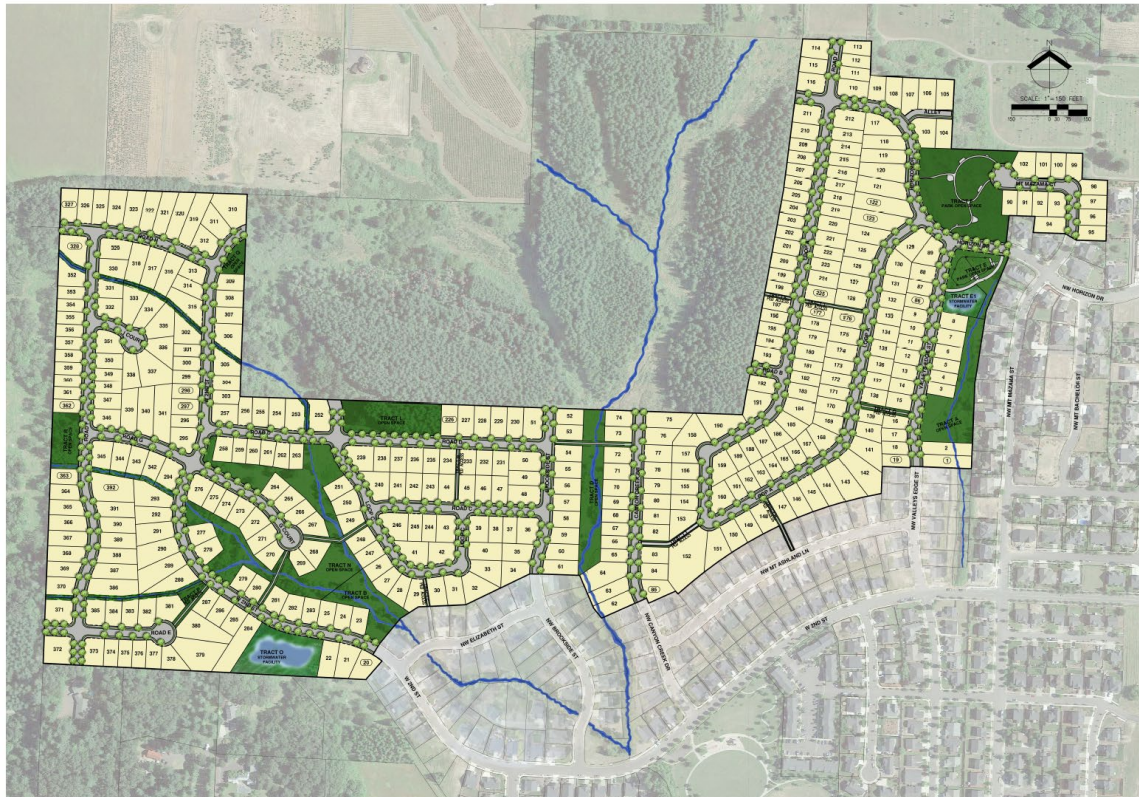


Figure 3. Proposed Master Plan/Tentative Plan – Illustrative Map



## **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)<br>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)<br>Natural resources including streams and wetlands<br>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)<br>Natural resources including streams and wetlands<br>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<br>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<br>Interior side: 5-foot<br>Street side: 15-foot<br>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<br>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.

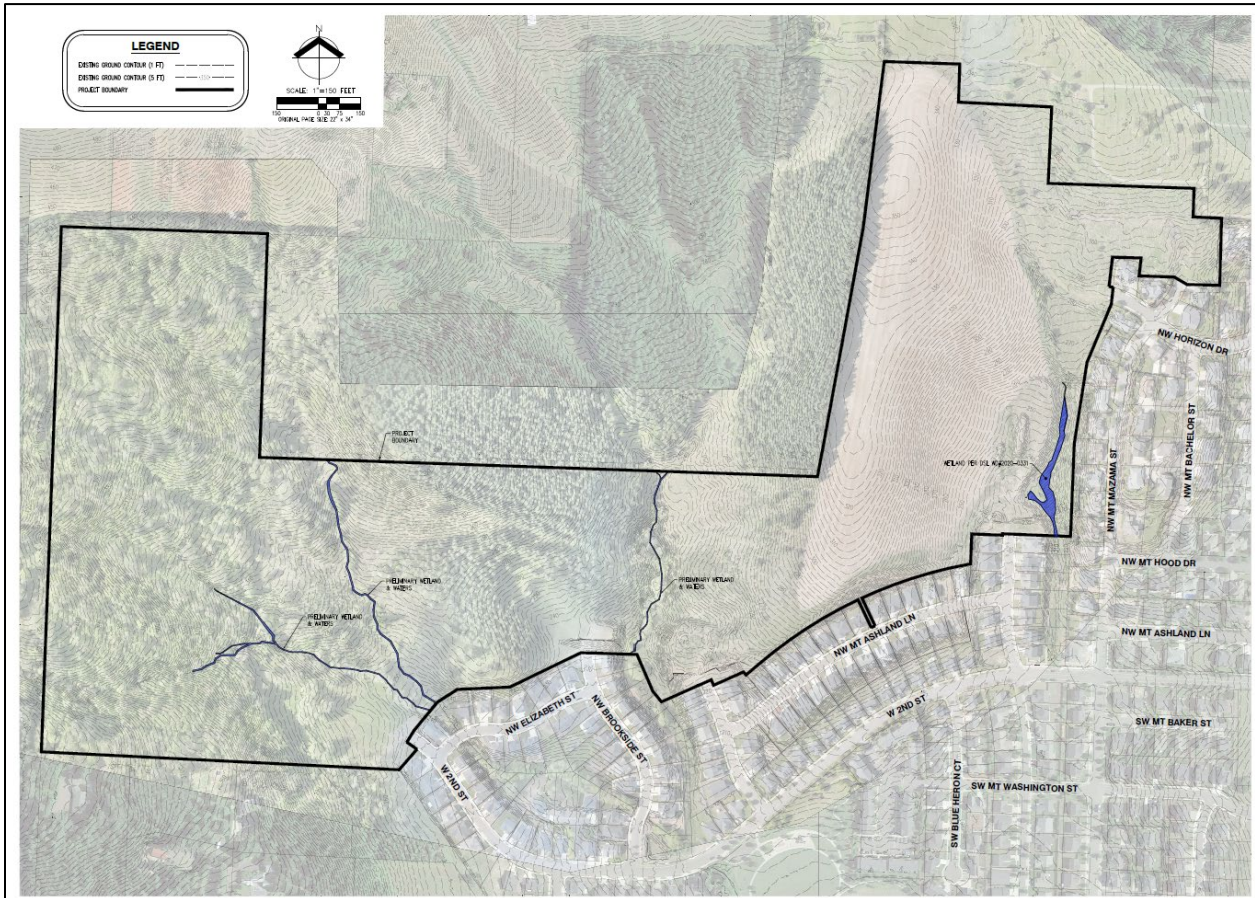
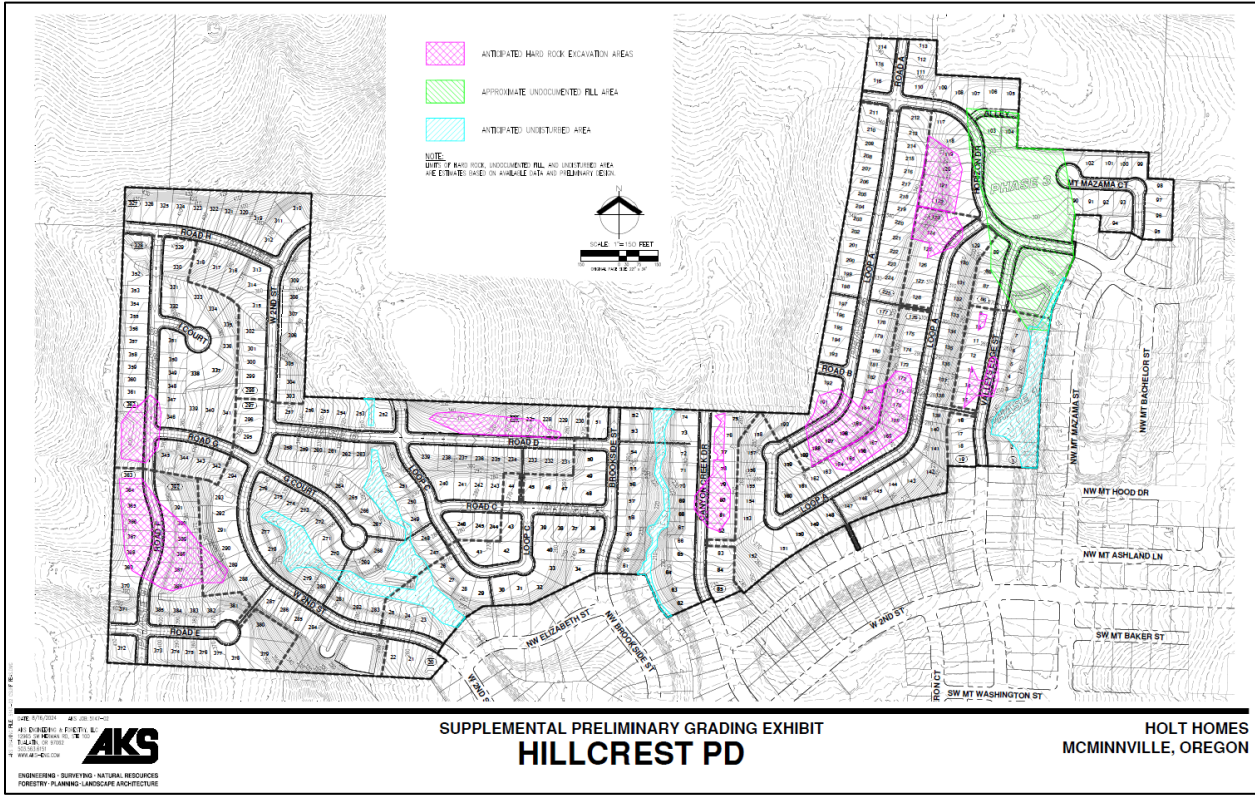
The applicant provided the following clarification:

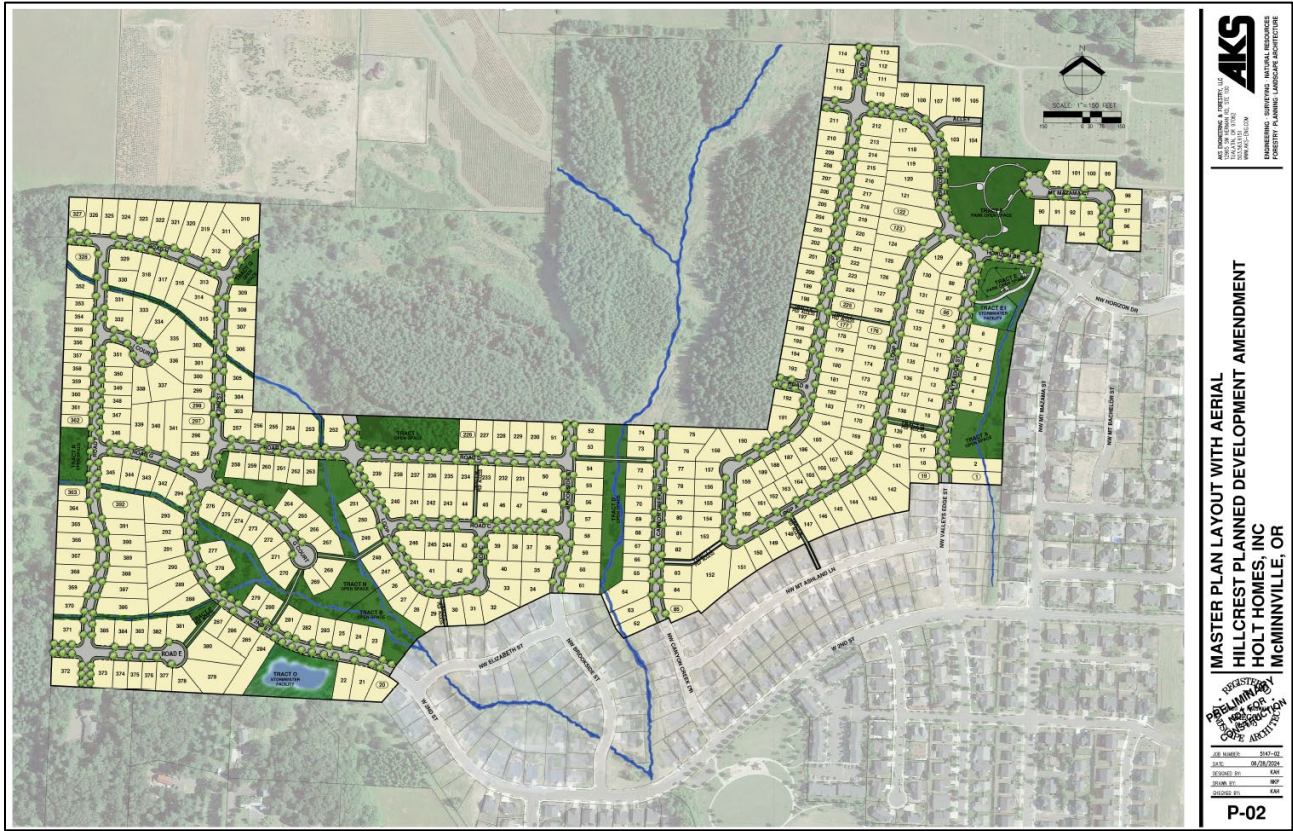
All planned pathways/trails are indicated on the Preliminary Circulation Plan provided in Exhibit A of the original application submittal and in Attachment B of this letter. No additional trails are planned along the streams in the open space tracts. All pedestrian paths will either be within the specified 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.

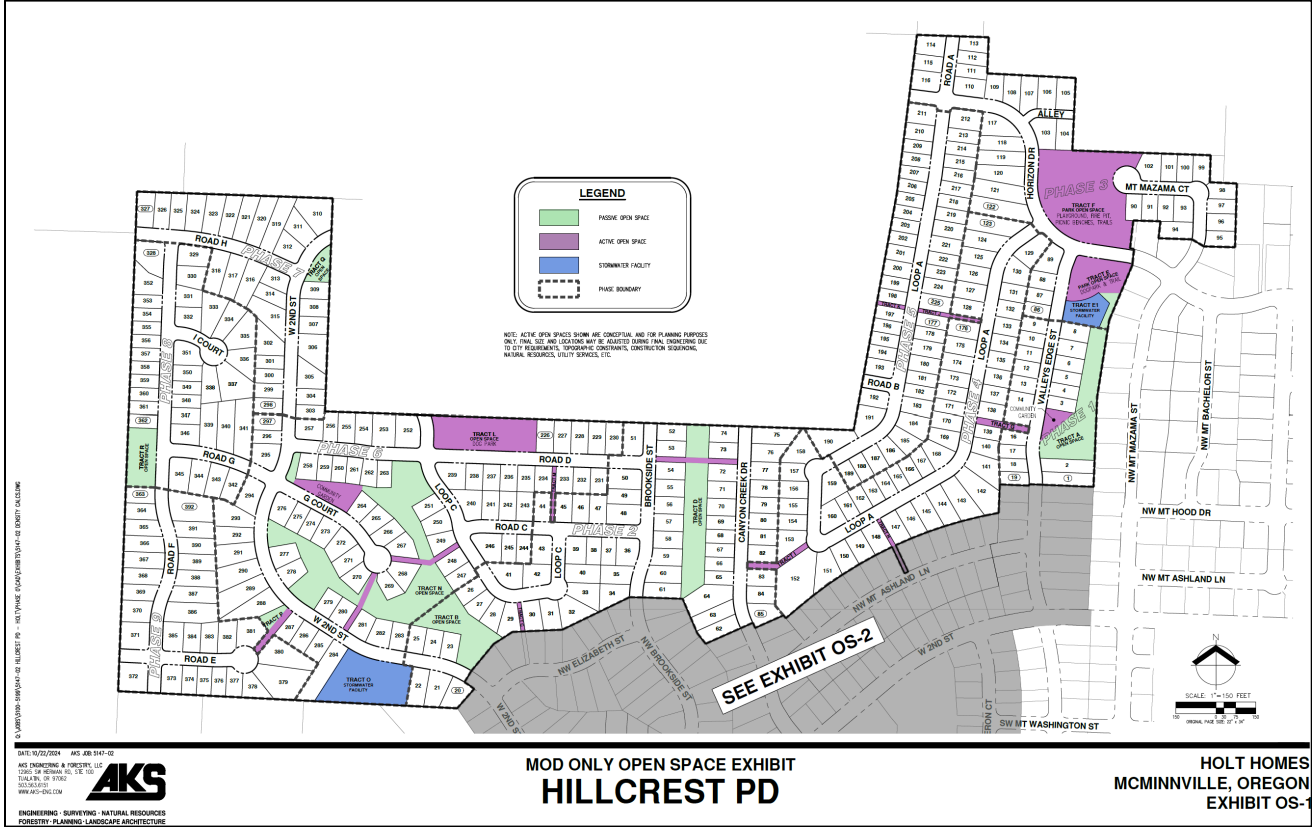
Staff has included a condition regarding pedestrian access at external open space tracts to allow future connections to abutting properties if developed.

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

**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.

**Recommendation:**

**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 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:*

**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 PDA 1- 24 AND S 3-24, SUBJECT TO THE FINDINGS AND CONDITIONS IN THE DECISION DOCUMENT.**

## 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 18th 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

December 18, 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: 862 3342 4870; Passcode: 167592

**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.

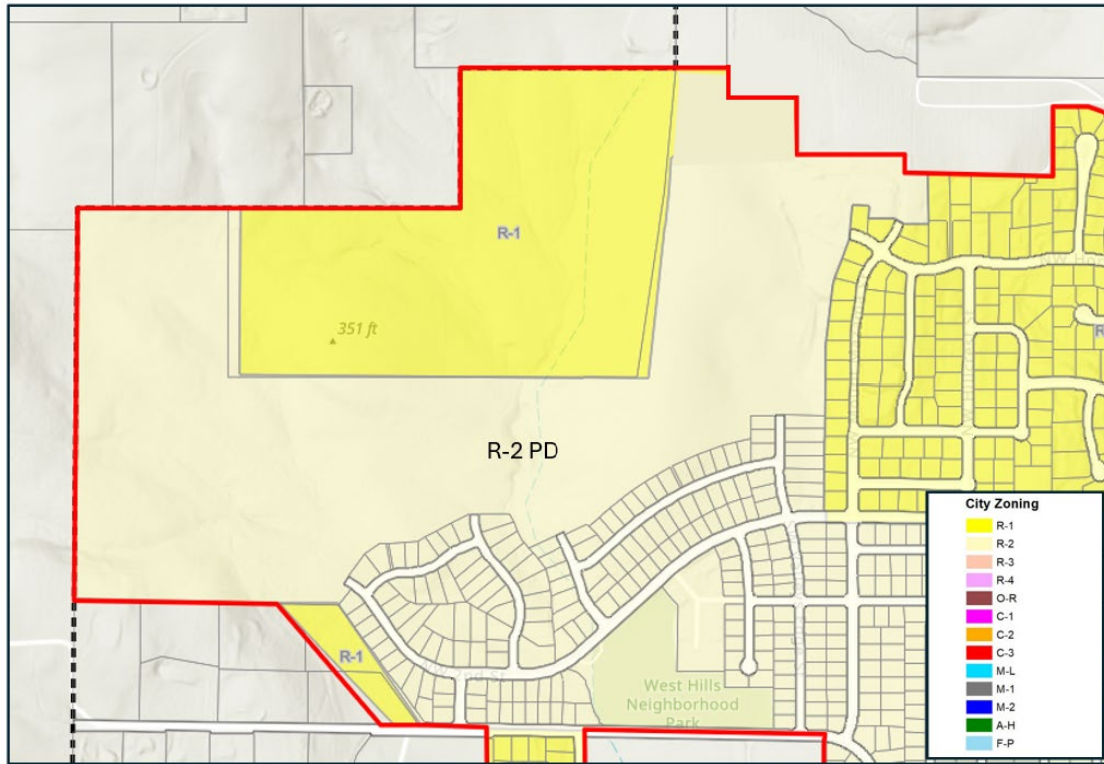
(Current request: #2, 3, 4, 5 discussed above from previous decision are not part of current proposal). Other conditions are the same or similar).

#### **Other Items Not Listed in Table 1 or Which Were Addressed in Supplemental Materials:**

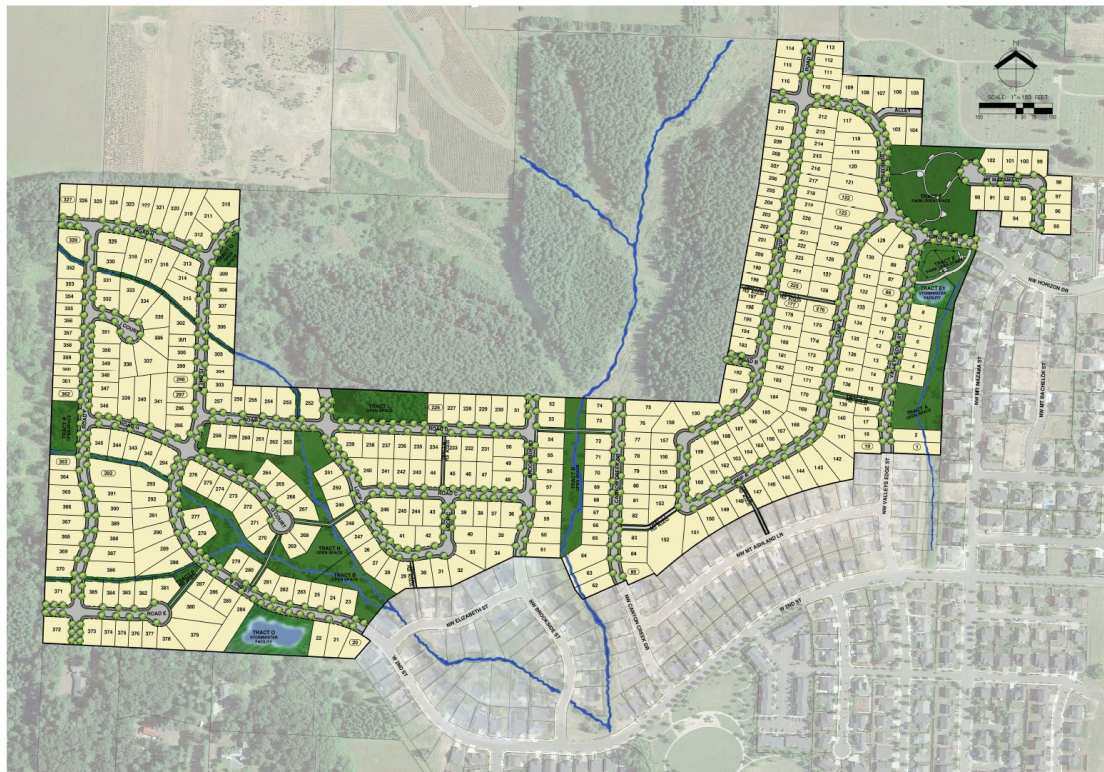
- Request to remove "all trees necessary to accomplish the plan"
- Request for flexible street standards for one dead-end street
- Change proposal to remove 43 attached housing/townhouse lots which were part of previous proposal and propose as all detached home lots. The October 23, 2024 supplemental submittal specifies a minimum of 43 lots will be developed with floorplans with multi-generational plans, with a primary dwelling and a secondary attached dwelling.



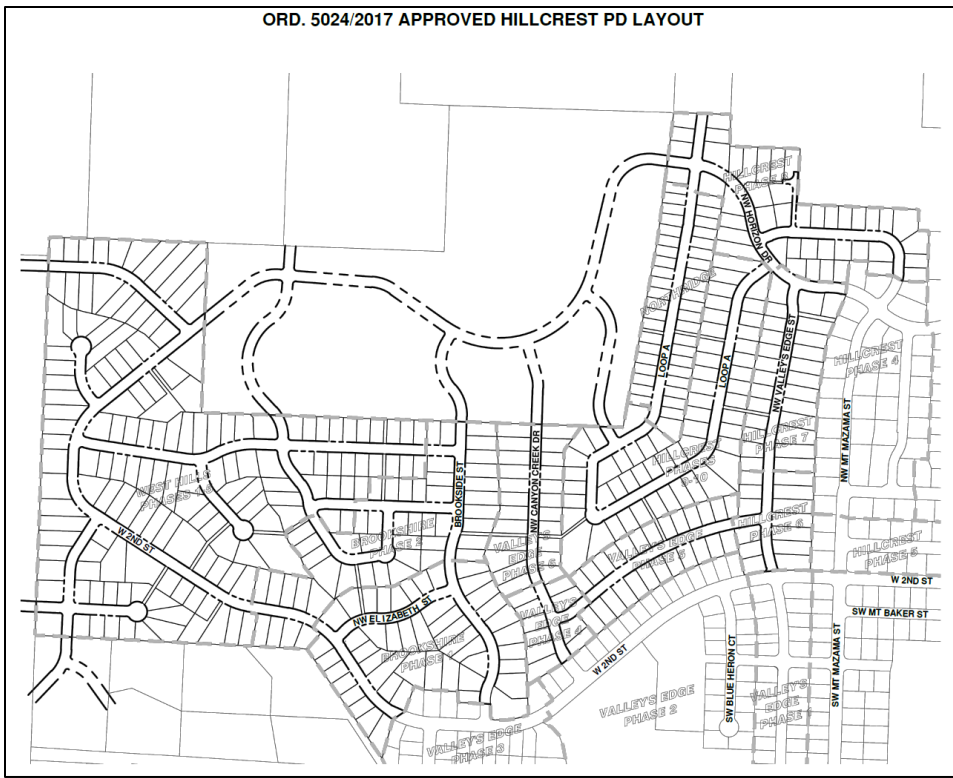
**Figure 2. Zoning Map**



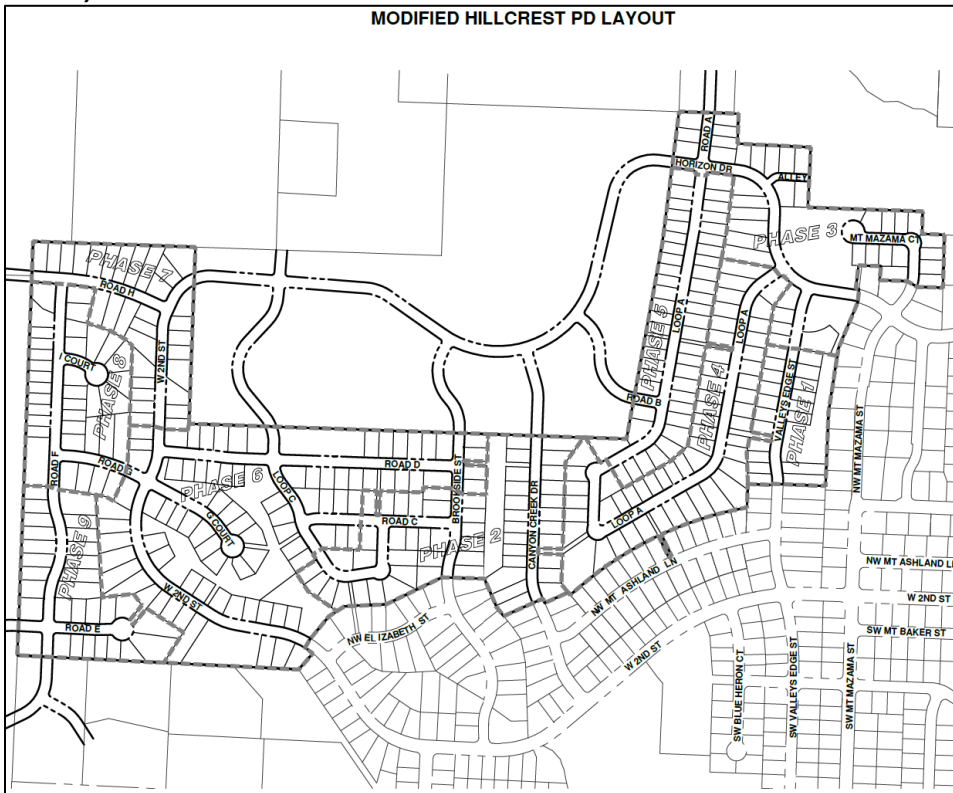
**Figure 3. Plan as Proposed with Planned Development Amendment (PDA 1-24), with Aerial Photo and with Features Depicted**  
*(See application on project website for detailed plans)*



**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, reading Ordinance No. 5155 for the first time.
15. The City Council held a meeting on December 18, 2024 and considered the recommendation of the Planning Commission, reading Ordinance No. 5155 for the second time, and approved both applications.

## 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)<br>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)<br>Natural resources including streams and wetlands<br>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)<br>Natural resources including streams and wetlands<br>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<br>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-feet<br>Interior side: 5-feet<br>Street side: 15-feet<br>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<br>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)<br>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)<br>Current plan reduces total street segments where grades exceed 12 percent   |
| 17.53.103(B)<br>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<br>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)<br>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<br>Natural resources preservation   |
| 17.15.030<br>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<br>HNA density target of 4.46 dwellings/acre<br>±14 acres of additional open space and natural resources preservation   |
| 17.15.040<br>Yard Requirements                                  | R-4 setbacks in Northridge Phase; Reduced setbacks as necessary for tree protection  | Front: 20-feet<br>Interior side: 5-feet<br>Street side: 15-feet<br>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<br>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  $\pm 4.6$  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 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  $\pm 7$ -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  $\pm 13.0$  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  $\pm 7.1$  acres of active open space, primarily within the neighborhood park known as West Hills Neighborhood Park. This open space comprises  $\pm 11.9$  percent of the net developable area of these completed phases.

As approved, Ordinance 5024 would add only  $\pm 1.0$  acre of open space. The planned PD amendments include new parks and open spaces that will add more than  $\pm 13.0$ -acres of parks and open to the site. Planned open space equals  $\pm 15.3$  percent of the net developable area of the subject site. Planned active use areas make up  $\pm 4.3$  acres ( $\pm 5.1$  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  $\pm 8.7$  acres ( $\pm 10.3$  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  $\pm 20.1$  acres of open space ( $\pm 13.9$  percent of the total net developable area) including  $\pm 11.4$  acres of active open space ( $\pm 7.9$  percent) and  $\pm 8.6$  acres of passive open space ( $\pm 6.0$  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  $\pm 5,000$  square feet to  $\pm 28,193$  square feet, with an average lot size of  $\pm 7,965$  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)<br>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  $\pm 148$  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.

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