



**City Council Meeting Agenda**

**Tuesday, January 14, 2025**

**5:30 p.m. – City Council Training (CLOSED TO THE PUBLIC)**

**6:30 p.m. – Swearing-in Ceremony (OPEN TO THE PUBLIC)**

**7:00 p.m. – City Council Regular Meeting**

*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 four ways:*

- *Attend in person and fill out a public comment card*
- *Email at any time up to **noon on Monday, January 13th** to [CityRecorderTeam@mcminnvilleoregon.gov](mailto:CityRecorderTeam@mcminnvilleoregon.gov)*
- *If appearing via telephone or ZOOM, please sign up prior by **noon on Monday, January 13th** by emailing the City Recorder at [CityRecorderTeam@mcminnvilleoregon.gov](mailto:CityRecorderTeam@mcminnvilleoregon.gov) as the chat function is not available when calling in Zoom; **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)

**SWEARING-IN CEREMONY & CITY COUNCIL REGULAR MEETING:**

*You may join online via Zoom Webinar Meeting:*

<https://mcminnvilleoregon.zoom.us/j/89795323601?pwd=PalhdSPDJZ5fPOvYpoxdNcqf4AZusA.1>

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

*Webinar ID: 897 9532 3601*

**5:30 PM – CITY COUNCIL TRAINING – VIA ZOOM AND SEATING AT CIVIC HALL (NOT OPEN TO THE PUBLIC)**

1. CITY COUNCIL ORIENTATION TRAINING

**6:30 PM – SWEARING-IN CEREMONY - VIA ZOOM AND SEATING AT CIVIC HALL (OPEN TO THE PUBLIC)**

1. OATH OF OFFICE –Mayor Kim Morris, Councilor Chris Chenoweth, Councilor Dan Tucholsky, Councilor Scott Cunningham, and Police Chief Cord Wood.

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

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ELECTION OF COUNCIL PRESIDENT

4. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT –

*The Mayor will announce that any 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 comments emailed to City Recorded and then call on anyone who has signed up to provide public comment.*

5. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports
- c. October 2024 Cash and Investment Report (in packet)

6. CONSENT AGENDA

- a. Consider the request from Rip n Card Trick LLC for Limited On-Premises, OLCC Liquor License located at 125 N. Hwy 99W.

7. RESOLUTION

- a. Consider **Resolution No. 2025-01**: A Resolution appointing and re-appointing members to the City of McMinnville and Urban Renewal Budget Committees.
- b. Consider **Resolution No. 2025-02**: A Resolution appointing four members to the City's Airport Commission.
- c. Consider **Resolution No. 2025-03**: A Resolution Appointing Members to the Diversity, Equity, and Inclusion Committee.
- d. Consider **Resolution No. 2025-04**: A Resolution Approving the Appointment of a new Finance Director.

8. ORDINANCES

- a. Consider the first reading with a possible second reading of **Ordinance No. 5156**: An Ordinance Amending Title 17 (Zoning) of the McMinnville Municipal Code to Chapter 17.57 “Landscaping,” Chapter 17.58 “Trees” and Approving the Decision, Findings, and Conclusionary Findings for Docket G 2-24.

9. ADJOURNMENT OF REGULAR MEETING



# City of McMinnville

October 2024

## CASH AND INVESTMENT BY FUND

FUND #	FUND NAME	GENERAL OPERATING		
		CASH IN BANK	INVESTMENT	TOTAL
01	General	\$3,031,813.33	\$3,745,486.17	\$6,777,299.50
05	Grants & Special Assessment	\$953.94	\$614,057.52	\$615,011.46
07	Transient Lodging Tax	\$96.78	\$219,000.00	\$219,096.78
08	Affordable Housing	\$458.36	\$1,085,000.00	\$1,085,458.36
10	Telecommunications	\$136.55	\$2,030.00	\$2,166.55
15	Emergency Communications	\$156.18	\$152,094.81	\$152,250.99
20	Street (State Tax)	\$228.67	\$1,835,847.12	\$1,836,075.79
25	Airport Maintenance	\$129.84	\$1,198,749.03	\$1,198,878.87
45	Transportation	\$437.38	\$5,972,494.92	\$5,972,932.30
50	Park Development	\$991.80	\$3,591,441.49	\$3,592,433.29
58	Urban Renewal	\$713.20	(\$64,000.00)	(\$63,286.80)
59	Urban Renewal Debt Service	\$683.66	\$1,038,721.66	\$1,039,405.32
60	Debt Service	\$449.23	\$22,904.95	\$23,354.18
70	Building	\$295.34	\$2,403,240.37	\$2,403,535.71
75	Wastewater Services	\$287.77	\$1,255,683.95	\$1,255,971.72
77	Wastewater Capital	\$195.39	\$33,171,103.65	\$33,171,299.04
80	Information Systems & Services	\$698.86	\$259,742.38	\$260,441.24
85	Insurance Reserve	\$248.61	\$394,290.54	\$394,539.15
CITY TOTALS		3,038,974.89	56,897,888.56	59,936,863.45

### MATURITY

DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST RATE	CASH VALUE
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.75%	\$3,038,974.89
N/A	Key Bank of Oregon	Money Market Savings Account		\$0.00
N/A	State of Oregon	Local Government Investment Pool (LGIP)	5.11%	\$35,422,571.77
N/A	Umpqua Bank	Money Market Savings Account	5.12%	\$10,717,098.46
1/10/25	Umpqua Bank	Certificate of Deposit	5.25%	\$10,758,218.33
				<u>\$59,936,863.45</u>

## Liquor License Recommendation

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BUSINESS NAME / INDIVIDUAL: Rip n Card Trick LLC  
BUSINESS LOCATION ADDRESS: 125 N Hwy 99W  
LIQUOR LICENSE TYPE: Limited on premises

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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Proposed business operations:

Retail on premises sales and consumption  
Indoor consumption  
Proposing to allow minors

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Tritech Records Management System Check: Yes  No

Criminal Records Check: Yes  No

Recommended Action: Approve  Disapprove

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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:

### License Information

Legal Entity/Individual Applicant Name(s): Joshua D. Hearn  
 Proposed Trade Name: Rip N Card Trick LLC.  
 Premises Address: 125 NE Hwy 99W Unit: \_\_\_\_\_  
 City: McMinnville OR County: Yamhill Zip: 97128  
 Application Type:  New License Application  Change of Ownership  Change of Location  
 License Type: Limited On-Premises  Additional Location for an Existing License

### Application Contact Information

Contact Name: Josh Hearn Phone: [REDACTED]  
 Mailing Address: [REDACTED]  
 City: McMinnville State: OR Zip: 97128  
 Email Address: [REDACTED]

### Business Details

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): *Joshua Hearn*

Proposed Trade Name: *Rip N Card Trick 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 Symms*

### 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 845-005-0308](#))
- No Recommendation/Neutral

Name of Reviewing Official:

Title:

Date:

Signature:

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

# STAFF REPORT

**DATE:** January 14, 2025  
**TO:** Mayor and City Councilors  
**FROM:** Crystal Wooldridge, Financial Analyst  
**SUBJECT:** Resolution 2025-01: City and Urban Renewal Budget Committee position appointments

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## Strategic Priority and Goal:



### CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

## Background:

ORS 294.414(1) requires a local government to establish a budget committee for purposes of acting as the local government's fiscal planning advisory committee. The committee is comprised of the elected members of the governing body and an equal number of electors of the municipal corporation (i.e., qualified voters). The governing body appoints electors to the budget committee for three-year terms.

There are currently three vacancies on the City & Urban Renewal Budget Committees. Two of these vacancies are from term expirations as of December 31, 2024, with appointments recommended for the complete three-year term. The third vacancy resulted from a budget committee member's appointment to City Council, and it is recommended that the new appointee serve the remaining one-year term, which expires December 31, 2025.

The committee vacancies were advertised during October and November 2024 through multiple channels, including the *News Register* newspaper, *El Latino de Hoy* publication, McMinnville Community Media's television feed, the City website, and I Heart Mac website.

Six applications for the vacant positions were received and interviews were scheduled with all applicants – Kellye Bouldin, Frank Butler, Victoria Ernst, Steffanie Frost, Chaz Gibbins, & Richard Smith. Interviews took place on December 19 & 30, 2024. Applicants met with Mayor Drabkin, Council President Garvin, Councilor Menke and Budget Committee Chair Maxfield.

The following new appointments are being recommended (retrospectively):

- Reappointment of Victoria Ernst for a 3-year term from January 1, 2025 until December 31, 2027
- New Appointment of Steffanie Frost for a 3-year term from January 1, 2025 until December 31, 2027
- New Appointment of Kellye Bouldin for a 1-year term from January 1, 2025 until December 31, 2025

## Recommendation:

That City Council appoint the candidates noted above.

## Attachments:

1. Resolution 2025-01

**RESOLUTION NO. 2025-01**

A Resolution appointing and re-appointing members to the City of McMinnville and Urban Renewal Budget Committees.

**RECITALS:**

**Whereas**, ORS 294.414(1) requires a local government to establish a budget committee for purposes of acting as the local government’s fiscal planning advisory committee; and

**Whereas**, ORS 294.414(2) requires that the budget committee have the same number of appointed members as there are local elected officials in its governing body ; and

**Whereas**, ORS 294.414(5) establishes three-year terms for each volunteer member of the budget committee; and

**Whereas**, there are currently three vacancies on the City of McMinnville Budget Committee and six candidates applied for the vacant positions; and

**Whereas**, the City advertised the vacancies in the local newspaper, Latin-American Oregon newspaper, local television channel, and posted the advertisement on the City’s website along with I Heart Mac website.

**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 Budget Committees:

**BUDGET COMMITTEE**

Kellye Bouldin – term through December 31, 2025

Victoria Ernst (re-appointment) – term through December 31, 2027

Steffanie Frost – term through December 31, 2027

- 2. This Resolution and these appointments will take immediate effect.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14<sup>th</sup> day of January 2025 by the following votes:

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

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

Approved this 14th day of January 2025.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

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

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





City of McMinnville  
Municipal Airport  
231 NE 5<sup>th</sup> Street  
McMinnville,  
OR 97128  
(971) 387-1125

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## STAFF REPORT

**DATE:** January 6, 2024  
**TO:** Jeff Towery, City Manager  
**FROM:** Willy Williamson, Airport Administrator  
**SUBJECT:** Appointment and Reappointment of Airport Commissioners

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### **Report in Brief:**

This action is for the consideration of a resolution to appoint four (4) members to the Airport Commission.

### **Background:**

There are 4 vacancies on the Airport Commission that needs to be filled. Airport Commissioners typically hold a 4-year term (full term), and may be reappointed for 2 terms, with 3 terms being the maximum.

There are 2 full term vacancies on the Airport Commission that were vacated in the past year for term completion. There were 2 resignations with one member moving out of state and one member desiring to volunteer elsewhere. These 2 resignations opened vacancies for partial terms of 1 and 3 years.

There was a total of 6 applicants for the open positions on the Airport Commission and all 6 applicants were interviewed. The interview panel selected 2 applicants for a full term, 1 applicant for the remaining 3 years of a term and 1 applicant for the remaining 1 year of a term. The panel did not select any alternate.

### **Attachments:**

1. Resolution 2025-02
2. Applications and resumes for the selected applicants
3. Ordinance 4933, Airport Commission

### **Recommendation:**

Staff recommends that the City Council adopt the attached resolution, appointing 4 applicants to the Airport Commission.

**RESOLUTION NO. 2025 – 02**

A Resolution appointing four members to the City's Airport Commission.

**RECITALS:**

**WHEREAS**, the City of McMinnville has an Airport Commission made up of volunteers; and

**WHEREAS**, the City Council is responsible for making appointments and reappointments; and

**WHEREAS**, an interview panel has selected 4 candidates for appointment.

**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 Airport Commission.
  - Grayson Barrows (full term reappointment) Expires December 31, 2028
  - Brian Young (full term) Expires December 31, 2028
  - Jake Volz (3-year, term completion) Expires December 31, 2027
  - Michael Warren (1-year, term completion) expires December 31, 2025
  
2. This Resolution and these appointments will take effect January 14, 2025.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14<sup>th</sup> day of January 2025 by the following votes:

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

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

Approved this 14th day of January 2025.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

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

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



# STAFF REPORT

**DATE:** January 14, 2025  
**TO:** Mayor and City Councilors  
**FROM:** Noelle Amaya, Communication & Engagement Manager  
**SUBJECT:** Resolution No. 2025-03 Diversity, Equity & Inclusion Advisory Committee Council Appointment of Members into the (2) vacant positions

## 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:

To consider Resolution No. 2025-03, which appoints Helen Dunford and Andrea Deniz into the (2) two vacant member positions.

Helen Dunford, term ending December 31, 2029.

Andrea Deniz, term ending December 31, 2029.

## Background:

On October 6, 2020, the City Council approved Ordinance No. 5097 establishing a Diversity, Equity & Inclusion Advisory Committee (DEIAC).

The DEIAC is responsible for the following:

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

The committee began a recruitment process late in 2024 to fill the expiring positions of committee members Efrain Arredondo (ex. 12/31/2025) and Tony Lai (ex. 12/31/2025). We

received 5 (five) applications and offered interviews to each candidate. Five interviews were accepted and carried out. The interview subcommittee included the Staff Liaison, Noelle Amaya; Committee Member, Tony Lai and Committee Member Viviana Garibay.

**Discussion:**

The subcommittee voted to recommend Helen Dunford and Andrea Deniz for the vacant committee positions.

Current membership and term lengths of the Diversity, Equity & Inclusion Advisory Committee are as follows:

<b>Viviana Garibay (youth liaison)</b>	Expires: December 31, 2026
<b>Yu Shan Chen</b>	Expires: December 31, 2029
<b>Katherine Martin</b>	Expires: December 31, 2027
<b>Zack Geary (City Council liaison)</b>	Expires: December 31, 2024
<b>Caitlin Nemeth</b>	Expires: December 31, 2027
<b>Nancy Macias</b>	Expires: December 31, 2029
<b>Larry Miller</b>	Expires: December 31, 2028

**Attachments:**

Resolution 2025-03

**Staff Note:**

Staff has chosen to not attach the individual’s DEIAC applications as these documents containing personal experiences or stories from those who have experienced systematic racism or social injustices. The council may request this information directly if desired.

**Fiscal Impact:**

There is no anticipated fiscal impact to the City of McMinnville with this decision.

**Recommendation:**

It is recommended that the Council move to approve Resolution No. 2025-03 appointing Helen Dunford and Andrea Deniz to the Diversity, Equity & Inclusion Advisory Committee.

**RESOLUTION NO. 2025-03**

A Resolution Appointing Members to the Diversity, Equity, and Inclusion Committee.

**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 to these committees; and

**Whereas,** The Diversity, Equity & Inclusion Advisory Committee is made up of seven volunteer community members, one City Council liaison and one youth member; and

**Whereas,** The City Council directs the committee to advise the Council on policy decisions to create a more equitable and inclusive community; and

**Whereas,** The City Council empowers this committee to be bold in their recommendations and advise the Council with thoughtful input, focus, and leadership.

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

The City Council appoints the following volunteers to the Diversity, Equity, and Inclusion Advisory Committee as detailed below.

DIVERSITY, EQUITY, AND INCLUSION ADVISORY COMMITTEE

Helen Dunford  
Andrea Deniz

Expires: December 31, 2029  
Expires: December 31, 2029

- 1. 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 14th day of January 2024 by the following votes:

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

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

Approved this 14th day of January 2025.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

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

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



## Staff Report

**DATE:** January 14, 2025  
**TO:** Mayor and City Councilors  
**FROM:** Jeff Towery, City Manager  
**SUBJECT:** Appointment of new Finance Director

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### **Report in Brief:**

This is the consideration of Resolution No. 2025-04, appointing the new Finance Director in accordance with Section 11 of Chapter 3 of the McMinnville City Charter.

### **Background:**

The City of McMinnville went through an in-depth recruitment process that began in October 2024. On December 24, 2024, City Manager Jeffrey Towery authorized the hire of Kathryn "Katie" Henry as the new Finance Director for the City of McMinnville.

Per Section 11 of the City of McMinnville City Charter City Manager Jeffrey Towery recommends the City Council appoint Katie Henry as the Finance Director.

### **Attachments:**

- Resolution No. 2025-04: Resolution Approving the Appointment of a new Finance Director

### **Recommendation:**

Staff recommends that the Council adopt the attached Resolution, making this appointment.



**RESOLUTION NO. 2025-04**

A Resolution Approving the Appointment of a new Finance Director.

**RECITALS:**

**WHEREAS**, City Manager Jeffrey R. Towery approved the hiring of Kathryn Henry as Finance Director with service commencing on January 27, 2025; and

**WHEREAS**, City Manager Towery has recommended that the City Council approve his recommendation for hire as provided by Section 11 of the City Charter.

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

1. City Manager Towery’s recommended hiring of Kathryn Henry with service commencing on January 27, 2025, is hereby approved.
2. This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 14<sup>th</sup> day of January 2025, by the following votes:

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

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

Abstain: \_\_\_\_\_

Approved this 14<sup>th</sup> day of January 2025.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

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

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

# STAFF REPORT

**DATE:** January 14, 2025  
**TO:** Mayor and City Councilors  
**FROM:** Taylor Graybehl, Senior Planner  
**SUBJECT:** Ordinance No. 5156: (Docket G 2-24), An Ordinance amending 17.57 and 17.58 of the McMinnville Municipal Code, Landscape Plans, Landscape Standards, and Street Tree Plans

## 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

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## **Report in Brief:**

This action is the consideration of Ordinance No. 5156, amending the McMinnville Municipal Code (MMC), Title 17 “Zoning” regarding the provisions of Chapter 17.57, “Landscaping” and Chapter 17.58, “Trees” of the Zoning Ordinance. This is a legislative action initiated by the Landscape Review Committee, and approved for recommendation to the City Council by the Planning Commission on November 7, 2024 after hosting a public hearing.

The proposed amendments should improve internal efficiencies for review landscape plans and improve timeliness for applicant decisions.

This proposal would implement changes to the review process, standards, and submittal materials for Landscape and Street Tree Plans. This amendment proposes a new review process, allowing staff to review and approve plans when they comply with standards. The applicant would also be allowed to seek review and approval by the Landscape Review Committee when plans cannot meet base standards. Instead, the applicant would be required to demonstrate their project provides a product that meets or exceeds the goals and purpose of Chapter 17.57, the Comprehensive Plan and Great Neighborhood Principles.

Changes to Chapter 17.57 Landscaping include adopting clear and objective standards to implement the chapter's goals and purpose. Updated submittal requirements are proposed to ensure it is clear to the applicant what is required on plans, hopefully reducing the overall review period of landscape plans and lessening staff resources.

## **Background:**

The proposed amendments are a continuation of work conducted since an initial presentation before the Planning Commission on June 15, 2023. During the June 15, 2023 meeting, staff presented proposed amendments to both Chapter 17.57 Landscaping and Chapter 17.58 Trees of the Zoning Ordinance (G 3-23), which was subsequently continued. On April 18, 2024 the Planning Commission recommended focusing on amending Chapter 17.58 Trees to leave Chapter 17.57 Landscaping for a later date. Subsequently, Chapter 17.58 Trees was amended by Ordinance No. 5145.

On October 3, 2024, staff presented proposed amendments to Chapter 17.57, as the Landscape Review Committee recommended. During this work session, the Planning Commission requested staff return with a proposed ordinance.

At the November 7, 2024, Planning Commission meeting, the Planning Commission recommended approval of the proposed Zoning Ordinance Amendment as presented.

## **Discussion:**

The draft amendments prepared by staff and recommended for adoption by the Planning Commission are summarized below.

### **Amend Provisions Related To Landscape Standards, Review Process, And Submittal Requirements.**

#### ***17.57. Landscaping***

- 17.57.010. Purpose and Intent. Changes to the purpose and intent
- 17.57.030. Specific zones requiring landscaping.
- 17.57.040. Specific uses requiring landscaping.
- 17.57.050. Plans-submittal and review-approval-Time for completion.
- 17.57.060. Plans-information to be included
- 17.57.070. Area determination – Planning factors
- 17.57.080. Central Business District

#### ***17.58. Trees***

- 17.58.100. Street Tree Plans

The proposed amendments are intended to address key issues. The issues are identified in **bold**, and the proposed manner of addressing them is followed by normal text.

- 1. The proposed amendments include updates to the purpose and intent to reflect issues identified by the Landscape Review Committee.** The Planning Commission and staff recommend revising Section 17.57.010 to include items previously identified by the Landscape Review Committee, including environmental issues of groundwater contamination, environmental and climate changes, and promoting air quality.
- 2. Landscaping requirements do not apply to all zones, and some uses that should be landscaped are not required to provide landscaping. The proposed amendments are intended to address these concerns.** The Planning Commission and staff recommend revising Sections 17.57.030 and 17.57.040 to reflect those previously identified by the

Landscape Review Committee, including adding an R-5 zone and modifying specific uses requiring landscaping.

- 3. State law requires the same approval process for “middle housing” as for detached single-unit homes. Therefore, the procedure for review must be the same for these housing types. In addition, the standards for housing are required to be clear and objective. The amendments would align the landscape provisions with these requirements.** The Planning Commission and staff recommend revising Chapter 17.57 Landscaping to include measurable standards. For example, the proposed revision to Section 17.57.070(B)(1) includes specific requirements for sight-obscuring screening, including minimum height and opacity. It is also recommended that middle housing types be regulated by Chapter 17.11, which includes clear and objective standards.
- 4. The current review process is staff resource intensive and may create a longer review period for landscape and building permit plans than required.** The Planning Commission and staff recommend creating a new “administrative review process” and “discretionary review process” with the proposed Section 17.57.050(A)(1) & (2). The administrative review process will allow staff to review the proposed landscape that seeks to implement standards as written. The discretionary review process allows an applicant to request alterations to the standards. The applicant would be required to identify how the project still complies with the purpose and intent of the Chapter, Comprehensive Plan, and Great Neighborhood Principles. The Landscape Review Committee would determine if the proposed alterations met or exceeded these standards.
- 5. The current review process does not include a completeness review period, which, combined with the proposed discretionary process, may lead to inefficient use of the Landscape Review Committee and staff time due to incomplete applications.** Staff recommends adding Section 17.57.050(A)(2)(b) to create a fifteen (15) day completeness review period. Currently, landscape plans often do not include the required submittal information, and the more complex submittal requirements of the discretionary process will likely cause the problem to become more severe. By adding a completeness review period, staff can ensure that the items brought before the Landscape Review Committee include the information required to make a determination. Following the determination of an application being deemed complete, the Landscape Review Committee must decide within thirty (30) days or the application will be deemed complete.
- 6. Landscape Plan submittals often do not include all the information required to determine compliance with standards, increasing overall review time and staff resource allocation.** The Planning Commission and staff recommend revising Section 17.57.060 to include additional specificity on the information required on landscape plans.
- 7. The percentage of landscaping required when adding buildings or parking areas is difficult to understand.** The Planning Commission and Staff recommend revising Section 17.57.070(5) to clarify the method of calculating landscape percentage requirements.
- 8. Current code provisions lack specificity for standards related to landscape design, including screening, tree protection, parking areas, suitable trees, and irrigation.** The Planning Commission and staff recommend revising Section 17.57.070(B) to provide measurable standards that ensure the purpose and intent of the Chapter are met.

- 9. Street Tree Plans must go before the Landscape Review Committee even though clear and objective review criteria apply, creating additional review time and greater use of staff resources.** The Planning Commission and staff recommend revising Section 17.58.100 to make staff responsible for reviewing and approving proposed street tree plans. As the review criteria and standards for Street Tree Plans are clear and objective, it is reasonable that staff can review and decide whether the plan complies with standards.

**Attachments:**

- Attachment 1: Ordinance No. 5156
  - a. Exhibit A to Ordinance No. 5156, Proposed Code Amendments
  - b. Exhibit B to Ordinance No. 5156, Decision Document
- Attachment 2: Minutes for the November 7, 2024, Planning Commission hearing

**Fiscal Impact:**

No fiscal impact is anticipated.

**City Council Options:**

Per Section 17.72.130(B) of the McMinnville Municipal Code:

*Legislative hearings: Within 45 days following the public hearing on a comprehensive plan text amendment or other legislative matter, unless a continuance is announced, the Planning Commission shall render a decision which shall recommend either that the amendment be approved, denied, or modified:*

1. *Upon reaching a decision the Planning Commission shall transmit to the City Council a copy of the proposed amendment, the minutes of the public hearing, the decision of the Planning Commission, and any other materials deemed necessary for a decision by the City Council;*
  2. *Upon receipt of the decision of the Planning Commission, the City Council shall:*
    - a. *Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or*
    - b. *Adopt an ordinance effecting the proposed change in an amended form, or*
    - c. *Refuse to adopt the amendment through a vote to deny, or*
    - d. *Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.120(D).*
1. **ADOPT ORDINANCE NO. 5156** approving the proposed amendments for Docket G 2-24, as presented in Exhibit A to the ordinance.

2. **ADOPT ORDINANCE NO. 5156** in an amended form, approving the proposed amendments for Docket G 2-24, **with revisions**.
3. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting.
4. **REFUSE TO ADOPT THE ORDINANCE**

**Recommendation/Suggested Motion:**

Staff recommends that the Council adopt Ordinance 5156, which would approve Docket G 2-24, amendments to Chapters 17.57 "Landscaping" and 17.58 "Trees" of the Zoning Ordinance.

**"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS RECOMMENDED BY THE PLANNING COMMISSION AND SUBMITTED BY STAFF, I MOVE TO ADOPT ORDINANCE NO. 5156."**



**ORDINANCE NO. 5156**

**AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE MUNICIPAL CODE TO CHAPTER 17.57 "LANDSCAPING," CHAPTER 17.58 "TREES" AND APPROVING THE DECISION, FINDINGS, AND CONCLUSIONARY FINDINGS FOR DOCKET G 2-24.**

**RECITALS:**

**WHEREAS**, Docket G 2-24 is a legislative action amending provisions related to trees in Title 17 (Zoning) of the McMinnville Municipal Code.

**WHEREAS**, Docket G 2-24, a draft legislative proposal for amendments to standards for landscape plans, landscape standards, and street tree plans, was initiated on November 7, 2024 with notice of the proposed amendments and a October 2, 2024 Planning Commission public hearing submitted to DLCDC.

**WHEREAS**, on November 1, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance.

**WHEREAS**, on November 7, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments as presented.

**WHEREAS**, notice of the January 14, 2025 City Council meeting was posted on the City website in accordance with Oregon public meetings law.

**WHEREAS**, the City Council received the Planning Commission recommendation and staff report, and has deliberated.

**WHEREAS**, the City Council, being fully informed about said request, found that the requested amendments attached as Exhibit A conform to the applicable criteria, including the Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance, based on the material submitted by the Planning Division and the findings of fact and conclusionary findings for approval in Exhibit B.

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. The McMinnville Zoning Ordinance is amended as provided in Exhibit A; and
2. The Council adopts the Decision, Findings, and Conclusionary Findings for Docket G 2-24 attached as Exhibit B; and
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 14<sup>th</sup> day of January 2025 by the following votes:

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

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

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

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

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

EXHIBITS:

- A. Amendments to McMinnville Zoning Ordinance (17.57 and 17.58 of McMinnville Municipal Code)
- B. Decision, Findings, and Conclusionary Findings for Docket G 2-24

**McMinnville Zoning Ordinance  
Amendments to Provisions Relating to Landscape Plans, Landscape  
Standards, and Street Tree Plans**

New text is in ***bold, italic, underline text***. Deleted text is in ~~strikethrough text~~.

Chapter 17.57

LANDSCAPING

***(as amended by Ordinance No. Ord. 5156)***

Sections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 Zones where required.
- 17.57.040 Specific uses requiring landscaping
- 17.57.050 Plans—Submittal and review—Approval—Time limit for completion.
- 17.57.060 Plans—Information to be included.
- 17.57.070 Area determination—Planning factors.
- 17.57.080 Central business district.
- 17.57.090 Credit for work in public right-of-way.
- 17.57.100 Appeal—Planning Commission to act.

17.57.010 Purpose and Intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect, and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- A. Provide guidelines and standards that will:
  - 1. Reduce soil erosion and ***ground water contamination by*** the volume and rate of discharge of storm water runoff.
  - 2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
  - 3. Mitigate the loss of natural resources.
  - 4. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
  - 5. Create safe, attractively landscaped areas adjacent to public streets.
  - 6. Require the planting of street trees along the City's rights-of-way.
  - 7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

- 8. Provide shade, and seasonal color.
- 9. Reduce glare, noise and heat.

**10. Address changes to the environment and climate**

- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. Support **Enhance** McMinnville as a community that cares about its appearance.
- I. **Promote air quality.**

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (**Ord. 5156, 2025**; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

17.57.030 Specific zones requiring landscaping. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (~~Multiple Dwelling~~ **Medium, High-Density Residential zone**), ~~except the construction of a detached or plex residential units);~~

**A. R-5 (Multiple-Dwelling Residential zone);**

- B.** C-1 (Neighborhood Business zone);
- C.** C-2 (Travel Commercial zone);
- D.** C-3 (General Commercial zone);
- E.** O-R (Office/Residential zone);
- F.** M-L (Limited Light Industrial zone);

- G.** M-1 (Light Industrial zone);
- H.** M-2 (General Industrial zone);
- I.** **The following construction is exempt from the standards of this Chapter: accessory dwelling units, cottage clusters, plexes, single dwelling, single room occupancy – small housing, single room occupancy – large housing, tiny houses, and townhouses. These uses are subject to the landscaping requirements of Chapter 17.11. (Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).**

17.57.040 Specific Uses Requiring Landscaping.

- ~~A. Churches~~ **Non-Residential Uses**, subject to the landscaping requirements of a multiple dwelling development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- ~~B. Utility substations subject to the landscaping requirements of commercial uses~~ **shall have sight-obscuring screening around the perimeter of the structure(s);**
- ~~C. Mobile home park~~ **Manufactured Dwelling Park**, subject to the **landscaping requirements of a multiple dwelling development Ord. 4220 and Ord. 4564;**
- ~~D. Multiple-dwelling, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development. (Ord. 5027 §2, 2017; Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968);~~
- E. Satellite dish in residential zone shall be screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting. (Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).**

17.57.050 Plans - Submittal and Review – Approval – Completion Time

Limit.

- ~~A. At the time the applicant applies for a building permit, they shall submit, for the Landscape Review Committee, two copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, two copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.~~
  - ~~1. No building permit shall be issued until the landscaping plan has been approved.~~
  - ~~2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;~~
- A. Review Process. Two review processes are available for landscape review: administrative and discretionary. An applicant may choose which process to use. The administrative process uses standards that do not require the use of discretionary decision-making. The discretionary process uses purpose and intent that are more subjective in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how**

the applicable standards or the purpose and intent of this Chapter are being met.

1. Administrative Review Process. An application for Administrative Review shall comply with the standards of this Chapter.

- a. Prior to or concurrent with a building permit application, the applicant shall submit a Landscape Plan application and applicable fees for review, with a landscape plan containing all of the information specified in Section 17.57.060;
- b. The City Manager or City Manager's Designee (hereafter "Manager") shall conduct a review within thirty (30) days of submission of the plans. A failure to review within thirty (30) days shall be considered as approval of the plan.
- c. The landscape plan shall be approved if it is found to comply with the criteria in Section 17.57.040 and Section 17.57.070.
- d. No building permit shall be issued until the landscape plan has been approved.
- e. Minor changes in the landscape plan shall be allowed, as determined by the Manager, as long as they do not bring the Landscape Plan into non-compliance with the standards of this chapter.

2. Discretionary Review Process. The applicant may opt for the discretionary review procedure in accordance with the provisions of this subsection.

a. Prior to or concurrent with a building permit application, the applicant shall submit a completed Discretionary Review Landscape application, applicable fees, and the following information:

1) A Landscape Plan application with a Landscape Plan containing all of the information specified in 17.57.060, and the following additional information:

- a. Identifies those areas that do not fully comply with the standards in this Chapter;
- b. Identifies the design features or overall design concept proposed to accomplish Section 17.57.010;

2) A written narrative that:

- a. Identifies which standards in this Chapter the proposal does not fully comply with;
- b. Identifies the design features or overall design concept proposed to accomplish Section 17.57.010;
- c. Identifies how the plans meet the purpose, intent and requirements of this chapter.

b. Upon receipt of a complete application, the Manager shall review the application for completeness within fifteen (15) days of the date that the application is submitted. If, upon review, the



application is found to be incomplete, the applicant shall be advised in writing of the information needed to complete the application within fifteen (30) days of the date of application submittal. The application shall be deemed complete upon receipt of all the missing information or upon written notice from the applicant that some or all the missing information will not be provided. Throughout all land use proceedings, the burden of proof shall rest on the applicant.

- c. Landscaping review shall occur by the Landscape Review Committee within thirty (30) days from the date the application is deemed complete. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action to be taken on the plans. A failure to review within thirty (30) days shall be considered as approval of the plan;
- d. Only those standards identified within this Chapter are subject to discretionary review; standards related to landscaping outside of this Chapter may only be reduced in limited circumstances as permitted by variance or as otherwise specified;
- e. The landscape plan shall be approved if it is found to be compatible with Section 17.57.010, applicable goals and policies of the McMinnville Comprehensive Plan, McMinnville Great Neighborhood principles, and all other applicable implementing ordinances.
- f. No building permit shall be issued until the landscape plan has been approved.
- g. The Applicant may request a modification of a previously approved landscape plan by filing a petition to the Manager. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. If one or more of the modifications proposed will bring the plan into further non-compliance with standards or adjust an identified design feature or overall design concept proposed to accomplish Section 17.57.050(2)(d), the plan shall be resubmitted, with fee, to the Landscape Review Committee for review subject to the review process of 17.57.050(A)(2). Issuance of building permits will be postponed until the revised plan(s) has been processed in accordance with this section. The petition shall include:
  - 1) A written narrative identifying the proposed alterations to the previously approved plans.

~~B. Landscaping review shall occur within 30 (thirty) days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary~~

- for action to be taken on the plans. A failure to review within 30 (thirty) days shall be considered as approval of the plan;
- ~~C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;~~
- B. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director **Manager** is filed with the City assuring such installation within a time specified by the Planning Director **Manager**, but not to exceed six **(6)** months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director **Manager** prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director **Manager**, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, inspection, and approval, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the final inspection and/or approval to be postponed until the project is completed or cause the security to be used by the City;
- C. All completed landscape projects shall be inspected by the Planning Director **Manager**. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as determined by the Planning Director or their designee **Manager**, as long as they do not alter the character **intent** and aesthetics of the original plan. (**Ord. 5156, 2025**; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Plans - Information to be Included. The following information shall be included in **on** the **landscape** plans submitted under Section 17.57.050:

- ~~A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;~~
- A. Existing locations of trees with a trunk five (5) inches or more in diameter 4.5 feet above ground level at the base of the trunk or if a tree splits into**

**multiple trunks below 4.5 feet measured at its most narrow point beneath the split, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. Method of protection of trees and shrubs to remain indicated. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;**

- B. The location, ~~in which new plantings will be made~~ **size**, and the variety (common ~~or~~ **and** botanical name), and size of all new trees, shrubs, groundcover and lawns **at maturity**;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, **structures**, potted trees, raised planters, or other open spaces **with construction details, location, setbacks, and any additional information necessary** so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed **or to be used, in sufficient detail to demonstrate compliance with Section 17.57.070(5)**;
- G. **If the discretionary review process is requested, submit those additional items identified in Section 17.57.050(A)(2)(a), including the required information on the landscape plan and the written narrative;**
- H. All of the **following** information:
  - 1. **North arrow.**
  - 2. **Drawn to scale (standard architectural or engineering).**
  - 3. **Lot and building setback dimensions.**
  - 4. **Property corner elevations (if there is more than a 4-foot elevation differential, site plan must show contour lines at 2-foot intervals).**
  - 5. **Location of easements and driveway (existing and proposed).**
  - 6. **Footprint of new structure (including decks).**
  - 7. **Location of existing wells and septic systems.**
  - 8. **Utility locations.**
  - 9. **Lot area, building coverage area, percentage of coverage and impervious area.**
  - 10. **Surface drainage.**
  - 11. **Location and extent of fill on the lot.**
  - 12. **Existing and platted street names and other public ways.**
- I. **For any addition or expansion of an existing structure or parking lot that results in additional lot coverage and in addition to other requirements set forth in this subsection, square footage of existing lot coverage, (building area, not including basement or upper floors, and parking or loading areas) and the square footage of the additional lot coverage. (Ord.**

5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Area Determination - Planning Factors.

A. Landscaping shall be accomplished within the following ranges:

1. Industrial, at least seven (7) percent of the gross area of the development site. This may be reduced to not less than five (5) percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
2. Commercial, at least seven (7) percent of the gross area of the development site. This may be reduced to not less than five (5) percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
3. Multiple-dwelling, twenty-five (25) percent of the gross area of the development site. This may be reduced to not less than fifteen (15) percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
4. A surface parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.
5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: ~~Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition; however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.~~

~~ALC (additional  
lot coverage) — X — % of landscaping — X — Total lot area  
ELC (Existing — required  
Lot Coverage)~~

- a. Demonstrate that the minimum gross landscaping for the site meets 17.57.070(A).
- b. Any new parking lot area shall meet 17.57.070(B)(4).

- c. Landscaping to be installed on ~~an~~ **for** an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;
  - d. **If the addition is less than 500SF and existing and proposed landscaping meet minimum landscaping percentage standards, then review by the Landscape Plan Review can be waived by staff.**
- B. The following ~~factors~~ **standards** shall be considered ~~met~~ by the applicant when planning ~~designing~~ the landscaping ~~Landscape Plans~~. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
1. ~~Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.~~
    1. **Sight-obscuring** Screening **of** the proposed use **shall be** by sight-obscuring evergreen plantings, shade trees, fences, or combinations of plantings and screens. **The screening of abutting residential properties shall conform to the following standards:**
      - a. **Height. Fences and walls shall be a minimum of six (6) feet in height. Landscaping shall be of a species that will attain a height of at least six (6) feet within three years of planting.**
      - b. **Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping.**
      - c. **Landscaping and fencing requirements shall be superseded by the requirements in Section 17.54.080, Clear Vision Area, Chapter 8.10.210 of the MMC for regulations and fences, and other applicable screening standards if more restrictive.**
  2. ~~The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should~~ **shall** be preserved to the maximum practical degree. Existing trees **to remain** shall be provided with a watering area equal to at least one-half the crown area **protected during construction as provided under Chapter 17.58.**
  3. **Parking Areas.** The development and use of islands and plantings therein to break up parking areas **shall be incorporated to break up parking areas as follows:**
    - a. **To minimize large expanses of continuous pavement, parking areas greater than 6,000 square feet in area shall be physically and visually separated with landscape islands. These separated parking areas may be connected by a drive aisle or driveway.**
    - b. **A minimum of one deciduous shade tree shall be planted for every ten (10) contiguous parking spaces within a parking area. Trees may be clustered within landscape islands or planter bays and shall be distributed throughout the parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.**
    - c. **Landscape islands and planter bays.**



- 1) Landscape islands and planter bays shall have a minimum planting area of twenty (25) square feet, and shall have a minimum width of five (5) feet, excluding curb.
  - 2) Each planter island shall contain tree and shrubs.
  - d. Driveway Entryway. Each driveway entryway shall be bordered on both sides of the entry by a minimum five (5) foot-wide landscaped area designed to planter island standards.
  - e. A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the street-side edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three (3) feet on center, and groundcover.
  - f. Surface parking areas shall be separated from the exterior wall of a structure by a landscaping strip or pedestrian walkways, with a minimum width of five (5) feet, except where a loading area is present.
  - g. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus as identified in Chapter 17.58.
4. ~~The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus~~ as identified in Chapter 17.58.
  5. ~~Suitable~~ Permanent underground or drip watering facilities or irrigation systems must be included in or near all planted areas; unless not required by subsection f. Permanent underground or drip watering facilities or irrigation systems shall be designed to provide for healthy plant growth, continual plant health, and to meet the purpose, intent, and requirements of this Chapter. Permanent underground or drip watering facilities or irrigation systems should consider the following:
    - a. Lawn valves shall be separated from non-lawn zones.
    - b. Irrigation heads shall be maximum spaced with "head-to-head" coverage.
    - c. All station valves shall have adjustable flow control valves, pressure reducing valves or other devices to minimize "misting" of water droplets.
    - d. Bed valves shall be separated by sun exposures.
    - e. Irrigation Controllers shall have the following minimum specifications:
      - 1) A minimum of four (4) independent programs;
      - 2) Station run time from 1-200;
      - 3) Three start times per program;
      - 4) Water budgeting from 0-200% increments, by program;



- 5) Battery backup;
  - 6) Rain shut-off device; and
  - 7) “Off,” “On,” and “Manual” operation modes without disturbing program.
- f. A permanent underground or drip irrigation system is not required for:
- 1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
  - 2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; or
  - 3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.

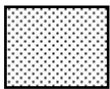
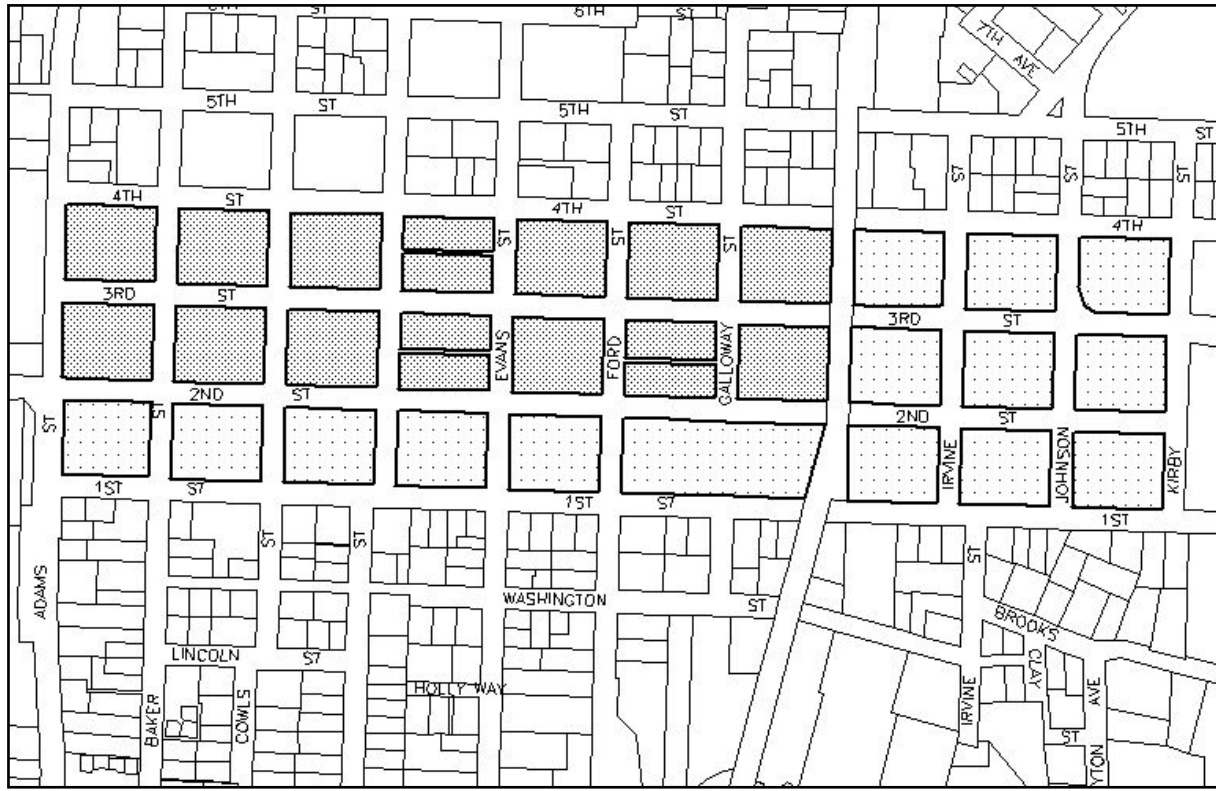
**6. Solid Waste and Recycling Enclosures. Solid Waste and Recycling Enclosures shall comply with Chapter 17.61.**

- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the ~~Planning Director's~~ **Manager's** decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee. (**Ord. 5156, 2025;** Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

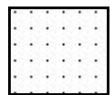
17.57.080 Central Business District. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half (**50%**) of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (**Ord. 5156, 2025;** Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

## REDUCED LANDSCAPING REQUIREMENTS



Area I No Required Landscaping



Area II - One-Half Required Landscaping

17.57.090 Credit for Work in Public Right-of-Way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.100 Appeal—Planning Commission to act when.

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within 15 (fifteen) days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application

- will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;
- C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

## Chapter 17.58

### TREES

(as adopted by Ord. 4654B Dec. 9, 1997)

#### 17.58.100 Street Tree Plans.

##### A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the ~~Landscape Review Committee~~ **Manager** 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~~ **Manager** 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. (**Ord. 5156, 2025**; Ord. 4654B §1, 1997).



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 2-24, RELATING TO LANDSCAPE PLANS, LANDSCAPE STANDARDS, AND STREET TREE PLANS CHAPTERS 17.57 AND 17.58**

**DOCKET:** G 2-24

**REQUEST:** Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscape plans, landscape standards, and street tree plans.

**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:** Taylor Graybehl, Senior Planner

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** November 7, 2024, 6:30pm. Hybrid In-Person and Zoom Online Meeting:

**In Person:** Kent Taylor Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville

**Zoom Meeting:**  
<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REY3RVSzFH eFdmK2pZUmJNdkdSZz09>

**Zoom Meeting ID:** 893 6863 4307  
**Zoom Passcode:** 989853

Or you can call in and listen via zoom: 1-253-215-8782  
ID: 893 6863 4307

**DECISION-MAKING**

**BODY:** McMinnville City Council

**DATE & TIME:** January 14, 2024, 7:00 PM. Hybrid In-Person and Zoom Online Meeting: Kent Taylor Civis Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Zoom Meeting ID: 872 7518 5011

**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.

**APPEAL:** The Planning Commission will make 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.

**DECISION**

Based on the findings and conclusionary findings, the City Council **APPROVES** the legislative amendments to the Zoning Ordinance (Docket G 2-24).

//

**DECISION: APPROVAL**

//

City Council: \_\_\_\_\_ Date: \_\_\_\_\_

Kim Morris, Mayor

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_

Sidonie Winfield, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_

Heather Richards, Community Development Director

## **I. APPLICATION SUMMARY**

This application is a legislative proposal for amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscape plans, landscape standards, and street tree plans in Chapters 17.57 and 17.58.

## **II. ATTACHMENTS**

- Attachment 1. Amendments (on file with Planning Division; see also Exhibit A to Ordinance 5156)

## **III. FINDINGS OF FACT – GENERAL FINDINGS**

Docket G 2-24 is a legislative package of City-initiated proposed McMinnville Comprehensive Plan and McMinnville Municipal Code amendments related to Chapter 17.57 Landscaping and Chapter 17.58 Trees. The proposal is intended to implement the adopted revised standards for landscape plans, landscape standards, and street tree plans.

The City Council finds that based on the findings of fact and the conclusory findings contained in this findings report, the proposed amendments to Chapters 17.57 and 17.58 of the McMinnville Zoning Ordinance are consistent with all applicable state and local regulations.

This findings document provides conclusory findings regarding consistency with applicable provisions of state and local law. Supporting these is a factual basis upon which the conclusory findings rest.

## **IV. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. On September 11, 2024, city staff hosted a work session with the Landscape Review Committee to discuss amendments to regulations related to landscape plans, landscape standards, and street tree plans. At the time, the Landscape Review Committee recommended bringing the item before the Planning Commission.
2. On October 2, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was provided to DLCD.
3. On October 3, 2024, city staff hosted a work session with the Planning Commission to discuss options for landscaping and tree amendments to the McMinnville City Code. The options presented largely reflect the amendments as recommended by the Landscape Review Committee. At that time, the Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to modify regulatory standards for landscape plans, landscape standards, and street tree plans.
4. On November 1, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was published in the News-Register in accordance with Section 17.72.120 of the Zoning Ordinance.
5. On November 7, 2024, the Planning Commission held a duly noticed public hearing to consider the request.
6. Notice of the January 14, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings law.

7. On January 14, 2025, the City Council held a duly noticed public meeting to consider the Planning Commission's recommendation and the proposal.

#### **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.** The proposed amendments amend standards for landscape plans, landscape standards, and street tree plans. The Planning Commission evaluated the recommendations of the Landscape Review Committee, and a variety of issues related to increased efficiencies and the identified purpose of landscaping within the Zoning Ordinance. The proposal reflects the balancing of the purpose and intent of Chapter 17.57, efficiencies for staff time, and the State of Oregon's requirement for clear and objective standards for middle housing.

#### **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.

The Planning Commission held a work session on October 3, 2024 to evaluate a draft zoning ordinance amendment and consider best practices, including those of other communities.

At the work session, the Planning Commission agreed to initiate the public hearing process for public consideration of the draft proposal presented.



The Commission determined that the proposed amendments best-balanced Chapter 17.57's purpose and intent, staff time efficiencies, and the State of Oregon's requirement for clear and objective standards for middle housing.

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.

## **EXHIBIT 1 - MINUTES**

**November 7, 2024  
Planning Commission  
Regular Meeting**

**6:30 pm  
Hybrid Meeting  
McMinnville, Oregon**

**Members Present:** Sidonie Winfield, Dan Tucholsky, Matthew Jones, Beth Rankin, Brian Randall, Rachel Flores, Sylla McClellan, and Elena Mudrak

**Members Absent:** Meg Murray

**Staff Present:** Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Taylor Graybehl – Senior Planner, and Bill Kabeiseman – Bateman Seidel

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### **1. Call to Order**

Chair Winfield called the meeting to order at 6:30 p.m.

### **2. Citizen Comments**

None

### **3. Public Hearings**

#### **A. Quasi-Judicial Hearing: Planned Development Amendment (PDA 1-24) and Amendment to Subdivision Tentative Plan (S 3-24), No Site Address (Undeveloped), Tax Lot R4524 00801**

**Request:** **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. 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.

The proposal would also revise 43 of the lots currently approved for attached housing to standard lots proposed as detached housing.

**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.

Applicant: Holt Homes, Inc. c/o Applicant's Consultant: Zach Pelz, AKS Engineering & Forestry, LLC

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Chair Winfield had known the owners of the site for a long time, but it would not impact her ability to make an unbiased decision.

Chair Winfield asked if any Commissioners had visited the site. Commissioners McClellan, Jones, Tucholsky, Flores, Winfield, Rankin, and Randall had visited the site. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Senior Planner Schauer presented the staff report. This was a request for a Planned Development amendment and Subdivision Tentative Plan amendment for the remaining phases of the Hillcrest Planned Development, approximately 106 acres. The amendments would revise the street layout with substantially the same connections external to the site, 392 lots and open space tracts vs. 394 lots, smaller average lot size and reduced setbacks, and 43 multi-generational homes vs. 43 townhouse lots. He explained additional information entered into the record after the October 31 meeting packet, applications, criteria, subject property, proposed master plan/tentative plan, background on previous applications, project phases, open space tracts, streets and utilities, and staff's recommendation for approval with conditions.

Commissioner Questions: The Commission asked questions about the landscape plan for the open space tracts, how there were no restrictions on occupation of the ADU for the multi-generation housing, pump facility, drainage plan, natural hazards, how the applicant thought they were subject to the 2017 standards rather than current standards and how staff thought the amendments were subject to the current standards, flood risk to the lots adjacent to the wetlands, and how the drainage plan would ensure there would not be flooding,

James Lofton, City Engineer, discussed the drainage plan and how the project would need detention facilities. He described the engineering process that took place after the land use decision was rendered. He explained how the Natural Hazards Overlay applied to this project and how a full geotechnical analysis would be done on the site. They would not be able to eliminate flooding on some of the lots. There would be easements for drainageways and the boundary of the easements would be at the 100 year flood event level to keep the home construction out of the flood area.

Applicant's Testimony: Zach Pelz, AKS Engineering & Forestry, LLC was representing the applicant. He gave a project background and discussed the subdivisions approved in 2007 and 2017, reasons for the modifications including road realignment, how the road realignment was substantially similar to the 2017 plan, summary of the planned modifications, how the

current plan improved on the 2017 plan, mid-block pedestrian pathways, more open space, and community amenities. Regarding Condition of Approval #13, there was a strikeout shown that no longer allowed them to exempt trees located in the rights-of-way. He would like confirmation that the intent was they would not be penalized for removing trees that were in the rights-of-way.

Garret Stephenson, legal counsel for the applicant, said under the current condition, for the trees they would remove, they would have to provide tree mitigation or a fee in lieu. If they were providing land to the public for rights-of-way, he did not think they had to mitigate for the trees that were removed.

Commissioner Questions: There was discussion regarding how the stormwater facilities and the open spaces would be owned and maintained by an HOA.

Senior Planner Schauer said the reason for the strike out in Condition #13 was to be consistent with the language of the zoning ordinance.

There was further discussion regarding connectivity of the streams and roadways and how the applicant would use culverts in those areas to allow the water to flow underneath the roadway.

There was concern about stormwater drainage and it was suggested the applicant use permeable pavement. Mr. Pelz stated they would install two stormwater facilities for water detention. There were long term maintenance issues with permeable pavement. Mr. Lofton explained why permeable pavement was not appropriate for this area with slide susceptibility.

The Commission suggested the applicant work with McMinnville Water & Light for better water pressure to the adjacent neighborhood. Mr. Pelz said even though the pressure was low, it was in the range and they would be operating in a different pressure zone.

Mr. Pelz confirmed the playground in Area F would include a play structure, open area, and walking paths. They were not planning to include a public restroom due to the cost.

There was further discussion regarding how the housing designs would satisfy all of the applicable design guidelines, how adding left turn lanes at some intersections was required, blasting and noise, excavation and fill, clustering housing to save trees, the challenge of putting streets through the site and grading, how this would provide needed homes for residents and protect open spaces, and how there would be room for bus stops on the roads.

Proponents: Linda Berlin, McMinnville resident, had not been notified of the neighborhood meeting. She was concerned about the construction traffic on her street as well as fire and emergency traffic accessing the development. She was in support of the project as long as the water and sewer were on different systems and would be charged differently.

Steven Goldsmith, McMinnville resident, was concerned about urban heat island effect and lack of a lighting plan. He thought the growth should be managed in a responsible way.

Howard Aster, McMinnville resident, was one of the families planning to sell their property to be developed. He and the other two families had been working with the developer on this transaction for two years now and thought Holt Homes was honest and would build good homes. This proposal added housing variety and open space to this area.

Opponents: Kristi Bahr, McMinnville resident, discussed Phase 9, and how a proposed road extension went through her home. Mr. Schauer said the issue was included in Condition #27. At this point in time, the road would stub out at her property line and the intention was in the future that this was how the property would be served with street infrastructure if it was annexed and developed.

Rebuttal: Mr. Pelz discussed the issues they had with Condition #13 regarding the tree mitigation. Up until today, he thought the number was based on trees that were going to exist in the boundaries of the developed lots as well as the street trees they would have to install. Changing the language could be a substantial mitigation cost. He proposed going back to the original version to remove trees in the rights-of-way without paying a fee in lieu. He suggested closing the hearing but keeping the record open for 7 days until November 14 for the applicant to work with staff on the matter, and then keeping the record open for another 7 days for public testimony which would be due by November 21. They would waive the 7 day period for final written arguments. The Planning Commission would then make a decision on November 21.

Commissioner McClellan MOVED to CLOSE the hearing but keep the record open for Planned Development Amendment (PDA 1-24) and Amendment to Subdivision Tentative Plan (S 3-24) until November 14, 2024 for the applicant and until November 21, 2024 for rebuttal. SECONDED by Commissioner Jones. The motion PASSED 8-0.

**B. Quasi-Judicial Hearing: Hearing: Zone Change (ZC 3-24), No Site Address (Undeveloped), Tax Lot R4409DC0110**

Request: The applicant is requesting approval of a Zone Change application from R-3 (Medium-Density, 6000 SF Lot Residential Zone) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone) for a 2.93-acre parcel located at Tax Lot R4409DC 01100, west of the NE Newby Street and NE Hoffman Drive Intersection. This is for a zone change only. No development is currently proposed for the site

Applicant: Monika Development

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Winfield asked if any Commissioners had visited the site. Many Commissioners had visited the site. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Senior Planner Graybehl presented the staff report. This was a request for a zone change for a 2.93 acre property from R-3, medium density residential, to R-4, medium high density residential. No development was proposed at this time. Staff recommended approval. He described the existing conditions on the site, review procedures, review criteria and compliance, needed housing, Comprehensive Plan findings, Great Neighborhood Principles findings, Statewide Planning Goals, what was required for Goal 10: transportation, and how the Traffic Impact Analysis showed the project did not create a significant impact due to the new zoning.

There was discussion regarding when development might occur on the site, additional number of units allowed in the new zone, and height and setbacks for the R-4 zone.

Applicant's Testimony: Wendy Kellington, representing the applicant, said the applicant might or might not develop the property. The zone change was a tool to deliver increased housing within the City. It would allow this site to be developed with different housing types per the Great Housing Principles. Due to the wetland on the property, it was the only way to achieve the amount of housing needed to help meet the significant deficit. Without upzoning, it would be difficult to achieve the housing. Rezones were allowed without development proposals so long as they met the standards. This application met all of the standards. The Comprehensive Plan said all housing types shall be allowed, and the City should encourage rezoning to maintain land supply to meet housing objectives. Regarding adding conditions of approval, it would deprive the City of the developer's flexibility to comply with the design standards. The time to impose conditions was when there was a specific development application, and they would know the impacts and how to mitigate them. This application would allow the City significant infill and increase housing.

There was discussion regarding previous applications on this site and applicant's plans for the site.

Proponents: None

Opponents: Jerry Lanier, McMinnville resident, did not think they had to rezone the property as they could already put denser development on it. At its current zoning, it would not be different from the other adjacent properties. It was surrounded by nice neighborhoods of single family, duplexes, and triplexes and building high rise apartments next to these homes would be hard on the neighborhood. There was not any greenspace in the area as it was, and adding more people would make it worse.

Travis Cameron, McMinnville resident, was concerned about people from this site parking in the neighborhood, which was a beautiful neighborhood currently.

Rebuttal: Ms. Kellington said the decision had to be based on the standards and criteria, which stated neighborhoods shall have different housing types. Neighborhood integration and diversity was important to the City and without honoring the standards, the City could not meet their housing targets. This property was well suited to be a beautiful addition to the neighborhood and would have to meet strict standards for development. Parking standards were imposed by the City and would be part of the application. She read a State Statute as a basis for not putting conditions on the zone change.

Commissioner Tucholsky MOVED to CLOSE the public hearing, SECONDED by Commissioner McClellan. The motion PASSED 8-0.

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Deliberation: The Commission discussed short term rentals in the R-4 zone, struggle with the number of units that were possible with the upzone, what they would be gaining and the neighborhood losing with this application, how it met the criteria, future height

concessions and being a good neighbor, questioning if this was the right location for higher density, and adding a condition for the height and setback from the existing neighborhoods.

Commissioner Randall suggested adding a condition for a minimum setback of 15 feet along the abutting single family residences based on the human scale design in the Great Neighborhood Principles.

Commissioner Tucholsky was not in favor of approving the application, even with the condition. There were 14 properties adjacent to this property that would be negatively affected only to add 12 more units. He thought they should not change the zoning on a property that had no plan and was not ideal for the extra density. Changing the setback would not give the neighbors privacy that they had bought into as they had signed up for R-3.

Commissioner McClellan said the applicant wanted to set the property up for the best development opportunities, but she agreed that R-4 might not be the best option for the property. She did not know a criterion that could reasonably deny the request.

The Commission discussed the zone change criteria and what might be used for denial and if the condition proposed by Commissioner Randall followed the code.

No criteria could be found to deny the application.

Community Development Director Richards said the applicant was limited in the number of units based on the footprint of the site itself. They could have a tall, narrow building, but it had not been determined how the site would be designed. She cautioned the Commission not to get caught up in the 120 units that the Traffic Impact Analysis stated was the maximum number of units for the site. She did not know how feasible that would be. One of the complications of R-3 was they had to parcelize the site to create parcels for the housing products. Parcelizing with the drainage ditch was problematic because of the street access to get to the parcels. That was one reason the applicant wanted to change it to R-4 to provide more flexibility. Once they went over three stories, they would be in a different code in terms of structural development, and it would be more expensive. They did not see that in McMinnville.

Commissioner Randall MOVED to RECOMMEND City Council APPROVAL of Zone Change ZC 3-24 with a condition for a minimum setback of 15 feet to the foundation along the north and west property lines. SECONDED by Commissioner McClellan. The motion PASSED 6-2 with Commissioner Mudrak and Tucholsky opposed.

C. **Legislative Hearing: 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

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She 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 staff report. This was a request to approve the Comprehensive Plan amendment to adopt the Parks, Recreation, and Open Space Plan as part of the Comprehensive Plan. She explained the reasons for including it in the land use program, purpose of the Parks Plan, table of contents for the Parks Plan, proposed changes to Comprehensive Plan Volume I, background information, Volume II, goals and policies, Volume III, implementing ordinances, and appendices, and amendments to the Framework Plan. She then reviewed the public testimony and addressed the issues raised regarding the number of acres in the Framework Plan, buildable acres vs. unbuildable acres, policies about locations, and Comprehensive Plan Policy #170.18.

Proponents: Mark Davis, McMinnville resident, was in support of the Parks Plan. He requested changes to the document, clarifying Exhibit 3 related to the recently approved Housing Needs Analysis and clarifying parks would be built on unbuildable land.

Opponents: Paula Lang, McMinnville resident, was not opposed to the Parks Plan as a whole. However, the information meeting for the Quarry Park project left people with more questions than answers. There was a perception that the affluent residents in the area would like to keep the park for themselves. She would like open access to the park. The walking paths were relegated to the outside border of the park and the interior would be dedicated to BMX biking. This site flooded every year, and she was concerned about the flora and fauna of the area. The neighbors needed more information.

Susan Muir, Parks and Recreation Director, said Quarry Park was in the five year action plan, not as a BMX, but as a bike park. That was the first outreach to the neighborhood and there would be more community engagement.

Chair Winfield closed the public hearing.

There was discussion regarding the implications to the Fox Ridge Area Plan and the community park in that plan if these amendments were approved. Community Development Director Richards said the community park was not in the Parks Plan, but the Parks Plan did include a minimum 5 acre neighborhood park and greenway acreage in this area.

Bill Kabeiseman, City Attorney, said it was not inconsistent and plans did change over time.

The Commission had worked hard on the Fox Ridge Area Plan and wanted to ensure that it did not need to be amended due to the PROS Plan and associated Framework Plan amendments. They wanted to continue the hearing to have staff bring back a recommendation to address the issue.

Commissioner McClellan MOVED to CLOSE the hearing and CONTINUE deliberations for the proposed amendments to the Comprehensive Plan to support the Parks, Recreation and Open Space Plan (Docket G 5-24) to December 5, 2024. SECONDED by Commissioner Tucholsky. The motion PASSED 8-0.



**D. Legislative Hearing: Proposed Amendments To Chapters 17.57 Landscaping and 17.58 Trees Regarding Landscape Plans, Landscape Standards, and Street Tree Plans (Docket G 2-24).**

**Request:** This is a proposed legislative amendment to the Zoning Ordinance initiated by the City of McMinnville. The proposal would amend various provisions of Chapter 17.57 Landscaping and Chapter 17.58 Trees regarding landscape plans, landscape standards, and street tree plans. The proposal would amend Chapter 17.57 to expand the purpose and intent, clarify when landscaping is required, allow for review by staff when a plan complies with standards, update information required on plans, address landscape requirements for additions or expansions to building or parking lots, create clear and objective landscaping standards, and provide minor text amendments for ease of reading. Chapter 17.58 Trees would be amended to allow for review by staff when a street tree plan complies with standards.

**Applicant:** City of McMinnville

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

**Staff Report:** Senior Planner Graybehl presented the staff report. This was a request to amend the zoning ordinance for landscape and street tree plans. He gave a background on the amendments, changes that were proposed, and street tree plan standards. Staff recommended approval.

There was no public testimony.

Chair Winfield closed the public hearing.

Commissioner McClellan MOVED to RECOMMEND City Council APPROVAL of the proposed amendments to Chapters 17.57 Landscaping and 17.58 Trees Regarding Landscape Plans, Landscape Standards, and Street Tree Plans (Docket G 2-24). SECONDED by Commissioner Jones. The motion PASSED 8-0.

**4. Commissioner Comments**

None

**5. Staff Comments**

Community Development Director Richards discussed the open Planning Manager position and thanked those who attended the Planning Conference.

**6. Adjournment**

Chair Winfield adjourned the meeting at 11:42 p.m.