Kent Taylor Civic Hall
Council Chambers
200 NE Second Street
McMinnville, OR 97128

City Council Meeting Agenda
Tuesday, April 22, 2025
7:00 p.m. – City Council Regular Meeting
REVISED 04/21/2025

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, April 21st** to CityRecorderTeam@mcminnvilleoregon.gov*
*• If appearing via telephone or ZOOM, please sign up prior by **noon on Monday, April 21st** by emailing the City Recorder at 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.

You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331, Frontier 29 or webstream here:
mcm11.org/live

CITY COUNCIL REGULAR MEETING:
You may join online via Zoom Webinar Meeting:
https://mcminnvilleoregon.zoom.us/j/85986957538?pwd=fqymBiuYFtMo4okf66OAwap3n2MUQb.1
Or you can call in and listen via Zoom: 1-253- 215- 8782
Webinar ID: 859 8695 7538

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

1. CALL TO ORDER & ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS
   a. Rob Stephenson and Arbor Day Proclamation

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 4 minutes per person for a total of 32 minutes. The Mayor will read comments emailed to the City Recorder and then call on anyone who has signed up to provide public comment.

5. PRESENTATION
   a. Yamhill County – IGA for Behavioral Health Services by Jason Henness, Behavioral Health Director for Yamhill County Health & Human Services.

6. ADVICE/ INFORMATION ITEMS
   a. Reports from Councilors on Committee & Board Assignments
   b. Department Head Reports

7. CONSENT AGENDA
    a. Consider the Draft Minutes of the March 11, 2025, Joint City Council and Urban Renewal Agency (URA) Work Session & City Council Regular Meeting.
    b. Consider the Draft Minutes of the March 25, 2025, City Council Work Session & Regular Meeting.
    c. Consider **Resolution No. 2025-15**: A Resolution approving the change order for the Meadows Drive Cost Share.
    d. Consider a request to permit a waiver of the noise ordinance from Amy Russom for live music for Edible Garden Festival Event on May 10, 2025.
    e. Consider a request to permit a waiver of the noise ordinance from Justin Cottrell for amplified music - "street karaoke" for Family Friendly Event on May 17, 2025.
    f. Consider the Draft Minutes of the March 31, 2025, Joint McMinnville School District Board of Directors & City Council Work Session Meeting. **(Added on 04.21.2025)**
    g. Consider the Draft Minutes of the April 08, 2025, Joint City Council, Yamhill County Board of Commissioners, and McMinnville Urban Renewal Advisory Committee (MURAC) Work Session & City Council Regular Meeting. **(Added on 04.21.2025)**

8. RESOLUTION
    a. Consider **Resolution No. 2025-09**: A Resolution establishing revised sanitary sewer user fees; and repealing Resolution 2024-13.
    b. Consider **Resolution No. 2025-12**: A Resolution authorizing the City Manager to sign an Annexation Agreement with Jose Garcia, property owner, for the future annexation of those portions of Parcel 1 and Parcel 2 that are currently in McMinnville's urban growth boundary and not the city limits, as created by the minor partition of Tax Lot R4524-904 (Docket #: MP 3-22).
    c. Consider **Resolution No. 2025-13**: A Resolution authorizing the City Manager to sign an Annexation Agreement with Stanley Bruce Cook and Nila Denise Cook Revocable Trust, property owner, for the future annexation of Tax Lots R4430AD00100. **(Added on 04.21.2025)**

9. ORDINANCES
    a. Consider the first reading with a possible second reading of **Ordinance No. 5160:** An Ordinance Amending Portions of McMinnville Municipal Code Chapter 2.35, Adding "Accessibility" to the Name and Purpose of the Diversity, Equity and Inclusion Advisory Committee.
    b. Consider the first reading with a possible second reading of **Ordinance No. 5156:** An Ordinance Amending Title 17 (Zoning) of the McMinnville Municipal Code, Chapter 17.57 "Landscaping" and Chapter 17.58 "Trees," and Approving the Decision, Findings, and Conclusionary Findings for Docket G 2-24.
    c. Consider the first reading with a possible second reading of **Ordinance No. 5159:** An Ordinance Approving a Comprehensive Plan Amendment and Zone Change from an Industrial Designation to a Residential Designation and M-1 Zoning (Light Industrial) to R-4 (Medium, High Density, 5000 SF Lot Residential) Zoning for Property of Approximately 5.8 Acres Located at 2320 SE Stratus Ave (Tax Lots R442700600 & R442700604), Docket CPA 1-24/ZC 4- 24.

10. ADJOURNMENT OF REGULAR MEETING

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice: Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702 or CityRecorderTeam@mcminnvilleoregon.gov.

EST. 1856
City of McMinnville Oregon

PROCLAMATION

Whereas, in 1872 Julius Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and world; and

Whereas, the City of McMinnville is celebrating its 28th year as a certified Tree City USA as recognized by the Arbor Day Foundation; and

Whereas, Rob Stephenson has demonstrated exceptional dedication and unwavering commitment as a founding member of the Landscape Review Committee for 44 years as well; and

Whereas, Rob Stephenson has reviewed an astounding 1000 applications at a minimum, applying his expertise and thoughtful consideration to ensure the highest standards of landscaping and environmental care; and

Whereas, Rob Stephenson's tireless efforts have been instrumental in helping our city achieve the prestigious designation as a Tree City USA, a testament to the city's devotion to sustainability, green spaces, and environmental stewardship; and

Whereas, Rob Stephenson's deep care for the community has left a lasting impact on the well-being and beauty of our city, inspiring others to value and protect our natural resources;

NOW, THEREFORE, I, Kim Morris, Mayor of the City of McMinnville, do hereby proclaim Friday, April 25, 2025 as

ROB STEPHENSON AND ARBOR DAY

Now, therefore, be it resolved that the City of McMinnville extends its deepest gratitude and heartfelt thanks to Rob Stephenson for his invaluable service, vision, and passion. His contributions have shaped the community, enhanced its character, and nurtured the connection between residents and nature.

In witness thereof, this proclamation is hereby presented on this day, I urge all community members of McMinnville to celebrate Rob Stephson and Arbor Day and support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of McMinnville to be affixed this 22nd day of April, 2025.

_____
Kim Morris, Mayor

ENTERED INTO THE RECORD
DATE RECEIVED: Peggy Kneller
SUBMITTED BY: 04.09.2025
SUBJECT: Public Comment

From: Peg Kneller
To: City Recorder Team
Subject: Quarry Park
Date: Wednesday, April 9, 2025 4:03:20 PM

This message originated outside of the City of McMinnville.

As a resident of McMinnville living near Quarry Park, I am appalled the city is considering destroying a beautiful natural area by turning it into a BMX pump track. I notice writers to the News Register referring to the plan as a simple "bike trail," but that is decidedly NOT what the plan is doing.

This park is a peaceful and serene setting, filled with old-growth trees. It hosts many forms of wildlife, including deer, raccoons, owls and woodpeckers.

Apparently, the city wants to develop this lovely area, paving over parts of it for parking and putting in paved "pump tracks" for BMX riders. All of that comes at the expense of the residents living nearby and members of the larger community who enjoy walking their dogs or enjoying the solitude found there.

If people are worried about activities for their children, perhaps a better idea would be leaving the park in its natural state, but enhancing it with natural benches, more native plants and additional foliage; providing a clean footpath through the park with signage teaching visitors what the various plants are; adding more plants serving to attract more birds and butterflies to this beautiful spot.

This is one of the few, if not the last, remaining natural areas in McMinnville. Paving over most of it and limiting anyone who wants to walk the park to the perimeter is absolutely not what this town needs — especially when existing parks are already suffering from lack of funding and maintenance. Quarry Park is an asset to the McMinnville community just as it is.

Peggy Kneller
[redacted]
McMinnville OR 97128
[redacted]

ENTERED INTO THE RECORD
DATE RECEIVED: 04.10.2025
SUBMITTED BY: Sandra Atwood
SUBJECT: Public Comment

From: Sandra Atwood
To: Jeff Towery; municipalcourt; Heather Richards; Cord Wood; Claudia Cisneros; Shannon Erskine; Daniel Tucholsky; Mayor Kim Morris; Heather Richards; Jeff Towery; David Ligtenberg
Subject: 25MP0737-Atwood, Statement
Date: Thursday, April 10, 2025 3:36:58 PM
Attachments: We sent you safe versions of your files.msg
City Manager Appeal Decision Signed (1).pdf
Mr (2) (1).docx

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

This message originated outside of the City of McMinnville.

Good evening Shannon, City council, and to all it may concern,

I wanted to provide a statement and counter narrative to things you may have heard recently regarding myself, my dogs, our history, and an incident involving four of them that happened on March 7th, 2025. I have attached supporting documentation to this email. While I understand the severity of what has occurred and the pressure it puts on the city in general you should know that my attempts to collaborate, to learn the options, to participate in a solution were ignored and stated to be unreasonable while CCO Darcy worked to back me into a corner and force me to remove my fence topper that helped to keep my dogs in my yard. Last year after I was cited for dogs at large x3 I started being harassed by multiple neighbors through the city departments (code compliance, parking) and voiced my concerns and suspicions to the officers of those departments who continued to use their discretion to not only continue the harassment, but go a step further and attempt to code violate me for my fence being too tall and my backyard perimeter fence being an animal enclosure. I appealed these violations last October and had a hearing in January, in which I was given the results by David on March 4th, leaving me only four days of the 30 day compliance period to comply, appeal, or figure out another solution. On March 6th I began to remove the two foot lean in I had installed on my backyard fence to keep my dogs in my yard, to be in compliance with city codes, to help my neighbors and their pets feel safe, and to keep the peace in the neighborhood. Please note in my appeal letters my mention and providing proof that the neighbors complaints were personal in nature, my repeated requests for answers about safe, compliant fencing ignored and the refusal of code compliance staff to perform their job duties, my legal dogs, and my right to use my backyard with my dogs. Hearing or not, the MMC does not define animal enclosure, and just because a backyard with a fence has a dog in it, keeping the dog in the yard doesn't make the fence an animal enclosure. The hearing wasn't found in my favor because the MMC was manipulated and used in a way it wasn't intended to be used when it was written. The fence wasn't over 7 feet and no one complained about my fencing. Why in the world would the city work to make it more difficult and less safe for me to contain my dogs given the dog issues in this town? Regardless, I began removing the lean in on Thursday March 6th and my dogs jumped out of my yard on Friday the 7th, one or possibly two of them are accused of going on to kill others pets. The hysteria, lies, speculation, and witch hunt that followed are like nothing I have ever seen. Watching my neighbors viciously lie in front of the city council and the entire town (I have never owned a pitbull in my life, let alone bred one or had a pack of them), the social media posts, the news showing up, I knew that it was wrong, and despite trying, there wasn't anything I could do about it. The people that could do something, Chief Wood or Captain Fessler for example, made no call for it to stop. Apart from the fencing issue I have had my property unlawfully seized via an administrative warrant

signed by municipal judge Arnold Poole. My dogs were not unconfined at this time, therefore not subject to impound. They hold no evidentiary value and I want my two innocent dogs that are being held without cause returned home immediately. This warrant was authorized based on lack of compliance and assistance on my part, but it was CCO Darcy, and then Chief Wood that refused my reasonable attempts at a resolution. Having never had a dog deemed vicious, dangerous, or potentially dangerous I wasn't obligated to forgo due process to receive those designations and the corresponding precautions and requirements. As a good faith effort on my part I am prepared to meet those requirements for the dogs that they apply to, not every dog I own as Chief Wood suggested in his letter to me and I knew to be unlawful and ridiculous. Please don't take me not submitting to ridiculous demands as being non compliant or cooperative because I assure you that is not the case. The day I received Chief Wood's letter I asked him for the video evidence to share with my dogs vet and as a resource to have him evaluated for behavioural euthanasia and was denied, only to later get a citation from officer Fessler for keeping a dog knowing it hurt another domestic animal. Chief Wood's lack of cooperation with my reasonable request is asinine given the public atmosphere and my willingness to take action, hard as it may have been.
Even after, when my address was posted online, plastic wrapped possibly poisoned meat was thrown into my yard. Chief Wood asked me to give up dogs that I knew were innocent. He refused my remedy to have the offending dog(s) evaluated for behavioral euthanasia only to turn around and call me uncooperative. I hope the council will see my employee complaints I have submitted to the police department and act accordingly. I knew when I was served with a warrant to seize all four of my dogs that it was not right, and I was correct. Not only were my dogs not subject to seizure under a warrant it appears that, after reading through my case discovery obtained just today, that Officer Fessler perjured himself to obtain the warrant and the statutes and codes listed, although some may allow for impounding an animal when they are unconfined, my animals had been confined to my property for a week. Despite this unlawful seizure it has not been made right and I have not even been told where my dogs are. I have offered a pre hearing remedy to David and was refused. I have made several attempts to redeem my dogs using the cited policy and procedure they were impounded under and been denied. My dogs are not being housed in an adequate facility with educated knowledgeable staff, in fact my dog Pearl escaped her kennel within minutes of being at the facility and the owner/operator has made several incorrect statements regarding my dogs, showing a lack of even basic knowledge. I have filed a motion and request with the court for an expedited hearing to have my property restored yet no hearing is scheduled. It seems that despite using my own backyard for my completely legal companion animals I have been subjected to every disadvantage possible and multiple crimes by city staff for almost a year. Multiple city staff that refused to do their job or justified an unprecedented search and seizure with falsified probable cause like no one would notice. Regardless of public pressure or anything else you all have the responsibility to be fair and lawful and perform the duties of your office.

Thank you for reading and considering all I have said and attached here,

Sandra Atwood
[redacted]
McMinnville, OR 97128
[redacted]

to me, Darcy, Heather, L...

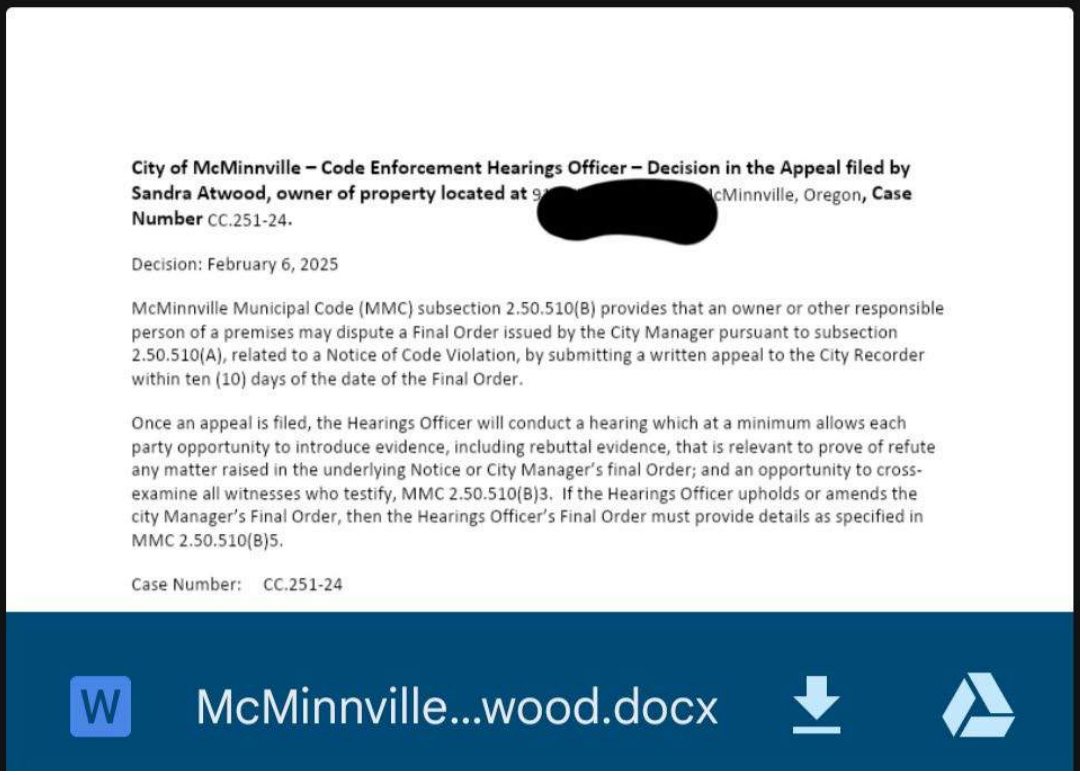
Received March 4th

Good Morning Ms. Atwood,

I'm sorry about the lateness in returning the result of your hearing, which you can find attached from Hearing Officer Laura Conroy. Feel free to reach out with any questions.

Sincerely,

Show quoted text



City of McMinnville – Code Enforcement Hearings Officer – Decision in the Appeal filed by Sandra Atwood, owner of property located at 9[redacted]cMinnville, Oregon, Case Number CC.251-24.

Decision: February 6, 2025

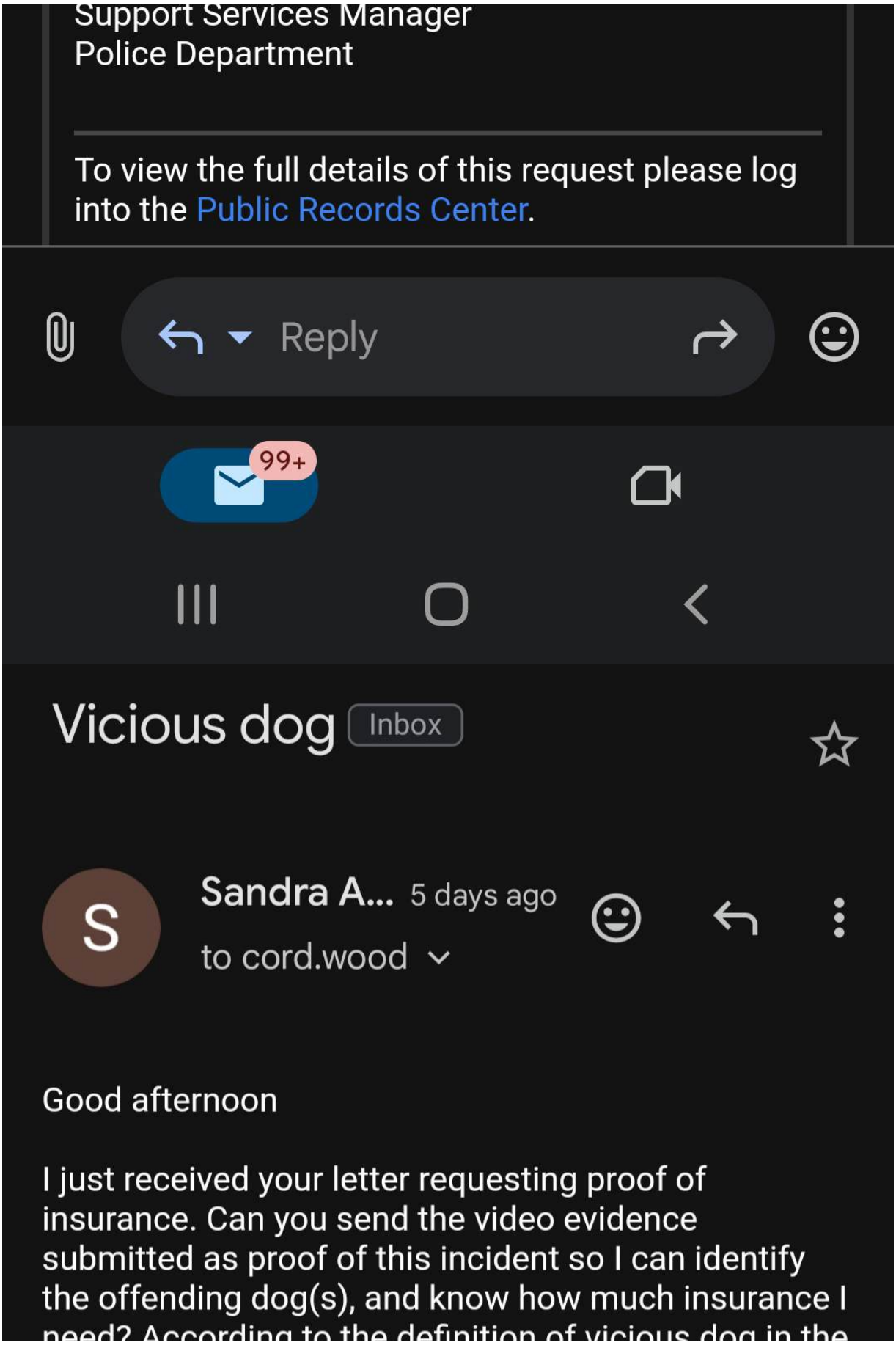
McMinnville Municipal Code (MMC) subsection 2.50.510(B) provides that an owner or other responsible person of a premises may dispute a Final Order issued by the City Manager pursuant to subsection 2.50.510(A), related to a Notice of Code Violation, by submitting a written appeal to the City Recorder within ten (10) days of the date of the Final Order.

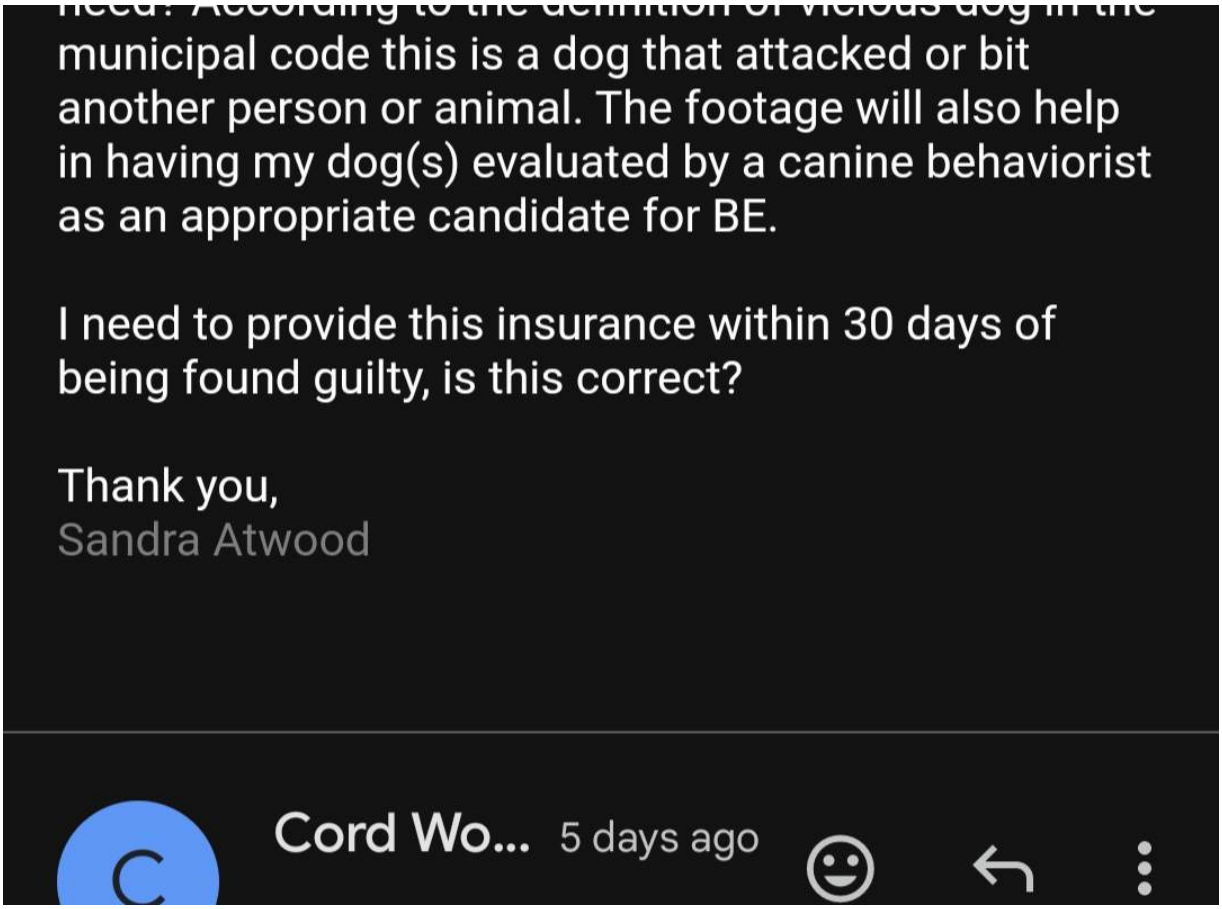
Once an appeal is filed, the Hearings Officer will conduct a hearing which at a minimum allows each party opportunity to introduce evidence, including rebuttal evidence, that is relevant to prove of refute any matter raised in the underlying Notice or City Manager's final Order; and an opportunity to cross-examine all witnesses who testify, MMC 2.50.510(B)3. If the Hearings Officer upholds or amends the city Manager's Final Order, then the Hearings Officer's Final Order must provide details as specified in MMC 2.50.510(B)5.

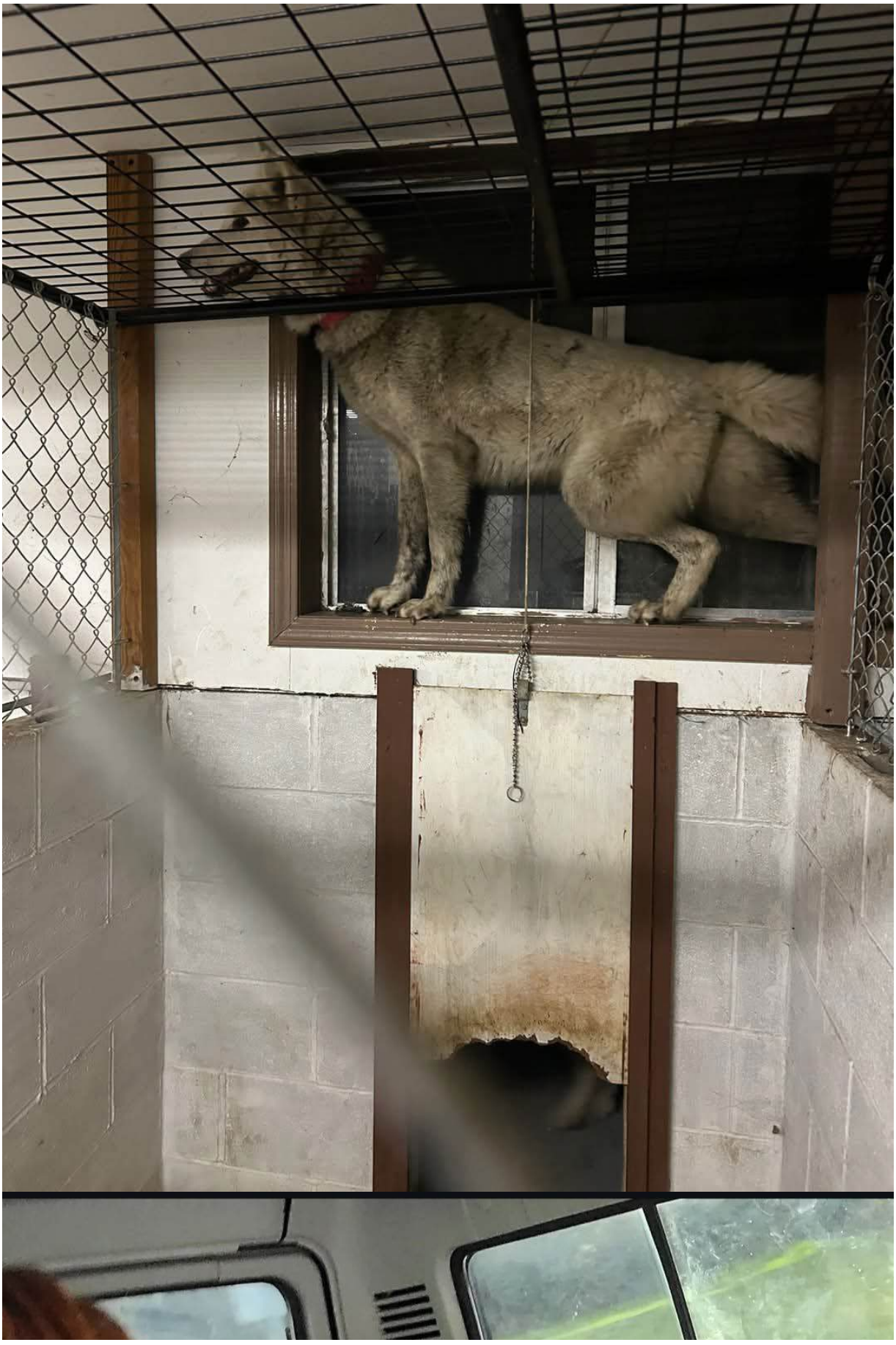
Case Number: CC.251-24

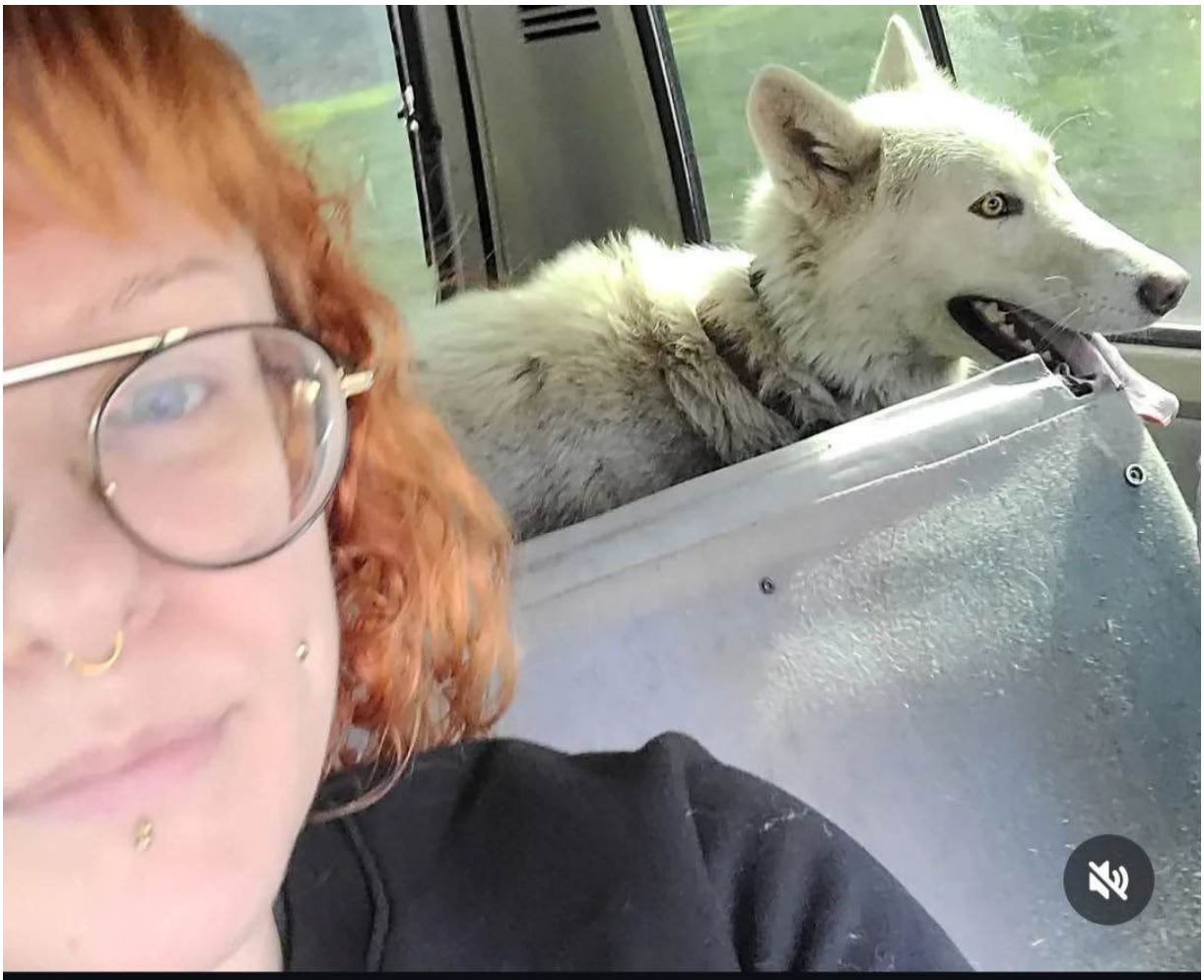
W McMinnville...wood.docx


12:43
Powered by GovQA
Dear Sandra Atwood,
RE: PUBLIC RECORDS REQUEST of March 18, 2025, Reference # P000217-031825
Dear Sandra Atwood,
The City of McMinnville received a public information request from you on March 18, 2025. Your request mentioned:
“All warrants served to impound dogs going back to the year 2005”
This email is to notify you that no records exist. Your request has been closed.
If you have any questions, please contact my office at (503) 434-2343. Thank you for your attention.
Sincerely,
B G


Support Services Manager
Police Department
To view the full details of this request please log into the Public Records Center.
Reply
99+
Vicious dog
Inbox
Sandra A... 5 days ago
to cord.wood
Good afternoon
I just received your letter requesting proof of insurance. Can you send the video evidence submitted as proof of this incident so I can identify the offending dog(s), and know how much insurance I


municipal code this is a dog that attacked or bit another person or animal. The footage will also help in having my dog(s) evaluated by a canine behaviorist as an appropriate candidate for BE.
I need to provide this insurance within 30 days of being found guilty, is this correct?
Thank you,
Sandra Atwood
C
Cord Wo... 5 days ago





[redacted]

lunar.mischief I took a couple of the dogs out to scent mark at a vineyard today. We loved being outside this afternoon walking this beautiful property! My dogs marking and leaving their scent is a deterrent to predator animals, animals that would eat your garden or crops, orchard fruit, livestock, etc. I'm working on building a rotating schedule to have this wildlife friendly option available. Please message me if you're interested and feel free to share and pass

along my information. 🐺🖤🤎🤍

City of McMinnville
ADMINISTRATION

City of McMinnville
City Manager's Officer
220 NE Second Street
McMinnville, OR 97128
503-434-7302
www.mcminnvilleoregon.gov

CODE ENFORCEMENT:
PROTEST TO THE CITY MANAGER - DECISION DOCUMENT

FINAL ORDER
October 30, 2024

Per Section 2.50.510 of the McMinnville Municipal Code, an owner or other responsible person of a premises may protest a Notice of Code Violation issued pursuant to MMC 2.50.120, a Notice of Corrective Action Costs issued pursuant to MMC 2.50.250, or a Notice of Civil Penalty issued pursuant to MMC 2.50.310 to the City Manager bysubmitting a written protest within ten (10) days of the date of the Notice.

The City Manager will review the Notice and the Protest, together with all supporting evidence in the record, and will issue a final order that either upholds, amends, or dismisses the findings and determination set forth in the Notice.

If the City Manager issues a Final Order that upholds or amends the Notice, the owner or responsible person must comply with the terms of the order within 10 days from the date of the order.

CASE NUMBER:	CC.251-24	**TYPE OF PROTEST: (Choose One)**
NAME:	Mark St. Michell and Sandra Atwood	
ADDRESS:	[redacted] McMinnville OR 97128	**Notice of Code Violation**
DATE OF NOTICE:	October 10, 2024	**Notice of Corrective Action Costs**
DATE OF PROTEST:	October 21, 2024	**Notice of Civil Penalty**

BRIEF DESCRIPTION OF THE NOTICE AND THE PROTEST:

On October 10, 2024, Code Compliance Officer (CCO) Darcy Reynolds issued Mark St. Michell and Sandra Atwood a Notice of Code Violation for McMinnville Municipal Code (MMC) 8.10.130 and 8.10.210 (please see code language below and Exhibit #!).

> *MMC 8.10.130(D)(5)(c and d), A person in charge of a residential premises must not permit, allow or cause to be kept on the premises:*
>
> 5. *Any enclosure or pen for animals:*
>
> *c. Within 15 feet to a side property line; or*
>
> *d. Within 10 feet to a rear property line.*

MMC 8.10.210(A)(3), A person in charge of a premises must not permit, allow or cause to exist:

> *3. A fence located in a required interior side or rear yard of the premises that exceeds seven feet in height, as measured from grade.*

The City received a complaint that Sandra Atwood and Mark St. Michell had installed a fence that exceeded 7 feet in height and served as an enclosure for their 6 dogs, located closer than 15 feet to their side property line and closer than 10 feet to their rear property line.

The issuance of the Notice of Code Violation was based on physical observation by Code Compliance staff and photos provided by an adjacent property owner showing that the subject site's property was fenced in to the property line in the back and sideyards with a fence that exceeded 7 feet in height in some sections and had been modified to serve as an enclosure for the occupant's dogs.

Owner Sandar Atwood protested the Notice of Code Violation issued on October 10, 2024 via email to the City Manager Jeff Towery on October 21, 2024. In this protest, she noted several previous violation notices and citations that are beyond their respective appeal windows and thus, will not be addressed in the summary of this protest.

In Ms. Atwood's protest to the October 10, 2024, Notice of Code Violation, she made the following points:

a. That this Notice of Code Violation has the same violations as the previous complaint.

CCO response: This property has had numerous code compliance violations in the past. Notices of Code Violations or citations may be issued each time there is documented evidence that a code violation has initially occurred or has reoccurred. If a responsible party wished to appeal a Notice of Code Violation or a citation, they must follow the instructions on said notices and submit their protest or appeals to the proper party within 10 days of the notice.

Courtesy Notices are not required but may be issued at the discretion of the CCO following citizen complaints. Typically if there is definitive proof of a code violation, and a history of similar code violations on the property, a Notice of Code Violations is issued. A Courtesy Notice is provided if there is not yet clear evidence of a code violation or this is a first-time offense. Due to the history of similar code violations at this property a Notice of Code Violation was issued.

History of recent notices and citations on the subject property under the current ownership:

- December 21, 2022, Notice of Code Violation for MMC 8.10.120. Animals and Animal Excrement, specifically dogs escaping from property and entering onto adjacent private properties.
- December 27, 2022, Courtesy Notice for MMC 8.10.260 Noise, specifically dogs barking (howling) more than 10 minutes within an hour
- February 7, 2023, Notice of Code Violation for MMC 8.10.260 Noise, specifically dogs howling for more than 10 minutes per hour that was audible from surrounding properties
- June 7, 2023, Courtesy Notice for MMC 8.10.260 Noise, specifically dogs howling more than 10 minutes within an hour

- February 12, 2024, Courtesy Notice for MMC 8.10.260 Noise and MMC 8.10.120 Animals and Animal Excrement, specifically dogs howling and dogs at large
- March 1, 2024, Citation, MMC 8.10.120 Keeping of animals in residential zones, specifically dogs loose and in neighbor's yard on March 1, 202.
- September 16, 2024, Courtesy Notice for MMC 8.10.130 Animals in Residential Zones, and MMC 17.67.020 Home Occupations, Application-Approval, specifically complaints that owners are operating a wolf dog breeding business without a home occupation permit and keeping more than 4 dogs over the age of 6 months for this purpose
- September 16, 2024, Citation, MMC 8.10.120 Animals and Animal Excrement, specifically dogs were at large on 9/13/24 and 9/15/24
- October 1, 2024, Citation, MMC 8.10.260 Noise, specifically dogs howling more than 10 minutes on 9/22/2024.
- October 10, 2024, Notice of Code Violation for MMC 8.10.130 Animals in residential zones and MMC 8.10.210 Fences, specifically an animal enclosure inside the required setbacks and a fence taller than 7 feet.

b. She would love to speak and work with someone in Code Compliance that reflects her willingness and efforts to come into compliance with city codes.

CCO response: Code Compliance staff will work with and assist homeowners to obtain compliance when and if it is reasonable to do so. This is typically done by implementing a Compliance Plan that provides a work plan towards compliance that is timely, and is based on the property owner's recognition that a code violation has occurred and willingness to abate the code violation. The property owner has been in violation of the same city codes for approximately two years, since December 21, 2022. In that timeframe she has been provided with four (4) Courtesy Notices, three (3) Notices of Code Violations and three (3) Citations.

c. She has been unable and unsure how to proceed with providing secure outdoor containment to get in compliance with this violation.

CCO response: The nature of the code violation and the correction options were explained by CCO Reynolds at the time of the issuance of the Notice of Code Violation.

d. She has run out of time before a surgery on 10/28/2024 to make the appropriate correction and would like to request additional time to recover, raise funds, and build a compliant, appropriate, secure fence.

CCO response: Although the Notice of Violation door hanger was issued to Ms. Atwood personally on 10/10/2024, USPS records show that the certified mailing did not reach the Portland facility until 10/17/2024 and was delivered to Ms. Atwood on 10/18/2024. CCO Reynolds recommends an extension until November 9, 2024. Extensions on compliance requirements beyond November 9, 2024 is not recommended because of the history of complaints and violations at this property.

CASE RECORD SUMMARY:

- **October 10, 2024** – CCO Reynolds issued Notice of Violation to property owners for using the entire back yard as an animal enclosure and having a fence taller than 7 feet. This violation was issued after continuing to receive numerous calls from neighbors about

ongoing concerns with these dogs escaping, howling, being dangerous, and photos of the back yard provided by a neighbor. This notice was delivered personally to Ms. Atwood and mailed via certified mail. The nature of the violation and the compliance requirements were discussed at this time.

- **October 21, 2024** – Ms. Atwood submitted an email appeal to City Manager Jeff Towery.

- **October 22, 2024** – CCO Darcy Reynolds was following up on a new complaint of dog breeding at this property and viewed the enclosure and obtained additional pictures from a neighboring property (Please see attached photos as Exhibit #2).

DECISION: X **UPHOLDS NOTICE** ____ **AMENDS NOTICE** ___ **DISMISSES NOTICE**

FINDINGS:

It is clear from the photos that the fence as erected at [redacted] serves as an enclosure for the dogs in the rear and side yards and is located closer than 15 feet to the side property line and closer than 10 feet from the rear property line. This is a violation of MMC 8.10.130 as stated in the Notice of Code Violation issued by CCO Reynolds on October 10, 2024.

Although the Notice of Code Violation door hanger was issued in person to Ms. Atwood on October 10, 2024, the Notice of Code Violation letter sent certified was not received by the USPS distribution center until October 17, 2024 and not delivered to Ms. Atwood until October 18, 2024.

Based on the findings, the City Manager is upholding Violation #1, MMC 8.10.130 Animals in residential zones and violation #2 MMC 8.10.210 Fences, in the Notice of Code Violation that was issued on October 10, 2024.

The City Manager is also allowing owners an extension until November 9, 2024, to come into compliance with MMC 8.10.130 before any further enforcement actions occur regarding this Notice of Code Violation. Due to the ongoing nature of complaints and violations, an extension beyond this date is not appropriate.

City Manager: Jeff Towery Date: October 30, 2024
Jeff Towery

APPEALING THE FINAL ORDER OF THE CITY MANAGER

Appeal to the Hearings Officer. (Section 2.50.510 (B) of the McMinnville Municipal Code)

1. An owner or other responsible person of a premises may dispute a final order issued by the city manager by submitting a written appeal to the city recorder within 10 days of the date of the final order.A hearings officer will preside over the appeal hearing.

2. The written appeal must, at a minimum, contain the following information:

   a. The name, mailing address, telephone number and email address of the person submitting the protest;
   b. A description of the real property, by street address or otherwise, on which the code violation isalleged to exist;
   c. A written statement, and all supporting evidence, specifying the basis for appealing the citymanager's final order.

3. Subject to the requirements of this code section, the McMinnville hearings officer may adopt additionalprocedures for the conduct of any hearings before them, but at a minimum, must allow:

   a. Each party to introduce evidence, including rebuttal evidence, that is relevant to prove or refute anymatter raised in the underlying notice or city manager's final order; and
   b. An opportunity for each party to cross-examine all witnesses who testify.

4. Following the close of the record, the McMinnville hearings officer will issue a decision within 10 daysthat either upholds, amends, or dismisses the city manager's final order.

5. If the hearings officer decision upholds or amends the city manager's final order, then the hearingsofficer's final order must include:

   a. A brief statement of the findings of fact;
   b. The amount of any assessed corrective action costs, civil penalties, and associated administrative costs;
   c. The date by which any costs and assessments must be paid; and
   d. An order directing the responsible person to correct the code violation, pay the assessed correctiveaction costs or pay the assessed civil penalty, as appropriate to the nature of the appeal;

6. If the hearings officer decision dismisses the city manager's final order, then the hearings officer's finalorder must include:

   a. An order that any incurred fees be refunded; and
   b. An order that all costs of the abatement will be dismissed or refunded.
   c. Appeal of Hearings Officer's Final Order. Any party to the appeal may obtain review of the hearingsofficer's final order by writ of review pursuant to ORS Chapter 34. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

Exhibit 1

EST. 1856

City of McMinnville Oregon

CODE COMPLIANCE

Code Compliance & Community Relations
231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov
503.434.7305

Notice of Code Violation

October 10, 2024

Mark St Michell and Sandra Atwood
[redacted]
McMinnville, OR 97128

RE: Animals in residential zones; Fences

To whom it may concern;

The City of McMinnville Code Compliance and Community Relations Division has received a complaint about possible code violations at your property located at [redacted], McMinnville, OR 97128. Upon inspection, we found the following violations were occurring:

Violation #1:
MMC 8.10.130 Animals in residential zones:
D. A person in charge of a residential premises must not permit, allow or cause to be kept on the premises:

5. Any enclosure or pen for animals:
   a. In the front yard of the premises;
   b. Within 70 feet to a front property line;
   c. Within 15 feet to a side property line; or
   d. Within 10 feet to a rear property line.

Violation #2:
MMC 8.10.210 Fences:
A. A person in charge of a premises must not permit, allow or cause to exist:

3. A fence located in a required interior side or rear yard of the premises that exceeds seven feet in height, as measured from grade.

Mark St Michell and Sandra Atwood
[redacted]
McMinnville, OR 97128

RE: Animals in residential zones; Fences

More specifically we have observed you using the entire back yard as an enclosure for your dogs. In addition, it appears portion of your fencing exceeds 7 feet in height. These actions are violation of MMC 8.10.130 and MMC 8.10.210.

You are hereby directed to correct such code violation(s) within ten (10) days of the date of this notice.

After ten (10) days, the City will follow up with an inspection of the property for compliance. If the property remains in violation, then the City may correct the code violation and assess the full cost of corrective action, including administrative charges, against all responsible persons. Corrective action costs will become a lien on the property if not paid in full within 30 days of invoicing. Failure to correct a code violation may also result in the issuance of a civil penalty (per day amount listed below) upon all persons responsible for the code violation(s):

Violation #1: $250.00
Violation #2 $250.00

If you believe you have received this letter in error or are no longer the owner of this property, please contact me. Otherwise please contact me within ten (10) days of the date of this notice to describe what measures have been taken to come into compliance with the code requirements.

You may protest this Notice of Violation by providing written notice to the City Manager (230 NE 2nd St., McMinnville, OR 97128) within ten (10) days from the date of this notice.

The written protest must contain the following information:

a. The name, mailing address, telephone number and email address of the person submitting the protest;
b. A description of the real property, by street address or otherwise, on which the code violation is alleged to exist;
c. A written statement, and all supporting evidence, specifying the basis for the protest.

If you have questions regarding this matter, please feel free to contact me at darcy.reynolds@mcminnvilleoregon.gov or by phone at (503) 474-5026.

Sincerely,

Darcy Reynolds
Code Compliance Officer

Exhibit 2


Oct 22, 2024 at 11:32:07 AM

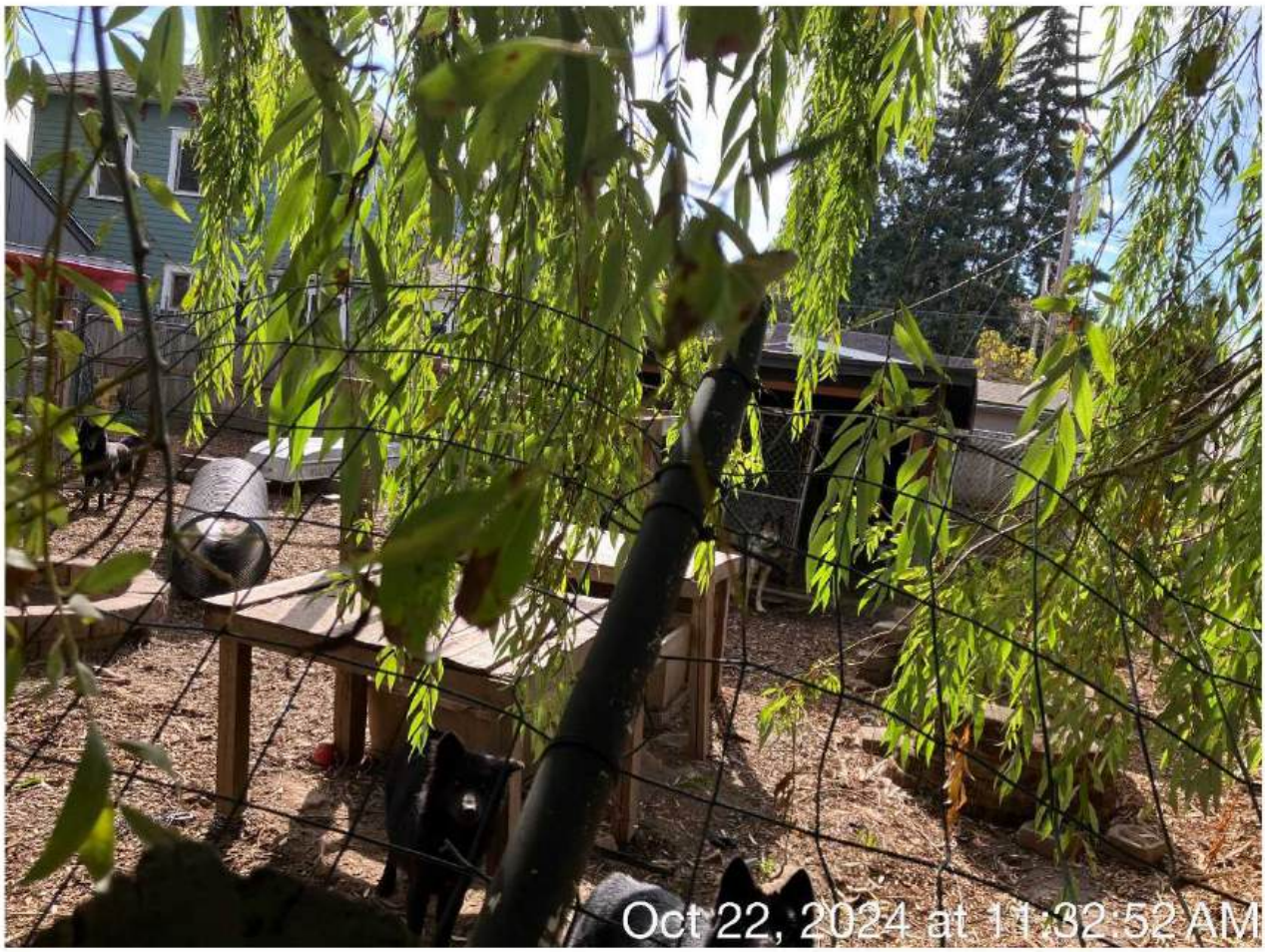

Oct 22, 2024 at 11:32:15 AM


Oct 22, 2024 at 11:32:23 AM


Oct 22, 2024 at 11:32:25 AM


Oct 22, 2024 at 11:32:48 AM


Oct 22, 2024 at 11:32:50 AM


Oct 22, 2024 at 11:32:52 AM


Oct 22, 2024 at 11:32:54 AM

Mr. Jeff Towery, McMinnville Oregon City Manager

October 20, 2024

Greetings Mr. Towery, my name is Sandra Atwood and I reside at [redacted] here in our lovely McMinnville. I am writing you today to protest a notice of code compliance violation I received a door hanger on 10/10/2024 and a certified letter on 10/18/2024 and this includes two violations. I am also going to take this opportunity to protest all prior code violations and penalties at this time as well as two recent parking tickets. I will list them all with dates and explanations here as well as a description of supporting evidence.

The first Violation appears to be on 12/21/22 and there are two for this day, fifteen minutes apart, one from Darcy and one from Nic (CC.151-24 and CC. 386-22) and this must be some kind of mistake and shouldn't be allowed. I am later, years later penalized from two different cases when there should only be one case for one incident to respond to and deal with. The violation was corrected immediately and has never happened again (dogs dug under fence into neighbor's yard), I did follow up with Nic and provided proof of installing 120 feet of 24" dig guards along my fence line which should have satisfied and corrected the code violation and reset this whole process. The letters state that after inspection 10 days later I will be found in compliance or violation and if I am not being given a penalty ten days later, and have provided proof to code compliance that the violation is corrected, given the language in the letter I would then be in compliance by default, therefore these penalties from 3/1/2024 and 9/16/2024 are not valid but should have instead been treated as new separate incidences.

Next is a noise complaint violation from 2/7/2023 (CC.251-24) and again I would argue the validity of the penalty issued over a year and a half later on 10/1/2024 as the violation was corrected by default upon inspection according to your own process in your notice letter. I did request proof of these violations to discover if they were valid and was denied which seems extremely odd as this information would be very helpful in expediting the correction of any code violation if in fact one existed.

Next is a code violation letter dated September 16th which contains two violations. The first violation has two parts, C and D of MMC 8.10.130. Part C is some uninformed complainant's speculation about my animals and doesn't apply. If I am expected to respond to this with evidence or else be penalized then I need to be compensated for my time and effort. I'm a busy lady and just because someone has chosen to waste their time submitting a bogus complaint about my animals shouldn't obligate me to respond to it. As

for part C I added two foot lean ins at a 45 degree angle to the top of the fence, which would add one foot of height to the six foot fence, in order to comply with the previous code violation. My dogs use our backyard for exercise, secure containment, eating, enrichment, training, etc when we are not on outings or in the house. They are swift and agile and curious and athletic animals that can jump a six foot fence in the blink of an eye and I added the lean ins as a precaution, and to remedy a code violation. When I tried to discuss details and specifics on the kind of fencing I was allowed to have with Darcy she was unnecessarily rude, then while attempting to discuss any kind of solution on the phone was told that these are not correctable violations and that it was my issue to figure out. Violation number two was an alleged violation of MMC 17.67.020 and again I would make the same argument I made for part C of MMC 8.10.130, however I will provide you evidence at this time that shows, while I did have an accidental litter of puppies (despite neuter appointment and of my dogs even) new inquiries about future litters I tell people I am not planning any litters and do not have a wait list at this time. The nature of this complaint is so absurd for a number of reasons but for now I will leave it at that.

Finally for the last complaint, dated 10/10/2024, it has the same violations as the previous complaint. I would love to speak and work with someone in code compliance that reflects my willingness, effort, and action as demonstrated repeatedly in the past to be in compliance and come to a solution that works for everyone, as I understand is the goal and objective of this office as stated on the City of McMinnville code compliance website. I have been unable and unsure of what to do due to the sheer number of notices, penalties, parking violations my neighbor has continued, with the city's help, to bless me with. As I have been unable and unsure how to proceed with providing secure outdoor containment in order to be completely in compliance with this new code violation I have run out of time before a knee surgery I am having on 10/28/2024 and would request additional time to recover, raise funds, and build a compliant, appropriate, secure fence for my animals

This leads me to the final issue I wanted to address today, my neighbor using the city offices to harass and overwhelm me, causing me so much fear and stress and potentially financial loss. Not only has there been constant complaints submitted about my animals, but my vehicles as well dating back to years before I ever acquired my dogs. I also have a stack of letters sent through the mail by this neighbor over the years and despite many friendly conversations back and forth over the years no mention of any problems, ever, just continual harassment through the mail and parking police, and code compliance. I would like the two parking tickets issued by officer Dahl dismissed (dated 8/12/2024 and 8/15/2024) as he came and put a tow sticker on my truck and a parking ticket, so I moved my truck into my driveway with the rear part of the bed/bumper impeding the sidewalk and he gave me a second ticket for blocking the sidewalk. This is very plainly

personal in nature when ten feet away my neighbor's bush is blocking the entire sidewalk, which I will include a picture for you as well, and if officer Dahl had taken five minutes to look at the complaint history and maybe discovered if a code violation existed about my neighbor's bush, maybe he could use his discretion for something other than to continue to help my neighbor harass and alienate me in a town I was born and raised in, in a house I have lived for 14 years.

I am a responsible dog owner and spare no expense or effort for them or their care, including my own accountability as their owner, especially to my neighbors and my neighborhood. The times they have escaped the yard were not typical circumstances and always followed after a broken ankle, a surgery, or a dislocated knee. On their recent walk abouts to the creek they were well behaved as reported to me directly and by neighbors on social media and we even made new friends in our neighborhood as a result. Regardless, I take this all very seriously and my action to correct any problems show that. Thank you very much for considering all I have said in my letter, if I may provide further communication or cooperation I am happy to do so

Sandra Atwood

[redacted]

McMinnville, OR 97128

[redacted]

[redacted]

ENTERED INTO THE RECORD
DATE RECEIVED: 04.15.2025
SUBMITTED BY: Peter Enticknap
SUBJECT: Public Comment

April 15, 2015

Honorable Mayor Kim Morris, City of Mcminnville

Cc: Council President, Sal Peralta,
Councilors: Chris Chenoweth, Dan Tucholsky, Zack Geary, Jessica Payne, Scott Cunningham

I am writing in support of establishing a city-wide stormwater utility fee. Having served on the city's Stormwater/Wastewater Project Advisory Committee (PAC), I learned that the City of McMinnville's stormwater system has no dedicated funding, is in need of immediate repairs and has no plan for scheduled maintenance. Some of the city's 114 miles of stormwater pipes are ~100 years old. Sections of pipe have completely failed, creating a threat to life and property. This is no way to manage our infrastructure.

In 2009, the city paid for a Stormwater Master Plan that cost in excess of $154,000.[1] The 2009 Plan updated the 1991 Stormwater Plan. The 2009 Plan identified numerous deficiencies in the stormwater system throughout the city, many of which are in need of immediate repair. Here we are decades later and the core issues of funding and maintenance of our stormwater infrastructure remain unresolved. Recognizing the critical need, many cities established dedicated stormwater fees long ago, including Forest Grove, Newberg and Dundee.

Is a credit due to private stormwater systems? In 1983, the city approved the Michelbook 4th Addition subdivision for the benefit of Michelbook Estates, Inc. (dba Michelbook Country Club) where I reside. For the past decade, I have been investigating our HOA's stormwater system. Our neighborhood of 84 single family residences was established as a Homeowners Association by Michelbook Estates. In doing so, Michelbook Estates and the City Of McMinnville passed all responsibility for maintenance and repair of about one mile of substandard streets and the entire stormwater system to the HOA.[2] Multiple engineer's inspections, the Yamhill Mediation Road Agreement with Michelbook Estate, Inc. and the city's 2009 Stormwater Master Plan all confirmed that our streets and stormwater system are substandard.[3/4/5]
As a result, Kent Taylor, City Manager wrote that the City of McMinnville will not assume responsibility for the roads and storm sewers in our HOA.[6]

Recently, our HOA hired engineers, contractors, and working with city staff, implemented a maintenance and repair plan. We invested a total of ~ $30,000 not including hundreds of hours of volunteer time. We discovered that over the decades, the city has connected more and more stormwater pipes to our system, a system that was not designed for the current volume of stormwater. As a result, pipes failed and there has been flooding with property damage.

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[1] Leland Koester, Wastewater Service Manager, City of MAC, email 05/21/24
[2] Don E. Schut, Director, City of McMinnville Public Works 5/25/1985
[3] Andrey Chernish, PE, Owner, HBH Consulting Engineers, Newberg 4/27/2021
[4] Glen Ling, P.E., to Bill Duncan, Pres. MB4 HOA 9/25/2001
[5] Yamhill Mediation Recorded 7/6/2000: Michelbook Fourth Addition HOA vs Michelbook Estates, Inc.
[6] Kent Taylor, City Manager, City of McMinnville 4/22/1988

The vast majority of storm water passing through our HOA's pipes at the intersection of NW Doral St. and Baker Creek Road comes from the city.[7] The 2009 Stormwater Master Plan shows that one-hundred percent of all stormwater passing through our HOA's stormwater system discharges into North Cozine Creek without returning to city infrastructure. Therefore, the city is benefiting from our private stormwater system at no cost.

Currently, each property owner in our HOA is required to pay about $85 per year to maintain our private stormwater system. Our HOA's stormwater system provides a valuable amenity to the City of McMinnville as a conduit for stormwater. Therefore, it seems only fair and equitable that Michelbook 4th Addition should be granted a credit for city stormwater utility fees given that we already pay to maintain a stormwater system that was approved by the city, carries city stormwater and provides a valuable benefit to the city at no cost.

Your,

Peter Enticknap
[redacted]
McMnnville, OR 97128

[redacted]

[redacted]

[7] HBH Consulting Engineers 4/27/2021

ENTERED INTO THE RECORD
DATE RECEIVED: 04.16.2025
SUBMITTED BY: Steve Caldwell
SUBJECT: Public Comment

From: Steve Caldwell
To: Mayor Kim Morris
Cc: Sal Peralta; Chris Chenoweth; Daniel Tucholsky; Claudia Cisneros
Subject: Work Session info RE: Storm Sewer
Date: Wednesday, April 16, 2025 4:15:25 PM

This message originated outside of the City of McMinnville.

April 16, 2025

Mayor Morris
City of McMinnville

Dear Mayor,
I just read the newspaper article on the work session scheduled for this evening. Regarding the proposed storm sewer fees. The letters you have received from people living in Michelbook 4th Addition all ask for no fee or for the city to take over the system. The article makes it sound like City Staff are saying their proposed discount is acceptable. No city storm sewer fee is acceptable for Michelbook 4th Addition homes.

Please share this with the other attendees of the work session.

Sincerely,
Steve Caldwell
[redacted]
McMinnville OR 97128

ENTERED INTO THE RECORD
DATE RECEIVED: 04.17.2025
SUBMITTED BY: Geoff Hunsaker
SUBJECT:_____

From: Claudia Cisneros
To: City Recorder Team
Cc: Geoffrey Hunsaker; Jeff Towery; James Lofton
Subject: FW: Stormwater Responses
Date: Thursday, April 17, 2025 4:38:34 PM
Attachments: image001.png
image002.png
Wastewater to Stormwater expenses (002).pdf
image003.png

Good evening Mayor and Councilors (by Bcc),

Please see Geoff's email below. This email, along with the attached, will be entered into the record tomorrow in the revised packet for the 04.22 city council meeting and added as a supplemental document for last night's meeting.

Thank you,
Claudia

City of McMinnville
Claudia Cisneros, CMC
City Recorder/City Elections Officer
503-435-5702 (desk)
230 NE Second Street
McMinnville, OR 97128
Monday – Thursday 7:00 a.m. – 5:30 p.m.
Website: http://www.mcminnvilleoregon.gov | Recorder Page |
PUBLIC RECORDS LAW DISCLOSURE: Messages to and from this e-mail address are public records of the City of McMinnville and may be subject to public disclosure. This e-mail is subject to the State Retention Schedule.

From: Geoffrey Hunsaker <Geoffrey.Hunsaker@mcminnvilleoregon.gov>
Sent: Thursday, April 17, 2025 4:11 PM
To: City Recorder Team <CityRecorderTeam@mcminnvilleoregon.gov>
Cc: Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; James Lofton <James.Lofton@mcminnvilleoregon.gov>
Subject: Stormwater Responses

Mayor and Council,

I received some additional questions/requests last night after the work session. We have other requests that we still need to provide answers to, but I wanted to be responsive in a timely manner to the below questions and requests.

1. What are the TMDL's for McMinnville stormwater outfall? Can the TMDL's be met by BMP's? What are the required BMP's? If the BMP is street sweeping, can we purchase another sweeper to meet our BMP requirements, fix the portions of the system that need work (i.e. the old sanitary sewage lines converted to stormwater), and avoid the new "utility" and its accompanying tax load?
   There are not specific Mercury TMDL numbers McMinnville needs to meet at its many stormwater outfalls in the City. Instead, the Mercury TMDL program is a series of best management practices including street sweeping, erosion control, public education, etc. The required BMPs we must meet can be found in the City's adopted Mercury TMDL Implementation plan: https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/23614/tmdl_final_8_19_22.pdf
   Concerning portions of the system that need repair work, the draft 2009 master plan work identified $4,900,000 ($8,600,000 in 2025 dollars) in improvements and we have identified more since that time. For example, the old sanitary lines converted to stormwater that are creating the sinkhole in Joe Dancer Park were not identified in the 2009 plan. Beyond those projects the entire system will continue to age and the City should create a maintenance and replacement program that will continue to support the system.

2. Do you intend to do a Master plan that does not include all aspects of the City's stormwater system? Will we do a lot of master planning only to have the state say "you didn't address the whole issue"? Is it equitable to require private systems to pass stormwater from other properties permitted by the City, tax the owners of the private system under the "utility" concept, and not provide any services (i.e. maintenance) for the private systems?
   The intent is to do a master plan that evaluates the entire stormwater system and then recommend both an annual maintenance program and a reasonable 20-year list of capital projects to replace or upgrade the priority areas of the system. Moving forward, best practice is to update facility master plans every 5 – 10 years.
   Regarding private systems, each is unique. Some private systems receive water from upstream public infrastructure and others do not. Some systems deposit directly to natural drainage ways, and others deposit to city pipes after a few hundred feet. The Council indicated in last nights work session that they would like to see more analysis into how those systems could pay equitably into the program based on these varied scenarios. The City's Mercury TMDL regulatory requirements are holistic based the fact our entire drainage basin outfalls to the Yamhill and Willamette basins, thus the entire City shares in that burden. At this time there is no recommendation for the City to take on maintenance of private systems, and that would be further evaluated as part of a master planning process.

3. Can this initiative be rolled into the existing Road Department or Sanitary Sewage Department? Do we really need another Department with additional managers, overhead, and staff? If an additional staffer is needed to run the program, can that person be housed in an existing department? If BMP's ultimately boil down to street sweeping, can't we find a way to make this work in the Road Department?
   The stormwater program would be incorporated into the City's Public Works Department, which consists of our Operations, Wastewater, and Engineering divisions. The proposed plan identified 7 additional staff to maintain our system. 3 would be housed under the Wastewater Conveyance Supervisor, 2 would be under the Streets Supervisor, and 2 would be under the City Engineer. No new supervisor or manager positions are identified in the plan. Only the staff to do the physical maintenance and engineering.

4. Why were these consultants necessary for this process to date?
   The consultants hired by the City are experts in utility rate development, statistical analysis, and aerial mapping. City staff did not have this specific expertise or the bandwidth to research and develop the proposed utility fee in house.

5. What is the amount of money that needs to be repaid to the wastewater fund?
   The total amount that needs to be repaid is $234,220.81. Approximately $150,000 of that is for consultant services to prepare the City's Mercury TMDL plan and develop the proposed Stormwater Utility Fee. The other $80,000 was to repair the stormwater line and sinkhole located outside of the ROW near Orchard Ave two years ago. See the attached excel spreadsheet for the exact breakdown of these expenses.

6. Please provide the contract agreements pertaining to this project.
   See the attached contract documents for the work done by our stormwater consultants. Note that the work done by David Evans Associates was part of our engineering on-call support contract.

7. When does the street sweeping contract go out for bid?
   Both street sweeping contracts are up for extension. This is an annual contract and has two optional 1-yr extensions. The first 1-yr extension was intended to be exercised this year. Engineering staff is currently preparing to bring both contract extensions for approval unless otherwise directed. I will be meeting with our Operations Superintendent and Streets Supervisor to review the numbers we received this year on Monday. They informed me that the numbers are close to a wash this year between in-house and contracted. Remember that the biggest hurdle is the initial investment in a street sweeper, and we may want to consider purchasing two for redundancy. See

below contract tracker details:

PROJECT	BID AWARD / START DATE	CONTRACTOR	CONTRACT AMOUNT	STATUS / NOTES	COMPLETION DATE
Downtown Sweeping	7/1/2024	City Sweepers	$ 45,080.00	Can be extended 2 more years in 1 year increments by Change Order (6/30/2027)	6/30/2025
City Sweeping	7/12/2022	Green Sweep	$ 227,415.60	Can be extended 2 more years in 1 year increments by Change Order (6/30/2027)	7/12/2025

City of McMinnville
Geoff Hunsaker, P.E. (he/him)
Public Works Director
Office: 503.474.5138
Cell: 503.583.5215
geoffrey.hunsaker@mcminnvilleoregon.gov

MERCURY TMDL and Stormwater Utility Work Funded by Wastewater
September 2021 to December 2024

Professional Services

Project		
Mercury TMDL	**Vendor**	**Expense**
	Elizabeth Sagmiller	$20,735.00
	David Evans and Ass.	$18,122.60
Stormwater Utility		
	Deb Galardi	$41,206.83
	Raftelis	$69,927.50
	Water & Light	$4,265.50
	TOTAL	**$154,257.43**

CAPITAL

Project		
Orchard Stormline		$79,963.38
	TOTAL	**$79,963.38**

GRAND TOTAL **$234,220.81**

Elizabeth Sagmiller Mercury TMDL

Date	Cost	Purchase Order
11/9/2021	$1,495.00	2022-2449
12/3/2021	$2,015.00	2022-2779
1/5/2022	$2,340.00	2022-3247
2/7/2022	$1,300.00	2022-3792
4/7/2022	$1,950.00	2022-4795
4/29/2022	$2,015.00	2022-5193
6/1/2022	$2,275.00	2022-5720
6/28/2022	$1,820.00	2022-6139
7/29/2022	$5,525.00	2023-0788

Total **$20,735.00**

David Evans & Ass. Mercury TMDL Work

Date	Cost	Purchase Order
10/20/2022	$6,238.00	2023-2582
11/18/2022	$6,447.80	2023-2582
12/20/2022	$2,511.30	2023-2582
1/20/2023	$2,925.50	2023-2582

Total **$18,122.60**

Deb Galardi Stormwater Utility Work

Date	Cost	Purchase Order
1/6/2023	$9,262.50	2023-3902
2/18/2023	$3,857.50	2023-3902
4/15/2023	$1,950.00	2023-3902
6/30/2023	$1,170.00	2023-3902
11/25/2023	$5,132.88	2024-0018
1/16/2024	$5,850.00	2024-0018
4/5/2024	$10,610.00	2024-0018
6/8/2024	$3,373.95	2024-0018

Total **$41,206.83**

Raftelis Stormwater Utility Work

DATE	COST	Purchase Order
5/12/2023	$9,056.25	2023-6228
6/14/2023	$24,008.75	2023-6228
7/13/2023	$6,960.00	2023-6228
8/11/2023	$12,100.00	2023-6228
12/11/2023	$2,990.00	2024-3552
1/14/2024	$1,527.50	2024-3552
2/15/2024	$2,160.00	2024-3552
3/14/2024	$1,120.00	2024-3552
5/14/2024	$405.00	2024-3552
12/17/2024	$975.00	2025-3062
1/13/2025	$4,605.00	2025-3062
2/14/2025	$4,020.00	2025-3062

TOTAL **$69,927.50**

Water& Light Stormwater Utility Work

DATE	COST	Purchase Order
4/1/2024	$2,723.02	2024-3884
5/8/2024	$1,542.48	2024-3884

TOTAL **$4,265.50**

ENTERED INTO THE RECORD
DATE RECEIVED: 04.17.2025
SUBMITTED BY: Shelly Brown
SUBJECT: Public Comment

From: Shelly Brown
To: City Recorder Team
Subject: Fwd: Sandra Atwood Dog case
Date: Thursday, April 17, 2025 3:16:35 PM

This message originated outside of the City of McMinnville.

I wanted to forward an email that I sent to the prosecutor in the Sandra Atwood dog case.

I would also, like to express my disgust in how we pay taxes and still have no animal control. We are told to call non-emergency and rarely get help. I tracked down two of her dogs that night and contained them. They were NOT AGGRESSIVE at all toward me. They were just dogs and had no idea what they had done. Do you know how many dogs get loose in McMinnville on a daily basis and how the police don't show up at the owner's home later and take them away. I could understand the one dog that did the killing, but the others are just like any other dog that gets loose. The mob mentality of some community members was out of control regarding this issue. This could have been resolved with the one dong being rehomed or allowing the owner to humanely euthanize it and working with her regarding fencing/kennels that keep this from happening again.

If you have any questions, you may reach out to me.

Shelly Brown

---------- Forwarded message ---------
From: **Shelly Brown** <[redacted]>
Date: Thu, Apr 10, 2025 at 11:35 AM
Subject: Sandra Atwood Dog case
To: <shannon.erskine@mcminnvilleoregon.gov>

Hello Shannon,
My name is Shelly Brown and I am the neighbor of one of the cats, Kiki, that was killed by one of Sandras dogs on March 7th. I am, also, the person who tracked down those two dogs and returned them to their owner that same night.

I will try to keep this short but feel it is important to speak out. I knew Kiki for 14 years and my neighbors took her in when her owners left her to them when they moved. I had loved that cat and helped take care of her for the last 3 years. On that night my husband witnessed the incident when he went onto our patio and came running back in to tell me to go help. I followed my neighbor chasing them down the road with the cat (already dead). I came back and my husband and I took off to find them. When we did I was able to leash one with a treat and the other we were able to get him to follow his buddy into a backyard and leash him. Both dogs were NOT aggressive towards me AT ALL. All they understood is that they were out running loose having fun like dogs do.

This night was heartbreaking for many and I lost many nights of sleep over what happened. Last night was no different when I saw a post of these dogs and how the City has jailed them for over a month with no contact with their humans. My understanding is that it was ONE dog

that did the killing and I am very confused as to why all the dogs were taken from their home. Do you know how many dogs get loose daily and those dogs are not taken from their homes. I understand the one and then have it evaluated. The others should not have been taken.

I posted on Facebook that night that I had caught them with no incident and I ended up shutting off the comments due to the OBVIOUS MOB MENTALITY. I truly understand emotions were running high and for good reason, but some of these people were out of control. I have had many dogs in my life and some don't like other small animals. However, the others should NOT be punished for this.

The conditions of the place where these dogs have been kept for over a month, in my opinion, is **ANIMAL CRUELTY** Don't get me wrong I am angry and hurt from that night. I actually went to find Kiki the next morning to bury her (she deserved that) and the terror froze on her face is something I will never get out of my mind. However, the dogs that didn't kill should not have been taken. Even my neighbor who lost Kiki used to own a Husky they adopted because the previous owner surrendered her when she had killed their family cat. It happens :(

Please do the right thing by these dogs!

Concerned McMinnville resident for 30 years,
Shelly Brown

You are more than welcome to contact me if you would like.

From: Shelly Brown
To: City Recorder Team
Subject: Fwd: Sandra Atwood Dog Case
Date: Thursday, April 17, 2025 3:23:15 PM

This message originated outside of the City of McMinnville.

---------- Forwarded message ---------
From: **Shelly Brown** <[redacted]>
Date: Thu, Apr 17, 2025 at 3:17 PM
Subject: Fwd: Sandra Atwood Dog Case
To: <testimony@ci.mcminnville.or.us>, <cityrecorderteam@mcminnvilleorego.gov>

I am forwarding my second email that I sent to the prosecutor in the Sandra Atwood case, as well.

Shelly Brown

---------- Forwarded message ---------
From: **Shelly Brown** [redacted]>
Date: Mon, Apr 14, 2025 at 2:26 PM
Subject: Sandra Atwood Dog Case
To: <shannon.erskine@mcminnvilleoregon.gov>

Hello Shannon,
I sent you an email last week regarding the case of Sandra Atwoods dogs. I have not been able to get this out of my mind and did quite a bit of researching over the weekend.

I have found that the city and county DO NOT have a law that does not allow hybrids and that a person CAN have up to 4 dogs. I see that a dog that causes injury or death can be relinquished for euthanasia or rehoming.

I let the policeman know that night that the only dog that did the attacking was the one light colored dog (not the black one) and from what I have heard about other evidence regarding the other harmed animals it was just the one dog, as well. I have heard that the owner of this dog, Sandra Atwood, offered to relinquish the one dog that did the killing and that offer was turned down.

As I stated in my last email there are MANY dogs that get loose on a daily basis in McMinnville and are NOT taken from their families. I feel the city took all of her dogs due to the MOB MENTALITY of some citizens because of high tensions regarding that night. I understand those feelings, however that does not mean the other 3 dogs should be taken and housed in unsafe conditions without daily exercise.

It seems to me that some of these citizens are uneducated about the breed of her dogs. ANY dog, no matter the breed, can have "bad seeds" (humans, too). The three that did not harm that night were just out running like many other dogs that get loose.

I feel the police could have taken the one dog that night and this would have all been over with. In my opinion, they were taken to appease the group of people who were frightened and that was illegal. The remaining 3 dogs can and should be given back to their owner. If the city feels they need to give them back with "guidelines" on their housing then work with their owner.

I will be paying close attention to what happens in the next couple days and hope the city does the right thing by giving back these 3 dogs. As a taxpayer I am not very happy to spend money on this.

Concerned resident,
Shelly Brown

ENTERED INTO THE RECORD
DATE RECEIVED: 04.17.2025
SUBMITTED BY: Sandra Atwood
SUBJECT: Public Comment

From: Sandra Atwood
To: TESTIMONY; City Recorder Team
Subject: Submit for comment
Date: Thursday, April 17, 2025 4:37:49 PM

This message originated outside of the City of McMinnville.

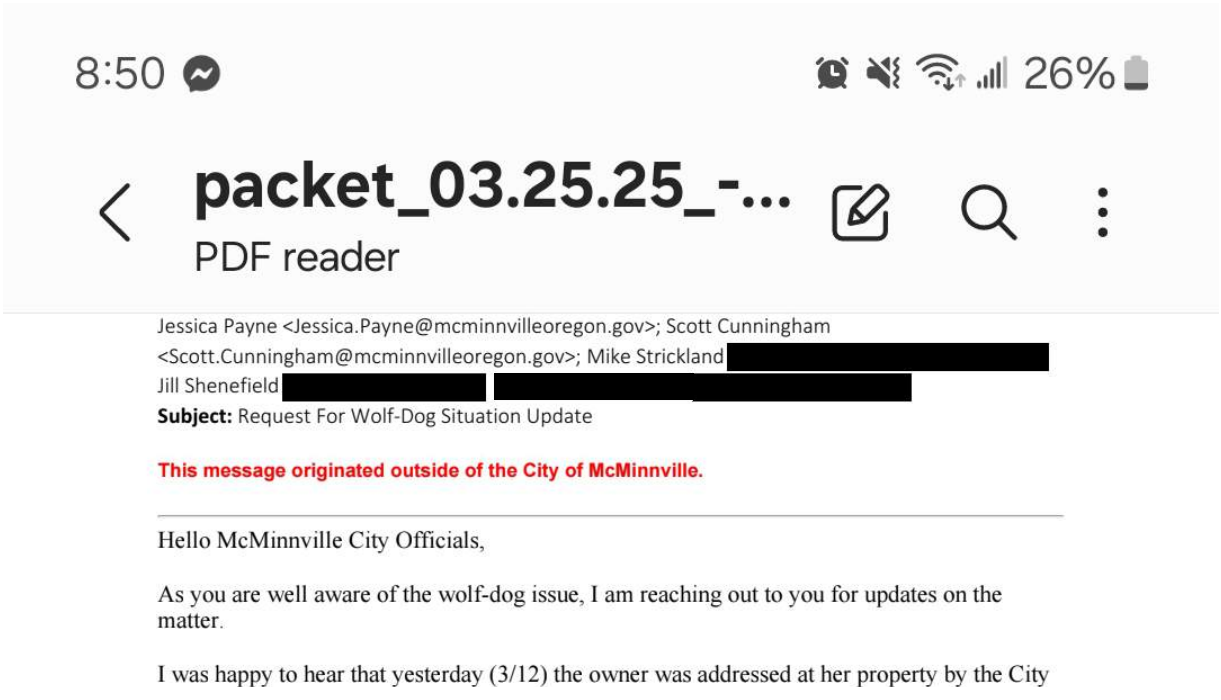
Although I find it overwhelming and tedious and pointless to try and balance the scales in the direction of truth and fairness within the City of McMinnville I am going to try to correct, and therefore discredit, the vicious lies submitted about me to the council.

Here I will address the lie, asserted by Nathan Kron, Jonathan Jacoby, and countless others that I owned aggressive pitbulls that were impounded and euthanized. While anyone with any sense could request these records and discover the truth, the lies continue to be repeated in an echo chamber where I, and the truth, have been censored since day one.

I have never owned a pitbull. In 2018 I owned a dog, Salty, which did bite Nathan, and I owned a mini Schnauzer, Lola. These are the only dogs I owned Salty's entire life. He was never impounded or euthanized as a result of anything that happened in 2018. He is not a pitbull. He died of old age still in my care in July of 2020.

If the council has given any advice or taken any action against me based on lies submitted or spoken I believe you have a duty and an obligation to correct that.

Thank you,
Sandra Atwood
[redacted]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Jessica Payne <Jessica.Payne@mcminnvilleoregon.gov>; Scott Cunningham <Scott.Cunningham@mcminnvilleoregon.gov>; Mike Strickland [redacted]
Jill Shenefield [redacted]
Subject: Request For Wolf-Dog Situation Update

This message originated outside of the City of McMinnville.

Hello McMinnville City Officials,

As you are well aware of the wolf-dog issue, I am reaching out to you for updates on the matter.

I was happy to hear that yesterday (3/12) the owner was addressed at her property by the City

Attorney and Law Enforcement. And given the response team, I was also under the assumption that they were there to finally confiscate the dogs and give the community some reprieve. However, and disappointingly, the dogs remain with her and on her property, from which we already know they can and do easily escape.

Aside from the public safety ramifications, one of my main concerns is the committed and adamant legwork that the community has been forced to do in order to emphasize this situation's severity, only to receive vague and uninspiring "we're working on it" responses. If the only hurdle currently is that there isn't an immediate local option to which to relocate these dogs, then are we looking for options outside of McMinnville? Are we partnering with other animal-focused agencies for support? If these dogs had attacked a person, I would assume and sincerely hope that they would've already been removed. And because of the heightened risk of an attack on a human, I would also hope and assume that the city would take more proactive measures to ensure that doesn't happen.

Since the dogs were not seized yesterday, specifically why did this not happen?

As such, we are going to continue to escalate this issue to the city, media outlets, advocacy groups, legal representation and any other relevant parties until serious and satisfactory action has been taken. And I want to be clear that I do not want this to come across as an "us versus you" ultimatum but rather to showcase how important this safety issue is to our community. We are mourning our losses and processing our emotions, but we also want to work with you. We want to find the best solution for everyone (including the wolf-dogs), but we need more

action and more transparency from the city. What do you need? What do you need from us to help you? Tell us, talk to us, give us some kind of detailed reassurance that you have our safety in mind, not just in this matter but also toward a sustainable solution so that this doesn't happen again.

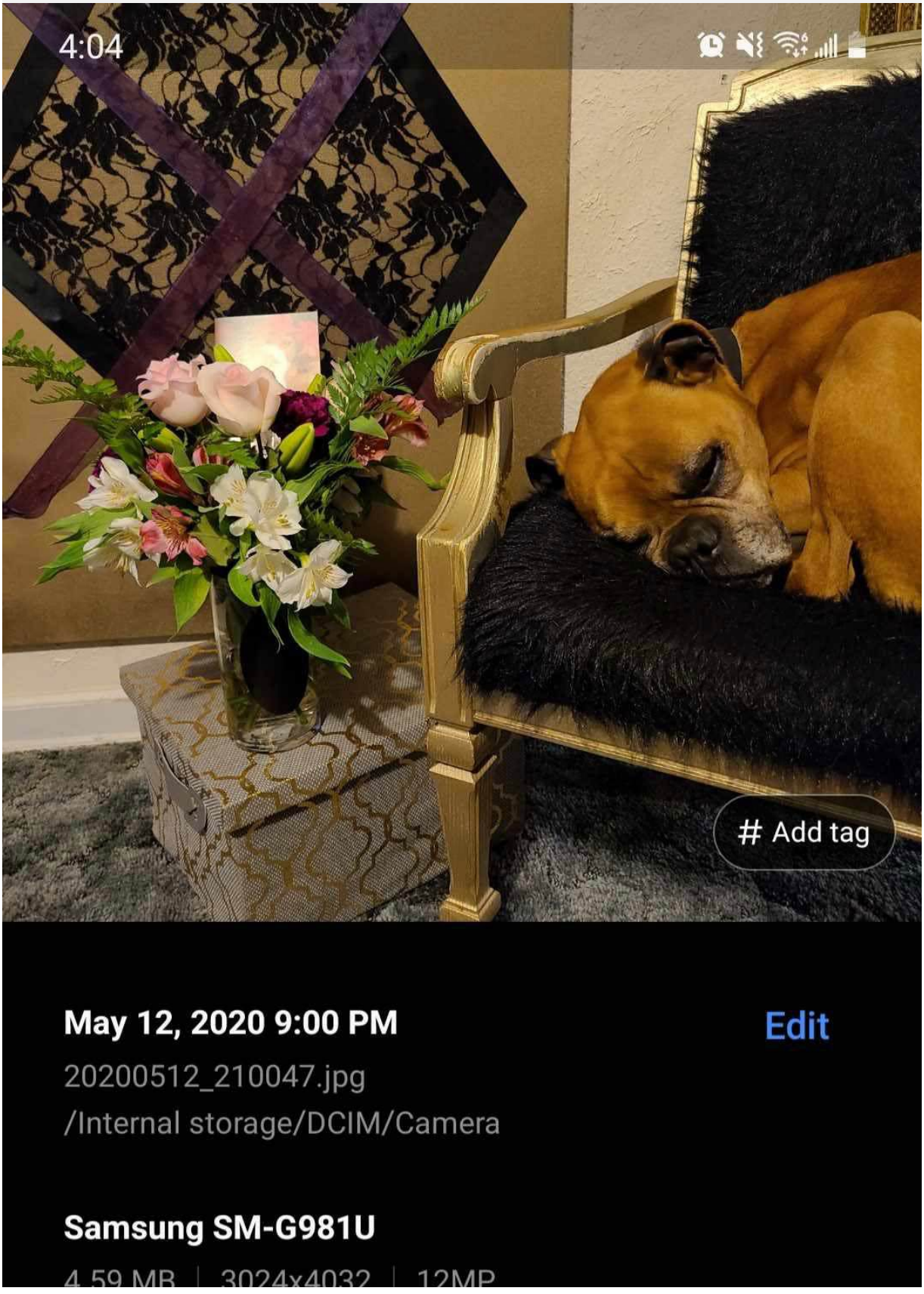
In late February of this year the Yamhill County Board of Commissioners approved an update to the Yamhill County Code (YCC) Chapter 4.05 pertaining to the County's regulation of dogs. Below are relevant sections from the code that the wolf-dog owner has directly violated and the subsequent penalties that come with those violations. Knowing that the owner has a court date on 4/16 (which we intend on attending), are we waiting for the court's decision to hand down the entire punishment? Has the owner been cited for these violations already? Are there charges that can result in the revocation of the owner's ability to own pets in the future? Before the wolf-dogs, she owned pit bulls that were confiscated and euthanized for attacking a person. What will she possess next that could be a danger to the community?

Our pets were members of our families and we miss them so much and we are fighting to ensure that nobody else has to go through what we did/are. Please, help us help you to make this happen.

Sincerely,

Jonathan Jacoby
[redacted]

4.05.07.02 Public Nuisance:
It shall be a violation of this Chapter for any person to allow a dog to become a public nuisance.
a) A dog is a "public nuisance" if it:
(i) Bites or nips a person or domestic animal, or its clothing or effects, unless the person is illegally assaulting the dog or the dog's owner, or if the person provokes the dog and is illegally trespassing on premises legally occupied by the dog's owner;
(iv) Trespasses on private property of persons other than the owner or keeper of the dog;
(v) Disturbs a resident from each of three or more households within sight or sound of the complainant's residence or business by excessive noise;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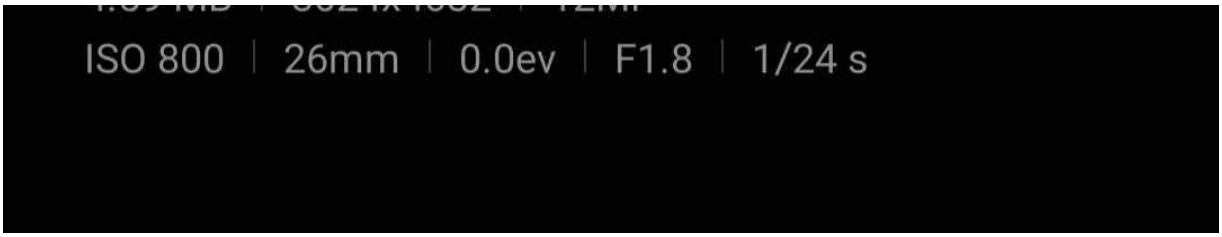
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Salty Inbox

Stephanie C... 4 days ago

to me

To Whom it May Concern,

My name is Stephanie Copley. In September of 2012, I rescued a litter of 2 half Olde English Bulldog/ half English Bulldog mix puppies from a back yard breeder out of Hillsboro, vaxed and rehomed them. Sandra Atwood adopted the male puppy out of the litter. His name was Salty. Salty was on a neuter contract and had to be neutered by a year old. Sandra neutered him at 5 months, and provided me proof at the time. I will be happy to testify that Salty was a mild mannered dog and I had no issues with her ownership of him.

Thank you for your time,
Stephanie Copley

[redacted]

7 3

Liked by **ginger_snapsssss** and others

lunar.mischief I miss him so much. 💔

#rip #goodboy #salty

September 13, 2020

From: Sandra Atwood
To: City Recorder Team
Subject: Submit for comment
Date: Thursday, April 17, 2025 5:00:04 PM
Attachments: We sent you safe versions of your files.msg
City Manager Appeal Decision Signed (1).pdf
Mr (2) (1).docx

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

This message originated outside of the City of McMinnville.

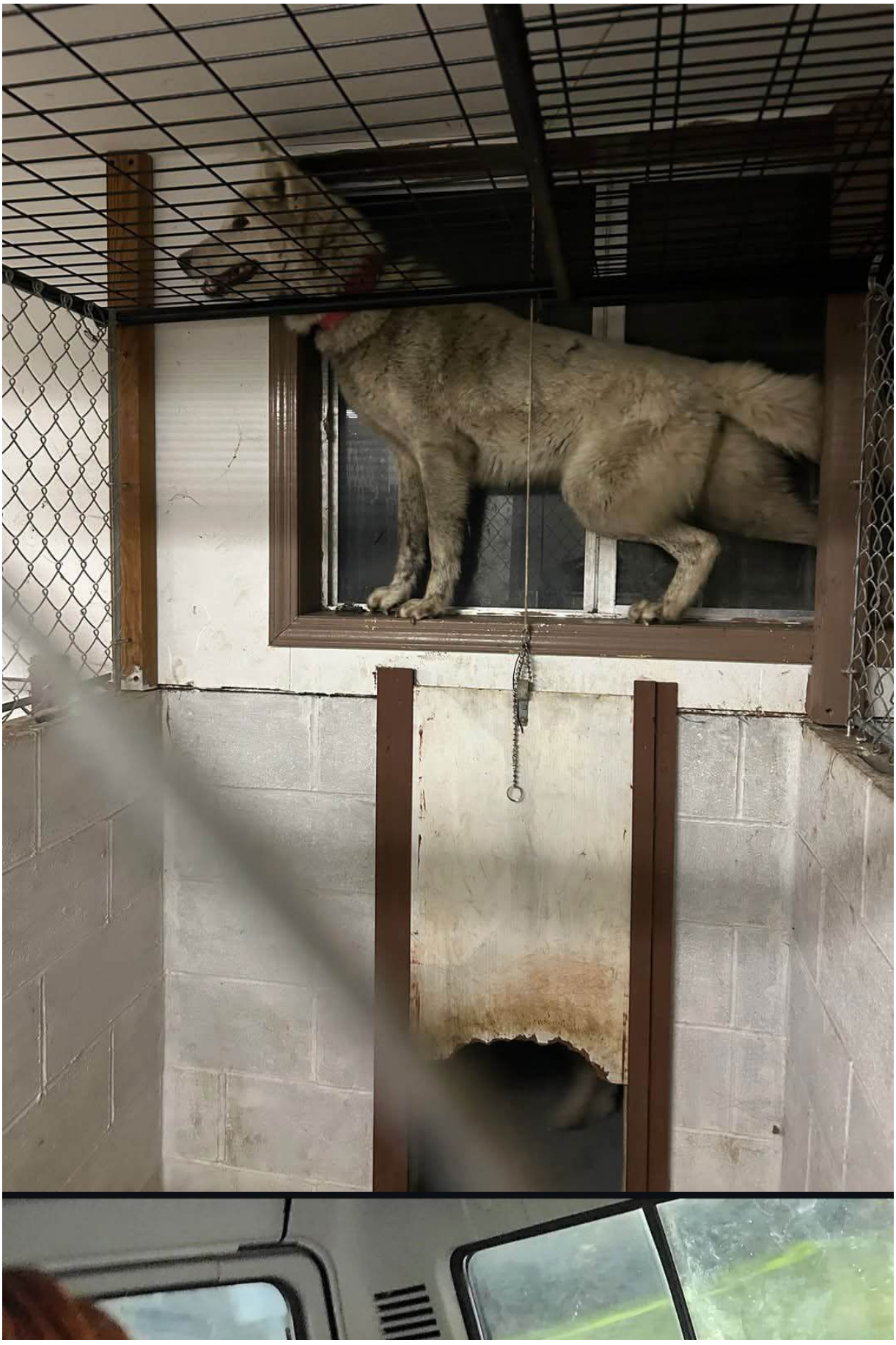
City Council, and to all it may concern,

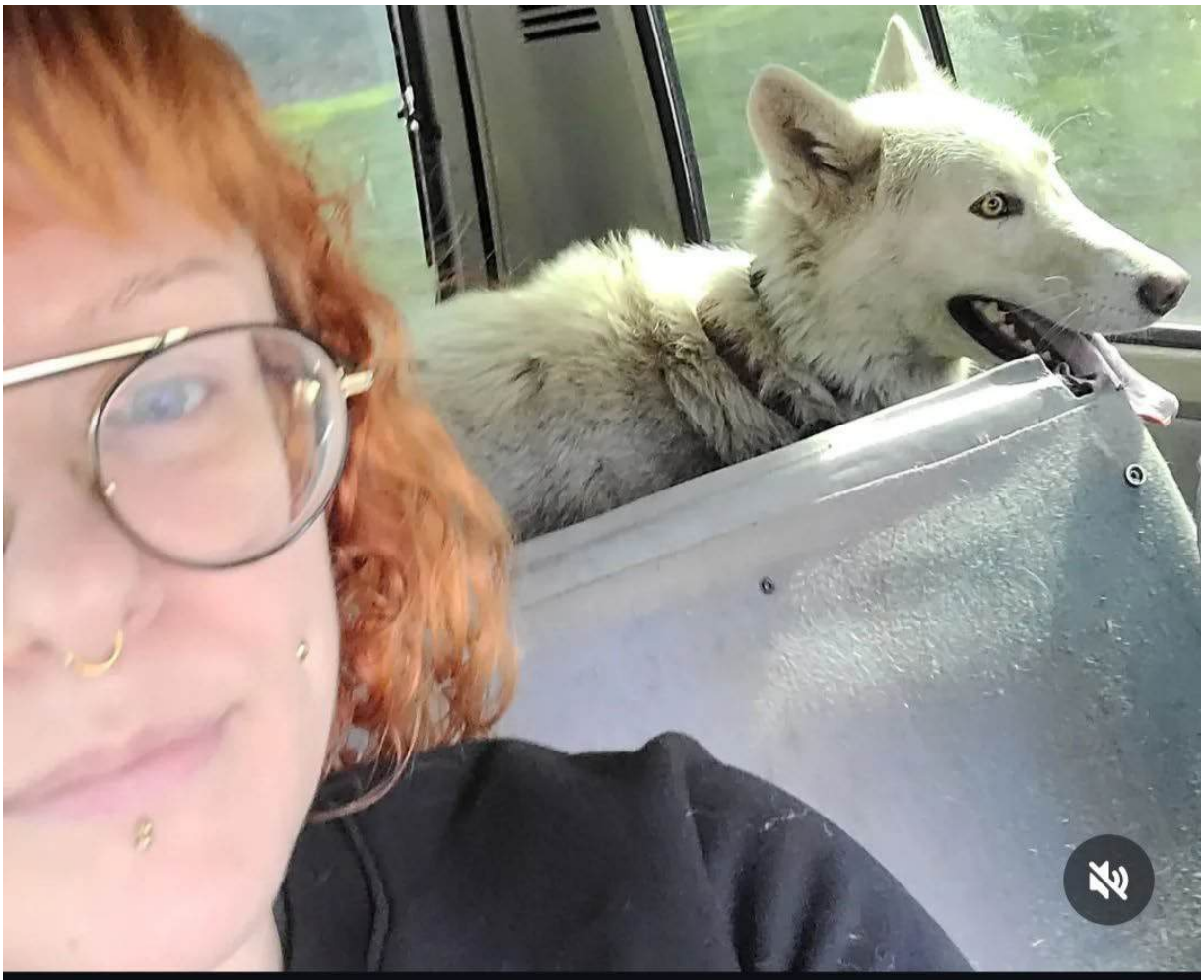
I wanted to provide a statement and counter narrative to things you may have heard recently regarding myself, my dogs, our history, and an incident involving four of them that happened on March 7th, 2025. I have attached supporting documentation to this email. While I understand the severity of what has occurred and the pressure it puts on the city in general you should know that my attempts to collaborate, to learn the options, to participate in a preventive solution were ignored and stated to be unreasonable by planning department staff while CCO Darcy worked to back me into a corner and force me to remove my fence topper that helped to keep my dogs in my yard. Last year after I was cited for dogs at large x3 I began being harassed by multiple neighbors through the city departments (code compliance, parking) and voiced my concerns and suspicions to the officers of those departments who continued to use their discretion to not only continue the harassment, but go a step further and attempt to code violate me for my fence being too tall and my backyard perimeter fence being an animal enclosure. I appealed these violations last October and had a hearing in January, in which I was given the results by David on March 4th, leaving me only four days of the 30 day compliance period to comply, appeal, or figure out another solution. On March 6th I began to remove the two foot lean in I had installed on my backyard fence to keep my dogs in my yard, to be in compliance with city codes, to help my neighbors and their pets feel safe, and to keep the peace in the neighborhood. Please note in my appeal letters my mention and providing proof that the neighbors complaints were personal in nature, my repeated requests for answers about safe, compliant fencing ignored and the refusal of code compliance staff to perform their job duties, my legal to own dogs, and my right to use my backyard with my dogs. Hearing or not, the MMC does not define animal enclosure, and just because a backyard with a fence has a dog in it, keeping the dog in the yard doesn't make the fence an animal enclosure. The hearing wasn't found in my favor because the MMC was manipulated and used in a way it wasn't intended to be used when it was written. The fence wasn't over 7 feet and no one complained about my fencing. Why in the world would the city work to make it more difficult and less safe for me to contain my dogs given the dog issues in this town? Regardless, I began removing the lean in on Thursday March 6th and my dogs jumped out of my yard on Friday the 7th, one or possibly two of them are accused of going on to kill others pets/damage property. The hysteria, lies, speculation, and witch hunt that followed are like nothing I have ever seen. Watching my neighbors viciously lie in front of the city council and the entire town (I have never owned a pitbull in my life, let alone bred one or had a pack of them), the social media posts, the news showing up, I knew that it was wrong, and despite trying, there wasn't anything I could do about it. The people that could do something, Chief Wood or Captain

Fessler for example, made no call for it to stop. Apart from the fencing issue I have had my property unlawfully seized via an administrative warrant signed by municipal judge Arnold Poole. My dogs were not unconfined at this time, therefore not subject to impound. They hold no evidentiary value and I want my two innocent dogs that are being held without cause returned home immediately. Please see photos of brand new custom fabricated welded escape proof containment that were just completed this week, designed to house them when at home and unsupervised. This warrant was authorized based on lack of compliance and assistance on my part, but it was CCO Darcy, and then Chief Wood that refused my reasonable attempts at a resolution. Having never had a dog deemed vicious, dangerous, or potentially dangerous I wasn't obligated to forgo due process to receive those designations and the corresponding precautions and requirements. As a good faith effort on my part I am prepared to meet those requirements for the dogs that they apply to, not every dog I own as Chief Wood suggested in his letter to me and I knew to be unlawful and ridiculous. Please don't take me not submitting to ridiculous demands as being non compliant or cooperative because I assure you that is not the case. The day I received Chief Wood's letter I asked him for the video evidence to share with my dogs vet and as a resource to have them evaluated for behavioural euthanasia and was denied, only to later get a citation from officer Fessler for keeping a dog knowing it hurt another domestic animal. Chief Wood's lack of cooperation with my reasonable request is asinine given the public atmosphere and my willingness to take action, hard as it may have been.
Even after, when my address was posted online, plastic wrapped possibly poisoned meat was thrown into my yard. Chief Wood asked me to give up dogs that I knew were innocent. He refused my remedy to have the offending dog(s) evaluated for behavioral euthanasia only to turn around and call me uncooperative. I hope the council will see my employee complaints I have submitted to the police department and act accordingly. I knew when I was served with a warrant to seize all four of my dogs that it was not right, and I was correct. Not only were my dogs not subject to seizure under a warrant it appears that, after reading through my case discovery recently obtained, that Officer Fessler perjured himself to obtain the warrant and the statutes and codes listed, although some may allow for impounding an animal when they are unconfined, my animals had been confined to my property for a week. Despite this unlawful seizure it has not been made right and I have not even been told where my dogs are. I have offered a pre hearing remedy to David as well as Shannon and was refused. I have made several attempts to redeem my dogs using the cited policy and procedure they were impounded under and been denied. My dogs are not being housed in an adequate facility with educated knowledgeable staff, in fact my dog Pearl escaped her kennel within minutes of being at the facility and the owner/operator has made several incorrect statements regarding my dogs, showing a lack of even basic knowledge. I have filed a motion and request with the court for an expedited hearing. It seems that despite using my own backyard for my completely legal companion animals I have been subjected to every disadvantage possible and multiple crimes by city staff for almost a year. Multiple city staff that refused to do their job or justified an unprecedented search and seizure with falsified probable cause like no one would notice. Regardless of public pressure or anything else you all have the responsibility to be fair and lawful and perform the duties of your office.

Thank you for reading and considering all I have said and attached here,

Sandra Atwood
[redacted]
McMinnville, OR 97128
[redacted]





[redacted]

lunar.mischief I took a couple of the dogs out to scent mark at a vineyard today. We loved being outside this afternoon walking this beautiful property! My dogs marking and leaving their scent is a deterrent to predator animals, animals that would eat your garden or crops, orchard fruit, livestock, etc. I'm working on building a rotating schedule to have this wildlife friendly option available. Please message me if you're interested and feel free to share and pass

along my information. 🐺🖤🤎🤍

City of McMinnville
ADMINISTRATION

City of McMinnville
City Manager's Officer
220 NE Second Street
McMinnville, OR 97128
503-434-7302
www.mcminnvilleoregon.gov

CODE ENFORCEMENT:
PROTEST TO THE CITY MANAGER - DECISION DOCUMENT

FINAL ORDER
October 30, 2024

Per Section 2.50.510 of the McMinnville Municipal Code, an owner or other responsible person of a premises may protest a Notice of Code Violation issued pursuant to MMC 2.50.120, a Notice of Corrective Action Costs issued pursuant to MMC 2.50.250, or a Notice of Civil Penalty issued pursuant to MMC 2.50.310 to the City Manager bysubmitting a written protest within ten (10) days of the date of the Notice.

The City Manager will review the Notice and the Protest, together with all supporting evidence in the record, and will issue a final order that either upholds, amends, or dismisses the findings and determination set forth in the Notice.

If the City Manager issues a Final Order that upholds or amends the Notice, the owner or responsible person must comply with the terms of the order within 10 days from the date of the order.

CASE NUMBER:	CC.251-24	**TYPE OF PROTEST: (Choose One)**
NAME:	Mark St. Michell and Sandra Atwood	
ADDRESS:	[redacted] McMinnville OR 97128	**Notice of Code Violation**
DATE OF NOTICE:	October 10, 2024	**Notice of Corrective Action Costs**
DATE OF PROTEST:	October 21, 2024	**Notice of Civil Penalty**

BRIEF DESCRIPTION OF THE NOTICE AND THE PROTEST:

On October 10, 2024, Code Compliance Officer (CCO) Darcy Reynolds issued Mark St. Michell and Sandra Atwood a Notice of Code Violation for McMinnville Municipal Code (MMC) 8.10.130 and 8.10.210 (please see code language below and Exhibit #!).

> *MMC 8.10.130(D)(5)(c and d), A person in charge of a residential premises must not permit, allow or cause to be kept on the premises:*
>
> 5. *Any enclosure or pen for animals:*
>
> *c. Within 15 feet to a side property line; or*
>
> *d. Within 10 feet to a rear property line.*

MMC 8.10.210(A)(3), A person in charge of a premises must not permit, allow or cause to exist:

> *3. A fence located in a required interior side or rear yard of the premises that exceeds seven feet in height, as measured from grade.*

The City received a complaint that Sandra Atwood and Mark St. Michell had installed a fence that exceeded 7 feet in height and served as an enclosure for their 6 dogs, located closer than 15 feet to their side property line and closer than 10 feet to their rear property line.

The issuance of the Notice of Code Violation was based on physical observation by Code Compliance staff and photos provided by an adjacent property owner showing that the subject site's property was fenced in to the property line in the back and sideyards with a fence that exceeded 7 feet in height in some sections and had been modified to serve as an enclosure for the occupant's dogs.

Owner Sandar Atwood protested the Notice of Code Violation issued on October 10, 2024 via email to the City Manager Jeff Towery on October 21, 2024. In this protest, she noted several previous violation notices and citations that are beyond their respective appeal windows and thus, will not be addressed in the summary of this protest.

In Ms. Atwood's protest to the October 10, 2024, Notice of Code Violation, she made the following points:

a. That this Notice of Code Violation has the same violations as the previous complaint.

CCO response: This property has had numerous code compliance violations in the past. Notices of Code Violations or citations may be issued each time there is documented evidence that a code violation has initially occurred or has reoccurred. If a responsible party wished to appeal a Notice of Code Violation or a citation, they must follow the instructions on said notices and submit their protest or appeals to the proper party within 10 days of the notice.

Courtesy Notices are not required but may be issued at the discretion of the CCO following citizen complaints. Typically if there is definitive proof of a code violation, and a history of similar code violations on the property, a Notice of Code Violations is issued. A Courtesy Notice is provided if there is not yet clear evidence of a code violation or this is a first-time offense. Due to the history of similar code violations at this property a Notice of Code Violation was issued.

History of recent notices and citations on the subject property under the current ownership:

- December 21, 2022, Notice of Code Violation for MMC 8.10.120. Animals and Animal Excrement, specifically dogs escaping from property and entering onto adjacent private properties.
- December 27, 2022, Courtesy Notice for MMC 8.10.260 Noise, specifically dogs barking (howling) more than 10 minutes within an hour
- February 7, 2023, Notice of Code Violation for MMC 8.10.260 Noise, specifically dogs howling for more than 10 minutes per hour that was audible from surrounding properties
- June 7, 2023, Courtesy Notice for MMC 8.10.260 Noise, specifically dogs howling more than 10 minutes within an hour

- February 12, 2024, Courtesy Notice for MMC 8.10.260 Noise and MMC 8.10.120 Animals and Animal Excrement, specifically dogs howling and dogs at large
- March 1, 2024, Citation, MMC 8.10.120 Keeping of animals in residential zones, specifically dogs loose and in neighbor's yard on March 1, 202.
- September 16, 2024, Courtesy Notice for MMC 8.10.130 Animals in Residential Zones, and MMC 17.67.020 Home Occupations, Application-Approval, specifically complaints that owners are operating a wolf dog breeding business without a home occupation permit and keeping more than 4 dogs over the age of 6 months for this purpose
- September 16, 2024, Citation, MMC 8.10.120 Animals and Animal Excrement, specifically dogs were at large on 9/13/24 and 9/15/24
- October 1, 2024, Citation, MMC 8.10.260 Noise, specifically dogs howling more than 10 minutes on 9/22/2024.
- October 10, 2024, Notice of Code Violation for MMC 8.10.130 Animals in residential zones and MMC 8.10.210 Fences, specifically an animal enclosure inside the required setbacks and a fence taller than 7 feet.

b. She would love to speak and work with someone in Code Compliance that reflects her willingness and efforts to come into compliance with city codes.

CCO response: Code Compliance staff will work with and assist homeowners to obtain compliance when and if it is reasonable to do so. This is typically done by implementing a Compliance Plan that provides a work plan towards compliance that is timely, and is based on the property owner's recognition that a code violation has occurred and willingness to abate the code violation. The property owner has been in violation of the same city codes for approximately two years, since December 21, 2022. In that timeframe she has been provided with four (4) Courtesy Notices, three (3) Notices of Code Violations and three (3) Citations.

c. She has been unable and unsure how to proceed with providing secure outdoor containment to get in compliance with this violation.

CCO response: The nature of the code violation and the correction options were explained by CCO Reynolds at the time of the issuance of the Notice of Code Violation.

d. She has run out of time before a surgery on 10/28/2024 to make the appropriate correction and would like to request additional time to recover, raise funds, and build a compliant, appropriate, secure fence.

CCO response: Although the Notice of Violation door hanger was issued to Ms. Atwood personally on 10/10/2024, USPS records show that the certified mailing did not reach the Portland facility until 10/17/2024 and was delivered to Ms. Atwood on 10/18/2024. CCO Reynolds recommends an extension until November 9, 2024. Extensions on compliance requirements beyond November 9, 2024 is not recommended because of the history of complaints and violations at this property.

CASE RECORD SUMMARY:

- **October 10, 2024** – CCO Reynolds issued Notice of Violation to property owners for using the entire back yard as an animal enclosure and having a fence taller than 7 feet. This violation was issued after continuing to receive numerous calls from neighbors about

ongoing concerns with these dogs escaping, howling, being dangerous, and photos of the back yard provided by a neighbor. This notice was delivered personally to Ms. Atwood and mailed via certified mail. The nature of the violation and the compliance requirements were discussed at this time.

- **October 21, 2024** – Ms. Atwood submitted an email appeal to City Manager Jeff Towery.

- **October 22, 2024** – CCO Darcy Reynolds was following up on a new complaint of dog breeding at this property and viewed the enclosure and obtained additional pictures from a neighboring property (Please see attached photos as Exhibit #2).

DECISION: X **UPHOLDS NOTICE** ____ **AMENDS NOTICE** ___ **DISMISSES NOTICE**

FINDINGS:

It is clear from the photos that the fence as erected at 915 NW Alder Street serves as an enclosure for the dogs in the rear and side yards and is located closer than 15 feet to the side property line and closer than 10 feet from the rear property line. This is a violation of MMC 8.10.130 as stated in the Notice of Code Violation issued by CCO Reynolds on October 10, 2024.

Although the Notice of Code Violation door hanger was issued in person to Ms. Atwood on October 10, 2024, the Notice of Code Violation letter sent certified was not received by the USPS distribution center until October 17, 2024 and not delivered to Ms. Atwood until October 18, 2024.

Based on the findings, the City Manager is upholding Violation #1, MMC 8.10.130 Animals in residential zones and violation #2 MMC 8.10.210 Fences, in the Notice of Code Violation that was issued on October 10, 2024.

The City Manager is also allowing owners an extension until November 9, 2024, to come into compliance with MMC 8.10.130 before any further enforcement actions occur regarding this Notice of Code Violation. Due to the ongoing nature of complaints and violations, an extension beyond this date is not appropriate.

City Manager: Jeff Towery Date: October 30, 2024
Jeff Towery

APPEALING THE FINAL ORDER OF THE CITY MANAGER

Appeal to the Hearings Officer. (Section 2.50.510 (B) of the McMinnville Municipal Code)

1. An owner or other responsible person of a premises may dispute a final order issued by the city manager by submitting a written appeal to the city recorder within 10 days of the date of the final order.A hearings officer will preside over the appeal hearing.

2. The written appeal must, at a minimum, contain the following information:

   a. The name, mailing address, telephone number and email address of the person submitting the protest;
   b. A description of the real property, by street address or otherwise, on which the code violation isalleged to exist;
   c. A written statement, and all supporting evidence, specifying the basis for appealing the citymanager's final order.

3. Subject to the requirements of this code section, the McMinnville hearings officer may adopt additionalprocedures for the conduct of any hearings before them, but at a minimum, must allow:

   a. Each party to introduce evidence, including rebuttal evidence, that is relevant to prove or refute anymatter raised in the underlying notice or city manager's final order; and
   b. An opportunity for each party to cross-examine all witnesses who testify.

4. Following the close of the record, the McMinnville hearings officer will issue a decision within 10 daysthat either upholds, amends, or dismisses the city manager's final order.

5. If the hearings officer decision upholds or amends the city manager's final order, then the hearingsofficer's final order must include:

   a. A brief statement of the findings of fact;
   b. The amount of any assessed corrective action costs, civil penalties, and associated administrative costs;
   c. The date by which any costs and assessments must be paid; and
   d. An order directing the responsible person to correct the code violation, pay the assessed correctiveaction costs or pay the assessed civil penalty, as appropriate to the nature of the appeal;

6. If the hearings officer decision dismisses the city manager's final order, then the hearings officer's finalorder must include:

   a. An order that any incurred fees be refunded; and
   b. An order that all costs of the abatement will be dismissed or refunded.
   c. Appeal of Hearings Officer's Final Order. Any party to the appeal may obtain review of the hearingsofficer's final order by writ of review pursuant to ORS Chapter 34. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

Exhibit 1

EST. 1856
City of McMinnville Oregon
CODE COMPLIANCE
Code Compliance & Community Relations
231 NE Fifth Street, McMinnville, Oregon 97128
www.mcminnvilleoregon.gov
503.434.7305

Notice of Code Violation

October 10, 2024

Mark St Michell and Sandra Atwood
[redacted]
McMinnville, OR 97128

RE: Animals in residential zones; Fences

To whom it may concern;

The City of McMinnville Code Compliance and Community Relations Division has received a complaint about possible code violations at your property located at [redacted] McMinnville, OR 97128. Upon inspection, we found the following violations were occurring:

Violation #1:
MMC 8.10.130 Animals in residential zones:
D. A person in charge of a residential premises must not permit, allow or cause to be kept on the premises:

5. Any enclosure or pen for animals:
   a. In the front yard of the premises;
   b. Within 70 feet to a front property line;
   c. Within 15 feet to a side property line; or
   d. Within 10 feet to a rear property line.

Violation #2:
MMC 8.10.210 Fences:
A. A person in charge of a premises must not permit, allow or cause to exist:

3. A fence located in a required interior side or rear yard of the premises that exceeds seven feet in height, as measured from grade.

Mark St Michell and Sandra Atwood
[redacted]
McMinnville, OR 97128

RE: Animals in residential zones; Fences

More specifically we have observed you using the entire back yard as an enclosure for your dogs. In addition, it appears portion of your fencing exceeds 7 feet in height. These actions are violation of MMC 8.10.130 and MMC 8.10.210.

You are hereby directed to correct such code violation(s) within ten (10) days of the date of this notice.

After ten (10) days, the City will follow up with an inspection of the property for compliance. If the property remains in violation, then the City may correct the code violation and assess the full cost of corrective action, including administrative charges, against all responsible persons. Corrective action costs will become a lien on the property if not paid in full within 30 days of invoicing. Failure to correct a code violation may also result in the issuance of a civil penalty (per day amount listed below) upon all persons responsible for the code violation(s):

Violation #1: $250.00
Violation #2 $250.00

If you believe you have received this letter in error or are no longer the owner of this property, please contact me. Otherwise please contact me within ten (10) days of the date of this notice to describe what measures have been taken to come into compliance with the code requirements.

You may protest this Notice of Violation by providing written notice to the City Manager (230 NE 2nd St., McMinnville, OR 97128) within ten (10) days from the date of this notice.

The written protest must contain the following information:

a. The name, mailing address, telephone number and email address of the person submitting the protest;
b. A description of the real property, by street address or otherwise, on which the code violation is alleged to exist;
c. A written statement, and all supporting evidence, specifying the basis for the protest.

If you have questions regarding this matter, please feel free to contact me at darcy.reynolds@mcminnvilleoregon.gov or by phone at (503) 474-5026.

Sincerely,

Darcy Reynolds
Code Compliance Officer

Exhibit 2


Oct 22, 2024 at 11:32:07 AM

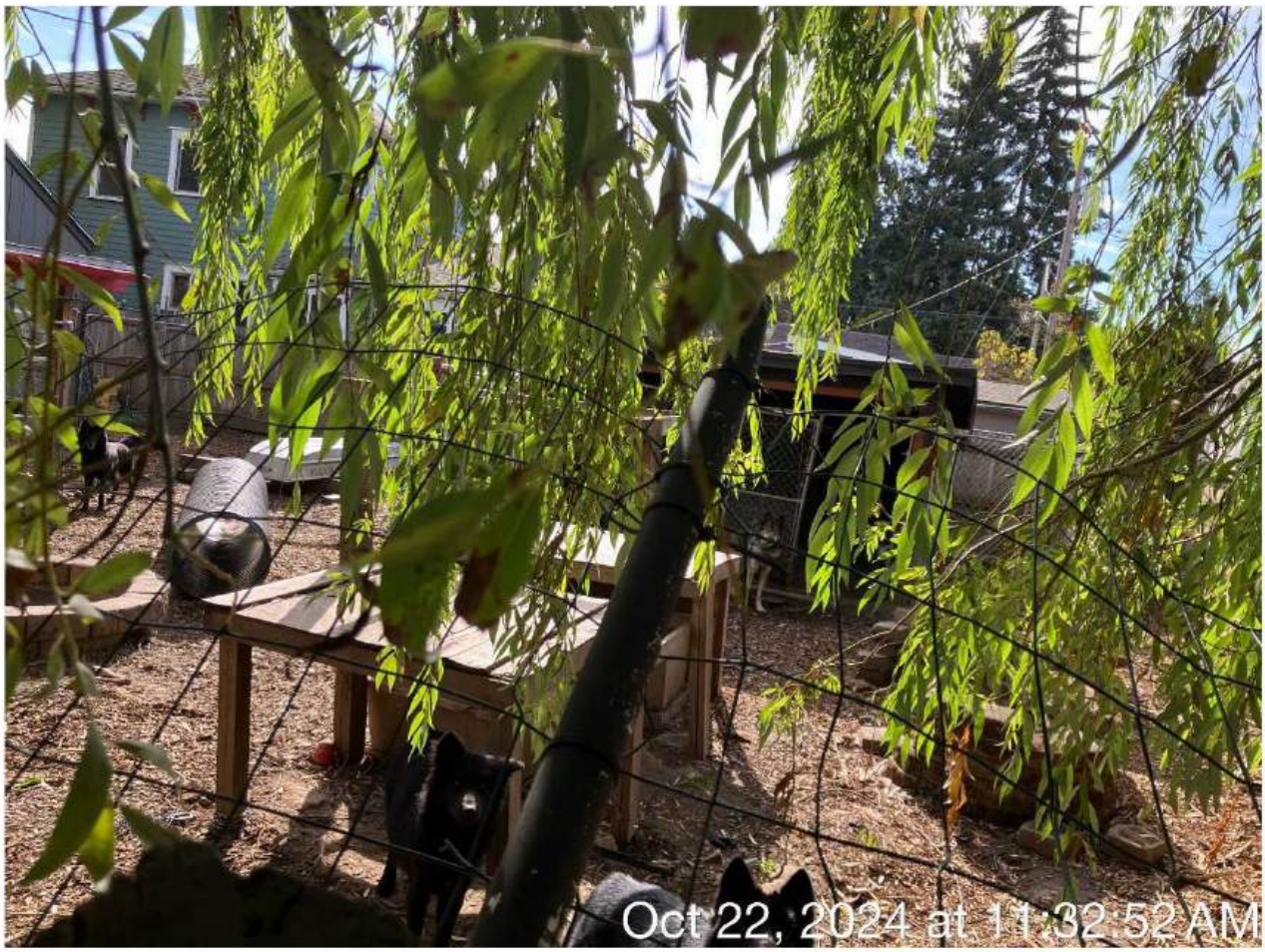

Oct 22, 2024 at 11:32:15 AM


Oct 22, 2024 at 11:32:23 AM


Oct 22, 2024 at 11:32:25 AM


Oct 22, 2024 at 11:32:48 AM


Oct 22, 2024 at 11:32:50 AM


Oct 22, 2024 at 11:32:52 AM


Oct 22, 2024 at 11:32:54 AM

Mr. Jeff Towery, McMinnville Oregon City Manager

October 20, 2024

Greetings Mr. Towery, my name is Sandra Atwood and I reside at [redacted] here in our lovely McMinnville. I am writing you today to protest a notice of code compliance violation I received a door hanger on 10/10/2024 and a certified letter on 10/18/2024 and this includes two violations. I am also going to take this opportunity to protest all prior code violations and penalties at this time as well as two recent parking tickets. I will list them all with dates and explanations here as well as a description of supporting evidence.

The first Violation appears to be on 12/21/22 and there are two for this day, fifteen minutes apart, one from Darcy and one from Nic (CC.151-24 and CC. 386-22) and this must be some kind of mistake and shouldn't be allowed. I am later, years later penalized from two different cases when there should only be one case for one incident to respond to and deal with. The violation was corrected immediately and has never happened again (dogs dug under fence into neighbor's yard), I did follow up with Nic and provided proof of installing 120 feet of 24" dig guards along my fence line which should have satisfied and corrected the code violation and reset this whole process. The letters state that after inspection 10 days later I will be found in compliance or violation and if I am not being given a penalty ten days later, and have provided proof to code compliance that the violation is corrected, given the language in the letter I would then be in compliance by default, therefore these penalties from 3/1/2024 and 9/16/2024 are not valid but should have instead been treated as new separate incidences.

Next is a noise complaint violation from 2/7/2023 (CC.251-24) and again I would argue the validity of the penalty issued over a year and a half later on 10/1/2024 as the violation was corrected by default upon inspection according to your own process in your notice letter. I did request proof of these violations to discover if they were valid and was denied which seems extremely odd as this information would be very helpful in expediting the correction of any code violation if in fact one existed.

Next is a code violation letter dated September 16th which contains two violations. The first violation has two parts, C and D of MMC 8.10.130. Part C is some uninformed complainant's speculation about my animals and doesn't apply. If I am expected to respond to this with evidence or else be penalized then I need to be compensated for my time and effort. I'm a busy lady and just because someone has chosen to waste their time submitting a bogus complaint about my animals shouldn't obligate me to respond to it. As

for part C I added two foot lean ins at a 45 degree angle to the top of the fence, which would add one foot of height to the six foot fence, in order to comply with the previous code violation. My dogs use our backyard for exercise, secure containment, eating, enrichment, training, etc when we are not on outings or in the house. They are swift and agile and curious and athletic animals that can jump a six foot fence in the blink of an eye and I added the lean ins as a precaution, and to remedy a code violation. When I tried to discuss details and specifics on the kind of fencing I was allowed to have with Darcy she was unnecessarily rude, then while attempting to discuss any kind of solution on the phone was told that these are not correctable violations and that it was my issue to figure out. Violation number two was an alleged violation of MMC 17.67.020 and again I would make the same argument I made for part C of MMC 8.10.130, however I will provide you evidence at this time that shows, while I did have an accidental litter of puppies (despite neuter appointment and of my dogs even) new inquiries about future litters I tell people I am not planning any litters and do not have a wait list at this time. The nature of this complaint is so absurd for a number of reasons but for now I will leave it at that.

Finally for the last complaint, dated 10/10/2024, it has the same violations as the previous complaint. I would love to speak and work with someone in code compliance that reflects my willingness, effort, and action as demonstrated repeatedly in the past to be in compliance and come to a solution that works for everyone, as I understand is the goal and objective of this office as stated on the City of McMinnville code compliance website. I have been unable and unsure of what to do due to the sheer number of notices, penalties, parking violations my neighbor has continued, with the city's help, to bless me with. As I have been unable and unsure how to proceed with providing secure outdoor containment in order to be completely in compliance with this new code violation I have run out of time before a knee surgery I am having on 10/28/2024 and would request additional time to recover, raise funds, and build a compliant, appropriate, secure fence for my animals

This leads me to the final issue I wanted to address today, my neighbor using the city offices to harass and overwhelm me, causing me so much fear and stress and potentially financial loss. Not only has there been constant complaints submitted about my animals, but my vehicles as well dating back to years before I ever acquired my dogs. I also have a stack of letters sent through the mail by this neighbor over the years and despite many friendly conversations back and forth over the years no mention of any problems, ever, just continual harassment through the mail and parking police, and code compliance. I would like the two parking tickets issued by officer Dahl dismissed (dated 8/12/2024 and 8/15/2024) as he came and put a tow sticker on my truck and a parking ticket, so I moved my truck into my driveway with the rear part of the bed/bumper impeding the sidewalk and he gave me a second ticket for blocking the sidewalk. This is very plainly

personal in nature when ten feet away my neighbor's bush is blocking the entire sidewalk, which I will include a picture for you as well, and if officer Dahl had taken five minutes to look at the complaint history and maybe discovered if a code violation existed about my neighbor's bush, maybe he could use his discretion for something other than to continue to help my neighbor harass and alienate me in a town I was born and raised in, in a house I have lived for 14 years.

I am a responsible dog owner and spare no expense or effort for them or their care, including my own accountability as their owner, especially to my neighbors and my neighborhood. The times they have escaped the yard were not typical circumstances and always followed after a broken ankle, a surgery, or a dislocated knee. On their recent walk abouts to the creek they were well behaved as reported to me directly and by neighbors on social media and we even made new friends in our neighborhood as a result. Regardless, I take this all very seriously and my action to correct any problems show that. Thank you very much for considering all I have said in my letter, if I may provide further communication or cooperation I am happy to do so

Sandra Atwood

[redacted]

McMinnville, OR 97128

[redacted]

[redacted]

ENTERED INTO THE RECORD
DATE RECEIVED: 04.17.2025
SUBMITTED BY: Sandra Atwood
SUBJECT: Public Comment

From: Sandra Atwood
To: City Recorder Team; TESTIMONY
Subject: Comment for upcoming meeting
Date: Thursday, April 17, 2025 7:14:09 PM

This message originated outside of the City of McMinnville.

Hello, my name is Sandra Atwood and I am writing in to provide evidence and commentary for public record. In this comment I am exposing how Captain Scott Fessler used an erroneous statement posted in a council meeting packet to obtain a very sloppy and borderline illegal search warrant.

Captain Fessler knew the statement, which implicated all four of my dogs in a dogs at large/vicious dog incident to be erroneous when he used it under oath, which is perjury. You can see in his report he notes multiple times he believes that the same two dogs committed the offenses, which is true. The dogs from the ring video are the same that were leashed and picked up by hill road, but Scott wanted all four of my dogs, not just two, so he used this erroneous statement as well as twisting my own words to make that happen.

Given the facts, that two of my dogs are innocent, you must do the right thing and return them. Thank you.

Sandra Atwood
[redacted]

McMinnville Police Department

121 SW Adams St. McMinnville, OR 97128

Case Report

4/8/2025 7:22:02 AM

Case Number: 25MP0737

Description: ANIMAL NUISANCE

NARRATIVE

Supplemental Report 5 by : SCOTT R FESSLER

McMinnville PD 25MP0737
Supplemental Report #5
Captain Scott Fessler #38567

Attached is a document that was used to compile the affidavit for the administrative search warrant to impound Sandra Atwood's dogs at her residence located at [redacted] n McMinnville. The document is an email sent by Jonathan Jacoby to the City Recorder on 03/09/2025, requesting a time slot to speak at the City Council meeting that was scheduled for 03/11/2025. The following is a cut-and-paste of two paragraphs from Jonathan's email.

"For context, on Friday, 3/7, an incident occurred resulting in my dog being fatally attacked (unprovoked) in our front yard by a pair of hybrid wolf-dogs who had escaped from their home on NW 9th & Alder. There were actually four loose dogs, two of which killed my dog and our neighbor's cat, and the other two killed another cat several blocks away. This is far from the first time these dogs have been loose in our community.

After filing a police report and connecting with other community members, this incident has raised serious concerns over the city's ability to enforce and the priority given to animal incidents."
[end of cut-and-paste]

Action recommended: Submit supplemental report to case file.

ENTERED INTO THE RECORD
DATE RECEIVED: 03.10.2025
SUBMITTED BY: Jonathan Jacoby
SUBJECT: Public Comment

From: Jonathan Jacoby
To: City Recorder Team
Subject: Request to Comment to City Council on 3/11
Date: Sunday, March 9, 2025 12:35:54 PM

This message originated outside of the City of McMinnville.

Hello,

My name is Jonathan Jacoby. I am a resident of McMinnville, residing in the NW area on [redacted], and I am reaching out to confirm a time slot to address the city council via Zoom at the next meeting on 3/11.

For context, on Friday, 3/7, an incident occurred resulting in my dog being fatally attacked (unprovoked) in our front yard by a pair of hybrid wolf-dogs who had escaped from their home on NW 9th & Alder. There were actually four loose dogs, two of which killed my dog and our neighbors' cat, and the other two killed another cat several blocks away. This is far from the first time these dogs have been loose in our community.

After filing a police report and connecting with other community members, this incident has raised serious concerns over the city's ability to enforce and the priority given to animal incidents.

This is a serious matter of public safety that needs to be urgently addressed and I hope that I can receive the time to do so via Zoom this Tuesday evening.

If there is anything else I need to know or do in order to confirm this, please reach out as soon as possible.

Thank you,

Jonathan Jacoby
[redacted]

McMinnville Police Department

121 SW Adams St. McMinnville, OR 97128

Case Report

3/12/2025 9:09:47 PM

Case Number: 25MP0737

Description: ANIMAL NUISANCE

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only one of them wasn't dog friendly, which she described as the "fluffy" one.

Added on 04/17/2025
4 of 7
Revised on 04/21/2025
78 of 472

being at large and paid a court fine. Atwood reported knowing that at least one of the dogs is not friendly.

[redacted] **(cat killed on side of house) - based on totality of statements and video collected to date, I believe (at a minimum) one of Sandra's four dogs killed the cat alongside the house.**

--- 1 count of ORS 609.095(1)(d)(2) - Dog as Public Nuisance / Trespassing on Private Property (To kill the cat on the side of the house, the dog would have needed to trespass on the private property)

--- 1 count of ORS 609.095(1)(b)(2) - Dog as Public Nuisance / Damage Other's Property (I believe the cat was killed by one of Sandra's dogs)

[redacted] **(cat snatched from front of house and killed)**
--- 2 counts of ORS 609.095(1)(d)(2) - Dog as Public Nuisance / Trespassing on Private Property based on victim/witness statements, two dogs ran up to the house (I believe the same two that killed the Jack Russell Terrier)

--- 1 count of ORS 609.095(1)(b)(2) - Dog as Public Nuisance / Damage Other's Property (Based on victim/witness statements, the larger gray Husky dog reportedly snatched the cat and killed it)

--- 1 count of ORS 609.095(1)(g)(2) - Dog as Public Nuisance / Potentially Dangerous Animal (Based on victim/witness statements, the larger gray Husky dog reportedly killed the domestic animal)

[redacted] **Sandra's house) - I decided to charge this offense because we gave Sandra the opportunity to voluntarily surrender her dogs and she chose not to. I believe it is appropriate to cite her for:**
--- 2 counts of MMC 6.04.150(C) - Keeping Dog with Knowledge That It Has Injured Other Domestic Animal
One count for the large gray Husky and one count for the black German Sheperd looking dog. I used her address on these offenses because that is where she has been keeping the dogs following the incident on 03/07/25. I settled on the two counts because of the Ring video and, based on victim/witness statements, I believe the large gray Husky in the Ring video is the same dog that snatched the cat from [redacted]

March 17th, 2025 (Monday)

On this day, I learned from the kennel operator that all four dogs were doing fine and there were no issues.

As a courtesy to Sandra, I texted her to establish a communication link so I could share periodic updates on her dogs. Sandra replied via text and requested videos of the dogs to confirm they were doing well. She also replied with questions such as, "Why am I not able to know where they are? or visit them?" and "Why am I being denied due process and normal redemption policy and procedures under Oregon, County, and City law?"

I replied to Sandra via text that I would need to discuss internally her question about sending her videos (due to concern about her possibly locating the kennel based on the videos and responding there to get her dogs). I further explained that I was not going to get into debating due process or redemption process, and I advised her she could raise those questions or concerns with the court or

killed two cats and a dog—at least one of the cats and the dog in front of their respective owners.

At 7:15 PM, YCOM received a complaint that four (4) large loose dogs, described as three (3) Husky/Malamute breeds and one (1) German Shepherd. were in the area of [redacted] block of [redacted]

Jonathan Jacoby reported that at his residence, located at [redacted] in McMinnville, two of the loose dogs had killed his mother's dog, a 17-year-old Jack Russel Terrier. Jacoby reported that the two dogs that killed his mother's dog also killed his neighbor's cat, and the two other dogs killed another cat several blocks away.

Michael Strickland reported that at his residence, located at [redacted] in McMinnville, four large dogs were out and unable to be controlled. Strickland reported that he saw three wolf dogs in his front yard and earlier had let his cat out and saw the cat outside. Michael Strickland reported that his wife heard a thumping sound on the side of their house, and he went outside and found his cat had clearly been attacked and was now dead. Based on the proximity of the dogs he concluded that the neighbor's dogs attacked and

From: Mark Davis
To: City Recorder Team
Subject: Public Comment for City Council and MURAC
Date: Monday, April 21, 2025 10:50:55 AM

This message originated outside of the City of McMinnville.

Mayor Morris, City Councilors and MURAC Members,

I am disappointed to see the recommendation that the Alpine Avenue property will be gifted to the preferred developer Palindrome. There were explicit promises to the public that the $4.35 million invested by the city in the purchase would be recouped when the property was sold for development.

In place of the promised cash, we are now being given an analysis by the consultants (Leland Consulting Group) that we will eventually see that money returned through various discounted future money streams. I think that analysis has the following flaws:

- The discount rate is too low.
- Several items in the Figure 5 cash flow bar chart (Permit Fees, System Development Charges, Affordable Housing Excise Tax, 70% of Hotel Tax) have legally designated uses and are not available to repay the money borrowed from the Wastewater Fund.
- This chart suggests that Palindrome's service jobs and affordable housing generate 15 times the economic impact of industrial development, while out on Three Mile Lane other consultants are telling us an Innovation campus on the industrial land is needed.
- This is a risky venture that could leave the City with nothing due to unexpected economic conditions. Once ownership of the land is transferred the City's leverage in this deal is largely gone.

The 2014 $24 million Transportation Bond included property tax dollars for improvement of Alpine Avenue for future urban renewal. When I inquired as to why the taxpayers were being asked to pay for something that the urban renewal district was created to cover, I was told we will see the money returned "in the future." With this land giveaway we are once again being told to expect the money in the future.

I am beginning to lose faith in the promise of urban renewal. The increment increases with inflation and redevelopment projects that would have happened without it. The proposed hotel is potentially nice, but if there is demand for hotel lodging, someone else would eventually build it (and in fact were intending to do so downtown before being turned down on historical preservation grounds without needing the donation of land).

Finally, I find it ironic that on the same night the Council is being asked to approve this land giveaway they are also being asked to increase sewer rates. The $4.35 million being donated to Palindrome, of course, was borrowed from sewer rate payers. No doubt we need to build the fund back up for future “loans.”

Mark Davis
McMinnville

CITY OF McMINNVILLE
MINUTES OF JOINT CITY COUNCIL &
URBAN RENEWAL AGENCY WORK SESSION
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 11, 2025 at 6:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:

Present	Absent
Sal Peralta, Council President (via Zoom)	
Zack Geary	
Chris Chenoweth	
Jessica Payne	
Scott Cunningham	
Dan Tucholsky	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Finance Director Katie Henry, Community Development Director Heather Richards, Police Chief Cord Wood, Public Works Director Geoff Hunsaker, City Engineer James Lofton, Information System Director Scott Burke, Human Resources Director Vicki Hedges, and *members of the News Media – Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 6:01 p.m. and welcomed all in attendance.

2. FISCAL YEAR 2023-24 ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE CITY OF MCMINNVILLE:

3. FISCAL YEAR 2023-24 ANNUAL FINANCIAL REPORT FOR THE MCMINNVILLE URBAN RENEWAL DISTRICT:

The City Council and Urban Renewal Agency convened to review the fiscal year 2024 Annual Comprehensive Financial Report for the City of McMinnville and the Fiscal Year 2023-24 Annual Physical Financial Report for the McMinnville Urban Renewal District.

Finance Director Katie Henry introduced the topics and the consultant. Consultant Tanya Moffitt, Managing Partner from Merina + Co., presented the reports. Ms. Moffitt explained the financial statements, including the opinion on the basic financial statements and supplementary information. She highlighted that there were no restrictions placed on the audit, no significant difficulties encountered, and no new accounting policies or disagreements with management. Estimates in the financial statements, including

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depreciation, compensated absences, and net pension liability, were also discussed.

Ms. Moffitt also discussed the Government Finance Officers Association's award program, with the city expected to receive an award for the June 30, 2024 financial statements. She reviewed Oregon State Legislature's requirements for financial statement audits, including compliance-based items such as deposits of public funds, debt, budget requirements, insurance, and investment of surplus funds. One compliance issue was identified: an over-expenditure of $2,599 in the Urban Renewal fund.

There was discussion about the city's service charge, that the service charge be separately broken out in future financial statements for transparency.

- There was discussion on the financial statements related to the Urban Renewal fund, specifically the discrepancies between the original budget and actual payments. The original budget was $57,000, the final amount was $64,000, and the actual payment to the city was $67,000, leading to a $2,599 over-expenditure. Community Development Director Heather Richards clarified that the discrepancy was due to the environmental analysis on the northwest rubber site, which involved removing stored drums on the site after samples were collected. The consultant was hired to remove the drums late in the fiscal year, resulting in the over-expenditure. Ms. Moffitt confirmed the discrepancy was noted but was not significant enough to require a written response to the Secretary of State.

There was discussion on the general fund, consisting of property taxes and service fees, which is designed to balance with no discretionary revenue allocated to individual funds or organizations. The city's general fund has to balance, with the Council controlling the amount of appropriation authority given to departments.

Ms. Moffitt expressed gratitude for working with the city staff and confirmed that they will conduct the audit for June 30, 2025, before the city goes out for bid in June 2026.

4. ADJOURNMENT: Mayor Morris adjourned the meeting at 6:28 p.m.

_____

Claudia Cisneros, City Recorder

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CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 11, 2025, at 7:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:

Present	Absent
Sal Peralta, Council President (via Zoom)	
Zack Geary	
Chris Chenoweth	
Jessica Payne	
Scott Cunningham	
Dan Tucholsky	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Finance Director Katie Henry, Community Development Director Heather Richards, Police Chief Cord Wood, Public Works Director Geoff Hunsaker, City Engineer James Lofton, Information System Director Scott Burke, Human Resources Director Vicki Hedges, and *members of the News Media – Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 7:00 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE

Councilor Cunningham led the pledge of allegiance.

3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT: Mayor Morris invited the public to comment.

City Recorder Claudia Cisneros stated the city received several written comments from Community Members to the City Council, which have been emailed to the City Council and will be entered into the record on the amended packet posted tomorrow.

Jonathan Jacoby via Zoom, McMinnville Community member, provided comment regarding the loss of his pet during the March 7, 2024 wolf dog incident.

DRAFT

Mike Strickland, McMinnville Community member, provided comment regarding the loss of his pet during the March 7, 2024 wolf dog incident.

Elizabeth Hegde via Zoom, McMinnville Community member, provided comment regarding previous history of the wolf dogs and the owner of the animals.

Catherine Wright via Zoom, McMinnville Community member, provided comment regarding the same incident as the other speakers and requested the city to review Ordinances and work with the county to reinstate an effective animal control program.

John Olson, McMinnville Community member, as the President and CEO of the McMinnville Area Chamber of Commerce, provided support for the Chemeka Community College bond and urged the City Council to publicly support the bond measure.

Stacey Mayhew, McMinnville Community member, provided comment regarding Quarry Park and opposing the proposed BMX park plan and proposed the city look into alternatives for the park.

Nathan Kron, McMinnville Community member, provided comment regarding an incident with the same wolf dogs in May of 2018.

Jim Smuin, McMinnville Community member, provided comment regarding a previous similar close encounter incident with the loose wolf dogs.

4. PRESENTATION

4.a. Visit McMinnville Annual Presentation – CEO & President Dan Gibson

Dan Gibson, CEO & President of Visit McMinnville shared a PowerPoint presentation.

4.b. Chemeketa Bond Measure - May 2025 Presentation - President/CEO Jessica Howard

Jessica Howard, CEO & President of Chemeketa Community College shared a PowerPoint presentation regarding the Cheketa Community College bond.

5. PUBLIC HEARING

5.a. Public Hearing to consider **Resolution No. 2025-07**: A Resolution adopting a supplemental budget for fiscal year 2023-24 and making appropriation transfers

Mayor Morris opened the public hearing and read the hearing statement.

She asked if any Councilor wished to make a disclosure or abstain from participating or voting on this hearing. There was none.

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Finance Director Henry stated this is a statutorily required process under ORS 294.473. Did not receive any public comment.

There was no public testimony.

Mayor Morris closed the public hearing at 8:34 pm.

6. ADVICE/ INFORMATION ITEMS

6.a. Reports from Councilors on Committee & Board Assignments

Councilor Cunningham mentioned Affordable Housing met last Thursday and swore in new members. Reviewed an update on Commercial Excise Tax Fund Application. Covered the calendar for getting through the 2025 goals. 3rd Street Improvement project met on Monday to discuss potential construction materials and composition. MCM 11 will meet this Thursday at their annual meeting. Will be attending the Sprout Summit.

Councilor Chenoweth stated Mid-Willamette Valley Area Commission on Transportation (MWACT) met and voted on a new Chair and Vice Chair then went over the next month and setting agendas and what it will look like going forward. Toured the North Plains, Oregon Recology site. McMinnville Economic Vitality Leadership Council (MEVLC) will meet tomorrow.

Council President Peralta mentioned Mid-Willamette Valley Council of Governments (MWVCOG) annual meeting was last week but wasn't able to attend.

Mayor Morris stated attended the monthly Mayor's coffee hosted by Yamhill Mayor. Went to Washington, DC on behalf of MW&L and talked to Congress and Senate to protect the low rates in the Pacific Northwest; met with Commissioner Johnston from Yamhill County and talked about financials, reporting transparency and commercial properties the county will be selling or using in the future.

Councilor Geary said the final 3rd Street Improvement Project Advisory Committee meeting will be on April 14th. McMinnville Urban Renewal Advisory Committee (MURAC) met with and heard from Commissioner Johnston, providing the County's near-term downtown real estate, transaction, or plan. Visit McMinnville and Stormwater haven't met.

Councilor Payne reported Local Public Safety Coordinating Council (LPSCC) met to review grant applications for juvenile and adult drug court grants. Landscape Review has not met. The Audit Committee met at 5 o'clock and report given by Merina Co. and the City received a clean audit. The Equity Action Work group meets tomorrow to discuss accessing health care and the Diversity, Equity & Inclusion Advisory Committee (DEIAC) meets Thursday.

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Councilor Tucholsky stated Yamhill Communications Agency (YCOM) meeting will be on April 8th and will be working on the budget and selection of new budget committee members. The Airport Commission met and learned about a new bulletin board that has a QR code for people to sign up for updates and events at the airport. Attended the MWVCOG annual dinner and learned about Transportation opportunities.

6.b. Department Head Reports

Community Development Director Heather Richards, invited all to the community forum on Saturday from 8-12pm regarding the Innovation Campus Project. At the MWVCOG dinner the City was part of an award that went to many Yamhill County cities on a collaborative project called Yamhill County Urban Forum. Will be working to hold a Joint meeting with City Council, MURAC, and Yamhill County Board of Commissioners about the county's plans for their properties and surplusing them this meeting will need to be held in the next 30 days.

Public Works Director Geoff Hunsaker provided an update on Runway 1735 and the crosswind runway data.

7. CONSENT AGENDA

a. Consider the request from Human Cellars, LLC for Winery-Non Consumption – Additional Location, OLCC Liquor License located at 1421 NE Alpha Drive.
b. Consider the Draft Minutes of the February 11, 2025, Joint Work Session of City Council & Planning Commission Meeting & City Council Regular Meeting.
c. Consider the Draft Minutes of the February 19, 2025, City Council Work Session Meeting.

Councilor Cunningham MOVED to adopt the consent agenda; SECONDED by Councilor Geary.

Councilor Tucholsky MOVED to amend the motion on the floor and remove item 7.c from the consent agenda and correcting an error; SECONDED by Council President Peralta.

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

*Motion to amend **PASSED** unanimously by a vote of **6-0**.*

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

DRAFT

*Motion **PASSED** unanimously by a vote of **6-0**.*

7. ITEMS REMOVED FROM THE CONSENT AGENDA

7.c. Consider the Draft Minutes of the February 11, 2025, Joint Work Session of City Council & Planning Commission Meeting & City Council Regular Meeting.

Councilor Tucholsky noted an error on the draft minutes under Item 6.c. Resolution No. 2025-06 the text after approval is incorrect. Ms. Cisneros noted the error and will make the correction.

Councilor Tucholsky MOVED to approve the Draft Minutes of the February 11, 2025;Joint Work Session of City Council & Planning Commission Meeting & City Council Regular Meeting with the correction of Item 6.c. in the minutes; SECONDED by Councilor Payne.

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

*Motion **PASSED** unanimously by a vote of **6-0**.*

8. RESOLUTION

8.a. Consider **Resolution No. 2025-07:** A Resolution adopting a supplemental budget for fiscal year 2023-24 and making appropriation transfers.

Councilor Payne MOVED to approve Resolution No. 2025-07 adopting a supplemental budget for fiscal year 2023-24 and making appropriation transfer; SECONDED by Councilor Chenoweth.

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: None

*Motion **PASSED** unanimously by a vote of **6-0**.*

8.b. Consider **Resolution No. 2025-08:** A Resolution of the Common Council of the City of McMinnville amending the allocation of American Rescue Plan Act (ARPA) Funds.

Finance Director Katie Henry presented a list of current American Rescue Plan Act (ARPA) project budgets and proposed changes, aiming to document and track ARPA projects. Council members expressed concerns about approving the resolution without further review, particularly regarding completed projects and potential budget savings. They requested more detailed information on project statuses and the implications of stopping ongoing projects. The Council decided to postpone the decision until staff can

provide additional information, with the understanding that this may delay some ongoing projects, particularly the 3rd Street project.

Councilor Chenoweth MOVED to delay Resolution No. 2025-08 until which time staff can bring it back to Council; SECONDED by Council President Peralta.

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: None

*Motion **PASSED** unanimously by a vote of **6-0**.*

9. ADJOURNMENT: Mayor Morris adjourned the meeting at 9:41 p.m.

_____
Claudia Cisneros, City Recorder

DRAFT

CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 25, 2025 at 5:30 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Sal Peralta, Council President	Jessica Payne
	Zack Geary	
	Chris Chenoweth (via Zoom)	
	Scott Cunningham	
	Dan Tucholsky (via Zoom)	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Finance Director Katie Henry, Community Development Director Heather Richards, Police Chief Cord Wood, City Engineer James Lofton, Library Director Jenny Berg, Parks & Recreation Director Susan Muir, Information System Director Scott Burke, Human Resources Director Vicki Hedges, Public Works Director Geoff Hunsaker, Communications & Engagement Manager Noelle Amaya, Public Works Operations Superintendent David Renshaw, Senior Court Clerk Suzanda Branson, Court Supervisor Jason Carbajal, Payroll Accountant Chris Secrist, Police Captain Scott Fessler, Police Captain Tim Symons, Financial Services Administrator – Budget Crystal Wooldridge (via Zoom), Financial Services Administrator Ronda Gretzon (via Zoom), Information Services Specialist Lori Morgan (via Zoom), and *members of the News Media – Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 5:30 p.m. and welcomed all in attendance.

2. CURRENT FINANCIAL STANDING-DISCUSSION AND ANALYSIS:

City Manager Jeff Towery provided opening remarks and turned it over to Finance Director Katie Henry. Ms. Henry shared a PowerPoint presentation.

Ms. Henry discussed the city's financial situation, focusing on the 2025 estimated expenditures. The City Council reviewed best practices for municipal budgeting, the current financial standing, operating revenues, and operating expenditures. Ms. Henry discussed the impact of salary increases, benefits, and materials and services on the budget. She identified the main drivers of the budget, including property taxes, franchise fees, and state-

DRAFT

shared revenues. She also discussed the need for a capital plan and the importance of maintaining a minimum operating reserve.

Ms. Henry discussed the city's financial situation, noting a 3-million-dollar deficit and a need to balance ongoing costs with ongoing revenues. She talked about the impact of the tier one pension system on the budget and the need to invest in capital construction. Mr. Towery discussed the potential for other cities to face similar financial challenges; he is committed to providing a balanced budget proposal and a detailed breakdown of the cuts considered. The council expressed a desire for more collaboration in the budget-making process.

3. ADJOURNMENT: Mayor Morris adjourned the meeting at 6:53 p.m.

_____

Claudia Cisneros, City Recorder

DRAFT

CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 25, 2025, at 7:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Sal Peralta, Council President	Jessica Payne
	Zack Geary	
	Chris Chenoweth (via Zoom)	
	Scott Cunningham	
	Dan Tucholsky (via Zoom)	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Finance Director Katie Henry, Community Development Director Heather Richards, Police Chief Cord Wood, City Engineer James Lofton, Library Director Jenny Berg, Parks & Recreation Director Susan Muir, Information System Director Scott Burke, Human Resources Director Vicki Hedges, Public Works Director Geoff Hunsaker, Communications & Engagement Manager Noelle Amaya, Public Works Operations Superintendent David Renshaw, Police Captain Scott Fessler, Police Captain Tim Symons, Planning Manager David Berniker, Associate Housing Planner Evan Hietpas (via Zoom), and *members of the News Media – Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom)*.

1. CALL TO ORDER: Mayor Morris called the meeting to order at 7:00 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE

Council President Peralta led the pledge of allegiance.

3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT: Mayor Morris invited the public to comment.

City Recorder Claudia Cisneros stated the city received two written comments from Community Members for the City Council, which have been emailed to the City Council and will be entered into the record on the amended packet posted tomorrow.

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Elizabeth Hedge via Zoom, McMinnville Community member, thanked the Police Department for removing the wolf dogs since the last Council meeting and provided information from police reports she received from a public records request. Asked to address laws and procedures to protect citizens and pets from people who cannot control their dangerous animals.

Mike Strickland, McMinnville Community member, thanked the City for their action in removing the dogs. Outlined the process of citations and understands that no restitution has been paid at the Municipal Court from previous incident citations. Asked the City Attorney, Mayor, and Council to take steps to enter new municipal codes to keep this from reoccurring.

Jack Browne Jr., McMinnville Community member, thanked Mayor, Chief Wood, and Council members for impounding the dogs that have disrupted his neighborhood for at least the last 3 years. Asking for an emergency resolution prohibiting dangerous breeds within city limits.

Kevin Chambers, McMinnville Community member, on behalf of the Culture, Parks, and Recreation Political Action Committee, remain committed to moving forward with a city bond to build a facility at the Miller property. Have begun conversations with county commissioners as well as School Board members and other community members.

Stacey Mayhew, McMinnville Community member, brought a posterboard with photos of her animals that were killed by two large breeds. Shared the details of the incident that occurred on March 23rd, which led to the incident. Asking for stiffer penalties for irresponsible dog owners and enforcement of the current Ordinances and laws.

Jeff Tucker, McMinnville Community member, provided comment on his experiences with the owner of the wolf dogs and requesting looking at other solutions to have dog control in the city.

Lindsey Baker, McMinnville Community member, spoke in support of the friends of Quarry Park who are opposing the city parks and recreation and Visit McMinnville proposed plan for developing the park into a bike skills facility.

Jonathan Jacoby, McMinnville Community member, talked about the loss of his dog involving the two wolf dogs. Thanked the community for their support and requested the Council to let him and the community know how they can help.

4. PRESENTATION

4.a. Recycling Modernization Act (RMA) Funding Authorization by Geoff Hunsaker, Public Works Director

DRAFT

Public Works Director Geoff Hunsaker shared a PowerPoint presentation and let the Council know he will have Recology share touch points with the Council at a future date.

5.b. DEPARTMENT HEAD REPORTS

Mayor Morris requested the City Attorney David Ligtenberg and Chief Cord Wood provide an update about animal control ordinance.

Mr. Ligtenberg & Chief Wood provided updates about the ability to enforce against events like the one that happened, the ability to prosecute, and the ability to do preventative enforcement and provided updates about the status of the dogs and case.

Mayor Morris requested Parks & Recreation Director Susan Muir provide an update on Quarry Park.

Ms. Muir shared the process of the development of a park, stated there are no next steps planned for Quarry Park as the grant applied for was not awarded to the city. There are no time horizons with the development of this park, and if something comes up, they will notify neighbors to bring to the table for collaboration.

4. PRESENTATION CONTINUED

4.b. Housing Production Strategy (HPS) Action Plan by Heather Richards, Community Development Director

Community Development Director Heather Richards introduced the topic and turned it over to Associate Housing Planner Evan Hietpas who introduced Beth Goodman from ECOnorthwest consulting. Ms. Goodman shared a PowerPoint presentation. Ms. Goodman requested the Council to provide any questions or comments by next week to Mr. Hietpas and Ms. Richards.

5. ADVICE/ INFORMATION ITEMS

5.a. Reports from Councilors on Committee & Board Assignments

Councilor Cunningham mentioned MCM 11 met and elected a new executive team, and reviewed policy for accepting sponsorships to help with revenue stream. Met with Director Hunt regarding the potential of a railroad quiet zone and a lot goes into the implementation of a quiet zone.

Council President Peralta said the Planning Commission met on March 20th and held a quasi-judicial hearing but didn't attend to avoid conflict in case there is an appeal. Stated MWVCOG provides the following services: community development planning services, economic development, transportation, and housing development. A large share of their budget is related to State and Federal grants, given cuts occurring federally there are concerns about the impact it may cause to the organization. The Affordable

DRAFT

Housing Committee will meet this week and stated he attended the Sprout Summit which was a tremendous success.

Mayor Morris stated attended the monthly meeting of the Mayors on March 19th the general discussion was around budgeting. Met with the new CEO of the hospital, Duane Pace. Participated in a video series for Juliette's House as April is Child Abuse Awareness/Prevention Month. Attended a Legislative Committee meeting that committee will eventually present to Council and explain how they ask for Federal and State grants.

Councilor Geary said Visit McMinnville is developing a push to post-pandemic and market Willamette Valley as the wine country weddings destination. Stated occupancy rates for Willamette Valley are generally down 2.4% from last year, but McMinnville is up 5.3%. Talked about the Canada's Great Kitchen event being held on April 10th through the 13th in McMinnville with music and food.

Councilor Tucholsky had nothing to report.

Councilor Chenoweth stated that the Parkway Committee met, and construction on Phase 2 has begun. The Hwy 219 interchange project construction started with tree and brush removal. Lots of Oregon Legislature transportation funding options talk. MEVLC met and set goals; Goal 1 is continuing to advocate for the successful implementation of the 3rd street improvement project, Goal 2 is Innovation Campus, Goal 3 is workforce housing and studying ways to increase availability of workforce housing, Goal 4 is to continue to support the Airport Master Plan and Land Use planning, and Goal 5 is doing an evaluation and effectiveness of grant monies that were given. Attended an open house to listen to House Representative and Senator regarding State Legislature.

5.b. Department Head Reports Continued

City Recorder Claudia Cisneros reminded Council about the Joint Work Session with the McMinnville School District next Monday, March 31st at 6:30pm at the McMinnville School District Office.

Public Works Director Geoff Hunsaker stated the consultant for the Emergency Operations Plan has added the COOP plan, is finalizing the plan, and had money left over and moved that into doing continuing operation plan.

Parks & Recreation Director Susan Muir mentioned hired the new Aquatic Center Manager with the start date of mid-April. The Retirement Celebration for Parks & Rec. employees is on Friday, April 4th, at the Community Center at 3pm.

City Engineer James Lofton stated a very busy construction season is coming up and is trying to make a strong push to update the engineering website.

DRAFT

Communications & Engagement Manager Noelle Amaya said Mayor Morris has requested she do a City Council feature in the City's e-newsletter and has sent a request out already.

Community Development Director Heather Richards stated the City Council has a scheduled Joint Work Session with the Board of County Commissioners and MURAC on April 8th at 5:30pm.

5.c. Council Meeting Schedule Discussion

Mayor Morris stated Councilor Chenoweth requested this topic on the agenda. Councilor Chenoweth requested an interest in a potential shift in schedule and would prefer to have all three meetings on the same day. Secondly, would like to ask not to have meetings on Tuesday nights because of a personal commitment. Suggested Monday as a thought for the date change.

Mayor Morris expressed concerns about having meetings on Mondays, which include holidays typically falling on Mondays and the potential of extra work it may have on staff. Asking the Council to consider this request and will bring it back to the next City Council meeting.

6. CONSENT AGENDA

a. Consider the Draft Minutes of the February 25, 2025, City Council Work Session & Regular Meeting.
b. Consider the request from The Bitter Monk for Limited on-premises sales, OLCC Liquor License located at 250 NE 3rd Street.

Ms. Cisneros stated a Scribner error on page 3 of the draft meeting minutes and that it would be corrected.

Council President Peralta MOVED to adopt the consent agenda except for Item b and with the correction in the February 25th minutes as stated by City Recorder; SECONDED by Councilor Cunningham.

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Geary, Peralta
NAY: NONE

*Motion **PASSED** unanimously by a vote of **5-0**.*

6. ITEMS REMOVED FROM THE CONSENT AGENDA

6.b. Consider the request from The Bitter Monk for Limited on-premises sales, OLCC Liquor License located at 250 NE 3rd Street.

Councilor Cunningham removed this topic from the consent agenda as he has a conflict of interest and needs to recuse himself from this topic.

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Councilor Geary MOVED to approve OLCC liquor license request; SECONDED by Council President Peralta.

AYE: Councilors Tucholsky, Chenoweth, Geary, Peralta
NAY: NONE

*Motion **PASSED** by a vote of **4 - 0**.*

7. RESOLUTION

7.a. Consider **Resolution No. 2025-08:** A Resolution of the Common Council of the City of McMinnville amending the allocation of American Rescue Plan Act (ARPA) Funds.

Councilor Geary MOVED to approve Resolution No. 2025-08 amending the allocation of American Rescue Plan Act (ARPA) Funds; SECONDED by Councilor Cunningham.

AYE: Councilors Cunningham, Geary, Peralta
NAY: Councilors Tucholsky, Chenoweth,

*Motion **PASSED** by a vote of **3-2**.*

8. ORDINANCES

8.a. Consider the first reading with a possible second reading of **Ordinance No. 5158**: An Ordinance Authorizing Amendment of 1978 Lease with the United Methodist Church of McMinnville, allowing for its Termination Upon 60 Days' Notice and Waiving the City's Right of First Refusal to Purchase the Property.

Mayor Morris asked if any Councilor needed to declare any conflict of interest or recuse themselves. There was none.

No Councilor present requested that the Ordinance be read in full.

City Attorney David Ligtenberg read by title only Ordinance No. 5158.

*Councilor Geary MOVED to **pass** Ordinance No. 5158 to a second reading; SECONDED by Council President Peralta.*

Aye: Councilors Tucholsky, Chenoweth, Geary, Peralta
Nay: NONE
Abstain – Councilor Cunningham

*Motion **PASSED** by a vote of **4-0 with 1 abstention.***

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City Attorney David Ligtenberg read by title only for a second time Ordinance No. 5158.

*Councilor Geary MOVED to **adopt** Ordinance No. 5158, Authorizing Amendment of 1978 Lease with the United Methodist Church of McMinnville, allowing for its Termination Upon 60 Days' Notice and Waiving the City's Right of First Refusal to Purchase the Property; SECONDED by Council President Peralta.*

Aye – Councilors Cunningham, Tucholsky, Chenoweth, Geary, Peralta
Nay – None

Ordinance No. 5258** was **ADOPTED** by a vote of **5-0.

8. ADJOURNMENT: Mayor Morris adjourned the meeting at 9:11 p.m.

_____
Claudia Cisneros, City Recorder

DRAFT

City of McMinnville
Public Works Department
Engineering
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 9, 2025
TO: Jeff Towery, City Manager
FROM: Geoff Hunsaker, Public Works Director
James Lofton, City Engineer
Jeff Gooden, Project Manager

SUBJECT: Meadows Drive Cost Share Project – First Amendment

Report in Brief:

This action is the consideration of a resolution authorizing the change order for the increased cost of the construction of the public improvements to NW Meadows Drive, associated with the development of the Elysian Subdivision. This project developed the property east of Jay Pearson Park, where the City is responsible for half of the cost of the construction of City Infrastructure.

Background:

In 2014, the City acquired 3.46 acres of real property as part of a bankruptcy settlement. As part of the terms of that settlement agreement, the City and adjacent private property owners were to construct north/south-running street portions between their respective properties upon development of the respective adjacent property. According to the agreement, the City may require the adjacent property owner to construct the full section of road and pay 50% of the cost. The City Council adopted findings and dispensed with public bidding to facilitate that work. Accordingly, the City and the Developer (Alan Ruden Incorporated) signed an agreement on February 11, 2025 for the construction of NW Meadows Drive. Which needs to be amended to account for increased cost.

Discussion:

The cost of materials and installation for the construction of the street is higher than the Engineer's estimate that the developer's engineer provided. This was primarily attributed to the cost of pipe as it has gone up significantly. Upon receiving the request for a contract amendment from the Developer the City did reach out to another Contractor to verify the pipe costs were reasonable and did conclude that the price for the materials was reasonable given the current market conditions. The original estimate showed a cost to the City of $206,431. This value was used for the original agreement and to permit the work so the Developer could proceed given the limited construction window. Now that the Developer and City know actual construction cost based on material pricing there is a need to increase the construction contract to accommodate a change order of $96,002 for a total cost $302,433.

Attachments:

1. Proposed Resolution
2. Engineer's Estimate

Recommendation:

Staff recommends that the City Council adopt the attached resolution to approve the City Manager to sign the change order with an increased cost of $96,002 for amended contract amount of $302,433. There are sufficient funds available for this amendment within the Parks Development Fund 50.

RESOLUTION NO. 2025-15

A Resolution approving the change order for the Meadows Drive Cost Share.

RECITALS:

Whereas, On February 11, 2025, the City entered into a Public Improvement contract with Alan Ruden Incorporated to construct a street portion between their respective properties (east of Jay Pearson Park), with the City to contribute 50% of the cost; and

Whereas, The Developer's Engineer's estimate originally used to set up the contract was insufficient due to preliminary material pricing. This resulted in an increased cost to complete the street improvements on NW Meadows Drive ; and

Whereas, Funding for this project is included in the FY25 Park Development (50) budget.

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

1. That the City Manager is authorized to execute a First Amendment to the public improvement contract for Meadows Drive for $96,002, bringing the total contract cost to $302,433.
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22nd day of April, 2025 by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of April 2025.

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

		ORIGINAL					UPDATED - 2.24.2025					
Item No.	Description	Estimated Quantity	Unit	Unit Price	Total Price	City Share (50%)	Quantity	Unit Price	Total Price	City Share %	City Share $	Amount of Change
	II. MEADOWS DRIVE											
	Streets											
1	Clearing, Grubbing & Demolition	ALL	L.S.		$5,800	$2,900	ALL	L.S	$5,800	50%	$2,900	$0
	Erosion Control	ALL	L.S.		$1,800	$900	ALL	L.S.	$1,800	50%	$900	$0
2	Earthwork, Complete											
	a. Excavation & Disposal	300	Cu. Yd.	$40	$12,000	$6,000	300	40	$12,000	50%	$6,000	$0
	b. Lot Grading Engineered Fills	0	Cu. Yd.	$18	$0	$0	0	0	$0	0%	$0	$0
	c. Regrading Ditch	100	Cu. Yd.	$52	$5,200	$2,600	100	52	$5,200	50%	$2,600	$0
3	Aggregate											
	a. 1"-0 baserock (12" in Depth)	1,155	Tons	$45	$51,975	$25,988	1,155	45	$51,975	50%	$25,988	$0
	b. Engineered Fill to Subgrade	450	CY	$35	$15,750	$7,875	450	35	$15,750	50%	$7,875	$0
4	AC and/or PCC Saw Cutting	70	Lin. Ft.	$7	$500	$250	70	$7	$500	50%	$250	$0
5	HMAC Pavement											
	a. New Street 3 inches thick	335	Tons	$120	$40,200	$20,100	335	120	$40,200	50%	$20,100	$0
6	Concrete Work											
	a. PCC Curb, Type A Curb & Gutter	990	Lin. Ft.	$30	$29,700	$14,850	990	30	$29,700	50%	$14,850	$0
	b. PCC Sidewalks, 4 " Thick (park side only)	2,875	Sq.Ft	$9	$25,875	$12,938	2,875	9	$25,875	100%	$25,875	$12,938
	c. PCC ADA Ramp, 6" Thick	1	Each	$10,000	$10,000	$5,000	1	10,000	$10,000	100%	$10,000	$5,000
	d. PCC Sidewalks, 4 " Thick (connection to City Park)						425	9	$3,825	0%		
7	Signing and Striping	ALL	L.S.		$2,100	$1,050	ALL	L.S.	$2,100	50%	$1,050	$0
8	Street Lights & Power (2 street lights, 2 transformers)	ALL	L.S.		$12,500	$6,250	ALL	L.S.	$12,500	50%	$6,250	$0
	Storm Drains											
1	Storm Sewer Pipe & Appurtenances, Inc. Ex & BF											
	a. 30" DI Pipe - Substitute C900	503	Lin. Ft.	$175	$88,025	$44,013	503	350	$176,050	50%	$88,025	$44,013
	b. 24" DI Pipe	93	Lin. Ft.	$155	$14,415	$7,208	93	250	$23,250	50%	$11,625	$4,418
	c. 12" DI Pipe (Includes mainline to Swale)	254	Lin. Ft.	$128	$32,512	$16,256	254	128	$32,512	50%	$16,256	$0
2	Manholes & Inlet Structures											
	a. Type II Catch Basins	2	Each	$3,900	$7,800	$3,900	4	3,900	$15,600	50%	$7,800	$3,900
	b. Storm Drain Manhole	1	Each	$6,800	$6,800	$3,400	2	6,800	$13,600	50%	$6,800	$3,400
	Sanitary Sewer											
1	Sanitary Sewer Pipe & Appurtenances, Inc. Ex & BF											
	b. Service to City property	1	Each	$5,500	$5,500	$2,750	1	5,500	$5,500	100%	$5,500	$2,750
	Water											
1	Water Pipe & Appurtenances, Inc. Ex & BF											
	Service to City property	1	Each	$4,800	$4,800	$2,400	1	4,800	$4,800	100%	$4,800	$2,400
	SUBTOTAL				**$ 373,252**	**$ 186,626**			**$ 488,537**		**$ 265,443**	**$ 78,818**
	1 Mobilization, Bond & Insurance (8%)	ALL	L.S.		$29,860.14	$14,930	ALL	L.S.	$21,235.47	100%	$21,235	$6,305
	2 City of McMinnville Fees	ALL	L.S.		TBD	$0	ALL	L.S.	$11,197.55	50%	$5,599	$5,599
	3 MW&L Fees	ALL	L.S.		TBD	$0	ALL	L.S.	$10,560.88	50%	$5,280	$5,280
	4 Engineering Fees	ALL	L.S.		8250	$4,125	ALL	L.S.	8250	50%	$4,125	$0
	5 Surveying Fees	ALL	L.S.		1500	$750	ALL	L.S.	1500	50%	$750	$0
	SUBTOTAL				**$ 39,610**	**$ 19,805**			**$ 52,744**		**$ 36,990**	**$ 17,185**
	TOTAL COST OF MEADOWS DRIVE				**$ 412,862**				**$ 541,281**			
	CITY RESPONSIBILITY					**$ 206,431**					**$ 302,433**	**$ 96,002**

CITY OF McMINNVILLE

FIRST AMENDMENT TO CONSTRUCTION CONTRACT

Meadows Drive Project

This First Amendment to Construction Contract ("First Amendment") is effective the _____ day of _____ 2025 ("Effective Date"), by and between the **City of McMinnville**, a municipal corporation of the State of Oregon ("City"), and Alan Ruden, Inc., an Oregon corporation ("Contractor"), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the City entered into a Construction Contract ("Contract") with Contractor on February 11, 2025 relating to the Meadows Drive Project ("Project"); and

WHEREAS, the Contractor requires additional funds to construct the public facilities agreed upon which Contractor is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Contractor represents that Contractor is qualified to perform the Services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Contractor is prepared to provide such Services as the City does hereinafter require;

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

The Contract is amended as follows:

Section 1. Compensation

The City agrees to pay Contractor a not to exceed unit price of Three Hundred and Two thousand Four Hundred and Thirty-Three dollars ($302,433) for performance of the Work ("Contract Sum"). Any compensation in excess of the Contract Sum will require an express written change order between the City and Contractor. Contractor's unit pricing is set forth in **Exhibit B**, attached hereto and incorporated by reference herein.

Section 2. All Other Terms

All of the other terms and conditions of the Contract shall remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Contract shall apply to this First Amendment.

The Contractor and the City hereby agree to all provisions of this First Amendment.

CONTRACTOR:

_____

By:_____

Print Name:_____

As Its:_____

Employer I.D. No. _____

CITY:

CITY OF McMINNVILLE

By:_____

Print Name:_____

As Its: _____

APPROVED AS TO FORM:

_____
David Ligtenberg, City Attorney
City of McMinnville, Oregon

City of McMinnville
Administration
230 NE Second Street
McMinnville, OR 97128
(503) 435-5702
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **April 22, 2025**
TO: **Mayor and City Councilors**
FROM: **Claudia Cisneros, City Recorder**
SUBJECT: **Request to Permit a Waiver of the Noise Ordinance from Amy Russom for live music for Landscape Edible Garden Event on May 10, 2025.**

Report in Brief:

This action is the consideration of a request to permit a waiver of the Noise Ordinance.

Background:

Amy Russom would like to have live music on Saturday, May 10th, from 10:00am to 2:00pm at the location of 2 blocks of Alpine Avenue between 11th Way and 10th Ave. The event will have live music (small ensemble or guitarist) and anticipate roughly 300-400 (at most) people to be within the 2 blocks throughout the four hours - not all at once. This will not be an assembly or gathering; it is a seedling giveaway with some family-friendly activities scheduled throughout. If approved by the Council, the city will be requesting them to notify all residents/businesses within a block radius at a minimum.

The McMinnville Municipal Code, Section 8.10.260, specifies that:

A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.

E. The prohibition described in this section do not apply to:

1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code.

In granting previous waivers, the City has requested that the applicant provide notice in advance to affected neighbors.

Revised on 04.21.2025

City of McMinnville
Administration
230 NE Second Street
McMinnville, OR 97128
(503) 435-5702
www.mcminnvilleoregon.gov

Attachments:

1. McMinnville Municipal Code (MMC) section 8.10.260 Noises.

Fiscal Impact:

There is no anticipated fiscal impact.

Recommendation:

Should the Council choose to vote in favor of a motion allowing this waiver, the City Manager will write a letter to Amy Russom, letting her know that she has the Council's approval.

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8.10.260 Noise.

A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.

B. It is prohibited for any person on a public way to cause to exist any loud, disturbing or unnecessary noise that either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of other persons or property.

C. For the purposes of this section, noise exceeding the following thresholds when measured 25 feet from the source if in the right-of-way or 25 feet from the property line if the source is on private property, is presumed to be a nuisance in violation of subsection A of this section:

ZONE	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.
Residential	55 dBA	50 dBA
Commercial	60 dBA	55 dBA
Light Industrial	70 dBA	65 dBA
Industrial	80 dBA	75 dBA

D. For the purposes of this section, "loud, disturbing or unnecessary noise" includes but is not limited to the following substances, conditions or acts:

1. *Animals and Birds.* The keeping of any bird or animal that disturbs the comfort and repose of any person in the vicinity by causing frequent or long continued noise;

2. *Dog Barking.* The keeping of a dog that barks for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog's owner or keeper;

3. *Animal Bells.* The attaching of a bell to any animal or allowing a bell to remain on any animal that is disturbing to any person in the immediate vicinity;

4. *Vehicle Noises.* The use of any vehicle or engine, either stationary or moving, in a manner that causes or creates any loud or unnecessary grating, grinding, rattling or other noise, including the discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;

5. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any vehicle on any

street, public or private place, except as a necessary warning of danger;

6. *Nonemergency Signaling Devices.* The sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than 10 consecutive seconds in any hourly period, except that the reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the city for traffic control purposes are exempt;

7. *Construction Noise.* The erection, including excavation, demolition, alteration or repair, of any building in residential districts, other than between the hours of 7:00 a.m. and 8:00 p.m., except upon special permit granted by the city manager or designee;

8. *Noise Sensitive Areas: Adjacency to Schools, Churches and Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;

9. *Loudspeakers, Amplifiers, Public Address Systems and Similar Devices.* The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the city manager, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;

10. *Blowers and Similar Devices.* The operation of any noise-creating blower, power fan, power tools, or any internal combustion engine in a manner the operation of which causes noise due to the explosion of operating gases or fluids:

   a. In a residential district or noise sensitive areas between the hours of 8:00 p.m. and 7:00 a.m.; and

   b. In a manner that can be heard by persons on nearby residential property.

11. *Commercial Establishments Adjacent to Residential Property.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m., that is plainly audible to persons on any nearby residential property.

E. The prohibition described in this section do not apply to:

1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code;

2. Emergency response activities;

3. Vehicles performing repairs or upgrades in the right-of-way, including but not limited to street

sweeping, sewer cleaning, construction and maintenance activities occurring between the hours of 7:00 a.m. and 8:00 p.m.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

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STAFF REPORT

DATE: **April 22, 2025**
TO: **Mayor and City Councilors**
FROM: **Claudia Cisneros, City Recorder**
SUBJECT: **Request to Permit a Waiver of the Noise Ordinance from Justin Cottrell from @The Pub for Family Friendly Event – street karaoke on May 17, 2025.**

Report in Brief:

This action is the consideration of a request to permit a waiver of the Noise Ordinance.

Background:

Justin Cottrell would like to have street karaoke with amplified music (no live music/bands) on Saturday, May 17th, from 11:00am to 10:00pm at 327 NE Davis Street between 3rd Street and the alley to the North. He has already submitted a special street closure submit and now requests a noise waiver. The event will have amplified music (no live music/bands) and anticipate roughly 200 (at most.) This will not be an assembly or gathering; it is a family-friendly event with food/beverage vendors, family friendly games, and it will coincide with the UFO Fest. If approved by the Council, the City will be requesting them to notify all residents/businesses within a block radius at a minimum.

The McMinnville Municipal Code, Section 8.10.260, specifies that:

A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.

E. The prohibition described in this section do not apply to:

1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code.

In granting previous waivers, the City has requested that the applicant provide notice in advance to affected neighbors.

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Attachments:

1. McMinnville Municipal Code (MMC) section 8.10.260 Noises.

Fiscal Impact:

There is no anticipated fiscal impact.

Recommendation:

Should the Council choose to vote in favor of a motion allowing this waiver, the City Manager will write a letter to Justin Cottrell, letting him know that he has the Council's approval.

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C. For the purposes of this section, noise exceeding the following thresholds when measured 25 feet from the source if in the right-of-way or 25 feet from the property line if the source is on private property, is presumed to be a nuisance in violation of subsection A of this section:

ZONE	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.
Residential	55 dBA	50 dBA
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5. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any vehicle on any

street, public or private place, except as a necessary warning of danger;

6. *Nonemergency Signaling Devices.* The sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than 10 consecutive seconds in any hourly period, except that the reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the city for traffic control purposes are exempt;

7. *Construction Noise.* The erection, including excavation, demolition, alteration or repair, of any building in residential districts, other than between the hours of 7:00 a.m. and 8:00 p.m., except upon special permit granted by the city manager or designee;

8. *Noise Sensitive Areas: Adjacency to Schools, Churches and Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;

9. *Loudspeakers, Amplifiers, Public Address Systems and Similar Devices.* The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the city manager, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;

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sweeping, sewer cleaning, construction and maintenance activities occurring between the hours of 7:00 a.m. and 8:00 p.m.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

MINUTES OF JOINT SCHOOL BOARD OF DISTRICT NO.40 &
CITY COUNCIL WORK SESSION MEETING
Held via Zoom and McMinnville School District Office
800 NE Lafayette Ave.,
McMinnville, OR 97128

Monday, March 31, 2025 at 6:30 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Zack Geary	Jessica Payne
	Chris Chenoweth (via Zoom)	Scott Cunningham
	Dan Tucholsky	Sal Peralta, Council President

School Board Directors:	Present	Absent
	Jason Bizon, Chair	
	Abbie Warmbier, Vice-Chair	
	Lu Ann Anderson	
	Christine Bader	
	Carson Benner	
	Gerardo Partida	
	Doris Towery	
	Larry Vollmer	

Also present were City Recorder Claudia Cisneros, City Manager Jeff Towery, Public Works Director Geoff Hunsaker, Police Chief Cord Wood, and Emergency Manager Jeff Jacobs.

School District Administration: Superintendent Debbie Brockett, Board Secretary Cherice Bowden, Director of Operations Brian Crain, Director of Human Resources Steffanie Frost, Director of Curriculum, Instruction, & Assessment Kourtney Ferrua, and Director of Information Technology Hiran Amarasinghe, and District Safety Manager Martha Biggs.

1. CALL TO ORDER: Mayor Morris & Chair Bizon called the meeting to order at 6:31 p.m.

Mayor Morris noted for the record that although a City Council quorum was not present this evening, the Work Session was an information-sharing opportunity, and no actions or recommendations will be taken; nor do they plan on having these items come before the Council for future consideration or action.

DRAFT

Both School District Board members and City Council were asked to introduce themselves and state how long they've been on the board and add anything else they'd like to share.

2. EMERGENCY MANAGEMENT – OPPORTUNITIES FOR COOPERATION AND COLLABORATION

Director of Operations Brian Crane, Emergency Management Coordinator Jeff Jacobs, and District Safety Manager Martha Biggs shared a PowerPoint presentation. They presented an overview of the Emergency Management Plan covering the purpose of the work session, agenda, objectives, current joint projects, Emergency Management Program structure, planning process, some identified threats, timeline, and support.

There was discussion about the timeline for the plan as well as each objective within each date. The timeline ranging from February 2025 through January 2026. Mr. Crane shared a list on "How we can support each other" which included items like possible joint trainings and drills, sharing plans, traffic control, and many more. Additionally, Mr. Crane shared the two points on "How you can support" which were:

1. Continue to provide clear direction based on Council and Board initiatives.
2. Provide ongoing resources.

3. AFTER SCHOOL CARE - SCHOLARSHIPS

Superintendent Brockett gave a brief update on the After School Care programs like Kids on the Block (KOB) and Campfire as well as updates on Scholarships for those programs. Ms. Brockett stated that in January, YMCA took over the after-school program from Campfire, doing excellent work, but noted that the after-school program has been reduced from five schools to three locations.

Mayor Morris stated that she's met with Superintendent Brockett to discuss ways to fundraise, but neither side being the fundraiser, but having a third party, possibly a nonprofit, to take that role on.

There was discussion on how other communities do it to obtain scholarship opportunities and possibilities for grants. There was further discussion and questions answered on after-school care and scholarships.

4. ADJOURNMENT: Mayor Morris & Chair Bizon adjourned the Joint Work Session Meeting at 8:05 p.m.

Claudia Cisneros, City Recorder

DRAFT

CITY OF McMINNVILLE
MINUTES OF JOINT CITY COUNCIL,
YAMHILL COUNTY BOARD OF COMMISSIONERS, &
MCMINNVILLE URBAN RENEWAL ADVISORY COMMITTEE (MURAC)
WORK SESSION
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, April 08, 2025 at 5:30 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Sal Peralta, Council President	
	Zack Geary	
	Chris Chenoweth	
	Jessica Payne	
	Scott Cunningham	
	Dan Tucholsky	

Yamhill County Commissioners:	Present	Absent
	Kit Johnston, Chair	
	Mary Starrett, Vice-Chair	
	Bubba King	

MURAC members:	Present	Absent
	Peter Kircher, Chair	Walt Gowell
	Mike Morris, Vice-Chair	
	Dan Gibson	
	Dani Chisholm	
	Dave Rucklos	
	John Dietz	
	Timothy Wade – via Zoom	
	Diana Riggs – via Zoom	
	Abigail Neilan – via Zoom	
	Lisa Pool – via Zoom	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Finance Director Katie Henry, Community Development Director Heather Richards, Police Chief Cord Wood, City Engineer James Lofton, Information System Director Scott Burke, Public Works Director Geoff Hunsaker, Library Director Jenny Berg, Parks & Recreation Director Susan Muir, Communications & Engagement Manager Noelle Amaya, Human Resources Director Vicki Hedges (via Zoom), and *members of the News Media – Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom).*

DRAFT

Yamhill County Administration: County Administrator Ken Huffer, County Counsel Christian Boenisch, and Board of County Commission staff Jessica Andre

1. CALL TO ORDER: Mayor Morris called the meeting to order at 5:30 p.m. and welcomed all in attendance.

2. DOWNTOWN PUBLIC LANDS – FUTURE STRATEGIES:

Community Development Director Heather Richards introduced the topic and introduced MURAC chair Peter Kircher. Discussed the need for a 20-year development plan for downtown McMinnville, dubbed "Downtown 2045." The focus is on city and county-owned properties, improving operations, and encouraging program delivery. Both the city and county are in the process of evaluating their downtown property holdings, recognizing the importance of coordination for future growth. The discussion centered around the city's vision for downtown urban renewal by 2045, emphasizing the need for a strategic plan to build on existing successes while addressing challenges. This involves assessing city and county properties and identifying opportunities for growth or redevelopment.

Ms. Richards stated that the project, funded by the Urban Renewal Agency, aims to review existing land uses, set future land use goals, evaluate development opportunities, and amend the downtown urban renewal plan if needed. She shared maps of publicly owned downtown properties and a history of planning efforts in McMinnville. The final deliverables include a master plan, an action plan, visuals, and possibly an updated urban renewal plan.

County Administrator Ken Huffer provided a history of how the relocation of County offices to the Oregon Mutual Institute (OMI) building came about, which started with an assessment five years ago assessing their properties for potential redevelopment, growth, maintenance limitations, and deferred maintenance. The opportunity presented itself, and the County acquired both locations. Mr. Huffer mentioned the county is working on consolidating departments into the OMI's new location, freeing up eight properties, starting with the vacated Public Health building. The first property is set to be listed soon, with more expected in the coming year. The county plans a phased rollout to avoid vacating all properties at once.

Ms. Richards posed the first question of "*what are your current and future needs relative to your property downtown?*" and opened it up for all to discuss.

Commissioner Starrett stated that they need to focus on the county's financial responsibility and the need to reduce debt.

DRAFT

Mr. Huffer stated there is consideration for acquiring new properties for public health services and additional courtroom space. The county is looking at redeveloping the second building to improve facilities and meet future needs for the courthouse and jail, without building new structures.

There was discussion on the possible repurposing of downtown buildings for county services, including a dog control facility. However, financial feasibility is a concern, as the county currently lacks funds for this initiative. Alternative solutions, like contracting with Homeward Bound's new facility, were discussed.

Concerns were expressed regarding the compatibility of a potential detox facility next to the community center, as the clientele and programming might not align. Commissioner Starrett clarified that the detox center would serve individuals committed to recovery, not active drug users.

There was an inquiry from Councilor Peralta about the possibility of leasing part of the property to the city, but no immediate opportunities were identified. The county has purchased the OMI property for future use, with a portion of the space being leased back to OMI for the next five years.

City Manager Jeff Towery noted the city's 2019 facilities assessment focused on replacing the aquatic and community centers with a new, unified facility. Other facility needs are still under evaluation. Ms. Richards clarified and outlined the process and timeline to complete the redevelopment of a single block with possible demolition or relocation for the project. Also provided an update on properties within the urban renewal district, which are currently generating tax revenue based on their initial value, clarifying the district is set to expire in 2038, but that timeline is not fixed as it's the expected expiration date based on the implementation of the plan.

There was recognition from several for the need for continued collaboration between the city and county for effective downtown redevelopment.

3. ADJOURNMENT: Mayor Morris adjourned the joint work session meeting at 6:46 p.m.

_____

Claudia Cisneros, City Recorder

DRAFT

CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, April 08, 2025, at 7:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Sal Peralta, Council President	
	Zack Geary	
	Chris Chenoweth	
	Jessica Payne	
	Scott Cunningham	
	Dan Tucholsky	

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Finance Director Katie Henry, Community Development Director Heather Richards, Police Chief Cord Wood, City Engineer James Lofton, Information System Director Scott Burke, Public Works Director Geoff Hunsaker, Library Director Jenny Berg, Parks & Recreation Director Susan Muir, Human Resources Director Vicki Hedges (via Zoom), and *members of the News Media – Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 7:01 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE

Councilor Jessica Payne led the Pledge of Allegiance.

3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT: Mayor Morris invited the public to comment.

City Recorder Claudia Cisneros stated the city received two emailed written comments from Community Members for the City Council, which have been emailed to the City Council and will be entered into the record on the amended packet posted tomorrow.

William Sykes, McMinnville Community Member, is requesting action on persistent noise disturbances caused by loud and modified vehicles and expressed frustration over a perceived lack of enforcement compared to minor violations. Shared personal experience while on 3rd Street. Emailed

supporting materials, including audio evidence, a proposed solution, and a copy of the municipal code.

Ames Bierly, McMinnville Community Member and local business owner, expressed appreciation for McMinnville, highlighting its welcoming and inclusive atmosphere. Noting that he frequently hears about the city's beauty and how inviting it looks. Stated that pride flags displayed around the city help individuals feel safer and more supported and hopes that McMinnville will continue to be a place of caring and inclusion for many years to come.

Margaret Cross, McMinnville Community Member, provided comment regarding her concerns about the enforcement of city ordinances regarding noise, specifically the lack of enforcement. Shared her experience with a band that meets on her street in late afternoons and early evenings

4. PRESENTATION

4.a. McMinnville Water & Light (MW&L) Update Presentation from General Manager John C. Dietz

MW&L General Manager John Dietz shared a PowerPoint presentation of a semi-annual update to the Council, reporting on project updates, facility project updates, Bonneville Power Administration (BPA) rate updates, and the American Public Power Association (APPA) Legislative Rally and Water Day at the Capitol events attended.

5. ADVICE/ INFORMATION ITEMS

5.a. Reports from Councilors on Committee & Board Assignments

Councilor Geary had nothing to report for Visit McMinnville, the final meeting for the 3rd street improvement project is scheduled for April 14th at 1:00 p.m. via Zoom only. Stormwater hasn't had a scheduled meeting, MURAC discussed subcommittee recommendations and the recommendation to have the Council negotiate with the RFP provider for RB Rubber and approved a grant for a forgivable loan on Alpine.

Councilor Tucholsky stated the Airport Commission has not met, the YCOM Executive Board will start budgeting on May 20th and worked with the Budget Committee to bring on three new members.

Councilor Payne mentioned the Landscape Review Committee meets tomorrow, LPSCC will meet next week, and the Audit Committee is done for the year.

Council President Peralta said the Planning Commission met last week had work session on the city's housing production strategies, staff discussed 16 recommendations for expanding housing inventory and discussed the statewide bill that would significantly restrict the city's ability to implement planning priorities and affect funding for planning.

Councilor Chenoweth had nothing to report.

Councilor Cunningham mentioned the Affordable Housing Committee went through similar discussions, as stated by Council President Peralta, relating to housing production strategy. Went through his first application with the Historic Landmarks Committee and appreciates the committed work it takes.

Mayor Morris stated met with Provoking Hope and toured their new facility, had conversations regarding solutions for some of the garbage, loitering, and future joint efforts. Attended Municipal Court as well as several other meetings with stakeholders.

5.b. Department Head Reports Continued

City Recorder Claudia Cisneros reminded the Council that their Statements of Economic Interest (SEI) filing deadline is April 15th.

Public Works Director Geoff Hunsaker stated they will have the stormwater work session next week, and the solids project at the wastewater treatment plant has started testing their clean water today.

City Attorney David Ligtenberg started working on the Code related to surplusage of personal property and will be before the City Council next month.

City Manager Jeff Towery noted the quarterly report he emailed to the Council and will be attending and presenting at the MW&L Commission meeting next week.

Finance Director Katie Henry talked about staffing challenges in the Municipal Court department and the impact it has on their workload. The Finance team is focused on the budget.

Community Development Director Heather Richards stated the Innovation Campus project survey is underway, the survey will be open until April 11th, and can be found on iheartmac.org. Have about 350 responses and the goal is 500. In the process of developing an Arbor Day event which will be on April 25th at 4:30 p.m. at the library in City Park.

Police Chief Cord Wood mentioned losing two employees this week but has several in various stages of the hiring process. After 10 years, Tucker, the canine detection/drug detection dog, has retired.

Parks & Recreation Director Susan Muir thanked those who were able to attend the retirement party last Friday. The elevator at the Community Center has been out of service since February 19th. Anticipating the timeline to fix the elevator would be 6 to 8 months and looking for other rental spaces. Reminded Council the revenue generated from 2023 Community Center was $50,000 so anticipate an impact on revenue while the elevator is down.

DRAFT

Library Director Jenny Berg shared an apple peeler from the library of things that's available to borrow. The library has received a grant to purchase several books, including The Anxious Generation by Jonathan Hate.

Human Resources Director Vicki Hedges started the first round of Parks and Recreation Director interviews. Director. Will be interviewing six candidates.

5.d. Council Meeting Schedule Discussion Continued

Mayor Morris opened the floor for discussion. There was discussion on the proposed request to move the date of the City Council meetings. The consensus was to leave the meeting dates as is.

6. CONSENT AGENDA

a. Consider **Resolution No. 2025-10:** A Resolution awarding the contract for the Cypress and Fellows Paving Project 2024-10.

Councilor Geary MOVED to adopt the consent agenda as presented; SECONDED by Council President Peralta.

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

*Motion **PASSED** unanimously by a vote of **6-0**.*

7. RESOLUTION

7.a. Consider **Resolution No. 2025-11:** A Resolution establishing a Stormwater Utility Fund and Stormwater Capital Fund.

Councilor Chenoweth MOVED to approve Resolution No. 2025-11 establishing a Stormwater Utility Fund and Stormwater Capital Fund; SECONDED by Councilor Cunningham.

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

*Resolution No. 2025-11 **PASSED** unanimously by a vote of **6-0**.*

8. ADJOURNMENT: Mayor Morris adjourned the meeting at 7:57 p.m.

Claudia Cisneros, City Recorder

DRAFT

City of McMinnville
Public Works Department
Wastewater Services Division
3500 NE Clearwater Drive
McMinnville, OR 97128
(503) 434-7313
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **April 22, 2025**
TO: **Jeff Towery, City Manager; Geoffrey Hunsaker, Public Works Director**
FROM: **Leland Koester, Wastewater Services Manager**
SUBJECT: **Wastewater Financial Plan Review**

Report in Brief:

In 2022 the City of McMinnville completed a sanitary sewer rate analysis. The City contracted with Galardi Rothstein Group to conduct a review of our current rates and review the needs of our wastewater financial plan.

Background:

The City had been increasing sewer rates every year at a rate increase of 2.5%. However, with the onset of the COVID-19 Pandemic the City chose to freeze sewer rate increases. In 2022, Galardi Rothstein Group was contracted to do a review of the City's Wastewater Financial Plan. They reviewed the current rate structure and an updated Wastewater Financial Plan including the new costs of the Solids handling changes figured in.

Based on this information it was determined that the financial plan would be able to remain at the present rates until July of 2023. At that point the City

would need to continue the 2.5% rate increases to support the needs of the Wastewater Financial Plan. There were no increases to the sewer rates in 2020, 2021, and 2022. Over that same period the Construction Cost Index increased by 25.5% due to inflation in the construction market which most closely aligns with our sewer operating costs. Oregon Department of Environmental Quality (DEQ) Regulates our National Pollutant Discharge Elimination System (NPDES) Permit which requires us to properly maintain and operate equipment as per the manufacturers' recommendations and to have critical spare parts on hand. Properly funding the facility is necessary to meet our NPDES permit requirements.

The City increased the rates by 3.5% in July of 2023 and 2024. The additional 1% increase was to cover the costs of franchise fees and new billing fees.

As we wrap up our Wastewater Master Plan, Galardi Rothstein Group will be reviewing the plan with the capital needs and reassessing rates for future years.

Attachments:

1. 2022 Rate Update Memo
2. Sewer Rate comparison
3. Resolution No. 2025-09

Recommendation:

Staff recommend that the City Council raise the Wastewater Sewer rates by 2.5% for the 2025/26 fiscal year to support the needs of the Wastewater Financial Plan.

MEMORANDUM

PREPARED FOR:	Leland Koester, Wastewater Services Manager
PREPARED BY:	Deb Galardi, Galardi Rothstein Group
SUBJECT:	Fiscal Year 2021-22 Wastewater Rate Study Findings
DATE:	March 9, 2022

Introduction

The City of McMinnville (the "City") has a long-standing practice of reviewing wastewater rates every two years and implementing rate increases to keep pace with cost escalation and system investment needs. The last rate analysis was conducted in Fiscal Year (FY) 2019-20. Based on the prior study findings, annual rate increases of 2.5 percent were recommended for the five-year period FY 2021-22 through FY 2025-26. However, in response to affordability concerns brought on by the COVID-19 pandemic, the City has not raised rates since July 1, 2019.[1]

This memorandum presents the findings of the FY 2021-22 rate analysis for the wastewater system. The financial analysis provides the framework from which to estimate future rate changes needed to support continued implementation of the wastewater system Capital Improvement Plan (CIP), and to fund ongoing operations, maintenance, and capital replacement costs. The rate increases identified in this memorandum are assumed to be applied across-the-board to the City's current wastewater rate structure. The rate structure was developed in 2015 as a result of a comprehensive rate equity review. The recommendations from the equity review were phased in over multiple years, with the final changes reflected in the FY 2018-19 rates.

Financial Plan Development

The building blocks of the financial analysis are the projections of costs or "revenue requirements" that the wastewater system will incur during the 10-year planning period (FY 2021-22 through FY 2030-31, and the revenues under existing rates projected during the same period.

Revenue Requirements

The primary components of revenue requirements are:

- Operation and maintenance (O&M) costs – Ongoing personnel and other costs associated with system operation and routine facility maintenance, and equipment replacement costs.

[1] City of McMinnville Resolution 2019-08.

- Capital Transfers - Annual capital improvement projects funded by rates and reserves.

In addition, annual requirements include operating contingencies equal to 120 days of O&M (personnel and materials and services) costs. However, 100 percent of annual contingencies are assumed to be unspent and roll forward to subsequent year beginning balances.

Assumptions

Revenue requirements were projected based on data provided by the City, including actual expenses for FY 2019-20 and FY 2020-21, and budgeted expenses for FY 2021-22. Future year projections are based on assumptions related to customer growth, inflation, and other factors, as well as the specific phasing of the wastewater system CIP.

The following general assumptions were used in developing the wastewater system financial plan:

- Customer growth will occur at an average rate of 0.4 percent annually.
- Operation and maintenance costs will escalate at annual rates of 3-6 percent, based on projected inflation, system growth, and historical trends. Specific escalation factors used are:
  - Salaries & Wages – 5.5% (FY 2022-23); 4% in subsequent years
  - Benefits – 6%
  - Materials and Services – 4%
  - Insurance & Utilities – 5%
- Interest earnings accrue at an average annual rate of 1.0%.
- Average annual SDC revenue = $325,000.
- Capital costs escalate at an average annual rate of 4%.

Beyond the base escalation factors for salaries and benefits for existing personnel, the financial forecast includes the following additional staff positions:

- Pretreatment or lab FY 2021-22
- Operator II FY 2022-23
- Facility maintenance FY 2024-25
- Pretreatment or lab FY 2025-26
- Operator II FY 2027-28

Operation and Maintenance Costs

Table 1 shows actual O&M costs for the wastewater system for FY 2019-20 and FY 2020-21, as well as estimated costs for the budget year (FY 2021-22).

Table 1
Wastewater Financial Plan
Operations and Maintenance Costs

Item	Actual 2019-20	Actual 2020-21	Budget 2021-22
Personnel Services	$2,044,366	$2,192,813	$2,311,191
Material & Services	1,394,563	1,437,388	1,709,264
Other Expenditures			
Franchise Fees	541,666	522,027	524,835
Transfers (General Fund)	378,648	405,363	415,573
Capital Outlay	168,100	60,643	127,826
Total O&M Costs	**$4,527,343**	**$4,618,234**	**$5,088,689**

Projections of O&M costs are shown in Attachment 1 and include general cost escalation discussed previously.

Capital Improvement Plan

The 10-year CIP is summarized in **Table 2**. The total projected improvement costs are about $75.0 million, including inflation. The first half of the plan includes about two-thirds of the anticipated spending driven by the administration building improvements, next generation autothermal thermophilic aerobic digestion (ATAD), and ongoing system rehabilitation. The City plans to update the wastewater facility plan over the next couple of years which is likely to result in identification of improvements at the end of the planning period. The current CIP includes potential expenditures of $10-$15 million in FY 2030-31 pending completion of the updated plan.

Table 2
Wastewater Financial Plan
Summary of Capital Projects (FY2019/20 - FY2028/29)

Item	Total
Collection System	
Buildout Rehabilitation	$13,727,659
3ml Ln Bridge Force Main	75,000
WRF - Liquids	
Administration Building[1]	12,984,192
Pre-Screening Structure/ Diversion Structure	3,442,084
WRF - Solids	
Next Generation ATAD	21,078,656
Dewatering Process (Equipment and Building)	1,423,312
Odor Control	540,800
Facility Plan Projects (TBD)	14,233,118
Investigation and Consultant Services	
Model / master plan updates	1,452,400
Equipment Replacement	
Miscellaneous Treatment and Pump Stations	6,179,625
TOTAL	**$75,136,845**

[1]Total estimated costs (includes some funding from other city funds).

The following key assumptions were made with respect to capital funding:

- The City will spend available system development charge (SDC) revenues on eligible capital projects, estimated to total about $3.3 million through the study period.
- Annual revenue from rates available for capital expenditures will average about $5.6 million ($56 million total) over the study period.
- A portion of the administrative building will be funded by other City departments through a loan from the wastewater fund.
- The remainder of CIP funding will come from interest earnings and capital reserves (which as of July 1, 2021, were about $36.1 million).

As in prior plans, the City anticipates continuing to fund the CIP on a pay-as-you-go basis, with no debt financing.

Projected Revenue and Rates

Figure 1 shows the projections of revenues and requirements from rates by major expense component for the current year and first five years of the financial forecast. Projected ending fund balances for the wastewater fund (Fund 75) are also shown.

In FY 2021-22, revenue from existing rates is estimated to be about $10.5 million. This estimate is based on the City's existing rate schedule and the current billing units (accounts and estimated billed water volumes) by customer class reported by McMinnville Water and Light's billing system. The number of accounts in the billing system for FY 2021-22 is approximately 11,300. As the system grows, wastewater sales revenues at existing rates are projected to be slightly above $11.0 million by FY 2025-26, assuming continued modest customer growth and stable industrial revenue.[2]

Rate Increases

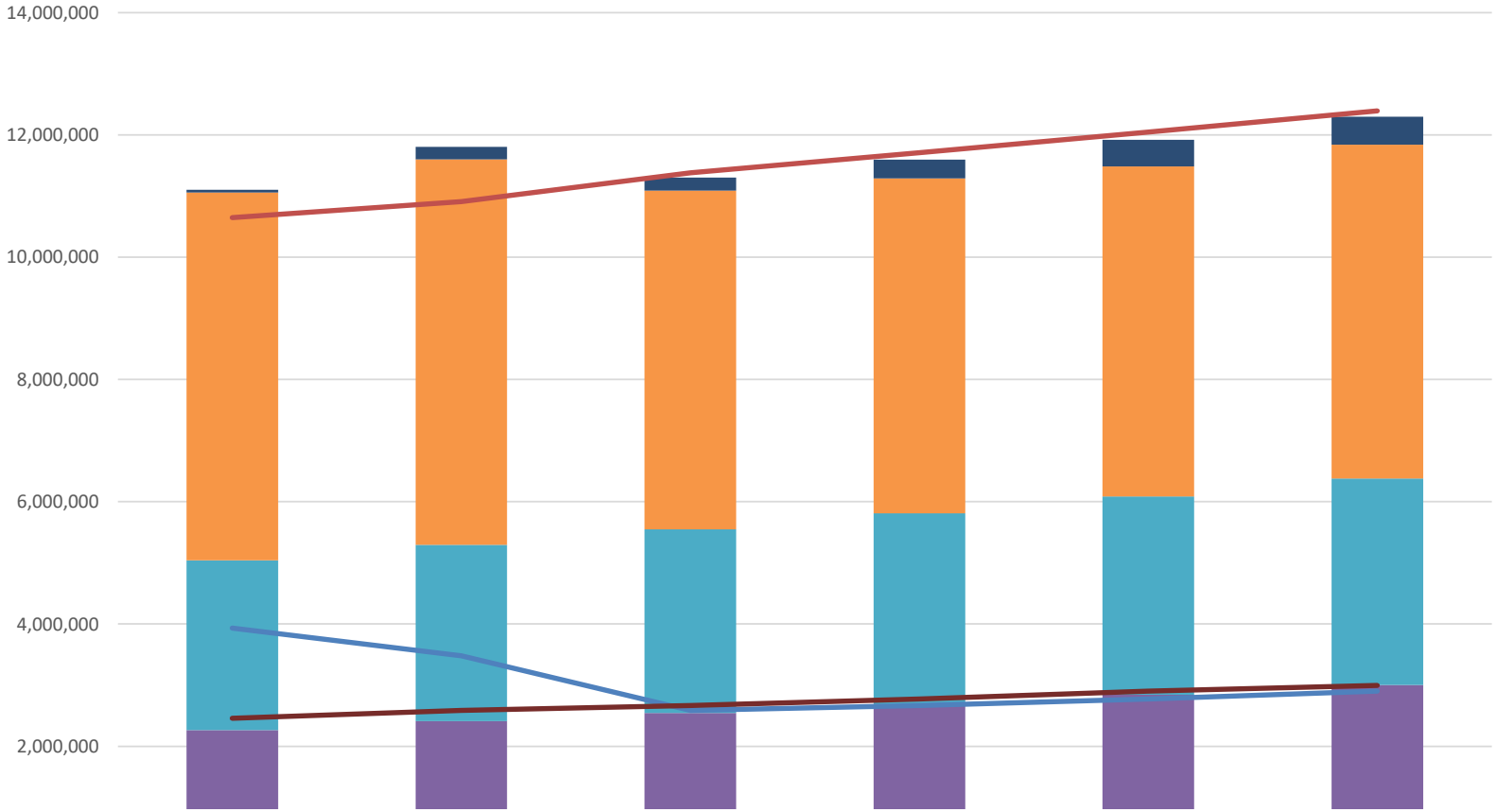
In order to fund the projected revenue requirements shown in Figure 1, and to maintain cash reserves consistent with past practices, rate recommendations are as follows:

- FY 2021-22 and FY 2022-23: no rate increases
- Beginning July 1, 2023 (FY 2023-24) and annually thereafter: 2.5 percent rate increases

The current analysis indicates that the City has flexibility to continue without a rate increase through FY 2022-23, due to both: (1) higher than projected water sales and customer growth, and (2) an overall reduction in projected capital and O&M expenses, compared to the prior plan. Updated expenses are projected to be about $17 million lower over the FY 2020-21 to FY 2028-29 period (the common years of the two plans). In the short-run O&M "savings" resulted from deferred increases in staffing positions and reduced routine capital and vehicle replacements. More significantly, while the current CIP is higher in the first five years, it is about $13 million lower overall compared to the prior plan.

[2] The financial plan considers a reduction in production at one of the City's largest industrial customers (Organic Valley) in FY 2021-22; however, wastewater flows are assumed to return to return to pre-2022 levels by FY 2023-24.

Figure 1 -- Forecast Rate Revenue, Requirements and Wastewater Fund Balances

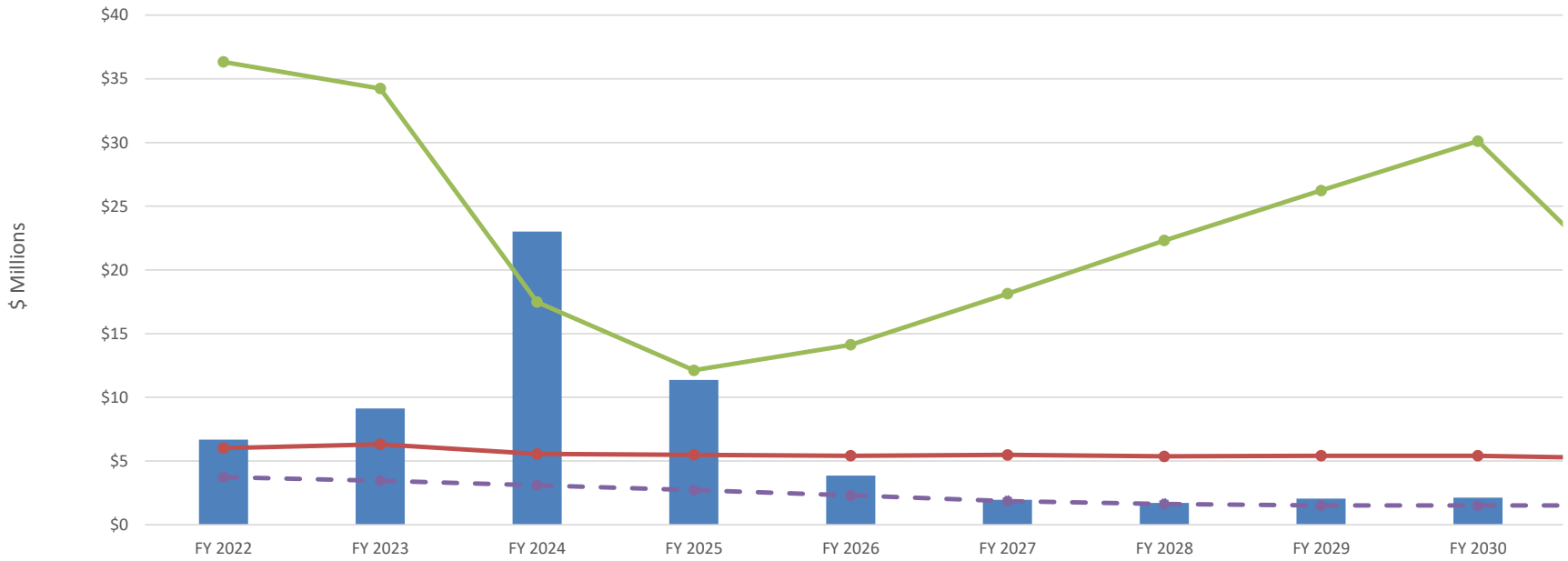


It is recommended that annual inflationary-level increases resume in FY 2023-24 years to keep pace with general cost inflation, and to maintain capacity in the rates to fund future capital improvements. Future rate increases should be further evaluated in the context of continued expense and revenue growth, and the results of the upcoming facility plan update.

Figure 2 shows projected CIP costs, designated reserves, and ending fund balances for the City's capital projects fund (Fund 77) over the planning period. Reserves include required balances associated with the City's Public Employee Retirement System (PERS) obligations (which decrease over the planning period), as well as a $1.5 million capital contingency.

Based on the projected CIP phasing and wastewater fund transfers, the capital projects fund balance is projected to fluctuate significantly throughout the plan. While the projected fund balance at the end of the plan is $20 million lower than current levels, it is within the range historically maintained by the City, and at a level sufficient to provide flexibility for cash funding large capital projects. However, rate increases and capital reserve targets should be considered further following refinement of the administrative building cost estimate and funding contributions from other City departments, and completion of the wastewater facilities plan update which will result in an updated long-term CIP.

Figure 2 - Projected Capital Costs and Reserves



Rates

Table 2 provides the City's existing rate schedule and recommended rates for FY 2022-23 (no increase) and FY 2023-24 (including a 2.5 percent increase). Rates are based on a fixed monthly charge (assessed per equivalent dwelling unit) and volume rate applied to billable water volumes (winter water use for all residential and some commercial customers). Industrial customers are charged based on their strength class which is determined for each customer from wastewater sampling data.

Table 2
City of McMinnville
Wastewater System Plan
Rate Schedule

	FY 2021-22	FY 2022-23	FY2023-24
Customer Charge ($/month)			
Residential	$22.38	$22.38	$22.94
Residential Flat	$64.86	$64.86	$66.48
Commercial	$22.38	$22.38	$22.94
Industrial	$22.38	$22.38	$22.94
Volume Charge ($/ccf)			
Residential	$6.07	$6.07	$6.22
Commercial	$7.51	$7.51	$7.70
Industrial Low	$6.24	$6.24	$6.39
Industrial Medium	$7.52	$7.52	$7.71
Industrial High	$9.70	$9.70	$9.95
Industrial Very High	$11.42	$11.42	$11.71
Industrial Super High	$14.43	$14.43	$14.79

Conclusions

The financial analysis is based on available information on revenue, expenditures, customer accounts, and water use as of December 2021. There will usually be differences between assumed and actual conditions because events and circumstances frequently do not occur as expected, and those differences may be significant. Among the variables that could impact future rate increases are changes in customer growth and economic and other factors impacting water consumption patterns.

Furthermore, any changes to capital improvement funding or other key assumptions would likely necessitate changes to the recommended rate increases. Therefore, it is important that the City continue to update the financial plan every two years and revise as needed.

Attachment 1

Wastewater Fund Forecast Sources

Fund 75 - Wastewater Fund

	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31
Sources of Funds										
Beginning Fund Balance	$3,934,952	$3,479,641	$2,586,443	$2,664,522	$2,774,957	$2,900,375	$2,995,678	$3,128,833	$3,236,969	$3,351,361
Property Rentals House	13,200	13,200	13,200	13,200	13,200	13,200	13,200	13,200	13,200	13,200
Property Rentals Farm	13,128	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000
Sewer User Charges	10,494,927	10,756,539	11,233,246	11,558,214	11,892,527	12,236,804	12,591,005	12,955,446	13,331,153	13,717,757
Septage Fees	90,000	90,000	92,250	94,556	96,920	99,343	101,827	104,372	106,982	109,656
Interest	20,000	34,796	25,864	26,645	27,750	29,004	29,957	31,288	32,370	33,514
Other Income	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Transfers In Insurance Services	14,442	-	-	-	-	-	-	-	-	-
Total Sources of Funds	**$14,581,649**	**$14,388,177**	**$13,965,004**	**$14,371,138**	**$14,819,354**	**$15,292,726**	**$15,745,666**	**$16,247,139**	**$16,734,674**	**$17,239,488**
Uses of Funds										
Salary Expenses	$1,406,028	$1,637,109	$1,704,625	$1,860,145	$2,050,077	$2,136,451	$2,325,130	$2,423,940	$2,526,993	$2,778,747
Benefits	905,163	976,337	1,053,467	1,137,080	1,227,750	1,326,106	1,432,831	1,548,676	1,674,460	1,811,076
Material & Services	1,709,264	1,775,635	1,846,660	1,920,526	1,997,347	2,077,241	2,160,331	2,246,744	2,336,614	2,430,079
Franchise Fees	524,746	537,827	561,662	577,911	594,626	611,840	629,550	647,772	666,558	685,888
Capital Outlays	127,826	132,939	138,257	143,787	149,538	155,520	161,741	168,210	174,939	181,936
Transfers Out General Fund	361,697	379,782	398,771	418,709	439,645	461,627	484,709	508,944	534,391	561,111
Transfers Out Wastewater Capital	6,013,408	6,305,535	5,537,642	5,475,654	5,394,509	5,459,502	5,350,343	5,390,074	5,389,759	5,187,207
Transfers Out Information Systems	53,876	56,570	59,398	62,368	65,487	68,761	72,199	75,809	79,599	83,579
Ending Fund Balance -- June 30										
Fund Balance	1,021,221	-	-	(0)	-	-	-	0	-	-
Contingency (120 Days)	1,458,420	1,586,443	1,664,522	1,774,957	1,900,375	1,995,678	2,128,833	2,236,969	2,351,361	2,519,866
Reserves	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total Uses of Funds	**$14,581,649**	**$14,388,177**	**$13,965,004**	**$14,371,138**	**$14,819,354**	**$15,292,726**	**$15,745,666**	**$16,247,139**	**$16,734,674**	**$17,239,488**

City Sewer Rates

Attachment #2

City Sanitary Rates

City	Base Rate	Volume Charge/100 CF	Volume charge based on 600 CF	Total Sewer Bill	Rate Year
Newberg	$32.51	$10.57	$63.42	$95.93	2024
Lake Oswego	$93.22			$93.22	**2025**
Lebanon	$28.25	$8.06	48.36	$76.61	2024
Oregon City	WES - $31.15	Collection - $37.36	Flat Fees	$68.51	2024
Woodburn	$55.88	$10.83	10.83	$66.71	2024
McMinnville (new)	**$24.57**	**$6.66**	**$39.96**	**$64.53**	**2025**
Ashland	$33.94	$5.06	30.384	$64.32	2019
Albany	$44.50	$3.14	$18.84	63.34	2024
Milwaukie	$38.71	3.99	23.94	$62.65	2024

RESOLUTION NO. 2025-09

A Resolution establishing revised sanitary sewer user fees; and repealing Resolution 2024-13

RECITALS:

Whereas, the Oregon State Department of Environmental Quality (DEQ) has issued standards regarding funding the operation and maintenance of treatment facilities to meet NPDES permit requirements; and

Whereas, the enactment of the fee schedule as herein set forth is required to comply with those standards; and

Whereas, In 2022, The City of McMinnville completed a sanitary sewer rate analysis. The findings from that work indicated that revenues from user fees need to increase 2.5 percent per fiscal year starting July 1, 2023, and annually thereafter to cover the costs of planned capital improvements and operating costs; and

Whereas, Resolution 2024-13, which set the current rates, will be repealed by this resolution. Future rates will be adjusted by City Council action, and the City will continue to complete biennial reviews of the actual revenues and expenses to verify that the needs are being met.

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

1. That the following fee schedule be adopted:

SANITARY SEWER FEE SCHEDULE

Sewer User Fees.

A Customer Service Charge. Water meters serving individual single-family living units, multiple single-family living units, and individual commercial or industrial customers shall be charged the Customer Service Charge for each unit that has access to water. Multi- family, duplex, and manufactured home parks comprised of individual single-family units or mixed-use structures (such as residential and commercial) shall be charged on the basis of the total number of single-family living units and/or individual commercial units that receive water service from one meter as permitted by the City. The Customer Service Charge shall be:

1. Residential- $24.57 per living unit
2. Commercial/Industrial- $24.57 per account

B. Volume Charge. Residential customers are charged a volume charge based on actual water consumption in the winter months of December, January, February and March billing periods. The remaining eight months, the volume charge

is based on the lesser of actual consumption or the average of the winter months' water use.

Commercial and Industrial customers are generally billed a volume charge on actual water use throughout the year. Some commercial customers that do not use water in their commercial enterprise, and that do not have an isolated water service for irrigation uses, can be billed the volume charge based on the lesser of actual consumption or the average of the winter month's water use.

New residential customers without a winter average billing history will be assigned a 500 cubic feet winter average volume. New commercial and industrial customers who are eligible and do not have a winter average billing history will be assigned a winter average volume consistent with the service location's historical winter average volume.

Residential service locations that are vacant during the winter months or have zero water consumption shall be assigned a 500 cubic feet winter average volume.

When a service location experiences a water leak that does not flow into the sanitary sewer system, customers may be eligible for an adjustment based upon the customer's water consumption patterns prior to, and/or after, the leak is repaired.

1. Residential- $6.66 per hundred cubic feet of water
2. Non-monitored Commercial/Industrial- $8.25 per hundred cubic feet of water
3. Monitored Commercial/Industrial classifications:
   - Low strength - $6.85 per hundred cubic feet of water
   - Medium strength- $8.26 per hundred cubic feet of water
   - High strength - $10.65 per hundred cubic feet of water
   - Very high strength- $12.54 per hundred cubic feet of water
   - Super high strength- $15.85 per hundred cubic feet of water

C. Flat-rate Customers. Residential Customers that are connected to the sanitary sewer system, but are not on a metered water system, shall pay for sanitary sewer service on a fixed monthly rate per living unit or account at the following rate:

1. Residential - $71.21 per living unit

D. Residential Septic Waste. Residential waste from septic tanks is hauled by commercial service providers and is discharged at the Water Reclamation Facility.

Residential Septic Waste- $0.15 per gallon.

E. Franchise Fee. A franchise fee in the amount of six percent (6%) is assessed on all wastewater revenues generated from the user fees set forth in this resolution, which shall be transferred to the General Fund for appropriation by the City Council.

2. **That Resolution 2024-13 be repealed.**

EFFECTIVE DATE

The effective date of this Resolution shall be July 1, 2025.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22nd day of April 2025, by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of April 2025.

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **April 22, 2024**
TO: **Mayor and City Councilors**
FROM: **Heather Richards, Community Development Director**
SUBJECT: **Resolution No. 2025-12: For an Annexation Agreement with Jose Garcia for the future annexation of those portions of Parcels 1 and 2 that remain in the McMinnville UGB with the partition of Tax Lot R4524-904**

STRATEGIC PRIORITY & GOAL:

GROWTH & DEVELOPMENT CHARACTER
Guide growth & development strategically, responsively & responsibly to enhance our unique character.

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

Report in Brief:

This is the consideration of Resolution No. 2025-12, authorizing the City Manager to sign an Annexation Agreement with Jose Garcia for the consideration of annexing the urban growth boundary portions of Parcels 1 and 2 created by the minor partition of his property, Tax Lot R4524 -904 into the McMinnville city limits when warranted by adjacent annexations to the subject properties.

This is the result of a condition of approval of the land-use decision for Docket MP 3-22 to prevent a future county island within the city limits.

A portion of Jose Garcia's current property prior to partitioning, is within the city limits and McMinnville's urban growth boundary (UGB). The subject site is located on the western edge of the city limits on the northern side of Redmond Hill Road. (See Figure 1, Vicinity Map). The portion within the UGB is too small for a legal buildable county property and is not necessary to annex into the city currently to create legal buildable lots within the city limits, resulting in a partition that creates three parcels with two parcels, Parcels 1 and 2, having some property still remaining in the UGB. (See Figure 2, Tentative Partition Map).

This annexation agreement will be recorded on the parent parcel before partitioning and then on the resulting parcels created so that when an adjacent property to the west or south annexes into the city, the remainder UGB portions will annex into the city as well in order to prevent a county island.

Revised on 04.21.2025

Figure 1. Vicinity Map

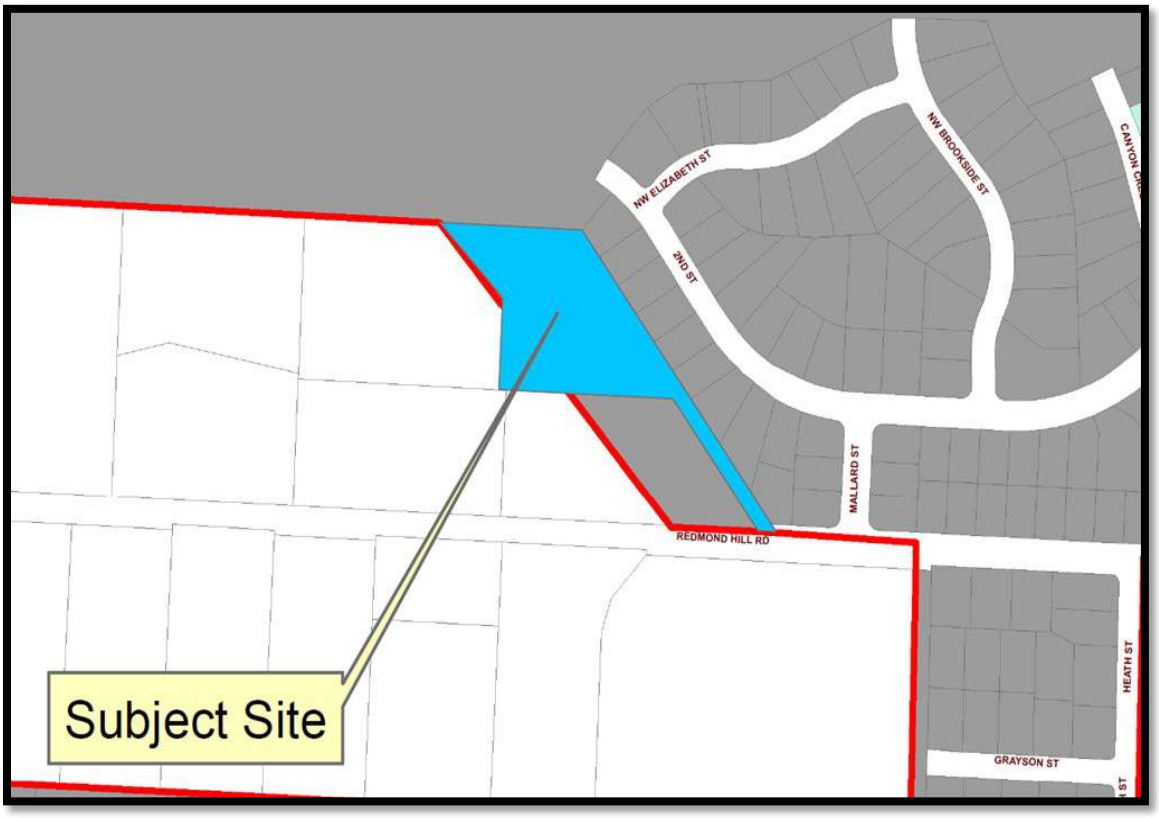
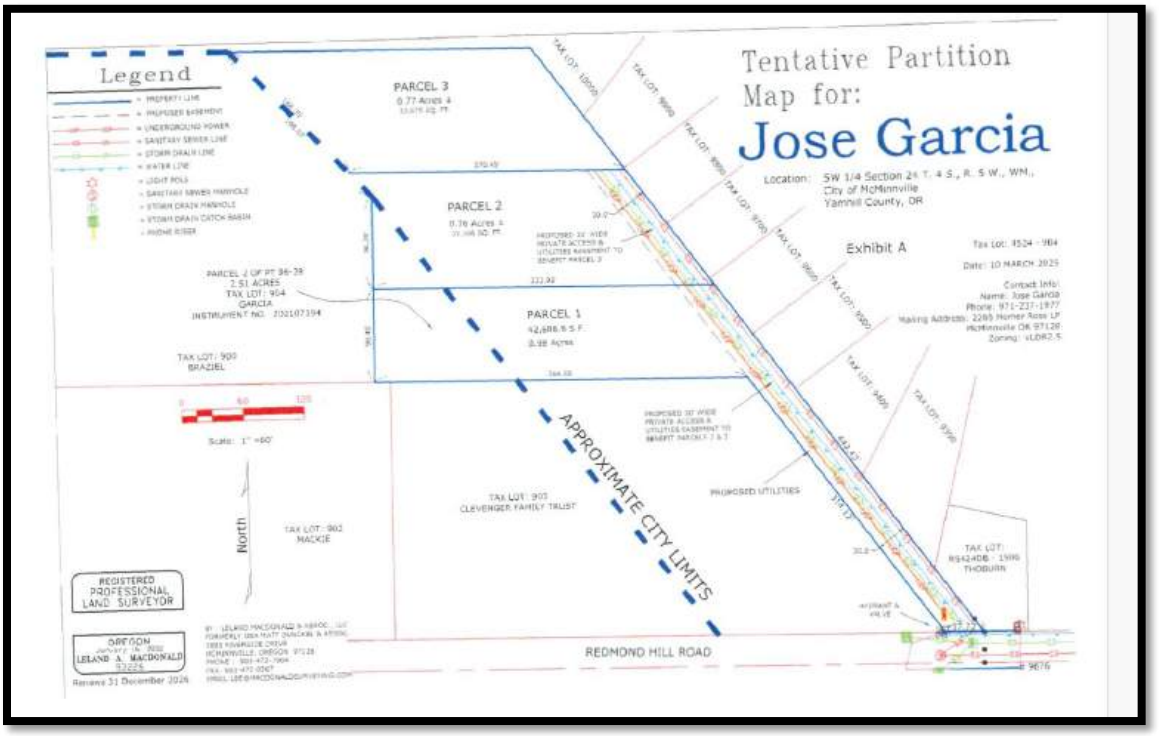


Figure 2. Tentative Partition Map



Background:

Annexation is the process by which a municipality, upon meeting certain requirements, expands its corporate limits.

Oregon statewide planning goals require that each city be surrounded by a boundary which is called an urban growth boundary (UGB). The UGB defines the area that the city has identified as being eligible to be included within the city limits during a 20-year planning period to accommodate growth. Annexation is the process for lands within the UGB to become part of the city limits, and thus developed to an urban intensity in compliance with the city's comprehensive plan. Lands within the UGB may be considered for annexation into the city limits consistent with ORS 222 and local ordinances. Annexations are governed by state laws (Oregon Revised Statute, Title 21, Chapter 222), City Charters, and local ordinances.

A proposal for annexation of territory to a city may be Initiated by the legislative body of the city, on Its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. The boundaries of a city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake of other body of water, if the proposal for annexation is approved in the manner provided by the city charter or by ORS 222.111.

When the city approved Ordinance No. 5098 adopting the McMinnville Growth Management and Urbanization Plan, on December 8, 2020, the City adopted a new program for annexations in McMinnville dependent upon annexation agreements as a precursor to annexation.

That new program was codified on October 26, 2021, with the adoption of Ordinance No. 5106, establishing Chapters 16.10.00, 16.20.00, 16.30.00, and 16.40.00 of the McMinnville Municipal Code, outlining the requirements of an annexation application and the process for annexation.

The Annexation Agreement is an annexation contract between the landowner(s) and the City Council determining what is expected from both parties for the annexation to be successful.

The Annexation Agreement Is the opportunity for the City to require elements of the property that the City deems Is necessary for the public good associated with the annexation.

In this case, the City is striving to prevent islands of county land within the city limits.

Discussion:

This annexation agreement is fairly simple. It already has a residential comprehensive plan designation and does not need to be part of an area plan or master planning process.

The agreement will be recorded on the impacted property and be enacted when warranted, and is a condition of approval (#10) for the land-use decision of MP 3-22, required in advance of recording the final plat for the minor partition.

The property shall be subject to an annexation agreement that requires annexation of the portion outside City limits at such time as the adjoining property annexes to avoid an island of unincorporated territory.

MP 3-22, Condition of Approval #10

"The property shall be subject to an annexation agreement that requires annexation of the portion outside City limits at such time as the adjoining property annexes to avoid an island of unincorporated territory."

Attachments:

Resolution No. 2025-12

- Annexation Agreement
- Legal Description and Site Maps

Fiscal Impact:

The property owner has paid for his application fee for the Minor Partition and will need to pay the annexation fee when the annexation is implemented.

Council Options:

1. Approve Resolution No. 2025-12
2. Modify Resolution No. 2025-12
3. Deny Resolution No. 2025-12

Recommendation:

Staff recommends approving Resolution No. 2025-12 authorizing the City Manager to sign the Annexation Agreement with Jose Garcia.

"I MOVE TO APPROVE RESOLUTION NO. 2025-12."

RESOLUTION NO. 2025 - 12

A Resolution authorizing the City Manager to sign an Annexation Agreement with Jose Garcia, property owner, for the future annexation of those portions of Parcel 1 and Parcel 2 that are currently in McMinnville's urban growth boundary and not the city limits, as created by the minor partition of Tax Lot R4524-904 (Docket #: MP 3-22).

RECITALS:

WHEREAS, on December 8, 2020, the McMinnville City Council adopted Ordinance No. 5098 adopting the *McMinnville Growth Management and Urbanization Plan*; and

WHEREAS, on July 21, 2021, city staff hosted a work session with the McMinnville City Council to review draft amendments to the McMinnville City Code to bring the City's governing codes in compliance with state laws and the *McMinnville Growth Management and Urbanization Plan* relative to annexations; and

WHEREAS, on September 16, 2021, the Planning Commission held a duly noticed public hearing to consider the proposed amendments and the Planning Commission recommended approval of the proposed amendments; and

WHEREAS, on October 26, 2021, the City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the McMinnville Municipal Code based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval, adopting Ordinance No. 5106; and

WHEREAS, on October 12, 2022, Jose Garcia applied for a minor partition of his property (Tax Lot R4524-904) into three parcels, and the application was deemed complete on December 15, 2022; and

WHEREAS, a portion of Tax Lot R4524-904 is within the McMinnville urban growth boundary but not within the city limits; and

WHEREAS, portions of Parcels 1 and 2 created by the minor partition will remain within the McMinnville urban growth boundary and not within the city limits per Exhibit 1 of the attached Annexation Agreement; and

WHEREAS, Jose Garcia is the record owner of the property legally described on Exhibit 1 of the attached Annexation Agreement and incorporated herein (hereinafter referred to as the "Property"); and

WHEREAS, the City has a comprehensive plan policy that does not allow county islands within the city limits; and

WHEREAS, per the condition of Approval #10 of the land-use decision for Minor Partition application MP 3-22, the owner shall sign an annexation agreement that requires annexation of the property outside of the city limits and within the urban growth boundary

at such time as the adjoining property annexes to avoid an island or unincorporated property; and

WHEREAS, the City and Owner desire to enter into this Agreement to regulate the annexation, zoning, use and development of the Property; and

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

1. That the City Council would like to enter into an agreement with Jose Garcia for the annexation of his property into the City of McMinnville (Parcels 1 and 2 created by the minor partition of Tax Lots R4524-904) per Docket # MP 3-22 when warranted.

2. That the City Manager is authorized to sign the attached Annexation Agreement (Exhibit A) on behalf of the City of McMinnville.

3. This Resolution will take effect immediately upon passage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held on the 22nd day of April, 2025, by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of April, 2025.

_____

MAYOR

Approved as to form:

_____

CITY ATTORNEY

Attest:

_____

CITY RECORDER

EXHIBITS:

A. Annexation Agreement with Jose Garcia for Tax Lot R4524-904.

Exhibit -
Resolution No. 2025-12

After Recording Return To:

City of McMinnville
220 NE Second Street
McMinnville, OR 97128

ANNEXATION AGREEMENT

This Annexation Agreement is made and entered into this 9 day of April, 25, by and between the City of McMinnville, Oregon, an Oregon municipal corporation (hereinafter "City") and Jose Garcia (hereinafter "Owner").

W I T N E S S E T H

WHEREAS, Owner is the record owner of the property legally described on Exhibit 1 attached hereto and incorporated herein (hereinafter referred to as the "Property"); and

WHEREAS, the Property is within the City's urban growth boundary, but not within the City limits. It is contiguous to the currently existing City limits, and is part of a parcel which is partially within the city limits and partially within the county in the urban growth boundary; and

WHEREAS, Owner desires to subdivide the property to create three buildable lots within the city and retain the existing property that is in the urban growth boundary in the county; and

WHEREAS, per the condition of Approval #10 of the land-use decision for Minor Partition application MP 3-22, the owner shall sign an annexation agreement that requires annexation of the property outside of the city limits and within the urban growth boundary at such time as the adjoining property annexes to avoid an island or unincorporated property; and

WHEREAS, the City is willing to consider annexation of the Property on the terms and conditions, and subject to the provisions, of this Agreement; and

WHEREAS, the City will apply urban zoning upon the successful completion and approval of a land use application for a Zone Map Amendment; and

WHEREAS, the City and Owner desire to enter into this Agreement to regulate the annexation, zoning, use and development of the Property; and

WHEREAS, should a property owner who chooses not to execute the Annexation Agreement, refuses to grant a right-of-way and/or easement across his or her property in accordance with the City's Public Facilities Plans, the City may institute condemnation proceedings to effectuate such right-of-way and/or easement, or modify the Public Facilities Plans to bypass the property, in order to accommodate the orderly construction of the public infrastructure; and

NOW, THEREFORE, in consideration of the representations, promises and mutual covenants contained herein, the City and Owner agree as follows:

1. **RECITALS:** The foregoing recitals are incorporated herein as is fully set forth in this Section.

2. **ANNEXATION**

a. Owner agrees to initiate an annexation application at such time that one of the adjoining property owners (Tax Lot R4524-00900 (Parcel 1, PT 96-39, Inst No. 200520610), Tax Lot R4524-00902 (Parcel 1, PT 94-27, Inst No. 201605602), or Tax Lot R4524-00903 (Parcel 2, PT 94-27, Inst No. 200807969)) annexes into the City of McMinnville to avoid an island of unincorporated territory.

b. City agrees that it will initiate an ordinance annexing the Property into the City once the following conditions are met:

1. All required consents have been received by the City. (See McMinnville Municipal Code (MMC) 16.20.020 for a list of required consents.)

2. The Owner has received a final unappealed land-use approval for city zoning on the property.

3. **COMPREHENSIVE PLAN/ZONING**: Prior to the development and annexation of the property, the Owner is required to complete a land-use application for a zoning map amendment for the property in compliance with the McMinnville Comprehensive Plan and McMinnville Zoning Ordinance. Upon successful annexation and a Zone Map Amendment adoption, the City will apply the Zoning designation identified in the land-use application to the property.

4. **DEVELOPMENT:** Owner agrees as follows:

a. Owner shall waive and shall not assert any claim against the City that may now exist or that may accrue through the date of annexation of the Property that it may claim due to its ownership of the Property. This includes any claim arising out of any land use regulation or under Measure 37 (ORS 197.352), Measure 49, and Measure 56 (ORS 227.186).

b. Owner agrees that any development of the property will comply with the City's Zoning Ordinance as it exists now or is later amended. In addition, the development of the Property shall comply with the applicable approved land-use decisions for the property and will incorporate and follow the City's Great Neighborhood Principles as found in the McMinnville Comprehensive Plan and McMinnville Zoning Ordinance as applicable. The Community Development Director or Hearings Body shall determine the applicability of the Great Neighborhood Principles to the subject property as necessary. All development must also comply with federal, state and city regulations.

c. Owner agrees that it will, without any cost to the City, dedicate the necessary rights-of-way or easements for all Planned Improvements identified in the City's Public Facilities Plan. The Public Facilities Plan includes the Wastewater Conveyance Plan, Water Master Plan, Transportation System Plan and Parks and Recreation Plan.

d. Owner shall remove all water rights from Property, unless partial use is otherwise approved by the McMinnville City Council.

e. Owner agrees to not remonstrate against the formation of a local improvement district or reimbursement district created for the purpose of funding public improvements that will serve

the Property. This waiver applies to the Property until all utility service and all required infrastructure that will service or benefit the Property is completed and accepted by City. If the property is developed in phases, the waiver may be removed on a phase-by-phase basis provided that all utility service and all required infrastructure that will service or benefit the Property is completed and accepted by City.

5. **AMENDMENT:** This Agreement and any exhibits attached hereto may be amended only by the mutual written consent of both parties.

6. **SEVERABILITY:** If any provision, covenant or portion of this Agreement or its application to any person, entity, property or portion of property is held invalid, or if any ordinance or resolution adopted pursuant to this Agreement or its application to any person, entity, property or portion of property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement or other ordinances or resolutions passed pursuant hereto, and to that end, all provisions, covenants, and portions of this Agreement and of the ordinances and resolutions adopted pursuant hereto are declared to be severable.

7. **NO WAIVER OF RIGHT TO ENFORCE AGREEMENT:** Failure of any party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

8. **ENTIRE AGREEMENT:** This Agreement supersedes all prior agreements, negotiations and exhibits and is a full integration of the entire agreement of the parties relating to the subject matter hereof. The parties shall have no obligations other than specifically stated in this Agreement except those of general applicability.

9. **SURVIVAL:** The provisions contained in this Agreement shall survive the annexation of the property and shall not be merged or expunged by the annexation of the property or any part thereof to the City.

10. **SUCCESSORS AND ASSIGNS:** This Agreement shall run with the land described on Exhibit B and inure to the benefit of, and be binding upon, the successors in title of the Owners and their respective successors, grantees, lessees, and assigns, and upon successor corporate authorities of the City and successor municipalities.

11. **TERM OF AGREEMENT**: This Agreement shall be binding upon the parties and their respective successors and assigns for the full statutory term of twenty (20) years, commencing as of the date of this Agreement

12. **ENFORCEMENT:** Owner agrees that if it fails to perform as required under this Agreement, the City Council may, at the City Council's option, refuse to process any development application submitted for the Property or include as conditions of approval any requirement of this Agreement. Owner hereby waives any claim regarding such conditions of approval, whether to LUBA or to any state or federal court.

13. **ATTORNEY FEES:** In any proceeding to enforce, apply or interpret this Agreement, each party shall bear its own attorneys' fees and costs.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the date first above written.

CITY

Jeff Towery, City Manager

OWNER

Jose Garcia

ATTEST:

Claudia Cisneros, City Recorder

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this ____ day of _____, _____ by Jeff Towery, City Manager, on behalf of the City of McMinnville, who acknowledged that he had authority to sign on behalf of the City of McMinnville and this instrument to be the City's voluntary act and deed.

_____
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this 9 day of April, 25 by Jose Garcia, owner of the property at R4524-00904, , who acknowledged this instrument to be his/her voluntary act and deed.

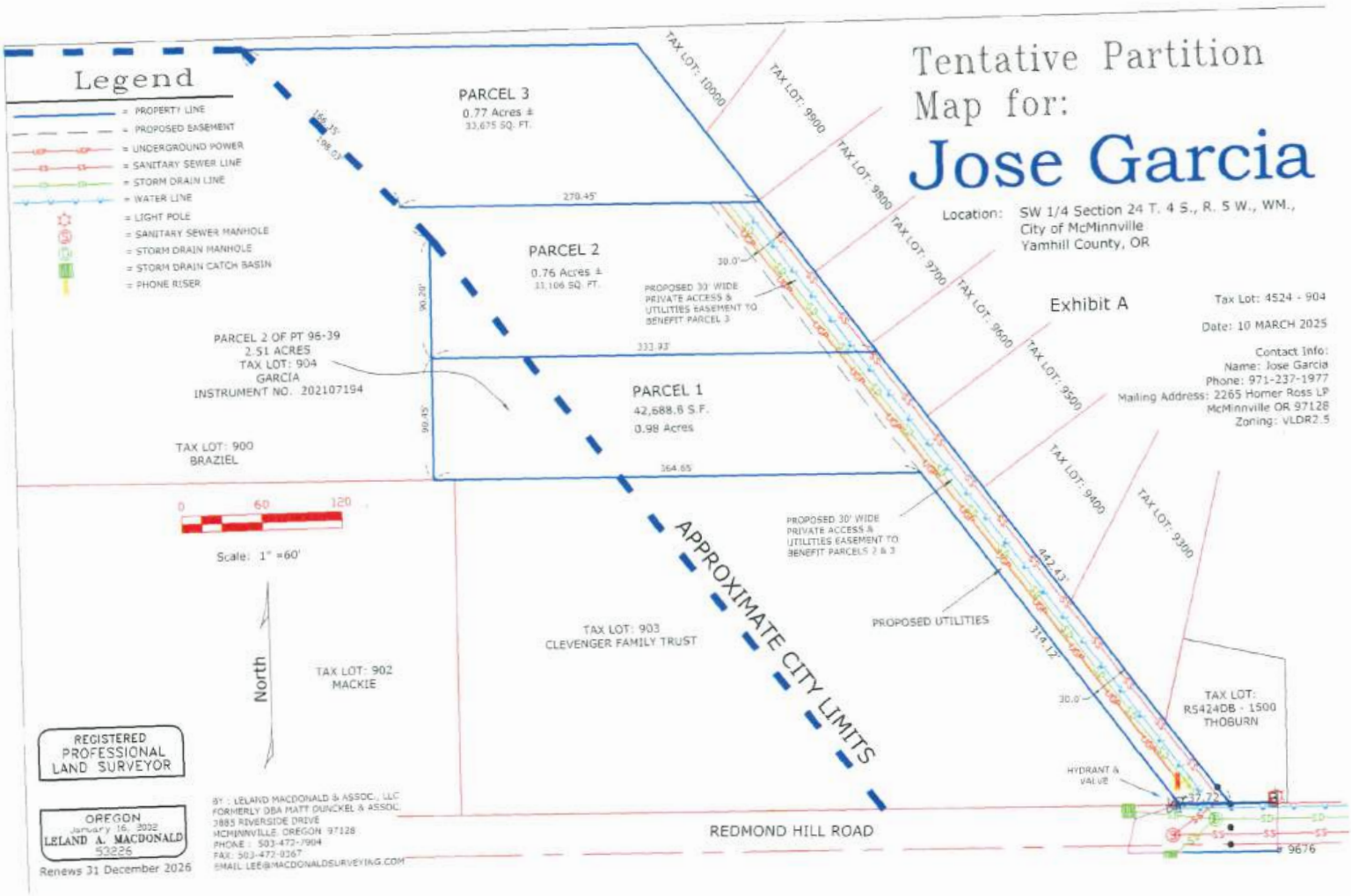
OFFICIAL STAMP
JULIE ANDERSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 1034897
MY COMMISSION EXPIRES MARCH 15, 2027

Julie Anderson
Notary Public for Oregon

EXHIBIT 1

That portion of Parcel 2 of Partition Plat 96-39, County of Yamill County, State of Oregon, which is not currently within the City Limits, but which lies west of, and adjacent to, the City Limits as shown on the map attached as Exhibit A.

After partition, this property will comprise 2 parcels, as indicated on Exhibit A.


Tentative Partition Map for:
Jose Garcia
Location: SW 1/4 Section 24 T. 4 S., R. 5 W., WM., City of McMinnville Yamhill County, OR
Exhibit A
Tax Lot: 4524 - 904
Date: 10 MARCH 2025
Contact Info:
Name: Jose Garcia
Phone: 971-237-1977
Mailing Address: 2265 Homer Ross LP McMinnville OR 97128
Zoning: VLDR2.5
Legend
= PROPERTY LINE
= PROPOSED EASEMENT
= UNDERGROUND POWER
= SANITARY SEWER LINE
= STORM DRAIN LINE
= WATER LINE
= LIGHT POLE
= SANITARY SEWER MANHOLE
= STORM DRAIN MANHOLE
= STORM DRAIN CATCH BASIN
= PHONE RISER
PARCEL 3
0.77 Acres ±
33,675 SQ. FT.
PARCEL 2
0.76 Acres ±
33,106 SQ. FT.
PARCEL 1
42,688.6 S.F.
0.98 Acres
PARCEL 2 OF PT 96-39
2.51 ACRES
TAX LOT: 904
GARCIA
INSTRUMENT NO. 202107194
TAX LOT: 900
BRAZIEL
TAX LOT: 903
CLEVENGER FAMILY TRUST
TAX LOT: 902
MACKIE
TAX LOT: R5424DB - 1500
THOBURN
TAX LOT: 10000
TAX LOT: 9900
TAX LOT: 9800
TAX LOT: 9700
TAX LOT: 9600
TAX LOT: 9500
TAX LOT: 9400
TAX LOT: 9300
PROPOSED 30' WIDE PRIVATE ACCESS & UTILITIES EASEMENT TO BENEFIT PARCEL 3
PROPOSED 30' WIDE PRIVATE ACCESS & UTILITIES EASEMENT TO BENEFIT PARCELS 2 & 3
PROPOSED UTILITIES
APPROXIMATE CITY LIMITS
REDMOND HILL ROAD
HYDRANT & VALVE
9676
279.45'
333.93'
364.65'
442.43'
314.12'
30.0'
90.45'
30.29'
0 60 120
Scale: 1" =60'
North
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
January 16, 2002
LELAND A. MACDONALD
53226
Renews 31 December 2026
BY: LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
2985 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-9367
EMAIL: LEE@MACDONALDSURVEYING.COM

City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **April 22, 2025**
TO: **Mayor and City Councilors**
FROM: **Heather Richards, Community Development Director**
SUBJECT: **Resolution No. 2025-13: For an Annexation Agreement with Bruce and Nila Cook to annex Tax Lot R4440AD 00100 into the city limits.**

STRATEGIC PRIORITY & GOAL:

GROWTH & DEVELOPMENT CHARACTER
Guide growth & development strategically, responsively & responsibly to enhance our unique character.

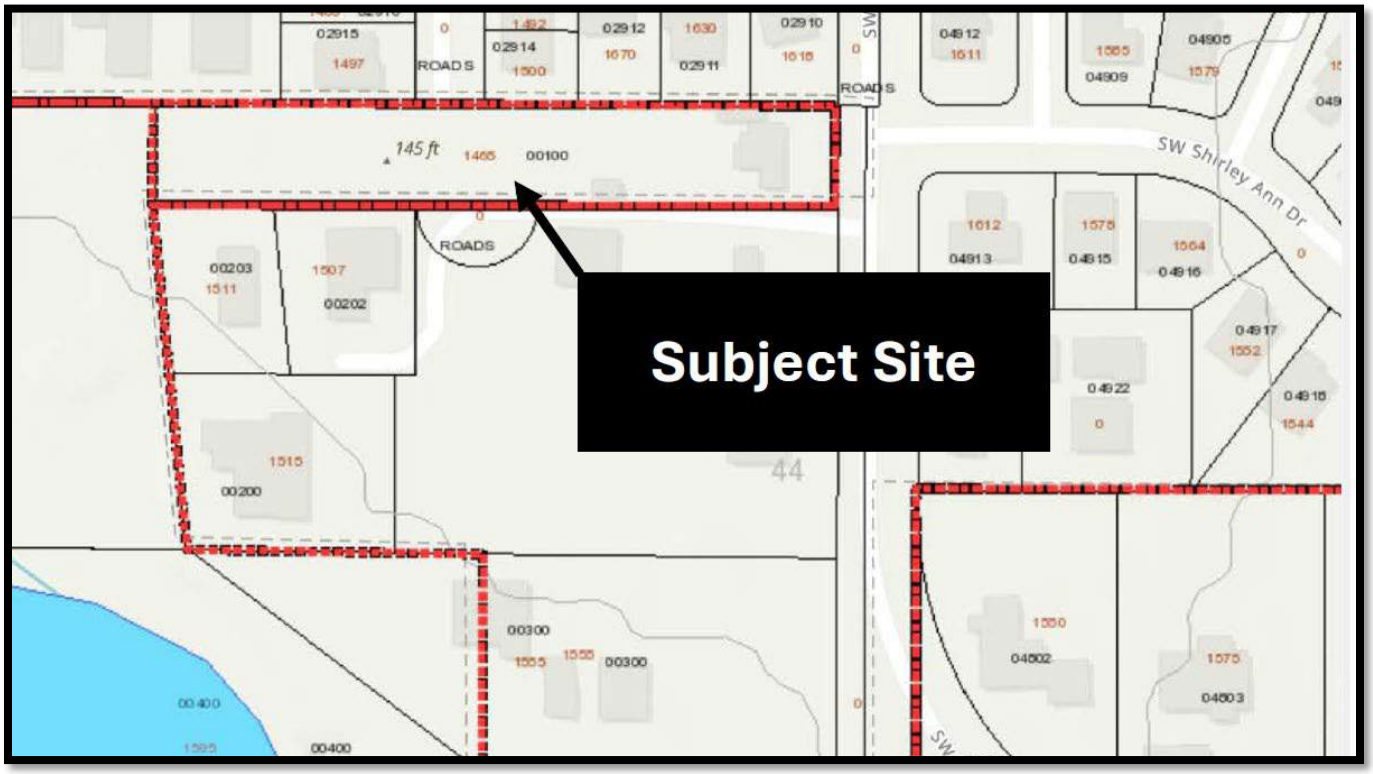
HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)
Create diverse housing opportunities that support great neighborhoods.

Report in Brief:

This is the consideration of Resolution No. 2025-13, authorizing the City Manager to sign an Annexation Agreement with Bruce and Nila Cook for the consideration of annexing their property, Tax Lots R4430AD00100 into the McMinnville city limits. They would like to add this parcel to Tax Lot R4430AD00201 that they also own and build a 10-lot housing subdivision.

Attachments:
Resolution No. 2025-13

Added on 04.21.2025
Revised on 04.21.2025



Background:

Annexation is the process by which a municipality, upon meeting certain requirements, expands its corporate limits.

Oregon statewide planning goals require that each city be surrounded by a boundary which is called an urban growth boundary (UGB). The UGB defines the area that the city has identified as being eligible to be included within the city limits during a 20-year planning period to accommodate growth. Annexation is the process for lands within the UGB to become part of the city limits, and thus developed to an urban intensity in compliance with the city's comprehensive plan. Lands within the UGB may be considered for annexation into the city limits consistent with ORS 222 and local ordinances. Annexations are governed by state laws (Oregon Revised Statute, Title 21, Chapter 222), City Charters, and local ordinances.

A proposal for annexation of territory to a city may be Initiated by the legislative body of the city, on Its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. The boundaries of a city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake of other body of water, if the proposal for annexation is approved in the manner provided by the city charter or by ORS 222.111.

When the city approved Ordinance No. 5098 adopting the McMinnville Growth Management and Urbanization Plan, on December 8, 2020, the City adopted a new program for annexations in McMinnville dependent upon annexation agreements as a precursor to annexation.

Attachments:
Resolution No. 2025-13

That new program was codified on October 26, 2021, with the adoption of Ordinance No. 5106, establishing Chapters 16.10.00, 16.20.00, 16.30.00, and 16.40.00 of the McMinnville Municipal Code, outlining the requirements of an annexation application and the process for annexation.

The Annexation Agreement is an annexation contract between the landowner(s) and the City Council determining what is expected from both parties for the annexation to be successful.

The Annexation Agreement Is the opportunity for the City to require elements of the property that the City deems Is necessary for the public good associated with the annexation. This typically Includes the dedication and development of necessary public Infrastructure Improvements, as well as the dedication and development of public parks and trails, and in some cities, the development of necessary affordable housing to meet the city's future housing need. The Annexation Agreement is approved by Resolution of the City Council. This action is not a land-use action. However, the Annexation Agreement does identify the land-use process that the applicant needs to follow to demonstrate compliance with the McMinnville Comprehensive Plan as well as a timeframe in which to achieve the appropriate land-use approvals, in order to annex their property into the city. This land-use process needs to be concluded prior to the annexation becoming effective.

In this case, the property owner will need to successfully navigate the land-use process for a city zoning map amendment and tentative subdivision plan, and provide all of the required consents identified in the MMC 16.20.020

After the landowner(s) have achieved all of the performance metrics of the Annexation Agreement, the City Council then considers the annexation by ordinance. This process is conducted in adherence with ORS 222.

Discussion:

This annexation is fairly simple. It already has a residential comprehensive plan designation and does not need to be part of an area plan or master planning process.

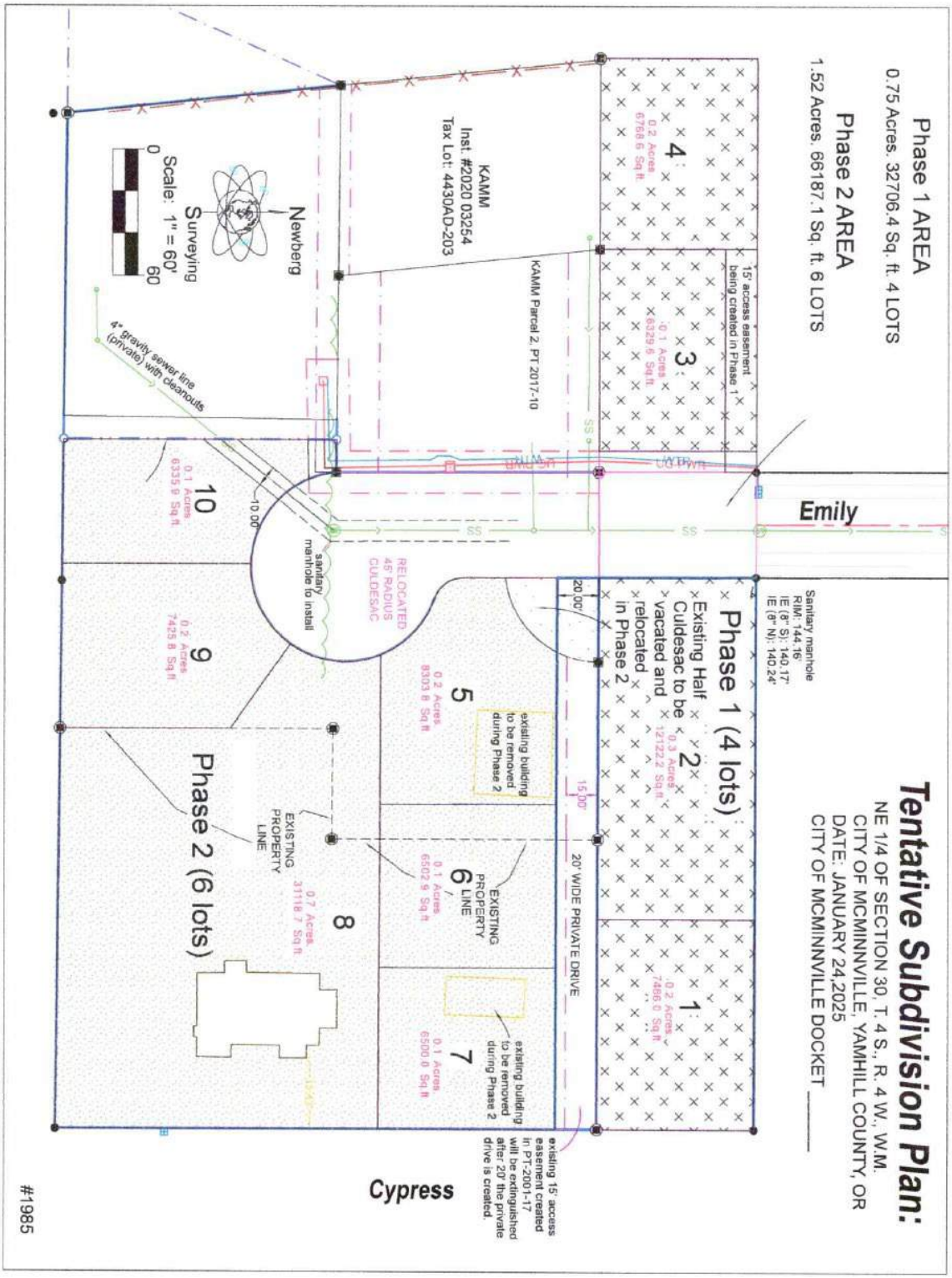
It has been reviewed by Planning, Engineering, Parks and Recreation, McMinnville Water and Light and the Fire District.

Section 4 describes all of the components of the project that need to be addressed prior to annexation, including but not limited to:

- Bicycle and Pedestrian Connectivity from the subdivision development to Cypress Lane to meet McMinnville's Great Neighborhood Principles.
- Provide legal access to Tax Lot R4430AD00300 to the west for future development.
- Dedicate the necessary right-of-way for the continuation of Emily Drive and vacate the unnecessary right-of-way created by Instrument #200110830, as part of Partition Plan No. 2017-10 (City Docket Minor Partition #4-16)

Attachments:
Resolution No. 2025-13

Tentative Subdivision Plan



Attachments:
Resolution No. 2025-13

Attachments:

Resolution No. 2025-13

- Annexation Agreement
- Legal Description and Site Maps

Fiscal Impact:

The property owner has paid for the application fee which is a full cost recovery fee for the review and implementation of the application.

Council Options:

1. Approve Resolution No. 2025-13
2. Modify Resolution No. 2025-13
3. Deny Resolution No. 2025-13

Recommendation:

Staff recommends approving Resolution No. 2025-13 authorizing the City Manager to sign the Annexation Agreement with Stanley Bruce Cook and Nila Denise Cook Revocable Trust.

"I MOVE TO APPROVE RESOLUTION NO. 2025-13."

Attachments:
Resolution No. 2025-13

RESOLUTION NO. 2025 - 13

A Resolution authorizing the City Manager to sign an Annexation Agreement with Stanley Bruce Cook and Nila Denise Cook Revocable Trust, property owner, for the future annexation of Tax Lots R4430AD00100.

RECITALS:

WHEREAS, on December 8, 2020, the McMinnville City Council adopted Ordinance No. 5098 adopting the *McMinnville Growth Management and Urbanization Plan*; and

WHEREAS, on July 21, 2021, city staff hosted a work session with the McMinnville City Council to review draft amendments to the McMinnville City Code to bring the City's governing codes in compliance with state laws and the *McMinnville Growth Management and Urbanization Plan* relative to annexations; and

WHEREAS, on September 16, 2021, the Planning Commission held a duly noticed public hearing to consider the proposed amendments and the Planning Commission recommended approval of the proposed amendments; and

WHEREAS, on October 26, 2021, the City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the McMinnville Municipal Code based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval, adopting Ordinance No. 5106; and

WHEREAS, on June 20, 2024, Bruce and Nila Cook applied for the annexation of their property (Tax Lot R4430AD00100) to be annexed into the City of McMinnville; and

WHEREAS, the City leadership team comprised of staff members from Planning, Engineering, Parks and Recreation, and the City Attorney, as well as staff members from McMinnville Water and Light and the McMinnville Fire District reviewed the annexation application and drafted an annexation agreement for the McMinnville City Council and the property owners;

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

1. That the City Council would like to enter into an agreement with Stanley Bruce Cook and Nila Denise Cook Revocable Trust for the annexation of their property into the City of McMinnville (Tax Lot R4430AD00100).

2. That the City Manager is authorized to sign the attached Annexation Agreement (Exhibit A) on behalf of the City of McMinnville.

3. This Resolution will take effect immediately upon passage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22nd day of April, 2025 by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of April, 2025.

_____

MAYOR

Approved as to form:

_____

CITY ATTORNEY

Attest:

_____

CITY RECORDER

EXHIBITS:

A. Annexation Agreement with Bruce and Nila Cook for Tax Lot R4430AD00100.

After Recording Return To:

City of McMinnville
220 NE Second Street
McMinnville, OR 97128

ANNEXATION AGREEMENT

This Annexation Agreement is made and entered into this ____ day of _____, _____, by and between the City of McMinnville, Oregon, an Oregon municipal corporation (hereinafter "City") and Stanley Bruce Cook and Nila Denise Cook Revocable Trust (hereinafter "Owner").

W I T N E S S E T H

WHEREAS, Owner is the record owner of the property legally described on Exhibit 1 attached hereto and incorporated herein (hereinafter referred to as the "Property"); and

WHEREAS, the Property is within the City's urban growth boundary, contiguous to the currently existing City limits, and is proposed to be annexed to the City; and

WHEREAS, Owner desires to have the Property annexed to the City; and

WHEREAS, Owner will submit a petition for annexation and provide the City with all required consents for annexation; and

WHEREAS, the City is willing to consider annexation of the Property on the terms and conditions, and subject to the provisions, of this Agreement; and

WHEREAS, the City will apply urban zoning upon the successful completion and approval of a land use application for a Zone Map Amendment; and

WHEREAS, the City and Owner desire to enter into this Agreement to regulate the annexation, zoning, use and development of the Property; and

WHEREAS, should a property owner who chooses not to execute the Annexation Agreement, refuses to grant a right-of-way and/or easement across his or her property in accordance with the City's Public Facilities Plans, the City may institute condemnation proceedings to effectuate such right-of-way and/or easement, or modify the Public Facilities Plans to bypass the property, in order to accommodate the orderly construction of the public infrastructure; and

WHEREAS, Council will consider this annexation agreement on April 22, 2025.

NOW, THEREFORE, in consideration of the representations, promises and mutual covenants contained herein, the City and Owner agree as follows:

1. **RECITALS:** The foregoing recitals are incorporated herein as is fully set forth in this Section.

2. **ANNEXATION**

a. City agrees that it will initiate an ordinance annexing the Property into the City once the following conditions are met:

1. All required consents have been received by the City. (See McMinnville Municipal Code (MMC) 16.20.020 for a list of required consents.)

2. A signed Annexation Agreement has been received by the City.

3. The Owner has received a final unappealed land-use approval for city zoning on the property.

b. This agreement is void if the Property is not annexed to the City of McMinnville within five years after the effective date of this Agreement and after the City's receipt of all required consents.

c. Owner may terminate this Agreement by serving written notice to the City no less than 60 days prior to the effective date of the termination. The notice must be received by the City at least 60 days prior to the public hearings for council consideration of the annexation. If the City receives such notice, this Agreement terminates as of the effective date of the notice. After the annexation ordinance is adopted by the City, this Agreement may only be terminated or amended by written consent of the Owner and City. Pursuant to this Agreement, the City agrees that an annexation ordinance will be considered by the McMinnville City Council; however, the City cannot guarantee that the annexation ordinance will be adopted by the City Council.

3. **COMPREHENSIVE PLAN/ZONING**: Prior to the development and annexation of the property, the Owner is required to complete a land-use application for a zoning map amendment and tentative subdivision plan for the property in compliance with the McMinnville Comprehensive Plan and McMinnville Zoning Ordinance. Upon successful annexation and a Zone Map Amendment adoption, the City will apply the Zoning designation identified in the land-use application to the property.

4. **DEVELOPMENT:** Owner agrees as follows:

a. Owner shall waive and shall not assert any claim against the City that may now exist or that may accrue through the date of annexation of the Property that it may claim due to its ownership of the Property. This includes any claim arising out of any land use regulation or under Measure 37 (ORS 197.352), Measure 49, and Measure 56 (ORS 227.186).

b. Owner agrees that any development of the property will comply with the City's Zoning Ordinance as it exists now or is later amended. In addition, the

development of the Property shall comply with the applicable approved land-use decisions for the property and will incorporate and follow the City's Great Neighborhood Principles as found in the McMinnville Comprehensive Plan and McMinnville Zoning Ordinance as applicable. The Community Development Director or Hearings Body shall determine the applicability of the Great Neighborhood Principles to the subject property as necessary. All development must also comply with federal, state and city regulations.

c. Owner agrees that it will, without any cost to the City, dedicate the necessary rights-of-way or easements for all Planned Improvements identified in the City's Public Facilities Plan and that will be necessary for the development of the property. The Public Facilities Plan includes the Wastewater Conveyance Plan, Water Master Plan, Transportation System Plan, and Parks and Recreation Plan.

All public rights-of-way to be dedicated shall be free and clear of all encumbrances or other restrictions that may interfere with their intended public use.

d. Owner agrees to vacate the existing public right-of-way located within the cul-de-sac described as Tract "A" on Partition Plat No. 2017-10 (City Docket MP 4-16) instrument #200110830, to the extent that it is no longer required due to the new alignment of the public right-of-way serving the development. Such a vacation will need to be completed prior to the issuance of any building permits associated with Phase 1 of the tentative subdivision plan.

e. Owner agrees to provide legal access to Tax Lot R4430AD00300 for at least two buildable lots prior to the platting of Phase 1 of the tentative subdivision plan. Access easement will need to meet all of the provisions of the McMinnville Municipal Code.

f. Owner agrees to provide bicycle and pedestrian connectivity from the development to Cypress Lane to meet McMinnville's Great Neighborhood Principles and minimum block length standards. This will be reviewed as part of the land-use process.

g. Owner shall remove all water rights from Property, unless partial use is otherwise approved by the McMinnville City Council.

h. Owner agrees to not remonstrate against the formation of a local improvement district or reimbursement district created for the purpose of funding public improvements that will serve the Property. This waiver applies to the Property until all utility service and all required infrastructure that will service or benefit the Property is completed and accepted by City. If the property is developed in phases, the waiver may be removed on a phase-by-phase basis provided that all utility service and all required infrastructure that will service or benefit the Property is completed and accepted by City.

5. **AMENDMENT:** This Agreement and any exhibits attached hereto may be amended only by the mutual written consent of both parties.

6. **SEVERABILITY:** If any provision, covenant or portion of this Agreement or its application to any person, entity, property or portion of property is held invalid, or if any ordinance or resolution adopted pursuant to this Agreement or its application to any person, entity, property or portion of property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement or other ordinances or resolutions passed pursuant hereto, and to that end, all provisions, covenants, and portions of this Agreement and of the ordinances and resolutions adopted pursuant hereto are declared to be severable.

7. **NO WAIVER OF RIGHT TO ENFORCE AGREEMENT:** Failure of any party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

8. **ENTIRE AGREEMENT:** This Agreement supersedes all prior agreements, negotiations and exhibits and is a full integration of the entire agreement of the parties relating to the subject matter hereof. The parties shall have no obligations other than specifically stated in this Agreement except those of general applicability.

9. **SURVIVAL:** The provisions contained in this Agreement shall survive the annexation of the property and shall not be merged or expunged by the annexation of the property or any part thereof to the City.

10. **SUCCESSORS AND ASSIGNS:** This Agreement shall run with the land described on Exhibit B and inure to the benefit of, and be binding upon, the successors in title of the Owners and their respective successors, grantees, lessees, and assigns, and upon successor corporate authorities of the City and successor municipalities.

11. **TERM OF AGREEMENT**: This Agreement shall be binding upon the parties and their respective successors and assigns for the full statutory term of twenty (20) years, commencing as of the date of this Agreement

12. **ENFORCEMENT:** Owner agrees that if it fails to perform as required under this Agreement, the City Council may, at the City Council's option, refuse to process any development application submitted for the Property or include as conditions of approval any requirement of this Agreement. Owner hereby waives any claim regarding such conditions of approval, whether to LUBA or to any state or federal court.

13. **ATTORNEY FEES:** In any proceeding to enforce, apply or interpret this Agreement, each party shall bear its own attorneys' fees and costs.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the date first above written.

CITY

_____
Jeff Towery, City Manager

ATTEST:

_____

Claudia Cisneros, City Recorder

OWNER

_____
Stanley Bruce Cook

_____
Nila Denise Cook

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this ____ day of _____, _____ by Jeff Towery, City Manager, on behalf of the City of McMinnville, who acknowledged that he had authority to sign on behalf of the City of McMinnville and this instrument to be the City's voluntary act and deed.

_____
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this ____ day of _____, _____ by Stanley Bruce Cook, owner of the property at R4430AD00100 and R4430AD00201, who acknowledged this instrument to be his/her voluntary act and deed.

_____
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this ____ day of _____, _____ by Nila Denise Cook, owner of the property at R4430AD00100 and R4430AD00201, who acknowledged this instrument to be his/her voluntary act and deed.

_____
Notary Public for Oregon

EXHIBIT 1:

Legal Description of the Property to Be Annexed:

Part of Section 30, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

Beginning 3.995 chains North of the Southwest corner of the S.F. Stagg Donation Land Claim No. 55 in said Township and Range; thence North 5 chains to the true Place of Beginning: thence West 10 chains; thence South 75 feet; thence East 10 chains; thence North 75 feet to the true Place of Beginning.

Save and Except 20 feet off the East end reserved for a roadway. Also Excepting Therefrom that certain tract of land conveyed to Walter L. Peavy et lux. By Deed recorded July 13, 1960 in Film Volume 11, Page 943, Deed and Mortgage Records.

EXHIBIT 2:

Maps of Subject Site:

Aerial of Subject Site:

Comprehensive Plan Designation of Subject Site:

Existing Conditions of Subject Site:

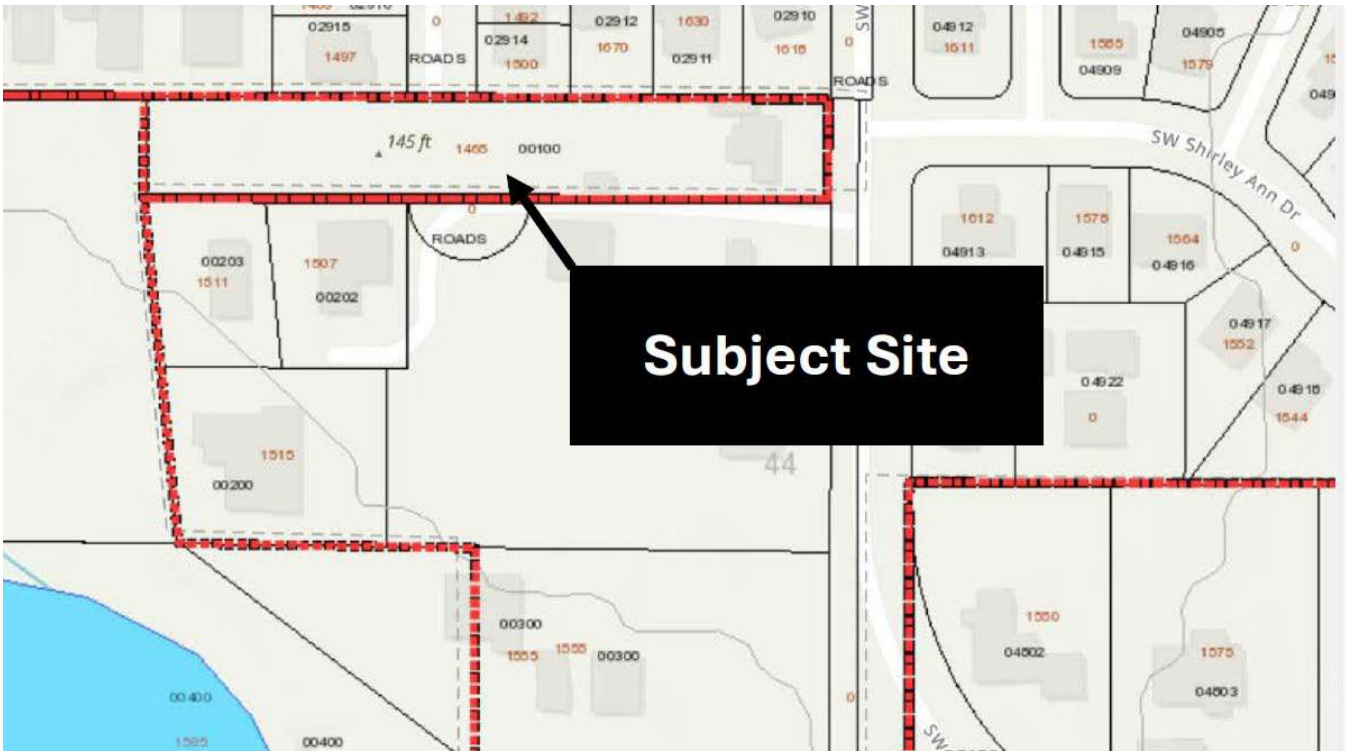
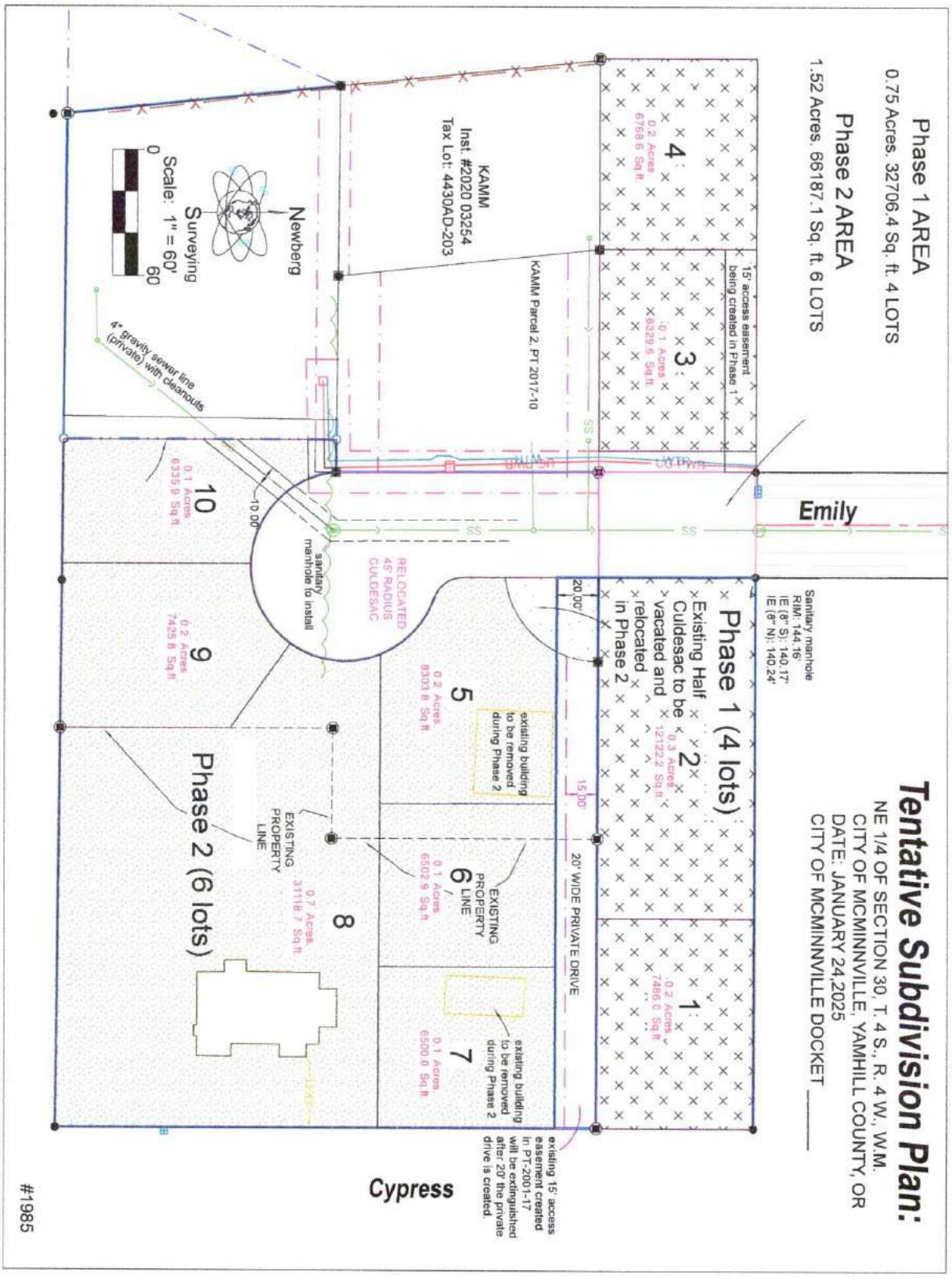


EXHIBIT 3:

Proposed Development Plan of Subject Site:



STAFF MEMO

DATE: April 22, 2025
TO: City Council
FROM: Jeff Towery, City Manager and Noelle Amaya, Communication & Engagement Manager | Staff to the Diversity, Equity, and Inclusion Advisory Committee

SUBJECT: Diversity, Equity, and Inclusion Advisory Committee 2024 Annual Report & Name Change Discussion

City of McMinnville STRATEGIC PRIORITY & GOALS:

ENGAGEMENT & INCLUSION
Create a culture of acceptance and mutual respect that acknowledges differences and strives for equity

STRATEGIC OBJECTIVE/S:

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

Report in Brief:

This report serves as the Diversity, Equity, and Inclusion Advisory Committee's 2024 Annual Report and 2025 Goals Document.

It also introduces the reasoning behind the request for proposed amended Ordinance-5160 for title and purpose of the DEIAC as it pertains to 'accessibility.'

Background:

The DEIAC was established by Ordinance 5097 in October 2020.

The DEIAC's purpose, as drawn from McMinnville Municipal Code section 2.35.010, is to:

> To *create a culture of acceptance and mutual respect that acknowledges differences and strives for equity* by:
>
> **A**. Advising the Council on policy decisions related to diversity, equity, and inclusion;
> **B.** Making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process;

C. Advising the City on culturally responsive service delivery, programming, and communication strategies;
D. Updating and overseeing progress on the City's Diversity, Equity and Inclusion Plan;
E. Overseeing progress on applicable goals and objectives in the 2019 Mac-Town 2032 Strategic Plan; and
F. Identifying local leaders and building leadership capacity in McMinnville's communities of color.

2024 Annual Goals and Results

In 2024, the DEIAC worked with staff to establish an annual goal-setting process. This process included a review of their roles and responsibilities, a summarization of their past efforts to date, a discussion on the role of an advisory body, and education on the city government process.

In January 2024, the committee held an intensive strategic planning workshop and set goals to enhance process, visibility, and elevate the work from the strategic plan (MacTown 2032).

The following goals were approved by the committee on January 11, 2024.

Goal 1: Organization Assessment of Diversity, Equity, and Inclusion Initiative

Purpose: To identify, recommend, and prioritize key actions the DEIAC may use to propose a work plan and budget to the McMinnville City Council. The committee was the Initiative Advisory Committee.

Result: The completed Organizational Assessment Report and recommendations were presented to the City Council on December 10, 2024. The committee expects to establish 2025 and beyond annual goals grounded in the Organizational Assessment report recommendations and Organizational Transformation Plan.

Goal 2: Proclamation Review Process

Purpose: To identify an effective and timely proclamation review process. The committee has been responsible for reviewing new proclamation language but lacked an overall understanding of the process and how they could be more engaged.

Result: The committee successfully completed this goal by recommending and documenting a transparent process including an annual review to identify process improvements.

Goal 3: Committee Operations

Purpose: Formalize committee process.

Result: The committee reviewed their roles and responsibilities, the current process for recruiting and onboarding new members, and functions of the committee including public meeting law requirements, and discussed one-time and annual training requirements.

The committee created process documentation for both recruitment and onboarding. Their recruitment process ultimately informed the recent City-wide committee recruitment policy: *UNIFIED BOARD AND COMMITTEE APPOINTMENT POLICY* which was presented and adopted by Council at the December 10, 2024 meeting.

DEIAC in Project and Initiative Advisory Roles

The committee also functioned in the role of Project/Initiative Advisory Committees in both 2023 and 2024.

PROS Plan (June 2023 – June 2024) | Project Advisory Committee

Purpose: To support the long-term planning of an inclusive and interconnected park system. Working together with staff and consultants, the DEIAC sought to ensure that diverse voices were represented throughout the planning effort with a focus on fostering community cohesion, celebrating culture, and enhancing a high quality of life in a safe and welcoming environment for all.

Result:

- The DEIAC recommended the PROS Plan to Council for adoption on DATE
- The PROS Plan was adopted by Council Resolution 2024-38 on June 25, 2024

Organizational Assessment Initiative (December 2023 – October 2024) | Initiative Advisory Committee

Purpose: The assessment intended to identify, recommend, and prioritize key actions the DEIAC may use to propose a work plan and budget to the McMinnville City Council and to align the City's DEI strategy with community needs.

Result: The committee dedicated one hour per month during their regularly scheduled meeting times through the 2024 calendar year to work directly with the consultant throughout this initiative. The committee recognizes the recommendations presented in the Organizational Assessment Final Report and used this work to inform their 2025 January goal setting workshop and goals.

2025 Annual Goals

Moving into 2025, the committee desires to prioritize the work coming out of the Organizational Assessment in addition to a continued focus on enhancing language access and translation for all McMinnville residents. The committee has also expressed the desire to bring visibility to underrepresented groups and focus on strengthening local partnerships and the City's participation in local cultural celebrations.

2025 DEIAC Goals:

Goal 1: OTP Strategic Pillar One | Strengthen DEI Strategic Drivers
Goal 2: Support the Community through Enhanced Translations
Goal 3: Visibility through Cultural Celebrations & Events

The 2025 Goals document is an attachment to this memo and was approved by the committee at the February 13, 2025, meeting.

Name Change Discussion - Proposed Ordinance Amendment

In addition to the physical report and recommendations from the Organizational Assessment for Diversity, Equity, and Inclusion, the committee spent approximately 15 hours exploring the purpose, perceived effectiveness, and prior work and impact the committee has had to date.

The committee drew from experiences as the Project Advisory Committee to the PROS Plan and their role in other high-touch community engagement projects. Through these projects, the committee learned that improvements to "accessibility" are a high need for many McMinnville residents, as 19.3% of McMinnville residents currently identify as living with a disability.

Accessibility reaches *beyond* the focus of diversity, equity, and inclusion as it considers the *physical or tangible* way a person may interact with a city service or environment. Considering 'access' will ultimately help residents fully participate in their City government's decision-making process, and promote actions that increase usability or user-friendly thinking. Accessibility, as applied to community engagement and the committee's work, enhances our ability to provide services to a wider range of McMinnville residents and upholds our values of stewardship, courage, equity, and accountability.

As the committee is tasked with *'making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process, '* adding accessibility to the scope and purpose of the committee was considered and voted on, passing unanimously by the committee at their March 13, 2025 meeting.

Staff Recommendation:

Approve an ordinance amending portions of McMinnville Municipal Code Chapter 2.35, adding "accessibility" to the name and purpose of the Diversity, Equity and Inclusion Advisory Committee.

Supporting Documentation:

- DEIAC 2024 Goals FINAL

- DEIAC 2025 Goals FINAL
- Ordinance No. 5160

2024 Diversity, Equity, and Inclusion Advisory Committee Goals

ENGAGEMENT & INCLUSION

Create a culture of acceptance and mutual respect that acknowledges differences and strives for equity

COMMITTEE ROLES AND RESPONSIBLITIES *(McMinnville Municipal Code Section 2.35.020)*

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

STRATEGIC OBJECTIVE/S:

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

ADOPTED 1.11.2024

Goal	Key Tasks / Milestones	Purpose	Short-term (1 year)	Owners & Key Partnerships
1. Complete the Organizational Assessment of Diversity, Equity, and Inclusion	1.1 Consultant and committee to discuss project scope, timeline, and meeting schedule. 1.2 Establish project management team (PMT) roles and responsibilities. 1.3 Establish subcommittee roles and responsibilities (if applicable) 1.4 Participate in City Council work session to kick-off the project. 1.5 Review draft work, report, and recommendations. 1.6 Final Report to Council 1.7 Seek Council's adoption of the plan and recommendations.	To identify, recommend, and prioritize key actions the DEIAC may use to propose a work plan and budget to the McMinnville City Council. (f)	February – September 2024	DEIAC Project Management Team (PMT) Consultant / Talitha City Council

	1.8 Develop recommendations that pertain to the committee's 2025 goals and "work" plan.			
2. Proclamation Review Process	2.1 Review current proclamation process. 2.2 Develop draft process with City Recorder 2.3 Adopt process.	To identify an effective, timely proclamation review process.	To be completed by December 2024	DEIAC City Recorder City Attorney
3. Committee Operations	3.1 Review existing procedures both formal and informal for onboarding new members, co-chair election process, roles, responsibilities, and annual report actions. 3.2 Establish formal structure for report including progress update on applicable goals and objectives in the MacTown 2032 Strategic Plan. 3.3 Draft formal documentation for recruitment and onboarding.	Formalize committee process.	To be completed by December 2024	DEIAC City Recorder City Attorney (Public Meeting Laws)

	3.4 Review annual training opportunities to keep current on public meetings laws. 3.5 Draft recommendations for public meeting laws training. 3.6 Adopt training recommendations.			

Yearly Schedule

January	Approve goals for year Elect Co-Chairs Onboard new committee members
February	Public Records Law Training / Review
June	Mid-year progress check
August	Annual Report preparation
September	Annual Report to City Council
October	Post/Recruitment for end-of-year Committee vacancies
November	Conduct Interviews
December	Goal review / prep for January goal setting

ADOPTED 1.11.2024

DIVERSITY, EQUITY, AND INCLUSION ADVISORY COMMITTEE

2025 GOALS DOCUMENT

ENGAGEMENT & INCLUSION

Create a culture of acceptance and mutual respect that acknowledges differences and strives for equity

COMMITTEE ROLES AND RESPONSIBILITIES *(McMinnville Municipal Code Section 2.35.020)*

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

MACTOWN 2032 ENGAGEMENT & INCLUSION STRATEGIC OBJECTIVE/S:

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

Adopted 02.13.25

2025 GOALS

1. **OTP STRATEGIC PILLAR ONE | STRENGTHEN DEI STRATEGIC DRIVERS**

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Objectives & Tasks	*Timeline & Important Dates*
Create a unified set of definitions for DEIA to ensure the City and its residents have shared meanings/language.	Q1
1.1 Review name change options, make recommendation for committee name change	RM: March 13, 2025
1.2 Recommend format to demonstrate McMinnville's primary equity principles	
1.3 Recommend communication and visibility planning	
Introduce the use of the Equity Lens Toolkit (Equity Lens) starting with executive leadership.	Q2-Q3
1.4 Review/recommend process for how and when the DEIAC is consulted (RACI chart)	
Recommend the Council to review and approve the Public Engagement Charter.	Q2-Q3
1.5 Review/make recommendations on updated Draft	
Provide in-person training opportunities to employees, which reinforce City values.	
1.6 Review available training options for City employees and recommend high-priority training	Q4
1.7 Review and advise on the creation of a digital DEIAC literature and resource library / cultural calendar	

Adopted 02.13.25

2. SUPPORT COMMUNITY THROUGH ENHANCED TRANSLATION

2.1 Review inventory of signs in public parks 2.2 Recommend selected signs for translation or further ADA design 2.3 Review the inventory of Library signs 2.4 Recommend selected Library signs for translation services	RM: April 10, 2025

3. VISIBILITY THROUGH CULTURAL CELEBRATIONS & EVENTS

3.1 Participate in the City's Community Fair 3.2 Participate in Juneteenth 3.3 Participate in Dia de los Muertos 3.4 Support Spanish language learning classes or services	RM: March 13, 2025 RM: April 10, 2025

Yearly Schedule

January	Approve/Review goals for year Elect Co-Chairs Onboard new committee members
February	Public Meetings Training & Review RM: 2.13.25
March	Annual Report Preparation
October	Post recruitment for end-of-year Committee vacancies
November	Conduct Interviews
December	Goal review and preparation for January's goal-setting

Adopted 02.13.25

ORDINANCE NO. 5160

AN ORDINANCE AMENDING PORTIONS OF MCMINNVILLE MUNICIPAL CODE CHAPTER 2.35, ADDING "ACCESSIBILITY" TO THE NAME AND PURPOSE OF THE DIVERSITY, EQUITY AND INCLUSION ADVISORY COMMITTEE

RECITALS:

WHEREAS, the City of McMinnville adopted the Mac-Town2032 Strategic Plan in 2019, which included an Engagement & Inclusion goal to "create a culture of acceptance and mutual respect that acknowledges differences and strives for equity;" and

WHEREAS, based on that goal, in 2020 the City established its "Diversity Equity and Inclusion Advisory Committee to "advise the City on culturally responsive service delivery, programming, and communication strategies, amongst others, and

WHEREAS, during the period of that Committee's existence, it has become apparent that 19.3% of McMinnville's population identifies as living with a disability, emphasizing the need to address and consider advisement on policy related to accessibility among and alongside the Committee's standing goals: and

WHEREAS, the Committee now requests that the Council amend the name and purpose of the Committee to include "accessibility."

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

1. All references to the "Diversity, Equity, and Inclusion Committee" in Chapter 2.35 of the McMinnville Municipal Code should be amended to the "Diversity, Equity, Inclusion, and Accessibility Committee," including in the title of the Chapter, and Sections 2.35.030(A), (B), (C), & (D); 2.35.040(A) & (B); 2.35.050(A); and 2.35.070(A).

2. Amend portions of Chapter 2.35 as follows (*underlined language is new, ~~strikethrough~~ language is to be repealed*)

   2.35.010(A): Advising the council on policy decisions related to diversity, equity, ~~and~~ inclusion, and accessibility;

   2.35.010(D): Updating and overseeing progress on the city's diversity, equity, ~~and~~ inclusion, and accessibility plan;

   2.35.020(A): Serve as an advisory body to the council for matters concerning city diversity, equity, and inclusion policies and general city policies through a diversity, equity, ~~and~~ inclusion, and accessibility lens.

   2.35.020(C): Supervise the implementation of the goals and objectives in the 2019 Mac-Town 2032 Strategic Plan related to diversity, equity, ~~and~~ inclusion, and accessibility and advise the council on

implementation of other goals and objectives in the 2019 Mac-Town 2032 Strategic Plan through a diversity, equity, ~~and~~ inclusion, and accessibility lens.

3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 22nd day of April, 2025 by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **April 22, 2025**
TO: **Mayor and City Councilors**
FROM: **Taylor Graybehl, Senior Planner**
SUBJECT: **Ordinance No. 5156: (Docket G 2-24), An Ordinance amending 17.57 of the McMinnville Municipal Code, Landscape Review Process, and Landscape Plan Submission Requirements**

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 is the consideration of Ordinance No. 5156, which proposes amendments to the McMinnville Municipal Code (MMC), Title 17 "Zoning," specifically Chapter 17.57 "Landscaping." This legislative action was initiated by the Landscape Review Committee and is recommended for approval by the Planning Commission, following a public hearing held on November 7, 2024.

The proposed amendments represent the first phase of a two-phase effort to revise the landscaping provisions of the Zoning Ordinance for efficiency and clarity. Phase One focuses on implementing the review process and submittal requirements for landscape plans. Phase Two will address updates to landscaping standards, including applicability and the adoption of clear and objective criteria to ensure projects align with community goals and provide applicants with transparent requirements.

Key updates proposed in Phase One include:

- **Review Process:** The proposed amendments establish two pathways of review: 1) administrative for those applications that choose to meet the clear and objective design criteria of the code; and 2) Landscape Review Committee for those applicants who want to propose a new design approach that meets the intentions and purpose of the code.

  Staff will be authorized to review and approve landscape plans *(Administrative Review Process)* that comply with established standards. For plans that cannot meet the base

standards, applicants may seek review and approval through the Landscape Review Committee *(Discretionary Review Process)*. These applicants must demonstrate that their projects meet or exceed typical standards while aligning with the goals of Chapter 17.57, the Comprehensive Plan, and the Great Neighborhood Principles.

- **Submittal Requirements:** New submittal requirements will clarify expectations for landscape plan submissions, streamlining the review process, reducing review times, and conserving staff resources. These requirements are proposed in Section 17.57.060.

The proposed amendments are anticipated to improve internal efficiencies in landscape plan reviews, enhance clarity for applicants, and support timely decision-making.

Background:

The proposed amendments build on earlier work by the Planning Commission, which began during its June 15, 2023 meeting. At that time, staff presented updates to Chapters 17.57 ("Landscaping") and 17.58 ("Trees") of the Zoning Ordinance. However, the Commission opted to postpone discussion to April 18, 2024.

On April 18, 2024, the Planning Commission decided to prioritize amendments to Chapter 17.58 Trees and defer changes to Chapter 17.57 Landscaping. This decision led to the successful amendment of Chapter 17.58 through Ordinance No. 5145.

Following this, staff revisited proposed updates to Chapter 17.57 on October 3, 2024, as recommended by the Landscape Review Committee. During this session, the Planning Commission requested that staff prepare a draft ordinance based on the proposed changes.

At the November 7, 2024 meeting, the Planning Commission reviewed the draft ordinance and recommended its approval.

The complete amendment was initially provided to City Council in the January 14, 2025 packet but was subsequently pulled from consideration for additional internal coordination on the review process and submittal requirements and the clear and objective design and development standards. After an internal coordinating meeting, it was decided to move forward with the process and submittal requirements proposed amendments and continue discussion on the proposed design and development standards. This is now being described as **Phase One** of Docket G 2-24 and **Phase Two** of Docket G 2-24.

The ordinance included in this packet now represents **Phase One** of a two-phase plan to implement the Planning Commission's recommendations and update Chapter 17.57.

Discussion:

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

Sections to be Amended:

- **17.57.050:** Plans – Submittal, Review, Approval, and Time for Completion
- **17.57.060:** Plans – Information to be Included

1. **Resource-intensive review process causing delays**

   Currently all landscape plans are reviewed by the Landscape Review Committee. This process requires staff to develop a staff report and staff the committee meeting adding workload to staff and time to issue a decision. Per the MMC though, a landscape plan decision is a decision of the Planning Director and the Landscape Review Committee is advisory to the Planning Director.

   Additional impacts include potentially increasing the review period of a project due to a seven-day "dead" period between packet issuance and decision, changes in committee can lead to different development requirements for projects, and potential for multiple meetings to incorporate the Landscape Review Committees' required revisions.

   To reduce staff workload and expedite the review process, the Planning Commission and staff recommend creating two distinct pathways:

   - **Administrative Review Process** (Section 17.57.050(A)(1)): Staff will review and approve landscape plans that comply with established standards.

   - **Discretionary Review Process** (Section 17.57.050(A)(2)): Applicants may request modifications to standards, provided they demonstrate alignment with the Chapter's purpose, the Comprehensive Plan, and the Great Neighborhood Principles. The Landscape Review Committee will evaluate whether these proposals meet or exceed existing standards.

   A review of Ashland, Bend, Corvallis, Grants Pass, McMinnville, Newberg, and Redmond found that McMinnville is the only community with a separate hearing process for Landscape applications. Bringing an item before the Landscape Review Committee adds staff time to the review process.

2. **Absence of completeness review period**

   Currently the MMC does not allow for an application completeness review period. The code simply requires that the landscape plan application be reviewed by the Landscape Review Committee within thirty days of an application submittal. Oftentimes though, the application submittal is not complete and leads to the need for additional meetings with the Landscape Review Committee as more information is sought to make a decision. This leads to time delays and frustrations for the applicant.

   All other similar type applications have a 30-day completeness review period whereby staff reviews the application to ensure that all of the appropriate information is provided to make a decision. If some information is missing, staff communicates that to the applicant.

   In the proposed code amendments, the Administrative Review Process maintains the thirty day review timeline, but the Discretionary Review Process includes a 15 day completeness review to ensure a complete submittal prior to review by the Landscape Review Committee. This step prevents delays caused by incomplete submissions and ensures the Landscape Review Committee has all necessary information. Once an

application is deemed complete, the Committee will have 30 days to make a decision, after which the application will be automatically considered approved.

3. **Insufficient information on landscape plan submissions**

   Current landscape plan submissions frequently lack essential details (such as utility location, site conditions, planting materials, expected built conditions) for verifying compliance with standards, despite meeting existing submittal requirements. To resolve this issue, the Planning Commission and staff recommend revising Section 17.57.060 to offer more explicit guidance on submission expectations. These updates aim to streamline the review process, shorten review times, and optimize staff resource allocation.

Overall Impact: The proposed amendments aim to streamline the review process, enhance clarity for applicants, and optimize the use of staff and committee resources, ensuring more efficient and effective landscaping plan approvals.

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:

The proposed changes are anticipated to have a positive fiscal impact, as streamlining the landscape plan review process has the potential to reduce the time required for staff to complete these reviews, ultimately leading to cost savings and improved efficiency. Per the 2023 Planning Fee Study this process improvement should save approximately $15,000 in staff time. The proposed changes also should provide more surety to the applicant about objective review and timeliness.

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" 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," 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 DLCD.

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 and the item was continued.

WHEREAS, notice of the April 22, 2025 City Council meeting was posted on the City website in accordance with Oregon public meetings.

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 22nd day of April 2025 by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
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. 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 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.

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 McMinnville as a community that cares about its appearance.

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. 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 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
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). (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Specific uses requiring landscaping.

A. Churches, subject to the landscaping requirements of a multiple-family 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.

C. Mobile home park, subject to the requirements of a multiple-family development;

D. Multiple-family, 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).

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 utilizes standards that do not require the use of discretionary decision-making. The discretionary process utilizes 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 Planning Director 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, unless exempted in writing by the Planning Director.

e. Minor changes in the landscape plan shall be allowed, such as like-for-like replacement of plants, as long as they do not alter the character and aesthetics of the original plan, as determined by the Planning Director, and those changes 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 Planning Director 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, unless exempted in writing by the Planning Director.

g. The Applicant may request a modification of a previously approved landscape plan by filing a petition to the Planning Director. 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. The applicant is responsible for ensuring approved landscape plans comply with Building and Civil Plans; additional fees may be assessed for repeated review.

C. 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 is filed with the City assuring such installation within a time specified by the Planning Director , but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director 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, 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;

D. All completed landscape projects shall be inspected by the Planning Director . 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, 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 ***in the Application***. The following information shall be included in the ***landscape*** plan~~s~~ ***review application*** 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 ~~on the plot plan for the building permit~~ ***must be included in the landscape plan:***

1. ***North arrow.***
2. ***Drawn to scale (standard architectural or engineering).***
3. ***Lot and building setback dimensions.***
4. ***Clear vision areas as identified in Section 17.54.080.***
5. ***Property corner elevations (if there is more than a 4-foot elevation differential, site plan must show contour lines at 2-foot intervals).***
6. ***Location of easements and driveway (existing and proposed).***
7. ***Footprint of new structure (including decks).***
8. ***Location of existing wells and septic systems.***

9. ***Existing and proposed utility locations, including sanitary sewer, storm sewer, water lines, utility poles, powerlines, fire hydrants, streetlights, natural gas, utility meters, etc.***
10. ***Lot area, building coverage area, percentage of coverage and impervious area.***
11. ***Surface drainage.***
12. ***Location and extent of fill on the lot.***
13. ***Existing and platted street names and other public ways.***

I. Planting schedule to include quantity, size, and variety (common and botanical) of all plant materials.

J. If tree protection is required per Section 17.58.075, provide a Tree Protection Plan

K. 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.

L. 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; (***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 percent of the gross area. This may be reduced to not less than five 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 percent of the gross area. This may be reduced to not less than five 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 percent of the gross area. This may be reduced to not less than fifteen 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 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.

a. $\frac{\text{ALC (additional lot coverage}}{\text{ELC (Existing Lot Coverage)}} \times \text{\% of landscaping required} \times \text{Total lot area}$

b. Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;

B. ~~The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions~~***Landscape plans shall meet the following standards, unless the Discretionary Review Process of Section 17.57.050 (B)(2) is requested by the Applicant:***

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. 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.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

C. All landscaping approved ~~through the Landscape Review Committee~~ ***by the landscape plan*** shall be continually maintained, including

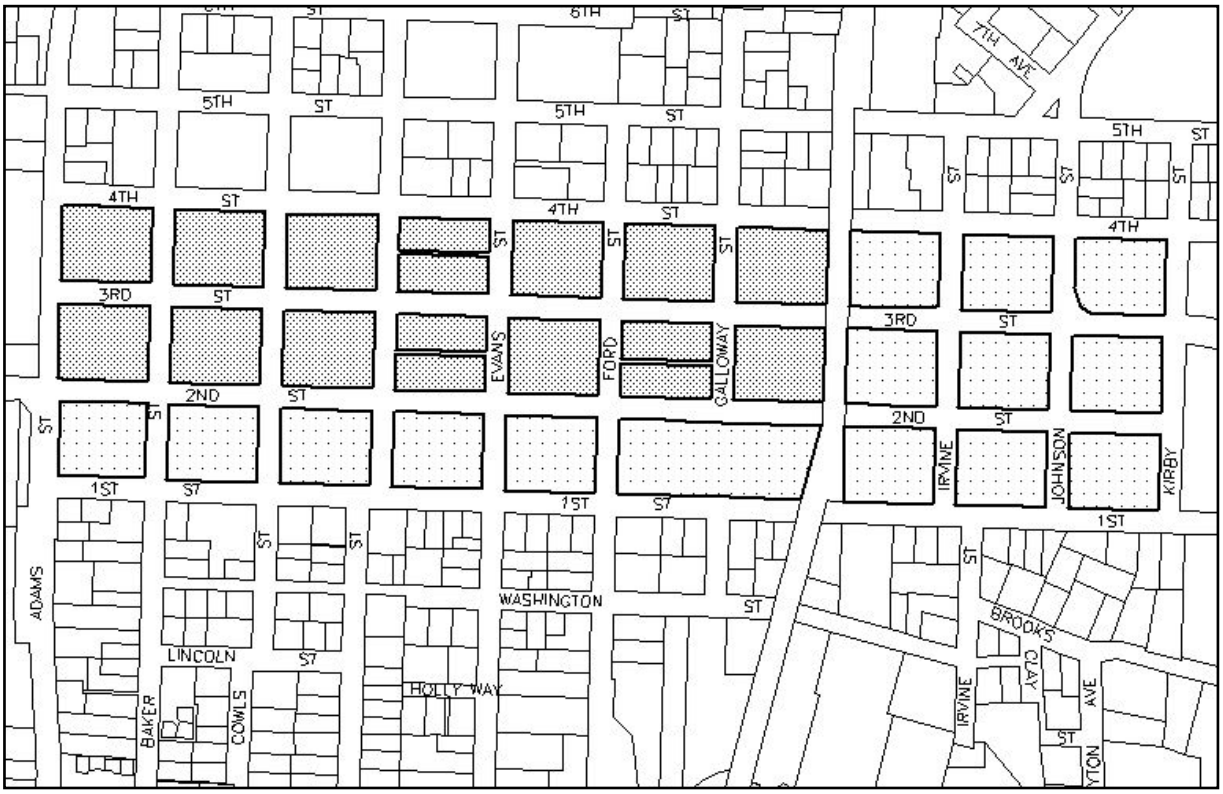
necessary watering, weeding, pruning, mowing, and replacement. ~~Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what 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 of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS



Area I No 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).

City of McMinnville
PLANNING

City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
503-434-7311
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 REVIEW PROCESS AND LANDSCAPE PLAN SUBMISSION REQUIREMENTS CHAPTERS 17.57

DOCKET: G 2-24

REQUEST: Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscape review process and landscape plan submission requirements.

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 2nd Street, McMinnville
Zoom Meeting:
https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REEY3RVSzFHeFdmK2pZUmJNdkdSZz09

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: April 22, 2024, 7:00 PM. Hybrid In-Person and Zoom Online Meeting: Kent Taylor Civis Hall, 200 NE 2nd 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 Division:_____ 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 the landscape review process and landscape plan submission requirements in Chapter 17.57.

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. The proposal is intended to implement the adopted revised standards for the landscape review process and landscape plan submission requirements.

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 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 and the item was continued.

7. On April 22, 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 strikes a balance between the purpose and intent of Chapter 17.57 and the efficiencies required for staff time.

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.

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
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EXHIBIT 1 - MINUTES

November 7, 2024 **6:30 pm**
Planning Commission **Hybrid Meeting**
Regular 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.

DRAFT

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.

City of McMinnville
Community Development
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www.mcminnvilleoregon.gov

STAFF REPORT

DATE: **April 22, 2025**
TO: **Mayor and City Councilors**
FROM: **Evan Hietpas, Associate Housing Planner**
SUBJECT: **Comprehensive Plan Amendment and Zone Change (CPA 1-24/ZC 4-24)**

STRATEGIC PRIORITY & GOAL:

GROWTH & DEVELOPMENT CHARACTER
Guide growth and development strategically, responsively, and responsibly to enhance our unique character

OBJECTIVE: Strategically plan for short and long-term growth and development that will create enduring value for the community.

Report in Brief:

This agenda item is the consideration of Ordinance No. 5159, the recommendation of the Planning Commission to approve the Comprehensive Plan Amendment and Zone Change applications for property located at 2320 SE Stratus Avenue, Tax Lots R442700600 & R442700604 (Dockets CPA 1-24 and ZC 4-24).

Comprehensive Plan Map Amendment (CPA 1-24) and **Zone Change Application (ZC 4-24) -** The application bundles two requests: 1) a request to amend the Comprehensive Plan Map; and 2) a request to amend the Zone Map to rezone two parcels equating to 5.8 acres from industrial to residential. The subject parcels are currently designated Industrial on the McMinnville Comprehensive Plan Map and are designated M-1 on the Zoning Map. The request, if approved, would designate the property Residential on the Comprehensive Plan Map and R-4 (Medium, High-Density Residential) on the Zoning Map. A Comprehensive Plan Amendment and Zone Change proposal must satisfy all relevant requirements of the review criteria set forth in McMinnville Municipal Code (MMC) 17.74.020.

This request is consistent with the land-use amendments recommended by the recently adopted Three Mile Lane Area Plan to efficiently utilize the land within the city's limits to meet its future housing needs.

This is a quasi-judicial application subject to the procedures of Section 17.72.130 of the Zoning Ordinance. Per Section 17.72.130 (5) and (6) of the Zoning Ordinance, the Planning Commission makes a recommendation to the City Council to approve or deny the application. Per Section 17.72.130(C)(5) and (6) of the McMinnville Municipal Code:

5. *Following the public hearing for all other quasi-judicial applications listed in Section 17.72.120, the Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.*
    a. *If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council, a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the Planning Commission, and any other materials deemed necessary for decision by the City Council*
    b. *If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.*
6. *Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:*
    a. *Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;*
    b. *Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D)-(F).*

The Planning Commission held a public hearing beginning on January 16, 2025, that was continued until February 6, 2025, and again continued until March 20, 2025. The public hearing was closed on March 20, 2025, and the Planning Commission voted 9-0 to recommend **approval** with conditions, with a revision to Condition #4 of the decision document pertaining to pedestrian infrastructure, and revisions to findings related to MMC 17.74.020(B). On April 3, 2025, the Planning Commission, by a vote of 9-0, recommended approval of a revised Decision Document that reflected the recommended approval.

The Planning Commission recommendation is now forwarded to City Council based on the findings provided in Exhibit A to Ordinance No. 5159, the Decision Document, Findings of Fact and Conclusionary Findings for Docket CPA 1-24/ZC 4-24.

Background:

The applicant and property owner submitted Comprehensive Plan Amendment and Zone Change applications to the Community Development Department on October 4, 2024. The application was deemed complete on October 28, 2024.

January 16, 2025, Public Hearing
A Notice of public hearing was mailed to all property owners within 300 feet of the exterior boundary of the subject property on December 26, 2024. Notice of the public hearing was published in the News Register on January 10, 2025.

February 6, 2025, Public Hearing
On January 16, 2025, notice of the application and the February 6, 2025, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance. On January 31, 2025, notice of the application and the February 6, 2025, Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance. The Planning Commission held the continued public hearing on February 6, 2025, to consider the request, and continued the public hearing until March 20, 2025.

March 20, 2025, Public Hearing
On March 20, 2025, the Planning Commission held the continued public hearing and voted 9-0 to recommend approval with conditions, with a revision to Condition #4 of the decision document pertaining to pedestrian infrastructure, and revisions to findings related to MMC 17.74.020(B).

April 3, 2025, Action Item
On April 3, 2025, the Planning Commission, by a vote of 9-0, recommended approval of a revised Decision Document that reflected the recommended approval.

Summary of Findings
The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Zone Change and Comprehensive Plan Amendment are found in the MMC, Title 17, Chapter 17.74 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of a proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. Amendments to the City's adopted and acknowledged planning documents, including amendments to the Comprehensive Plan Map and Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

Staff found that comprehensive plan amendment/zone change application CPA 1-24/ZC 4-24 satisfied all code criteria, applicable Comprehensive Plan Goals and Polices, and applicable Statewide Planning Goals with four conditions of approval.

Recommended Conditions of Approval:

1. If at the time of development, the applicant proposes a density that exceeds 20 residential units per acre (as is assumed in the modeling analysis for R-4 zoning), the City may require the development to enter into a reimbursement agreement with the City for modeling the impacts of the proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity.

2. The applicant shall be required to clearly delineate on-site vehicular circulation from Stratus Avenue to the development project to avoid conflicts between entry access to the development project on the subject site and the parking lot area of the properties that share access from Stratus Avenue with the development project. These details should be clearly shown on future site plan drawings submitted during the development permitting stage, including the Landscape Plan Review and Three Mile Lane Area Development Review processes, and should include pedestrian and bicycle connectivity adjacent to the access drive as well as physical delineation between the adjacent business parking lots and the access drive that is agreed upon by all property owners impacted.

3. Traffic impacts resulting from development tax lots R442700600 & R442700604 shall be limited to a maximum of 715 average daily trips.

4.

a. A Traffic Impact Analysis (TIA) to assess the impact of the development on the local transportation network will be required prior to the submittal of building permits. The TIA will analyze in detail the impact of the proposed development on the following intersections per the performance standards in the City of McMinnville Transportation System Plan, and identify the necessary improvements to maintain performance.
    i. SE Stratus Avenue/Site Access
    ii. SE Stratus Avenue/ SE Norton Lane
    iii. SE Norton Lane/Cumulus Avenue
    iv. SE Norton Lane/HWY 18
    v. NE Pacific-Cumulus-Nehemiah/ Three Mile Lane
    vi. SE First Street/Three Mile Lane
    vii. Additional areas of concern may be identified at the time of development for evaluation.

    The applicant shall provide evidence that the proposed development will maintain compliance with the transportation performance standards adopted in the City's Transportation System Plan. Currently, the Mobility Standard for all local (city) intersections and streets shall be a volume/capacity ratio of .90. This is subject to change if the City updates the Transportation System Plan prior to a development permit application for the subject site.

    The applicant will be required to build the necessary transportation improvements identified to maintain compliance with the City's performance standards at these intersections. These projects may include both vehicular and non-vehicular (pedestrian and bicycle) improvements.

b. At the time of Landscape Plan Review and Three Mile Lane Area Development Review applications, the applicant shall provide the city with a transportation analysis that evaluates the current condition of Stratus Avenue for pedestrian travel and assesses the impact of development on the property on the safety of the pedestrian network on Stratus Avenue.

    If the transportation analysis identifies a pedestrian safety concern along Stratus Avenue, the applicant will be required to install a new paved sidewalk in the right of way along the frontage of the property adjacent to the subject properties to the east, known as the Evergreen Mobile Home Park at 2400 SE Stratus Ave (Tax Lot R442700500) as an off-site improvement to mitigate the safety concern.

    The proposed development will be eligible for Transportation System Development Charge (SDC) credits for required off-site improvements resulting from the pedestrian safety analysis, as approved by the City. Public sidewalk improvements must meet all applicable City standards in place at the time of development, following ADA Standards as shown in the PROWAG design guidelines. Any proposed modifications to these standards due to site constraints (such as the width of available public right-of-way or the topography of the site), must be approved by the City's Engineering Division.

FIGURE 1. VICINITY MAP OF SUBJECT PROPERTIES (PROPERTY LINES APPROXIMATE)

FIGURE 2. COMPREHENSIVE PLAN MAP AMENDMENT

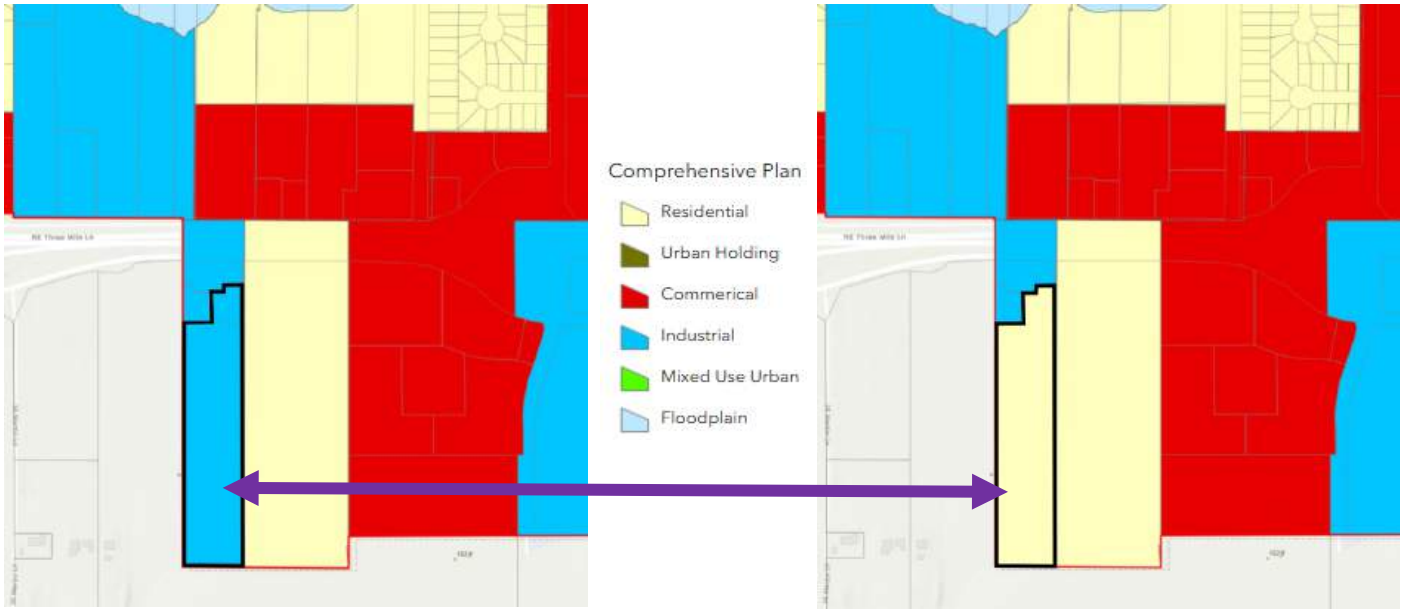
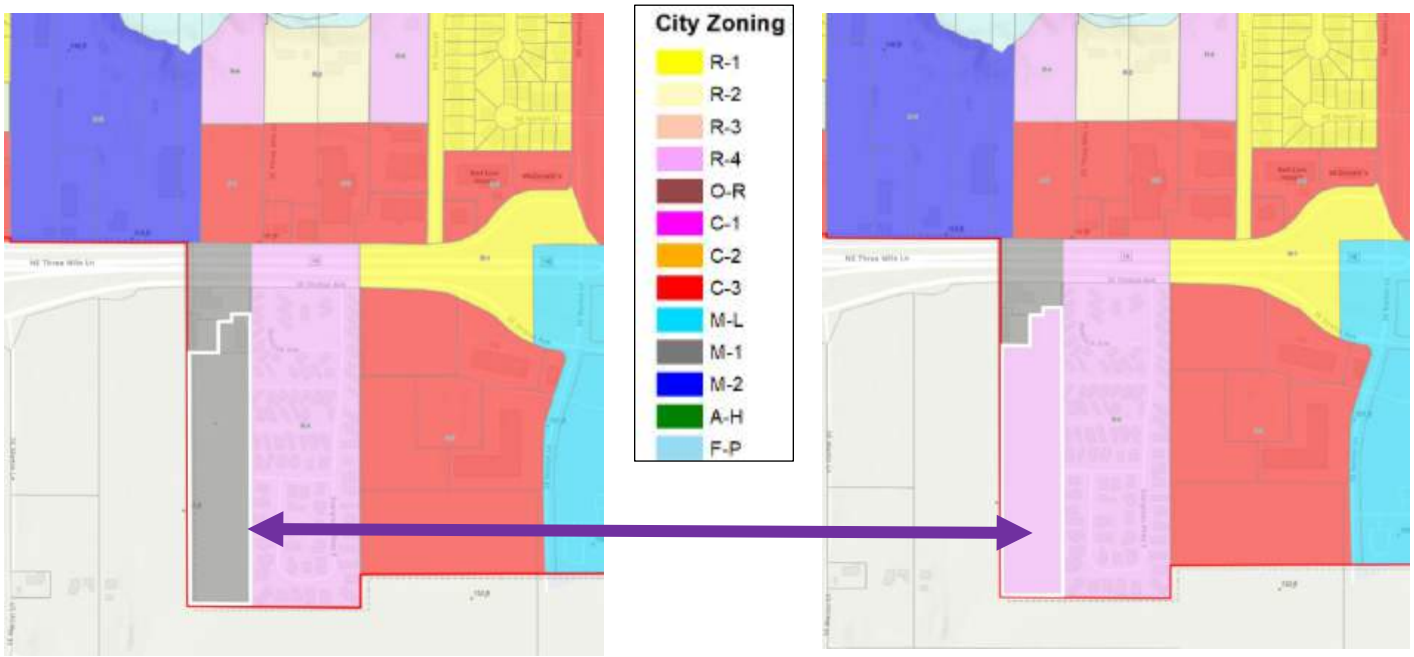


FIGURE 3. ZONING MAP AMENDMENT



Discussion:

Themes of Public Testimony and Staff Responses

Please review **Attachment 2** of this staff report for a more detailed description of the public testimony received to date, as well as staff responses to the questions and concerns raised. The "Attachment 3" to the Decision Document includes all written public testimony received during the public comment and public hearing process..

Sanitary Sewer System Capacity

During the initial review of this application by the City's Engineering Division, the following comment was provided, *"The existing sanitary system serving this property has capacity constraints. Changing zoning from M-1 to R-4 results in an increase from 360 (gpnad) to 2,848 (gpnad). Depending on the proposed density within the R4 zone there may or may not be a capacity concern."* This concern was brought up as a specific concern from one individual who submitted both written and verbal comments.

The Planning Commission continued the Public Hearing to March 20, 2025, so that analysis could be completed to determine if the proposed zone change from M-1 to R-4 would result in a capacity concern for the sanitary sewer network.

The City has now completed the capacity analysis, and it has been found that there is adequate capacity in the existing sanitary system to serve this property with minimal surcharging as allowed per the City's Wastewater Master Plan modeling. The assumptions for the analysis were based on the information provided from the applicant and include changing zoning from M-1 to R-4 with an assumption of 20 residential units per acre.

If at the time of development, the applicant proposes a density that exceeds twenty (20) residential units per acre, the City may require the applicant to enter into a reimbursement agreement with the City for modeling the impacts of the additional proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity. This is identified as Condition of Approval #1. "Attachment 2" of the Decision Document is a memo received from the City's Engineering Division memorializing this analysis.

Site Access and On-Site Circulation

A predominate concern that has been raised during the public hearing and comment period has been vehicular access and circulation at the site, particularly as it relates to the current businesses that operate (NW Logging and Ed's Transmission) adjacent to the subject property of this application. At the February 6, 2025, meeting, there was a request from a Planning Commissioner for the applicant to make an honest attempt to work with the business owners of NW Logging and Ed's Transmission to work towards a mutually agreeable solution to site access and circulation. In response to these concerns and requests, the applicant has submitted a Memo on March 12, 2025, which included a conceptual site plan drawing that proposes several adjustments and considerations:

- Relocate existing access and utility easement
- Relocate current storage shed

- Retain existing turnaround in the parking lots of businesses
- Provide privacy fencing along new access drive

The applicant's memo has been included in the Decision Document in Attachment 1 (Application Materials, on page 132 and 133 of the Decision Document).

FIGURE 4. CONCEPTUAL SITE PLAN DRAWING, SUBMITTED MARCH 12, 2025

Pedestrian Safety Along Stratus Avenue

In response to public testimony received, the Planning Commission voted and provided a recommendation to amend Condition #4 to fully evaluate pedestrian safety along Stratus Ave in relation to development at 2320 Stratus Ave, and if it was found that there are safety concerns, the applicant would construct the necessary improvements within the right-of-way along Evergreen Mobile Home Park. In summary, the Condition must require an analysis of pedestrian safety, and if there are safety concerns, the applicant will be responsible for the improvement project. A revised Condition of approval can be found on page 11 of the decision document, and is also included below:

> *"b. At the time of Landscape Plan Review and Three Mile Lane Area Development Review applications, the applicant shall provide the city with a transportation analysis that evaluates the current condition of Stratus Avenue for pedestrian travel and assesses the impact of development on the property on the safety of the pedestrian network on Stratus Avenue.*
>
> *If the transportation analysis identifies a pedestrian safety concern along Stratus Avenue, the applicant will be required to install a new paved sidewalk in the right of way along the frontage of the property adjacent to the subject properties to the east, known as the Evergreen Mobile Home Park at 2400 SE Stratus Ave (Tax Lot R442700500) as an off-site improvement to mitigate the safety concern.*
>
> *The proposed development will be eligible for Transportation System Development Charge (SDC) credits for required off-site improvements resulting from the pedestrian safety analysis, as approved by the City.*
>
> *Public sidewalk improvements must meet all applicable City standards in place at the time of development, following ADA Standards as shown in the PROWAG design guidelines. Any proposed modifications to these standards due to site constraints (such as the width of available public right-of-way or the topography of the site), must be approved by the City's Engineering Division."*

Applicability of MMC 17.74.020.(B), related to "Needed Housing"

Upon further review, and in response to written public testimony received, the Planning Commission voted and provided a recommendation to amend Conclusionary Findings related to the applicability of MMC 17.74.020.(B), as it pertains to "needed housing". When a proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map. Staff revised the findings in the Decision Document to align with the legal memo (Attachment 3) submitted into the official record on March 20, 2025. The revised findings can be found on page 21-22 of the Decision Document, and are also included on the following page of this staff report:

> *"**FINDING:** The applicant proposes a plan amendment to designate land for residential use on the plan map, and to rezone that land to multi-family residential. The Subsection B Exemption applies when a proposed plan map and zone map amendment "**concerns needed housing** (as defined in the McMinnville Comprehensive Plan and state statute)."*

The Comprehensive Plan does not define "needed housing", however, the comprehensive plan must be consistent with state statute. State statute (ORS 197A.348) defines "needed housing" to mean "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.

In other words, all housing within the city is needed housing because the city's comprehensive plan identifies a need for housing at a variety of price ranges and rent levels to households within the city at a variety of income levels. The proposed Comprehensive Plan map and Zoning Map amendments "concern needed housing" because they are proposed amendments to change the plan and zone designations to residential, which designations can be used exclusively for housing. ***Therefore, the second requirement of the Subsection B Exemption is satisfied, and Criterion B does not apply."***

Attachments:

- Ordinance No. 5159
  - Exhibit A to Ordinance No. 5159 – Docket CPA 1-24/ZC 4-24 Decision Document
- CPA 1-24/ZC 4-24 Application Materials (on file with the Planning Division)
- Engineering Memo, dated February 13, 2025
- All Written Public Testimony received
- Summary of Public Testimony Received and City Staff Responses, prepared on March 20, 2025.
- Legal Memorandum prepared by Bateman Seidel, submitted into record on March 20, 2025.
- Planning Commission Minutes, January 16, 2025, February 6, 2025, March 20, 2025 and April 3, 2025.

City Council Options:

1. **ADOPT THE ORDINANCE** approving CPA 1-24/ZC 4-24 and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.

2. **ADOPT ORDINANCE** in an amended form, approving CPA 1-24/ZC 4-24 and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided, **with revisions**.

3. **CALL FOR A PUBLIC HEARING,** date-specific to a future City Council meeting.

4. **DO NOT ADOPT THE ORDINANCE,** providing findings of fact and conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5159.

Recommendation:

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found that the applicable criteria were satisfied, as provided in the decision document, and **RECOMMENDED APPROVAL, WITH CONDITIONS** of the applications.

Staff **RECOMMENDS ADOPTION OF THE ORDINANCE** approving the applications CPA 1-24/ZC4-24, as recommended by the Planning Commission**.**

Suggested Motion:

"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5159."

ORDINANCE NO. 5159

AN ORDINANCE APPROVING A COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE FROM AN INDUSTRIAL DESIGNATION TO A RESIDENTIAL DESIGNATION AND M-1 ZONING (LIGHT INDUSTRIAL) TO R-4 (MEDIUM, HIGH DENSITY, 5000 SF LOT RESIDENTIAL) ZONING FOR PROPERTY OF APPROXIMATELY 5.8 ACRES LOCATED AT 2320 SE STRATUS AVE (TAX LOTS R442700600 & R442700604), DOCKET CPA 1-24/ZC 4- 24.

RECITALS:

WHEREAS, on October 4, 2024, the Community Development Department received concurrent land-use applications (Docket CPA 1-24/ZC 4-24) from applicant, Commonwealth Development Corporation, requesting approval of a Comprehensive Plan Map amendment from Industrial to Residential and a Zone Map amendment from M-1 (Light Industrial) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone) for two properties; and

WHEREAS, the subject properties is approximately 5.8 acres, located at 2320 SE Stratus Avenue, Tax Lots R442700600 & R442700604; and

WHEREAS, a duly noticed public hearing before the McMinnville Planning Commission was held on January 16, 2025 after due notice had been provided in the local newspaper on January 10, 2025 and written notice had been mailed to property owners within 300 feet of the affected property on December 26, 2024; and

WHEREAS, at said public hearing, the application materials, Decision Document, and a staff report were presented, and applicant and public testimony was received, and

WHEREAS, the Planning Commission continued the public hearing until February 6, 2025, and

WHEREAS, the February 6, 2025 public hearing was re-noticed to property owners within 300 feet of the affected property on January 16, 2025 to include the accurate meeting link information for virtual attendance via Zoom, and

WHEREAS, a public hearing before the McMinnville Planning Commission was continued on February 6, 2025, and

WHEREAS, at said public hearing, the application materials, updated Decision Document, and a staff report were presented, and applicant and public testimony was received, and

WHEREAS, the Planning Commission continued the public hearing until March 20, 2025 to provide time for the City and the applicant to conduct analysis regarding sanitary sewer capacity for the subject property, and

WHEREAS, a public hearing before the McMinnville Planning Commission was continued on March 20, 2025, and

WHEREAS, at said public hearing, the application materials, updated Decision Document, and a staff report were presented, and applicant and public testimony was received, and

WHEREAS, the Planning Commission closed the public hearing on March 20, 2025, and

WHEREAS, the Planning Commission, being fully informed, found that the requested Comprehensive Plan Map and Zone Map Amendment conformed to the applicable McMinnville Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, on March 20, 2025, the Planning Commission, by a vote of 9-0, recommended approval with conditions, with a revision to Condition #4 of the decision document pertaining to pedestrian infrastructure, and revisions to findings related to MMC 17.74.020(B) of said Comprehensive Plan Amendment and Zone Change; and

WHEREAS, on April 3, 2025, the Planning Commission, by a vote of 9-0, recommended approval of a revised Decision Document that reflected the recommended approval,

WHEREAS, the City Council having received the Planning Commission recommendation and staff report, and having deliberated;

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A, approving the Comprehensive Plan Amendment and Zone Change (CPA 1-24/ZC 4-24); and

2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the McMinnville City Council this 22nd day of April, 2025 by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

EXHIBITS:
A. Decision Document for Docket CPA 1-24/ZC 4-24

City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE FROM INDUSTRIAL, M-1 ZONING (LIGHT INDUSTRIAL) TO RESIDENTIAL, R-4 (MEDIUM, HIGH DENSITY RESIDENTIAL) FOR A PROPERTY OF APPROXIMATELY 5.8 ACRES, LOCATED AT 2320 SE STRATUS AVENUE, TAX LOTS R442700600 & R442700604.

I. INTRODUCTION

DOCKET:	Comprehensive Plan Amendment (CPA 1-24) and Zone Change (ZC) 4-24
REQUEST:	The application requests the approval of a concurrent approval of a Comprehensive Plan Map Amendment and Zone Change from Industrial to Residential. The subject parcels are currently designated Industrial on the McMinnville Comprehensive Plan Map and are designated M-1 on the Zoning Map. The request, if approved, would designate the property Residential on the Comprehensive Plan Map and R-4 (Medium, High-Density Residential) on the Zoning Map.
LOCATION:	Site Address: 2320 SE Stratus Avenue Map and Tax Lots: R442700600 & R442700604
CURRENT COMPREHENSIVE PLAN DESIGNATION:	Industrial
CURRENT ZONING:	M-1 (Light Industrial)
APPLICANT:	Commonwealth Development Corporation c/o Daniel DiFrancesco
APPLICANT'S REPRESENATIVE:	Cascadia Planning + Development Services c/o Steve Kay
PROPERTY OWNERS:	Jodi L Devonshire, Andrea M Feero, and Jennifer L Feero
CITY STAFF:	Evan Hietpas, Associate Housing Planner
DATE DEEMED COMPLETE:	October 28, 2024

HEARINGS BODY & ACTION:	The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission recommendation/decision of denial becomes the final decision unless that decision is appealed to the City Council.
PLANNING COMMISSION HEARING DATES & LOCATION:	January 16, 2025, at 6:30 P.M., Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128 Zoom Meeting ID: 893 6863 4307; Passcode: 989853 February 6, 2025, at 6:30 P.M., Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128 Zoom Meeting ID: 891 4771 2153; Passcode: 562233 March 20, 2025, at 6:30 P.M., Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128 Zoom Meeting ID: 831 2090 5124; Passcode: 288880
PROCEDURE:	Application for Comprehensive Plan Amendments and Zone Changes are processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.
DECISION-MAKING BODY:	The McMinnville City Council makes the final decision, unless the Planning Commission recommendation is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.
CITY COUNCIL MEETING DATE & LOCATION:	April 22, 2025, at 7:00 P.M. Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128 and via Zoom.
CRITERIA:	The applicable criteria for Comprehensive Plan Amendment and Zone Change is specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. The proposal must also be consistent with applicable provisions of state law.

APPEAL:

The Planning Commission makes a recommendation to the City Council. If the Planning Commission recommendation is approval, the recommendation is forwarded to City Council to make the final decision. If the Planning Commission recommendation/decision is denial, then that is the final decision unless the Planning Commission's decision is appealed to the City Council per Section 17.72.180 of the McMinnville Municipal Code.

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

Note: *The City's final decision is usually subject to a 120-day processing timeline, including resolution of any local appeal. However, per ORS 227.178(7), the 120-day period does not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.*

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in Section IV of this document.

II. RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds that the applicable criteria are satisfied and **RECOMMENDS APPROVAL WITH CONDITIONS** of Comprehensive Plan Map Amendment and Zone Change (CPA 1-24 & ZC 4-24).

//

RECOMMENDATION: APPROVAL WITH CONDITIONS

//

City Council: _____ Date: _____
Kim Morris, Mayor of McMinnville

Planning Commission: _____ Date: _____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Planning Department: _____ Date: _____
Heather Richards, Community Development Director

Table of Contents

III. APPLICATION SUMMARY:

Subject Property & Request

The applicant requests concurrent amendments to the Comprehensive Plan Map and Zoning Map from Industrial to Residential and M-1 (Light Industrial) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone), for two parcels of approximately 5.8 acres, located at 2320 SE Stratus Avenue (Tax Lots R442700600 & R442700604). ***See Vicinity Map (Figure 1), Comprehensive Plan Map (Figure 2A), and Zoning Map (Figure 3A).***

Comprehensive Plan Designations

The City establishes the following Comprehensive Plan Map Designations, which relate to the zoning map. The Residential designation covers all the zoning designations from R-1 through R-5, and any additional zones that may be created for residential uses. The Industrial designation covers all the industrial zones, from M-L to M-2, and any future industrial designations.

Zoning Designations

The M-1 (Light Industrial) zoning district is suitable for industrial uses that can be operated within a wholly enclosed building (outside storage of materials permitted if properly screened), and which are engaged in the manufacturing, processing, assembly, packaging, or treatment of finished or semi-finished products from previously prepared or processed materials. Warehousing, wholesaling, and limited commercial uses are also permitted. Residential uses are prohibited.

The R-4 (Medium, High-Density, 5000 SF Lot Residential Zone) zoning district allows a broad range of residential uses, including middle housing, apartments and large single-resident occupancy (SRO) developments, and requires a minimum lot size of 5,000 square feet. However, as a reminder, this application is for a zone change and comprehensive plan map amendment, not an approval for a specific use. The proposed amendments would not limit which R-4 permitted uses would be authorized on the subject property.

FIGURE 1. VICINITY MAP OF SUBJECT PROPERTIES

FIGURE 2A. EXISTING COMPREHENSIVE PLAN MAP

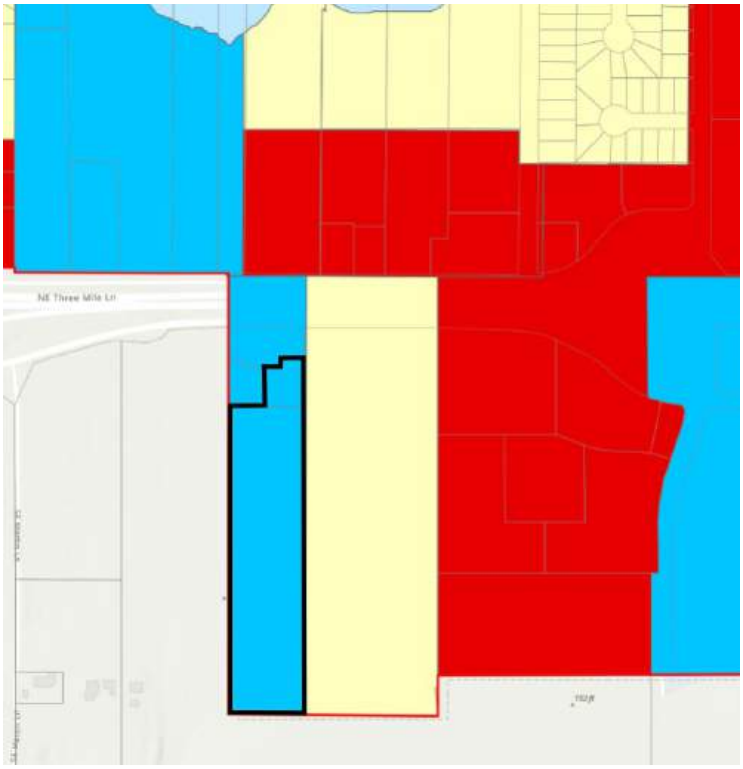


FIGURE 2B. PROPOSED COMPREHENSIVE PLAN MAP

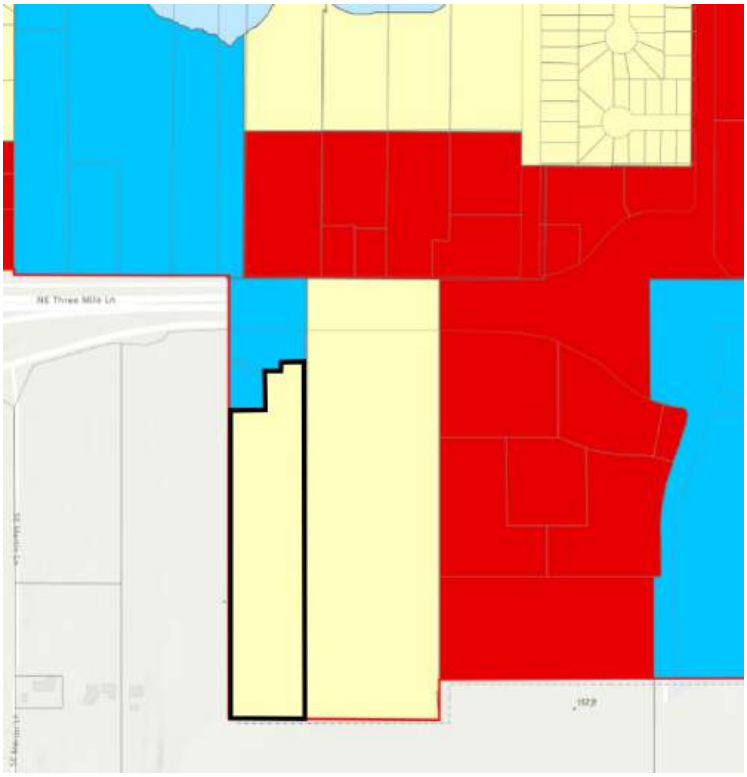


FIGURE 3A. EXISTING ZONING MAP

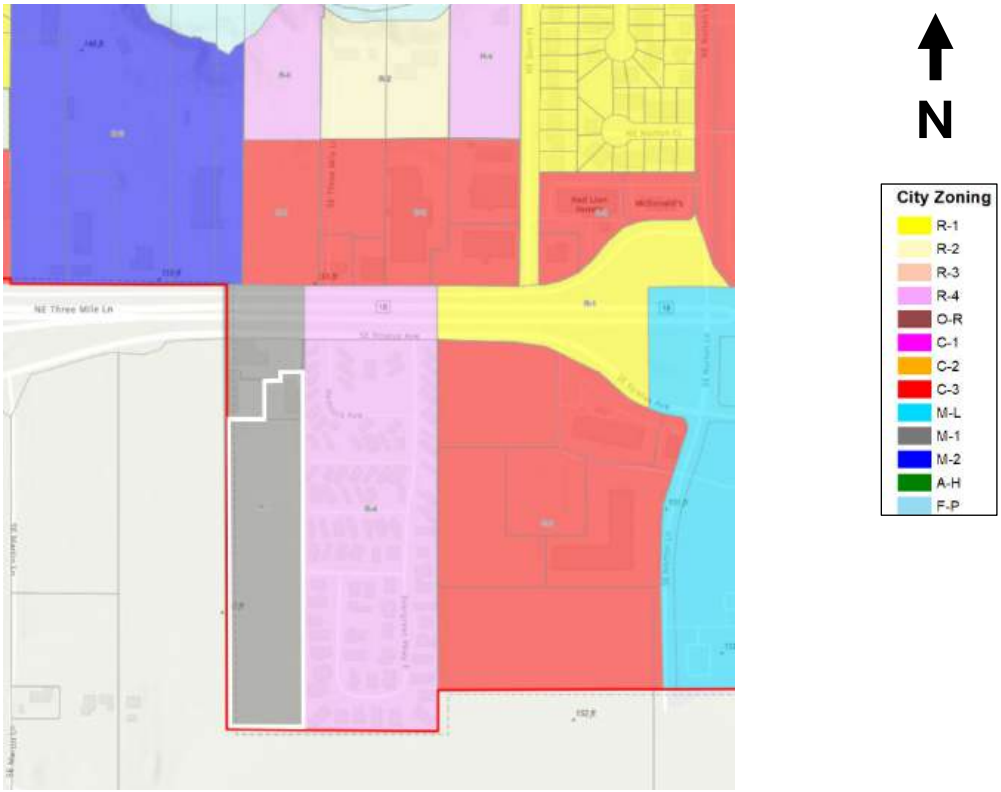
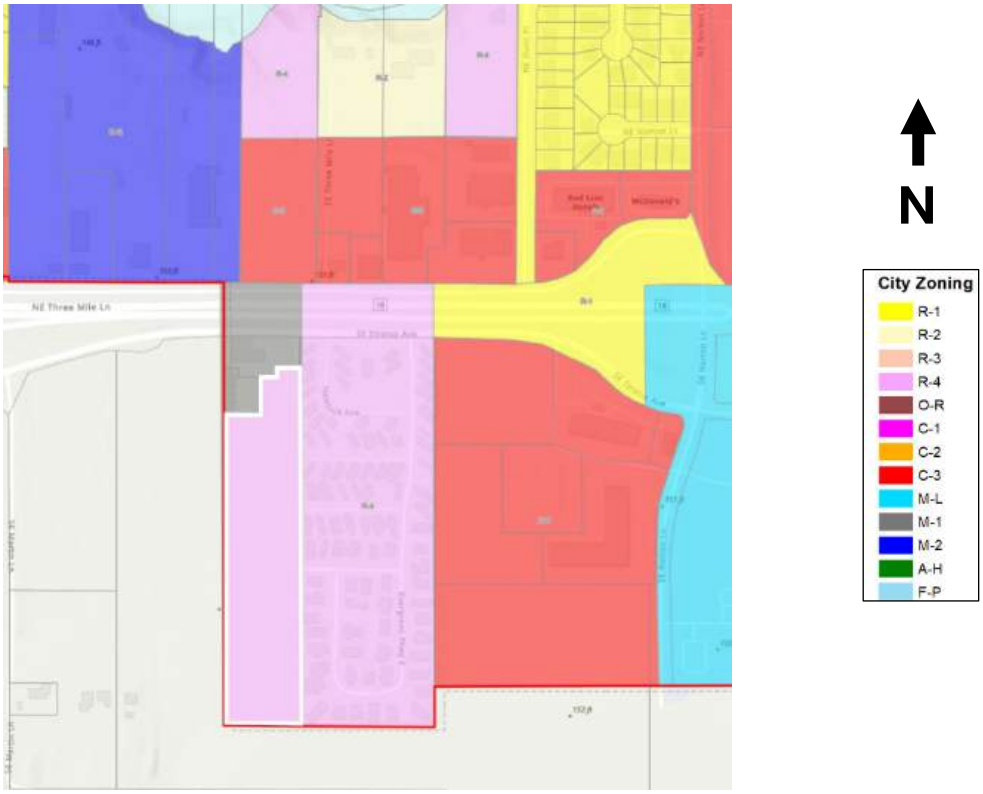


FIGURE 3B. PROPOSED ZONING MAP



IV. CONDITIONS:

The decision is subject to the following conditions of approval:

1. If at the time of development, the applicant proposes a density that exceeds twenty (20) residential units per acre (as is assumed in the modeling analysis for R-4 zoning), the City may require the applicant to enter into a reimbursement agreement with the City for modeling the impacts of the additional proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity.

2. The applicant shall be required to clearly delineate on-site vehicular circulation from Stratus Avenue to the development project to avoid conflicts between entry access to the development project on the subject site and the parking lot area of the properties that share access from Stratus Avenue with the development project. These details should be clearly shown on future site plan drawings submitted during the development permitting stage, including the Landscape Plan Review and Three Mile Lane Area Development Review processes, and should include pedestrian and bicycle connectivity adjacent to the access drive as well as physical delineation between the adjacent business parking lots and the access drive that is agreed upon by all property owners impacted.

3. Traffic impacts resulting from development tax lots R442700600 & R442700604 shall be limited to a maximum of 715 average daily trips.

4.
    a. A Traffic Impact Analysis (TIA) to assess the impact of the development on the local transportation network will be required prior to the submittal of building permits. The TIA will analyze in detail the impact of the proposed development on the following intersections per the performance standards in the City of McMinnville Transportation System Plan, and identify the necessary improvements to maintain performance.

        i. SE Stratus Avenue/Site Access
        ii. SE Stratus Avenue/ SE Norton Lane
        iii. SE Norton Lane/Cumulus Avenue
        iv. SE Norton Lane/HWY 18
        v. NE Pacific-Cumulus-Nehemiah/ Three Mile Lane
        vi. SE First Street/Three Mile Lane
        vii. Additional areas of concern may be identified at the time of development for evaluation.

        The applicant shall provide evidence that the proposed development will maintain compliance with the transportation performance standards adopted in the City's Transportation System Plan. Currently, the Mobility Standard for all local (city) intersections and streets shall be a volume/capacity ratio of .90. This

is subject to change if the City updates the Transportation System Plan prior to a development permit application for the subject site.

The applicant will be required to build the necessary transportation improvements identified to maintain compliance with the City's performance standards at these intersections.

These projects may include both vehicular and non-vehicular (pedestrian and bicycle) improvements.

b. At the time of Landscape Plan Review and Three Mile Lane Area Development Review applications, the applicant shall provide the city with a transportation analysis that evaluates the current condition of Stratus Avenue for pedestrian travel and assesses the impact of development on the property on the safety of the pedestrian network on Stratus Avenue.

   If the transportation analysis identifies a pedestrian safety concern along Stratus Avenue, the applicant will be required to install a new paved sidewalk in the right of way along the frontage of the property adjacent to the subject properties to the east, known as the Evergreen Mobile Home Park at 2400 SE Stratus Ave (Tax Lot R442700500) as an off-site improvement to mitigate the safety concern.

   The proposed development will be eligible for Transportation System Development Charge (SDC) credits for required off-site improvements resulting from the pedestrian safety analysis, as approved by the City.

   Public sidewalk improvements must meet all applicable City standards in place at the time of development, following ADA Standards as shown in the PROWAG design guidelines. Any proposed modifications to these standards due to site constraints (such as the width of available public right-of-way or the topography of the site), must be approved by the City's Engineering Division.

FUTURE DEVELOPMENT NOTES:

1. The applicant will be required to submit all relevant land-use applications including but not limited to, landscape plan review if applicable (per MMC 17.57), multi-family site and design review if applicable (per MMC 17.11), Three Mile Lane Area design review as applicable. It is recommended that the applicant apply for and receive these approvals prior to building permit submittals.

2. That the Applicant shall install street trees, in compliance with an approved Street Tree Plan, at time of all other required landscaping is installed as prescribed in MMC 17.53.153.

3. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan

must be submitted to, and approved by, the City Engineering Department prior to issuance of any building permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

4. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any building permits. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

5. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.

6. That the applicant shall provide easements for sewer, water mains, electric lines, or other public utilities in compliance with MMC 17.53.103(C).

7. McMinnville Water & Light's electric distribution system serving the Three Mile Lane corridor has capacity to supply power to a 96-unit residential apartment complex. However, future development would require additional electric infrastructure to be extended from the development site to MW&L's distribution system. The cost and method of extension is unknown at this time and will be determined after the developer submits an application for service and related development plans.

8. Water system serving SE Stratus Avenue is a 10" water main. Adequate water may be available to serve the proposed development, but a hydrant flow test performed by the applicant's engineer or fire flow professional may be required to determine actual capacity. This proposed development will require additional domestic, irrigation, fire line and hydrant infrastructure to be extended from the development site to MWL's water distribution system.

V. ATTACHMENTS: (ON FILE WITH THE PLANNING DIVISION)

1. CPA 1-24, ZC 4-24 Application and Attachments
2. City Engineering Division Memo on Sanitary Sewer Analysis, dated February 13, 2025.
3. City Staff Memo with Written Public Testimony, dated March 20, 2025.

VI. COMMENTS:

Agency Comments

This application was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Responses were received from the following agencies, provided below:

- Revised McMinnville Engineering Division Review Comments (February 13, 2025) *(see attachment 2)*
    - The City has completed a capacity analysis that indicates there is adequate capacity in the existing sanitary system to serve this property with minimal surcharging as allowed per the City's Wastewater Master Plan modeling. The assumptions for the analysis were based on the information provided from the applicant and include changing zoning from M-1 to R-4 with multifamily residential assumption of 20 residential units per acre.
    - If at the time of development the applicant is to propose more residential units or anything that would result in an increase over the assumptions of the performed analysis, the City may require the development to enter into a reimbursement agreement with the City for modeling the impacts of the proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity.

- *Initial McMinnville Engineering Division Review Comments (December 9, 2024)*
    - *The existing sanitary system serving this property has capacity constraints. Changing zoning from M-1 to R-4 results in an increase from 360 (gpnad) to 2,848 (gpnad). Depending on the proposed density within the R4 zone there may or may not be a capacity concern.*
    - *Prior to any building permit issuance the applicant will be required to enter into a reimbursement agreement with the City for modeling the impacts of the proposed sanitary impacts. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity.*

- McMinnville Water & Light
    - McMinnville Water & Light's electric distribution system serving the Three Mile Lane corridor has capacity to supply power to a 96-unit residential apartment complex. However, future development would require additional electric infrastructure to be extended from the development site to MW&L's distribution system. The cost and method of extension is unknown at this time and will be determined after the developer submits an application for service and related development plans.
    - Water system serving SE Stratus Avenue is a 10" water main. Adequate water may be available to serve the proposed development, but a hydrant flow test performed by the applicant's engineer or fire flow professional may be required

to determine actual capacity. This proposed development will require additional domestic, irrigation, fire line and hydrant infrastructure to be extended from the development site to MWL's water distribution system.

- Oregon Department of Transportation
  - No objection or comments on this comprehensive plan amendment/zone change proposal. Likely will have comments when a development application comes in.

- McMinnville Building Division - No building code concerns
- McMinnville Fire District – No comment
- Comcast - No comment

Public Comments

The following public testimony was received: (see attachment 3 for all written comments)

Written Comments Received in Advance of January 16, 2025 Public Hearing
- Nancy Feero, submitted January 14, 2025
- Lannette Noble, submitted January 14, 2025

January 16, 2025, Public Hearing Oral Comments Submitted, In Support
- Mike Morris
- Jennifer Feero

January 16, 2025, Public Hearing Oral Comments Submitted, In Opposition
- Jason Bizon
  - Prepared written statement *(see attachment 3)*
- Amy Bizon
- Susan Ackerman
- Kory Knutz
- Randy Yates
  - Prepared written statement and petition *(see attachment 3)*
- Alex Botten
  - Prepared written statement submitted *(see attachment 3)*
- Nicholas Helstrom
- Mark Davis
- Richard Drew

Written Comments Received in Advance of February 6, 2025 Public Hearing
- William Barlow III, submitted February 3, 2025
- AAB Properties LLC, submitted February 5, 2025
- Alex Botten (Petition, part 2), submitted February 5, 2025
- Mike Funk, submitted February 5, 2025
- Christine Kirk, submitted February 6, 2025
- Lisa Baker, submitted February 6, 2025

February 6, 2025, Public Hearing Oral Comments Submitted, In Opposition
- Malcolm Greenlees
  - *Prepared written statement submitted (see attachment 3)*
- Alex Botten

  - *Prepared written statement submitted (see attachment 3)*
- Kory Knutz
  - *Prepared written statement submitted (see attachment 3)*
- John Rima
- William Barlow
- Lana McKay-Brown
- Martin Vietz
- Mark Davis
- Randall Yates
- Nicholas Helstrom
- Jason Bizon

Written Comments Received in Advance of March 20, 2025 Public Hearing

- Christine Kirk, submitted March 4, 2025
- William Nourse, submitted March 13, 2025
- Lutheran Community Services Northwest, submitted March 14, 2025
- Haugeberg, Rueter, Gowell, Fredericks & Higgins, submitted March 18, 2025
- William Barlow III, submitted March 18, 2025
- Alex Botten (updated petition), submitted March 19, 2025
- Yamhill Community Action Partnership, submitted March 19, 2025
- Jen Feero, submitted March 20, 2025

March 20, 2025, Public Hearing Oral Comments Submitted, In Opposition

- Bill Ellis
- Alex Botten
- Nicholas Helstrom
- Lana McKay-Brown
- Martin Vietz
- Shannon Botten
- Mark Davis
- Malcolm Greenlees

VII. PROCEDURAL FINDINGS OF FACT:

1. The application was submitted with the fee provided on October 4, 2024. The applicant submitted the necessary documentation to demonstrate a neighborhood meeting was noticed and held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.

2. The application was deemed complete on October 28, 2024.

3. On November 14, 2024, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).

4. On November 15, 2024, notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, and

City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands. Comments received from agencies are addressed in Section VI of this Decision Document.

5. On December 26, 2024, notice of the application and the January 16, 2025, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

6. On January 10, 2025, notice of the application and the January 16, 2025, Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.

7. The Planning Commission held a public hearing on January 16, 2025, to consider the request, and continued the public hearing until February 6, 2025.

8. On January 16, 2025, notice of the application and the February 6, 2025, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

9. On January 31, 2025, notice of the application and the February 6, 2025, Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.

10. The Planning Commission held the continued public hearing on February 6, 2025, to consider the request, and continued the public hearing until March 20, 2025.

11. The Planning Commission held the continued public hearing on March 20, 2025, and voted **9**-**0** to recommend approval with conditions, with a revision to Condition #4 of the decision document pertaining to pedestrian infrastructure, and revisions to findings related to MMC 17.74.020(B).

12. The Planning Commission reviewed the revised Decision Document on April 3, 2025, and finalized the Conditions and Findings, for review by the McMinnville City Council.

13. The City Council considered the Planning Commission recommendation on April 22, 2025 and voted to adopt Ordinance No. 5159, approving both land-use applications.

VIII. GENERAL FINDINGS OF FACT:

1. **Location:**
   - **Site Address:** 2320 SE Stratus Avenue
   - **Map and Tax Lots:** R442700600 & R442700604

2. **Size:** Total of 5.8 acres. R442700600 is approximately 5.4 acres and R442700604 is approximately 0.4 acres.

3. **Current Development:**
   a. R442700600: The property does not currently have any structures on the property.

b. R442700604: The property has one building on it that is currently being used as a single-family dwelling/storage building (pictured below).

4. **Comprehensive Plan Map Designation:** Industrial

5. **Current Zoning:**
   a. **Subject Property:** M-1 (Light Industrial)
   b. **Surrounding Properties:**
      - **North:** M-1 (Light Industrial)
      - **West:** Outside of McMinnville city limits
      - **South:** Outside of McMinnville city limits
      - **East:** R-4 (Medium, High-Density, 5000 SF Lot Residential Zone)

6. **Overlay Zones/Special Districts:** Three Mile Lane Area Plan (Ordinance 5126)

7. **Other Features:**
   a. **Slopes:** The property is generally flat.
   b. **Easements:** No city easements identified on the property.
   c. **Trees:** There are approximately fifteen trees located throughout the project site.

8. **Utilities:**
   a. **Water:** McMinnville Water & Light has a water system with a 10" water main serving SE Stratus Avenue.
   b. **Sewer:** The City has completed a capacity analysis that indicates there is adequate capacity in the existing sanitary system to serve this property with minimal surcharging as allowed per the City's Wastewater Master Plan modeling. The assumptions for the analysis were based on the information provided from the applicant and include changing zoning from M-1 to R-4 with multifamily residential assumption of 20 residential units per acre. If at the time of development the applicant is to propose more residential units or anything that would result in an increase over the assumptions of the performed analysis, the City may require the development to enter into a reimbursement agreement with the City for modeling the impacts of the proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity. *(Condition of Approval #1)*
   c. **Stormwater:** Adequate stormwater infrastructure will be required by the City's Engineering Division at the time of development. The Engineering Division has noted that on-site infiltration systems may have constraints in this area due to soil conditions, based on recent experiences with nearby development projects.
   d. **Power:** McMinnville Water & Light's electric distribution system serving the Three Mile Lane corridor has capacity to supply power to a 96-unit residential apartment complex. However, future development would require additional electric infrastructure to be extended from the development site to MW&L's distribution system. The cost and method of extension are unknown at this time and will be determined after the developer submits an application for service and related development plans.

9. **Access:** The property has access through an easement, established as part of a Minor Partition land division application in 2008, to the North that connects the properties to

SE Stratus Avenue, which is identified as a Minor Collector in the City's Transportation System Plan.

10. **Public Transit:** Yamhill County Transit provides bus service to the neighborhood through "Route 2". The subject property does not currently have a bus stop directly in front of it, but future development of the Three Mile Lane Area, including residential and employment center developments may encourage increased access to bus service in the future.[1]

IX. THREE MILE LANE AREA PLAN:

Summary

On November 8, 2022, the City Council voted to approve Ordinance No. 5126 adopting the Three Mile Lane Area Plan and its appendices as a supplemental document to the McMinnville Comprehensive Plan. The Three Mile Lane area is a unique district in the southeast portion of the City of McMinnville. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. The Three Mile Lane Area Plan serves as a guiding document for land uses and public facilities in the delineated area of this plan.

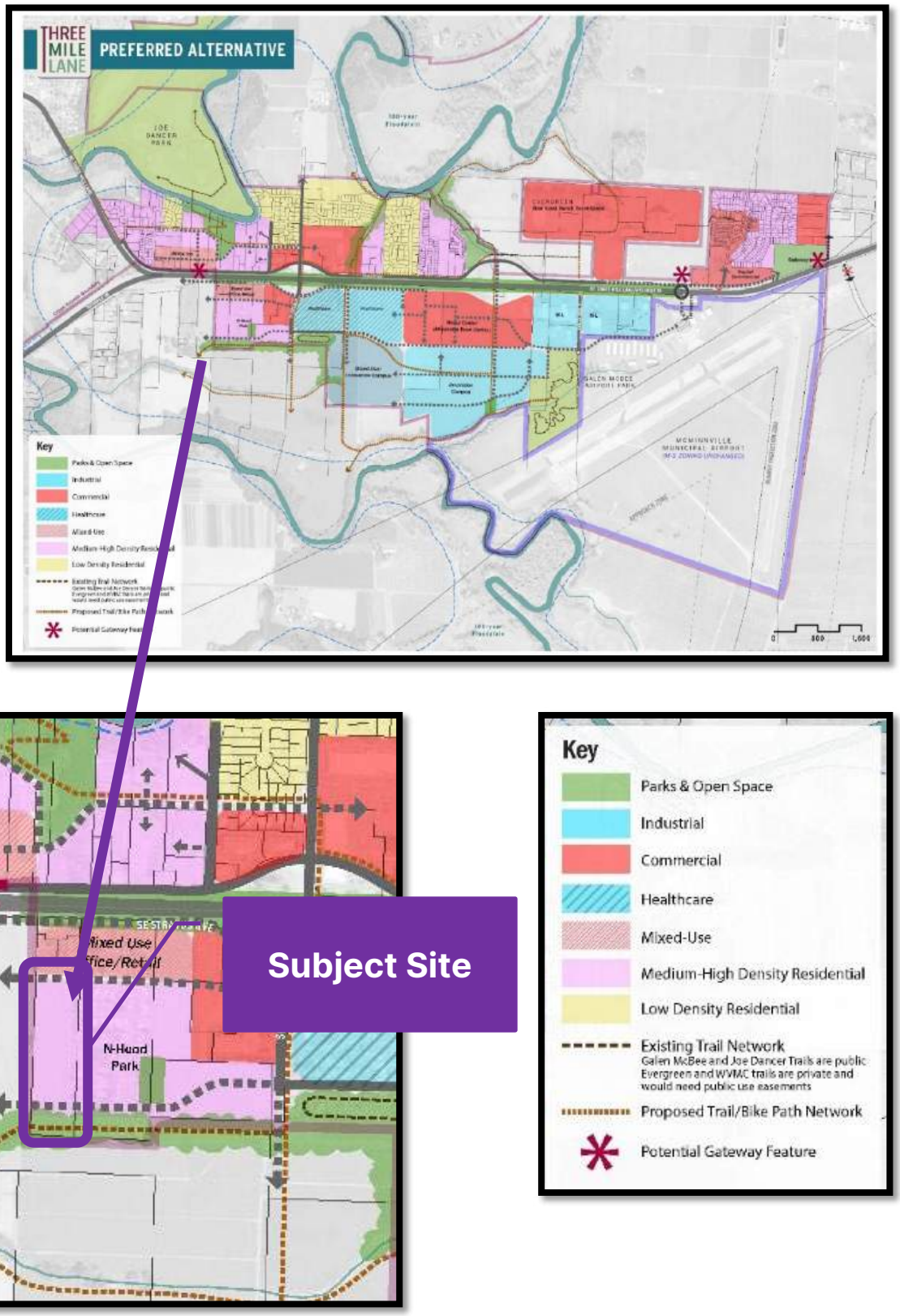
Land Use Concept

The Three Mile Lane Area Plan's land uses are shown on the next page (Figure 6 of the Three Mile Lane Area Plan, page 22).The defining characteristics south of the highway include a mixed-use high-density residential neighborhood with neighborhood serving commercial amenities west of the hospital.

A key feature of the plan included new high density residential neighborhoods south of Highway 18 and west of the hospital, continued development of existing neighborhoods in in the western parts of the study area north of Highway 18. A large employment center south of the Highway, east of the hospital. And a retail town center south of the highway and east of the hospital. With bicycle and pedestrian connectivity, both on road and off road connecting the residential neighborhoods with the employment and commercial amenities. Included in the long-term land use planning for this area is greenways with trails, parks and open spaces. In the land use concept, the subject properties for this application were assigned two different designations. The smaller, northern property with an existing shop was designated as "Mixed-Use". The larger, southern property was primarily designated as "Medium-High Density Residential".

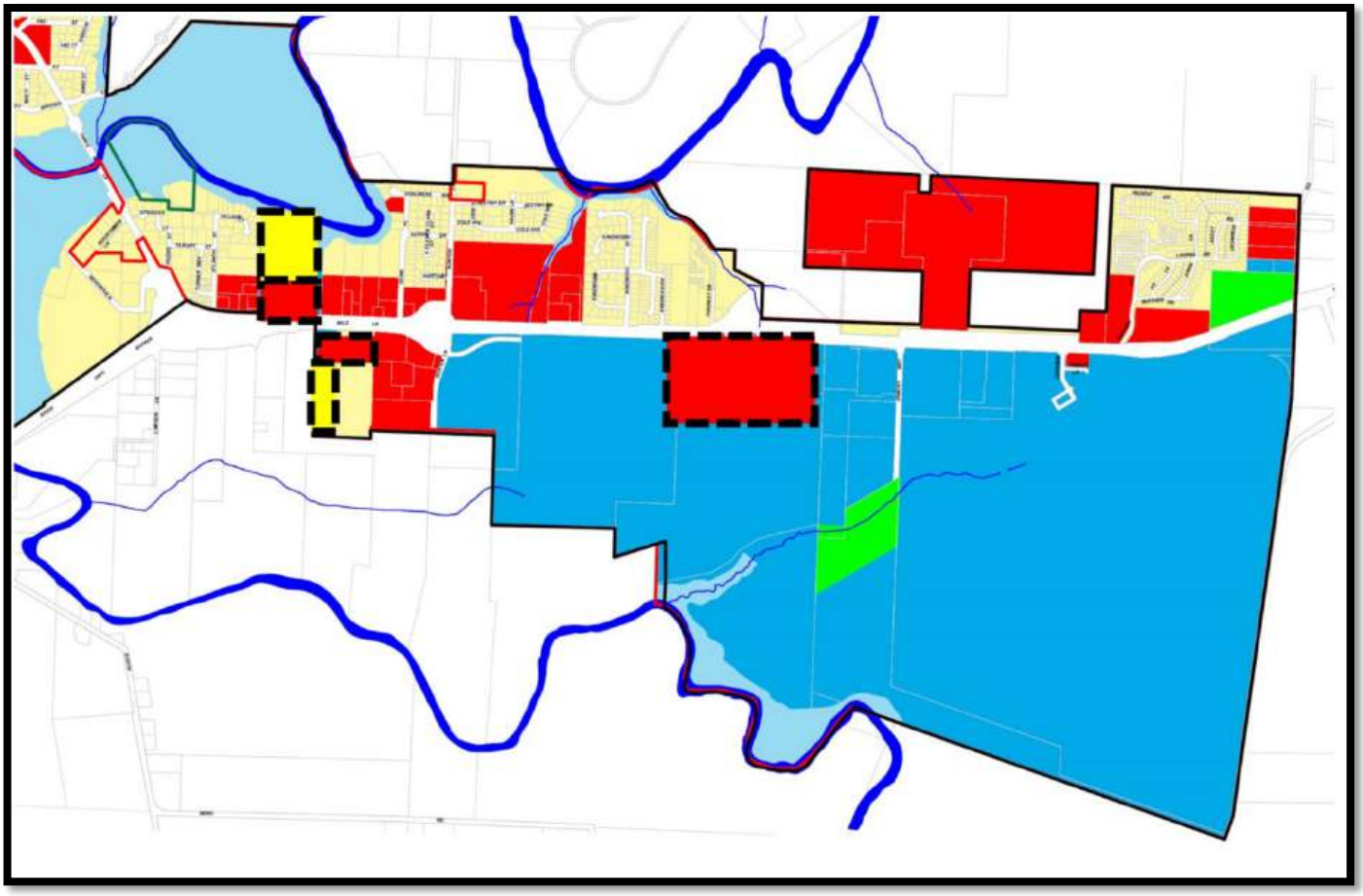
[1] Yamhill County Transit. Routes and Schedules. https://ycbus.org/routes-and-schedules/schedules/

Figure 6, Preferred Land Use Concept, page 22 of the Three Mile Lane Area Plan



Additionally, the Three Mile Lane Area Plan identifies the need to amend the Comprehensive Plan Map to place a residential comprehensive plan designation on this property to accommodate future housing development of the site. Please see Figure 20 from the Three Mile Lane Area Plan below.

Figure 20, Comprehensive Plan map Amendments, page 40 of the Three Mile Lane Area Plan



X. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Comprehensive Plan Map Amendment and Zone Change are found in Chapter 17.74 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of a proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Amendments to the City's adopted and acknowledged planning documents, including amendments to the Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

Section 17.74.020. Comprehensive Plan Map Amendment and Zone Change – Review Criteria

An amendment to the official zoning map (and comprehensive plan map) may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

APPLICANT'S RESPONSE: As required, the applicant has addressed applicable goals and policies of the Comprehensive Plan in the narrative provided in the application materials.

FINDING: SATISFIED. The applicant responded to all applicable Comprehensive Plan Goals and Policies. Staff found that the application and all applicant responses satisfied the goals and policies. A more detailed analysis of consistency with the goals and policies is included in the next section of this decision document.

B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

FINDING: The applicant proposes a plan amendment to designate land for residential use on the plan map, and to rezone that land to multi-family residential. The Subsection B Exemption applies when a proposed plan map and zone map amendment "**concerns needed housing** (as defined in the McMinnville Comprehensive Plan and state statute)."

The Comprehensive Plan does not define "needed housing", however, the comprehensive plan must be consistent with state statute. State statute (ORS 197A.348) defines "needed housing" to mean "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.

In other words, all housing within the city is needed housing because the city's comprehensive plan identifies a need for housing at a variety of price ranges and rent levels to households within the city at a variety of income levels. The proposed Comprehensive Plan map and Zoning Map amendments "concern needed housing" because they are proposed amendments to change the plan and zone designations to residential, which designations can be used exclusively for housing. **Therefore, the second requirement of the Subsection B Exemption is satisfied, and Criterion B does not apply.**

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

APPLICANT'S RESPONSE: As discussed above, the applicant is proposing to designate the property Residential on the Comprehensive Plan Map and R-4 (Medium, High-Density Residential) on the Zoning Map. The proposed map amendments are consistent with the Three Mile Lane Area Plan, which recommends low-rise garden apartments for the site, and is a supporting document to the McMinnville Comprehensive Plan. As such, this land use application and the intended future development of the site addresses a documented public need for additional multi-family housing. Per the attached Property Deed and Conceptual Plan, the subject site currently has a 25-ft. wide access and utility easement through an adjacent parcel to SE Stratus Avenue, a Minor Collector street. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system.

City maps indicate that public utilities are located in the vicinity of the subject parcels and can be extended when the site is developed. Public water and sanitary sewer services can be provided by connecting to the existing main lines within SE Stratus Avenue. Electrical and communication services can also be provided by connecting to existing lines within the right-of-way. To meet City standards, the applicant intends to direct stormwater from

impervious surfaces to an on-site retention pond.

FINDING: **SATISFIED, WITH CONDITIONS #1, #2, #3 and #4.**

Background for Findings:

- **Water:** McMinnville Water & Light has a water system with a 10" water main serving SE Stratus Avenue.
- **Sewer:** The City has completed a capacity analysis that indicates there is adequate capacity in the existing sanitary system to serve this property with minimal surcharging as allowed per the City's Wastewater Master Plan modeling. The assumptions for the analysis were based on the information provided from the applicant and include changing zoning from M-1 to R-4 with multifamily residential assumption of 20 residential units per acre. *(Condition of Approval # 1, and see attachment 2)*
- **Stormwater:** Adequate stormwater infrastructure will be required by the City's Engineering Division at the time of development. The Engineering Division has noted that on-site infiltration systems may have constraints in this area due to soil conditions, based on recent experiences with nearby development projects.
- **Power:** McMinnville Water & Light's electric distribution system serving the Three Mile Lane corridor has capacity to supply power to a 96-unit residential apartment complex. However, future development would require additional electric infrastructure to be extended from the development site to MW&L's distribution system. The cost and method of extension is unknown at this time and will be determined after the developer submits an application for service and related development plans.
- **Access and Circulation:** The property has access through an easement, established as part of a Minor Partition land division application in 2008, to the North that connects the properties to SE Stratus Avenue, which is identified as a Minor Collector in the City's Transportation System Plan. At the time of a development application, the applicant is required to clearly delineate on-site vehicular circulation to avoid conflicts between entry access to the site and the parking lot area. These details should be clearly shown on future site plan drawings submitted during the development permitting stage. *(Condition of Approval # 2)*

- **Transportation:** *Relevant policies included after Summary of Findings, for reference*

  <u>Summary of Findings for MMC 17.74.020(C)</u>

  Per OAR 660-012-0060, if an amendment to a comprehensive plan or zoning map significantly affects an existing or planned transportation facility, then the local government must put measures in place to account for the impacts.

  The City does not have a locally adopted threshold for a "significant effect" to require a Transportation Planning Rule Analysis, therefore, the City defers to the state statutory requirements for determining "significant effect" which is provided in OAR 660-012, otherwise known as the Transportation Planning Rule (TPR).

The transportation memorandum provided by the applicant demonstrates that the proposed comprehensive plan map amendment and zoning map amendments does not have a significant effect as defined by Oregon Revised Statute.

TPR Review of Oregon State Facilities

When making the determination of a "significant affect" to State transportation facilities the thresholds are outlined in the Oregon Highway Plan[2], *"Any proposed amendment that increases the average daily trips by more than 400 but less than 1001 for state facilities where the annual average daily traffic (AADT) is less than 25,000 for a five-lane highway."*

For this application, the reasonable worst case scenario was an increase of 622 daily trips for the proposed amendment and the annual average daily traffic (AADT) for OR 18 is approximately 24,500.

The Oregon Department of Transportation (ODOT) was included in the review of this application and submitted a review comment that, "ODOT does not have any objection or comments on this comp plan amendment/zone change proposal."

The applicant completed a trip generation analysis as a part of the Transportation Planning Rule Analysis (Exhibit 5) in Table 2 that estimated an increase of 622 daily trips to the local transportation system. Table 2 identifies that a reasonable worst-case development in the proposed R-4 zone (162 apartment units) generates 622 daily additional trips compared to reasonable worst-case development in the existing M-1 zone (101,060 square-foot general light industrial use).

However, the applicant is planning to develop the property with 96 units rather than 162 units, which the applicant's traffic engineer has estimated to generate approximately 691 total daily trips or 199 additional trips. For this reason, the applicant has proposed to impose a "trip cap" condition of approval for this comprehensive plan amendment and zone change that would limit future development to a total of 715 daily trips.

The City reserves the right to require a development Traffic Impact Analysis (TIA) at the time of development if the proposal will result in an increase of 200 daily round trips or 20 daily peak hour trips to ensure that all impacted roadways and intersections will maintain conformance with performance standards outlined in the McMinnville Transportation System Plan (TSP).

State of Oregon Transportation Planning Rules (OAR 660-012-0060)
(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would *significantly affect* an existing or planned transportation facility, then the local government

[2] https://www.oregon.gov/odot/Planning/Documents/OHP.pdf

must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

.....

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility *such that it would not meet* the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility *that is otherwise projected to not* meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection (e) or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a.) Adopting measures that demonstrate allowed land uses are consistent with the performance standards of the transportation facility.

(b.) Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses consistent with the requirements of this division. Such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c.) Amending the TSP to modify the performance standards of the transportation facility.

(d.) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e.) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A.) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B.) The providers of facilities being improved at other locations provide written statements of approval; and

(C.) The local jurisdictions where facilities are being improved provide written statements of approval.

Comprehensive Plan Volume II

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request. The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply certain applications, and are not addressed below. The following findings are made relating to applicable Goals and Policies:

CHAPTER II. NATURAL RESOURCES

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

APPLICANT'S RESPONSE: The applicant is proposing to change the site's current M-1 zoning to an R-4 designation. The attached Conceptual Plan demonstrates that the property contains a single-family dwelling/storage building within Tax Lot 604 (see Exhibit 3). City maps indicate that there are no designated natural resources within the subject properties. Since rezoning the site for residential development does not significantly impact or disrupt the preservation of air, water, or land resources within the planning area, the above goal is met.

FINDING: The proposed zone change from M-1 to R-4 should not have significant impacts to the quality of air, water, and land resources. Potential impacts will be

mitigated or prevented through the enforcement of applicable standards at the time of development.

GOAL II 1: SATISFIED.

CHAPTER III: CULTURAL, HISTORICAL, AND EDUCATIONAL RESOURCES

Goal III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOICAL SIGNIFICANCE TO THE CITY OF MCMINNVILLE

APPLICANT'S RESPONSE: The subject site does not contain historical, cultural, architectural, or archaeological sites, structures or objects of significance. Therefore, this chapter does not apply to the Comprehensive Plan Map Amendment and Zone Change applications.

FINDING: This property does not contain structures or resources subject to the city's local Historic Preservation requirements in Chapter 17.65. Developers and individuals proposing any ground disturbing work should become familiar with state laws on the protection of archaeological sites.

The Department of State Lands is responsible for protecting cultural resources. Cultural resources are a crucial part of the Department's natural resource and conservation planning. They provide meaning and connection for groups that have historically called this land home. If these resources vanish, their story, a part of Oregon's heritage, can never be told. DSL works side by side with the Tribal governments of Oregon, the State Historic Preservation Office, state and federal agencies, lessees, and the public to protect and manage these nonrenewable cultural resources. Impacts to cultural resources are avoided by reviewing proposed ground-disturbing activities on Oregon-owned lands and waterways and in the territorial sea. The excavation, destruction or alteration of any known archaeological site or collection of archaeological objects located on public or private land without the issuance of a state archaeological permit is prohibited (ORS 358.920 and ORS 390.235). Destruction or damage to any human burial site, human remains, or Native American sacred or special objects associated with those burial sites is also prohibited (ORS 97.745).

GOAL III 2: SATISFIED.

CHAPTER IV: ECONOMY OF MCMINNVILLE

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF MCMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS

APPLICANT'S RESPONSE: The attached Preliminary Development Plans indicate that the subject property is located within the UGB and city limits of McMinnville. The subject parcels are currently designated M-1 and Industrial on the City's Zoning Map and Comprehensive Plan Map. The applicant is proposing to rezone the site to Medium, High-Density Residential. The proposed map amendments will allow the development of multi-family dwellings, providing additional housing opportunities for the McMinnville workforce. Residents that live in the proposed dwellings will also purchase local goods

and services, helping to contribute to the local economy. In addition, the future residential use will provide additional property tax revenue for the City to provide public services.

The applicant is proposing to designate the site Residential on the Comprehensive Plan Map and R-4 on the Zoning Map. The proposed map amendments will allow the development of a multi-family dwellings, providing additional housing opportunities for the McMinnville workforce and their employers. Residents that live in the proposed dwellings will purchase local goods and services, helping to contribute to the local economy. In addition, the residential use will provide additional property tax revenue for the City to provide public services. Therefore, the proposed map amendments will help improve economic conditions in the community.

FINDING: In 2019, McMinnville adopted an Economic Development Strategic Plan (MAC Town 2032 – Economic Development Strategic Plan). The goals and strategies from this document were integrated into the Three Mile Lane Area Plan in a localized scope, including a detailed market analysis for the area. Although the property is current designated and zoned as Industrial (M-1), which is a land use that can produce employment opportunities, the Three Mile Lane Area Plan envisioned a more cohesive area for an employment center, centered around an "Innovation Campus", that is located east of Norton Lane. In this way, the proposed amendment would better reflect the Preferred Land Use Alternative that has been adopted in the Area Plan.

GOAL IV 1: SATISFIED.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.
59.00 Opportunities for multiple dwelling and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

61.00: The City of McMinnville shall monitor the conversion of lands to residential use to ensure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.

APPLICANT'S RESPONSE: The City's current Housing Needs Analysis indicates that single-family and multi-family dwelling needs will be met through the development of 4,657 housing units during the 2021-2041 planning period. However, if all inventoried residential land supply is developed by 2041, the City will still maintain a deficiency of

1,926 dwelling units during the planning period. Therefore, rezoning of the subject site is essential when addressing the public need for additional housing. As demonstrated by the attached Conceptual Plan, the applicant is intending to develop 96 dwelling units on the site, consistent with the above goals and policies (see Exhibit 3).

68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use.

APPLICANT'S RESPONSE: Existing public and private services within SE Stratus Avenue currently have the capacity to serve the proposed multi-family use. Stratus Avenue is classified as a Minor Collector. Public water and sewer services can be provided by connecting to the existing main lines within the right-of-way. Similarly, electrical and communication services can be provided by connecting to existing lines along the road frontage. The attached concept plan indicates that the applicant is intending to manage stormwater from impervious surfaces on site by directing drainage to a retention pond in accordance with City standards. The subject property is located adjacent to a mobile home park that provides higher density housing. Therefore, the proposed map amendments will help encourage compact urban development in this neighborhood, consistent with recommendations in the Three Mile Lane Area Plan. As such, the above goals and policies are met.

71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

APPLICANT'S RESPONSE: The subject site is currently designated Industrial on the Comprehensive Plan Map and M-1 on the Zoning Map. However, the site is recommended to be designated Medium, High-Density Residential by the Three Mile Lane Area Plan, which is a supporting document to the Comprehensive Plan. The Area Plan has provided this recommendation since the site is well-suited for low-rise garden apartments, and a multi-family use will help address the public need for additional housing. The proposed Comprehensive Plan Map Amendment to Residential and Zone Change to R-4 are consistent with the Area Plan recommendation. Following approval of the map amendments, the applicant intends to develop an apartment complex on the site in conformance with the above policy.

71.05: The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.

APPLICANT'S RESPONSE: The current McMinnville Housing Needs Analysis indicates a projected deficiency of 1,926 dwelling units by 2041 within the community. This is due to available residential land becoming foreseeably exhausted within 12 to 20 years, based on development rates of available residential land and compliance with housing density standards. The proposed R-4 zoning for the site is consistent with the Three Mile Lane Area Plan. The Areas Plan recommends the development of Medium, High-Density housing on the site, and is a supporting document to the Comprehensive Plan. Since the proposed map amendments will address a documented public need and create additional residential land supply, they are consistent with the above policy.

71.09 Medium and Medium-High Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

1. *Areas that are not committed to low density development;*
2. *Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street;*
3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter mile of existing or planned public transportation.*

APPLICANT'S RESPONSE: The applicant is requesting approval of a Comprehensive Plan Map Amendment and Zone Change application to designate the site R-4 so that the site can be developed with low-rise garden apartments. The proposed zoning is consistent with the recommended Medium, High-Density Residential designation in the Three Mile Lane Area Plan. Per the attached Property Deed and Conceptual Plan, the subject site is accessible through a 125-ft. long access and utility easement that connects to SE Stratus Avenue, a Minor Collector street. City maps do not indicate that steep topography, flooding, or poor drainage is associated with the site. Therefore, the proposed R-4 zoning is consistent with the above policies.

When discussing the attached Conceptual Plan with City staff, it was determined that public utilities have the capacity to serve a multi-family use on the site. Public water and sewer services can be provided by connecting to existing main lines within SE Stratus Avenue. Similarly, electrical and communication services can be provided by connecting to existing lines within the right-of-way. The attached Conceptual Plan indicates that the applicant is intending to manage stormwater from impervious surfaces by directing drainage to a retention pond (see Exhibit 3).

FINDING: The proposed zone change and comprehensive plan amendment would promote residential development in a land-intensive manner with urban level services. The R-4 zone allows a wide range of residential development types that allows for various unique or innovation development styles. The majority of the project site is recommended to be designated Medium, High-Density Residential by the Three Mile Lane Area Plan, with the remaining area designated as Mixed-Use.

1. This area is not committed to low-density development.
2. The property has access through an easement, established as part of a Minor Partition land division application in 2008, to the North that connects the properties to SE Stratus Avenue, which is identified as a Minor Collector in the City's Transportation System Plan.
3. The property is relatively flat. The South Yamhill River is located near the property, but the property is located outside of all regulatory floodway designations established by the Federal Emergency Management Agency's (FEMA) flood maps. The applicant will be required to manage stormwater for future development based on soil conditions that determine drainage.
4. Considering that this property is vacant and that the Three Mile Lane Area has historically been underdeveloped, it is anticipated that the facilities would need improvement or expansion to serve future development of properties in this area.

Whether this property was developed as industrial or residentially zoned land, there would likely be system improvements necessary. The proposed Comprehensive Plan map and Zoning map amendments are consistent with the future anticipated development contemplated under the Three Mile Lane Area Plan and the system implications that are imagined with that Area Plan.

5. A Yamhill County bus stop is located approximately one-quarter mile to the East of the property on Norton Lane.

GOAL V 1 and V 2: SATISFIED.

CHAPTER VI TRANSPORTATION SYSTEM

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses.

APPLICANT'S RESPONSE: As required, Transportation Planning Rule Analysis has been completed for the proposed zone change from M-1 to R-4. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system (see Exhibit 5). Therefore, the above policy is met.

FINDING: The applicant completed a trip generation analysis as a part of the Transportation Planning Rule Analysis (Exhibit 5) in Table 2 that estimated an increase of 622 daily trips to the local transportation system. Table 2 identifies that a reasonable worst-case development in the proposed R-4 zone (162 apartments) generates 622 daily additional trips, 2 AM fewer trips, and 24 PM additional trips over development in the existing M-1 zone (101,060 square-foot general light industrial use).

TABLE 2 – DEVELOPMENT TRIP GENERATION [1]

Reasonable Worst-Case Development Assumption	ITE Code	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Current M-1 Zone									
General Light Industrial [1]	110	101,060 SF	492	66	9	75	9	57	66
Proposed R-4 Zone									
Multifamily Housing (Low-Rise) [2]	220	162 DUs	1,114	18	55	73	57	33	90
Change in Trip Generation with Zone Change			**622**	**(48)**	**46**	**(2)**	**48**	**(24)**	**24**

[1] Trip generation estimated using the *Average Rate* per recommended practice in the ITE *Trip Generation Handbook*, 3rd Edition.
[2] Trip generation estimated using the *Fitted Curve* per recommended practice in the ITE *Trip Generation Handbook*, 3rd Edition.

The City implements a policy that sets a threshold that developments and land use changes resulting in an increase of 200 daily trips or 20 peak hour trips should submit a development Traffic Impact Analysis in order to assess the potential impacts to the

transportation network, especially nearby intersections of concern. In the case of this property, the City anticipates several intersections that will require further analysis:

- SE Stratus Avenue/Site Access
- SE Stratus Avenue/ SE Norton Lane
- NE Norton Lane/Cumulus Avenue
- Norton Lane/HWY 18
- NE Pacific-Cumulus-Nehemiah/ Three Mile Lane
- SE First Street/Three Mile Lane

GOAL VI 1: SATISFIED, WITH CONDITIONS #1, #2, #3 and #4

CHAPTER IX. URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

APPLICANT'S RESPONSE: The City has recently prepared a Housing Needs Analysis which projects housing needs during the 2021-2041 planning period. This analysis indicates that single-family and multi-family needs will be met through the development of 4,657 dwelling units during the planning period. However, the existing residential land supply will not meet the projected demand. Even if all of the available residential land supply is developed by 2041, the City will have a projected deficiency of 1,926 dwelling units during the planning period. Therefore, rezoning of the subject site to R-4 to allow for medium-high density residential development is essential when addressing the public need for additional housing.

FINDING: Although no development proposal has been submitted as this time, the applicant's response above contemplates the development of housing in the future. For this reason, it is worth noting that the City's recently updated Housing Needs Analysis, adopted under Ordinance 5141 on February 27, 2024, outlined McMinnville's housing needs over a 20-year period of 2021 to 2041. It is forecasted that McMinnville will need 4,657 new dwelling units by 2041. Rezoning properties to moderate and high density residential zoning (R-4/R-5) is one approach to reaching housing targets. Considering that the majority of the subject property is currently vacant, it provides a good opportunity to develop at a higher-density, compared to properties with existing structures that may have infill development limitations.

GOAL IX 1: SATISFIED.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN.

GREAT NEIGHBORHOOD PRINCIPLES

187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

FINDING: The purpose of the Great Neighborhood Principles is to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. There are 13 principles, and each principle reflects a specific community value. The City of McMinnville's Great Neighborhood Principles identifies amenities and facilities that should be present in all residential areas, including a variety of housing types, pedestrian and bicycle connectivity, preservation of scenic views and natural features, access to open space. The Area Plan aims to support those Great Neighborhood Principles for residents in the study area by providing multi-modal connectivity, single-family and multifamily housing, provisions for open spaces, and commercial amenities, such as grocery stores, restaurants, and more. Future development of the subject property will be subject the Area Plan's policies to ensure that the Great Neighborhood Principles are implemented.

GOAL IX 2: SATISFIED.

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.

GOAL X 3: TO PERIODICALLY REVIEW AND AMEND THE McMINNVILLE COMPREHENSIVE PLAN TO REFLECT CHANGES IN COMMUNITY CIRCUMSTANCES, IN CITIZEN DESIRES, AND IN THE STATEWIDE GOALS.

APPLICANT'S RESPONSE: The applicant is requesting approval of a Comprehensive Plan Map Amendment and Zone Change application. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council prior to issuance of the land use decision.

FINDING: The applicant held a neighborhood meeting before submitting the Comprehensive Plan Map Amendment and Zone Change application. Properties within three hundred (300) feet of the subject property received notice of the application and the Planning Commission public hearing. Notice of the application and the Planning Commission public hearing was published in the News Register. The Planning Commission will hold a public hearing on the proposal.

GOALS X 1 and X 3: SATISFIED.

Statewide Planning Goals

Goal 2: Land Use Planning - "To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions."

APPLICANT'S RESPONSE: The City's current Housing Needs Analysis indicates that single-family and multi-family needs will be met through the development of 4,657 dwelling units during the 2021-2041 planning period. However, the existing residential land supply cannot meet the projected demand for housing units. It has been determined that the City will have a projected deficiency of 1,926 dwelling units during the planning period even if all available residential land supply is developed.

As discussed throughout this Applicant's Statement, the subject site is included in McMinnville's UGB and is currently designated as Industrial on the Comprehensive Plan Map. Consistent with the Medium, High-Density Residential recommendation in the Three Mile Lane Area Plan, a supporting document to the Comprehensive Plan, the applicant is proposing to redesignate the site Residential and rezone it to an R-4 designation. The attached Conceptual Plan indicates that the applicant is intending to develop 96 multi-family units on the site following the approval of the proposed map amendments. Therefore, the requested map amendments are orderly and timely considering the Area Plan's recommendation for the site, and the need for housing in the community.

FINDING: SATISFIED. The City has adopted a Comprehensive Plan to serve as the framework for actions related to the use of land. Additionally, the City adopted the Three Mile Lane Area Plan to further define a land use framework for this portion of McMinnville. The proposed Comprehensive Plan Amendment and Zone Change application align with the community's vision for the subject property, as determined through the Comprehensive Plan and Area Plan.

Goal 10: Housing – "To provide for the housing needs of citizens of the state."

APPLICANT'S RESPONSE: The attached Conceptual Plan illustrates that following approval of the map amendments, the applicant intends to develop a 96-unit apartment complex on the site. The future development of an apartment complex helps to meet the need for a greater variety of residential units as identified in the 2003-2023 McMinnville Growth Management and Urbanization Plan. The City's more recent Housing Needs Analysis indicates that the City is maintaining a deficient residential land supply when addressing housings needs during the 2021-2041 planning period. As such, rezoning and development of the subject site is essential when addressing the public housing need.

FINDING: SATISFIED. Although no development proposal has been submitted as this time, the applicant's response above contemplates the development of housing in the future. For this reason, it is worth noting that the City's recently updated Housing Needs Analysis, adopted under Ordinance 5141 on February 27, 2024 outlined McMinnville's housing needs over a 20-year period of 2021 to 2041. It is forecasted that McMinnville will need 4,657 new dwelling units by 2041. Rezoning properties to moderate and high density residential zoning (R-4/R-5) is one approach to reaching housing targets. Considering that the majority of the subject property is currently vacant, it provides a good opportunity to develop at a higher-density, compared to properties with existing structures that may have infill development limitations.

Goal 11: Public Facilities – "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

APPLICANT'S RESPONSE: City maps indicate that public utilities are located in the vicinity of the subject parcels and can be extended when the site is developed. Public water and sanitary sewer services can be provided by connecting to existing main lines within SE Stratus Avenue. Electrical and communication services can also be provided by connecting to existing lines within the right-of-way. To manage stormwater, the

applicant is planning to develop a retention pond on the site. The subject parcels currently have access to City fire and police services. Therefore, the proposed map amendments comply with Goal 11.

FINDING: SATISFIED. The applicant will be required to provide adequate public facilities at the time of development.

Goal 12: Transportation – "To provide and encourage a safe, convenient and economic transportation system."

APPLICANT'S RESPONSE: NE Stratus Avenue is currently improved with a curb and sidewalk along the frontage of Tax Lot 602, where shared access is provided with the subject site. Due to low traffic volumes and speeds, vehicles and bicycles share the travel lanes. As required, Transportation Planning Rule Analysis has been completed for the proposed zone change from M-1 to R-4. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect to the safety or convenience of the surrounding transportation system (see Exhibit 5). Therefore, the above policy is met.

FINDING: SATISFIED, WITH CONDITIONS. The City does not have a formally adopted threshold for a "significant effect" to require a Transportation Planning Rule Analysis, therefore, the City will implement the Oregon Department of Transportation's threshold, which has not been met for this Comprehensive Plan Amendment/Zone Change application.

Docusign Envelope ID: 07802E23-67E2-4617-97BB-3200CBAF317A

City Of McMinnville
Planning Department
231 NE Fifth Street ○ McMinnville, OR 97128
(503) 434-7311 Office ○ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:
File No. CPA 1-24 / ZC 4-24
Date Received 10/4/2024
Fee $5,881.00 Affordable Housing Reduction
Receipt No. 210561
Received by AW

569-24-000240-PLNG & 569-24-000241-PLNG

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: ☐ Property Owner ☑ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other_____

Applicant Name Commonwealth Development Corporation Phone 608-824-2290

Contact Name Daniel DeFrancesco / Steve Kay Phone 503-804-1089
(If different than above)

Address 2501 Paramenter Street, Suite 300B

City, State, Zip Middleton, WI 53562

Contact Email d.difrancesco@commonwealthco.net
steve@cascadiapd.com

Property Owner Information

Property Owner Name Jodi L Devonshire, Andrea M Feero, and Jennifer L Feero Phone _____
(If different than above)

Contact Name _____ Phone _____

Address 701 S Riverside Drive

City, State, Zip St. Charles, MO 63302

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 2320 SE Stratus Avenue

Assessor Map No. R4 - 4 - 27 R4427 00600 & 00604 Total Site Area 5.43 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Industrial Zoning Designation M-1

Docusign Envelope ID: 07802E23-67E2-4617-97BB-3200CBAF317A

This request is for a:

☑ ***Comprehensive Plan Amendment*** ☑ ***Zone Change***

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.

See attached Application Narrative

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2).

See attached Application Narrative

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.

See attached Application Narrative

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.

See attached Application Narrative

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.

See attached Application Narrative

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request.

See attached Application Narrative

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.

   See attached Application Narrative

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

   See attached Application Narrative

In addition to this completed application, the applicant must provide the following:

☑ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to* ***an electronic copy*** *with the submittal.*

☑ *A legal description of the parcel(s), preferably taken from the deed.*

☑ Compliance of Neighborhood Meeting Requirements.

☑ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

[signature]
Applicant's Signature

9/23/24
Date

DocuSigned by:
Jennifer Fuero
4B807560D1F2459...
Property Owner's Signature

9/23/2024 | 8:15 AM PDT
Date

Cascadia
Planning + Development Services

PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

CITY OF MCMINNVILLE
APPLICATION FOR LAND USE REVIEW

SE STRATUS AVENUE MAP AMENDMENTS

Location: 2320 SE Stratus Avenue
McMinnville, Oregon 97128
Tax Lots 600 & 604 of
Tax Map 4.4.27
Yamhill County, Oregon

Prepared by: Steve Kay, AICP
Mason McGonagall, Ph.D. Arch

Prepared for: Commonwealth Development Corporation
Attn: Daniel DeFrancesco
2501 Parmenter Street, Ste 300B
Middleton, WI 53562

August 28, 2024

APPLICANT'S STATEMENT

PROJECT NAME:	SE Stratus Avenue Map Amendments
REQUEST:	Approval of a Comprehensive Plan Map Amendment to Change the Subject Parcels' Designation from Industrial to Residential and a Zoning Map Amendment Application to Change the Site's Designation from M-1 (Light Industrial) to R-4 (Medium, High-Density Residential)
ASSESSOR'S DESCRIPTION:	Tax Lot 600 & 604 of Tax Map 4427 Yamhill County, Oregon
APPLICANT'S REPRESENTATIVE:	Steve Kay, AICP Cascadia Planning + Development Services P.O. Box 1920 Silverton, OR 97381 503-804-1089 steve@cascadiapd.com
APPLICANT:	Commonwealth Development Corporation Attn: Daniel DiFrancesco 2501 Parmenter Street, Ste 300B Middleton, WI 53562
PROPERTY OWNERS:	Jodi L Devonshire, Andrea M Feero, and Jennifer L Feero 701 S Riverside Drive St. Charles, MO 63302
SITE AREA:	Tax Lot 600 = 5.40 acres Tax Lot 604 = 0.40 acres
SITE ADDRESS:	2320 SE Stratus Avenue McMinnville, Oregon 97128 Yamhill County, Oregon

I. APPLICABLE REGULATIONS

A. MCMINNVILLE ZONING ORDINANCE

Title 17: Zoning

- **Chapter 17.10: Area and Master Planning Process**
- **Chapter 17.11: Residential Design Standards**
- **Chapter 17.21: R-4 Medium, High Density, 5000 SF Lot Residential Zone**
- **Chapter 17.72: Applications and Review Process**
  - **Section 17.72.080: Legislative or Quasi-Judicial Hearings**

B. MCMINNVILLE COMPREHENSIVE PLAN

- **Section II: Natural Resources, Scenic and Historic Areas, and Open Spaces**
- **Section IV: Areas Subject to Natural Disasters and Hazards**
- **Section V: Public Facilities and Services**
- **Section VI: Land Use**
- **Section VIII: Housing**
- **Section X: Parks and Recreation Plan**
- **Section XII: Marion County Coordination**

C. OREGON STATEWIDE PLANNING GOALS

- **Goal 1: Citizen Involvement**
- **Goal 2: Land Use Planning**
- **Goal 3: Agricultural Lands**
- **Goal 4: Forest Lands**
- **Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources**
- **Goal 6: Air, Water and Land Resource Quality**
- **Goal 7: Natural Hazards**
- **Goal 8: Recreational Needs**
- **Goal 9: Economic Development**
- **Goal 10: Housing**
- **Goal 11: Public Facilities and Services**
- **Goal 12: Transportation**
- **Goal 13: Energy Conservation**
- **Goal 14: Urbanization**

II. BACKGROUND:

The applicant, Commonwealth Development Corporation, is requesting concurrent land use approval of a Comprehensive Plan Map Amendment and Zone Change application for a 5.80 acre site located at 2320 SE Stratus Avenue. The site is identified by the Yamhill County Tax Assessor as Tax Lots 600 and 604 of Tax Map 4427. Tax Lot 600 is currently vacant and contains approximately 5.40 acres. Tax Lot 604 contains 0.40 acres and is developed with a dwelling/storage building. Both lots are currently served by an access and utility easement that crosses the Northwest Logging Supply parking lot, located at 2330 SE Stratus Avenue, and identified by the Assessor as Tax Lot 602.

The subject parcels are currently designated Industrial on the McMinnville Comprehensive Plan Map and are designated M-1 on the Zoning Map. In 2022, the Three Mile Lane Area Plan was adopted by the City of McMinnville. The plan supports the redesignation of this site from Industrial to Medium-High Density Residential to support the development of low-rise garden apartments. Consistent with the area plan, the applicant is proposing to designate the property Residential on the Comprehensive Plan Map and R-4 (Medium, High-Density Residential) on the Zoning Map. When discussing the proposal with City Staff it was revealed that a Planned Development Overlay exists for the site. However, Staff determined that a Planned Development Amendment application is not required since approval of the Comprehensive Plan Map and Zone Change will replace the existing ordinance governing permitted land uses on the site.

The subject parcels are located within McMinnville's Urban Growth Boundary (UGB) and city limits. To the south and west of the site is a large EF-80 zoned parcel that is located outside of the UGB and is under Yamhill County jurisdiction. The parcel east of the site is zoned R-4 and is developed as a mobile home park. Properties to the north across SE Stratus Avenue and Highway 18/NE Three Mile Lane are within the city limits and are zoned General Commercial.

The 25-ft. wide access and utility easement that serves the site and crosses Tax Lot 602 connects to SE Stratus Avenue, a designated Minor Collector street under City jurisdiction. Highway 18/NE Three Mile Lane, a Major Arterial Street under ODOT jurisdiction, parallels Stratus Avenue directly to the north. Highway 18 provides an off-ramp to Stratus Avenue to the west of the site. A full movement signal controlled intersection to Highway 18 is provided from Stratus Avenue to the east of the site at the intersection of SE Norton Lane. This signaled highway crossing provides safe pedestrian and bicycle routes to commercial uses on the north side of the highway at the intersection of NE Norton Lane and NE Cumulus Avenue. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed map amendments is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system (see Exhibit 5).

City maps indicate that utilities are located in the vicinity of the subject parcels and can be extended when the site is developed. Public water and sewer services will be provided by connecting to the existing main lines within SE Stratus Avenue. Electrical and communication services can also be provided by connecting to existing lines within the right-of-way. The attached concept plan indicates that the applicant is intending to manage stormwater from impervious surfaces by directing drainage to a retention pond on the site, in accordance with City standards.

The submitted Conceptual Plan and narrative demonstrates that the intended multi-family use will align with the City adopted Three Mile Lane Area Plan and Great Neighborhood Principles. This narrative also addresses how the map amendments are consistent with applicable policies in the Comprehensive Plan and addresses the public need for additional housing. Under the proposed zoning, the site can accommodate the development of 96 apartments with a variety of one, two, and three-bedroom dwelling units. The Conceptual Plan illustrates that the intended development will also include a clubhouse, play structure, parking facilities and walkways, and landscaped common open space areas. As required, prior to the development of the site, the applicant will submit a Site and Design Review application to the City of McMinnville.

This Applicant's Statement addresses applicable provisions of the McMinnville City Municipal Code, McMinnville Comprehensive Plan, and Oregon Statewide Planning Goals. Copies of the signed Application Form, Property Deed, Conceptual Plan, Neighborhood Meeting Documentation, and Transportation Planning Rule Analysis have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. MCMINNVILLE ZONING ORDINANCE

Title 17: Zoning

Chapter 17.10: Area and Master Planning Process

Section 17.10.020: Applicability. The Area Plan and Master Plan processes apply to all lands that are designated as Urban Holding (UH) on the McMinnville Comprehensive Plan Map.

COMMENT:

The City's Comprehensive Plan Map indicates that Tax Lots 600 and 604 are located within the McMinnville UGB and city limits and are not designated as an Urban Holding area. The applicant is not requesting approval of a new Area Plan or Master Plan for the site. Therefore, the submitted Comprehensive Plan Map Amendment and Zone Change application is not subject to the above requirements.

Chapter 17.11: Residential Design and Development Standards

Section 17.11.010: Purpose. This chapter provides residential development and design standards for all housing types permitted in McMinnville's residential and commercial zones. The purpose of this chapter is to permit a wide variety of housing types while maintaining the character and values of McMinnville. These housing types provide greater options for the community and help implement the City's vision for housing, including the Great Neighborhood Principles. The proposed housing types range in size, affordability, and configurations, including attached and detached dwellings. The development standards for each housing type were calibrated specifically for McMinnville. This chapter is divided into individual housing types with their associated development standards and universal design standards that apply to all housing types.

COMMENT:

The applicant is proposing a Comprehensive Plan Map Amendment for the site from Industrial to Residential and a Zone Change from M-1 to R-4. General standards for apartment housing are addressed in the narrative below to demonstrate that it is feasible to develop multi-family units on the subject parcels. City staff will verify that all applicable standards are met when detailed plans are prepared and a Site and Design Review application is submitted.

Section 17.11.012: Introduction to Housing Types.

A. A housing type is not a use category. It describes a type of

development that can contain a residential use.

B. A list of allowed, limited, and prohibited housing types in residential and commercial zones is provided in 17.11.013. Terms and abbreviations used are defined as follows:

1. Yes, allowed (Y). Housing types that are allowed.

2. Limited (L). Housing types that require a conditional use approval or are allowed subject to specific limitations.

3. No, prohibited (N). Housing types that are not allowed under any circumstance.

C. Housing types that are allowed or allowed on a limited basis are subject to the standards and provisions of the applicable development standards chapter, which is indicated in parentheses in the first column of the Housing Types Table in 17.11.013.

Section 17.11.013: Zoning Table of Allowed Housing Types. The table below depicts what housing type is allowed in each zone.

R-4: Apartments (All Apartment Types) (17.11.090) – Limited (L)
Limited: Housing types that require a conditional use approval or are allowed subject to specific limitations.

COMMENT:

The attached Conceptual Plan demonstrates that the site will support the development of 96 multi-family dwellings with a variety of one, two, and three-bedroom apartments. Per the Zoning Table, apartments are permitted in the R-4 zone. As shown on the plan, the site will also provide adequate space for a clubhouse structure, play structure, parking facilities and walkways, and landscaped areas (see Exhibit 3).

Section 17.11.090: Apartments. Apartments are a type of attached housing within single-story or multi-story buildings. Apartment dwelling units may share common walls, ceilings, or floors.

A. Characteristics.

1. Site Sizes: Single walk-ups, block apartments, and many courtyard apartments can fit on a 100 x 100-foot lot. Bigger developments with multiple walk-up buildings may be as large as 250,000 square feet, or 500 x 500-foot lots.

2. Height Range: Apartment heights vary depending on

the type and the location.

3. Density Ranges: Apartment densities vary depending on building type and site design layout.

COMMENT:

The subject parcels contain approximately 5.80 acres (252,648 sq. ft.) and the site is roughly 250-ft. wide x 950-ft. deep. Per the attached Conceptual Plan, the intended 2-story apartment buildings are approximately 35-ft. high. Based on the development of 96 dwelling units, the site will yield a residential density of 16.55 dwelling units/acre (see Exhibit 3).

B. Types of Apartments.

2. Walk-up Apartments.

a. Description: Buildings are limited to three stories, and consist of about four to 12 units each, accessible from a single open-air stairwell. Dwelling units are typically constructed in Type V frame construction with fire sprinklers. Individual apartment buildings are arranged around common open space and shared parking areas.

b. Appropriate Context: Walk-up apartments are appropriate adjacent to or within a single dwelling neighborhood depending on site design, orientation to the street, location of parking, and the massing and scale of buildings.

d. Variations: May have an internal stair. Generally, in this case, the maximum number of units per floor are four. They can be designed with front and back windows for cross ventilation. Buildings can be separated to offer access to light and air on three sides.

e. Lot Sizes: Vary widely, from 10,000 to 250,000 square feet.

f. Density Range: 15 - 30 units per acre. (Note, maximum density will be governed by McMinnville's municipal code.)

g. Building Height: Usually 3 stories; can be 2 stories. (Note, maximum height will be governed by McMinnville's Municipal Code.)

h. Construction Type and Building Code Issues: Typically Type V frame construction. Sprinklers for fire suppression are required.

COMMENT:

As mentioned above, the site contains approximately 5.80 acres (252,648 sq. ft.) and is roughly 250-ft. wide x 950-ft. deep. The attached Conceptual Plan indicates that the 6 intended multi-family buildings are approximately 35-ft. tall and will contain 16 dwelling units each (see Exhibit 3). The intended density of the site is 16.55 dwelling units/acre. As required, the apartment buildings will be arranged around parking and common open space areas, and sprinklers will be installed.

C. Development Standards.

Table 1. Multi-Dwelling Development Standards for Lots over 14,000 Square Feet, Without Alley.

COMMENT:

The applicant is not requesting Site and Design Review with this land use application. City staff will verify that specific development standards listed under Table 1 are met through a separate application process.

D. Design Standards. The Apartment Design Standards for multi-dwelling housing are standards that apply to apartment housing types. These standards are related to site design and building frontage, parking, compatibility with neighboring homes, open space, and private space.

COMMENT:

As mentioned above, the applicant is currently requesting approval of a Comprehensive Plan Map Amendment and Zone Change application. When a Site and Design Review application is submitted for the planned apartment complex, City staff will verify that the above design standards are met.

Section 17.11.110: Planned Development Residential Design and Development Standards. Chapter 17.51 of the McMinnville Municipal Code allows for planned development overlays in McMinnville as a means of providing greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. McMinnville encourages residential planned developments as a means of achieving the City's adopted Great Neighborhood Principles.

COMMENT:

The applicant will be required to demonstrate compliance with the City's multi-family housing standards and Great Neighborhood Principles when a future Site and Design Review application is submitted.

Chapter 17.21: R-4 Medium, High Density, 5000 SF Lot Residential Zone

Section 17.21.010: Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

C. Apartments; Multiple dwelling subject to the following:

1. Developments with five or more units.

2. The property on which the use will be located has direct access from a major collector or minor arterial street, or a local collector street within 600' of a collector or arterial street; or

3. The property is located within one-half mile of a planned or existing transit route; or

4. The property is within one-quarter mile from a planned or existing neighborhood or commercial shopping area.

COMMENT:

The subject parcels are currently designated Industrial on the Comprehensive Plan Map and are designated M-1 on the Zoning Map. In 2022, the Three Mile Lane Area Plan, which includes Tax Lots 600 and 604, was adopted by the City of McMinnville. The plan recommends the redesignation of this site from Industrial to Medium-High Density Residential to support the development of low-rise garden apartments. Consistent with the area plan, the applicant is proposing to designate the property Residential on the Comprehensive Plan Map and R-4 (Medium, High-Density Residential) on the Zoning Map. The attached Conceptual Plan demonstrates that the applicant intends to develop two-story walk-up apartments following the approval of the map amendments. Per the attached Property Deed and Conceptual Plan, the subject site is currently served by a 125-ft. long access and utility easement that connects to SE Stratus Avenue, a designated Minor Collector street (see Exhibits 2 and 3).

Section 17.21.030: Lot Size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for attached single dwelling lots shall average one thousand-five hundred square feet in area.

COMMENT:

The combined area of Tax Lot 600 and 604 is approximately 5.80 acres, exceeding the above minimum lot size standard.

Section 17.21.040: Yard Requirements. In an R-4 Zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

COMMENT:

The attached Conceptual Plan demonstrates that the required 15-ft. front, 10-ft. side, and 20-ft. rear setbacks can be provided with the future development of a multi-family use on the site (see Exhibit 3).

Section 17.21.050: Building Height. In an R-4 Zone, a building shall not exceed sixty feet in height.

COMMENT:

Following the approval of the proposed map amendments, the applicant intends to develop 2-story apartment units within structures that will be approximately 35-ft. high. Therefore, the maximum 60-ft. height standard will be met.

Section 17.21.060: Density Requirements. In an R-4 Zone, the maximum density for single attached dwelling may not exceed four dwelling units per 5,000 square feet. Density maximum may not apply to any other permitted housing types, including accessory dwelling units.

COMMENT:

The attached Conceptual Plan indicates that the applicant is intending to develop 96 multi-family units on the site (see Exhibit 3). Therefore, the above single-family attached density standard does not apply.

Chapter 17.72: Applications and Review Process

Section 17.72.080: Legislative or Quasi-Judicial Hearings. The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning Commission or City Council.

A. A requested amendment to the text of the zoning ordinance or comprehensive plan would call for a legislative-type hearing, the purpose of which is to obtain public input primarily on matters of policy. A legislative amendment may be initiated by the City Council, the Planning Commission or by the Citizens' Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment.

COMMENT:

The applicant is not proposing a zoning ordinance text or comprehensive plan text amendment; therefore, the above standards do not apply.

B. An application that is site specific (such as a zone change or annexation request) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens' Advisory Committee or by application of the property owner.

COMMENT:

The attached Application form indicates that the Comprehensive Plan Map Amendment and Zone Change request was initiated by the property owners. As required, the land use decision will be issued after public hearings are held before the Planning Commission and City Council.

Section 17.72.095: Neighborhood Meetings.

A. A neighborhood meeting shall be required for:

1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:

a. Comprehensive plan text amendment; or

b. Zoning ordinance text amendment; or

c. Appeal of a Planning Director's decision; or

d. Application with Director's decision for which a public hearing is requested.

2. Tentative Subdivisions (up to 10 lots)

3. Short Term Rental

COMMENT:

A neighborhood meeting for the submitted Zone Change and Map Amendment application was held on July 30, 2024. As required, the applicant has submitted the attached Neighborhood Meeting Documentation to demonstrate compliance with City standards (see Exhibit 4).

B. Schedule of Meeting.

1. **The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.**

2. **Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.**

C. Meeting Location and Time.

1. **Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.**

2. **The meeting shall be held at a location that is open to the public and must be ADA accessible.**

3. **An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.**

4. **The starting time for the meeting shall be limited to weekday evenings between the hours of 6 pm and 8 pm or Saturdays between the hours of 10 am and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.**

D. Mailed Notice.

1. **The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110 and Section 17.72.120.**

2. **Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the**

date of the neighborhood meeting.

3. **An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.**

4. **The mailed notice shall:**

   a. **State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.**

   b. **Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request).**

   c. **Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.**

   d. **Include a conceptual site plan.**

5. **The City of McMinnville Planning Department shall be included as a recipient of the mailed notice of the neighborhood meeting.**

6. **Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.**

E. **Posted Notice.**

1. **The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.**

2. **The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.**

3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.

4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.

2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:

a. An opportunity for attendees to view the conceptual site plan;

b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;

c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:

1. A copy of the meeting notice mailed to surrounding property owners;

2. A copy of the mailing list used to send the meeting notices;

3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-

way;

4. **One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and**

5. **Notes of the meeting, which shall include:**

   a. **Meeting date;**

   b. **Meeting time and location;**

   c. **The names and addresses of those attending;**

   d. **A summary of oral and written comments received; and**

   e. **A summary of any revisions made to the proposal based on comments received at the meeting.**

COMMENT:

As required, the attached Neighborhood Meeting Documentation meets the above standards (see Exhibit 4).

Section 17.72.120: Applications – Director's Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

- **Annexation**
- **Appeal of a Planning Director's Decision**
- **Application with Director's decision for which a public hearing is requested**
- **Comprehensive Plan Map Amendment**
- **Comprehensive Plan Text Amendment**
- **Conditional Use Permit**
- **Demolition of National Register of Historic Places Structure (Public hearing held by the Historic Landmarks Committee)**
- **Planned Development**
- **Planned Development Amendment**
- **Tentative Subdivision (more than 10 lots)**
- **Urban Growth Boundary Amendment**
- **Variance**
- **Zone Change**
- **Zoning Ordinance Text Amendment**
- **Any application listed in Section 17.72.110 for which a public hearing is requested.**

The above applications are subject to the following submittal, notice, and hearing requirements:

A. Applications must be filed not less than 35 (thirty-five) days prior to the date of the public hearing. Applications other than those involving text amendments or other legislative matters shall be reviewed for completeness as outlined above in Section 17.72.040.

B. The Director shall send a copy of the proposal to any agency or City department identified by the Director as having interest in the proposal including those agencies and departments responsible for determining compliance with state and federal requirements. The notified agency may provide written comment regarding the proposal.

C. An application to amend the comprehensive plan map, zoning ordinance text, comprehensive plan text or other application requiring notice to the Department of Land Conservation (DLCD) and Development Commission as a "post acknowledgment plan amendment" shall be submitted to the Planning Department a minimum of 55 (fifty-five) days prior to the date of the public hearing so that notice of the application can be provided to the DLCD.

D. Notice of the public hearing shall be published in a newspaper of general circulation in the City, not less than five (5) days nor more than 15 (fifteen) days prior to the date of the public hearing.

E. Written notice of a variance request shall be mailed to the applicant and all property owners within 100 feet of the exterior boundary of the subject property, and within 200 feet of the exterior boundary of the subject property for an application for a conditional use permit not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.

F. Written notice of a request for applications other than those involving text amendments or other legislative matters shall be mailed to the applicant and all property owners within 300 feet of the exterior boundary of the subject property, not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.

COMMENT:

The applicant is submitting a concurrent Comprehensive Plan Map Amendment and Zone Change application, subject to a quasi-judicial hearing land-use process, with a Staff Report prepared by the Planning Director, and public hearings held before the Planning Commission and City Council. To meet the above standards, copies of the Application Form, Property Deed, Conceptual Plan, and Neighborhood Meeting Documentation have been attached to this narrative (see Exhibits 1-4).

Chapter 17.74: Review Criteria

Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

COMMENT:

As required, the applicant has addressed applicable goals and policies of the Comprehensive Plan in the narrative provided below.

B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

COMMENT:

The attached Preliminary Plans indicate that the subject site is located within the boundaries of the Three Mile Lane Area Plan (see Exhibit 3). The plan supports the redesignation of this site from Industrial to Medium-High Density Residential to support the development of low-rise garden apartments. Consistent with the area plan, the applicant is proposing to designate the property Residential on the Comprehensive Plan Map and R-4 (Medium, High-Density Residential) on the Zoning Map.

The City of McMinnville's current Housing Needs Analysis indicates that single-family and multi-family needs will be met through the development of 4,657 dwelling units during the 2021-2041 planning period. However, the existing residential land supply cannot meet the projected demand for housing units. It has been determined that the City will have a projected deficiency of 1,926 dwelling units during the planning period even if all available residential land supply is developed. The attached Conceptual Plan indicates that the applicant is intending to develop 96 multi-family units on the site following the approval of the proposed map amendments (see Exhibit 3). Therefore, the proposed amendments are orderly and timely considering the Area Plan's recommendation for Medium, High-Density housing on the site, and the documented need for housing in the community.

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

COMMENT:

As discussed above, the applicant is proposing to designate the property Residential on the Comprehensive Plan Map and R-4 (Medium, High-Density Residential) on the Zoning Map. The proposed map amendments are consistent with the Three Mile Lane Area Plan, which recommends low-rise garden apartments for the site, and is a supporting document to the McMinnville Comprehensive Plan. As such, this land use application and the intended future development of the site addresses a documented public need for additional multi-family housing. Per the attached Property Deed and Conceptual Plan, the subject site currently has a 25-ft. wide access and utility easement through an adjacent parcel to SE Stratus Avenue, a Minor Collector street. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system.

City maps indicate that public utilities are located in the vicinity of the subject parcels and can be extended when the site is developed. Public water and sanitary sewer services can be provided by connecting to the existing main lines within SE Stratus Avenue. Electrical and communication services can also be provided by connecting to existing lines within the right-of-way. To meet City standards, the applicant intends to direct stormwater from impervious surfaces to an on-site retention pond.

Section 17.74.030: Authorization to Grant or Deny Conditional Use. A conditional use listed in this ordinance shall be permitted, altered or denied

in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

COMMENT:

The applicant is not proposing to establish a conditional use on the subject site, therefore this section does not apply.

B. MCMINNVILLE COMPREHENSIVE PLAN

Chapter II: Natural Resources

Goal II 1: To Preserve the Quality of the Air, Water, and Land Resources Within the Planning Area.

COMMENT:

The applicant is proposing to change the site's current M-1 zoning to an R-4 designation. The attached Conceptual Plan demonstrates that the property contains a single-family dwelling/storage building within Tax Lot 604 (see Exhibit 3). City maps indicate that there are no designated natural resources within the subject properties. Since rezoning the site for residential development does not significantly impact or disrupt the preservation of air, water, or land resources within the planning area, the above goal is met.

Land Policies:

2.00: The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.

COMMENT:

No natural hazard areas are identified within the site. The applicant's Conceptual Plan demonstrates that future development of the site will include ample open space, landscaping, and stormwater drainage to mitigate potential environmental impacts.

Water Policies:

8.00: The City of McMinnville shall continue to seek the retention of high water quality standards as defined by federal, state, and local water quality codes, for all the water resources within the planning area.

COMMENT:

Natural water resources are not identified within the planning area. However, to minimize stormwater drainage impacts to the area and environment, the submitted Conceptual Plan illustrates that stormwater retention ponds will be utilized to manage drainage withing the site (see Exhibit 3). As required, the proposed water, sewer, and stormwater facilities will comply with Public Works standards. Therefore, land and water policies are met.

Chapter III: Cultural, Historical, and Educational Resources

Goal III 2: To Preserve and Protect Sites, Structures, Areas, and Objects of Historical, Cultural, Architectural, or Archaeological Significance to the City of McMinnville.

COMMENT:

The subject site does not contain historical, cultural, architectural, or archaeological sites, structures or objects of significance. Therefore, this chapter does not apply to the Comprehensive Plan Map Amendment and Zone Change applications.

Chapter IV: Economy of McMinnville

Goal IV 1: To Encourage the Continued Growth and Diversification of McMinnville's Economy in Order to Enhance the General Well-being of the Community and Provide Employment Opportunities for its Citizens.

COMMENT:

The attached Preliminary Development Plans indicate that the subject property is located within the UGB and city limits of McMinnville. The subject parcels are currently designated M-1 and Industrial on the City's Zoning Map and Comprehensive Plan Map. The applicant is proposing to rezone the site to Medium, High-Density Residential. The proposed map amendments will allow the development of multi-family dwellings, providing additional housing opportunities for the McMinnville workforce. Residents that live in the proposed dwellings will also purchase local goods and services, helping to contribute to the local economy. In addition, the future residential use will provide additional property tax revenue for the City to provide public services.

Chapter V: Housing and Residential Development

Goal V 1: **To Promote Development of Affordable, Quality Housing for All City Residents.**

General Housing Policies:

58.00: **City land development ordinances shall provide opportunities for development of a variety of housing types and densities.**

61.00: **The City of McMinnville shall monitor the conversion of lands to residential use to insure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.**

COMMENT:

The City's current Housing Needs Analysis indicates that single-family and multi-family dwelling needs will be met through the development of 4,657 housing units during the 2021-2041 planning period. However, if all inventoried residential land supply is developed by 2041, the City will still maintain a deficiency of 1,926 dwelling units during the planning period. Therefore, rezoning of the subject site is essential when addressing the public need for additional housing. As demonstrated by the attached Conceptual Plan, the applicant is intending to develop 96 dwelling units on the site, consistent with the above goals and policies (see Exhibit 3).

Goal V 2: **To Promote a Residential Development Pattern that is Land Intensive and Energy Efficient, That Provides for an Urban Level of Public and Private Services, and that Allows Unique and Innovative Development Techniques to be Employed in Residential Designs.**

Policies:

68.00: **The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.**

COMMENT:

Existing public and private services within SE Stratus Avenue currently have the capacity to serve the proposed multi-family use. Stratus Avenue is classified as a Minor Collector. Public water and sewer services can be provided by connecting to the existing main lines within the right-of-way. Similarly, electrical and communication services can be provided by connecting to existing lines along the road frontage. The attached concept plan indicates that the applicant is intending to manage stormwater from impervious surfaces on site by directing drainage to a retention pond in accordance with City standards. The subject property is located adjacent to a mobile home park that provides higher density housing. Therefore, the proposed map amendments will help encourage compact urban development in this neighborhood, consistent with recommendations in the Three Mile Lane Area Plan. As such, the above goals and policies are met.

71.00: The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

COMMENT:

The subject site is currently designated Industrial on the Comprehensive Plan Map and M-1 on the Zoning Map. However, the site is recommended to be designated Medium, High-Density Residential by the Three Mile Lane Area Plan, which is a supporting document to the Comprehensive Plan. The Area Plan has provided this recommendation since the site is well-suited for low-rise garden apartments, and a multi-family use will help address the public need for additional housing. The proposed Comprehensive Plan Map Amendment to Residential and Zone Change to R-4 are consistent with the Area Plan recommendation. Following approval of the map amendments, the applicant intends to develop an apartment complex on the site in conformance with the above policy.

71.05: The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.

COMMENT:

The current McMinnville Housing Needs Analysis indicates a projected deficiency of 1,926 dwelling units by 2041 within the community. This is due to available residential land becoming foreseeably exhausted within 12 to 20 years, based on development rates of available residential land and compliance with housing density standards. The proposed R-4 zoning for the site is consistent with the Three Mile Lane Area Plan. The Areas Plan recommends the development of Medium, High-Density housing on the site, and is a supporting document to the Comprehensive Plan. Since the proposed map amendments will address a documented public need and create additional residential land supply, they are consistent with the above policy.

71.09: Medium and Medium-High Density Residential (R-3 and R-4) The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

1. Areas that are not committed to low density development;

2. Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street;

3. Areas that are not subject to development limitations such as

topography, flooding, or poor drainage;

COMMENT:

The applicant is requesting approval of a Comprehensive Plan Map Amendment and Zone Change application to designate the site R-4 so that the site can be developed with low-rise garden apartments. The proposed zoning is consistent with the recommended Medium, High-Density Residential designation in the Three Mile Lane Area Plan. Per the attached Property Deed and Conceptual Plan, the subject site is accessible through a 125-ft. long access and utility easement that connects to SE Stratus Avenue, a Minor Collector street. City maps do not indicate that steep topography, flooding, or poor drainage is associated with the site. Therefore, the proposed R-4 zoning is consistent with the above policies.

4. Areas where the existing facilities have the capacity for additional development;

COMMENT:

When discussing the attached Conceptual Plan with City staff, it was determined that public utilities have the capacity to serve a multi-family use on the site. Public water and sewer services can be provided by connecting to existing main lines within SE Stratus Avenue. Similarly, electrical and communication services can be provided by connecting to existing lines within the right-of-way. The attached Conceptual Plan indicates that the applicant is intending to manage stormwater from impervious surfaces by directing drainage to a retention pond (see Exhibit 3). The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system (see Exhibit 5).

Urban Policies:

99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.

2. Storm sewer and drainage facilities (as required).

3. Streets within the development and providing access to the development, improved to city standards (as required).

4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)

COMMENT:

As discussed above, existing public transportation and utility facilities have the capacity to serve the proposed R-4 zoning and future multi-family development. The attached Conceptual Plan indicates that stormwater will be managed on-site with a private retention facility (see Exhibit 3). Detailed plans regarding how services will be provided when a future Site and Design Review application is submitted.

Chapter VI: Transportation System

Goal VI 1:

To Encourage Development of a Transportation System than Provides for the Coordinated Movement of People and Freight in a Safe and Efficient Manner.

Streets Policies:

117.00: The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

COMMENT:

The subject site is currently provided a 25-ft. wide access easement from SE Stratus Avenue. This accessway shares an existing driveway connection to SE Stratus Avenue for Tax Lot 602.

119.00: The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

120.00: The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

121.00: The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

COMMENT:

The attached Conceptual Plan illustrates that the subject site has access to SE Stratus Avenue, a Minor Collector Street (see Exhibit 3). This access is shared with Northwest Logging Supply to facilitate safe access flow along the roadway.

122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

2. Major, minor collectors.

–Designs should minimize impacts on existing neighborhoods.

–Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
–On-street parking should be limited wherever necessary.
–Landscaping should be required along public rights-of-way.
–As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.

COMMENT:

The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system (see Exhibit 5). The attached Conceptual Plan demonstrates that off-street parking can be provided on the site when it is developed with a multi-family use (see Exhibit 3). At the time of development, landscaping will be provided where required. Therefore, this policy is met.

Parking Policies:

126.00: The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

127.00: The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

COMMENT:

As mentioned above, the attached Conceptual Plan demonstrates that off-street parking for a multi-family use can be provided on the site (see Exhibit 3).

Bike Paths Policies:

130.00: The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

COMMENT:

Due to the low traffic volume and travel speeds on SE Stratus Avenue, bicycles and vehicles currently share the roadway. Highway 18/NE Three Mile Lane, a Major Arterial Street under ODOT jurisdiction, parallels Stratus Avenue directly to the north. Highway 18 provides an off-ramp to Stratus Avenue to the west of the site. A full movement signal controlled intersection to Highway 18 is provided from Stratus Avenue to the east of the site at the intersection of SE Norton Lane. This signaled highway crossing provides safe pedestrian and bicycle routes to commercial uses on the north side of the highway at the intersection of NE Norton Lane and NE Cumulus Avenue.

Complete Streets:

132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

1. Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).

2. Incorporate features that create a pedestrian friendly environment, such as:

a. Narrower traffic lanes;

b. Median refuges and raised medians;

c. Curb extensions ("bulb-outs");

d. Count-down and audible pedestrian signals;

e. Wider sidewalks;

f. Bicycle lanes; and

g. Street furniture, street trees, and landscaping

COMMENT:

As mentioned above, the subject site is accessed from SE Stratus Avenue through a 25-ft. wide access and utility easement on Tax Lot 602. The street frontage along SE Stratus Avenue is currently improved with a curb, gutter, and sidewalk. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system (see Exhibit 5). City staff will verify that Public Works standards are met when a future Site and Design Review application is submitted for the apartment complex.

Connectivity and Circulation:

132.26.00: The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.

COMMENT:

The subject site currently has access to SE Stratus Avenue through a 25-ft. wide access easement which crosses Tax Lot 602. Stratus Avenue connects to Highway 18 to the west of the site, where a full movement signal controlled intersection is located. This signaled intersection provides safe pedestrian and bicycle routes to commercial uses on the north side of the highway, near the intersection of NE Norton Lane and NE Cumulus Avenue.

Supportive of General Land Use Plan Designations and Development Patterns:

132.27.00: The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses.

COMMENT:

As required, Transportation Planning Rule Analysis has been completed for the proposed zone change from M-1 to R-4. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect on the surrounding transportation system (see Exhibit 5). Therefore, the above policy is met.

Transportation Safety:

132.31.00: The City of McMinnville shall make the design, construction, and operation of a safe transportation system for all modes of travel a high priority.

COMMENT:

As mentioned above, existing improvements to SE Stratus Avenue are appropriate for the proposed rezone of the subject site to R-4. The attached Transportation Planning Rule Analysis indicates that SE Stratus Avenue, a Minor Collector, is able to support residential densities permitted under the proposed R-4 zone.

Public Safety:

132.32.00: The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system.

COMMENT:

The attached Conceptual Plan demonstrates that a hammerhead turnaround meeting Fire Code standards can be accommodated in the southern portion of the apartment complex (see Exhibit 3). Therefore, the proposed map amendments are consistent with the above policy.

Livability:

132.35.00: Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.

Health and Welfare:

132.36.00: Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

COMMENT:

As mentioned above, due to low traffic volumes and speeds, SE Stratus Avenue currently provides shared vehicle and bicycle facilities. The existing SE Stratus Avenue frontage along Tax Lot 602 is also developed with a sidewalk. These improvements support all modes of travel, encouraging greater physical activity for area residents.

Transportation Sustainability:

132.37.00: Through implementation of the TSP and the Comprehensive Plan, the City of McMinnville will, to the extent possible, seek measures that simultaneously help reduce traffic congestion, pollution, crashes and consumer costs, while increasing mobility options for non-drivers, and encouraging a more efficient land use pattern.

COMMENT:

As indicated in the above narrative, the existing street network and frontage improvements along Tax Lot 602 support multi-modal transportation, safety goals, transportation sustainability, and connectivity to area businesses and neighborhoods.

132.40.15: Transportation SDCs – The City should update its transportation systems development charge (SDC) to address growth-related traffic impacts.

COMMENT:

When building permits are issued for the future apartment complex, transportation SDCs will be paid for anticipated traffic impacts.

Circulation:

132.41.00: Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are

of high priority:

1. **Pedestrian circulation;**

2. **Enhancement of emergency vehicle access;**

3. **Reduction of emergency vehicle response times;**

4. **Reduction of speeds in neighborhoods;, and**

5. **Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.**

COMMENT:

SE Stratus Avenue, a Minor Collector Street, currently serves a portion of the Three Mile Lane Area neighborhood. The subject site is currently provided with a 25-ft. wide access easement to this roadway through Tax Lot 602. Efficient pedestrian circulation and emergency response is currently provided by existing street frontage improvements along Tax Lot 602. Therefore, the proposed map amendments are consistent with the above policy.

132.41.30: Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

COMMENT:

The attached Conceptual Plan indicates that shared access and connectivity will be provided between the subject parcels and Tax Lot 602, which has frontage on SE Stratus Avenue (see Exhibit 3). To the east of the site is an existing mobile home park with a private street system. West and south of the site is a large, farmed parcel that is located outside of the UGB and city limits of McMinnville. Based on these factors, the attached Conceptual Plan demonstrates that street connectivity will be provided to the extent possible with future development of the site(see Exhibit 3).

Neighborhood Traffic Management:

132.43.10: Limited Neighborhood Cut–Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

COMMENT:

The submitted Conceptual Plan demonstrates that, with development of the site under the proposed map amendments, access through the site will not encourage through traffic (see Exhibit 3).

Chapter VII: Community Facilities and Services

Goal VII 1:

To Provide Necessary Public and Private Facilities and Utilities at Levels Commensurate with Urban Development, Extended in a Phased Manner, and Planned and Provided in Advance of or Concurrent with Development, In Order to Promote the Orderly Conversion of Urbanizable Lands to Urban Lands within the McMinnville Urban Growth Boundary.

Sanitary Sewer System Policies:

136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

140.00: The City of McMinnville shall continue to limit sewer service extensions to the areas within the urban growth boundary, except where service is granted to comply with state or federal laws. Areas outside the city limits, but within the urban growth boundary, shall be granted sewer service hook-ups only under policies adopted by the City.

141.00: The City of McMinnville shall continue to separate storm and sanitary sewers where they are connected to reduce the inflow of storm sewer waters to the sewage treatment plant. Ongoing maintenance and improvements of the existing system shall also be undertaken to reduce infiltration of rain water into the system.

COMMENT:

Public utilities are located in the vicinity of the subject parcels and can be extended when the site is developed for a multi-family use. A connection to the sanitary sewer main can be provided from SE Stratus Avenue. As required, a separate stormwater system will be developed to direct drainage to retention ponds, in accordance with City standards.

Storm Drainage Policies:

142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

COMMENT:

As required, an on-site storm system will be designed to meet City standards. The attached Conceptual Plan illustrates that the applicant is intending to develop a retention pond to manage drainage on the parcels (see Exhibit 3).

Water System Policies:

144.00: The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

145.00: The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.

2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.

4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

COMMENT:

Public water can be provided to the site by connecting to the existing main line within SE Stratus Avenue.

Water and Sewer – Land Development Criteria Policies:

151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

2. Sufficient municipal sewage system facilities, as determined by

the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.

3. **Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.**

4. **Federal, state, and local water and waste water quality standards can be adhered to.**

5. **Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.**

COMMENT:

City staff has indicated that the existing public water line that is located within SE Stratus Avenue has the capacity to serve residential uses permitted the proposed R-4 zoning. As required, the developer will be responsible for the cost to extend public water and sanitary sewer service to the future multi-family buildings. Prior to development of the site, detailed plans will be submitted for Site and Design Review, demonstrating that federal, state, and local wastewater standards are met.

Police and Fire Protection Policies:

152.00: The City of McMinnville shall encourage the provision of adequate police and fire facilities and personnel to meet the needs of the community as it expands.

155.00: The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

COMMENT:

It is anticipated that City of McMinnville police and fire services have the capacity to serve the proposed R-4 zoning and future apartment complex on the subject site. As demonstrated by the attached Conceptual Plan, a turnaround meeting Fire Code standards will be provided within the parking area.

Goal VII 3:

To Provide Parks and Recreation Facilities, Open Spaces, and Scenic Areas for the Use and Enjoyment of All Citizens of the Community.

159.00: The City of McMinnville's Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects.

163.00: The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

168.00: Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

169.00: Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

170.05: For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used.

COMMENT:

The subject parcels are not identified for future parkland in the McMinnville Parks and Recreation Master Plan.

Chapter VII: Energy

Goal VIII 2:

To Conserve all Forms of Energy Through Utilization of Land Use Planning Tools.

Energy Supply Distribution Policies:

178.00: The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

COMMENT:

The submitted Conceptual Plan demonstrates that an apartment complex can be developed in a compact urban pattern under the proposed R-4 zoning (see Exhibit 4).

Chapter IX: Urbanization

Goal IX 1:

To Provide Adequate Lands to Service the Needs of the Projected Population to the Year 2023, and to Ensure the Conversion of these Lands in an Orderly, Timely Manner to Urban Uses.

COMMENT:

The City has recently prepared a Housing Needs Analysis which projects housing needs during the 2021-2041 planning period. This analysis indicates that single-family and multi-family needs will be met through the development of 4,657 dwelling units during the planning period. However, the existing residential land supply will not meet the projected demand. Even if all of the available residential land supply is developed by 2041, the City will have a projected deficiency of 1,926 dwelling units during the planning period. Therefore, rezoning of the subject site to R-4 to allow for medium-high density residential development is essential when addressing the public need for additional housing.

General Development Pattern Policies:

183.00: The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.

COMMENT:

Consistent with the Three Mile Lane Area Plan, the applicant is proposing to redesignate the subject parcels from Industrial to Residential, and rezone the parcels from M-1 to R-4. Since most of the site is vacant, and within the city limits and UGB, it is considered urbanizable. The attached Conceptual Plan demonstrates that the site can be developed at desired urban densities under the proposed R-4 zoning. As required, the applicant will submit a future Site and Design Review application to demonstrate that the apartment complex meets applicable development standards.

Great Neighborhood Principles Policies:

187.10: The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

COMMENT:

When a future Site and Design Review application is submitted, the applicant will demonstrate that applicable Great Neighborhood Principals are met for the planned apartment complex.

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.

Goal X 2:

To Make Every Effort to Engage and Include a Broad Cross Section of the Community by Maintaining an Active and Open Citizen Involvement Program that is Accessible to all Members of the Community and Engages the Community During Development and Implementation of Land Use Policies and Codes.

COMMENT:

The applicant is requesting approval of a Comprehensive Plan Map Amendment and Zone Change application. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council prior to issuance of the land use decision.

C. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

COMMENT:

The requested land use actions are to redesignate the site from Industrial to Residential, and rezone the parcels from M-1 to R-4. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council.

Goal 2: Land Use Planning

Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those

of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

COMMENT:

The City's current Housing Needs Analysis indicates that single-family and multi-family needs will be met through the development of 4,657 dwelling units during the 2021-2041 planning period. However, the existing residential land supply cannot meet the projected demand for housing units. It has been determined that the City will have a projected deficiency of 1,926 dwelling units during the planning period even if all available residential land supply is developed.

As discussed throughout this Applicant's Statement, the subject site is included in McMinnville's UGB and is currently designated as Industrial on the Comprehensive Plan Map. Consistent with the Medium, High-Density Residential recommendation in the Three Mile Lane Area Plan, a supporting document to the Comprehensive Plan, the applicant is proposing to redesignate the site Residential and rezone it to an R-4 designation. The attached Conceptual Plan indicates that the applicant is intending to develop 96 multi-family units on the site following the approval of the proposed map amendments. Therefore, the requested map amendments are orderly and timely considering the Area Plan's recommendation for the site, and the need for housing in the community.

Goal 3: Agricultural Lands

Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

COMMENT:

The subject site is located within the city limits and UGB of McMinnville. Since the parcels are not defined as "agricultural lands", this goal does not apply.

Goal 4: Forest Lands

Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

COMMENT:

The subject property does not include designated forest lands. Therefore, Goal 4 is not applicable to the proposed map amendments.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Summary: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

COMMENT:

The subject site does not contain any designated open spaces, scenic, or historic areas. Therefore, this goal does not apply to the submitted application.

Goal 6: Air, Water and Land Resources Quality

Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

COMMENT:

If the proposed Comprehensive Plan Map and Zoning Map designations are approved for Lots 600 and 604, more detailed plans will be prepared for a future Site and Design Review application. This future land use application and the building permitting process will ensure compliance with local, state, and federal air, water, and land resource quality standards.

Goal 7: Areas Subject To Natural Disasters and Hazards

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

COMMENT:

The subject site is not located within mapped hazard areas. Therefore, the submitted Zoning Change and Map Amendment applications are consistent with Goal 7.

Goal 8: Recreation Needs

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

COMMENT:

The McMinnville Parks and Recreation Plan does not identify park facilities on the subject site.

Goal 9: Economic Development

Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

COMMENT:

As discussed above, the applicant is proposing to designate the site Residential on the Comprehensive Plan Map and R-4 on the Zoning Map. The proposed map amendments will allow the development of a multi-family dwellings, providing additional housing opportunities for the McMinnville workforce and their employers. Residents that live in the proposed dwellings will purchase local goods and services, helping to contribute to the local economy. In addition, the residential use will provide additional property tax revenue for the City to provide public services. Therefore, the proposed map amendments will help improve economic conditions in the community.

Goal 10: Housing

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

COMMENT:

The attached Conceptual Plan illustrates that following approval of the map amendments, the applicant intends to develop a 96-unit apartment complex on the site. The future development of an apartment complex helps to meet the need for a greater variety of residential units as identified in the 2003-2023 McMinnville Growth Management and Urbanization Plan. The City's more recent Housing Needs Analysis indicates that the City is maintaining a deficient residential land supply when addressing housings needs during the 2021-2041 planning period. As such, rezoning and development of the subject site is essential when addressing the public housing need.

Goal 11: Public Facilities and Services

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

COMMENT:

City maps indicate that public utilities are located in the vicinity of the subject parcels and can be extended when the site is developed. Public water and sanitary sewer services can be provided by connecting to existing main lines within SE Stratus Avenue. Electrical and communication services can also be provided by connecting to existing lines within the right-of-way. To manage stormwater, the applicant is planning to develop a retention pond on the site. The subject parcels currently have access to City fire and police services. Therefore, the proposed map amendments comply with Goal 11.

Goal 12: Transportation

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

COMMENT:

NE Stratus Avenue is currently improved with a curb and sidewalk along the frontage of Tax Lot 602, where shared access is provided with the subject site. Due to low traffic volumes and speeds, vehicles and bicycles share the travel lanes. As required, Transportation Planning Rule Analysis has been completed for the proposed zone change from M-1 to R-4. The attached Transportation Planning Rule Analysis indicates that traffic associated with the proposed zone designation is consistent with the City's Transportation System Plan (TSP) and will not create a significant effect to the safety or convenience of the surrounding transportation system (see Exhibit 5). Therefore, the above policy is met.

Goal 13: Energy

Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

COMMENT:

This proposed map amendments do not significantly affect Goal 13.

Goal 14: Urbanization

Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is converted to an urban use.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and

COMMENT:

The City's current Housing Needs Analysis indicates that single-family and multi-family needs will be met through the development of 4,657 dwelling units during the 2021-2041 planning period. However, even if all available residential land supply is developed by 2041, the City will have a projected deficiency of 1,926 dwelling units during the planning period. Therefore, rezoning of the subject site from M-1 to R-4 is essential when addressing the public need for additional housing. As demonstrated by the attached Conceptual Plan, the site can accommodate the development of approximately 96 additional multi-family dwelling units for the community (see Exhibit 3).

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

COMMENT:

The subject property is currently designated Industrial on the City of McMinnville Comprehensive Plan Map and M-1 (light industrial) on the Zoning Map. As discussed above, there is a documented need to develop additional housing to meet the needs of the projected population. Approval of the proposed zone change allows for future apartment development within the site, which helps to satisfy that need. The proposed map amendments are also consistent with recommendations int the Three Mile Lane Area Plan's, which designates Medium, High-Density Residential for the site.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

(1) Efficient accommodation of identified land needs;

COMMENT:

The applicant is not proposing changes to the existing urban growth boundary. Therefore, these factors do not apply.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the City of McMinnville Municipal City Code, McMinnville Comprehensive Plan, and Oregon Statewide Planning Goals. Therefore, the applicant requests that the concurrent Zoning Change and Map Amendment applications be approved.

V. EXHIBITS

1. **Application Form**

2. **Property Deed and Legal Description**

3. **Conceptual Plan**

4. **Neighborhood Meeting Documentation**

5. **Transportation Planning Rule Analysis**

APPLICATION FORM

EXHIBIT 1

PROPERTY DEED AND LEGAL DECISION

EXHIBIT 2

AFTER RECORDING, RETURN TO:
Don G. Johnson
Johnson & Taylor, LLC
1193 Liberty Street, SE
Salem, OR 97302

SEND TAX STATEMENTS TO:
Nancy Feero
7941 Barrancas Avenue
Bokeelia, FL 33922

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK

202306381

00657075202300063810020025

$86.00

07/12/2023 11:46:12 AM

DMR-DDMR Cnt=1 Stn=1036 DAVISM
$10.00 $5.00 $11.00 $60.00

PERSONAL REPRESENTATIVE'S DEED

I, **Nancy Feero,** as Personal Representative of the **Estate of Kurt Raymond Feero, Yamhill County Case Number 22PB07125** ("Grantor"), does hereby convey and transfer to **Jennifer Lynn Feero, Andrea Marie Feero and Jodi Lynne Devonshire,** as tenants in common, the following described real property (the "Property"), except as specifically set forth herein:

Real Property located at 2320 SE Stratus Avenue, McMinnville, OR 97128, and described more particularly as follows:

Parcel 2 of Partition Plat 2008-02 recorded January 7, 2008 as Instrument No. 200800276, Official Records of Yamhill County, Oregon.

The true consideration for this conveyance is: Zero Dollars ($0.00); Inheritance.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND

SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 1ST day of July, 2023.

Nancy Feero

Nancy Feero, Personal Representative of
the Estate of Kurt Raymond Feero

STATE OF FLORIDA)
) ss.
County of Lee)

The foregoing instrument was acknowledged before me on this 1ST day of July, **2023**, by **Nancy Feero, Personal Representative of the Estate of Kurt Raymond Feero**, who acknowledged such instrument to be his free and voluntary act and deed, and on oath stated that she was duly authorized to execute such instrument.

NOTARY PUBLIC STATE OF FLORIDA
JENNIFER A. SPRENG
MY COMMISSION # HH279048
EXPIRES: July 26, 2026

Notary Public for the State of Florida

AFTER RECORDING, RETURN TO:
Don G. Johnson
Johnson & Taylor, LLC
1193 Liberty Street, SE
Salem, OR 97302

SEND TAX STATEMENTS TO:
Nancy Feero
7941 Barrancas Avenue
Bokeelia, FL 33922

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK

202307430

00658474202300074300030031

$91.00

08/10/2023 12:27:55 PM

DMR-DDMR Cnt=1 Stn=3 SUTTONS
$15.00 $5.00 $11.00 $60.00

PERSONAL REPRESENTATIVE'S DEED

I, **Nancy Feero,** as Personal Representative of the **Estate of Kurt Raymond Feero, Yamhill County Case Number 22PB07125** ("Grantor"), does hereby convey and transfer to **Jennifer Lynn Feero, Andrea Marie Feero and Jodi Lynne Devonshire,** as tenants in common, the following described real property (the "Property"), except as specifically set forth herein:

5.4 acre parcel legally described in vested deed 2007-20877 in Exhibit C attached.

The true consideration for this conveyance is: Zero Dollars ($0.00); Inheritance.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND

SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 31 day of July, 2023.

Nancy Feero

Nancy Feero, Personal Representative of
the Estate of Kurt Raymond Feero

STATE OF FLORIDA)
) ss.
County of Lee)

The foregoing instrument was acknowledged before me on this 31st day of July, **2023**, by **Nancy Feero, Personal Representative of the Estate of Kurt Raymond Feero**, who acknowledged such instrument to be his free and voluntary act and deed, and on oath stated that she was duly authorized to execute such instrument.

NOTARY PUBLIC STATE OF FLORIDA
JENNIFER A. SPRENG
MY COMMISSION # HH279048
EXPIRES: July 26, 2026

Notary Public for the State of Florida

EXHIBIT C
Legal Description of "C" (5.4 Ac.)

A tract of land in Section 27, Township 4 South, Range 4 West, City of McMinnville, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the southwest corner of that tract of land described in deed from CHARLES J.McELMURRAY, SHIRLEY McELMURRAY and R. WALDO FARNHAM to KURT R. FEERO and RHONDA A. FEERO and recorded in Film Volume 264 Page 1243, Yamhill County Deed Records; thence North 00°28'00" West 969.20 feet along the west line if said FEERO tract to an iron rod; thence North 89°32'00" East 237.00 feet to an iron rod on the east line of said tract; thence South 00°28'00" East 297.06 feet along said east line; thence North 89°44'00" East 8.00 feet along said east line; thence South 00°28'00" East 672.75 feet along said east line to the southeast corner of said FEERO tract; thence South 89°40'58" West 245.00 feet along the south line of said tract to the point of beginning.

TOGETHER WITH A 25 foot wide access and utilities easement the centerline of which is more particularly described as follows:Beginning on the south margin of SE Stratus Avenue at a point that is South 89°46'16" West 20.61 feet from the east line of that tract of land described in deed from CHARLES J.McELMURRAY, SHIRLEY McELMURRAY and R. WALDO FARNHAM to KURT R. FEERO and

RHONDA A. FEERO and recorded in Film Volume 264 Page 1243, Yamhill County Deed Records; thence South 00°02'04" West 31.63 feet; thence South 26°29'15" West 74.54 feet; thence continuing South 26°29'15" West 39.34 feet; thence South 00°28'00" East 35.90 feet to the beginning of a curve concave to the west having a radius of 37.50 feet; thence southerly 24.95 feet along said curve (chord=South 18°35'45" West 24.49 feet) to the beginning of a curve concave to the east having a radius of 37.50 feet; thence southerly 24.95 feet along said curve (chord=South 18°35'45" West 24.49 feet); thence South 00°28'00" East 34.58 feet to the end of said centerline.

EXHIBIT C
PAGE 1 of 1

7/8

CONCEPTUAL PLAN

EXHIBIT 3

NORTH

PRELIMINARY SITE PLAN

SCALE: 1" = 50'-0"

SITE INFORMATION:

PROPERTY AREA:	AREA = (5.4 ACRES)
EXISTING ZONING:	M1
PROPOSED USE:	R4
NUMBER OF UNITS:	12 - 2 BED 48 - 2 BED 36 - 3 BED 96 UNITS TOTAL
SETBACKS:	BUILDING: FRONT = 15' SIDE = 10' REAR = 20'
BUILDING HEIGHT:	35'-0" APPROXIMATE
BUILDING AREA:	BUILDING #1 (CH): 2,544 GROSS SF BUILDING #2: 17,542 GROSS SF BUILDING #3: 16,084 GROSS SF BUILDING #4: 16,084 GROSS SF BUILDING #5: 17,542 GROSS SF BUILDING #6: 16,084 GROSS SF BUILDING #7: 17,542 GROSS SF TOTAL: 103,422 GROSS SF
PARKING PROVIDED:	180 EXTERIOR SPACES (13 H.C. ACCESSIBLE)

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:

M+A DESIGN, INC.
24 SOUTH BROOKE STREET
FOND du LAC, WISCONSIN 54937
l.petrie@madesigninc.net (920) 922-8170

COMMONWEALTH COMPANIES
24 S. BROOKE STREET
FOND du LAC, WISCONSIN 54935
(920) 922-8170 FAX: (920) 922-8171

MULTI-FAMILY HOUSING

SE STRATUS AVE
MCMINNVILLE, OR

JOB NUMBER: 2023.47

SHEET C1.0

2024 © M+A DESIGN, INC

Revised on 04.21.2025

NEIGHBORHOOD MEETING DOCUMENTATION

EXHIBIT 4

Cascadia
Planning + Development Services

steve@cascadiapd.com
P.O Box 1920
Silverton, OR 97381
P 503 - 804 - 1089

July 30, 2024

Re: Neighborhood Meeting for Proposed Comprehensive Plan Map and Zone Change

Dear Resident and/or Property Owner:

Cascadia Planning + Development Services is representing the applicant for a proposed Comprehensive Plan Map Amendment from Industrial to Residential, with a concurrent request to change the Zoning Map designation from M-1 to R-4. The 5.80-acre subject site is addressed as 2320 SE Stratus Avenue and is identified by the Yamhill County Assessor as Tax Lots 600 and 604 of Tax Map 4.4.27. The proposed map amendments to a residential designation are consistent with the City of McMinnville's Three Mile Lane Area Plan.

The purpose of this meeting is to provide a forum for the applicant and surrounding property owners/ residents to review the proposal and to identify issues so that they may be considered before a land use application is submitted to the City. This meeting gives you the opportunity to share any special information you know about the property involved. We will attempt to answer questions which may be relevant to McMinnville Zoning Ordinance standards.

You are invited to attend a neighborhood meeting regarding this proposal:

on: Tuesday, July 30th, 2024 at 6:00 pm

Baker Creek Community Church
325 NW Baker Creek Road, McMinnville, OR 97128

Please note that this will be an informal meeting based on preliminary development plans. We look forward to discussing this proposal with you. Feel free to contact me at 503-804-1089 or steve@cascadiapd.com if you have any questions.

Sincerely,

Steve Kay, AICP
Cascadia Planning + Development Services

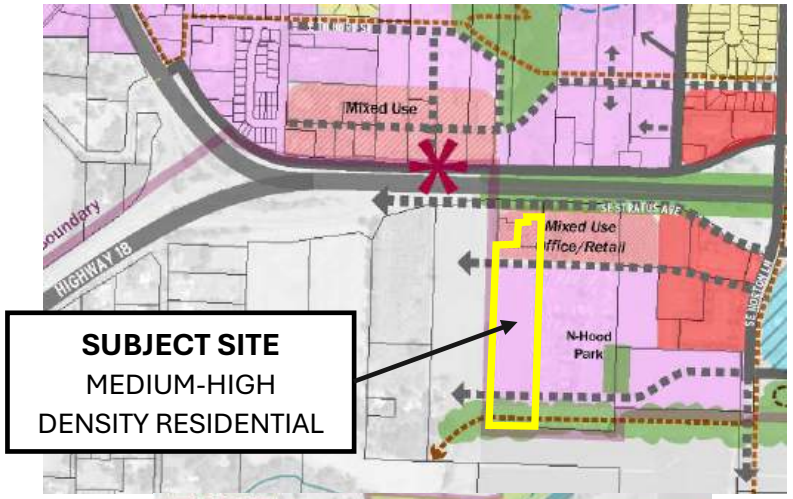
NORTH

PRELIMINARY SITE PLAN

SCALE: 1" = 50'-0"

SITE INFORMATION:

PROPERTY AREA:	AREA = (5.4 ACRES)	
EXISTING ZONING:	M1	
PROPOSED USE:	R4	
NUMBER OF UNITS:	12 - 2 BED 48 - 2 BED 36 - 3 BED 96 UNITS TOTAL	
SETBACKS:	BUILDING:	FRONT = 15' SIDE = 10' REAR = 20'
BUILDING HEIGHT:	35'-0" APPROXIMATE	
BUILDING AREA:	BUILDING #1 (CH):	2,544 GROSS SF
	BUILDING #2:	17,542 GROSS SF
	BUILDING #3:	16,084 GROSS SF
	BUILDING #4:	16,084 GROSS SF
	BUILDING #5:	17,542 GROSS SF
	BUILDING #6:	16,084 GROSS SF
	BUILDING #7:	17,542 GROSS SF
	TOTAL:	103,422 GROSS SF
PARKING PROVIDED:	180 EXTERIOR SPACES (13 H.C. ACCESSIBLE)	



THREE MILE LANE **PREFERRED ALTERNATIVE**

Revised on 04.21.2025

Stratus Avenue Holdings LLC
2400 SE Stratus Ave Unit 38
McMinnville OR 97128

Aab Properties LLC
2300 SE Stratus Ave
McMinnville OR 97128

Aab Properties LLC
2330 SE Stratus Ave
McMinnville OR 97128

Stratus Avenue Holdings LLC
McMinnville OR 97128

Morrison Cheryl E (1/2)
405 SE Martin Ln
McMinnville OR 97128

Michael Bernards
McMinnville OR 97128

Luis Rojas
2400 SE Stratus Ave Unit 54
McMinnville OR 97128

Kelli Alfredson
2400 SE Stratus Ave Unit 72
McMinnville OR 97128

Maria Ortigoza-Reyes
2400 SE Stratus Ave Unit 31
McMinnville OR 97128

Elvia Gonzalez-Lopez
2400 SE Stratus Ave Unit 3
McMinnville OR 97128

Cinthia Julio-Saucedo
2400 SE Stratus Ave Unit 7
McMinnville OR 97128

Maryann Bidwell
2400 SE Stratus Ave Unit 19
McMinnville OR 97128

Denise Manley
2400 SE Stratus Ave Unit No 44
McMinnville OR 97128

Miguel Olayo-Aguilar
2400 SE Stratus Ave Unit 5
McMinnville OR 97128

Verenise Cervantes-Ramos
2400 SE Stratus Ave Unit 23
McMinnville OR 97128

Mayra Cornejo
McMinnville OR 97128

Tiffany Kazunas
2400 SE Stratus Ave Unit 24
McMinnville OR 97128

Joed Asay
2400 SE Stratus Ave Unit 49
McMinnville OR 97128

Robert Boyd
2400 SE Stratus Ave Unit 37
McMinnville OR 97128

Adelina Valencia
2400 SE Stratus Ave Unit 16
McMinnville OR 97128

Solis Sanchez
2400 SE Stratus Ave Unit 32
McMinnville OR 97128

Jose Juarez
2400 SE Stratus Ave Unit 14
McMinnville OR 97128

Maria Luna-Arciga
2400 SE Stratus Ave Unit 40
McMinnville OR 97128

Evelyn Arredondo
2400 SE Stratus Ave Unit No 42
McMinnville OR 97128

Gabriel Bravo
2400 SE Stratus Ave Unit 53
McMinnville OR 97128

Luis Jimenez-Vazquez
2400 SE Stratus Ave Unit 20
McMinnville OR 97128

Delgado Torres
2400 SE Stratus Ave Unit 11
McMinnville OR 97128

Maria Alvarez
2400 SE Stratus Ave Unit 4
McMinnville OR 97128

Darcy Romero
2400 SE Stratus Ave Unit 36
McMinnville OR 97128

Stefany Verduzco
2400 SE Stratus Ave Unit 33
McMinnville OR 97128

Emily Kelbell
2400 SE Stratus Ave Unit 59
McMinnville OR 97128

Charles Simpson
2400 SE Stratus Ave Unit 27
McMinnville OR 97128

Renee Self
2400 SE Stratus Ave Unit 57
McMinnville OR 97128

Maricruz Flores
2400 SE Stratus Ave Unit 55
McMinnville OR 97128

Coral Mendoza-Silva
2400 SE Stratus Ave Unit 29
McMinnville OR 97128

Tracey Blomquist
2400 SE Stratus Ave Unit 48
McMinnville OR 97128

Fernanda Barajas
2400 SE Stratus Ave Unit 25
McMinnville OR 97128

Karen Llanes
2400 SE Stratus Ave Unit 60
McMinnville OR 97128

Lopez Martinez
2400 SE Stratus Ave Unit 28
McMinnville OR 97128

Aristeo Ruiz-Hernandez
2400 SE Stratus Ave Unit 45
McMinnville OR 97128

Judith Martin
2400 SE Stratus Ave Unit 101
McMinnville OR 97128

Vickie Grove
2400 SE Stratus Ave Unit 35
McMinnville OR 97128

Patrick Owens
2400 SE Stratus Ave Unit 58
McMinnville OR 97128

Sergio Mendoza
2400 SE Stratus Ave Unit 38
McMinnville OR 97128

McKenzie Hunt
2400 SE Stratus Ave Unit 68
McMinnville OR 97128

Arely Mota-Armenta
2400 SE Stratus Ave Unit 6
McMinnville OR 97128

Gloria Urquilla
2400 SE Stratus Ave Unit 26
McMinnville OR 97128

Alan King
2400 SE Stratus Ave Unit 81
McMinnville OR 97128

Acevedo Espinoza
2400 SE Stratus Ave Unit 9
McMinnville OR 97128

Miguel Alonso-Leyva
2400 SE Stratus Ave Unit 69
McMinnville OR 97128

Jesse Brown
2400 SE Stratus Ave Unit 83
McMinnville OR 97128

Esther Kokoruda
McMinnville OR 97128

Geoffrey Messervy
2400 SE Stratus Ave Unit 88
McMinnville OR 97128

Eric Ruch
2400 SE Stratus Ave Unit 78
McMinnville OR 97128

Francisco Baltazar
2400 SE Stratus Ave Unit 79
McMinnville OR 97128

Trinidad Ortigoza-Reyes
2400 SE Stratus Ave Unit 41
McMinnville OR 97128

Ramona Thomas
2400 SE Stratus Ave Unit 84
McMinnville OR 97128

Reyes Orrtiz
2400 SE Stratus Ave Unit 80
McMinnville OR 97128

Kris Simkins
2400 SE Stratus Ave Unit 74
McMinnville OR 97128

Levi Wall
2400 SE Stratus Ave Unit 52
McMinnville OR 97128

Robert Huddleson III
2400 SE Stratus Ave Unit 73
McMinnville OR 97128

Robert Terry
2400 SE Stratus Ave Unit 105
McMinnville OR 97128

Betty Pritchard
2400 SE Stratus Ave Unit 1
McMinnville OR 97128

Clarence Zimmerman
2400 SE Stratus Ave Unit 2
McMinnville OR 97128

Socorro Serna
2400 SE Stratus Ave Unit 107
McMinnville OR 97128

Lolita Moreland
2400 SE Stratus Ave Unit 77
McMinnville OR 97128

Dennis Woods
2400 SE Stratus Ave Unit 104
McMinnville OR 97128

Dale Simkins
2400 SE Stratus Ave Unit 106
McMinnville OR 97128

Victoria Cruz-Martinez
2400 SE Stratus Ave Unit 22
McMinnville OR 97128

Armando Orozco
2400 SE Stratus Ave Unit 91
McMinnville OR 97128

Travis Carmon
2400 SE Stratus Ave Unit 90
McMinnville OR 97128

Richard Donaldson
2400 SE Stratus Ave Unit 100
McMinnville OR 97128

Jose Espinoza
2400 SE Stratus Ave Unit 99
McMinnville OR 97128

Marvin Parnell
2400 SE Stratus Ave Unit 86
McMinnville OR 97128

Laurie Elliott
2400 SE Stratus Ave Unit 85
McMinnville OR 97128

Salinas Santiago
2400 SE Stratus Ave Unit 87
McMinnville OR 97128

Teodolo Elias
2400 SE Stratus Ave Unit 93
McMinnville OR 97128

Cipriano Magana
2400 SE Stratus Ave Unit 95
McMinnville OR 97128

Deana Holt
2400 SE Stratus Ave Unit 97
McMinnville OR 97128

Maria Acevedo-Lemus
2400 SE Stratus Ave Unit 98
McMinnville OR 97128

Trujillo Perez
2400 SE Stratus Ave Unit 50
McMinnville OR 97128

Mary Harper
2400 SE Stratus Ave Unit 46
McMinnville OR 97128

Yeith Duran
McMinnville OR 97128

Daniel Stearns
2400 SE Stratus Ave Unit 96
McMinnville OR 97128

Arteaga Contreras
McMinnville OR 97128

Carole Robertson
2400 SE Stratus Ave Unit 66
McMinnville OR 97128

Burt Asay
2400 SE Stratus Ave Unit 56
McMinnville OR 97128

Dominguez Escobar
2400 SE Stratus Ave Unit 92
McMinnville OR 97128

Moises Salinas
2400 SE Stratus Ave Unit 75
McMinnville OR 97128

Maria Zaragonza
2400 SE Stratus Ave Unit 108
McMinnville OR 97128

Araceli Sanchez-Gregorio
2400 SE Stratus Ave Unit 82
McMinnville OR 97128

Haleigh Morales
2400 SE Stratus Ave Unit 43
McMinnville OR 97128

Jamie Dasher
2400 SE Stratus Ave Unit 89
McMinnville OR 97128

Richard Hernandez
2400 SE Stratus Ave Unit 30
McMinnville OR 97128

Jennifer Feero
2320 SE Stratus Ave
McMinnville OR 97128

Lorena Ferreyra
2400 SE Stratus Ave Unit 103
McMinnville OR 97128

Walter Thompson
2400 SE Stratus Ave Unit 34
McMinnville OR 97128

Troy Trexler
2400 SE Stratus Ave Unit 51
McMinnville OR 97128

Moyer Phyllis Trustee For
2270 SE Three Mile Ln
McMinnville OR 97128

Posted Site Photo: Dated July 10, 2024

SIGN-IN SHEET

Stratus Avenue Annexation and Zone Change Neighborhood Meeting

Tuesday July 30, 2024 at 6:00 pm

Baker Creek Community Church, 325 NW Baker Creek Road, McMinnville

Name	Address	Phone	Email
STEVE KAY	PO BOX 1920, SILVERTON, OR 97381	503-804-1089	steve@cascadiadev.com
Dan DiFrancesco	3965 S. Cavendish Rd New Berlin, WI 53151	608-216-4535	d.difrancesco@commonwealth.net
Andrea & Alex Botten	1725 NW 5th Ct, McMinnville, OR 97128	503.560.0842	abotten1@frontier.com
Mike Morris	935 NW 19th ST MAC	971-241-3847	Mike@millerconsultinggroup.net
Nick & Summer Helston	2320 SE Stratus ave	2677269561	Nickh13@gmail.com
Andrea Feero		503-474-7865	olinsmum@gail.com
Jen Feero	2050 NW Pinehurst Dr, McMinnville	503-708-2658	jenfeero@bakerstreetrealestate.com
Rick Donaldson	2400 SE STRATUS Ave #100 McMinnville	971 241 4557	
Rigoberto Ubaldo	2400 Se Stratus Ave #31 mcminnville	971-241 6100	
TRINIDAD ORTIGOZA	2400 se stratus AVE #41 MCMINNVILLE	971-2378890	
Anahi Ortigoza	2400 se stratus AV #5 mcm.nnvill.	503-437-2807	

Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
(503) 804-1089
steve@cascadiapd.com

MEMO

DATE: August 6, 2024

TO: City of McMinnville Planning Department

FROM: Steve Kay
Cascadia Planning + Development Services

RE: Neighborhood Meeting Summary
SE Stratus Avenue Map Amendments
Tax Lots 600 and 604 of Tax Map 4.4.27

In accordance with McMinnville Zoning Ordinance Section 17.72.095 standards, a neighborhood meeting was held for a proposed Comprehensive Plan Map Amendment from Industrial to Residential with a concurrent Zone Change from M-1 to R-4. The subject site is addressed as 2320 SE Stratus Avenue and identified by the Assessor's Office as Tax Lots 600 and 604 of Tax Map 4.4.27. The meeting allowed the applicant to identify potential neighbor concerns, and if possible, address those issues with the submitted application. To notice the meeting, the applicant used mailing labels provided by a title company and invited all property owners within 300-ft. of the subject site. The meeting was held on July 30, 2022 at the Baker Creek Community Church and was facilitated by Steve Kay, Cascadia Planning + Development Services and Daniel DiFrancesco of Commonwealth Development Corporation. Approximately 20 neighbors attended the meeting and a sign-in sheet has been attached.

Mr. Kay welcomed the attendees at 6:00 pm and began by describing the purpose of the meeting. He referred to a conceptual plan to describe the proposed map amendments and future apartments project. Mr. Kay provided an overview of the development plans, showing how access will be provided, and where the buildings and parking lot will be located. Mr. DiFrancesco provided some additional details about the project, including what amenities would be provided within the apartment complex.

After completing the presentation, Mr. Kay encouraged meeting attendees to ask questions and provide feedback regarding the development. The attendees asked if the project was a "sure thing". Mr. Kay and Mr. DiFrancesco explained that only the map amendments for the site are proposed at this time and that the project will need to undergo the City's land use review process.

Several neighbors raised the concern that existing and future residents don't have access to commercial uses in this area. Mr. Kay and Mr. DiFrancesco responded that the Three Mile Lane Area Plan determined where commercial, industrial, and residential land use will be located and the proposed multi-family use is consistent with the plan. While no commercial uses are directly adjacent to the development, it was explained that the apartment complex will include recreational amenities so provide more self-sufficiency for the residents.

Some attendees stated the concern that existing mobile home residents cross Highway 18 outside of the designated pedestrian crossing area and new apartment residents might also do that to reach commercial areas to the north of the site. Mr. Kay indicated that this is a valid concern and the neighbor's comments will be provided to the City to help determine an appropriate solution. Mr. Kay also explained that Highway 18 is under ODOT jurisdiction, therefore they will make the final decision regarding any changes to the roadway.

An attendee asked how many parking spaces would be provided for the future development. Mr. DiFrancesco stated that detailed plans for the site will not be determined until the map amendments are approved. He said that the conceptual plan shows that approximately 180 parking spaces can be accommodated on the site for 96 apartment units.

Neighbors asked if plans for the site can change and more apartment units could be developed. Mr. DiFrancesco indicated that there isn't much more room for parking so it is not anticipated that the project will have a higher unit count. He also added that the location of the buildings, parking areas, and storm facility might change when detailed plans are prepared.

Several of the adjacent mobile home park residents asked if their homes will be removed for the proposed project. Mr. Kay explained that the proposed map amendment and future apartment complex is located to the west of the mobile home park. He clarified that no changes to their property are proposed.

The neighbors asked about the next steps in the land use application process. Mr. Kay explained that an application would be submitted to the City of McMinnville sometime in the next month. After City staff reviewed the proposal, the neighbors would be invited to provide written comments. He also indicated that the site would be posted with a sign and community members would be encouraged to provide input at public hearings before the Planning Commission and City Council.

The owner of Northwest Logging Supply asked if the existing easement crossing his property is located in a good location for the proposed development and operation of his business. Mr. DiFrancesco responded that the current plans are to remove the existing building in the northern portion of the site and to extend an access drive from the parking lot. He also stated that he is interested in continuing a conversation with the property owner to determine if relocating the easement would better serve both parties.

Mr. Kay concluded the discussion by encouraging the attendees to contact him with any additional questions or concerns. After thanking neighbors for their questions and feedback, the meeting was ended at approximately 7:30 pm.

TRANSPORTATION PLANNING RULE ANALYSIS

EXHIBIT 5

clemow associates LLC

September 20, 2024

City of McMinnville
Community Development Department
Attention: Tom Schauer
231 NE Fifth Street
McMinnville, Oregon 97128

Sent via email to: Tom.Schauer@mcminnvilleoregon.gov

Re: **SE Stratus Avenue Comprehensive Plan Amendment and Zone Change – McMinnville, Oregon**
Traffic Impact Analysis (TIA)

C&A Project Number 20240602.00

Dear Mr. Schauer,

This Transportation Impact Analysis (TIA) supports the proposed Commonwealth Stratus Avenue residential development at 2300 and 2320 SE Stratus Avenue, McMinnville, Oregon. The following items are addressed:

1. Property Description and Proposed Land Use Actions
2. Study Parameters
3. Agency transportation Plan review
4. Existing Conditions
5. Site Development
6. Transportation Analysis
7. Site Access
8. Summary

1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS

The subject properties are at 2300 and 2320 SE Stratus Avenue in McMinnville, Oregon. The properties are identified as tax lots 600 and 604 on Yamhill County Assessor's map 4-4-27 and total approximately 5.8 acres. The site area is illustrated in the attached Figure 1.

Proposed land use actions include a Comprehensive Plan amendment with a plan designation change from Industrial to Residential and a corresponding zone change from Light Industrial (M-1) to Medium, High-Density, 5000 SF Lot Residential (R-4). A specific subdivision or development plan is not contemplated as part of this land use action; therefore, reasonable worst-case development scenarios are assumed in the current and proposed zone designations for analysis purposes.

While not part of these land use actions, future property development is anticipated to include a 96-unit residential affordable housing development consisting of six, two-story apartment buildings. It is also anticipated that future transportation analysis will be necessary to support these land use actions.

2. STUDY PARAMETERS

In support of the proposed land use actions, a transportation impact analysis (TIA) is necessary to address the following criteria:

- Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660-012-0060
- Oregon Highway Plan criteria
- McMinnville Zoning Ordinance criteria

Evaluation of these criteria is presented in the *Transportation Analysis* section of this document.

3. AGENCY TRANSPORTATION PLAN REVIEW

McMinnville Transportation System Plan (TSP)

The 2010 McMinnville Transportation System Plan (2010 TSP) defers to the Oregon Highway 18 Corridor Refinement Plan for detailed transportation planning in the project area. Noting that the adopted TSP is 14 years old, many identified projects and funding sources are outdated. Regardless, the TSP does not identify any financially constrained projects in the applicant's project area, but it notes that there are missing sidewalks on Stratus Avenue.

Oregon Highway 18 (McMinnville) Corridor Refinement Plan

The OR 18 Corridor Refinement Plan was completed in 1996 and was mutually approved by ODOT, the city of McMinnville, and Yamhill County. This plan includes a series of traffic control and frontage road improvements north and south of OR 18, including the closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.

McMinnville Three Mile Lane Area Plan

The 2022 McMinnville Three Mile Lane Area Plan preferred land use alternative includes rezoning project area properties to support commercial (mixed-use) and medium-high-density residential uses. More specifically, the plan recommends the applicant's property be rezoned from Light Industrial (M-1) to Medium, High-Density Residential (R-4) – consistent with this subject land use action.

Key transportation system improvements are necessary to support the preferred land use alternative and the OR 18 facility design, further noting that the 2010 TSP needs to be updated to include these improvements. The *Complete Street* design requires changes to City street standards in the TSP and the Zoning Ordinance. These changes include increased sidewalk and planter strip widths along residential streets. To enhance cyclists' comfort, the revised standards also require buffered bike lanes (or cycle tracks) on collector streets and sharrow markings for shared lanes on local residential streets.

ODOT Statewide Transportation Improvement Program (STIP)

A review of the ODOT Active 2024-2027 Statewide Transportation Improvement Program (STIP) finds that there are two projects in the area:

- Key 22554 – OR99W/OR18 Curb Ramps (McMinnville) that is described as *"Construct curb ramps to meet compliance with the Americans with Disabilities Act (ADA) standards.",* which is funded through construction that is anticipated to start in 2025, and

- Key 22792 – OR18: S McMinnville Interchange – E McMinnville Interchange that is described as *"Complete design to repave the road to repair deterioration, improve smoothness and reduce maintenance costs.",* which is partially funded (i.e., it is funded through the relocation of utilities) that is anticipated to start in 2027.

4. EXISTING CONDITIONS

Tax lot 600 is currently undeveloped and used for agricultural purposes. Tax lot 604 is developed with a single-family residence and an associated industrial use. These properties currently have access to SE Stratus Avenue to the north via a shared access easement across tax lot 602 which has roadway frontage.

Roadway Facilities

The following table summarizes existing roadway classifications and characteristics within the study area.

TABLE 1 – EXISTING ROADWAY CHARACTERISTICS

Roadway	Functional Classification	Lanes	Speed Limit (MPH)	Sidewalks	Bicycle Lanes	On-Street Parking
SE Stratus Avenue	Minor Collector	2	35	No	No	No
Norton Lane	Minor Collector	2	35	Yes	No	No
OR 18	Statewide Highway and OHP Freight Route (ODOT) Major Arterial (City)	4/5	45	No	No	No

Safety Analysis

When evaluating roadway and intersection safety, consideration is given to the number and types of crashes occurring, and the number of vehicles traveling on a roadway segment or entering the intersection. This leads to the concept known as the "crash rate." Specific to intersections, it is typically expressed in terms of the number of crashes occurring per one million vehicles entering the intersection (CMEV). A critical crash rate analysis is then performed by comparing the subject intersection to the published statewide 90th percentile intersection crash rates at comparable/reference intersections. Crash rates close to or exceeding 1.0 CMEV or the 90th percentile rates require further analysis.

Study area crash data were obtained from the Oregon Department of Transportation (ODOT) for five years from January 1, 2018 through December 31, 2022. The following table presents the study intersection crash rates and critical crash analysis. Crash data and crash rate calculations are attached for reference.

TABLE 2 – INTERSECTION CRASH RATES

Intersection	2018	2019	2020	2021	2022	Total	Crash Rate (CMEV)	Reference Population [1]	90th%ile Crash Rate	Over or under Crash Rate?
OR 18 / Norton Lane	3	4	8	7	6	28	0.628	Urban 4SG	0.860	Under
SE Stratus Avenue / SE Norton Lane	0	0	0	0	0	0	0.000	Urban 4ST	0.408	Under

[1] 4SG is a four-leg signalized intersection and 4ST is a four-leg minor stop-control intersection.

The study intersection observed crash rates are less than the 1.0 CMEV threshold and the 90th percentile crash rate of the reference population, indicating the intersections are considered relatively safe, and further safety analysis is not warranted.

The (most recent) 2022 ODOT Safety Priority Index System (SPIS) data for OR 18 in the project area was also obtained. The SPIS is a systemic scoring method that identifies potential safety problems based on three years of crash data considering frequency, rate, and severity. A roadway segment becomes a SPIS site if a location has three or more crashes or one or more fatal crashes over three years. It evaluates overlapping road segments, so an individual location may be reported in multiple segments. ODOT screens these segments annually to identify and prioritize sites. Those with a SPIS score in the top 15% of sites within the state merit further investigation to identify potential safety improvements. SPIS data is attached for reference.

Data for the OR 18 segment at the Norton Lane intersection finds SPIS scores ranging from 50.71 to 50.87 which are in the top 15% of sites in the state. It is further noted that most of OR 18 from milepost 46 to milepost 50 (the Norton Lane intersection is at milepost 46.69) has SPIS scores in the top 15%.

The following table summarizes the crashes associated with the OR 18/Norton Lane intersection.

TABLE 3 – INTERSECTION CRASH TYPES AND SEVERITY

Intersection	Crash Type						Total
	Rear End	Turn/ Angle	Fixed Object	Side swipe	Ped/ Bike	Other	
OR 18 / Norton Lane	18	4	2	4	0	0	28
Intersection	**Crash Severity [1]**						**Total**
	PDO	C	B	A	Fatal	Unknown	
OR 18 / Norton Lane	14	10	3	1	0	0	28

[1] PDO – Property Damage Only; Injury C – Possible Injury/Complaint of Pain; Injury B – Non-Incapacitating Injury; Injury A – Incapacitating Injury/Bleeding, Broken Bones; Fatal Injury – Fatality

Based on a detailed review of the crash data, "rear-end" crashes are the predominant type and these are common at signalized intersections. There do not appear to be easily correctable safety deficiencies, and the intersection crash rate does not exceed the 90th percentile crash rate. As such, crash-related mitigation is not recommended or necessary as part of this land use action.

5. SITE DEVELOPMENT

Development Assumptions

The proposed land use actions do not contemplate a specific development application. As such, this transportation analysis evaluates impacts resulting from reasonable worst-case development scenarios in the current Light Industrial (M-1) zone and the Medium, High-Density, 5000 SF Lot Residential (R-4) zone.

The following development assumptions are made for each zone based on the McMinnville Zoning Ordinance:

Current M-1 Zone Assumptions

- The zone provides appropriate locations for light industrial activities and buffers these activities from adjacent commercial and residential development through the application of site development and environmental standards. The zone is suitable for businesses operating within wholly enclosed buildings (outside storage of materials permitted if properly screened), and which are engaged in the manufacturing, processing, assembly, packaging, or treatment of finished or semi-finished products from previously prepared or processed materials. Warehousing, wholesaling, and limited commercial use shall also be permitted; residential uses are prohibited.
- Yard requirements include $\geq$ 40 feet from residential zones, $\geq$ 15 feet from commercial zones/uses, and $\geq$ 15 feet from public roadways.
- Building height shall not exceed 80 feet and outside storage height shall not exceed 10 feet.
- The gross site area of tax lots 600 and 604 is 5.8 acres (252,650 square feet).
- Reasonable worst-case development is assumed to be a general light industrial use with a floor area ratio (FAR) of 0.4. The resulting building gross floor area is 101,060 square feet (252,650 x 0.4).

Proposed R-4 Zone Assumptions

- The zone allows for the development of medium-high density residential uses with a minimum 5,000-square-foot lot size.
- The zone does not have a maximum density and is only limited by the applicable development standards.
- Based on information provided by the city of McMinnville, recent multi-dwelling residential developments in the project area have densities ranging from 25 to 28 units per acre.
- The gross site area of tax lots 600 and 604 is 5.8 acres.
- Reasonable worst-case development is assumed to be multi-family housing at a density of 28 units per acre. The resulting development has 162 dwelling units (28 x 5.8).

Development Trip Generation

Using the above-identified development assumptions, trip generation in the current and proposed zones is estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, and practices from the ITE *Trip Generation Handbook*, 3rd Edition. Trip generation is as follows:

TABLE 2 – DEVELOPMENT TRIP GENERATION [1]

Reasonable Worst-Case Development Assumption	ITE Code	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Current M-1 Zone									
General Light Industrial [1]	110	101,060 SF	492	66	9	75	9	57	66
Proposed R-4 Zone									
Multifamily Housing (Low-Rise) [2]	220	162 DUs	1,114	18	55	73	57	33	90
Change in Trip Generation with Zone Change			**622**	**(48)**	**46**	**(2)**	**48**	**(24)**	**24**

[1] Trip generation estimated using the *Average Rate* per recommended practice in the ITE *Trip Generation Handbook*, 3rd Edition.
[2] Trip generation estimated using the *Fitted Curve* per recommended practice in the ITE *Trip Generation Handbook*, 3rd Edition.

As the table above identifies, reasonable worst-case development in the proposed R-4 zone (162 apartments) generates 622 daily additional trips, 2 AM fewer trips, and 24 PM additional trips over development in the existing M-1 zone (101,060 square-foot general light industrial use).

6. TRANSPORTATION ANALYSIS

Transportation Planning Rule (TPR) Criteria

OAR 660-012-0060 (1) states, *"If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan."

OAR 660-012-0060 (9) states, *"Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP, and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule, but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area."

Oregon Highway Plan Considerations

Oregon Highway Plan Action 1F.5, states *"For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660- 12-0060, in situations where the volume-to-capacity ratio or alternative mobility target for a highway segment, intersection, or interchange is currently above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or is projected to be above the mobility targets at the planning horizon, and transportation improvements are not planned within the planning horizon to bring performance to the established target, the mobility target is to avoid further degradation. If an amendment subject to OAR 660-012-0060 increases the volume-to-capacity ratio further or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic.*

In addition to the capacity-increasing improvements that may be required to mitigate impacts, other performance-improving actions to consider include, but are not limited to:

- *System connectivity improvements for vehicles, bicycles, and pedestrians.*
- *Transportation demand management (TDM) methods to reduce the need for additional capacity.*
- *Multi-modal (bicycle, pedestrian, transit) opportunities to reduce vehicle demand.*
- *Operational improvements to maximize the use of the existing system.*
- *Land use techniques such as trip caps/budgets to manage trip generation.*

In applying "avoid further degradation" for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause "further degradation" of the facility.

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- *Any proposed amendment that does not increase the average daily trips by more than 400.*
- *Any proposed amendment that increases the average daily trips by more than 400 but less than 1,001 for state facilities where:*
  - *The annual average daily traffic is less than 5,000 for a two-lane highway.*
  - *The annual average daily traffic is less than 15,000 for a three-lane highway.*
  - *The annual average daily traffic is less than 10,000 for a four-lane highway.*
  - *The annual average daily traffic is less than 25,000 for a five-lane highway.*
- *If the increase in traffic between the existing plan and the proposed amendment is more than 1,000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution.*

In applying OHP mobility targets to analyze mitigation, ODOT recognizes that there are many variables and levels of uncertainty in calculating volume-to-capacity ratios, particularly over a specified planning horizon. After negotiating reasonable levels of mitigation for actions required under OAR 660-012-0060, ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted targets in the OHP to be considered in compliance with the target. The adopted mobility target still applies for determining significant affect under OAR 660-012-0060.

Considering the OHP, the reference ODOT facility is OR 18, a five-lane highway with approximately 24,500 AADT at the Norton Lane intersection. Correspondingly, the threshold for a "small increase" in traffic between the existing plan and the proposed amendment is an increase of less than 1,001 average daily trips on five-lane state facilities with less than 25,000 AADT. Reasonable worst-case development in the proposed R-4 zone has a potential trip generation increase of 622 average daily trips – but only 24 PM peak hour trips because there are different trip-making characteristics between the current M-1 and proposed R-4 zone land use types. As such, potential R-4 zone trip generation is considered a "small increase" and a TPR analysis is not required. City staff has further indicated that the City will use the ODOT/DLCD thresholds as a basis for TPR analysis on City facilities.

Overall, the proposed Comprehensive Plan amendment and zone change results in a small increase in traffic and will not significantly affect an existing or planned transportation facility. As such, it can be found that the TPR criteria outlined in OAR 660-012-0060 are satisfied without the need for additional transportation analysis.

The proposed land use actions do not include a specific development application. Therefore, additional transportation analysis may be necessary to address McMinnville Zoning Ordinance requirements at the time of development (as part of a future, specific development land use application).

7. SITE ACCESS

The properties currently have access to SE Stratus Avenue to the north via a shared access easement. It is anticipated that future development on the property will also have direct access to SW Nash Avenue.

While not part of this land use action, it is recommended that all future access(es) be constructed consistent with McMinnville Zoning Ordinance requirements and McMinnville Engineering standards.

8. SUMMARY

The following conclusions and recommendations are made based on materials contained in this analysis:

1. The subject properties are at 2300 and 2320 SE Stratus Avenue in McMinnville, Oregon. The properties are identified as tax lots 600 and 604 on Yamhill County Assessor's map 4-4-27 and total approximately 5.8 acres. These properties currently have access to SE Stratus Avenue to the north via a shared access easement across tax lot 602 which has roadway frontage.

2. Proposed land use actions include a Comprehensive Plan amendment with a plan designation change from Industrial to Residential and a corresponding zone change from Light Industrial (M-1) to Medium, High-Density, 5000 SF Lot Residential (R-4). A specific subdivision or development plan is not contemplated as part of this land use action; therefore, reasonable worst-case development scenarios are assumed in the current and proposed zone designations for analysis purposes.

3. The 2010 McMinnville Transportation System Plan defers to the Oregon 18 Corridor Refinement Plan for detailed transportation planning in the project area. It is noted that the adopted TSP is 14 years old, and many identified projects and funding sources are outdated. Regardless, the TSP does not identify any financially constrained projects in the project area but notes there are missing sidewalks on Stratus Avenue.

4. The OR 18 Corridor Refinement Plan includes a series of traffic control and frontage road improvements north and south of OR 18; however, funding has not been identified for these improvements.

5. The 2022 McMinnville Three Mile Lane Area Plan's preferred land use alternative includes rezoning project area properties to support commercial (mixed-use) and medium-high-density residential uses. More specifically, the plan recommends the applicant's property be rezoned from Light Industrial (M-1) to Medium, High-Density Residential (R-4) – consistent with this subject land use action.

6. Key transportation system improvements are necessary to support the preferred land use alternative and the OR 18 facility design, further noting that the 2010 TSP needs to be updated to include these improvements. The *Complete Street* design requires changes to City street standards in the TSP and the Zoning Ordinance.

7. The ODOT Active 2024-2027 Statewide Transportation Improvement Program (STIP) finds that there are two projects in the area, including:

   a. Key 22554 – OR99W/OR18 Curb Ramps (McMinnville) which is funded through construction and is anticipated to start in 2025, and

   b. Key 22792 – OR18: S McMinnville Interchange – E McMinnville Interchange which is funded through the relocation of utilities and is anticipated to start in 2027.

8. All study intersection observed crash rates are less than the 1.0 CMEV threshold and the 90th percentile crash rate of the reference population, indicating the intersections are considered relatively safe, and further safety analysis is not warranted.

9. ODOT Safety Priority Index System (SPIS) data for the OR 18 segment at the Norton Lane intersection finds SPIS scores ranging from 50.71 to 50.87 which are in the top 15% of sites in the state. Based on a detailed review of the crash data, "rear-end" crashes are the predominant type and these are common at signalized intersections. There do not appear to be easily correctable safety deficiencies, and the intersection crash rate does not exceed the 90th percentile crash rate. As such, crash-related mitigation is not recommended or necessary as part of this land use action.

10. Reasonable worst-case development in the proposed R-4 zone (162 apartments) generates 622 daily additional trips, 2 AM fewer trips, and 24 PM additional trips over development in the existing M-1 zone (101,060 square-foot general light industrial use).

11. The proposed Comprehensive Plan amendment and zone change results in a *small increase* in traffic and will not significantly affect an existing or planned transportation facility. As such, it can be found that the TPR criteria outlined in OAR 660-012-0060 are satisfied without the need for additional transportation analysis.

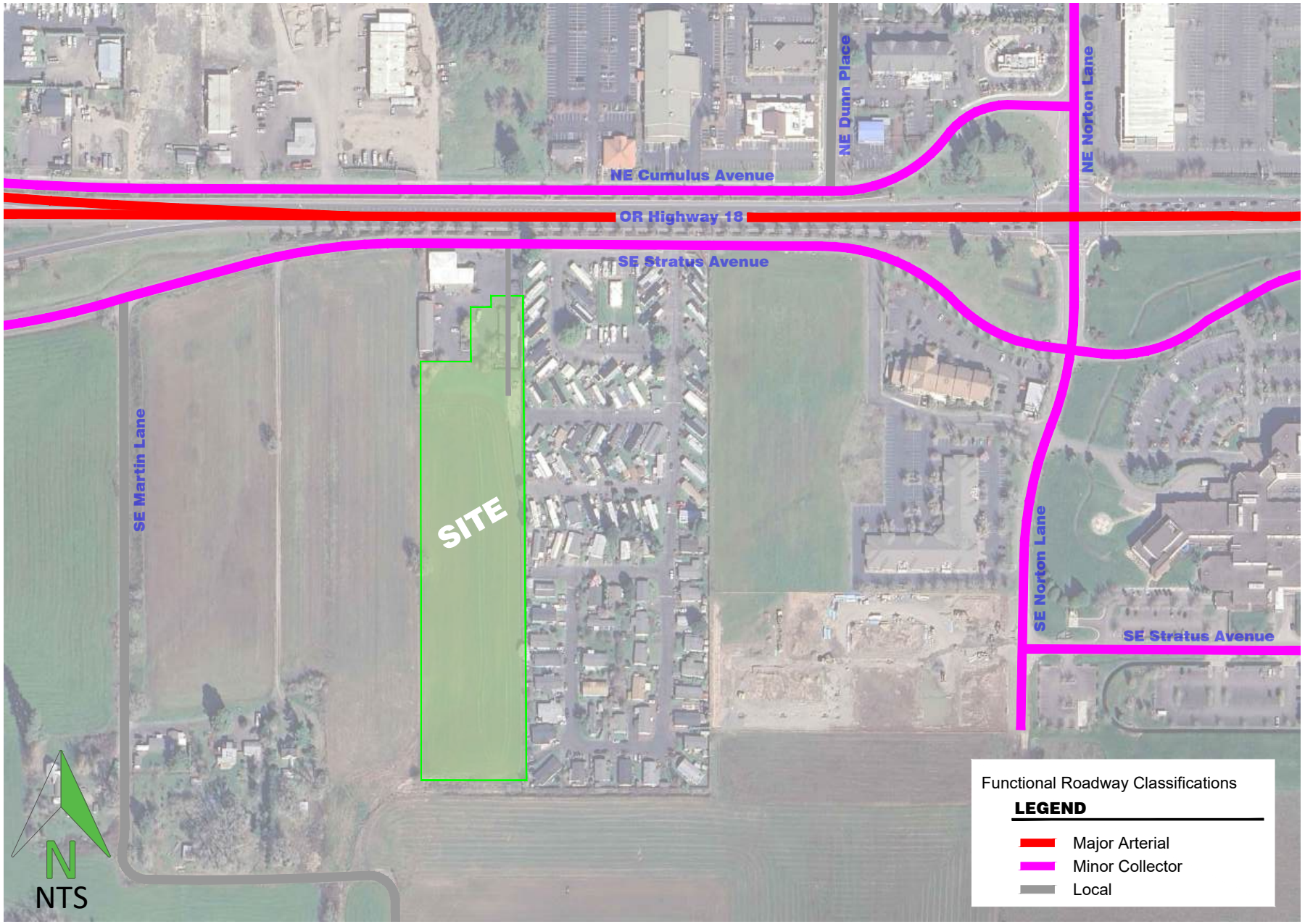
12. The proposed land use actions do not include a specific development application. Therefore, additional transportation analysis may be necessary to address McMinnville Zoning Ordinance requirements at the time of development (as part of a future, specific development land use application).

13. While not part of this land use action, it is recommended that all future access(es) be constructed consistent with McMinnville Zoning Ordinance requirements and McMinnville Engineering standards.

Sincerely,

Christopher M. Clemow, PE, PTOE
Transportation Engineer

Attachments: Figure 1
Crash Data



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SITE AREA

Commonwealth Stratus Avenue Comprehensive Plan Amendment and Zone Change - McMinnville, Oregon

C&A Project No. 202240602.00

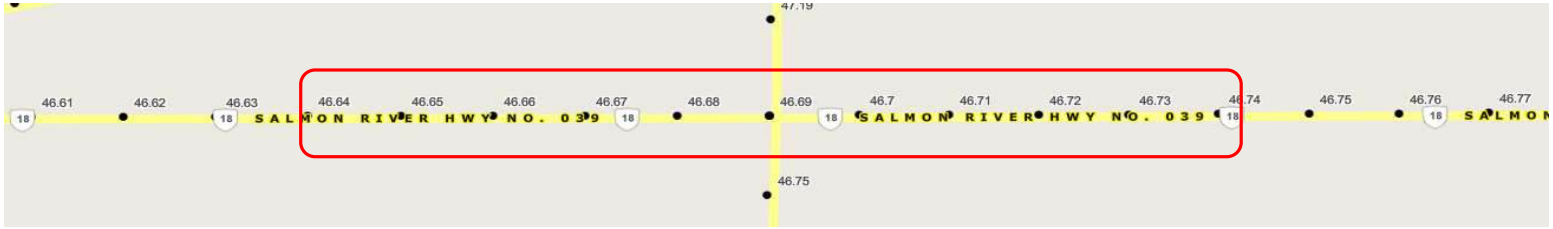
FIGURE 1

Revised on 04.21.2025

January 1, 2018 through December 31, 2022

INTERSECTION CRASH RATES

Intersection	Crashes						PM Entering Volume	ADT (10xPM)	AADT (365xADT)	Annual Crashes	Crash Rate (crashes/MEV)	Reference Population	90th%ile Crash Rate	Over or Under Crash
	2018	2019	2020	2021	2022	Total								
OR 18 / Norton Lane	3	4	8	7	6	28		24,417	8,912,205	5.60	0.628	Urban 4SG	0.860	Under
Norton Lane / SE Stratus Avenue	0	0	0	0	0	0		3,030	1,105,950	0.00	0.000	Urban 4ST	0.408	Under



	MP
OR 18 / Norton Lane intersection	46.69
+250 FT	46.74
-250 FT	46.64

Intersection crash rates also need to be compared to the published statewide 90th percentile intersection crash rates in Exhibit 4-1. Any rates close to or over the 90th percentile rates need to be flagged for further analysis. The intersection crash rate is calculated by the following formula:

$$Intersection\ Crash\ Rate\ per\ MEV = \frac{Annual\ Number\ of\ Crashes\ x\ 10^6}{(AADT)x\ (365\ days/year)}$$

The values shown in Exhibit 4-1 represent the 90th percentile crash rates from a study of 500 intersections in Oregon. The crash rates are grouped by rural/urban, signalized/unsignalized, and three-leg/four-leg intersections. Intersections with crash rates that exceed the 90th percentile values shown in the table should be flagged for further analysis. For more information on crash rates and using this table, see Section 4.3.4 Critical Crash Rate.

Exhibit 4-1: Intersection Crash Rates per MEV by Land Type and Traffic Control

	Rural				Urban			
	3SG	3ST	4SG	4ST	3SG	3ST	4SG	4ST
No. of Intersections	7	115	20	60	55	77	106	60
Mean Crash Rate	**0.226**	**0.196**	**0.324**	**0.434**	**0.275**	**0.131**	**0.477**	**0.198**
Median Crash Rate	0.163	0.092	0.320	0.267	0.252	0.105	0.420	0.145
Standard Deviation	0.185	0.314	0.223	0.534	0.155	0.121	0.273	0.176
Coefficient of Variation	0.819	1.602	0.688	1.230	0.564	0.924	0.572	0.889
90th Percentile Rate	**0.464**	**0.475**	**0.579**	**1.080**	**0.509**	**0.293**	**0.860**	**0.408**

Source: Assessment of Statewide Intersection Safety Performance, FHWA-OR-RD-18, Portland State University and Oregon State University, June 2011, Table 4.1, p. 47.

Note: Traffic control types include
3SG (three-leg signalized),
3ST (three-leg minor stop-control),
4SG (four-leg signalized),
4ST (four-leg minor stop-control).

For intersections other than the configurations shown in Exhibit 4-1, there are usually too few locations with that intersection configuration to provide statewide statistics. There are some stop controlled intersection configurations that could be approximated as indicated in Exhibit 4-2 and Exhibit 4-3 below. Any other intersection configurations not in Exhibit 4-1, Exhibit 4-2, or Exhibit 4-3 should by default be flagged for further analysis, since the unusual configuration is likely to warrant a closer look at the crashes.

CONTINUOUS SYSTEM CRASH LISTING

039: SALMON RIVER **Highway 039 ALL ROAD TYPES, MP 46.64 to 46.74 01/01/2018 to 12/31/2022, Both Add and Non-Add mileage**

1 - 5 of 28 Crash records shown.

SER# / INVEST / RD DPT / UNLOC?	S D M / P R J S W / E A U I C O / E L G N H R / D C S V L K	DATE / DAY / TIME / LAT	COUNTY / CITY / URBAN AREA / LONG	RD# FC / COMPNT / MLG TYP / MILEPNT	CONN# / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE / (MEDIAN) / LEGS / (#LANES)	INT-REL / TRAF- / CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P# PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE
01299	N N N N	12/31/2021	YAMHILL	1 14		STRGHT		Y	N	CLR	S-1STOP	01	NONE 0	STRGHT										29
NO RPT		FR	MCMINNVILLE	MN 0	SALMON RIVER HY	W	(NONE)	TRF SIGNAL	N	WET	REAR		PRVTE	W -E								000		00
N		5P	MCMINVL UA	46.65	NE NORTON LN	03			N	DARK	INJ		PSNGR CAR		01 DRVR	NONE	49	F	UNK		026	000		29
N		45 12 3.31	-123 10 2.74		003900100S00		(04)												OR>25					
												02	NONE 0	STOP										
													PRVTE	W -E								011		00
													PSNGR CAR		01 DRVR	INJC	39	F	OR-Y		000	000		00
																			OR<25					
01147	N N N N N	11/17/2019	YAMHILL	1 14		STRGHT		N	N	RAIN	S-1STOP	01	NONE 9	STRGHT									012	07
NONE		SU	MCMINNVILLE	MN 0	SALMON RIVER HY	W	(NONE)	UNKNOWN	N	WET	REAR		N/A	W -E								000		00
N		3P	MCMINVL UA	46.66	NE NORTON LN	03			N	DAY	PDO		PSNGR CAR		01 DRVR	NONE	00	Unk	UNK		000	000		00
N		45 12 3.34	-123 10 2.01		003900100S00		(04)												UNK					
												02	NONE 9	STOP										
													N/A	W -E								011		00
													PSNGR CAR		01 DRVR	NONE	00	Unk	UNK		000	000		00
																			UNK					
00910	Y N N N N N	11/12/2020	YAMHILL	1 14		STRGHT		N	N	CLR	S-1STOP	01	NONE	STRGHT										32,07,27
CITY		TH	MCMINNVILLE	MN 0	SALMON RIVER HY	W	(NONE)	UNKNOWN	N	DRY	REAR		PRVTE	W -E								000		00
N		7A	MCMINVL UA	46.66	NE NORTON LN	04			N	DAY	INJ		PSNGR CAR		01 DRVR	INJC	46	M	SUSP		026,043,047	000		32,07,27
N		45 12 3.33	-123 10 2		003900100S00		(04)												OR>25					
												02	NONE	STOP										
													PRVTE	W -E								011		00
													PSNGR CAR		01 DRVR	NONE	60	F	OR-Y		000	000		00
																			OR<25					
00593	N N N N N N	06/28/2022	YAMHILL	1 14		STRGHT		N	N	CLR	S-STRGHT	01	NONE 9	STRGHT										13
CITY		TU	MCMINNVILLE	MN 0	SALMON RIVER HY	W	(NONE)	NONE	N	DRY	SS-O		N/A	E -W								052		00
N		9A	MCMINVL UA	46.66	NE NORTON LN	04			N	DAY	PDO		PSNGR CAR		01 DRVR	NONE	00	Unk	UNK		000	000		00
N		45 12 3.31	-123 10 1.98		003900100S00		(04)												UNK					
												02	NONE 9	STRGHT										
													N/A	E -W								000		00
													PSNGR CAR		01 DRVR	NONE	00	Unk	UNK		000	000		00
																			UNK					
00240	N N N N	03/20/2020	YAMHILL	1 14		STRGHT		Y	N	CLR	S-1STOP	01	NONE	STRGHT										07,29,27
STATE		FR	MCMINNVILLE	MN 0	SALMON RIVER HY	W	(NONE)	L-GRN-SIG	N	DRY	REAR		PRVTE	W -E								000		00
N		9A	MCMINVL UA	46.66	NE NORTON LN	05			N	DAY	INJ		PSNGR CAR		01 DRVR	INJC	83	F	OR-Y		026	000		07,29,27
N		45 12 3.33	-123 10 1.98		003900100S00		(04)												OR<25					
												02	NONE	STOP										
													PRVTE	W -E								012		00
													PSNGR CAR		01 DRVR	INJC	70	F	OR-Y		000	000		00
																			OR<25					

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CONTINUOUS SYSTEM CRASH LISTING

039: SALMON RIVER **Highway 039 ALL ROAD TYPES, MP 46.64 to 46.74 01/01/2018 to 12/31/2022, Both Add and Non-Add mileage**

6 - 9 of 28 Crash records shown.

SER# / INVEST / RD DPT / UNLOC?	S D M / P R J S / E A U I C O / E L G N H R / D C S V L K	W DATE / DAY / TIME / LAT	COUNTY / CITY / URBAN AREA / LONG	RD# FC / COMPNT / MLG TYP / MILEPNT	CONN# / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE / (MEDIAN) / LEGS / (#LANES)	INT-REL / TRAF- / CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P#	PRTC / TYPE	INJ / SVRTY	A / G / E	S / E / X	LICNS / RES	PED / LOC	ERROR	ACT EVENT	CAUSE
00713	N N N N	07/18/2018	YAMHILL	1 14		STRGHT		N	N	CLR	S-STRGHT	01	NONE 9	STRGHT										29
NONE		WE	MCMINNVILLE	MN 0	SALMON RIVER HY	W	(NONE)	UNKNOWN	N	DRY	REAR		N/A	W -E									000	00
N		4P	MCMINVL UA	46.67	NE NORTON LN	03			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00
N		45 12 3.3	-123 10 1.25		003900100S00		(04)													UNK				
												02	NONE 9	STRGHT										
													N/A	W -E									000	00
													PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00
																				UNK				
00535	N N N N	07/24/2020	YAMHILL	1 14		STRGHT		Y	N	CLR	S-1STOP	01	NONE 9	STRGHT										07
NONE		FR	MCMINNVILLE	MN 0	SALMON RIVER HY	W	(NONE)	TRF SIGNAL	N	DRY	REAR		N/A	W -E									088	00
N		6P	MCMINVL UA	46.67	NE NORTON LN	03			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00
N		45 12 3.35	-123 10 1.24		003900100S00		(04)													UNK				
												02	NONE 9	STOP										
													N/A	W -E									011	00
													PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00
																				UNK				
00569	N N N N	06/16/2019	YAMHILL	1 14		INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	STRGHT										07,29
STATE		SU	MCMINNVILLE	MN 0	NE NORTON LN	W		TRF SIGNAL	N	DRY	REAR		PRVTE	W -E									000	00
N		6P	MCMINVL UA	46.67	SALMON RIVER HY	04	1		N	DAY	INJ		PSNGR CAR		01	DRVR	INJC	41	F	OTH-Y		026,043	000	07
N		45 12 3.37	-123 10 1.27		003900100S00															N-RES				
												01	NONE	STRGHT										
													PRVTE	W -E									000	00
													PSNGR CAR		02	PSNG	INJC	13	F			000	000	00
												02	NONE 0	STOP										
													PRVTE	W -E									011	00
													PSNGR CAR		01	DRVR	INJC	58	M	OTH-Y		000	000	00
																				N-RES				
00522	N N N N N N	06/17/2021	YAMHILL	1 14		INTER	CROSS	N	N	CLR	S-1STOP	01	NONE 0	STRGHT										27,29
CITY		TH	MCMINNVILLE	MN 0	NE NORTON LN	N		TRF SIGNAL	N	DRY	REAR		PRVTE	N -S									000	00
N		1P	MCMINVL UA	46.69	SALMON RIVER HY	06	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	23	M	OR-Y		016,043	038	27,29
N		45 12 3.32	-123 9 59.72		003900100S00															OR<25				
												02	NONE 0	STOP										
													PRVTE	N -S									011	00
													PSNGR CAR		01	DRVR	INJB	61	M	OR-Y		000	000	00
																				OR<25				
00364	N N Y Y N N	05/05/2021	YAMHILL	1 14		INTER	CROSS	N	N	CLR	S-1STOP	01	NONE 0	STRGHT										32,29,16
CITY		WE	MCMINNVILLE	MN 0	NE NORTON LN	E		TRF SIGNAL	N	DRY	REAR		PRVTE	E -W									000	00
N		9A	MCMINVL UA	46.69	SALMON RIVER HY	06	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	44	M	OR-Y		052,026	025	32,29,16
N		45 12 3.32	-123 9 59.72		003900100S00															OR>25				

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Highway 039 ALL ROAD TYPES, MP 46.64 to 46.74 01/01/2018 to 12/31/2022, Both Add and Non-Add mileage

10 - 14 of 28 Crash records shown.

SER# INVEST RD DPT UNLOC?	S D M / P R J S W / E A U I C O / E L G N H R / D C S V L K	DATE DAY TIME LAT	COUNTY CITY URBAN AREA LONG	RD# FC COMPNT MLG TYP MILEPNT	CONN# FIRST STREET SECOND STREET LRS	RD CHAR DIRECT LOCTN	INT-TYPE (MEDIAN) LEGS (#LANES)	INT-REL TRAF- CONTL	OFFRD RNDBT DRVWY	WTHR SURF LIGHT	CRASH COLL SVRTY	SPCL USE TRLR QTY OWNER V# TYPE	MOVE FROM TO	PRTC P# TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT EVENT	CAUSE
												02 NONE 0	STOP									
												PRVTE	E -W								011	00
												PSNGR CAR		01 DRVR	INJC	68	F	OR-Y		000	000	00
																		OR<25				
00117	Y N N N N N	02/06/2022	YAMHILL	1 14		INTER	CROSS	N	N	FOG	S-1STOP	01 NONE 0	STRGHT									01,29
STATE		SU	MCMINNVILLE	MN 0	NE NORTON LN	E		TRF SIGNAL	N	WET	REAR	PRVTE	E -W								000	00
N		9A	MCMINVL UA	46.69	SALMON RIVER HY	06	0		N	DAY	INJ	PSNGR CAR		01 DRVR	INJB	21	M	OR-Y		047,026	000	01,29
N		45 12 3.32	-123 9 59.72		003900100S00													OR>25				
												02 NONE 0	STOP									
												PRVTE	E -W								011	00
												PSNGR CAR		01 DRVR	NONE	45	M	OR-Y		000	000	00
																		OR>25				
00415	N N N N N N	04/22/2018	YAMHILL	1 14		INTER	CROSS	N	N	CLR	S-OTHER	01 NONE 0	TURN-L									13
CITY		SU	MCMINNVILLE	MN 0	NE NORTON LN	W		TRF SIGNAL	N	DRY	TURN	PRVTE	S -W								000	00
N		7P	MCMINVL UA	46.69	SALMON RIVER HY	05	0		N	DUSK	INJ	PSNGR CAR		01 DRVR	INJC	30	F	OR-Y		000	000	00
N		45 12 3.32	-123 9 59.72		003900100S00													OR>25				
												02 NONE 0	TURN-L									
												PRVTE	S -W								000	00
												PSNGR CAR		01 DRVR	NONE	61	F	OR-Y		045	000	13
																		OR<25				
00076	N N N N N N	01/18/2018	YAMHILL	1 14		INTER	CROSS	N	N	RAIN	S-STRGHT	01 NONE 0	STRGHT									10
STATE		TH	MCMINNVILLE	MN 0	NE NORTON LN	W		UNKNOWN	N	WET	SS-O	PRVTE	W -E								006	00
N		7A	MCMINVL UA	46.69	SALMON RIVER HY	06	0		N	DAY	INJ	PSNGR CAR		01 DRVR	INJC	39	F	NONE		080	017	10
N		45 12 3.32	-123 9 59.72		003900100S00													OR<25				
												02 NONE 1	STRGHT									
												PRVTE	W -E								000	00
												SEMI TOW		01 DRVR	NONE	68	M	OR-Y		000	000	00
																		OR<25				
00517	N N N N N N	07/16/2020	YAMHILL	1 14		INTER	CROSS	N	N	CLR	S-1STOP	01 NONE 0	STRGHT									27,07
CITY		TH	MCMINNVILLE	MN 0	NE NORTON LN	W		TRF SIGNAL	N	DRY	REAR	PRVTE	W -E								000	00
N		11A	MCMINVL UA	46.69	SALMON RIVER HY	06	0		N	DAY	INJ	PSNGR CAR		01 DRVR	INJB	57	M	OR-Y		016,043	038	27,07
N		45 12 3.32	-123 9 59.72		003900100S00													OR<25				
												02 NONE 0	STOP									
												PRVTE	W -E								011	00
												PSNGR CAR		01 DRVR	NONE	68	F	OR-Y		000	000	00
																		OR>25				
												02 NONE 0	STOP									
												PRVTE	W -E								011	00
												PSNGR CAR		02 PSNG	INJA	68	F			000	000	00
												03 NONE 0	STRGHT									
												PRVTE	W -E								022	00
												PSNGR CAR		01 DRVR	NONE	58	M	OR-Y		000	000	00
																		OR<25				

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039: SALMON RIVER

Highway 039 ALL ROAD TYPES, MP 46.64 to 46.74 01/01/2018 to 12/31/2022, Both Add and Non-Add mileage

15 - 19 of 28 Crash records shown.

SER# / INVEST / RD DPT / UNLOC?	S P E D	D R A L	M J U G	S I N V	W C O H	DATE / DAY / TIME / LAT	COUNTY / CITY / URBAN AREA / LONG	RD# / COMPNT / MLG / MILEPNT	FC / TYP / LEGS (#LANES)	CONN# / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE (MEDIAN)	INT-REL / TRAF-CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE
00984	Y	N	N	N	N	12/15/2020	YAMHILL	1	14		INTER	CROSS	N	N	CLD	S-1STOP	01	NONE 9	STRGHT										33,01,10
STATE						TU	MCMINNVILLE	MN 0		NE NORTON LN	W		TRF SIGNAL	N	WET	REAR		N/A	W -E									088	00
N						1P	MCMINVL UA	46.69		SALMON RIVER HY	06	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N						45 12 3.33	-123 9 59.73			003900100S00															UNK					
																	02	NONE 9	STOP									012		00
																		N/A	W -E											
																		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
																									UNK					
00888	N	N	N	N		09/14/2021	YAMHILL	1	14		INTER	CROSS	N	N	CLR	S-1STOP	01	UNKN 0	STRGHT										29
NONE						TU	MCMINNVILLE	MN 0		NE NORTON LN	W		TRF SIGNAL	N	DRY	REAR		UNKN	W -E									000	00
N						10A	MCMINVL UA	46.69		SALMON RIVER HY	06	0		N	DAY	INJ		UNKNOWN		01	DRVR	NONE	00	F	UNK		026	000		29
N						45 12 3.32	-123 9 59.72			003900100S00															UNK					
																	02	NONE 0	STOP									012		00
																		PRVTE	W -E											
																		PSNGR CAR		01	DRVR	INJC	69	M	OR-Y		000	000		00
																									OR<25					
01254	N	N	N	N	N	12/21/2021	YAMHILL	1	14		INTER	CROSS	N	N	CLD	S-1STOP	01	NONE 0	STRGHT										06,05,02
CITY						TU	MCMINNVILLE	MN 0		NE NORTON LN	W		TRF SIGNAL	N	WET	SS-O		PRVTE	W -E									000	00
N						1P	MCMINVL UA	46.69		SALMON RIVER HY	06	0		N	DAY	INJ		MOTRHOME		01	DRVR	NONE	29	M	SUSP		034,044,028	000		06,05,02
N						45 12 3.32	-123 9 59.72			003900100S00															OR<25					
																	02	NONE 0	STOP									012		00
																		PRVTE	W -E											
																		PSNGR CAR		01	DRVR	INJC	66	F	OR-Y		000	000		00
																									OR<25					
00642	N	N	N	N	N	07/17/2021	YAMHILL	1	14		INTER	CROSS	N	N	CLR	S-1STOP	01	NONE 9	STRGHT										07,29
STATE						SA	MCMINNVILLE	MN 0		NE NORTON LN	W		TRF SIGNAL	N	DRY	REAR		N/A	W -E									000	00
N						8P	MCMINVL UA	46.69		SALMON RIVER HY	06	0		N	DUSK	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N						45 12 3.32	-123 9 59.71			003900100S00															UNK					
																	02	NONE 9	STOP									011		00
																		N/A	W -E											
																		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
																									UNK					
00303	N	N	N	N		04/04/2022	YAMHILL	1	14		INTER	CROSS	N	N	RAIN	S-1STOP	01	NONE 9	STRGHT										29
NONE						MO	MCMINNVILLE	MN 0		NE NORTON LN	W		TRF SIGNAL	N	WET	REAR		N/A	W -E									000	00
N						7A	MCMINVL UA	46.69		SALMON RIVER HY	06	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N						45 12 3.32	-123 9 59.72			003900100S00															UNK					
00503	N	N	N	N	N	06/04/2022	YAMHILL	1	14		INTER	CROSS	N	N	RAIN	S-1STOP	01	NONE 9	STRGHT										29
CITY						SA	MCMINNVILLE	MN 0		SE NORTON LN	W		TRF SIGNAL	N	WET	REAR		N/A	W -E									000	00
N						5P	MCMINVL UA	46.69		SALMON RIVER HY	06	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N						45 12 3.32	-123 9 59.72			003900100S00															UNK					

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SER# / INVEST / RD DPT / UNLOC?	S P E D	A L C	R U G S	J N H V	S I C L	W O R K	DATE / DAY / TIME / LAT	COUNTY / CITY / URBAN AREA / LONG	RD# / COMPNT / MLG / MILEPNT	FC / TYP	CONN# / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE / (MEDIAN) / LEGS (#LANES)	INT-REL / TRAF- / CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE
																		02	NONE 9	STOP										
																			N/A	W -E									011		00
																			PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
																										UNK					
01280	N	N	N	N			12/15/2022	YAMHILL	1	14		INTER	CROSS	N	N	CLR	O-OTHER	01	NONE 9	TURN-L											08,13,02
NONE							TH	MCMINNVILLE	MN 0		SALMON RIVER HY	CN		TRF SIGNAL	N	DRY	TURN		N/A	S -W								000		00
N							9A	MCMINVL UA	46.69		NE NORTON LN	01	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 12 3.32	-123 9 59.72			003900100S00															UNK					
																		02	NONE 9	TURN-R										
																			N/A	N -W									000		00
																			PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
																										UNK					
00110	N	N	N	N			02/07/2020	YAMHILL	1	14		INTER	CROSS	N	N	CLR	O-1 L-TURN	01	NONE 9	STRGHT											02
NONE							FR	MCMINNVILLE	MN 0		NE NORTON LN	CN		TRF SIGNAL	N	DRY	TURN		N/A	S -N								000		00
N							2P	MCMINVL UA	46.69		SALMON RIVER HY	04	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 12 3.33	-123 9 59.74			003900100S00															UNK					
																		02	NONE 9	TURN-L										
																			N/A	N -E									088		00
																			PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
																										UNK					
00236	N	N	Y	N	N	N	03/26/2021	YAMHILL	1	14		STRGHT		Y	N	CLR	S-1TURN	01	NONE 9	TURN-L											08,13
STATE							FR	MCMINNVILLE	MN 0		SALMON RIVER HY	E	(NONE)	TRF SIGNAL	N	DRY	TURN		N/A	E -S								000		00
N							6P	MCMINVL UA	46.70		NE NORTON LN	06			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 12 3.32	-123 9 58.98			003900100S00		(04)													UNK					
																		02	NONE 9	STRGHT										
																			N/A	E -W									000		00
																			PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
																										UNK					
00232	N	N	N	N	N	N	03/18/2020	YAMHILL	1	14		STRGHT		Y	N	CLR	S-1STOP	01	NONE 9	STRGHT											07
CITY							WE	MCMINNVILLE	MN 0		SALMON RIVER HY	E	(NONE)	TRF SIGNAL	N	DRY	REAR		N/A	E -W								088		00
N							4P	MCMINVL UA	46.71		NE NORTON LN	06			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 12 3.35	-123 9 58.29			003900100S00		(04)													UNK					
																		02	NONE 9	STOP										
																			N/A	E -W									011		00
																			PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
																										UNK					
00374	N	N	N	N	N	N	04/24/2019	YAMHILL	1	14		STRGHT		N	Y	CLR	FIX OBJ	01	NONE 9	STRGHT										040,092	26
CITY							WE	MCMINNVILLE	MN 0		SALMON RIVER HY	E	(NONE)	UNKNOWN	N	DRY	FIX		N/A	W -E								000		00
Y							5A	MCMINVL UA	46.72		NE NORTON LN	01			N	DAWN	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 12 3.32	-123 9 57.53			003900100S00		(04)													UNK					

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SER# / INVEST / RD DPT / UNLOC?	S P / E / L / D	A / C	D R / U / G	M J / I / N	S / C / H	W / O / R	DATE / DAY / TIME / LAT	COUNTY / CITY / URBAN AREA / LONG	RD# / COMPNT / MLG / MILEPNT	FC	CONN# / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE / LEGS (#LANES)	INT-REL / TRAF-CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE
00546	Y	Y	Y	N	N	N	07/29/2020	YAMHILL	1	14		STRGHT		Y	N	CLR	S-1STOP	01	NONE	STRGHT									013	01,29,10
CITY			WE				MCMINNVILLE	MCMINNVILLE	MN 0		SALMON RIVER HY	E	(NONE)	TRF SIGNAL	N	DRY	REAR		PRVTE	E -W								000		00
N			5P				MCMINVL UA	MCMINVL UA	46.72		NE NORTON LN	05			N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	33	M	OR-Y		026	000		01,29,10
N			45 12 3.39				-123 9 57.57				003900100S00		(04)													OR>25					
																		02	NONE	STOP									011	013	00
																			PRVTE	E -W										
																			PSNGR CAR		01	DRVR	NONE	60	M	OTH-Y		000	000		00
																										N-RES					
																		03	NONE	STOP									011	013	00
																			PRVTE	E -W										
																			PSNGR CAR		01	DRVR	INJC	21	M	OR-Y		000	000		00
																										OR<25					
																		04	NONE	STOP									011		00
																			PRVTE	E -W										
																			PSNGR CAR		01	DRVR	NONE	26	F	OR-Y		000	000		00
																										OR<25					
00372	N	N	N	N			04/24/2019	YAMHILL	1	14		STRGHT		N	N	CLR	O-STRGHT	01	NONE	STRGHT										05,15,33
CITY			WE				MCMINNVILLE	MCMINNVILLE	MN 0		NE NORTON LN	E	(NONE)	UNKNOWN	N	DRY	SS-M		PRVTE	E -W								000		00
Y			6A				MCMINVL UA	MCMINVL UA	46.73		SALMON RIVER HY	04			N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	44	M	SUSP		044,051,080	017		05,15,33
N			45 12 3.34				-123 9 56.78				003900100S00		(04)													OR<25					
																		02	NONE	STRGHT											
																			PRVTE	W -E								000		00
																			PSNGR CAR		01	DRVR	INJB	44	M	OR-Y		000	000		00
																										OR<25					
																		03	NONE	STRGHT											
																			PRVTE	W -E								000		00
																			PSNGR CAR		01	DRVR	INJC	29	M	OR-Y		000	000		00
																										OR<25					
00403	N	N	N	N	N	N	05/07/2022	YAMHILL	1	19	1	STRGHT		N	Y	CLD	FIX OBJ	01	NONE 9	STRGHT										040,054	27
CITY			SA				MCMINNVILLE	MCMINNVILLE	CN 0		NE NORTON LN	S	(NONE)	NONE	N	DRY	FIX		N/A	S -N								000		00
Y			12P				MCMINVL UA	MCMINVL UA	46.72		SALMON RIVER HY	01			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N			45 12 1.28				-123 9 59.76				0039AN100S00		(02)													UNK					

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANAYLYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

CITY OF MCMINNVILLE, YAMHILL COUNTY

NORTON LN at STRATUS RD, City of McMinnville, Yamhill County, 01/01/2018 to 12/31/2022

SER# / INVEST / RD DPT / UNLOC?	S P E D	A L C	D R G S	M J N V	S I H L	W C O R	DATE / DAY / TIME / LAT	CLASS / DIST / FROM / LONG	CITY STREET / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE (MEDIAN) (#LANES)	INT-REL / TRAF- / CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	SPCL USE / TRLR QTY / OWNER / V#	MOVE / FROM / TO / TYPE	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

Oregon Department of Transportation

2022 - On-State, Top 15% SPIS Sites - By Hwy, MP

Region

Statewide

Rte	Rdwy	BMP	EMP	ADT	Crash	Fatal	A	B	C	City	County	Connection	Percent	SPIS
039 Salmon River														
OR-18	1	30.61	30.70	7,087	5	0	1	1	3		Yamhill	SW HARMONY RD.	85	38.24
OR-18	1	30.62	30.71	7,113	5	0	1	1	3		Yamhill	SW HARMONY RD.	85	38.22
OR-18	1	30.63	30.72	7,140	5	0	1	1	3		Yamhill		85	38.21
OR-18	1	31.58	31.67	7,233	8	0	1	3	4		Yamhill	SW RED PRAIRIE RD.	90	47.67
OR-18	1	31.59	31.68	7,326	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	50.52
OR-18	1	31.60	31.70	7,419	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	50.44
OR-18	1	31.61	31.71	7,512	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	50.36
OR-18	1	31.62	31.72	7,605	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	50.28
OR-18	1	31.63	31.73	7,698	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	50.21
OR-18	1	31.64	31.74	7,791	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	50.13
OR-18	1	31.65	31.75	7,884	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	50.06
OR-18	1	31.66	31.76	7,978	9	0	1	3	5		Yamhill	SW RED PRAIRIE RD.	90	49.99
OR-18	1	33.32	33.42	7,760	5	0	1	2	2		Yamhill	SW SCHATZ RD.	85	37.82
OR-18	1	33.34	33.43	7,861	5	0	1	2	2		Yamhill	SW SCHATZ RD.	85	37.77
OR-18	1	38.25	38.35	13,170	6	0	1	1	4		Yamhill	SW OLDSVILLE RD.	85	38.88
OR-18	1	46.60	46.69	15,828	9	0	1	1	7	McMinnville	Yamhill		90	46.50
OR-18	1	46.61	46.70	16,565	9	0	1	1	7	McMinnville	Yamhill		90	46.32
OR-18	1	46.62	46.71	17,302	9	0	1	1	7	McMinnville	Yamhill		90	46.15
OR-18	1	46.63	46.72	18,039	10	0	1	1	8	McMinnville	Yamhill		90	48.54
OR-18	1	46.64	46.73	18,776	11	0	1	2	8	McMinnville	Yamhill		90	50.87
OR-18	1	46.65	46.74	19,513	11	0	1	2	8	McMinnville	Yamhill		90	50.71
OR-18	1	46.66	46.75	20,250	10	0	1	2	7	McMinnville	Yamhill		90	48.09
OR-18	1	46.67	46.76	20,987	8	0	1	2	5	McMinnville	Yamhill		85	42.87
OR-18	1	46.68	46.77	21,724	7	0	1	2	4	McMinnville	Yamhill		85	40.13
OR-18	1	46.69	46.78	22,462	7	0	1	2	4	McMinnville	Yamhill		85	40.04
OR-18	1	48.50	48.59	20,425	25	2	4	7	12	McMinnville	Yamhill	SE LOOP RD.	95	75.26
OR-18	1	48.51	48.60	19,974	25	2	4	7	12	McMinnville	Yamhill	SE LOOP RD.	95	75.40
OR-18	1	48.52	48.61	19,524	25	2	4	7	12	McMinnville	Yamhill	SE LOOP RD.	95	75.54
OR-18	1	48.53	48.62	19,073	25	2	4	7	12		Yamhill	SE LOOP RD.	95	75.70
OR-18	1	48.54	48.63	18,623	24	2	4	7	11		Yamhill	LEG (TO SE CRUICKSHANK RD.)	95	75.39
OR-18	1	48.55	48.64	18,173	24	2	4	7	11		Yamhill	LEG (TO SE CRUICKSHANK RD.)	95	75.55
OR-18	1	48.56	48.65	17,723	24	2	4	7	11		Yamhill	LEG (TO SE CRUICKSHANK RD.)	95	75.72
OR-18	1	48.57	48.66	17,272	24	2	4	7	11		Yamhill	LEG (TO SE CRUICKSHANK RD.)	95	75.89
OR-18	1	48.58	48.67	16,822	24	2	4	7	11		Yamhill	SE CRUICKSHANK RD.	95	76.07
OR-18	1	48.59	48.68	16,372	24	2	4	7	11		Yamhill	SE CRUICKSHANK RD.	95	76.26
OR-18	1	49.84	49.91	16,322	18	0	3	10	5		Yamhill		95	73.05

OR18/Norton Lane intersection at MP 46.69. Influence area is +/- 250FT (MP 46.64 - 46.74)

Statewide top 15% SPIS score cut-off at 37.75. Therefore, roadway section in top 15%.

Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
(503) 804-1089
steve@cascadiapd.com

MEMO

DATE: January 27, 2025

TO: McMinnville Planning Commission

FROM: Steve Kay
Cascadia Planning + Development Services

RE: Applicant's Information for Continued Public Hearing
2320 SE Stratus Avenue
Case Files CPA-1-24 and ZC 4-24

After the January 16, 2025 hearing, public comments were reviewed with the applicant. While the conditions of approval will address most of the issues that were raised at the meeting, the applicant would like to be responsive to the neighbors' concerns. We request that the Planning Commission consider the information included in this memo and the attached conceptual plan when making a decision for Case Files CPA-1-24 and ZC 4-24. We believe these materials will help address public concerns regarding the amount of traffic that could be generated by the use. The additional materials also evaluate how access could be provided for the future apartments so that impacts to the adjacent businesses are minimized.

As we discussed at our last meeting, allowed uses under the current M-1 zoning could generate 492 ADT (Average Daily Trips) when the subject site is developed. Under the "worst case scenario", there could be an increase of 622 ADT (Average Daily Trips) generated from the subject site under the proposed R-4 zone if 1,114 ADT are generated by a future use. However, since the applicant is not intending to maximize residential density on the properties, the increase in trips will be much lower than what is projected with the worst case scenario. To provide assurance to the neighbors that 1,114 ADT won't be generated under the proposed R-4 zone, the applicant would like to propose a trip cap for the map amendments. Below is the applicant's proposed condition of approval:

Proposed Condition 6. *Traffic impacts from development on the subject site shall be limited to a maximum of 715 average daily trips.*

Revised on 04.21.2025

The applicant's submitted Transportation Rule Analysis indicates that if an increase of 622 ADT were generated by the map amendments, the zone change would not meet the 1,001 ADT threshold for a "small increase" to an ODOT facility with 5-lanes and less than 25,000 ADT. With the proposed trip cap, the map amendments would be limited to an increase of 223 ADT, which is significantly below the threshold of 1,001 ADT.

At the last meeting, we also heard from several business owners that parking is currently limited for their employees and customers, storage areas for the businesses are constrained, it is difficult for tractor trailers to turn around and make deliveries, and there are limited areas within the lot to park customer vehicles with trailers. To help address these concerns, the applicant has revised the attached conceptual plan for the development to illustrate how access could be provided for the proposed apartments. This layout provides a distinct route to the apartments and eliminates the need for residents to travel through the business parking area. By realigning the access easement and relocating the storage building for Northwest Logging Supply, several improvements to the existing parking area can be provided. These upgrades include an increase in the number of parking spaces, designated parking/loading areas for customers and suppliers, and a turnaround that can accommodate tractor trailers. If the map amendments are approved, the applicant intends to work closely with the business owners to continue to refine the access plan so that impacts to business operations can be minimized.

SITE INFORMATION:

PROPERTY AREA:	AREA = (5.8 ACRES)
EXISTING ZONING:	M1
PROPOSED USE:	R4
NUMBER OF UNITS:	12 - 2 BED 48 - 2 BED 36 - 3 BED 96 UNITS TOTAL
SETBACKS:	BUILDING: FRONT = 15' SIDE = 10' REAR = 20'
BUILDING HEIGHT:	35'-0" APPROXIMATE
PARKING PROVIDED:	180 EXTERIOR SPACES (13 H.C. ACCESSIBLE)

NORTH

PRELIMINARY SITE PLAN

SCALE: 1" = 50'-0"

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:

M+A DESIGN, INC.
24 SOUTH BROOKE STREET
FOND du LAC, WISCONSIN 54937
l.petrie@madesigninc.net (920) 922-8170

COMMONWEALTH COMPANIES
24 S. BROOKE STREET
FOND du LAC, WISCONSIN 54935
(920) 922-8170 FAX: (920) 922-8171

MULTI-FAMILY HOUSING

SE STRATUS AVE
MCMINNVILLE, OR

JOB NUMBER:
2023.47

SHEET
C1.0

2024 © M+A DESIGN, INC

Revised on 04.21.2025

Received 1/9/2008
County Surveyor

PARTITION 2008-02

for: Kurt Feero

Docket No. BLA 1-07/MP 1-07

Location: NW 1/4 Section 27, T. 4 S., R. 4 W., WM., City of McMinnville, Yamhill County, OR

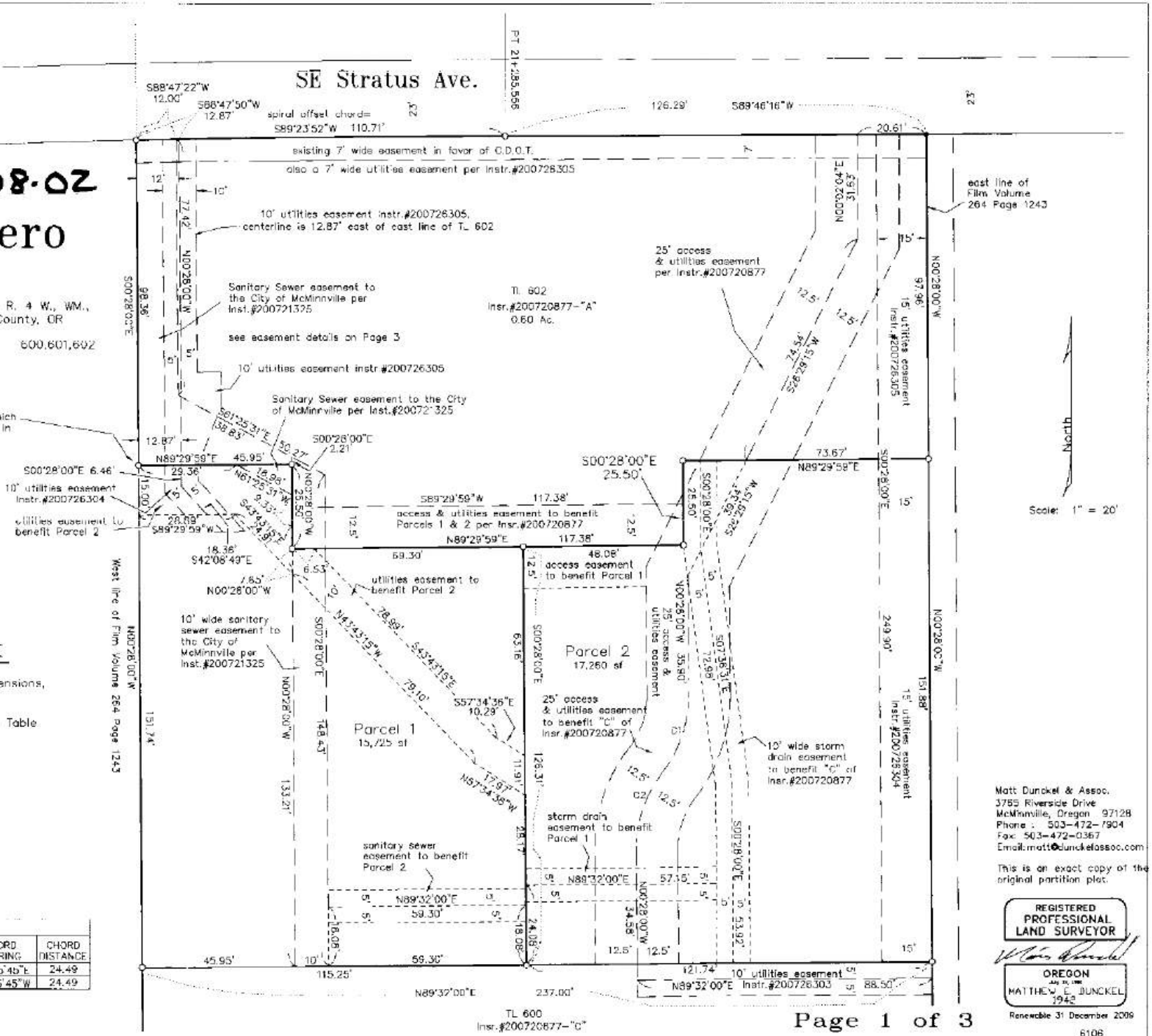
Date: 1 Oct. 2007 Tax Lot: 4427 600,601,602

Initial Point

NW corner of Parcel "B" of Instr.#200720877 and is N00°28'00"W 1120.95' from SW corner of Parcel "C" of Instr.#200720877, which is also the SW corner of that tract of land described in deed from RHONDA A. FEERO to KURT R. FEERO and recorded in Instr.#200502313 and also the SW corner of that tract of land described in deed from CHARLES J.McELMURRAY, SHIRLEY McELMURRAY and R. WALDO FARNHAM to KURT R. FEERO and RHONDA A FEERO and recorded in Film Volume 264 Page 1243

Sheet Index

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA ANGLE	CHORD BEARING	CHORD DISTANCE
C1	37.50	24.95	38°07'30"	N18°35'45"E	24.49
C2	37.50	24.95	38°07'30"	S18°35'45"W	24.49



Matt Dunckel & Assoc.
3755 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: matt@dunckelassoc.com

This is an exact copy of the original partition plat.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
MATTHEW E. BUNCKEL
1942
Renewable 31 December 2009

6106

Revised on 04.21.2025

1992 JAN 27 PM 3:43 F264P1243

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That CHARLES J. McELMURRY and SHIRLEY McELMURRY, husband and wife, and R. WALDO FARNHAM, hereinafter called the Grantors, for the consideration hereinafter stated, to Grantors paid by KURT R. FEERO and RHONDA A. FEERO, husband and wife, hereinafter called the Grantee, do hereby grant, bargain, sell and convey unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

Part of the Nehemiah Martin Donation Land Claim #83 in Section 27, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the intersection of the North line of said Claim with a line extended due North from the Southeast corner of said Claim; thence South 21 rods 11 feet; thence West 40 rods to the true place of beginning; thence South 80 rods; thence West 40 rods; thence North 80 rods; thence East 40 rods to the true place of beginning.

EXCEPTING THEREFROM the tract described in contract recorded September 2, 1965, in Film Volume 47, Page 734, Deed and Mortgage Records of Yamhill County, Oregon, Adam J. Hagel, et ux., vendees.

ALSO EXCEPTING THEREFROM that portion conveyed to the State Highway Division by deed recorded March 8, 1989 in Film Volume 230, Page 757, Deed and Mortgage Records.

EXCEPTING THEREFROM that portion described in Memorandum of Contract from Charles J. McElmurry, et ux. to Kurt Feero, recorded August 23, 1976 in Film Volume 114, Page 506, Deed and Mortgage Records, and as amended by agreement recorded September 2, 1976 in Film Volume 114, Page 986, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM that portion conveyed to CLH-LTD, an Oregon limited partnership, by deed recorded June 10, 1982, in Film Volume 170, Page 231, Deed and Mortgage Records, Yamhill County, Oregon, TOGETHER WITH a non-exclusive easement recorded June 10, 1982 in Film Volume 170, Page 233, Deed and Mortgage Records, Yamhill County, Oregon.

SUBJECT TO:

(1) As disclosed by the tax roll the premises herein described have been zoned or classified for farm

Ticor Title Insurance Company

26-12-1

Revised on 04.21.2025

use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

(2) Rights of the public in streets, roads and highways.

(3) Access restrictions, including the terms and provisions thereof, contained in Condemnation Suit #23214, as modified by an access agreement recorded December 12, 1963 in Film Volume 34, Page 367, Deed and Mortgage Records, Yamhill County, Oregon.

(4) Access Restrictions, including the terms and provisions thereof, contained in Condemnation Suit #23214.

(5) A Permanent Easement, including the terms and provisions thereof, as set forth in deed recorded March 8, 1989, in Film Volume 230, Page 757, Deed and Mortgage Records, Yamhill County, Oregon.

To Have and to Hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And said Grantors hereby covenant to and with said Grantee and Grantee's heirs, successors and assigns, that Grantors are lawfully seized in fee simple of the above granted premises, free from all encumbrances, and that Grantors will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above-described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $31,500.00.

In construing this deed and where the context so requires, the singular includes the plural.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

'WITNESS Grantors' hands this 27TH day of JANUARY, 1992.

Charles J. McElmurry

Shirley McElmurry

R. Waldo Farnham

1-27-92

Revised on 04.21.2025

1992 JAN 27 PM 3:43 F264P1245

STATE OF OREGON)
) ss.
County of Yamhill) January 17, 1992

Personally appeared the above-named CHARLES J. McELMURRY and SHIRLEY McELMURRY, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

OFFICIAL SEAL
DEBORAH L. CLARK
NOTARY PUBLIC - OREGON
COMMISSION NO. 009701
MY COMMISSION EXPIRES JAN 24, 1995

Deborah L Clark
Notary Public for Oregon
My Commission Expires: 01-24-95

STATE OF OREGON)
) ss.
County of Yamhill) January 27, 1992

Personally appeared the above-named R. WALDO FARNHAM, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

OFFICIAL SEAL
DEBORAH L. CLARK
NOTARY PUBLIC - OREGON
COMMISSION NO. 009701
MY COMMISSION EXPIRES JAN 24, 1995

Deborah L Clark
Notary Public for Oregon
My Commission Expires: 01-24-95

000973

Grantors: Charles J. and Shirley McElmurry
and R. Waldo Farnham
14820 N.W. Baker Creek Road
McMinnville, OR 97128

Grantee: Kurt R. and Rhonda A. Feero
10170 N. Highway 99W
McMinnville, OR 97128

15.00
10.00
2.00

STATE OF OREGON)
) ss.
COUNTY OF YAMHILL)

I hereby certify that the instrument was received and duly recorded by me in Yamhill County records.

Instrument #

T. Fuller
CHARLES STERN,
COUNTY CLERK

After recording, return to:

Douglas S. Fredricks, Attorney
P.O. Box 480
McMinnville, OR 97128

Send Tax Statements to:

Kurt R. Feero
10170 N. Highway 99W
McMinnville, OR 97128

1-27-92

Revised on 04.21.2025

Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
(503) 804-1089
steve@cascadiapd.com

MEMO

DATE: March 12, 2025

TO: McMinnville Planning Commission

FROM: Steve Kay
Cascadia Planning + Development Services

RE: Applicant's Information for Continued Public Hearing
2320 SE Stratus Avenue
Case Files CPA-1-24 and ZC 4-24

At the February 6, 2025 meeting, the Planning Commission decided to continue the public hearing to allow the City Engineer to conduct a sanitary sewer capacity analysis and determine whether existing public facilities could accommodate future development of the subject site under the proposed R-4 zoning. On February 13th, the applicant received an email from City Staff confirming that there is adequate capacity in the existing sanitary sewer system to accommodate the proposed Comprehensive Plan Map and Zoning Map amendments. The City stated that their sanitary sewer analysis assumed a density of 20 dwelling units per acre. While a specific development plan has not been submitted for the site, the applicant has submitted a concept plan for Tax Lot 604 that provides a density of 17.78 dwelling units per acre. Since future development is limited to 715 average daily trips by Recommended Condition of Approval No. 4, a density of 20 dwelling units per acre or less is assured for the site.

At the end of last month's meeting, several Planning Commissioners indicated that they would like the applicant and the adjacent business owners to determine if a mutually agreeable solution could be developed when providing access for the multi-family use. On February 25th, the applicant met with the owners of Northwest Logging Supply and Ed's Transmission Service to discuss how many parking spaces are needed for the businesses, how the existing storage building is used, where customer equipment is staged in the parking area, and how illegal parking by apartment residents could be avoided. The businesses also expressed their desire to physically separate their existing uses in the parking lot from a driveway that provides access to the multi-family use.

Based on the February 25th discussion, and a sketch provided by the businesses, the applicant prepared the attached conceptual plan. This revised layout relocates the existing access and utility easement, includes a new location for the storage shed, retains the existing turnaround in the parking lot, provides a privacy fence along the access drive, and proposes another privacy fence along the southern boundary of the parking area. The new 35' wide access and utility easement would permit the development of a 22' wide driveway, 6" curbs, a 5' wide pedestrian walkway, fencing, and 5'-6' of landscaping along the east side of the parking area. The applicant has provided this conceptual plan to the business owners and is planning to continue working with them to refine this layout prior to developing detailed plans for the multi-family use.

City of McMinnville
ENGINEERING

M E M O R A N D U M

DATE: February 13, 2025

TO: Heather Richards, Planning Director
Evan Hietpas, Associate Planner

FROM: James Lofton, City Engineer
Jeff Gooden, Project Manager

SUBJECT: **CPA 1-24, ZC 4-24**

Suggested Conditions of Approval

- The City has completed a capacity analysis that indicates there is adiquate capacity in the existing sanitary system to serve this property with minimal surcharging as allowed per the City's Wastewater Master Plan modeling. The assumptions for the analysis were based on the information provided from the applicant and include changing zoning from M-1 to R-4 with multifamily residential assumption of 20 residential units per acre. If at the time of development the applicant is to propose more residential units or anything that would result in an increase over the assumptions of the performed analysis, the City may require the development to enter into a reimbursement agreement with the City for modeling the impacts of the proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity.

City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

Public Testimony Memorandum (Updated)

REVISED VERSION OF ATTACHMENT 3 TO DECISION DOCUMENT ISSUED MARCH 13, 2025

DATE: **March 20, 2025**
TO: **Planning Commission**
FROM: **Evan Hietpas, Associate Housing Planner**
SUBJECT: **Comprehensive Plan Amendment 1-24/ Zone Change 4-24**

This is all **written** public testimony received through 11:00am on **March 20, 2025**.

Public Testimony submitted prior to the January 16th Public Hearing:
- Nancy Feero, January 14, 2025
- Lanette Noble, January 14, 2025

Public Testimony submitted at the January 16th Public Hearing:
- Jason Bizon
- Randy Yates
- Alex Botten

Public Testimony submitted prior to the February 6th Public Hearing:
- William Barlow III, February 3, 2025
- AAB Properties LLC, February 5, 2025
- Alex Botten, February 5, 2025
- Mike Funk, February 5, 2025
- Christine Kirk, February 6, 2025
- Lisa Baker, February 6, 2025

Public Testimony submitted at the February 6th Public Hearing:
- Alex Botten
- Malcolm Greenlees
- Kory Knutz

Public Testimony submitted prior to the March 20th Public Hearing:
- Christine Kirk, March 4, 2025
- William Nourse, March 13, 2025
- Lutheran Community Services Northwest, March 14, 2025
- Haugeberg, Rueter, Gowell, Fredericks & Higgins, March 18, 2025

- William Barlow III, March 18, 2025
- Alex Botten (updated petition), March 19, 2025
- Yamhill Community Action Partnership, March 19, 2025
- Jen Feero, March 20, 2025

Received Via Email on January 14, 2025 at 11:27AM
by the City of McMinnville Planning Division

Regarding the Planning Commission Review of a Comprehensive Plan Map Amendment and Zone Change Application for 2320 SE Stratus Avenue, Tax Lots R442700600 and R442700604

As holder of the promissory note on the real estate adjacent to the property referenced above, I oppose the request to change the zoning of the above property from the current status of M-1, Light Industrial to R4, High Density Residential for the reasons below:

1. **Overburdening the easement:** the applicant, Commonwealth Development Corporation is using the easement beyond its intended purpose. Kurt Feero, prior owner of this property for over 30 years (until his passing) and grantor of the easement, would never have considered any use that would have jeopardized the viability of the other long-standing businesses adjacent to this property.

   If approved, this easement would severely diminish the parking lot used by the NW Logging Supply and Ed's Transmission Shop. Turnaround space for large trucks with trailers, RVs and tow trucks in addition to customer parking is essential to the operation of both businesses. The proposed change would encroach on the existing parking lot and turnaround and jeopardize the continuing operation of these businesses, which have been a part of McMinnville for decades.

   This zoning change and road expansion will also negatively impact the value of the bordering property and create financial hardship for all concerned.

2. **Lack of Infrastructure to support traffic at proposed levels:** Contradictory to the applicant's report, proposed and currently existing roads are not sufficient to sustain the amount of traffic that would be generated by the large number of housing units. Over 1,000 vehicles per day could be traversing an area never designed to support more than normal business and parking lot traffic.

   The proximity of the new road to existing businesses and the neighboring trailer park would endanger pedestrians. The intersection in front of McMinnville Hospital and its entrance could also be negatively impacted. And in the event of an emergency, the proposed road would never support the evacuation of a high-density residential area safely.

3. **Natural Hazard Area for Wildfires:** Two significant areas on the property proposed to be rezoned high density residential have been designated natural wildfire hazard areas, according to the Natural Hazard Overlay map on the city of McMinnville's website. Another wildfire hazard area is located directly south of it.

   This property was never planned to be residential. The neighboring businesses, NW Logging Supply and Ed's Transmission Shop, both keep highly flammable materials on premises as necessary for operation. It would be highly dangerous to locate a high-density housing project in a wildfire hazard area, especially next to an industrial zone.

The continuing development of this property has always been zone compliant, light industrial, and is totally unsuitable for medium to high density housing as specified by Community Development Natural Hazards Zoning Ordinance Amendments. It also threatens the operation of two long-standing McMinnville businesses. For these reasons I hope the Community Development Department will deny the zone change request.

Nancy Feero

Received Via Email on January 14, 2025 at 1:28PM by the City of McMinnville Planning Division

Good Afternoon,

I am writing in response to the discussion on the proposed zone change at 2320 SE Stratus Ave. I have no issues with the need for housing, but I am very concerned over the surrounding transportation system. The Norton Landing Apartments are currently finished and taking application for tenants and is a 138 unit multi-dwelling complex. Stratus Village is under construction and when completed will add 175 multi-family units. The proposed zone change could develop up to 162 dwelling-units according to table on Attachment 1 in the documents (page 25). Also stated, on the same page, the trip generation analysis of the 162 dwelling-unit generates 1,114 daily trips. That is a ratio of approximately 6.88 daily trips per dwelling-unit. If you use this ratio over the total units of 475 possible units when all this is completed it is 3,266 daily trips. This number is extremely concerning for the all ready confusing and congested intersection at SE Stratus Avenue and SE Norton Lane. There has been a noticeable increase in traffic with the opening of Norton Landing Apartments and the construction traffic from the Stratus Village. The safety of the nearby residents to the west, the residents in Evergreen Mobile Home Park, and the residents of the newly completed housing needs to be taken into consideration. There is only one way out of this area via SE Norton Lane/SE Stratus Ave for vehicles, pedestrians, and bicycles. There is currently a lack of sidewalks, bike lanes, and the condition of the roadway of SE Stratus Lane is in very poor condition. The intersection at SE Stratus and SE Norton Lane is extremely confusing, especially with the current condition of the pavement markings, with many vehicles stopping as they come off Hwy 18 thinking they have a stop sign. If the effort and funding is put into adding the housing there needs to be effort and funding into the safety of the citizens that will be living in the housing and traveling in and out of the area. I have lived in this house since the mid-60s and drove it for almost 50 years. I have seen the transformation of the area from a two-lane road and a stop sign to what it has become now. The current TSP needs to be revisited and a Traffic Impact Analysis taking into account the cumulative impact of all three developments happening in the area. Please consider making the needed improvements for the patrons of the hospital and all the citizens currently living in the area and all those that will be in the future.

Thank You,

Lannette Noble

Good evening, Director Richards

Chair Winfield and Distinguished Commission Members

My name is Jason Bizon I reside on Lawson Lane in McMinnville.

I am here tonight to challenge the approval of the application for zone change for property 2320 Stratus Avenue. Thank you for hearing my testimony tonight.

I would like to first start by saying I have no objections to additional housing needs for the community. The record will reflect I did not object or provide public testimony against Stratus Village as outlined by the Three Mile Lane Land Use Vision and Study Area. I also understand the long-range need of affordable work force housing as outlined in the MAC TOWN Strategic PLAN 2032.

What I don't understand is the consideration of Zone Change from Industrial to Residential as outlined by the applicant. Let's be honest, this is farmland in its current state generating and producing crops. It was intended to be used for industry whatever that would look like. It is **not** in the Land Use Vision boundaries presented in the Three Mile Lane Preferred Alternative projection. In that plan there is foot note, and I quote "The land is within the city limits and zoned for development. It is not a matter of IF it will develop, it is a matter of HOW it will develop." The land in question DOES NOT MEET the zoning outlined by this vision and **should not be included in the Three Mile Lane Vision, it simply is not in the plan**.

We have boundary lines for a reason, we have lot lines for a reason. Sometimes those zones and lines are contiguous, but they are still there. If you accept this application as presented, then you might as well annex all the land from the applicant's most westerly line to the Yamhill River into the city limits and zone it all from EFU, low-density residential, industrial, make it all residential high density, because these applications will not stop coming before you. There must be a line of demarcation at some point. Oregon land use laws require it. There must be assessment of what these decisions mean for impacts to traffic, schools, utilities, emergency services and access to the hospital. We don't yet know how busy that little two-lane road is going to get until Stratus Village is up and operational. We don't know how much foot and car traffic is going to increase on that road or how bus stops will impede emergency traffic coming from the West off 18.

And by the way, the entrance to this applicant's property through and by the businesses already operating there makes zero sense from planning perspective, even with the assumptions of the project's "Development Trip Generator". Remember these are

assumptions! How are all those vehicles going to come in and out of there and what does that mean for the safety of those businesses and Stratus. I can count about 180 proposed parking spots for this application. This makes no sense based on common sense and the eyeball test.

Those two or three businesses would be severely impacted, Stratus would be severely impacted, Stratus village would be impacted, emergency services and on and on.

In closing, I respectfully ask you to **deny** this application as presented. Let Stratus Village get up and operational, study the impacts it brings with it with real data, not "we think".

Drive over to Northwest Logging and Ed's Transmission services and envision 1,000 cars and trucks coming out of there every day and onto Stratus. This is not counting the Stratus Village cars and trucks or just regular traffic.... **It doesn't pass the smell test** and is not in the confines of what the Three Mile Lane land use vision intended or planned for. Please deny this application as presented!

Thank you or your consideration and your service to this community.

NAME TIME IN YAM CO

QUESTION REGARDING ENGINEERS NO IMPACT STATEMENT

NOT TO INFLICIT DAMAGE

Here are just a few of the many reasons and a history of N.W. logging that some may not be aware of.

BRIEF

This property was purchased by KURT FEERO in the early 1970's. Kurt located N. W. Logging supply, a business in continuous operation since 1948 which has been servicing, supplying the vital backbone of the timber industry in Yamhill county and is currently owned and operated by Alex Botton.

HOUSING NEEDS?

Alex, an employee of N.W. Logging since 1990 began working for Kurt at the age of14. Alex progressed throughout the decades to manager, business partner and now current owner and has been working at N.W. Logging for over 35 years. THE BOTTEN FAMILY NAME HAS BEEN IN BUSINESS IN MCMINNVILLE MULTI GEN FOR A COMBINED 60 YEARS CONTINUOS

Kurt passed the torch to Alex with the intention of a very long future for this business and the adjoining land. Kurt and N.W. Logging was a victim of progress in the early 90's when the hwy 18 bypass and frontage road ~~was~~ cut through his property, changing the configuration and restricting access to his business.

Now this meeting is being called to decide whether to allow a zone change which will further hamper the customers, delivery and sale of goods and services and parking for northwest logging located here for over 50 years.

N.W. Logging is geographically located in the Heart of Yamhill county. This vital valve in the center of the heart of the timber industry, that it has served for over 75 years.

A crucial contributor to the local economy that has been working with men and women of Yamhill county including, loggers, lumber mills, which produce the wood that helped to build this town. Not to be overlooked are the arborists, landscapers, home owners all of which rely on N.W. logging.

We stand together today to share with the planning dept and the developer Danny Difrancesco of the Commonwealth development corporation of Middleton WI. that this land is NOT intended, nor should be added to the overwhelming amount of apartment complexes crushing this area and our town.

COMMUNITY MEETING?
2 MI AWAY?

Development corporations are deftly and cleverly searching for more locations and ways to make money in our town then run back to their own far away communities to spend their profits.

The nearest park is 2 miles away, across 17 lanes of traffic. 4 of which are hwy 18 heavy traffic, more than half a football field from one side to the other.

If your child were to make it across this hazardous interchange, only to land on an isolated piece of cement on the peninsula of Norton and Cumulas with NO sidewalks, bike lane or crosswalks what would you tell them?

Who will be the responsible party families turn to in the event of a tragedy. Hundreds of children attempting to get to school, sporting events, walking to work, going for a bike ride, carrying groceries home, walking the dog?? Will they be able to reach out to Mr. Difrancesco of Middleton WI? Or just call 911?

Will the city of Mcminnville, meaning tax payers, have to pay for continuous sidewalks and bike lanes that currently do not exist or will the out of state developer be paying for the over abundance of traveling public having to negotiate cross town traffic?

There is only 900 feet of road from this proposed apartment driveway to the ***only*** way out on stratus ave leading to a 3 way controlled intersection at the only access to our local hospital. 3RD STREET IS APPX 1800

Adding 96 more families and traffic on top of other existing and newly built apartments totaling over 400 new dwellings in the last year indicates a lack of planning and safety for this proposed development.

Now a developer wants to construct a misplaced apartment complex that WILL compromise and crowd out the local business which helps to feed the mills that produce the wood that might supply that project.

When it comes to re-zoning the answer to the problem, is that this problem is not the answer.

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Renee Seif	Renee Seif	2400 SE STRATUS AVE #57	NO Apartment	1/14/25
Norma Droz	Norma Droz	2400 SE Stratus Ave 9	NO more	1/14/25
Dennis Woods	Dennis Woods	2400 SE STRATUS #104	NO MORE	1-14-25
Debbie Woods	Debbie Woods	2400 S.E. Stratus Ave #104	No More	1/14/25.
WES TERRY	Wes Terry	2400 SE STRATUS AVE #105	NO !!!	1/14/25
Kathy Terry	Kathleen M Terry	2400 SE Stratus AVE #105	ABSolutely NO!!!	1-14-25
[illegible]	[illegible]	2400 se stratus Ave #99	No more Apartment	1-14-25
MADELINE woodridge		2400 SE Stratus AVE 96	NO MORE Apartment	1-14-25
Daniel STEARNS	Daniel Stearns	2400 SE Stratus AVE 96	No more Apartment	1-14-25
Dawn Fiel	Dawn Fiel	2400 SE stratus AVE 96	NO MORE Apartment	1-14-25
José Luis	José Luis	2400 SE Stratus AVE	96 No more Apartments	1-14-25

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Tandy Yates	[signature]	11821 S.W. Dupee Vly	No more apartments	1-14-25
[illegible]	[signature]	2400 #12	No more Aparts	1/14/25
Terry Chard	Terry J Chard	2400 Stratus Av. #13	No More Apartments.	1-14-25
Eric	[signature]	2400 Stratus 49		1/14-25
Andrea C	[signature]	2400 SE Stratus Ave #41		1-14-25
Stefany Verduzco	Stefany Verduzco	2400 SE Stratus #33	No more apartments	1/14/25
Michelle Sanchez	[signature]	2400 SE Stratus #62	No more Apartments	1/14/25
Janice Schoenborn	Janice Schoenborn	2400 SE Stratus 86	" " "	1-14-25
Emily Michelson	Emily Michelson	2400 SE Stratus Ave #59 McMinnville, OR	NO MORE APARTMENTS! OR A COSTCO!	1-14-25
Laura Gurley	Laura Gurley/Keller	2400 SE Stratus Ave McMinnville	no more ~~apartments~~ Costco	1-14-25
Johanna L Williams	Johanna L Williams	2400 S.E. Stratus Ave #56	no more	1-14-25

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Benjamin	[signature]	2400 SE Stratus Ave #95		
Angel	[signature]	2400 SE Stratus Av	No New houses!!!	
Mariana Puente	Mariana Puente	2400 SE Stratus Ave #95		1-13-25
Tony Pruery	[signature]	2400 SE Stratu Ave sp96		1-13-25
Johana Perez	[signature]	2400 SE Stratus Ave Unit 108		1/13/25
Jamie Chase	J Chase	2400 SE Stratus Ave #69	No more apts too much traffic	1/14/25
Nancy Elliott	Nancy Elliott	2400 SE Stratus #85		1/14/25
Odalys Barajas	Odalys Barajas	2400 SE Stratus Ave #76	No more apts	1/14/25
[illegible] R		2400 SE STRATUS #75		1/14/25
Kris Simkins	Kris Simkins	2400 SE STRATUS # 74		1-14-25
MARY HARPER	Mary Harper	2400 SE STRATUS # 46	NO MORE building	1-14-25

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
LONNIE HORNE		225 LAWSAN	Trafic	1-14-25
Susan Ackerman	Susan Ackerman	210 SE Lawson Lane	traffic/safety	1-14-25
Dania Bond		220 SE Lawson Lane	Trafic/Safty	1-14-25
Bill ELLIS		235 S.E. LAWSON LN	TRAFFIC	1-14-25
Ted Elias	Ted Elias	2400 Stratus Ave SP93	Traffic	1-14-25
Lanette Noble		1915 SE Noble Lane	Traffic/Safety	1-14-25
Meredith Noble	Meredith Noble	1915 SE Noble Lane	Traffic Congestion	1-14-25
Jamie Baker	Jamie J Baker	1935 SE Noble Ln	Traffic/Safety/Water	1-14-25
Willard Baker	Willard Baker	1935 SE Noble Ln	Traffic Safety/Water	1-14-25
Andrea Botten	Andrea E Botten	1725 NW 5th Ct	easement not wide enough for fire truck, safety	1-15-25

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Sergio A Mendoza	[signature]	2400 SE STRATUS AVE #38	Traffic	~~1-15~~ 1/15/25
Verenice Mendoza	[signature]	2400 SE Stratus Ave #38	Traffic insecure	1/15/25
Evelyn Mendoza	[signature]	2400 SE Stratus Ave #38		~~1-5~~ 1/15/25
Randy Anderson	[signature]	420 NW 14th ST	Traffic	1/16/25
Craig Sayers	[signature]	14820 Worthylaine	Traffic	1-16-25
Wayne Brewer	[signature]	344 SW Bills St Mac	Traffic	1-16-25
Jim May	[signature]	1285 Lambert	Traffic	1-16-25
Frank Dekker	[signature]	17380 NW Orchard View Rd McMinnville OR 97128	To meny to list!	1-16-25

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Rick Manley		2400 SE Stratus #44	Not Good Idea	1/14/25
Denise Manley		2400 SE Stratus Ave 44		1-14-25
Vera [illegible]		2400 SE Stratus Ave 23		1-14-25
Brenda Nyborg		2400 SE Stratus 17B	Enough	1-14-25
Kenneth Stone		2400 SE Stratus 108 Ave		1/14/25
Kathryn Dean	Kathryn Dean	2400 SE Stratus ave		1-14-25
Maria Acevedo		2400 SE Stratus ave	to much traffic	1-15-25
Jose Calderon		2400 SE Stratus Ave	traffic Congetion to much apartment in the are	1-15-25
Jessica Ortiz-Cruz		2400 SE Stratus Ave #80	-traffic, lack of bike lanes/ -EMS route to hospital/safety	1/15/25
Jose Luis Ortiz		2400 SE Stratus Ave #80	-traffic, lack of bike lanes/ sidewalks	1/15/25
Tim Parsons	Tim Parsons	2020 SE Green Acres Rd	Traffic - Need to find more exits	1/18/25

Petition to deny a zoning change to R-4 High-Density Residential

At 2320 SE Stratus Ave, McMinnville Oregon

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Max Gomes		1882 SW Tamarack McMinnville OR 97128	Negative Impact Too much on Economic Burden on Business	1/14/2025
Thomas J Allsen		815 Ashwood Ave Mc Minnville-OR 97128	We Need to Save our Light-Ind Lands	1-14-24
Kory Ignutz		14503 SW Pevine Rd Mac 97128	City needs light industrial 4000 more cars on Stratus signal light?	1-14-24
Gary Harper		14507 sw pevine RD mac 97128	City needs light industrial more than housing	1-14-25
John Rinna		1310 NW Michelbook Ln	Widen the Road 1st	1/14/25
Terry Wooten		750 SW MAGNOLIA CT. MAC.	Do not limit who can rent an apartment.	11/14/25
Jose B Lopez		4261 NE Hoover Creek Rd	More light industrial	01/15/25
Lolita Moreland		2400 Stratus Ave	To much Traffic	1-15-25
Michael Light		1705 NE Galloway St.	Hurt local business	1-15-25
Daray Romero		2400 SE Stratus Ave	To much traffic	1-15-25
DAN DAVISON		1071 S NW BRENTANO LN MCMINNVILLE, OR	INFRASTRUCTURE CANNOT SUPPORT	1/15/25

Petition to deny a zoning change to R-4 High-Density Residential

At 2320 SE Stratus Ave, McMinnville Oregon

(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Lunn McKee	Lunn McKee	24903 SW Perrydale Amity OR 97101		1/13/25
Diane Waters	Diane Waters	424 SE Lawson		1/13/25
John Gander	John C Gander	2840 NE Leathers Ln		1/13/25
Ray Carter	[illegible]	13215 NW Berry Creek Rd 97128		1/13/25
Tom Bernards	Tom Bernards	14280 NW old Moores Valley Rd 97148		1/13/25
Casey Heesacker	[illegible]	27985 SW Beaver Creek Rd Sheridan, OR		1/13/25
Wayne McAdams	Wayne A. McAdams	201 8th st Dayton, OR	increased security at Hosp.	1/13/25
Richard S Drew	[illegible]	~~2300~~ 360 SW 7th Dundee OR	overburdened Easement	1/13/25
Memo	Martinch	3320 NW West Snyder		

Petition to deny a zoning change to R-4 High-Density Residential

At 2320 SE Stratus Ave, McMinnville Oregon

(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Alex Botten	Alex Botten	1725 NW 5th St., Mac	will cause too much congestion	1-13-25
Max Williams	Max Williams	1335 SW Fleishauer LN McMinnville		1-13-25
Nick Holstrom	Nick Holstrom	McMinnville		1-13-25
Michael Terrill	Michael Terrill	17470 SE Walnut Grove Ln Amity 97101		1-13-25
Abe Thornburg	Abe Thornburg	1405 NE First St.	" "	1/13/25
Benjamin Zatterburg	Benjamin Zatterburg	10728 NE Hyland Ln	Negative economic impact for businesses in location	1-13-25
MACK SCHAFF	Mack Schaff	2455 SE Pkwy Mac	BS	1-13-25
Tim A Robinson	Tim A Robinson	1701 N Aldersgate Ln Newberg	POOR IDEA - NO ROOM	1-13-25
TJ Darrell	TJ Darrell	1145 SW cypress st	Bad Idea	

Petition to deny a zoning change to R-4 High-Density Residential

At 2320 SE Stratus Ave, McMinnville Oregon

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Tara Williams	Tara Williams	1335 SW Fleishaver Ln McMinnville, OR 97128		1/14/25
Connie Gartz	Connie Gartz	1975 NE Hembree St McMinnville OR 97128		1/14/25

My name is Alex Botten, I am the owner of Northwest Logging Supply, which has been in business in McMinnville for 77 years. I am speaking in opposition of the zoning change for a couple reasons. First, the only access to this property is through a 25ft easement across the main area of my parking lot. This is going to cause a thoroughfare through my business operation and the neighboring Ed's Transmission service's operation that was established in 1966. This, along with losing a large portion of the property by eminent domain in 1990 for the expansion of Hwy 18 and Stratus Ave have significantly reduced the lot size of Northwest Logging Supply. The traffic study submitted says there could be up to 1114 daily trips through my property. The written testimony from Nancy Feero, who was one of the involved parties during the creation of this easement in 2007, states that it was never intended for this amount of traffic, being that it has always been zoned light industrial. The study submitted says with light industrial zoning the daily trips would only be up to 492, which can vary greatly depending on the type of development. This is known as overburdening of an easement which is defined as when the easement holder uses the easement in a way that goes beyond it's original purpose. For this reason, I believe this application should be denied, due to the hardship it will create on two longstanding McMinnville businesses.

My second topic is the Natural Hazards zones. In at least two sections of the zone change application Pgs 20 and 38, it states there are no natural hazard areas within the site and the site is not located within mapped hazard areas (the entire city limits is within the area). These statements are incorrect. There are three areas located on the Natural Hazards map located on the proposed property, and currently should be at top of mind for every American that watches the news, WILDFIRE. The areas are Moderate ground liquefaction rated 2.0, and SEVERE wildfire danger rated 5 out of 5 . This gives a combined subarea hazard risk of 2.5 which puts it into the Natural Hazard Protection subdistrict. Page 48 of the Natural hazard report states that "the NHP prohibits most types of development". Pg 51 says "The NHP subdistrict is INTENDED to prohibit most types of development and may allow for a residential density transfer" Pg 51 also states policy 197.00.070 and pg56 policy 200.20 read the same "New residential, commercial and industrial construction SHALL be prohibited within the NHP with 4 exceptions. 17.49.160 section C states "Large format commercial development shall not be permitted within the NHP subdistrict. 17.49.170 section C states "If density transfer is not feasible, a maximum of one dwelling unit per 2.5 acres may be allowed."

Fire Code →

I feel like the developer and the staff report really missed the mark on a couple of very important issues that were all easily found on the Planning Departments website, and the recommendation of approval in the staff report should be denied.

For these, and many more reasons I would like to see the Planning Commission deny this zoning application.

Thank you.

The McMinnville Fire District's Fire Code Applications Guide states the requirements for fire access on PG 5. Aerial Fire Apparatus Road Width: Buildings more than 30 feet in height shall have fire apparatus access roads constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. One or more of the "aerial access" roads shall be located not less than 15 feet and not greater than 30 feet from the building. OFC D105.2 Oregon Fire Code

The building height proposed is 35ft therefore the 25ft easement is insufficient for aerial apparatus access.

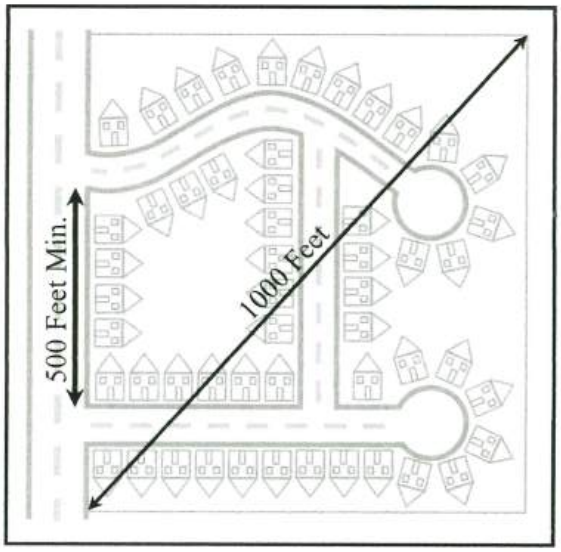
Oregon Fire Code

OFC D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet ~~(7925 mm)~~, exclusive of shoulders (~~see Figure D103.1~~).

Again the legal easement is only 25ft not the required 26ft required by state fire code.

MULTIPLE ACCESS ROADS: Developments of one and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units and where vehicle congestion, adverse terrain conditions or other factors that could limit access, as determined by the fire code official, shall be provided with not less than two approved means of fire department access. Exceptions may be allowed for an approved automatic sprinkler system. The approval of fire sprinklers as an alternate, in lieu of adequate fire apparatus access, shall be accomplished in accordance with OFC 104.8. (OFC 503.1.1, D106 & D107)

MULTIPLE ACCESS ROADS SEPARATION: Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (OFC D104.3 & D107.1)



GRADE: Fire apparatus access roadway grades shall not exceed 12 percent. Fire apparatus access roadways with grades between 12-15 percent, may be subject to additional building requirements in accordance with OAR 918-480-0125 *Uniform Alternate Construction Standards for One- and Two-Family Dwellings*. Intersections and turnarounds shall be level (maximum 5 percent), except for crowning for water run-off. It shall be the property owner's responsibility to show compliance with these requirements. Documentation from a professional surveyor or engineer may be required at the discretion of the fire code official. (OFC D103.2)

FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (*26 feet adjacent to fire hydrants*) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1)

Note: When serving three or less dwelling units and accessory buildings, the driving surface may be reduced to 12 feet, although the unobstructed width shall be 20 feet. Turning radii for curves and turnarounds on reduced width roads shall be not less than 25 feet and 45 feet respectively, measured from the same center point.

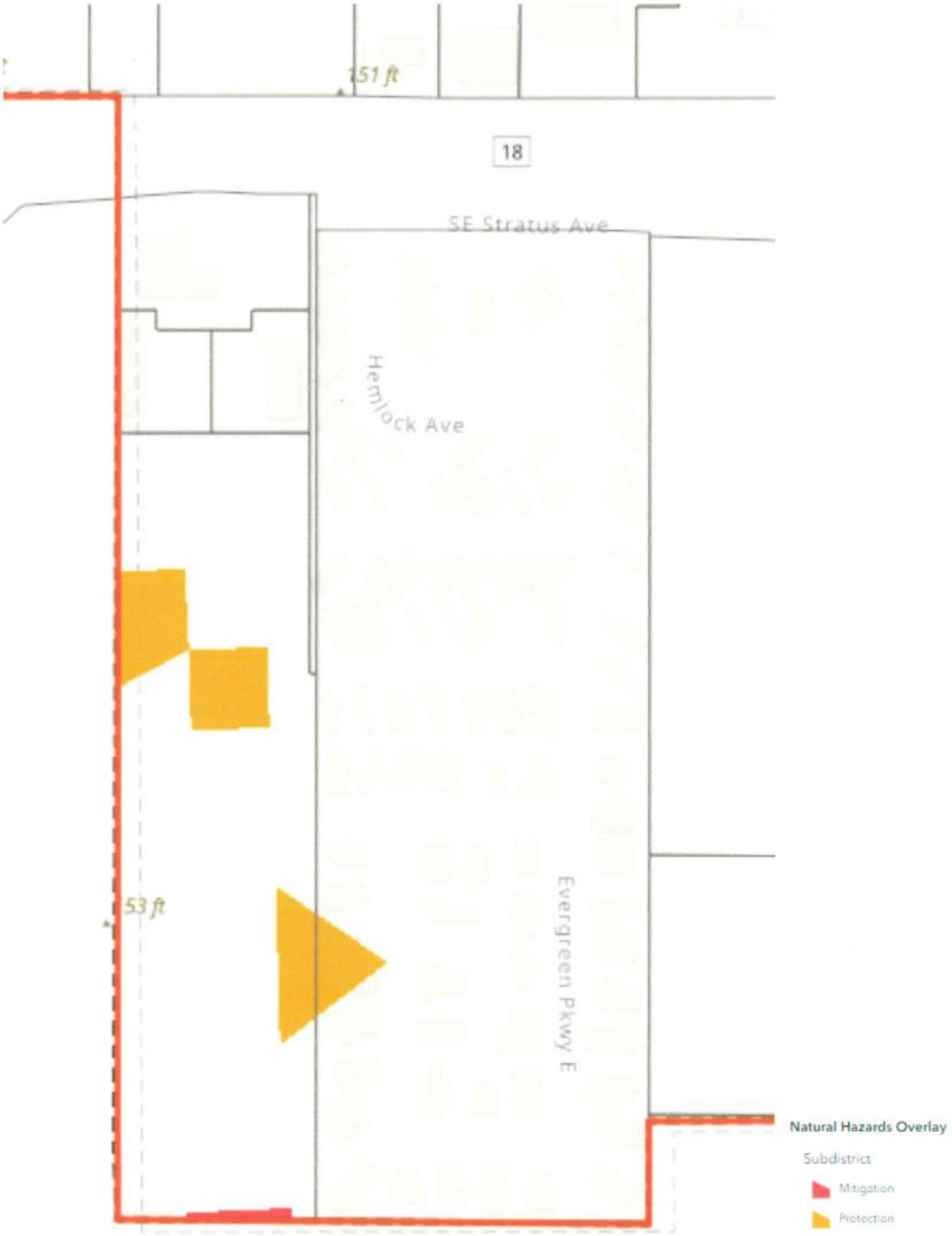
AERIAL FIRE APPARATUS ROAD WIDTH: Buildings more than 30 feet in height shall have fire apparatus access roads constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. One or more of the "aerial access" roads shall be located not less than 15 feet and not greater than 30 feet from the building. (OFC D105.2)

SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than a 12,500-pound point load (wheel load) and a 75,000-pound live load (gross vehicle weight). Documentation from a registered engineer may be requested, confirming that the final construction is in accordance with approved plans and the fire code. **McMinnville Fire District does not support the use of permeable paving systems which allow for the growth of vegetation along dedicated fire apparatus driving surfaces.* (OFC D102.1)

BRIDGES: Private bridges shall be designed and constructed in accordance with the State of Oregon Department of Transportation and American Association of State Highway and Transportation Officials Standards *Standard*

Natural Hazard Overlay Study

McMinnville, OR



Written Testimony

To: heather.richards@mcminnvilleoregon.gov

From: William Barlow III

February 3, 2025

Re: Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1- 24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604) – Public testimony in opposition to a Comprehensive Plan Map Amendment from Industrial to Residential and a Zone Change from M-1 to R-4 for approximately 5.8 acres as submitted by Commonwealth Development Corporation.

This written testimony is being submitted in advance of the Planning Commission's Thursday, February 6, 2025, 6:30 PM regular meeting via email before 12 p.m. the day before the meeting to heather.richards@mcminnvilleoregon.gov, and should be provided to the planning commissioners, lead planning staff and entered into the record.

Hello, Chair Winfield, and members of the commission,

For the record, my name is William Barlow III, I am a resident of McMinnville, and my mailing address is P.O. Box 812.

Thank you for the opportunity to provide written testimony regarding the proposed zone change for the property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604.

For those of you who know me, it should come as no surprise that I have an opinion regarding this application. Nonetheless, my opinions, much like zoning proposals, are not mandates. And despite all the reverence we share for Director Richards and the trust we place in the recommendations of city staff; it is prudent to be dubious of an applicant's comments. Thus, my intent is not to discredit Director Richards or question the judgment of city staff. However, the referenced application is not consistent with the broadly-based goal statements, and more precise policy statement of McMinnville's Comprehensive Plan. Further, the goals and policies of McMinnville's Comprehensive Plan carry the full force of the authority of the City of McMinnville and are therefore mandated. Moreover, intergovernmental coordination and consistency is mandated in The Comprehensive Plan. Thus, examination of the proposal shall be undertaken in relation to applicable ordinance and should consider state and federal objectives and all other relevant materials.

Based on the goals and policies of McMinnville's Comprehensive Plan and review of applicable criteria denial of the Comprehensive Plan Map Amendment and Zone Change (CPA 1-24 & ZC 4-24) is mandated.

To begin, The Comprehensive Plan Map Amendment and Zone Change criteria as identified by 17.74.020 states an amendment to the official zoning may be authorized, provided that the proposal satisfies <u>all relevant requirements of this ordinance</u>. In Summary those requirements are:

A) That the application demonstrates that the proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

B) That the proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

And

C) That utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

<u>Response to Requirement A</u>

The application is not consistent with the following goals and policies of the Comprehensive Plan: INDUSTRIAL DEVELOPMENT GOAL IV 5; General policy 45.00; policy 49.00; policy 52.00; policy 53.00; policy 57.00; policy 71.09; policy 71.13(3);

71.13(4); 71.13(6); 71.13(7); and does not satisfy ordinance 4796 as required by policy 71.13(8); Further the application does not satisfy general policy: 77.00; policy 78.00; policy 81; policy 86.00; policy 92.01; policy 92.02; policy 99.00; policy 106.00; policy 132.00; 132.41.00; or 132.41.05. Nor does is the application consistent with INTERGOVERNMENTAL COORDINATION AND CONSISTENCY as mandated by policy 132.39.00. Note: this is not intended to be a comprehensive list of all the goals and polices this application violates. But it should serve as ample demonstrative evidence to warrant the issuance of an immediate denial of the Comprehensive Plan Map Amendment and Zone Change for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604.

Response to Requirement B

The application does not warrant the proposed amendment. Because it does not orderly or timely consider changes which have recently occurred in the neighborhood or community. More so, policy 86.00 mandates the dispersal of new multiple-family housing development throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. According to policy 71.09 "the majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre)." Policy 187.30 mandates "The Great Neighborhood Principles" be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens. Policy 187.50.12 states that Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design and policy 187.50.12(a) states neighborhoods shall have several different housing types.

A vote in favor of amending the Comprehensive Plan Map to be consistent with the applicant's request simply dismisses the obligation to orderly or timely consider changes which have occurred in the neighborhood or community. More so, policy: 49.00 states The City of McMinnville **shall** use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses. Policy 53.00 states The City of McMinnville **shall** encourage the phased development of industrial land so that a moderate rate of growth occurs; and policy 57.00 states Agricultural activities **shall** be encouraged on industrially designated lands until such time as the lands are utilized for industrial purposes.

The proposed zone change from M-1 to R-4 is not orderly and timely. It is not orderly because the subject property is located directly adjacent to R-4 zoning designation to the East, and new residential developments are being constructed approximately 500 feet to the east of the subject property at Stratus Village (175 apartment dwelling units in four buildings) and Norton Landing (approximately 138 apartment dwelling units located in seven buildings) meaning that the proposed zone change is not consistent with Policy 86.00 which mandates the dispersal of new multiple-family housing development throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise.

Further, The Comprehensive Plan encourages moderate and high-density residential development to be located near services and multi-modal transportation options. Yet, the subject property is not located within a one-half mile wide corridor centered on existing or planned public transit routes as mandated by policy 71.13(6). Nor is the subject area within one-quarter mile from neighborhood and general commercial shopping centers as mandated by policy 71.13(7). Policy 81 encourages residential designs which incorporate pedestrian and bikeway paths be connected with activity areas such as schools, commercial facilities, parks, and other residential areas. More specifically, policy 92.02 states **high-density** housing developments shall, as far as possible, be located within reasonable walking distance of shopping, **schools**, and parks. Yet not one of McMinnville's public schools is accessible by pedestrian or bikeway path. Nor is one of McMinnville's public schools even accessible by a continuous sidewalk.

Housing choice and affordability are currently two of the biggest challenges facing communities throughout Oregon. But presently, the subject property could not provide "needed housing" as defined in ORS 197.286 and the submitted Conceptual Plan would not provide "needed housing" as defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.

For these reasons and in consideration of changes in the neighborhood and community, the proposed zone change should be denied.

Response to Requirement C

In response to Section 17.11.090(C): Development Standards. The applicant provided the following comment:

"*The applicant is **not** requesting Site and Design Review with this land use application. City staff will verify that specific development standards listed under Table 1 are met through a separate application process*".

In response to section 17.11.090(D): Design Standards the applicant provided the following comment:

"*As mentioned above, **the applicant is currently requesting** approval of a **Comprehensive Plan Map Amendment and Zone Change** application. When a Site and Design Review application is submitted for the planned apartment complex, City staff will verify that the above design standards are met.*"

In response to Section 17.11.110: Planned Development Residential Design and Development Standards the applicant provided following comment:

"*The applicant will be required to demonstrate compliance with the City's multi-family housing standards and Great Neighborhood Principles **when a** future **Site and Design Review application is submitted**.*"

What this all means is that the applicant has provided **no** development plans and **no** design proposal. Thus, there is **no** way to evaluate whether utilities and services can be efficiently provided to serve the **proposed uses**. In turn, the evaluation as to whether utilities and services can be efficiently provided must be based on potential uses in the proposed zoning change.

Notice, on page 8 and again on page 9 of the "Application for Land Use Review", the applicant identifies the subject property as 252,648 sq. ft. and on page 11 identifies that the zone change would allow for a maximum density that may not exceed four dwelling units per 5,000 square feet. In other words, utilities and services must be able to efficiently serve 202 dwelling units.

The applicant has not demonstrated that utilities and services can be efficiently provided to serve the potential uses in the proposed zoning change. In contract, the applicant provided ample evidence that utilities and services **cannot** be efficiently provided to serve the potential uses.

Notice, The City of McMinnville's Decision Document states that the:

McMinnville Engineering Division - wrote in response to this application **"***The existing sanitary system serving this property has capacity constraints. Changing zoning from M-1 to R-4 results in an increase from 360 (gpnad) to 2,848 (gpnad). Depending on the proposed density within the R4 zone there may or may not be a capacity concern.* The McMinnville Engineering Division also wrote "*based on recent experiences with nearby development projects, on-site infiltration systems adequate for stormwater may have constraints in this area due to soil conditions."*

McMinnville Water & Light - wrote *McMinnville Water & Light's electric distribution system serving the Three Mile Lane corridor has capacity to supply power to a 96-unit residential apartment complex. However, future* ***development would require additional electric infrastructure to be extended from the development site to MW&L's distribution system.*** *The cost and method of extension is unknown at this time and will be determined* ***after the developer submits an application*** *for service* ***and related development plans***. Further, according to McMinnville Water and Light the water system serving SE Stratus Avenue is only a 10" water main. To that point, McMinnville Water and Light wrote, adequate water may be available, but a hydrant flow test performed by the applicant's engineer or fire flow professional may be required to determine actual capacity and that the development will require additional domestic, irrigation, fire line and hydrant infrastructure to be extended **from the development site to MWL's water distribution system**.

Existing sanitary system constraints, constraints due to soil condition, additional electric infrastructure to be extended from the development site to MW&L distribution system, additional domestic, irrigation, fire line and hydrant infrastructure extended from the development site to MWL's water distribution system... is what the McMinnville Engineering Division and McMinnville Water and Light wrote based their findings and conclusionary finding when they applied them to the applicates narrative intended to demonstrate that "under the proposed zoning, the site [could] accommodate [a] development of 96 apartments" - Page 5, paragraph 1 of the application for zone change.

Again, **the applicant is not requesting a site and design review**, the applicant is currently requesting approval of a Comprehensive Plan Map Amendment and Zone Change application. Thus, the question of can utilities and services be efficiently provided must be applied to all **potential** uses in the proposed zoning district.

Further, Comcast: provided no comment; McMinnville Fire District: provided no comment and the report noted that the Oregon Department of Transportation "Likely will have comments **when a development application comes in**."

With respect to access, the subject property only has access through a single disputed easement to the north that connects the properties to SE Stratus Avenue, which is identified as a **minor** collector in the City's Transportation System Plan. This is not consistent with policy 71.13(3) which states direct access from a **major** collector or arterial street should be considered in determining areas appropriate for high-density residential zones. If it is not alarming enough that the only access to the subjected property is through a disputed easement, ordinance 17.53.100(C) *states that An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future,* ***shall be in the form of a street***. This is important because the creation of streets is regulated by 17.53.100 and the current property owner has not conformed with the standards required by the ordinance. Further, the current property owner has taken no action to even suggest that they would. Moreover, the current owner has not submitted a proposal, application, or any other document to suggest they intend to create a street. The current owner has not created by deed lands available for the creation of a street, nor has the current owner even submitted to the city engineer less than 15 days prior to the planning commission meeting at which consideration is desired the required documentation to even consider the creation of a street. Instead, the would-be subservient property owner has public objection to the would-be dominate estates proposed plan to create a street. But for the sake of argument, remove the fact that what is in discussion is a disputed easement on privately held land, ordinance 17.53.100(C)(1) states *If [an easement] is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three parcels including the original may then exist.* Note: the proposed zone change would not only result in more than three parcels, but it would also fundamentally alter covenants running with the land and would result in limitation on the manner in which the current owner(s) are able to use their own land.

Further, the subject site is not pedestrian or bike friendly. SE Stratus Avenue serves as an offramp from Highway 18, the posted speed on Highway 18 at the exit to Stratus Avenue is 55 mph and the exit speed exceeds safety standards assigned to most

residential zones. There are no sidewalks on the north side of Stratus Avenue, and it runs adjacent to Highway 18. There is limited sidewalk available on the south side of Status Avenue. Bicycles and vehicles are required to share the roadway. There are no other organized pedestrian or bike paths. The nearest cross street on Stratus Avenue is Norton Lane. This four-way intersection is controlled in three directions by stop signs that allow EMS and other emergency vehicles to quickly and without obstruction proceed to the entrance of the hospital's emergency department and Stratus Avenue dead ends in the opposing direction. To the east of the site is a signaled highway crossing along a Major Arterial Street under ODOT jurisdiction. Traffic is expected to slow from 55 mph as it approaches the signal, motorists can accelerate back to 55 mph as they move beyond the intersection. At all four corners of the intersection, there is a landing pad for pedestrian crossing. However, only one landing pad is connected to a bi-directional sidewalk, the other landing pads have no or limited connecting sidewalk.

The area is **not within** one-quarter mile from neighborhood and general commercial shopping centers as mandated by policy 71.13(7) and the subject area is **not within** a one-half mile wide corridor centered on an existing or planned public transit route as mandated by 71.13(6). More so, the subject area is **not within** walking distance of any of McMinnville's public schools, nor are any of the schools even accessible by a continuous sidewalk. The subject area **does not** allow for a safe and convenient network of residential streets to serve the neighborhood as mandated by policy 132.41.00. Instead, it would be more analogous to a cul-de-sac.

And it goes on-and-on policy 99.00 mandates an adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Overall, approval of this application would violate multiple goals and policies mandated by the city. It would not provide the "needed housing" defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. At present, this location could not provide "needed housing" as defined in ORS 197.286 but instead **is a check list of the worst developments** as described by the State of Oregon's "Smart Development Principles" isolated, homogeneous, automobile-dependent, absent of shopping, removed from dining, inconvenient proximity to work, recreation and entertainment opportunities.

To end, the subject area is industrially designated land currently being used for agricultural activities, consistent with policy 57. The subject land is part of a 20-year phased development plan as identified by policy 53 and is in the specific area policy 52 mandates with the full force of the authority of the City of McMinnville create a new

"limited light industrial" zone. This planning commission must be consistent with policy 49 and must use its zoning and other regulatory methods to prevent encroachment by incompatible land uses by issuing an immediate denial of the Comprehensive Plan Map Amendment and Zone Change (CPA 1-24 & ZC 4-24).

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Jeff Kozell		401 Main St Dayton 97114	on Enough!	2/4/25
Martha Brown	Martha Brown	1909 Fairgrounds Rd NE Salem 97114	Enough Apts	25-25

From: Mike Funk <mikefunk99@gmail.com>
Date: February 5, 2025 at 3:07:25 PM PST
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Cc: Greg McMullin <gmcmullin1@cox.net>, Mike Funk <mikefunk99@gmail.com>, moyerpa1@icloud.com

Subject: Plan Commission Review of a Comprehensive Plan Map Amendment and Zone Change Application for property at 2320 SE Stratus Avenue (M-1 to R-4 Zoning)

Good Afternoon Commissioners,

I am writing in response to support the proposed zone change located at 2320 SE Stratus Avenue from M-1 to R-4. This rezone and proposed development addresses the much needed affordable housing in the City of McMinnville and broader Yamhill County Community. The City of McMinnville needs to continue to address the shortage in housing as in the City of McMinnville's Housing Needs Analysis completed in June 2023 shows 52% of renter households in McMinnville are cost burdened. Housing is one of the critical areas the state, county, and city of McMinnville need to continue to address. This comp plan amendment and rezone does just that and follows the recently adopted Three Mile Lane Area Plan for this parcel to be zoned medium to high density residential. This project will meet locally and state identified housing needs and this proposed housing is in short supply in the local housing market of McMinnville and Yamhill County. I appreciate you taking my support into consideration and hope you will consider rezoning 2320 SE Stratus from M-1 to R-4 zoning.

Sincerely,

Mike Funk

Greg McMullin

Phyllis Moyer

2270 SE Stratus Avenue

From: Christine Kirk <omgirl57@yahoo.com>
Sent: Thursday, February 6, 2025 3:37 PM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: Cpa1-24

Dear Heather Richards,

My name is Christine Kirk, and I am writing to express my serious concerns regarding the proposed land use on Stratus. As a long-time resident of this neighborhood since 1994, I have witnessed firsthand both the benefits and the significant challenges brought about by the recent growth in McMinnville.

The current housing development underway is already straining our local infrastructure and resources. Before we proceed with further expansion, we need a comprehensive assessment of its potential impact on our community. Rushing into additional development without fully understanding the consequences could exacerbate existing issues such as traffic congestion, strain on public services (like schools and emergency response), and negatively affect the quality of life for existing residents.

While I understand the need for housing and appreciate McMinnville's growth, I believe a more measured and sustainable approach is necessary. We must prioritize careful planning and thorough impact studies before approving any further projects in this area. The potential negative consequences of unchecked development far outweigh the perceived short-term benefits.

My family and I have been proud residents of McMinnville since 1969, and I am deeply committed to seeing our city thrive responsibly. Therefore, I urge you to carefully consider the concerns outlined above and to advocate for a pause in further development on Stratus until a comprehensive impact assessment is conducted and reviewed by the community. Thank you for your time and consideration.

Sincerely,

Christine Kirk

From: Lisa Baker | RE/MAX <lbaker@remax.net>
Sent: Thursday, February 6, 2025 4:45 PM
To: Planning <Planning@mcminnvilleoregon.gov>
Subject: 2320 Stratus tonight

To the Planning Commission;

We know there is a need for housing.

However, you can't just dump ALL of the apartment units in one place.

Our neighborhood is already home to hundreds of apartments– HUGE developments that will make Highway 18 – already the scene of many an accident, all the more crowded and dangerous to access.

If you're going to do apartments, fine, do them. But spread them around the city so the impact to traffic and way of life for current residents isn't obliterated. And by the way, it's cruel to put all of the social services, all the public housing and now all of the apartments in one place. It will make this area unlivable.

No More Apartments!

Lisa Baker

503-476-5411

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Becker Michael	[signature]	4851 N.E. Mineral Sp Rd McMinnville OR	Stop The Expansion	29 Jan 25
John Gilly	[signature]	19351 NW Meadowlark		1-30-25
George R. [illegible]	[signature]	6539 SW [illegible]		1-31-25
James Robison	[signature]	999 Ferry St Dayton		1-31-25
[illegible]	[signature]	19509 Woodland [illegible]		1/31/25
Mallory Botten	Mallory Botten	1725 NW 5th Ct Mcminnville Oregon	NO MORE apartments!	2/1/25
Kate Guinness	[signature]	1925 SE Noble Ln ~~McMinnville OR~~	NO MORE APARTMENT ~~Too much traffic~~	2/3/25
Wayne Sem[illegible]	[signature]	2293 NW HAWK		
[illegible]	[signature]	PO Box 250 Yamhill OR 97148		2/3/25
Rick Grewingen	[signature]	PO Box 102 mcminnville OR		2-4-25
Preston C Henry	[signature]	19150 SW [illegible] Rd McMinnville 97128	Enforce EFU!	2/4/25

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Tom Arnbold	Tom Arnbold	610 SW Taft	Stop This	
Janice Bevan	Janice Bevan	737 Winter St · 97127	Stop	1/24/25
Kathy Roth	Kathy Roth	PO Box 585, Amity	Keep small Bs	1·24·25
Glenn Roth	Glenn Roth	PO Box 585, Amity	Keep Small BS	1·24·25
Bill Murray	W.R. Murray	22410 SW Hwy 18	Sheridan Small business only	1-24-25
Kerry McGrath	[illegible]	14190 NW Berry Creek Rd.	Keep Oregon green!	1-24-25
Jenn Melo	Jen Melo	1743 NW Woodland dr. McMinn	Keep Small	1-27-25
Brenda Botten	Brenda Botten	6594 NE Mineral Sp. Carlton	too much traffic	1-27-25
Jim Botten	Jim Botten	"	"	1-27-25
Eric Heigstad	[illegible]	20420 NE N Ladeburg Rd Dundee OR 97115		1/27/25
Brian Wilson	Brian Wilson	15225 SE Stringtown Rd Dayton 97114	~~[illegible]~~ Stop Changing Zoning	1/29/25

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Elvin R. Johnston	[signature]	1325 NW Medinah Dr	Stop!	1/17/25
Kathryn Johnston	Kathryn Johnston	1328 NW. Medinah Dr	Stop please	1/17/24
Julius Northington	[signature]	12021 Fox Ridge Rd	NO!	1/17/25
A. Dink Parday	[signature]	655 N.E Barnett Rd McMinnville, OR 97128	No / Stop	1/17/25
Jason Bizon	Jason Bize	315 Lawson LN 97128	Not Now	1/17/25
Francesco Dalteza	Fra. D.	2400 SE Stratus Ave.	Stop	1-18-25
Candelaria Pacheco	Candelaria Pacheco	2400 SE Stratus Ave	Stop	1-18-25
Neal Laurence	[signature]	9675 SW Bayod	stop	1-20-25
Dirk Nelson		3645 SE Harlow Ct Troutdale	stop	1-20-25
Paul Hill	[signature]	4547 NE 78th Rd Portland	Stop	1.21-25
Brad Drader	[signature]	309 NE Box St Sheridan Or 97378	Stop it, enough	1-22-25

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Lyle Pehan	[signature]	733 NE Galloway St		1/23/2025
Darren Roberts	[signature]	1486 SW Swann Ln		1/22/2025
STUART McRAE	[signature]	22075 Hwy 99W Amity		1/22/2025
Mason Wennerstrom	[signature]	10580 SW Old Sheridan rd		1/22/2025
Edgar Gonzalez	[signature]	1528 NW 8th St McM OR		1/23/2024
[illegible]	[signature]	P.O. Box Yth. Carlton		1/23/2025
Crystal Dale	[signature]	456 NW Dyreka Ct McMinnville OR 97128		1/23/25
Zeb Dale	[signature]	456 NW Dyreka Ct McMinnville OR 97128		1/23/25
John H	John H	1235 SW Brockwood ave unit 96		1/23/25
Dennis McGill	[signature]	1345 SW Fox Ridge McMinnville		1/23/25
Scott Brady	[signature]			1-24-25

February 4, 2025

VIA ELECTRONIC MAIL: *Evan.Hietpas@mcminnvilleoregon.gov*

City of McMinnville
Community Development Department
Attn: Evan Hietpas
231 NE Fifth Street
McMinnville, Oregon 97128

RE: Comprehensive Plan/Zone Change for 2320 SE Straus Avenue
Our File No: 45214-00001

Dear Mr. Hietpas:

My office has been engaged by AAB Properties LLC, an Oregon limited liability company and the owner of the commonly known as 2320 and 2330 SE Straus Avenue (my "***Client***"). My Client previously provided testimony in opposition to the Comprehensive Plan Amendment and Zone Change proposed for the above referenced property and designated by the City of McMinnville (the "***City***") as CPA 1-24/ZC 4-24 (the "***Application***"). This letter is intended to serve as additional written testimony in opposition to the Application. My Client understands that this Application is the first application to allow for the future development of an affordable housing development and is not currently proposing development of the Property, however, as the applicant, Commonwealth Development Corporation, has provided prospective development plans and as staff has recommended conditions of approval based on those prospective development plans, my Client is objecting to elements of the prospective plans that directly impact my Client's property.

SALEM
Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301
Post Office Box 470
Salem, Oregon 97308
tel 503.399.1070
fax 503.371.2927

BEND
Vision Plaza
404 SW Columbia St
Suite 150
Bend, Oregon 97702
tel 541.693.1070

As stated in Applicant's materials, the property that is the subject of the Application, commonly known as 2320 SE Straus Avenue and designated by the Yamhill County Tax Assessor as Tax Map and Lot Nos. R442700600 & R442700604 (the "***Subject Property***") is benefitted by an access easement that serves the Subject Property as well as the three adjacent parcels which are owned by my Client. The access easement was reserved by the previous owner of the Property. The easement was granted at a time when the properties were all held in common ownership and when the properties were designated as "Industrial" and zoned "M-1 Light Industrial." The Applicant identifies a 125-foot-long access easement as the means of accessing the Subject Property and acknowledges that the width of said easement is limited to 25 feet. Said easement serves three (3) legal parcels in addition to the Subject Property, which itself appears to be two (2) legal units of land. The Applicant's finding that this easement is able to provide the necessary access to Straus Avenue, as required by the City's Development Code (the "***Code***") Section 17.74.020(C) is inaccurate. While the Applicant is permitted to use the Easement for access to Straus Avenue, that access right is limited to the purpose for which the easement was granted at the time of that granting and cannot be expanded to meet the needs required by the additional 96 units. My Client suggests that access to the Subject Property be taken through the property to the east, which has developed streets that are better situated to serve residential traffic and which equally meets the requirement to locate access within 600 feet of a minor collector.

Further, my Client objects to the Applicant's finding that the Application has sufficiently addressed the criterion set forth in Code Section 17.74.020(B). The Applicant leans on the City's Housing Needs Analysis, suggesting that because it is providing needed housing, it does not need to address the impacts on the surrounding lands, but this is not accurate as Code Section 17.74.020(C) states that "criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map" and while the Housing Needs Analysis identifies the Subject Property as a candidate for redesignation, the City has not redesignated the Subject Property. By suggesting that the Applicant is able to access Straus Avenue through my Client's Property, the Applicant fails to account for the significant change that the additional trips associated with its conceptual development and proposed 96 units will have on my Client's property. While my Client acknowledges that there has been a shift in the needs of the community and that the proposed housing is needed, my Client cannot be required to accommodate the traffic generated by the proposed development and the Applicant bears the burden of demonstrating that a change in designation and the zoning of the Subject Property is consistent with the pattern of development in the surrounding area, which retains industrial, farming, and commercial uses as well as some residential uses. Adding 96 units of housing in this area with the addition of the trips identified in the Applicant's traffic study and proposing to run all of those trips through a 25ft access easement across fully developed and utilized industrial parcels does not satisfy the Applicant's burden to demonstrate that the proposed amendment is "orderly and timely considering the pattern of development in the area [or] the surrounding land uses." The Application does not satisfy this criterion.

The Applicant's proposal is not consistent with City Policy 68.00. The Subject Property is on the outer limits of the City and, as outlined above, does not have direct access to Straus Avenue in the manner claimed by the Applicant to accommodate development at the level of density permitted under the proposed zoning.

The Applicant's proposal is not consistent with the City's Transportation Goal VI 1 and its associated policies. Providing access for 96 units through existing developed industrial parcels will not allow for the safe and efficient movement of people to the street system. My Client and its Tenants utilize

the totality of their parcels outside of the easement for industrial uses, which includes the operation and movement of heavy machinery and large trucks. Routing residential traffic at the level permitted by the proposed zoning is unsafe. In the event he City approves the Application, in addition to the application of a trip cap, residential traffic should not be permitted to use the easement to access the Subject Property, access should be limited to the use of the local streets that provide access to the adjacent mobile home park, including Shore Line Way, Larch Fir Way, and Evergreen Parkway which appear to be mapped on the City's street system plans as local roads and would better comply with the applicable policies.

Additionally, as addressed previously, in the event that the Applicant develops the Subject Property in a way that is consistent with its conceptual plan, it will violate the City's prohibition on access easements serving more than four (4) parcels; the State Fire Code requirement that easements for residential uses of this time have access that is no less than twenty six (26) feet in width, and require improvements to my Client's property which are not permitted under the easement or consented to by my Client. Requiring my Client to modify its property for an adjacent use is outside of the City's authority and constitutes and unconstitutional taking.

The Applicant has failed to satisfy the applicable approval criteria that it is able to provide adequate access to the adjacent street system. My Client requests that the City either reject the Application or condition the zone change so that future residential development is prohibited from utilizing my Client's property to access Straus Avenue as they do not have the legal right to utilize or improve the access easement in a manner that would allow for the safe movement of pedestrian or vehicular traffic through my Client's property.

Sincerely,

Margaret Y. Gander-Vo

MARGARET Y. GANDER-VO
margaret@sglaw.com
Voice Message #374

Good evening, my name is Alex Botten, I live at 1725 NW 5th Ct, in McMinnville.

I would like to start by talking about the Great Neighborhood principles (Ordinance 5066) in relation to the Three Mile Lane Area Plan: and how these principles are not met by this zone change.

GOAL 1: Support and enhance the district's economic vitality and marketability. This plan aims to support development of significant industrial and commercial parcels within the study area, **enhance existing business** by diversifying goods and services available in the area, and increase tourism. It fails at this goal because apartments aren't **enhancing or diversifying** goods and services.

GOAL 2: Provide opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district. The study area contains several existing residential neighborhoods, including assisted-living and manufactured home residences, as well as major employers and tourism destinations. **A monoculture of apartments does not create a diverse and vibrant district.**

GOAL 3: Enhance multi-modal connections throughout the district. **This goal has not yet been achieved, when will it be achieved?**

GOAL 4: Create an aesthetically pleasing gateway to the City of McMinnville The study area is a primary gateway to the City of McMinnville. Alternatives will be evaluated qualitatively for how well they provide an identity for the district, reflect McMinnville's intrinsic character and highlight the landscape features of the district. **Apartment complexes on both sides of the "Gateway to McMinnville" are not aesthetically pleasing. Along with the dead and dying trees, and blackberry patches on both sides of hwy 18 that have been welcoming residents and tourists to McMinnville for decades.**

GOAL 5: Improve the district for existing and future McMinnville residents in the area. The City of McMinnville's Great Neighborhood Principles identifies amenities and facilities that should be present in all residential areas, including a variety of housing types, pedestrian and bicycle connectivity, preservation of scenic views and natural features, access to open space, and access to commercial necessities. This plan aims to support those Great Neighborhood Principles for residents in the study area by providing multi-modal connectivity, single-family and multifamily housing, provisions for open spaces, and commercial amenities, such as grocery stores, restaurants, and more. **None of this goal has been accomplished yet. When will it be achieved?**

City regulations (MMC 17.53.100(C)) allow up to three (3) parcels to utilize a shared access easement. **What about the 4th parcel?**

NW Log
Ed's
existing building to be demolished
5.4 acres of farmland

The City's current Housing Needs Analysis indicates that single-family and multi-family dwelling needs will be met through the development of 4,657 housing units during the 2021-2041 planning period. However, if all inventoried residential land supply is developed by 2041, the City will still maintain a deficiency of 1,926 dwelling units during the planning period.

A 26 acre parcel on Cumulus Ave (Baker Rock Site) is being proposed to re-zone to R-4 high density housing. At a density of 28 units per acre that could be up to 728 units. Along with the 138 units at Norton Landing, the 175 units at Stratus Village, and the proposed 96 units by Commonwealth, that equals 1137 units or 42% of the "available" land by 2041. (This is just the development going on withing the 3MLAP, not including the NW side of town). We are just over 4 years into this plan, what's the hurry to develop? Also all 4 of these sites have been re-zoned from commercial/ industrial into housing, and all 4 would be within 1000 feet of each other. McMinnville needs businesses with good paying jobs so people can afford homes, and not be forced to live in apartment complexes, which take up industrial/commercial land. Residents shouldn't have to navigate through a private business complex to get to their home. Use the 600 acres of residential zoned land first.

For these, and many more reasons I would like to see the Planning Commission deny this zone change.

TESTIMONY BY DR. E. MALCOLM GREENLEES

TO: MCMINNVILLE CITY PLANNING COMMISSION – FEBRUARY 6, 20255

IN THE MATTER OF REZONING AND IMPACT ON NORTHWEST LOGGING SUPPLY

Ladies and Gentlemen.

My name is Malcolm Greenlees – I am an emeritus professor of business and accounting at Linfield University – here in McMinnville. My wife and I came to the community in 1984 – and have lived here for the past 40 years During that time, I have served two terms on the McMinnville City Historic Landmarks Committee.

It has been my pleasure to see many changes and growth in the community and public institutions – including the City of McMinnville and its planning commission.

I am here today to testify AGAINST the proposed re-zoning of the property adjacent to and South of Northwest Logging Supply – in the Highway 18 Planning Area.

My Objections to the Re-zoning proposal are based on:

1. Use of and Mis-Use of Quantitative Criteria regarding the need for future housing units in McMinnville.
    a. The criteria for need for housing units is driven by State wide criteria imposed on the city planning department which do not consider unique McMinnville circumstances or conditions.
    b. The numeric guidelines for needed housing and time implementation guidelines are arbitrary and are based on assumption for other State of Oregon cities – not McMinnville historic experience or needs.
    c. The inventory numbers of available housing unit are inaccurate. The timing of the future expectations are not certain and when the units will come online is likely to be out of date very soon.
    d. The characterization of the types of housing units needed is not clearly understood. I would refer to the earlier testimony of Mark Davis regarding the inappropriateness of the Highway 18 location for city sponsored low income housing --is something I wholeheartedly agree with.

2. Other Planning Failures – previously addressed by others:
    a. Failure to consider impacts of removal of Useful Farm Lands
    b. Statewide Planning Criteria for building on farm lands have not been thought through or adequately considered.

c. Easement size including width, size and number of parcels served.
d. Failure to address the possible impacts of natural disasters without specification of adequate mitigation factors (like a new fire sub-station?)
e. Limitations on the size of area access roads – size and location
f. Necessity to demolish existing second level housing to provide easement access.
g. Residential construction without proper support facililties

3. Need for other industrial property within the city – IN APPROPRIATE LOCATIONS
   a. The project and its access requirements will likely drive two local businesses to move. Both Northwest Logging and the Transmission Shop will have great difficulty finding good quality Light Industrial Land for relocation in the McMinnville area. The rezoning will have the effect of handcuffing two successful businesses by government approval rules.
   b. Without a detailed study and a needs assessment for future Light Industrial Property – removing or downzoning of 2 existing Light Industrial Properties is a thoughtless and short-sighted decision.

4. Impact on Local businesses and long-standing community families.
   a. The owner of Northwest Logging Supply – Alex Botten has been a long time McMinnville Community member. His family has lived in the area for many years and his brother is also a local business owner. I have known his Family for many years and Alex is a former student of mine at Linfield. Alex and his family have had long and significant history of voluntary contributions in the community.

   b. Approving this rezoning request would be a significant hardship on Alex and his family – and would NOT reflect the best values of good governmental decision making.

   c. I urge you to reject this rezoning proposal.

Thank you for allowing me to testify on this matter.

Zone change of light industrial to high density

From: Kory Knutz (koryknutz@gmail.com)

To: nwlogging@yahoo.com

Date: Thursday, February 6, 2025 at 02:41 PM PST

Zone change of light industrial to high density

My name is Kory Knutz, I live at 14507 SW Peavine Rd, McMinnville OR 97128.
I've done business with NW logging for 36 years and I'm quite familiar with navigating the property during peak times of use. I'm very skeptical of adding high density housing to the already busy mix of tractor truck deliveries, landscapers with trailers, and other clients and employees all doing battle to find a space to park. Currently, the property is fully utilized and is just large enough to accommodate current activities. On the last meeting multiple neighbors and myself spent most of our time expressing the safety concerns of how children and residents would interface with the proposed plan of mixing light industrial with high density housing, and it was not a positive one.
Tonight I'd like to drill down on what appears to me to be an overburdening of a 25' easement. From what I've seen in the past, entrances to a high density residential property require at least one 5' side walk and a curb down both sides. This leaves 19' of remaining easement for two lane traffic accessing all current establishments and the 96 unit high density housing project. Does 19' of drive lanes meet code? What about typical landscaping that skirts the access lanes? Will the landscape requirements be dropped in order to fit the undersized 25' easement? This idea of high density housing on this lot is ahead of its time… meaning, if there was a secondary street to at south border to shoulder the burden of traffic, I'd be more agreeable to such a proposal. This idea resembles the metaphor of trying to fit 6 gallons of crap in a 5 gallon pail. So I strongly oppose the zoning change to high density. This property is very narrow and would lend itself to serving better as RV storage, or storage units with minimal traffic impacts. Thank you planners for your careful objective consideration of this proposal.

Kory Knutz
Valley Green Landscape
P.O. BOX 90
McMinnville, OR
97128
PH: 503.437.0007

From: Christine Kirk <omgirl57@yahoo.com>
Sent: Tuesday, March 4, 2025 4:56 PM
To: Planning <Planning@mcminnvilleoregon.gov>
Subject: Project three and four zone chain Request Stratus Ave., Westlake consultants

---

Dear McMinnville Planning Commission,

I am writing to you today as a longtime resident of McMinnville, having lived in this community since 1969. During that time, I've witnessed significant growth and have actively supported initiatives aimed at expanding housing options within our city. However, I believe that the current trajectory of high-density housing development in the southeastern sector of McMinnville, particularly in the Norton Lane and Stratus Avenue neighborhoods, requires immediate reevaluation.

My concern centers around the lack of adequate infrastructure to support the rapid influx of residents these projects would bring. The proposed zoning change at 2320 SE Stratus Avenue, along with the expansive 26-acre high-density housing project on Cumulus Avenue, presents a serious risk of overwhelming our existing resources. This includes, but is not limited to, potential strain on our roads, water supply, sewer systems, schools, and emergency services. Without substantial investments in infrastructure upgrades to parallel this level of growth, we risk a significant decline in the quality of life for current residents.

Therefore, I urge the Planning Commission to carefully consider the long-term consequences before approving these projects. I respectfully request a pause in the approval process for the 2320 SE Stratus Avenue zoning change and a thorough review of the feasibility of the Cumulus Avenue project, with a focus on ensuring sufficient infrastructure is in place to accommodate the increased population density. A comprehensive environmental impact assessment, including traffic studies and analyses of water and sewer capacity, is also crucial. This proactive approach will help us preserve the character and quality of life that makes McMinnville such a desirable place to live.

Thank you for your time, consideration, and commitment to responsible community planning.

Sincerely,

Christine Kirk

2559 Northeast Norton Court

McMinnville, OR 97128

City of McMinnville
231 E Fifth Street
Mc Minnville Oregon 97128

Attention Planning Commission Chairman and Committee

RE: Zone change from commercial to residential on tax lot 6oo.

Gentlemen,

As a concerned citizen I am writing in opposition to the subject zone change and to protest the removal of potential future business property in favor of questionable more high density residential development, in what is fast becoming an area of large apartments.

First the subject land is land locked by the current city line and the urban growth boundary. The partition approved by the City on docket BLA-1-07 on January 29,2007 creates a 25 foot easement for utilities and access. The size of the easement speaks to the intent of same, which, it was not created for any general public access use of motor vehicles which will occur if the subject is developed as high density residential property, further, to provide a minimum code correct street with curbs, sidewalks, waste water sewer drains, will require more than a 25 foot easement. Because the approved location of said easement is not parallel to the east lot line, but angles and turns through out its length, any location relocation would most likely extinguish the easement making its existence moot

A safe street, built to City code will require the City to procure the necessary right of way by use of eminent domain and proving, in court, the public need for additional high density residential property and justifying the additional heavy traffic through a commercial zone and the negative impact on the existing long established retail business effected.

Two possible alternatives to avoid this disaster come to mind. First it appears apparent that eventually the urban growth boundary will be extended west ward to include that property on both sides of Lawson and Nobel Lanes thus it make sense to delay development of tax lot 600 until such time as the subject can be included in the over all development of the increased urban boundary. Second, if the zone change is granted, require the developer to provide legal safe access to City standards with out the City engaging in the unsavory legal necessities of acquiring the necessary right of way by eminent domain to the benefit of the developer.

Sincerely

W.K.Nourse lll
654 NW 12th ST.
McMinnville Oregon

CC: North Logging

LUTHERAN Community Services NORTHWEST

Serving Yamhill County Since 1983

3.14.2025

Subject: Plan Commission Review of a Comprehensive Plan Map Amendment and Zone Change Application for property at 2320 SE Stratus Avenue (M-1 to R-4 Zoning)

Good afternoon Commissioners,

As our community continues to grow, it is essential that we address the increasing demand for affordable housing, which has become a critical issue for many individuals and families, in our area.

In our service to the children and families in Yamhill County, access to affordable housing has become a larger and larger stressor to the families we serve and a growing barrier to their stability. The lack of affordable housing options not only places a strain on families but also affects the overall economic health and well-being of our community.

A newly released Oregon Housing Needs Analysis in December of 2024 shows there is a need for 4,660 new housing units with 2,120 of the units needing to be at or below 60% of the Area Median Income. Housing is one of the critical areas the state, county, and city of McMinnville need to continue to address. This comp plan amendment and rezone follows the recently adopted Three Mile Lane Area Plan for this parcel to be zoned medium to high density residential.

I am writing in response to support the proposed zone change located at 2320 SE Stratus Avenue from M-1 to R-4. This proposed development will continue to address the critical affordable housing needed in the City of McMinnville and Yamhill County Community. This project will meet locally, and state identified housing needs.

Thank you for your time and consideration to this important issue and hope you consider rezoning 2320 SE Stratus from M-1 to R-4 zoning.

Sincerely,

Jordan Robinson, MSW

District Director for LCSNW

The Law Firm Of
Haugeberg, Rueter, Gowell,
Fredricks & Higgins, P.C.

Douglas S. Fredricks, LL.M. Tax*
Dianne L. Haugeberg, LL.M. Tax*
Karin A. Moshier
Tyler C. Yeoman-Millette
Katherine L. Gowell**
Mikayla E. Wallace
Allison L.A. Rude
*Also admitted in California
**Also admitted in Colorado

March 18, 2025
City of McMinnville
Community Development Department
Attn: Evan Hietpas
231 NE 5th Street
McMinnville, OR 97128

RE : Comprehensive Plan Amendment 1-24/Zone Change 4-24 for 2320 SE Stratus Avenue

To Whom it May Concern:

The law firm of Haugeberg, Rueter, Gowell, Fredricks, & Higgins, PC represents Jennifer Feero, Andrea Feero, and Jodi Devonshire. Our clients are the current owners of 2320 SE Stratus Avenue and support the Comprehensive Plan Amendment and Zone changed under CPA 1-24/ZC4-24 by Commonwealth Development Corporation.

In addition, our firm has represented the previous owner of the property, Kurt Feero, for over twenty years prior to his passing. This representation included many real estate and business transactions, including representation by Attorney Walt Gowell in the 2007/2008 partition of the subject property under BLA 1-07/MP 1-07.

First, our firm would like to provide context surrounding the access and utility easement that serves 2320 SE Stratus Ave. The easement was expressly granted at the time of the 2007/2008 partition to ensure adequate access to Stratus Ave for three landlocked parcels, two of which comprise the property subject to the application. As can be reviewed on the recorded plat, attached for convenience, the easement on its face was not limited in scope. When a written document outlines the nature of an easement, interpretation should prioritize the grantor's intent as expressed in the document related to rights and obligations of the parties. In no instance was the easement only intended for access to "Industrial" or "M-1 Light Industrial" zoned properties. This type of restrictive interpretation is not supported by established legal standards governing express easement grants. Further, the plat indicates and clarifies that the easement is for the benefit of three legal parcels but serves a total of four.

Further, Attorney Walt Gowell confirmed that it was never Mr. Feero's intention at the time of easement grant to limit his ability to develop his remaining property, regardless of its ultimate end use. Doing so would be contrary to Mr. Feero's best interests, both as a property owner and a longtime real estate developer. While Mr. Feero did not develop the subject property during his

lifetime, our firm can confirm his intent to do so, which is evidenced by his reorganization of the boundary lines of the property and its subdivision. These development plans included those related to housing. Mr. Feero reserved an express easement for access and utilities so as to ensure his ability and flexibility to develop the property as he saw fit.

In addition, the comment that access streets are better situated to the east to serve residential traffic is not reasonable or likely feasible. Negotiations would need to be undertaken with third party property owners. In addition, separate infrastructure would need to be erected to facilitate such access. Doing so would cause significant cost increases that are completely unnecessary as legal access is already provided. My understanding is that the applicant has endeavored to work with the adjacent property owners and re-designed its conceptual plan in an effort to address Northwest Logging Supply's concerns to allow for free flow of traffic and turnaround room for all users.

Moreover, it is the City's policy to encourage a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner. Providing access from Stratus Ave as a frontage road speaks directly to the City's aims for safe transportation of individuals. This is accomplished in that most heavy and through traffic will be routed through Three Mile Lane, and not on the frontage road. Stratus Ave is designed to provide access to businesses and residences from a road that has less traffic at lower speeds. This transportation plan is not aimed at the use of private property parcels for one business or individual. While there may be the operation and movement of heavy machinery and large trucks at Northwest Logging Supply adjacent to this proposed development, this is outside of the easement area/ residential use area and is not relevant to the matter at hand. In fact, while not required to do so (and previously discussed), the applicant has agreed to move the access easement farther away from the current business that may be affected, making access easier and safer for everyone.

Finally, those objecting to the application also misplace how the criterion should be applied regarding Code Section 17.74.020(B), as well as Goal 2 and City Policy 68. This application is consistent with the Comprehensive Plan, the Three Mile Lane Area Plan, Goal 2, and related policies as further discussed in the application. The Three Mile Lane corridor is a mix of residential, commercial, agricultural, and industrial uses. The use and needs of this area are rapidly changing. The City of McMinnville has worked to develop and approve a plan to address the efficient and best use of real property through this corridor and located inside of the Urban Growth Boundary. Opponents claim that because this property is located on the outskirts of the city, residential development is not appropriate. However, all facts and circumstances should be considered. The subject property is surrounded by existing and/or future residential development with close access to the city center, while commercial and industrial properties are concentrated and grouped farther away, closer to the McMinnville hospital and airport. In fact, the Three Mile Lane Area Plan contemplates this property to be used for residential purposes. The construction of residential uses is efficient in this area, with many services and utilities already sourced.

My clients are in favor of the proposed application and future development of this property for residential purposes. It is clear that not only does the applicant meet all the criteria for a Comprehensive Plan Amendment and Zone Change, as supported by City of McMinnville Staff,

the applicant's vision for development also meets a tremendous need and reflects the changing nature of the area.

Thank you for your consideration.

Sincerely,

Katherine L. Gowell

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK
200800276
$66.00
01/07/2008 02:43:10 PM
PR-PARPR Cnt=1 Stn=2 ANITA
$45.00 $10.00 $11.00

PARTITION 2008-02

for: Kurt Feero

Docket No. BLA 1-07/MP 1-07

Location: NW 1/4 Section 27, T. 4 S., R. 4 W., WM., City of McMinnville, Yamhill County, OR

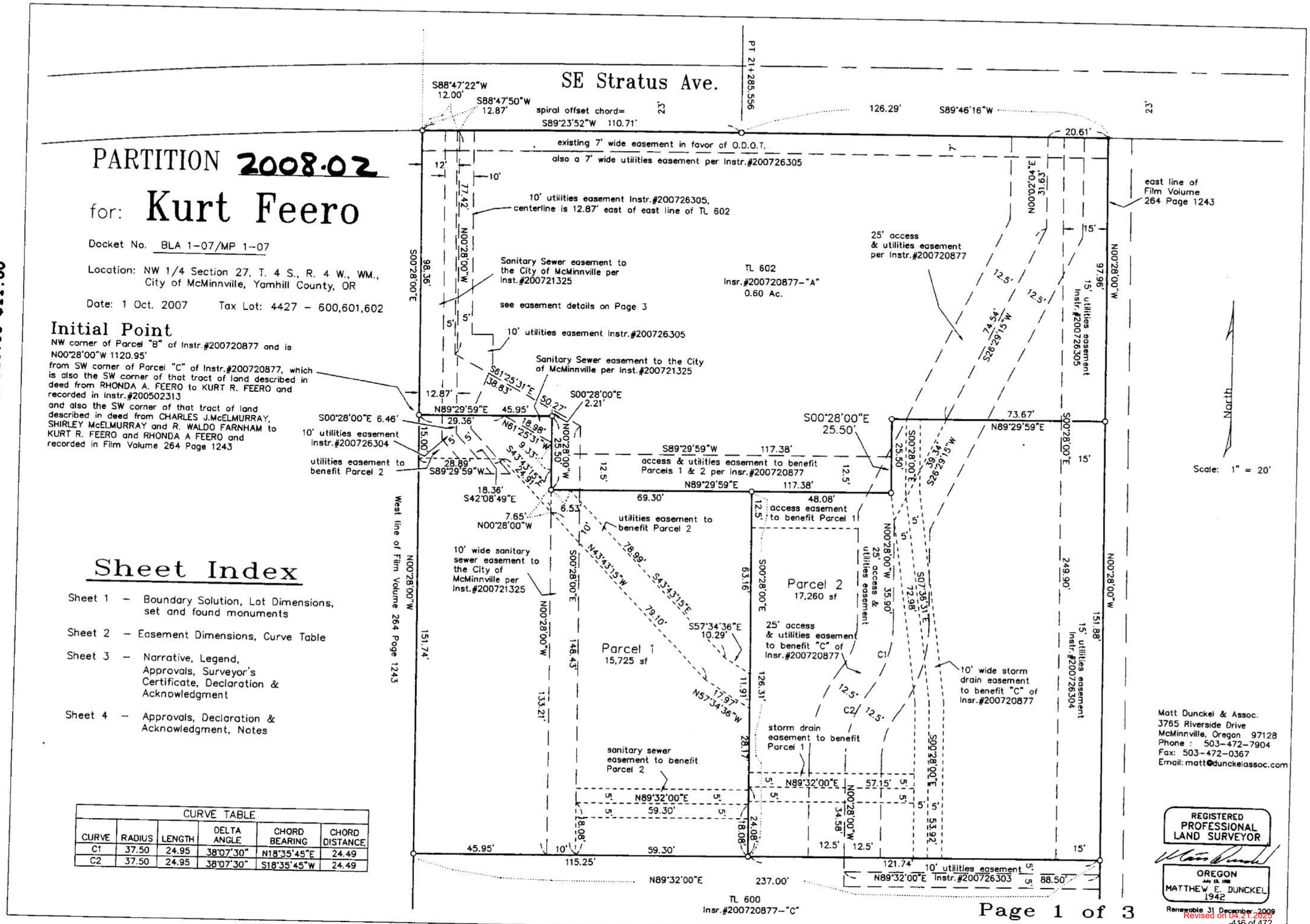
Date: 1 Oct. 2007 Tax Lot: 4427 - 600,601,602

Initial Point

NW corner of Parcel "B" of Instr.#200720877 and is N00°28'00"W 1120.95' from SW corner of Parcel "C" of Instr.#200720877, which is also the SW corner of that tract of land described in deed from RHONDA A. FEERO to KURT R. FEERO and recorded in Instr.#200502313 and also the SW corner of that tract of land described in deed from CHARLES J.McELMURRAY, SHIRLEY McELMURRAY and R. WALDO FARNHAM to KURT R. FEERO and RHONDA A FEERO and recorded in Film Volume 264 Page 1243

Sheet Index

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA ANGLE	CHORD BEARING	CHORD DISTANCE
C1	37.50	24.95	38°07'30"	N18°35'45"E	24.49
C2	37.50	24.95	38°07'30"	S18°35'45"W	24.49



Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: matt@dunckelassoc.com

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
July 13, 1988
MATTHEW E. DUNCKEL
1942
Renewable 31 December 2009

Revised on 04.21.2025
116 of 472
6106

PARTITION 2008-02

for: Kurt Feero

Docket No. BLA 1-07/MP 1-07

Location: NW 1/4 Section 27, T. 4 S., R. 4 W., WM., Nehamiah Martin Donation Land Claim #83, City of McMinnville, Yamhill County, OR

Date: 15 Dec. 2007

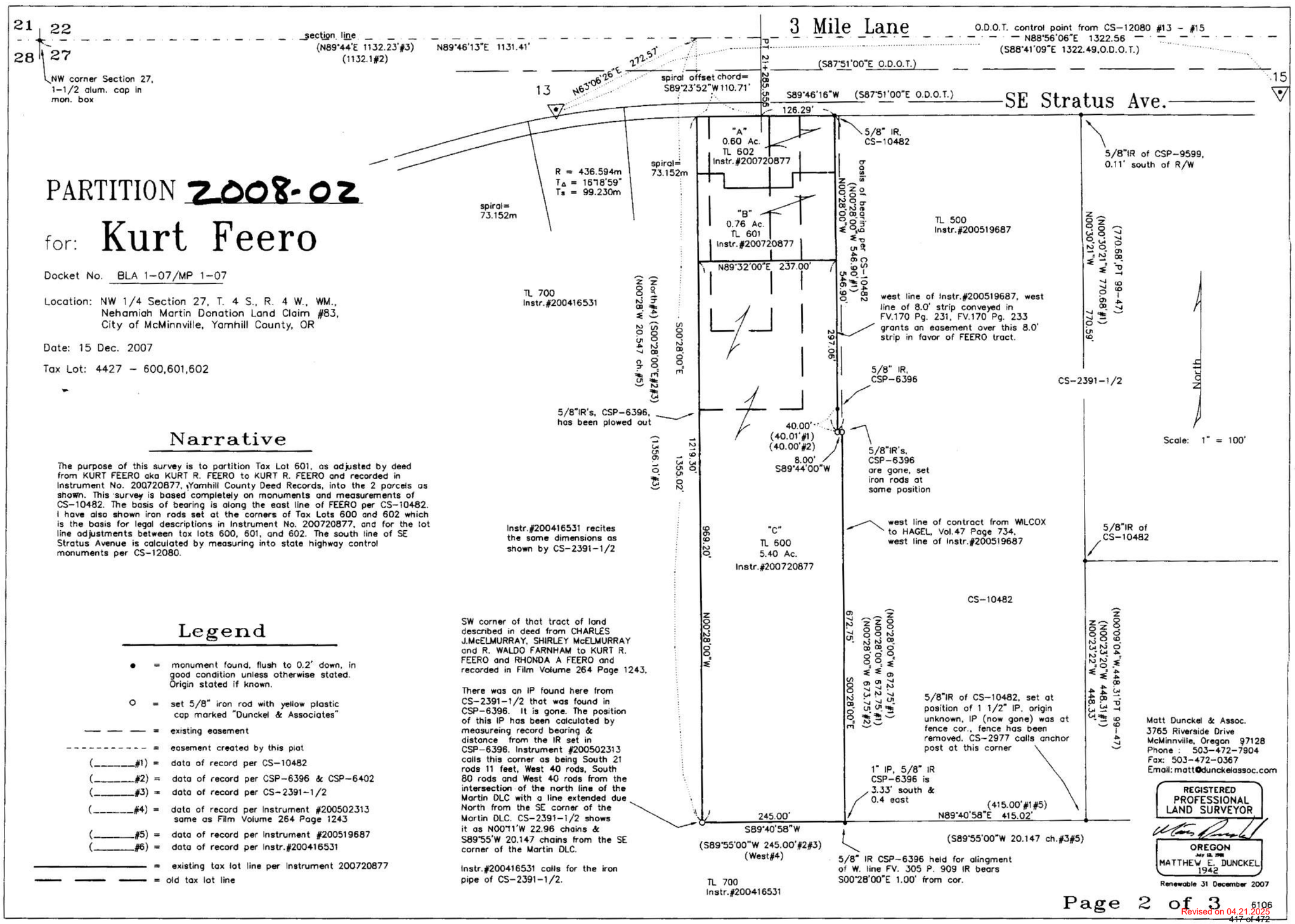
Tax Lot: 4427 - 600,601,602

Narrative

The purpose of this survey is to partition Tax Lot 601, as adjusted by deed from KURT FEERO aka KURT R. FEERO to KURT R. FEERO and recorded in Instrument No. 200720877, Yamhill County Deed Records, into the 2 parcels as shown. This survey is based completely on monuments and measurements of CS-10482. The basis of bearing is along the east line of FEERO per CS-10482. I have also shown iron rods set at the corners of Tax Lots 600 and 602 which is the basis for legal descriptions in Instrument No. 200720877, and for the lot line adjustments between tax lots 600, 601, and 602. The south line of SE Stratus Avenue is calculated by measuring into state highway control monuments per CS-12080.

Legend

- ● = monument found, flush to 0.2' down, in good condition unless otherwise stated. Origin stated if known.
- ○ = set 5/8" iron rod with yellow plastic cap marked "Dunckel & Associates"
- — — — = existing easement
- - - - - - - - - - = easement created by this plat
- (_____#1) = data of record per CS-10482
- (_____#2) = data of record per CSP-6396 & CSP-6402
- (_____#3) = data of record per CS-2391-1/2
- (_____#4) = data of record per Instrument #200502313 same as Film Volume 264 Page 1243
- (_____#5) = data of record per Instrument #200519687
- (_____#6) = data of record per Instr.#200416531
- ——————— = existing tax lot line per Instrument 200720877
- — — — — = old tax lot line



Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: matt@dunckelassoc.com

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON July 13, 1982 MATTHEW E. DUNCKEL 1942

Renewable 31 December 2007

6106

Revised on 04.21.2025

PARTITION 2008-02

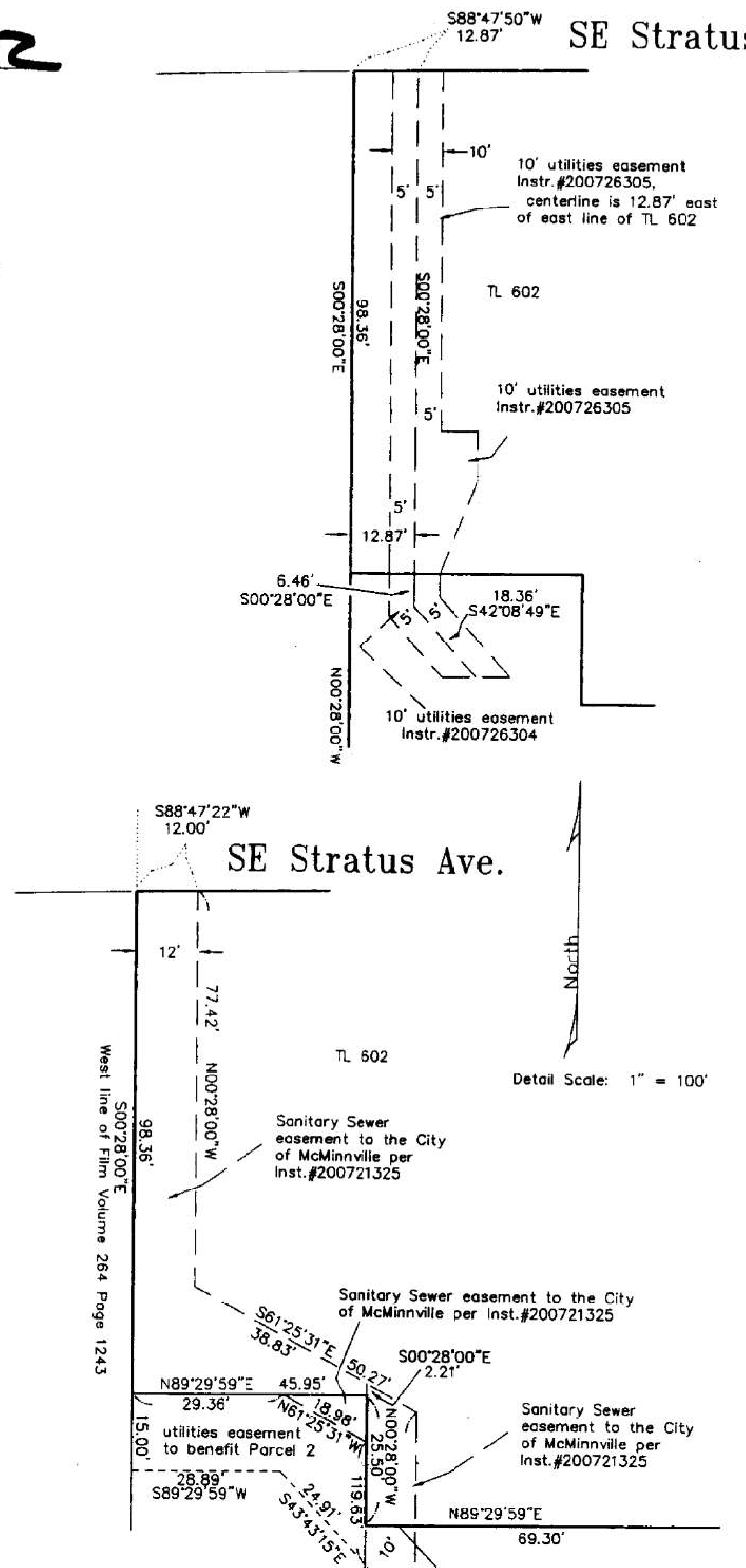
for: Kurt Feero

Docket No. BLA 1-07/MP 1-07

Location: NW 1/4 Section 27, T. 4 S., R. 4 W., WM., Nehamiah Martin Donation Land Claim #83, City of McMinnville, Yamhill County, OR

Date: 15 Dec. 2007

Tax Lot: 4427 – 600,601,602



DECLARATION

KNOW ALL MEN BY THESE PRESENTS that KURT R. FEERO is the owner of the lands represented on the attached map and more particularly described in the Surveyors Certificate, and has caused said lands to be partition into the 2 parcels and easements as shown, and grant all easements for the purposes as shown.

Affidavit of Consent to the Declaration
By: KURT R. FEERO

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK
200800274
$26.00
01/07/2008 02:42:51 PM
PR-AFFPR Cnt=1 Stn=2 ANITA
$5.00 $10.00 $11.00

APPROVALS

[signature] 24 Dec 07
City of McMinnville Date
Community Development Director

[signature] 12/24/07
City of McMinnville Date
Planning Director

[signature] 12.27.07
City of McMinnville Date
Water & Light Commission

[signature] 1-2-2008
Yamhill County Surveyor Date

Pursuant to O.R.S. 92.095. Taxes have been paid or bond posted to this
date: 6-30-2008
[signature]
Yamhill County Tax Collector

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK
200800276
$66.00
01/07/2008 02:43:10 PM
PR-PARPR Cnt=1 Stn=2 ANITA
$45.00 $10.00 $11.00

SURVEYOR'S CERTIFICATE

I, Matt Dunckel, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as Parcels 1 and 2, being Parcel "B" of that tract of land described in deed from KURT FEERO aka KURT R. FEERO to KURT R. FEERO and recorded in Instrument No. 200720877, Yamhill County Deed Records, and being more particularly described as follows:

Beginning on the west line of that tract of land described in deed from CHARLES J.McELMURRAY, SHIRLEY McELMURRAY and R. WALDO FARNHAM to KURT FEERO and recorded in Film Volume 209 Page 2368, Yamhill County Deed Records, at a point that is North 00°28'00" West 1120.95 feet from the southwest of that tract of land described in deed from RHONDA A. FEERO to KURT R. FEERO and recorded in Instrument 200502313; thence North 89°29'59" East 45.95 feet to an iron rod; thence South 00°28'00" East 25.50 feet to an iron rod; thence North 89°29'59" East 117.38 feet to an iron rod; thence North 00°28'00" West 25.50 feet to an iron rod; thence North 89°29'59" East 73.67 feet to an iron rod on the east line of said KURT R. FEERO tract; thence South 00°28'00" East 151.88 feet along said east line to an iron rod; thence South 89°32'00" West 237.00 feet to an iron rod on the west line of said FEERO tract; thence North 00°28'00" West 151.74 feet along said west line to the point of beginning.

[signature]
Matt Dunckel
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: matt@dunckelassoc.com

REGISTERED PROFESSIONAL LAND SURVEYOR
[signature]
OREGON
MATTHEW E. DUNCKEL
1942
Renewable 31 December 2009

Written Testimony

To: heather.richards@mcminnvilleoregon.gov

From: William Barlow III

March 18, 2025

Re: Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1- 24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604) – Public testimony in opposition to a Comprehensive Plan Map Amendment from Industrial to Residential and a Zone Change from M-1 to R-4 for approximately 5.8 acres as submitted by Commonwealth Development Corporation.

This written testimony is being submitted in advance of the Planning Commission Thursday, March 20, 2025, 6:30 PM regular meeting via email before 12 p.m. the day before the meeting to heather.richards@mcminnvilleoregon.gov, and should be provided to the planning commissioners, lead planning staff and entered into the record.

Chair Winfield, and members of the commission,

For the record, my name is William Barlow III, I am a resident of McMinnville, my mailing address is P.O. Box 812.

Thank you for accepting my written testimony regarding the proposed zone change for the property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604.

Since I last addressed the commission, I have grown increasingly alarmed by the manner in which the forementioned zone change application has been handled. First the conduct of public officials associated with the matter and secondly the way the Comprehensive Plan Map Amendment and Zone Change Criteria as identified by 17.74.020 has been interpreted.

To begin, in 1974, voters approved a statewide ballot measure to create the Oregon Government Ethics Commission. The measure established laws that are contained in Chapter 244 of the Oregon Revised Statutes (ORS).

Now for a bit of background, when the Commission was established, it was given jurisdiction to implement and enforce the provisions in ORS Chapter 244 related to the conduct of public officials. In addition, the Commission was given jurisdiction over ORS 171.725 to 171.785 and 171.992, related to lobbying regulations, and ORS 192.660 and 192.685, the executive session provisions of Oregon Public Meetings law.

The provisions in Oregon Government Ethics law restrict some choices, decisions or actions of a public official. Be aware, the restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust. Unfortunately, it appears the provisions in ORS Chapter 244 that were enacted to provide one safeguard for that trust have been violated as they relate to the Planning Commission Thursday, March 20, 2025 6:30 PM Regular Meeting Agenda item 3A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1- 24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604).

Remember, ORS 192.620 states “The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of [the Public Meetings Law] that decisions of governing bodies be arrived at openly.” Further, The Public Meetings Law applies to any

governing body of a public body. Note, ORS 192.610(6) defines "public body" as the state, any regional council, county, city or district, or any municipal or public corporation; or any agency of those entities, such as a board, department, commission, council, bureau, committee, subcommittee, or advisory group. Ordinarily, staff meetings are not covered by the Public Meetings Law because the staff do not make decisions for or recommendations to a "public body." But in this case the staff has made both decisions and recommendations. Moreover, ORS 192.610(5) states that if two or more members of any public body have "the authority to make decisions for or recommendations to a public body on policy or administration," they are a "governing body." Thus, Public Meetings Law should have been followed but it quite simply was not.

More so, a meeting for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body may be subject to the meetings law if it includes deliberation or decision on a matter that may come before the governing body. According to ORS 192.610(1) this includes serial electronic written communications and using an intermediary to communicate among participants. Further, the Public Meetings Law expressly recognizes that meetings conducted by telephonic conference calls or "other electronic communication" are subject to the Public Meetings Law. More so, lobbying, placing a signature on a government agency's document or making a recommendation could constitute the prohibited use or attempted use of the public official's position and be in violation of Oregon Ethics Law. But that has not stopped staff from providing response to the testimony in opposition of the Comprehensive Plan Map Amendment. Nor has it stopped staff from negotiating conditions to future development and design in exchange for their support of the Comprehensive Plan Map Amendment. If that is not shocking enough, staff has received supplemental materials provided by the applicant and recommend approval of the Comprehensive Plan Map Amendment and Zone Change application before public testimony has concluded.

The bottom line is, ORS 192.610(5) states a body that has authority to make recommendations to a public body or policy or administration is a governing body. Further, governing entities of public bodies must deliberate and make decisions in the open.

Secondly, The Comprehensive Plan Map Amendment and Zone Change Criteria as identified by 17.74.020 states an amendment to the official zoning may be authorized, provided that the proposal satisfies all relevant requirements of the ordinance.

In rebuttal to public testimony, staff through Director Richards argued that the Comprehensive Plan Map Amendment and Zone Change concerns "needed housing". Thus, they argued that criterion "B" shall not apply. I stand in opposition to their conclusion, and I am supported in my opposition by McMinnville's Housing Needs Analysis report.

It is simply not true that a Comprehensive Plan Map Amendment (CPA 1- 24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604 would provide "needed housing". But for the sake of argument let's just for a moment say it did; the condition that allows criterion "B" to not apply is specific to the rezoning of land designated for residential use on the plan map. In essence it allows for a single-family residential property to be rezoned to a multifamily residential property. It does not allow for the invasion of an industrial property for residential use. Thus, this Comprehensive Plan Map Amendment and Zone Change application must satisfy all requirements of ordinance 17.74.020 including conditions A, B, and C.

Notice, McMinnville's Housing Needs Analysis report, presents a housing needs analysis for the City of McMinnville. It was completed to comply with statewide planning policies that govern planning for housing and residential development, including Goal 10 (Housing) and applicable statutes such as ORS 197.296 and OAR 660 Division 8. Note: the passage of the Oregon Land Use Planning Act of 1974 established the Land Conservation and Development Commission and the Department of Land Conservation and Development. The Act required the Commission to develop and adopt a set of statewide planning goals. At a minimum, local housing policies must meet the requirements of Goal 10 and the statutes and administrative rules that implement it (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008).

So, what is "needed housing" Goal 10 defines needed housing types as "housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels." Moreover, as used in ORS 197.307, "needed housing" means all housing on land zoned for residential use or mixed-residential and commercial use that is determined to meet the needs shown for housing within an urban growth boundary. This means that McMinnville must identify needs for all housing types as well as adopt policies that increase the likelihood that needed housing types will be developed. This is important to understand so I'll come back to it again, but the final determination of needed mix and density was 55% single-family detached housing, 12% single-family attached housing and only 33% multifamily housing; or 5.46 dwelling units per gross acre.

The law is set up to treat housing mix and density as destiny – treating them as a given to adhered to; notice this is more than mantra, needed mix and density are statutory components of a housing needs analysis. In contrast, the desire of a developer and a frivolous application for zone change is simply whimsical; it does not comply with statewide planning polices, statutes nor established goals. Remember, if households make different housing choices than were initially expected or predicted then, per the statues, McMinnville has not achieved the correct

mix and must adjust because the predictions may not have accurately reflected the socioeconomic and demographic characteristic or housing choices of the city's current and future residents.

Furthermore, ORS 197.296(7) requires cities to "determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs. Moreover, ORS 197.296 requires the analysis of housing mix and density to include the past five years. Additionally, cities with a population of 25,000 or more (including McMinnville) are required to comply with ORS 197.296(1)-(9) and must conduct an analysis of housing need by housing type and density range to determine the number of needed dwelling units and amount of land needed for each housing type in the next 20 years. Broadly, ORS 197.296(2) requires cities to demonstrate that its comprehensive plan provides sufficient buildable lands within the urban growth boundary to accommodate estimated housing needs. The capacity analysis not only estimated the development potential of vacant and partially vacant residential land, but it also excludes land brought into the UGB in 2020 for commercial, industrial, or public/semi-public uses.

Additionally, the residential land needs analysis and capacity analysis accounted for land that will be needed for new streets within residential areas by applying a net-to-gross-buildable-acreage factor and density factor. The assessment of needed densities was based on the five factors stated in ORS 197.296(5). The analysis assumed that housing types will locate in zones that permit the dwelling unit outright and acknowledged that Great Neighborhood Principles, may affect the location and distribution of dwelling units. After all that analysis was complete, the property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604 was not identified as strategically important to meeting McMinnville housing needs.

Again, the final determination of needed mix and density was 55% single-family detached housing, 12% single-family attached housing and only 33% multifamily housing; or 5.46 dwelling units per gross acre. High-density housing at 2320 SE Stratus Avenue, simply would not result in "needed housing" mix or density. Further, it would not be consistent with statutory guidance. The language of Goal 10 nor ORS 197.296. McMinnville is required to provide needed housing types for households of all income levels – from those with no home to those with second homes. McMinnville is also required to make a local housing needs projection that determines the needed mix of housing types and densities that are (1) consistent with the financial capabilities of present and future area residents of all income levels during the planning period, (2) consistent with adopted housing standards, and (3) consistent with requirements of Goal 10, Goal 14, OAR 660-008, and ORS 197.296.

The bottom line is, the "McMinnville Housing Needs Analysis" provided McMinnville with the factual basis to update the housing elements of the City's comprehensive plan and zoning code. The 2023 plan includes the results of the 2021 UGB amendment and the provisions of HB 2001.

Further, it is intended to comply with statewide planning polices, statutes and goals. Remember, warehousing of people does not equate to "needed housing" and however well intentioned, density does not necessarily equate to affordability. What's worse is the Comprehensive Plan Map Amendment (CPA 1- 24) and Zone Change (ZC 4-24) for the property at 2320 SE Stratus Avenue would not provide more low- and moderate-income individuals with the tools to successfully achieve and maintain homeownership. Nor would it create zoning for housing opportunities in which households could make choices about housing that meets their needs by providing choices consistent with their preferences.

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Revised on 04.21.2025
425 of 472

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
HAL A. BELLOWS	Hal A. Bellows	P.O. BOX 474 CARLTON, OR 97111	—	5-17-2025

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Mary Wilson	[signature]	10135 SE Wallace Rd Dayton OR 97114		3-11-25
Ashton Cantrell	[signature]	2501 NE Evans St		3-11-25
David VanDeWalle	[signature]	230 W McKinley St Carlton OR 97111	Bad idea to go through parking lot	3-11-25
Augustus Kreder	[signature]	11700 S.E. Amity Dayton Hwy Dayton, OR 97114		3-12-25
Keith Lee Wilson	[signature]	60685 SW Hebo Rd Grand Ronde OR	Safety hazards	3-12-25
Timothy C Kreder	[signature]	10504 Lafayette Hwy Dayton OR 97114	Bad Plan	3-12-25
Deyanna Clarke	[signature]	10500 SE Lafayette Hwy Dayton OR 97114	Bad -	3/12/25
Richard Kirkle	[signature]	9225 Steel Bridge Rd Sheridan Oregon 97378	Bad plan not needed	3/13/25
David Brandt	[signature]	25015 Snell Ballston Rd. Sheridan		3/13/25
Frank Harris	[signature]	8410 SE Oak Springs Rd Carlton Ore 97111	Local Bus Owner this is Totally wrong	3/14/25
Steve Platt	[signature]	310 NE Blair Sheridan OR	traffic thru parking not good	3-15-25

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Revised on 04.21.2025
427 of 472

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Parrish VanWest	Parrish VanWest	29555 SW Mill Creek Rd.		3-5-25
DJ Martsolf	DJ Martsolf	900 Old Sheridan Rd Mac		
Shannon Botten	Shannon Botten	10700 NW Brentano Ln. McMinnville, OR 97128	Killing small business!	3-6-25
Alan Botten	Alan L Botten	10700 NW Brentano Ln McMinnville, OR 97128	Not enough room for the amount of traffic here.	3-6-25
Anders Johansen		1805 Nehemiah Ln		3-6-25
Kelly McEvoy	Kelly McEvoy	12265 SE BURNS RD 97128	LAND IS OVER DEVELOPED TOO MANY APTS NEED	3-7-25
Laura Johansen	Laura Johansen			
Jerry Carlton		606 SE Rummel Mac		3/8/25
Jim Carl		1663 Tessery Ct.		3/10
Jacobey Mauk				3/10/25
Chris Fortner	Chris Fortner	9200 Youngberg Hill RD		3-10-25

Chris Fornalero

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Mark Mercier	[signature]	25651 Grand Ronde Rd, Grand Ronde, OR 97347		3/4/25
CARL MENDENHALL	[signature]	5535 MINERAL Spgs RD 97111		3/4/25
Elvin Bottlez Jr	[signature]	6153 [illegible] to Grand Ronde		3-4-25
KEN MAAHS	[signature]	2205 NW Doral St McMinnville 97128		3-4-25
W.K. NOURSE	[signature]	654 N.W. 12TH MAC	NO MORE	3/4/25
CHET COIN	[signature]	3280 NE. ST. JOESPH Rd MCMINN		3-4-25
[illegible]				
Pete DeHaan	[signature]	1140 SE Booth Bend Rd		
Mike Rice	Michael C. Rice	1989 NW Birch		
Bob Banke	[signature]	614 NE. 24th ST		3/6/25
William Meyer	[signature]	13650 NE Yamhill Rd Carlton	No more	3-5-25

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Revised on 04.21.2025
429 of 472

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
James Collins	James Collins	4132 SE Willamette St. Amity OR. 97101		2-28-25
Tim Walke	Tim E Walke	16800 SE Ecstrel Hgly Rd Amity OR 97101		
Ginger Loftus	Ginger Loftus	20001 SW High Hawk McMinnville, OR		2-27-25
MIRIAM Scholl	Miriam Scholl	9510 SW Vine Maple Rd. McMinnville, OR. 97128		2-28-25
FRED Scholl	Fred Scholl	9510 SW Vine Maple Rd. McMinnville, OR. 97128		2-28-25
Toni Gianotti	Toni Gianotti	4155 NE Three MtLn #3 Mcminnville, OR 97128		2-29-25
Sandra Cypers	Sandra Cypers	4155 NE Three Mt. Ln #3 McMinnville, OR 97128		2-29-25
William Mayfield	William Mayfield	241 15th St Lafayette 97127		2-29-25
Cameron Dunn	Cameron Dunn	22815 SW Peavine McM 97128		3-1-25
Nicholas Pouch	Nicholas Pouch	17750 SW Web Foot Rd Dayton OR 97114		3-1-25
Debra Dunn	Debra Dunn	22815 SW Peavine Rd McMinnville OR	Stop the Building	3-1-25

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Revised on 04.21.2025
430 of 472

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Jeff Snow	Jeff Snow	908 NE. Cowls St, McMinn.	toMuch congestion	2/22/25
Joseph Evers		6675 S.E. Reid LN		2-22-25
Cynthia Neubig		535 NE Clark Ct	to much congestion	2-24-25
STEVE AMSTUTZ		1895 NOBLE LN.	" " "	2/24/25
Andrew Baker				
Scott Neubig		535 NE Clark CT	Too much congestion	2/24/25
GLen Rice		2732 NE Destiny DR	Tomuch Trasfic	2/25/25
Corinne Rice		2732 NE Destiny Dr.	" " " congestion	2/25/25
T. Fox	J. Fox	[redacted] Tilbury St.	TOO DENSE TOO CONGESTED	2/26/25
Tom Martin		3543 Lee Ct	" "	2/26/25
Brian Williams		Po Box 574 DAYTON OR 97114		2-26-25

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
DENNIS BROWN	Dennis M. Brown	15100 NW BAKER CR RD McMINNVILLE, OR 97128		2/18/25
Jose Hernand	Jose Hernand	541 S 10th ST Independence OR		2/18/25
Christian Spencer	Christian Spencer	160 Spruce Street Yamhill ORE		2-18-25
Nathan Friedrich	N. Friedrich	249 NW Star Mill Way Mcminnville		2/20/25
Jared Johnson	Jared Johnson	8825 SE morgan lane mcminnville OR		2/20/25
Mike Lash	[illegible]	22300 Hwy 18-B Willamina, OR 97396		2-20/25
Gaylor Williams	Gaylor Williams	23550 SW McKibben Sheridan Ore 97378		2-20/25
Shaun Slowik	[illegible]	505 Lilac Ln DOBIE?? Sandy OR 97055		2/20/25
Boone Schilling	[illegible]	460 2nd St #107 Lake Oswego, OR 97034		2/20/25
THOMAS THACKER	Thomas Thacker	541 NE Haven Ln. McMinnville, OR 97128	Unsafe roads No sidewalks	2/21/25
Barbara Thacker	B. Thacker	541 NE Haven Lane McMinnville, OR 97128	Excessive congestion	2/21/25

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Mark Walken	[signature]	340 S Cowdar St Yamhill OR		2-11-25
Joe Johnson	[signature]	9450 Harmony Road Sheridan	gentrification Sucks	2-12-25
Carol Hildebrandt	[signature]	16835 SE Wallace Rd Dayton, OR		2-12-25
Don Jackson	[signature]	1019 SW Hawthorne ST McMinnville OR		2-12-25
Enrique Rogel	[signature]	1022 SE Willow St		2/18/25
Cynthia Christensen	[signature]	17000 SW Oldsville Rd McMinnville		2/14/25
Kathy Magan	[signature]	6471 NW Canyonview Rd Gaston, ORE 97119		2/14/25
Jacob Cochran	[signature]	38615 SW oak ln willamina OR 97396		2/17/25
Jon Friton	[signature]	1031 SE Storey ST McMinnville OR	Single family home Laws changed - little ✗	2/17/25
Rick Noble	[signature]	2018 NE Grandhaven St McMinnville OR		2/18/25
Susan Brown	[signature]	15100 NW Baker Crk Rd McMinnville, OR 97128		2/18/25

✗ little notice

Petition to deny a zoning change to R-4 High-Density Residential
At 2320 SE Stratus Ave, McMinnville Oregon
(Directly behind Northwest Logging Supply)

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Printed Name	Signature	Address	Comment	Date
Earl Stephens	[signature]	2646 NE Cole Ave 97128	If the court not full why more	2/7/25
William STASER	[signature]	585 SW Russ Lane		2/8/25
Alejandro Corona	[signature]	2580 NE Chalmers Way		2/8/25
DeVAYNE LUNDMARK	[signature]	14248 BAKER CREEK RD	ENOUGH IS ENOUGH	2/8/25
LEE GARNETT	[signature]	1820 NE EVANS ST		2/8/25
Jason McFarland	[signature]	1608 NE Riverside Dr.		2/8/25
Bozeb Beckwith	[signature]	13465 SE Bunn Lane Dayton OR 97114		2/9/25
Shawn Wagner	[signature]	7195 Goldcreek road Willamina OR		2/8/25
J L Redmond	[signature]	226 1/2 6th DAYTON	To MANY People	2-10-25
Jeff Cruickshank	[signature]	11380 Stuckel Rd Dayton Or 97114		2-10-25
Ryan Amft	[signature]	10185 Bellevue Hwy Amity 97101		2-10-25

X

Petition to deny a zoning change to R-4 High-Density Residential At 2320 SE Stratus Ave, McMinnville Oregon (Directly behind Northwest Logging Supply)

Revised on 04.21.2025
434 of 472

Petition summary and background	Commonwealth Development Corporation from Middleton, Wisconsin has applied to change 5.8 acres of Light-Industrial zoned land to R-4 Medium, High-Density Residential to accommodate a 96 unit low income apartment complex.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to DENY this zoning change application.

Already Submitted ↓

Printed Name	Signature	Address	Comment	Date
Jeff Kozell		401 Main St Dayton 97114	or ENough!	2/4/25
Martha Brown	Martha Brown	1909 Fairgrounds Rd NE Salem 97114	Enough Apts	25-25
DAN LANE	Dan Lane	17000 SE Wallace, DAYTON	enough	2-6-25
CB Montgomery	CB Montgomery	18300 Bright Ridge Dr	NO DRIVING NEIGHBOR	2/6/25
Lana McKay Brown		2664 NE Cole Ave	Please-PARKing	2/6/25
HEAVENLY MCFARLAND		1691 NE RIVERSIDE DR.	DENY ZONE CHANGE	2/6/25
BARRY L. BROWN		2664 NE Cole Ave	Deny Zone Change	2-6-25
Martin Viets		2728 NE Cole Ave	Deny Zoning Change	2/6/25
Summer Hellstrom	Summer Hellstrom	2320 SE Stratus ave		2/1/24
Denise Stephens	Denise Stephens	2646 NE Cole Ave	Deny Zoning Change	2-8-24
SABINE CORONA		2841 NE Cole AVE	Dont WANT any APARTMENTS	2-7-25
Jennie corona	Jennie Corona	2841 NE cole ave		2-7-25

March 17, 2025

PO Box 621
McMinnville, OR 97128

Administrative Office:
1317 NE Dustin Court
McMinnville, OR 97128
Phone: 503-472-0457
Fax: 503-472-5555

Service sites available
online at yamhillcap.org

Subject: Plan Commission Review of a Comprehensive Plan Map Amendment and Zone Change Application for property at 2320 SE Stratus Avenue (M-1 to R-4 Zoning)

Good Afternoon Commissioners,

I am writing in response to support the proposed zone change located at 2320 SE Stratus Avenue from M-1 to R-4. This proposed development continues to address the additional affordable housing needed in the City of McMinnville and Yamhill County Community. A newly released Oregon Housing Needs Analysis in December of 2024 shows there is a need for 4,660 new housing units with 2,120 of the units need to be at or below 60% of the Area Median Income. As your local Community Action Agency, we know the needs in this area well. As we serve lower income residents daily one of the greatest barriers to stable housing is finding available affordable units for families. Additionally, through our Community Needs Assessment housing continues to be a critical concern across every community in Yamhill County. Housing is one of the critical areas the state, county, and city of McMinnville need to continue to address.

This project will meet locally and state identified housing needs and this proposed housing is in short supply in the local housing market of McMinnville and Yamhill County. I appreciate you taking my support into consideration and hope you will consider rezoning 2320 SE Stratus from M-1 to R-4 zoning.

Sincerely,

Alexandra Ball

Alexandra Ball
Executive Director
Yamhill Community Action Partnership

Subject: Written Testimony for Support of 2320 SE Stratus Ave
From: Jen Feero
Sent: Thursday, March 20, 2025 11:01 AM

Hello, and thank you for giving us the time to continue this conversation about the request for a zoning change that's before you tonight.

My name is Jennifer Feero, and I am a lifelong McMinnville resident. My father, Kurt Feero, owned and operated NW Logging Supply for many years, selling it to the current owner, Alex Botten. During the years my dad owned the business he also acquired and developed land in the 3 Mile Lane corridor.

This year marks four years since my dad passed away. With his passing, my sisters and I inherited the two parcels of land being discussed tonight—land that represents not just property, but decades of hard work, dedication, and vision.

My dad helped build NW Logging from the ground up. After purchasing it from the Mauldings, he expanded the business, eventually moving it from its original location—where Les Schwab now stands—to 3 Mile Lane. Over the years, he adapted to changes, including the loss of part of the property when ODOT built the overpass. But more than anything, he believed in the future of 3 Mile Lane. He was instrumental in developing properties that are now key parts of our community—Altimus Plaza, The Diner, The Comfort Inn, and Stratus Village. The 3 Mile Lane Area Comprehensive Plan, which took place during his ownership, identified the parcels currently under discussion as a future housing opportunity. This zoning change is not just a request—it aligns with a vision that has been in place for years.

After decades running a successful business, my dad chose to sell to Alex Botten, an employee with whom he'd forged a strong relationship. My dad's story is deeply intertwined with Alex's. Both of them started working at NW Logging as high schoolers and later purchased the business while raising young families. My dad respected Alex immensely, trusting him to carry on his legacy—not just by taking over the business but by entering into a contract to purchase the NW Logging building and land.

In 2007, my dad, and previous owner of the property, Kurt Feero, applied for a partition and boundary line adjustment through the City of McMinnville's process under Docket No BLA-1-07 and MP 1-07. The access easement under scrutiny tonight is an access and utilities easement recorded by deed and partition plat. There are no restrictions recorded in that easement limiting development or use. In

addition, the retired attorney, Walt Gowell, who advised on the initial Plat, boundary line adjustments and easement was consulted. He confirmed that Kurt Feero at the time the easement was granted did not have any intention to limit or restrict the use of these easements.

Further, when that land went under contract between my dad and the Botten's, the Botten's were aware the easement was established to provide access to the building and the back property, with the understanding that the back parcel was intended for future development. In an effort to move that development forward, a few years ago, my dad asked me to meet with the Botten's to explore developing the back parcel together—possibly for manufactured homes or storage units—but after meeting to discuss the possibility, we decided the timing wasn't right. As such, a residential use is not a surprise and was contemplated long ago. The assertion today that the easement was only intended for industrial use and development is not correct.

When my sisters and I made the decision to sell these properties after our father passed away, we did so with integrity. Before listing, we approached the Botten's directly, offering them the opportunity to purchase the back parcel, currently under discussion tonight. They ultimately decided it wasn't the right time for them, so we moved forward with listing the property on the open market. When initial interest was low, we expanded the listing to include the front parcel—which includes the warehouse and a home. Again, we informed the Botten's of our plans and arranged for a management company to lease the home and to continue renting the warehouse to the Botten's. They later expressed interest in renting the home as well, and we worked with the management company to provide them with a discounted rate for the entire building.

We have always approached this process with transparency, respect, and a commitment to good-faith collaboration. From the very first offer on the property, we have worked to ensure that Commonwealth—the buyer—prioritizes an intentional and cooperative approach with the Botten's. Commonwealth's site plan reflects their willingness to be good neighbors. They have proactively adapted their plans by adjusting the existing easement for better access, adding parking & designating space for storage and loading to benefit NW Logging Supply. They have also committed to limiting development to 96 units across only two levels, providing on-site management, green space, a group-rec room, and a trip cap of 715—ensuring they will adjust their plans as needed to remain within those parameters.

Commonwealth is not a distant developer with no ties to Oregon. They have been developing and maintaining properties in Oregon with a focus on affordability and long-term stewardship. They recognize McMinnville's urgent need for affordable housing and have shaped their proposal to align with both the city's vision and community concerns. They are staying well below the maximum density allowed under R4 zoning, demonstrating their commitment to responsible development.

This zoning change request meets all legal requirements and criteria set forth by the City of McMinnville for a zone change, has the support and recommendation of city staff—with conditions to ensure responsible development that comply with applicable law—and reflects a long-standing plan for the future of 3 Mile Lane.

We understand that conceptual plans for development will need to be refined and conform with applicable laws. However, this application is for a Comprehensive Plan Amendment and Zone change, and development plans and design criteria are part of a separate process.

We hope these facts will prevail and that this request will be supported. My sisters and I along with Commonwealth remain committed to working toward the best possible solutions for all neighbors.

Thank you, Jennifer Feero

City of McMinnville
Planning Division
231 NE Fifth Street
McMinnville, OR 97128
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Attachment 2 to Staff Report for CPA 1-24/ ZC 4-24

March 20, 2025

Summary of Public Testimony Received and Staff Responses

The Planning Commission held a public hearing on CPA 1-24/ZC 4-24 on January 16, 2025 and continued the public hearing to February 6, 2025. During the public hearing and public comment period, twenty-eight (28) people have provided testimony in opposition, and two (2) people provided testimony in support. Additionally, Randy Yates and Alex Botten submitted signed petitions with signatures of people in opposition. The petition forms appear to show approximately 138 people who are in opposition, which includes the names of individuals who also testified orally or through written comments in the public hearing and comment periods. Staff did not verify that there were not duplicated names on the petitions.

Of the 28 people who provided testimony, the concerns are primarily focused on seven (7) topics. Responses to these concerns have been provided by staff in this section of the staff report.

Themes of Testimony in Opposition Received

1. Impacts on Existing Businesses (Northwest Logging Supply & Ed's Transmission Service)
2. Vehicular Capacity Constraints (Trip Generation)
3. Pedestrian and Bicyclist safety at access point to the property and along Stratus Ave
4. Inconsistency with the Three Mile Lane Area Plan and Great Neighborhood Principles (amenities, employment, open space and parks)
5. Natural Hazards
6. Fire Code Regulations
7. Sanitary Sewer System Capacity

Staff Response to Testimony Received

1. ***Impacts on Existing Businesses***
    - It is important to realize that the access easement as currently delineated would impact the neighboring businesses regardless if the property was developed as an industrial user (freight trucks and shift workforce vehicles) or residential (residential traffic), so a better access alignment would be necessary regardless. The reason that the applicant bought the smaller parcel north of the larger development parcel is to demolish the building and realign the access drive so that it is linear into the site and can be divided safely from the neighboring businesses' parking lots.

    - In the applicant's supplemental materials provided after the January 16 public hearing, the applicant provided a proposed access site plan. The applicant's revised site plan shows more details on the re-location of the shop/apartment currently on the property to accommodate a new access road along the eastern property line.

    - City regulations (MMC 17.53.100(C)) allow up to three (3) parcels to utilize a shared access easement. This proposal is in conformance with that standard. It is worth noting that this code citation is found in the Land Division Standards Chapter of code, and so compliance with this standard is not part of the approval criteria for Comprehensive Plan Amendment and Zone Change applications.

    - Per Condition of Approval #2 below, the applicant shall be required to clearly delineate on-site vehicular circulation to avoid conflicts between entry access to the site and the parking lot area. These details should be clearly shown on future site plan drawings submitted during the development permitting stage, including the Landscape Plan Review and Three Mile Lane Area Development Review processes.

      Condition of Approval #2: The applicant shall be required to clearly delineate on-site vehicular circulation from Stratus Avenue to the development project to avoid conflicts between entry access to the development project on the subject site and the parking lot area of the properties that share access from Stratus Avenue with the development project. These details should be clearly shown on future site plan drawings submitted during the development permitting stage, including the Landscape Plan Review and Three Mile Lane Area Development Review processes, and should include pedestrian and bicycle connectivity adjacent to the access drive as well as physical delineation between the adjacent business parking lots and the access drive that is agreed upon by all property owners impacted.

2. ***Vehicular Capacity Constraints (Trip Generation)***
    - Oregon state statutes provide clear and objective standards for how to evaluate the impact of traffic associated with a proposed development. These standards exist to provide data to the city to help manage the infrastructure system and to ensure that the developer is not unduly burdened with unnecessary transportation improvements. OAR 660-012 describes a three step process that needs to be undertaken for this analysis when a comprehensive plan map amendment is proposed. The first step is to evaluate what is the trip differential (the number of vehicles that will be accessing the subject site in a single day) between the existing reasonable worst case scenario under the existing comprehensive plan designation and the reasonable worst case scenario under the proposed comprehensive plan designation. The rationale for this first step is that the transportation system as designed should at least accommodate the existing comprehensive plan designation. Then if that differential is above a certain number of trips (described as a "significant effect"), the applicant needs to continue to step 2 to do further analysis about how that increased number of trips impacts the roads and intersections around it. The last step is then to evaluate whether or not the increased number of trips on the roads and intersections create a situation where those roads and intersections are no longer safe or cannot function reasonably (described as performance standards). If the increased number of trips creates a situation where the performance standards are no longer retained then the applicant needs to design and build the necessary improvements to mitigate the performance issues. This can be installing more lanes, more stop signs, signals at intersections, etc.

    - As is required, the applicant completed a trip generation analysis that estimated an increase of 622 daily trips to the local transportation system based on the proposed comprehensive plan designation. The traffic report identifies that a reasonable worst-case development in the proposed R-4 zone (162 apartment units) generates 622 daily additional trips compared to reasonable worst-case development in the existing M-1 zone (101,060 square-foot general light industrial use). Per state law this is not considered a "significant effect" requiring the next step of analysis when a comprehensive plan map amendment is proposed.

    - However, the applicant, after hearing the public testimony and the concerns of those who testified agreed to a "trip cap" for the property, meaning that the property cannot be developed that will generate more trips than the trip cap. Since the developer is only planning to develop the property with 96 units rather than 162 units, which the applicant's traffic engineer has estimated to generate approximately 691 total daily trips or 199 additional trips, the applicant has proposed to impose a "trip cap" condition of approval for this comprehensive plan amendment and zone change that would limit future development to a total of 715 daily trips, which is a maximum of 222 additional trips than if the property was developed for

industrial uses. This trip cap is captured in Condition of Approval #3.

- There was confusion during public testimony about reviewing the "increase in trips" rather than the "total trips created" considering that the property is not developed right now as an industrial property. The traffic impact needs to evaluate the difference between zoning and land use designations, not current use of the property to a developed state.

- There was also confusion about what type of data is used in a traffic impact analysis. The transportation model and scenario used is based on if the city builds out as planned and not the existing buildout, i.e. it accommodates the planned growth and existing development.

- The City has also added a condition of approval that prior to development of the site, the developer will need to conduct a traffic impact analysis specific to the proposed development, and if the Traffic Impact Analysis shows a differential of 200 average daily trips or an additional 20 pm peak hour trips than the applicant will need to evaluate a series of local intersections for performance impact. This is identified as Condition of Approval #4.

3. ***Pedestrian and Bicyclist Safety along frontage and Stratus Ave***

- There appeared to be some confusion in the public testimony that Stratus Avenue would not be improved with the development. All streets in McMinnville are classified based on the number of vehicles that they are expected to carry. As development occurs, the streets adjacent to the development must be improved to the standard identified in the McMinnville Transportation Plan which includes curbs, sidewalks and bicycle lanes. If this property develops the on-street conditions for bicycles and pedestrians will improve with new sidewalks, bicycle lanes and street improvements.

- ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.

- The Three Mile Lane Area Plan identifies action items for future enhanced design to accommodate a frontage road design with suitable provisions for pedestrians and bicycles, and the City's Transportation System Plan identifies projects for multi-modal improvements along Stratus Ave.

- The City's Transportation System Plan[1] (Exhibit 6-3) identifies a future bike lane along frontage roads of OR 18 as a part of the Highway 18 Corridor Refinement Plan.

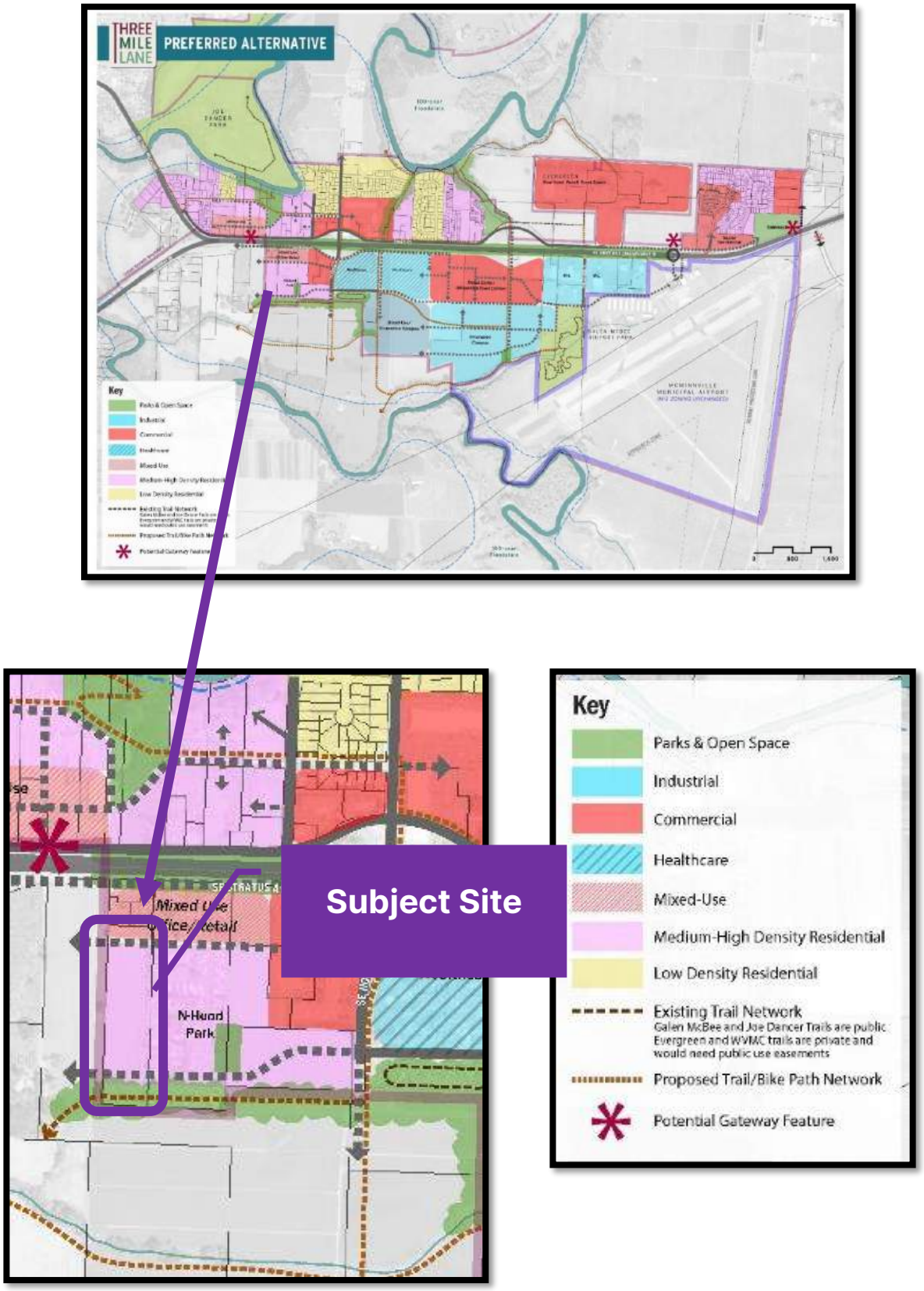
4. ***Inconsistency with the Three Mile Lane Area Plan and Great Neighborhood Principles*** (amenities, employment, open space and parks)

    - The comprehensive plan map amendment and zone change proposed for this property is exactly what the Three Mile Lane Area Plan contemplated and recommended.

      In the Three Mile Lane Area Plan preferred land use concept, the subject properties for this application were assigned two different designations. The smaller, northern property with an existing shop was designated as "Mixed-Use". The larger, southern property was primarily designated as "Medium-High Density Residential".

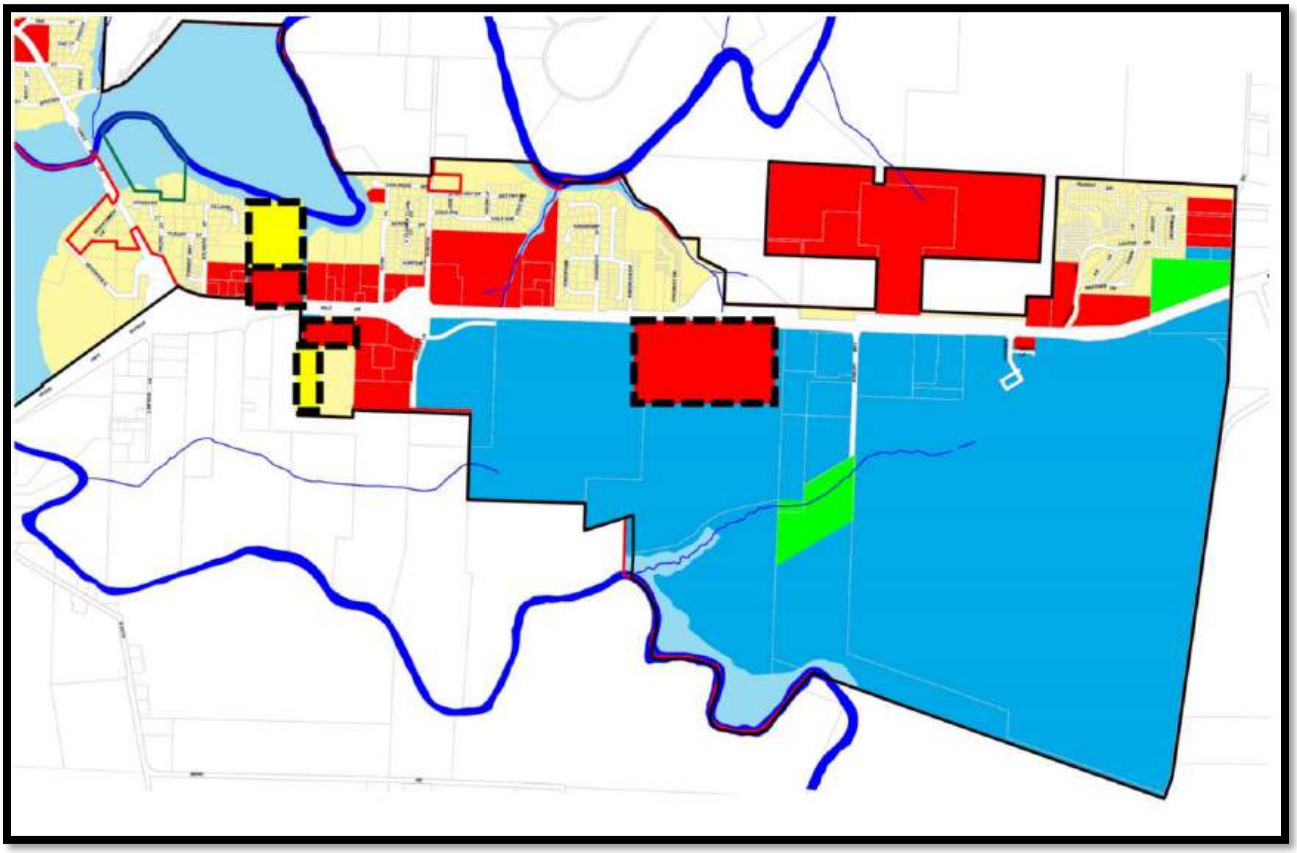
1 https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/g_chapter_6_bicycle_system_plan.pdf

Figure 6, Preferred Land Use Concept, page 22 of the Three Mile Lane Area Plan



Additionally, the Three Mile Lane Area Plan identifies the need to amend the Comprehensive Plan Map to place a residential comprehensive plan designation on this property to accommodate future housing development of the site. Please see Figure 20 from the Three Mile Lane Area Plan below.

Figure 20, Comprehensive Plan map Amendments, page 40 of the Three Mile Lane Area Plan



- Three Mile Lane Area Plan land use concept includes planned areas for amenities, retail/shopping, and employment opportunities. Most notably, the Area Plan identified a "Mixed-Use/Town Center Retail Center" and an "Innovation Campus" approximately one (1) mile east of the subject property on the same side of the highway with planned connectivity between the high-density residential development and this employment/commercial center. There was testimony about the lack of existing amenities for the residential development. However, the City cannot deny an application based on the fact that planned amenities are not yet built in the vicinity when the city's land-use plans show that those amenities will be built in the future.

    - The Innovation Campus concept was identified in the Mac Town 2032 Economic Development Strategic Plan, adopted by

Resolution No. 2019-16, and the Three Mile Lane Area Plan (3MLAP) adopted by Ordinance No. 5126 on November 8, 2022. The 3MLAP identified a community vision of a Retail Center and Innovation Campus on this acreage to serve the community's future needs of commercial development and high density, upwardly mobile employment opportunities.

- The City is currently going through a planning process[2] for this area, including: Master planning the site to determine a preferred growth scenario, public infrastructure feasibility analysis, which will include wastewater, water, transportation, electricity, broadband, etc.

- Its was noted that this area of the city is experiencing a significant amount of residential construction, with recent approvals for the developments at "Norton Landing" (138 units) and "Stratus Village" (175 units) that are happening just east of the Evergreen Mobile Home Park at 2400 SE Stratus Ave. This is a reality, however, it is worth noting that the Three Mile Lane Area Plan envisioned residential development for all of these properties, and so this zone change and comprehensive plan amendment is consistent with the Implementation Plan for the Three Mile Lane area.

- There was also testimony that there are no existing park amenities in the vicinity. I However, there is a planned neighborhood park identified in both the Three Mile Lane Area Plan and the recently adopted Parks, Recreation and Open Space plan in this area. That park is currently being master planned as part of the Innovation Campus project.

- It is also worth noting that apartments are required to provide common open spaces on 15% of the property and have at least 20% of the property landscaped, per MMC 17.11.090. All future apartment developments on this site will need to meet those standards.

5. ***Natural Hazards***

- There was testimony that the city's current "Natural Hazards" planning has identified some potential natural hazard areas on the subject site that would be problematic for development. The Potential Wildfire Impact draft map does show areas of the subject property with risk for wildfires. At this point, the City has not formally adopted the Natural Hazards Inventory, but if and when it does, the City will also adopt development regulations requiring the appropriate technical analysis of the site to determine exactly what the natural hazards are and how the site should be developed to avoid harm to people and property. Documents available on the City's website are DRAFT versions.

[2] https://www.mcminnvilleoregon.gov/innovation-campus-project

- DRAFT code amendments have been discussed in public meetings. The code contemplates requiring mitigation, including the preparation of a Wildfire Hazard Assessment and Mitigation Plan. If the code amendments are adopted prior to a development application for this site, the applicant would be subject to all Wildfire Prevention/Mitigation requirements, including characteristic such as future landscaping (to be fire resistant) and existing vegetation (reviewed for retaining vs removal).

6. ***Fire Code Regulations***
    - McMinnville Fire District's Fire Marshal, Ty Darby, reviewed this application and did not have any comments or concerns at this time. Additional review will take place at the time of development to ensure that all fire code and life safety requirements are met in accordance with applicable laws. Just like transportation regulations, fire safety is governed by clear and objective standards adopted by state law.

7. ***Sanitary Sewer System Capacity***
    - During the initial review of this application by the City's Engineering Division, the following comment was provided, *"The existing sanitary system serving this property has capacity constraints. Changing zoning from M-1 to R-4 results in an increase from 360 (gpnad) to 2,848 (gpnad). Depending on the proposed density within the R4 zone there may or may not be a capacity concern."* This concern was brought up as a specific concern from one individual who submitted both written and verbal comments.

    - To better address this concern, the Planning Commission continued the Public Hearing to March 20, 2025 so that analysis could be completed to determine if the proposed zone change from M-1 to R-4 would result in a capacity concern for the sanitary sewer network.

    - The City has now completed the capacity analysis, and it has been found that there is adequate capacity in the existing sanitary system to serve this property with minimal surcharging as allowed per the City's Wastewater Master Plan modeling. The assumptions for the analysis were based on the information provided from the applicant and include changing zoning from M-1 to R-4 with an assumption of 20 residential units per acre.

    - If at the time of development, the applicant proposes a density that exceeds twenty (20) residential units per acre, the City may require the applicant to enter into a reimbursement agreement with the City for modeling the impacts of the additional proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity. This is identified as Condition of Approval #1.

Bateman Seidel

MEMORANDUM

TO: McMinnville Planning Commission

FROM: William Kabeiseman and Melissa Ryan
Special Land Use City Attorneys

DATE: March 20, 2025

RE: Application of Public Meetings Law to City Staff & Needed Housing Concerns

I. INTRODUCTION

On March 18, 2025, William Barlow III submitted a letter (the "Barlow letter") to the Planning Commission regarding Comprehensive Plan Amendment and Zone Change (CPA 1-24/ZC 4-24). The comments identified two concerns regarding the proposal – first, that City staff violated state law and Oregon government ethics provisions and, second, an issue related to whether McMinnville Zoning Code (MZC) Section 17.74.020(B) applies to the application. This memorandum is intended to address both of the identified concerns.

II. DISCUSSION

A. Ethics/Public Meetings Concerns.

The Barlow letter first asserts that City staff violated the state's ethics laws by not following the Oregon Public Meetings Law ("OPML"). There are several issues with the assertion in Mr. Barlow's letter, but most importantly, the assertion simply is untrue – as explained below, there is no indication that City staff violated the OPML.

The letter misunderstands the actions of staff and the requirements of the OPML. The heart of the allegations against staff's actions are as follows:

> "Ordinarily, staff meetings are not covered by the [OPML] because the staff do not make decisions for or recommendations to a 'public body.' But in this case the staff has made both decisions and recommendations. Moreover, ORS 192.610(5) states that if two or more members of any public

> body have 'the authority to make decisions for or recommendations to a public body on policy or administration,' they are a 'governing body.' Thus, [the OPML] should have been followed but it quite simply was not."

The letter is correct that staff actions are not typically covered by the OPML, but it misidentifies the reason why staff actions are not subject to the OPML. As the Planning Commission knows, whenever an application is brought to the Planning Commission, it is accompanied by a staff recommendation. Moreover, staff often make decisions on matters, some of which are appealed to the Planning Commission, so the identified reason cannot be why staff actions are not subject to the OPML.

Instead, staff actions are not subject to the OPML because staff members are not a "governing body." As the Barlow letter indicates, the OPML "applies to any governing body of a public body" and, as the Barlow letter also notes, a public body is defined as

> "the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof."

So, the Barlow letter is correct that the City of McMinnville is a "public body," but the OPML only applies to a "governing body" of a public body, and the Barlow letter never takes the next step to identify the definition of a "governing body," which is as follows:

> "the members of any public body *which consists of two or more members*, with the authority to make decisions for or recommendations to a public body on policy or administration."

As the italicized portion of that definition makes clear, in order to be subject to the OPML, the decision-maker or recommender must consist of two or more members.

Thus, bodies such as the Planning Commission, which is authorized to make decisions for the City and to make recommendations to the City Council, is subject to the OPML. However, in the case of the staff, the staff report report and recommendation came from one staff member, Evan Hieptas. Under the OPML, one person cannot be subject to the OPML. *See, e.g.,* The 2024 Oregon Attorney General's Public Records and Meetings Maual, p 120 ("a department headed by an individual public officer, such as the office of the State Treasurer, is not a "governing body"). Although that staff person conferred

with other staff members, the recommendation still only comes from one person. The staff is allowed to gather information, but the recommendation still only comes from one person.

Taking a step back, that makes sense, otherwise, staff would never be able to meet with any person to discuss an application, provide advice, or otherwise interact with the public without providing public notice, taking minutes, and otherwise meeting the requirements of the OPML. Such an approach would be unworkable. Instead, in cases such as the one currently before the Planning Commission, staff works to gather all information from the applicant and other interested persons, review the applicable code, and provide their best professional recommendation to the Planning Commission for the Planning Commission to consider as it makes its decision in a public meeting, subject to all of the requirements of the OPML.

In short, the Barlow letter has not identified any violation few the state's ethics laws or public meeting laws.

B. Needed Housing Concerns.

The Barlow letter also takes issue with a statement by the planning director during a prior hearing on the application. As background, the proposed plan amendment and zone change are subject to MZC Section 17.74.020:

> "An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:
>
> > "A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
> >
> > "B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

> "C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.
>
> "When the proposed [plan and zone map] amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion 'B' shall not apply to the rezoning of land designated for residential use on the plan map.
>
> "In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay." (Underlining added.)

The Subsection B Exemption Applies

The Barlow letter asserts that the underlined language exempting a plan map amendment and zone map amendment to residential from Subsection B (Subsection B Exemption) only applies if a property was *already* planned and zoned for residential uses and an application merely seeks to upzone from a single family residential zone to a multi-family residential zone.

The plain language of the Subsection B Exemption supports that it applies to the proposed amendments to the comprehensive plan map and zoning map. First, if a property was already designated residential on the plan map, then no "proposed amendment" to the comprehensive plan map would be necessary. But the plain language of the Subsection B Exemption broadly states that when "a proposed amendment" – not limited only to a zone map amendment – "concerns needed housing," Subsection B "shall not apply to the rezoning of land designated for residential use on the plan map." The applicant proposes a plan amendment to designate land for residential use on the plan map, and to rezone that land to multi-family residential. The first requirement of the Subsection B Exemption is satisfied.

The Amendments "Concern Needed Housing"

The Subsection B Exemption applies when a proposed plan map and zone map amendment "concern[s] needed housing (as defined in the McMinnville Comprehensive Plan and state statute)." Although not particularly clear, we also understand the Barlow letter to assert that the plan map amendment and zone map amendment do not concern "needed housing." We were unable to find a definition of "needed housing" in the McMinnville Comprehensive Plan. However, the comprehensive plan must be consistent with state statute. State statute at ORS 197A.348 defines "needed housing" to mean "*all housing on land zoned for residential use* or mixed residential and commercial use that is determined to meet *the need shown for housing* within an urban growth boundary at price ranges and rent levels that are affordable to households within the county *with a variety of incomes, including but not limited to* households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. * * *" (Emphases added.)

In other words, all housing within the city is needed housing because the city's comprehensive plan identifies a need for housing at a variety of price ranges and rent levels to households within the city at a variety of income levels. The proposed comprehensive plan map and zone map amendments "concern needed housing" because they are proposed amendments to change the plan and zone designations to residential, which designations can be used exclusively for housing. Therefore, the second requirement of the Subsection B Exemption is satisfied, and Criterion B does not apply.

III. CONCLUSION

As discussed above, City staff have not violated the state's ethics or public meetings laws. As staff is not a "governing body" the work of a staff member in compiling the staff report and meeting with the applicant, public agencies, or other interested parties, is not subject to the state Open Public Meeting Law.

As also discussed above, the city may not apply MZC 17.74.020(B) to the application because the amendments "concern" "needed housing" as defined in ORS 197A.348, and the Subsection B Exemption prohibits the city from applying Subsection B.

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

MINUTES

January 16, 2025 **6:30 pm**
Planning Commission **Hybrid Meeting**
Regular Meeting **McMinnville, Oregon**

Members Present: Sidonie Winfield, Brian Everest, Beth Rankin, Rachel Flores, Matt Jones, Meg Murray, Elena Mudrak, Sylla McClellan, and Brian Randall

Members Absent:

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, and Evan Hietpas, Associate Housing Planner

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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. **Swearing in of New Commissioner Brian Everest**

   Chair Winfield swore in new Planning Commissioner Brian Everest.

4. **Selection of Chair and Vice-Chair**

   Sidonie Winfield was selected as Chair and Elena Mudrak as Vice Chair for 2025.

5. **Minutes**

   - April 4, 2024

Commissioner Mudrak moved to approve the April 4, 2024, minutes. The motion was seconded by Commissioner Rankin and passed unanimously with Commissioner Everest abstaining.

   - September 19, 2024

Commissioner Rankin moved to approve the September 19, 2024, minutes. The motion was seconded by Commissioner Jones and passed unanimously with Commissioner Everest abstaining.

   - November 21, 2024

DRAFT

Commissioner Mudrak moved to approve the November 21, 2024, minutes. The motion was seconded by Commissioner Rankin and passed unanimously with Commissioner Everest abstaining.

6. Public Hearings

A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604)

Request: The applicant is requesting concurrent review and approval of a Comprehensive Plan Map Amendment from Industrial to Residential (CPA 1-24) and a Zone Change from M-1 to R-4 for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604, approximately 5.8 acres

Applicant: Commonwealth Development Corporation c/o Daniel DeFrancesco on behalf of property owners Jodi Devonshire, Andrea Feero, and Jennifer Feero

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.

Commissioner Murray knew the Feero family personally but had not discussed the application with them.

Commissioner McClellan also knew the Feero family, but she could make an impartial decision.

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: Associate Housing Planner Hietpas presented the staff report. This was a request to change the Comprehensive Plan designation of two parcels on SE Stratus Avenue, approximately 5.8 acres, from Industrial to Residential and the zoning from M-1 to R-4. No official development proposal had been made at this time. He discussed the subject property, Comprehensive Plan proposal, zone change proposal, additional information entered into the record, review process and procedures, review criteria, and staff recommendation to continue the hearing to February 6 due to a clerical error in the mailed notice to property owners. Two written letters were received by the City on January 14 and members of the public wished to testify tonight. He then reviewed the Three Mile Lane Area Plan, land use concept, subject site, and staff findings for how the application met the zone change criteria and Comprehensive Plan goals and policies. He addressed the public testimony issues raised regarding the future transportation system impacts, on-site vehicular access and circulation, and wildfire hazard area. He explained the conditions of approval.

Applicant's Testimony: Steve Kay, Cascadia Planning and Development Services, was representing the applicant. He thought the application was consistent with the

Comprehensive Plan and Three Mile Lane Area Plan. The subject property was currently served by an access easement that connected to Stratus Avenue. The applicant and owner of NW Logging Supply were discussing how the easement should be used to minimize impacts to the businesses located there. The applicant agreed with staff's findings in showing all the approval criteria had been met. The conditions ensured when a development plan was submitted, a comprehensive analysis of the public facilities would be done by the applicant and the applicant knew improvements would be required.

There was discussion regarding the location of the easement and citizen engagement.

Proponents: Mike Morris, resident of McMinnville, was representing the Feero family and gave a background on the marketing and positioning of this property as M-1 with a potential R-4 multi-family zoning. It was clear from the beginning that there were challenges with the easement and accessibility, which was why both of the properties were being purchased to address those easement concerns. They planned to do everything they could to accommodate the needs of NW Logging.

Jennifer Feero, applicant, said they were local residents and had a history with this property. They planned to be cooperative and come to a good conclusion with NW Logging. The highest and best use for the property was housing, which would also help serve a need in the City.

Opponents: Jason Bizon, resident of McMinnville, was opposed to changing the zoning from industrial to residential. The property was next to EFU farmland and was intended to be used for industry. It was outside the Three Mile Lane Plan and the application should not be included in its vision. They did not know how Stratus Village would affect the transportation network yet and the entrance to this property ran through multiple businesses. He thought Stratus Avenue, the businesses, Stratus Village, and emergency services would be greatly impacted. He thought the application should be denied.

Amy Bizon, resident of McMinnville, said she lived in the neighborhood and drove Stratus Avenue daily. Having two high density developments off of Stratus Avenue brought more attention to the unfulfilled planning opportunities outlined in City Ordinance 5126. Stratus Avenue was not able to adequately support the growth of a third development. There were a number of safety and public health issues that needed to be addressed, including pedestrian and bicycle safety, limited bus routes, lack of safe bus stops, speeding, ineffective stop signs, and not following the key elements in the Three Mile Lane Area Plan and Great Neighborhood Principles.

Susan Ackerman, resident of McMinnville, spoke about concerns regarding traffic and speeding in the area, blind spots, and pedestrian safety.

Korey Knutz, resident of McMinnville, said the access to the property would negatively impact the businesses, especially for safety and negotiating a truck and trailer through there with the added vehicles and narrow access. There was a shortage of light industrial zoned property for small businesses, and he did not think the zoning should be changed. Pedestrian safety was another issue, and there was no park nearby for the kids.

Randy Yates, resident of McMinnville, submitted over 40 signatures of neighbors against the application. He agreed with the concerns that had been raised already. He asked about staff's statement that there was little to no impact noted by the Engineers for the access.

Community Development Director Richards said the code allowed an access easement to serve three individual properties and the application met that regulation. The traffic engineering analysis also showed it could accommodate the number of trips anticipated for the development. There was a condition that required a dedicated access that mitigated the conflict of turning movements for the businesses.

Mr. Yates gave a history of the property and NW Logging Supply. This application would hamper NW Logging's customers, deliveries, sales of goods and services, and parking where it had been located for over 50 years.

Alex Botten, resident of McMinnville, was the owner of NW Logging Supply. He was in opposition to the application due to the access and how it would cause a thoroughfare through his business operations as well as the neighboring business and he would lose a large amount of his property through eminent domain. The light industrial zoning would have significantly lower number of trips. The higher density would overburden the easement and would create a hardship on two long-standing businesses. He was also concerned about natural hazards including wildfires and ground liquefaction, and emergency access and fire hydrants to the site. He had a brief conversation with the applicant that the easement solution was to leave it the way it was. He did not think with the number of vehicles that multi-family would work with his business. He suggested bilingual requirements for notices to the neighbors since the majority of them did not speak English.

Nicholas Helstrom, resident of McMinnville, currently lived on the subject site. He discussed traffic and safety concerns. He thought the daily trips in the traffic study were incorrect. He thought there would be many more trips, which would cause degradation of the facility, and the cumulative effect of two other apartment complexes should be taken seriously. Congestion would be a major issue as well as safety due to no sidewalks or bike lanes and speeding. The intersections were also an issue and there was no worse place for congestion than the entrance to the community's only hospital. There were no shopping or services nearby.

Mark Davis, resident of McMinnville, had been in favor of the two apartment complexes that had been referenced tonight. However, when he spoke in favor he had pointed out that they were in a bad location for apartments. He had supported them because they needed the housing. However, he was in opposition to this application because four years ago the City added 600 acres of land designated for residential development. There was land available and taking land out of M-1 for R-4 was not a good idea. He pointed out that the Housing Needs Analysis had not been acknowledged by the state and had been appealed to DLCD. They could not rely on the information in that document. He then discussed how this application did not meet the Great Neighborhood Principles.

Richard Drew, resident of Dundee, was the owner of Ed's Transmissions. He thought the application should be denied due to the traffic and easement issues. He thought his business would close if it was approved because of the delivery trucks not being able to turn around. There were already employees and customers that used the easement. There needed to be a better plan for the traffic.

Rebuttal: Mr. Kay said changing the property from industrial to residential was in compliance with the Comprehensive Plan and Three Mile Lane Area Plan. There was a condition that required a transportation impact analysis which would be a cumulative look at

the transportation in the area. It would also look at the impact to Stratus Avenue and would provide recommended mitigation measures. As new development occurred, there would be modifications to services and there might be an increase in transit service and bus stops. The access point would also be analyzed for site distance based on speeds in the area and the driveway approach would accommodate those conditions as well as the traffic. There would be more truck traffic if this was an industrial use. He clarified the numbers for the traffic generated by the future project. The worst case scenario was generating an additional 622 trips if it was changed from M-1 to R-4. Regarding an area for kids to play, the conceptual plan for the site included a common open space area with a play structure and community building. Regarding the natural hazards, there was not currently an adopted hazards map at this time. If one was adopted, there would be mitigation measures that any development would need to include. They would need to have a 26 foot access for aerial apparatus and adjacent to fire hydrants. He hoped that the development application would be submitted this summer or fall.

Commissioner Mudrak MOVED to CONTINUE the hearing for Comprehensive Plan Map Amendment (CPA 1-24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604) to February 6, 2025. SECONDED by Commissioner Flores. The motion PASSED 9-0.

B. <u>Legislative Hearing: Comprehensive Plan Amendment (Docket G7-24) Water System Element of Public Facility Plan</u>

Request: **THE CITY OF MCMINNVILLE IS PROPOSING AN AMENDMENT TO THE MCMINNVILLE COMPREHENSIVE PLAN AS FOLLOWS:** (1) adopt portions of the 2011 Water Master Plan as amended by the 2024 Water Master Plan Addendum as part of the Public Facility Plan, a supporting document to the McMinnville Comprehensive Plan; (2) amend Volume I of the Comprehensive Plan to update data consistent with the updated Water System element of the Public Facility Plan; and (3) amend Volume II of the Comprehensive Plan to update policies consistent with the updated Water System element of the Public Facility 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: Senior Planner Schauer presented the staff report. This was a request for a Comprehensive Plan amendment to update the water system element of the Public Facility Plan. He discussed the additional materials received after the packet, applicable criteria, purpose of the Public Facility Plan, terminology changes, background on the amendment, water system elements, compliance with the Statewide Planning Goals and OAR Division 11, land uses in the MGMUP Comprehensive Plan Map and Framework Plan map, provisions in OAR Division 11, Planning Commission action for a legislative land use decision, and staff's recommendation to continue the hearing to February for staff to prepare information in response to issues raised in the January 12, 2025 letter.

Shad Roundy, Jacobs Engineering, reviewed the McMinnville Water & Light Water System Plan addendum including the plan addendum objectives, water distribution system evaluation, capital improvement plan and costs, plan edits draft to final, and the Water System Plan and City Comprehensive Plan amendment.

Proponents: None

Opponents: None

Commissioner Jones MOVED to CONTINUE the hearing for Comprehensive Plan Amendment (Docket G7-24) Water System Element of Public Facility Plan to February 20, 2025. SECONDED by Commissioner Mudrak. The motion PASSED 9-0.

7. Commissioner Comments

None

8. Staff Comments

Community Development Director Richards said the new Planning Manager would start on February 3.

Commissioner Everest introduced himself.

9. Adjournment

Chair Winfield adjourned the meeting at 9:24 p.m.

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

MINUTES

February 6, 2025 **6:30 pm**
Planning Commission **Hybrid Meeting**
Regular Meeting **McMinnville, Oregon**

Members Present:	Sidonie Winfield, Brian Everest, Beth Rankin, Rachel Flores, Matt Jones, Sylla McClellan, Brian Randall, and Elena Mudrak
Members Absent:	Meg Murray
Staff Present:	Heather Richards – Community Development Director, David Berniker – Planning Manager, Tom Schauer – Senior Planner, and Evan Hietpas, Associate Housing Planner

DRAFT

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

- July 18, 2024

Commissioner Flores moved to approve the July 18, 2024, minutes. The motion was seconded by Commissioner Rankin and passed unanimously with Commissioner Everest abstaining.

- October 3, 2024

Commissioner Mudrak moved to approve the October 3, 2024, minutes. The motion was seconded by Commissioner McClellan and passed unanimously with Commissioner Everest abstaining.

4. Public Hearings

A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue,Tax Lots R4427 600 and 604)

Continued from January 16, 2025

Request: The applicant is requesting concurrent review and approval of a Comprehensive Plan Map Amendment from Industrial to Residential (CPA 1-24) and a Zone Change from M-1 to R-4 for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604, approximately 5.8 acres.

Applicant: Commonwealth Development Corporation c/o Daniel DeFrancesco on behalf of property owners Jodi Devonshire, Andrea Feero, and Jennifer Feero.

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: Associate Planner Hietpas presented the staff report. This was a continued public hearing for a request to change the Comprehensive Plan designation from industrial to residential and zoning from M-1 to R-4 on two parcels on Stratus Avenue. He reviewed the subject property, Comprehensive Plan and zone change proposal, additional information entered into the record, review process and procedures, public hearing process, Planning Commission's role, review criteria, public testimony received, themes of the opposing testimony, and revised decision document.

Community Development Director Richards reminded the Commission that this was a Comprehensive Plan and zoning amendment, not a development proposal. One of the discussions at the previous hearing was about the fire code regulations, and these regulations were reviewed by the Fire Marshall. The Fire Marshall had reviewed the regulations for this application and did not find any issues with it. She addressed the key points of opposition and outlined the updated findings. For "needed" housing, she discussed the orderly and timely criterion and the caveat that when the proposed amendment concerned needed housing, this criterion would not apply. Testimony provided that they could not rely on the November 2023 Housing Needs Analysis and Economic Opportunity Analysis since they might be appealed to the Court of Appeals. So they would rely on the Housing Needs Analysis from 2001 and Economic Opportunity Analysis from 2014 that were approved. This analysis identified the need for more multi-family dwellings and that there would be a shift in the housing mix to a greater percentage of multi-family dwellings. The analysis also showed there was a surplus of 235.9 acres of industrial land and a deficit of several hundred acres of residential. Another criterion was that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan. In addition, the housing policies of the Comprehensive Plan shall be given added emphasis and the other policies in the plan shall not be used to exclude needed housing, unnecessarily decrease densities, or allow special conditions which would have the effect of discouraging needed housing through unreasonable cost or delay. She then explained the Three Mile Lane Area Plan which was adopted in 2022 and how the vision for the subject site was for medium to high density residential and that it was stated in the Comprehensive Plan that this was considered a future Plan Map amendment they wanted to see happen. The City had very limited supply of buildable land in the next five years for housing. There was a Comprehensive Plan policy for areas that would be good locations for medium and high

density residential. Stratus Avenue was a minor collector street. Public transit was less than a quarter mile away from the site and a future retail center, employment center, and neighborhood park were a half mile away. Regarding utilities and services being efficiently provided, the metrics were governed by state law, state administrative rules, and local regulations for transparency and equity. She explained the transportation analysis process which began with a trip generation memorandum. If the difference in average daily trips or pm peak hour trips warranted further analysis, the analysis would look at how the proposal impacted the system, both state and locally, based on modeling and adopted performance standards. The analysis would identify improvements needed to maintain performance standards on the system. In this case, they never went past the first step, however the applicant was willing to put a self-imposed trip cap, limiting the development to a maximum of 715 average daily trips. The City also required the proposal to do a trip generation memorandum prior to the building permit submittal and if the differential was 200 average daily trips and/or 20 pm peak hour trips, a traffic impact analysis would be required. Regarding bicycle and pedestrian safety, Stratus Avenue sidewalks existed or will exist for the expanse of Stratus within the City limits except for in front of the mobile home park. Regarding the access easement, it was a private document between property owners. The City regulated the number of lots that could use an access easement, which was three. The width needed to be a minimum of 15 feet and this was 25 feet, and the paved surface width needed to be a minimum of 10 feet and this was 25 feet. The property owner had agreed to move the access easement to the far eastern side of the property and would demolish the building that was in the way.

Associate Planner Hietpas then reviewed the conditions of approval. Staff recommended continuing the hearing to March 20 to allow the applicant to conduct a sanitary sewer capacity analysis.

Questions: There was discussion regarding how the trip cap was significantly less than what was considered a reasonable worst case scenario for the R-4 zone, for Condition #2 to specify the on-site vehicular circulation included semi-trucks and larger vehicles, and how they would probably not require street frontage improvements since the property was not on a street frontage but it was not part of this application.

Applicant's Testimony: Steve Kay, Cascadia Planning and Development Services, was representing the applicant. They agreed with staff's recommendation to continue the hearing. He confirmed that they planned to tear down the existing house and realign the easement. The business owners had been made aware of the realignment. The trip cap was based on about 100 units. They had not considered alternate easements as they intended to use the legal access to the property.

Proponents: Mike Morris, resident of McMinnville, was working with the Feero family. He had conversations with the property owner to the west and south and the property owner was willing to grant an easement, but the property was outside of the City limits and Urban Growth Boundary, and they could not create an easement to the property inside the City limits.

Opponents: Nicholas Helstrom, resident of McMinnville, lived on the property. The property owner had not approved the new alignment of the easement. He suggested amending the condition that they clearly delineate onsite vehicular circulation to Stratus Avenue, and he would like it pushed out to Stratus Village and a sidewalk put in across the mobile home park for better pedestrian safety. There needed to be a better school bus stop as well.

Malcom Greenlees, resident of McMinnville, thought they should reject the application based on the impact on family businesses, limited light commercial land available in the City, zoning criteria was excessively quantitative instead of qualitative, it was a terrible location for apartments, Stratus was a narrow road, and quality of life for the neighbors.

Randall Yates, resident of McMinnville, was concerned about the enforcement of the proposed trip cap and whether it took into account residents only or other people who might be using the road. Lack of access, congestion, and pedestrian safety were big concerns and he thought the proposal should be rejected.

Associate Planner Hietpas explained how the trip generation was determined and that it included deliveries and service worker trips.

Alex Botten, resident of McMinnville, noted there had been no agreement to change the access easement. City regulations allowed up to three parcels to utilize the shared access easement, but there were four parcels, NW Logging, Ed's Transmission, the existing building that would be demolished, and this new parcel. There were several multi-family housing developments proposed in this area, and all four would be rezoned from commercial/industrial into housing and would be within a thousand feet of each other. McMinnville needed businesses and good paying jobs, not apartment complexes that took up all the industrial and commercial land and residents shouldn't have to navigate through a private business complex to get to their homes. They should use up the 600 acres of residential land first.

There was discussion regarding the realignment of the access easement and how there was not an agreed upon solution at this time.

Community Development Director Richards said they did not show Ed's Transmission as having access off the easement.

William Barlow, resident of McMinnville, did not think the conditions were adequate to address all the concerns. He did not think it was consistent with the goals and policies in the Comprehensive Plan and the application should be denied.

John Rima, resident of McMinnville, talked about his grandson being hit by a passing truck while walking in this area. There needed to be sidewalks in this area. The easement issue was a hardship to the existing businesses.

Martin Vietz, resident of McMinnville, did not think proposing another apartment complex in this area when they did not know what it would be like with the ones that were currently being built was a good idea. There were already problems with traffic, intersections, McDonald's area, and bridge. He thought other locations would be better for more apartments.

Lana McKay Brown, resident of McMinnville, was concerned that the 300-foot notification standard, which was not enough for those neighbors that would be impacted. The traffic would be an issue, especially with the cumulative effect of the other apartments that were currently being built. She did not think this was the right location for another large complex.

There was discussion regarding the traffic study models and trip generation and how the planned improvements happened when the performance standards failed.

Mark Davis, resident of McMinnville, said this was not a good location to add more housing. There were 600 acres added to the Urban Growth Boundary for housing and there should be a place on that side of town that could accommodate this development. It was on the edge of a busy highway, it would be noisy, and there was no access to a City street but they were relying on a right-of-way. The application should be rejected because it did not meet the Great Neighborhood Principles. He thought the applicant should be the one explaining how they would meet the conditions, not staff.

Lynette Noble, resident of McMinnville, thought having two ways in and one way out of this development was wrong. Stratus was owned by ODOT and she questioned if they had the same requirements for traffic.

Community Development Director Richards clarified Stratus Avenue was in the City's jurisdiction and ODOT provided comments that they did not have any concerns at this stage in the process.

Roy Carter, resident of McMinnville, did not think this was a good fit due to the lack of infrastructure, access, and pedestrian safety.

Kory Knutz, resident of McMinnville, talked about the overburdening of an easement. He questioned if there would be room for sidewalks and travel lanes and the impacts to the businesses with the traffic and parking lots. This was a narrow corridor and it needed a secondary access.

Jason Bizon, resident of McMinnville, asked what happened if they exceeded the trip cap. He did not think this was orderly and timely and planning should be incremental. He agreed with the other opposing testimony.

Commissioner McClellan MOVED to CONTINUE the hearing for Comprehensive Plan Map Amendment (CPA 1-24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604) to March 20, 2025. SECONDED by Commissioner Jones. The motion PASSED 8-0.

Commissioner Randall encouraged the applicant to meet with the businesses and discuss the access issue to come to a solution.

5. Work Session

- Long Range Planning 2025-2026 Work Plan

Community Development Director Richards reviewed the 2025-2026 work plan. She discussed staffing, long range planning work plan, developing staff work plans and project timeframes, status of the projects on the work plan, disrupters, and staffing capacity for the ambitious work program.

There was discussion regarding the work plan items, residential projects that had not happened yet, lowering the required parking for commercial and increasing the landscaping required, reviewing zoning for the downtown corridor and restricting the number of hotels and

AirB&Bs by applying the separation standards the Planning Commission had already worked on, and using Planning Commission subcommittees for the work.

There was consensus for staff to look into fitting the parking/landscaping requirements for commercial and separation standards for hotels and AirB&Bs into the work plan.

6. Commissioner Comments

There was discussion regarding joint work sessions with the City Council. Commissioner Flores noted she had a conflict on the second Tuesdays of the month.

Chair Winfield had volunteered with several other service groups to plant 39 trees in Joe Dancer Park.

7. Staff Comments

Community Development Director Richards discussed upcoming meetings.

8. Adjournment

Chair Winfield adjourned the meeting at 9:25 p.m.

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

MINUTES

March 20, 2025 **6:30 pm**
Planning Commission **Hybrid Meeting**
Regular Meeting **McMinnville, Oregon**

Members Present: Sidonie Winfield, Brian Everest, Beth Rankin, Rachel Flores, Matt Jones, Meg Murray, Brian Randall, Sylla McClellan, and Elena Mudrak

Members Absent:

Staff Present: Heather Richards – Community Development Director, David Berniker – Planning Manager, Tom Schauer – Senior Planner, Evan Hietpas – Associate Housing Planner, and Melissa Ryan – Bateman Seidel

DRAFT

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: Comprehensive Plan Map Amendment (CPA 1-24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604)

Continued from January 16, 2025 and February 6, 2025

Request: The applicant is requesting concurrent review and approval of a Comprehensive Plan Map Amendment from Industrial to Residential (CPA 1-24) and a Zone Change from M-1 to R-4 for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604, approximately 5.8 acres

Applicant: Commonwealth Development Corporation c/o Daniel DeFrancesco on behalf of property owners Jodi Devonshire, Andrea Feero, and Jennifer Feero

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.

Commissioner Murray had contact with Andrea Feero, but they had not discussed the application.

Chair Winfield had been in the neighborhood and one of the neighbors brought up the petition, but Chair Winfield did not discuss it.

Staff Report: Associate Housing Planner Hietpas presented the staff report. This was a request for changing the Comprehensive Plan designation from industrial to residential and zoning from M-1 to R-4 for two parcels on Stratus Avenue. He reviewed the Comprehensive Plan and zone change proposal, Three Mile Lane Area Plan, additional information entered into the record, review process and procedures, public hearing process, Planning Commission action, updated decision document, public testimony received, themes of the opposing testimony, review criteria, definition of “needed housing,” sanitary sewer capacity review and how utilities and services could be efficiently provided, transportation review steps, Condition #3: applicant’s self-imposed “trip cap” to limit future development to a total of 715 daily trips, access easement legal review that determined the subject parcels were 2 of the 3 properties that had legal access from the recorded easement, and updated conditions of approval. Staff recommended approval with conditions and a revision to eliminate Criterion 17.74.020 (B) from the final findings of the Decision Document, as the exemption for “needed housing” had been met.

Questions: There was discussion regarding the sidewalks for the mobile home park.

Applicant’s Testimony: Steve Kay, Cascadia Planning and Development Services, was representing the applicant. Many of the public comments had been addressed by staff and the conditions of approval, including the requirement to fully evaluate the public transportation system when a development proposal was submitted. The applicant understood and accepted that improvements to roadways and intersections in the study area might be required. The applicant had also proposed a trip cap of 715 average daily trips to assure the neighbors the site would not be developed to the maximum density. The proposal was consistent with the applicable Comprehensive Plan goals and policies and needed to be evaluated in the context of the Three Mile Lane Area Plan. The Area Plan was developed after an extensive outreach process and existing uses and the pattern of existing development in the area was analyzed. Economic development goals, required transportation improvements, and housing needs were all considered. The applicant was not involved in this process and did not advocate for the change from industrial to residential at that time. McMinnville community members had determined that the subject site should be designated as a multi-family use. The City held four public hearings before the plan was adopted. The applicant had reached out to NW Logging and Ed’s Transmission to discuss the access if the zone change was approved. The revised concept plan proposed to relocate the existing access easement, provide a new location for the storage shed, retain the existing turnaround in the parking lot, and provide a privacy fence along the access drive and southern boundary of the parking area. He thought the applicable criteria had been met and the applicant would be responsive to the needs of the adjacent business owners.

Daniel DeFrancesco, Commonwealth Development Corporation, gave a background on the company and what they were trying to achieve. They were long-term owners of

developments and wanted to work with local organizations for affordable housing. They were following the City's plans for this site and did not plan to develop to the maximum density. They would put in a trip cap and planned to put in 96 units that were in two story buildings. They also met with the business owners to address their concerns. The residential building would be demolished for the easement realignment and they would work with the business owners on the storage shed.

Proponents: None

Opponents: Bill Ellis, resident of McMinnville, was concerned about the safety on Stratus Avenue as it was narrow and had blind corners and no sidewalks. He was also concerned about the impacts of the development on ground water and wildlife.

Alex Botten, resident of McMinnville, discussed staff's findings for needed housing. The need for residential land was not that much greater than the need for industrial/commercial land yet it kept getting rezoned to residential. He did not think apartment residents passing through an industrial area was compatible. This property was put in a generalized overlay plan without taking into consideration the logistics of access with high density housing. This site was the only lot on Stratus Avenue that was accessed by an easement. A 25 foot easement was not large enough for what they would be required to do. The decision should be based on what was on the deed, not what could hypothetically be. There was a lot of opposition from citizens to this application. If it was approved, he asked for an additional condition that the developer be required to install sidewalks in front of the mobile home park prior to the zone change. He thought the proposed realignment would work in a worst case scenario, but he planned to fight this to the end. He thought if the property remained industrial, it would be 100-200 daily trips for the property in the morning and evening, which would be reasonable rather than a 24-hour constant flow of traffic with residential. He bought the land expecting that the adjacent property would be light industrial. He would accept the 492 daily trips that might come from a light industrial development. He was most concerned about his landscaper customers trying to navigate the easement during operating hours.

Community Development Director Richards said staff would have to look into the proportionality for how much they could require of the developer regarding sidewalks for the mobile home park.

There was discussion regarding the proposed realignment, turnaround, fence, and sidewalk, and Condition #4 and what triggered the traffic analysis.

Nick Helstrom, resident of McMinnville, also suggested a condition to require a sidewalk in front of the mobile home park. There were 242 signatures of residents who were opposed to the development. Many wanted to wait until they knew the effects of the other developments in the area. There would be more people in the area with this development who might vandalize the businesses. He discussed his current lease in the building that would be torn down if the easement was realigned. It was a beautiful house and if it went through, he would have to move. However, he understood it was just a rental.

Lana Brown, resident of McMinnville, thought the application should be rejected because of the traffic impacts. She was still concerned about the cumulative effect of the additional developments. There was limited access and traffic congestion. It was the wrong place at the wrong time.

Martin Vietz, resident of McMinnville, asked questions about the project and surrounding developments, and how the request had to be approved if it met the criteria. He thought that law should be changed and that they should postpone approval until they saw the real effect of the other developments going in in this area. He thought the traffic would be a lot worse than what was predicted. He thought they needed to look at the exit and entrance to McDonald's which was a sight hazard.

Community Development Director Richards said that was a current hazard and could be submitted to Code Enforcement.

Mark Davis, resident of McMinnville, spoke about the Three Mile Lane Area Plan. This entire parcel was supposed to be zoned residential. However, someone bought two of the three parcels and put in businesses and now there was a conflict. The southern part of the parcel was designated as a park in the Three Mile Lane Area Plan and it should be dedicated as parkland to the City.

Shannon Botten, resident of McMinnville, noted all the housing proposed was low income, which was not a range of housing and put all one socio-economic group together.

Associate Housing Planner Hietpas said they had identified that all housing was "needed housing" across the spectrum and as long as the proposal was consistent with that, Criterion B was not part of the decision-making process. It was not required for the applicant to provide a variety of price ranges. It was saying City-wide they had needed housing that was expansive across a range of prices and housing types.

Ms. Botten did not think all the low income housing should be in one area. Commissioner Flores noted that the 138 units at Norton Landing was not income restricted. Staff defined affordable housing.

Malcolm Greenlees, resident of McMinnville, said good and valid issues were brought up at one meeting and deferred to the next meeting where numbers were given to support the solution. This was the wrong project at the wrong place at the wrong time. These projects would change the personality of this community as well as present substantial safety issues.

Rebuttal: Mr. Kay clarified this was not a Section 8 project. The residents would need to demonstrate income and if they had between 30% to 60% of the area income, they would qualify. Regarding the traffic study, it would be prepared by a transportation engineer who would look at all the approved developments in the pipeline for the cumulative effect. Regarding the sidewalk in front of the mobile home park, they could amend Condition #4 to add a requirement to fully evaluate the pedestrian safety along Stratus Avenue and determine whether a sidewalk should be required at the mobile home park.

Mr. DeFrancesco said they were waiting for funding from a state agency for constructing the apartments and they would have to submit an application to the City. Construction potentially could start by the end of the year or early next year.

There was discussion regarding water impacts on surrounding neighbors' ground water and how it was unlikely that there would be an impact to any property due to the regulations of the on-site stormwater retention design.

Commissioner McClellan MOVED to CLOSE the public hearing, SECONDED by Commissioner Jones. The motion PASSED 9-0.

Chair Winfield closed the public hearing.

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

Commission Deliberation: There was discussion regarding the conditions of approval, how the applicant was making their best attempt to come to an agreement to impact the businesses the least amount as possible, process for view obstructions, and need for housing.

There was consensus that the application was consistent with the Three Mile Lane Area Plan and met all the requirements. The applicant was willing to evaluate the pedestrian and traffic safety.

Commissioner Mudrak MOVED to RECOMMEND City Council APPROVAL of Comprehensive Plan Map Amendment (CPA 1-24) and Zone Change (ZC 4-24) for property at 2320 SE Stratus Avenue, Tax Lots R4427 600 and 604 with the conditions provided by staff and the adjustment to remove Criterion B from the Decision Document as well as adding the analysis of the sidewalk to Condition #4. SECONDED by Commissioner Jones. The motion PASSED 9-0.

Community Development Director Richards said staff would come back to the next meeting with a document for the Commission to adopt with language for the amendment to Condition #4.

B. Legislative Hearing: Comprehensive Plan Amendment (Docket G 7-24) Water System Element of Public Facility Plan

Continued from January 16, 2025 and February 20, 2025

Request: **THE CITY OF MCMINNVILLE IS PROPOSING AN AMENDMENT TO THE MCMINNVILLE COMPREHENSIVE PLAN AS FOLLOWS:** (1) adopt portions of the 2011 Water Master Plan as amended by the 2024 Water Master Plan Addendum as part of the Public Facility Plan, a supporting document to the McMinnville Comprehensive Plan; (2) amend Volume I of the Comprehensive Plan to update data consistent with the updated Water System element of the Public Facility Plan; and (3) amend Volume II of the Comprehensive Plan to update policies consistent with the updated Water System element of the Public Facility 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 had requested the hearing be continued to May 1, 2025.

Commissioner McClellan MOVED to CONTINUE the hearing for Comprehensive Plan Amendment (Docket G7-24) Water System Element of Public Facility Plan to May 1, 2025. SECONDED by Commissioner Mudrak. The motion PASSED 9-0.

4. Commissioner Comments

Commissioner Rankin discussed sales information for residential property transfers in 2024.

There was discussion regarding short term rentals in areas with CC&Rs getting approval from the HOA as part of the review process.

5. Staff Comments

Community Development Director Richards discussed changes to upcoming meetings.

6. Adjournment

Chair Winfield adjourned the meeting at 8:53 p.m.

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MINUTES

April 3, 2025 **6:30 pm**
Planning Commission **Hybrid Meeting**
Regular Meeting **McMinnville, Oregon**

Members Present: Sidonie Winfield, Brian Everest, Beth Rankin, Rachel Flores, Matt Jones, Meg Murray, Brian Randall, Sylla McClellan, and Elena Mudrak

Members Absent:

Staff Present: Heather Richards – Community Development Director, David Berniker – Planning Manager, Tom Schauer – Senior Planner, and Evan Hietpas – Associate Housing Planner

1. Call to Order

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

2. Citizen Comments

None

3. Action Items

- **CPA 1-24/ZC 4-24** – Approval of the written Decision Document with the findings and conditions for CPA 1-24/ZC 4-24 as verbally approved by the Planning Commission at the March 20, 2025 Planning Commission meeting, (Exhibit 1)

  Staff Report: Associate Housing Planner Hietpas presented the staff report, including the updated Decision Document that reflected the Planning Commission's recommendation on March 20, 2025, to revise Condition #4 and findings related to MMC 17.74.020(B). Staff recommended a motion to approve the revised Decision Document.

  Commissioner Mudrak MOVED to APPROVE the Decision Document for CPA 1-24/ZC 4-24, as presented in the April 3, 2025 meeting materials. SECONDED by Commissioner McClellan. The motion PASSED 9-0.

DRAFT

4. Work Session

- Housing Production Strategy (G 4-24)

Staff Report: Associate Housing Planner Hietpas presented the staff report, providing an overview of the Housing Production Strategy (HPS) process, a summary of public engagement outcomes for the process, and a review of the sixteen proposed HPS actions.

The HPS was described as “step 2” in a 3-step process for housing planning, related to recently adopted State of Oregon requirements, including 1) Housing Needs Analysis, 2) Housing Production Strategy, and 3) Housing Production Strategy Work Plan.

The HPS process was also laid out in three key sections of work: 1) Analysis of Housing Needs in Summer and Autumn of 2024, 2) Development of Housing Actions in Autumn 2024 to Spring of 2025, and finally, 3) Finalize Document and Adoption in Spring to Summer 2025. The Planning Commission work session tonight was intended to move the City from step 2 to step 3 of the project phases, towards adoption in June 2025.

Next, Hietpas presented public engagement outcomes including results from previous efforts completed though the “draft Housing Strategy” work in 2018-2019, a public survey facilitated at the end of 2024, and focus groups and stakeholder interviews conducted throughout the HPS process in 2024. For the review of the sixteen (16) proposed HPS Actions, Hietpas broke the Actions into 3 different sections to allow for Planning Commission discussion. Seven (7) actions were presented in the “Long-Range Planning” and “Regulatory Amendments” section. Five (5) actions were presented in the “Incentives for New Housing” and “Land-Based Programs” section. Four (4) actions were presented in the “Housing Choice and Preservation” section.

Commissioner Questions and Comments: Discussion held on re-zoning land to R-5, implementation of Great Neighborhood Principles, management of community land trusts and the City’s role in partnerships, surplus land related to Yamhill County buildings in McMinnville, scaling of system development charges proposed implementation timeline, manufactured homes zoning and land use regulations.

Hietpas presented next steps in the process which includes public webinars held on April 24th and 30th, a Planning Commission public hearing on May 15th, and a City Council action item for adopting on June 10th.

5. Commissioner Comments

Commissioner Rankin and the rest of the Commissioners wished Evan Hietpas and Heather Richards a happy birthday.

6. Staff Comments

Senior Planner Schauer notified Commissioners that there will be no April 17th meeting and the next meeting will be May 1st to bring back the Water Master Plan.

7. Adjournment

Chair Winfield adjourned the meeting at 8:16 p.m.