

## **EXHIBIT 1 - MINUTES**

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

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

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

**Members Absent:** Meg Murray

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

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

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

### **2. Citizen Comments**

None

### **3. Public Hearings**

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

**Request:** **PDA 1-24.** The applicant is requesting approval of a Planned Development Amendment to the current Planned Development approval applicable to the property for the remaining undeveloped phases, approximately 106 remaining acres. Principal elements of the proposed amendment include requests to: reconfigure parts of the street layout, change the number of remaining residential lots from 394 to 392, provide tracts for open space and recreation and pedestrian connections (approximately 13 acres) and stormwater management (approximately 1.6 acres), modify phasing boundaries, and request modifications to certain development standards, including reduced setbacks, lot size averaging with average lot size of 7,960 sf and minimum lot size of 5,000 sf, and flexibility to street/alley standards for address frontage for three lots, and request to remove all trees as necessary to accommodate the proposed development plan.

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

**S 3-24.** The applicant is also requesting approval of an amendment to the corresponding Subdivision Tentative Plan for the property, to be consistent with the requested Planned Development Amendment.

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

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

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

Chair Winfield asked if any Commissioners had visited the site. Commissioners McClellan, Jones, Tucholsky, Flores, and Winfield 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.