



# Oregon

Department of Land Conservation and Development

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Theodore R. Kulongoski, Governor

April 20, 2004

TO: Land Conservation and Development Commission

FROM: *JH* Jim Hinman, Urban Specialist and *EJ* Eric Jacobson, Transportation Specialist  
via Rob Hallyburton, Community Services Manager

SUBJECT: Agenda Item 7c, April 21-23, 2004, LCDC Meeting

## REFERRAL OF THE CITY OF McMinnville's PERIODIC REVIEW TASK 1 AND UGB AMENDMENT

### RESPONSES TO EXCEPTIONS

#### I. EXCEPTIONS RECEIVED

The department received the following timely exceptions:

- A. 1000 Friends of Oregon, Friends of Yamhill County and Larry Rucker
- B. Community Development Law Center (CDLC)
- C. Mr. Mark Davis
- D. City of McMinnville

#### II. SUMMARY OF RECOMMENDED ACTION

The department recommends that the Commission:

- partially approve the city's submittal for the amendment of the UGB to include several exception areas; and
- remand portions of the Task 1 and UGB submittals for reconsideration of (1) the twenty-year land need, (2) the decision of which exception and resource lands to be added to the UGB, and (3) internal consistency of plan policies and implementing regulations and compliance with several specific requirements of the Statewide Planning Goals.



Based on the exceptions received the department has amended its recommendation to the Commission. The department's entire recommendation, with deletions shown as ~~strikethrough~~ and additions shown in *bold italics*, is in section VIII of this report.

Also, a chart is attached to this report that summarizes the objections and exceptions received and the department's responses.

### III. BACKGROUND

(See the department's March 30, 2004 report.)

### IV. REVIEW CRITERIA AND PROCEDURES

(See the department's March 30, 2004 report.)

### V. ANALYSIS OF EXCEPTIONS

#### A. 1000 Friends of Oregon, Friends of Yamhill County and Larry Rucker

**Exception 1. The city's housing needs analysis lacks an adequate factual basis, fails to comply with statute and rule.** This exception relates to 1000 Friends' Objection 2 on pages 3 and 4 of the March 30, 2004 staff report, Attachment A. This exception states that the department failed to address whether the city's "needed density" of 7.2 dwelling units per acre is adequate. The exception further argues that the city's needs analysis is deficient in (a) correlating household incomes with housing needs, (b) determining the need for government assisted housing, (c) determining the need for special populations housing, including farmworker housing and (d) determining the historical and needed density and mix of housing types.

**DLCD response:** The department agrees with this exception in part.

(a) **Determination of needed housing, generally.** 1000 Friends, in effect, argues that the city's housing needs analysis is fatally flawed because it does not correlate income levels with housing need. Much of the exception is a quote from the department's previous appeal brief on the city's analysis. The department maintains that nothing requires that it attack the city's plan with the same ferocity as was exhibited in its LUBA appeal brief. The department has recommended a remand to reconsider the need for multifamily housing including government assisted housing and farmworker housing. However, for the reasons in the department's report cited above, the department does not recommend that the city be remanded to start its analysis completely over.

(b) **Government assisted housing.** The department has recommended a remand to reevaluate the ratio of single family to multiple family dwellings as it relates to the need for government assisted housing. The department agrees that if that ratio were to change, the overall planned density (now 7.2 units per acre) would also be likely to change. In recommending a remand on a particular issue, the department has not intended to list every part of the plan which may need to be amended in response to the remand.



(c) **Farmworker housing.** The department's staff report (Attachment A, pages 42 through 46) recommends a remand to reconsider the need for government assisted housing and the ratio between single family and multiple family housing. If there is an insufficient amount of multifamily land, private nonprofit providers of housing as well as private developers will also be affected. CASA of Oregon submitted local testimony about the need for multifamily land to provide housing for farmworkers (see attached letter of August 4, 2003). Also, as 1000 Friends points out, the "needed housing" statutes specifically requires local governments to plan for the housing needs of farmworkers. The city's Housing Needs Analysis on page 5-29 determined that there will be a need to house about 6,800 farmworkers in Yamhill County by the year 2020. The city's analysis concludes, "Our discussion of special needs housing and housing affordability suggests that housing need in McMinnville is considerable." However, the city did not go on to project the amount of farmworker housing which will be needed in McMinnville.

(d) **Historical data.** The question of whether the city's data on the mix of housing types constructed between 1988 and 2003 is valid is moot because the city did not use that historical ratio to determine the need for multifamily housing. The percentage of multiple family housing based on the historical period between 1988 and 2000 was 34 percent. The city determined that the "needed" percentage was 40 percent. This 40 percent happens to be the average of the city's "baseline" forecast and the higher percentage recommended by the Community Development Law Center (DLCD report Attachment A, page 45 and 46). The department did not finally agree with the city's percentage and recommends a remand. However, the department maintains that the city is not required to base its analysis only on the period from 1991 to 1995.

**Conclusion:** The department's recommendation is amended on page 8 of the March 30, 2004 report, as follows:

1.d) Amend the Housing Needs Analysis to project the type and density of government assisted housing *and farmworker housing* that will be needed, including multifamily; reevaluate the planned ratio of single family to multiple family units; and ensure that sufficient land is planned in each residential zone to accommodate the need.

**Exception 2. The city assumes that development will occur at less than historical densities in some zones.** This exception relates to 1000 Friends' Objection 3 on pages 4 and 5 of the March 30, 2004 staff report, Attachment A. 1000 Friends states that the city has reduced the planned density for several housing types in several of its residential zones below the actual historical densities without justification.

**DLCD response:** The department does not agree with this exception.

The city's methodology was to determine the planned density by housing type and then determine the average density by zone based on the planned mix of housing types. This resulted in an overall increase in gross residential density for new development from 4.7 dwelling units per acre in the period from 1988 to 2000 (Table 4-8, HNA, page 4-9) to 5.7 dwelling units per acre to the year 2023 (Appendix B, page B-10, Table 8). In the R-2, zone the city plans to

increase the gross density of single family detached housing from 3.8 to 4.1 (also from Table 4-8 and Table 8). The differences in the R-3 and R-4 zones cited by 1000 Friends are small and can be accounted for by averaging and rounding. 1000 Friends is correct that the city has planned for multiple family density in the new R-5 zone at 15 dwelling units per acre, which is less than the historic density achieved in the R-4 zone (also from Table 4-8 and Table 8). This decreased is explained through averaging the density for multiple family housing constructed in all zones. The city could have used the higher number, but if it is an error, it is small in magnitude (about 5 acres, according to 1000 Friends) and works in favor of providing more land for multiple family housing.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 3. Compliance with the Transportation Planning Rule.** This exception relates to 1000 Friends' Objection 11 on pages 23 through 25 of the March 30, 2004 staff report, Attachment A. 1000 Friends state that it is unclear whether the staff's recommended actions accurately capture and reflect the conclusions stated in the department's March 30, 2004 Staff Report, Attachment "A" considering the rezonings listed in Table 73 could be considered to be separate from the periodic review submittal.

**DLCD response:** The department agrees with this exception.

We do not believe there is a substantive disagreement concerning this exception. The department intended to remand the rezonings in Table 73 pending further analysis and related findings by the city.

**Conclusion:** To clarify this point, the department's recommendation is amended as follows:

"3. Remand the plan to ~~amend plan~~ and *related* implementing regulations, *including the rezonings in Table 73*, to amend the plan and implementing regulations to make them..."

**Exception 4. Proposal to rezone land to Commercial on Highway 18 at Cruickshank and Loop Roads and on Highway 18 overpass to downtown.** This exception relates to 1000 Friends' Objection 12 on pages 25 through 28 of the March 30, 2004 staff report, Attachment A. 1000 Friends makes two major points relating individually to Parcels 12/13 and Parcels 11/14, described below.

(a) **Parcels 12 and 13.** 1000 Friends states the city has applied conditions to these parcels that limit the allowed uses to those in the Agricultural Holding zone. Therefore, they assert, there is no reason to rezone these properties, and the applied conditions are not consistent with the plan designation of Commercial or the applied General Commercial zone.

(b) **Parcels 11 and 14.** 1000 Friends states that the designation of Parcels 11 and 14 for Commercial uses and C-3 zoning violates the city's policy to discourage auto-oriented strip

commercial development since the parcels are near (approximately 300 feet from) Highway 18 and allow fast food restaurants and gas stations.

**DLCD Response:** The department does not agree with this exception.

(a) The department understands the city was desirous of eliminating the Comprehensive Plan Mixed Use (MU) designation. See Appendix F, page F-1. The city redesignated parcels designated MU to either residential, commercial, or industrial, and applied appropriate zoning categories and conditions, if necessary. The city could likely have applied either industrial or commercial designations to these properties with appropriate conditions and they chose the commercial designations. The exception does not explain how the adopted plan and zone designations are inconsistent with the statewide planning goals, rules, or statutes, or how the designations are internally inconsistent with the plan. The department finds the city's plan and zone designations to be reasonable and consistent.

(b) As noted in staff report, Attachment A pages 25 and 26, strip commercial development typically exhibits several characteristics. In this instance, Parcels 11 and 14 total 2.7 acres, are located adjacent to one another, and front on Loop Road approximately 300 feet from the intersection of Loop Road and Highway 18. While 1000 Friends is correct that the commercial designations and zoning allow retail uses typical of strip commercial development, the department believes it is reasonable for the city to conclude that these two parcels, in isolation and located 300 feet from Highway 18, do not constitute a strip.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 5. Specific amendments to plan text and code text.** This exception relates to 1000 Friends' Objection 13 on pages 28 through 35 of the March 30, 2004 staff report, Attachment A. This exception raises four issues.

(a) **Policy 71.01 restricts housing density within one-quarter mile of transit routes.** 1000 Friends state that Policy 71.01 should be amended since this policy restricts housing that is outside of designated Neighborhood Activity Centers (NACs) or more than 500 feet of planned or existing transit corridors to a density of six units per acre.

(b) **Illustrative plans should be amended to be consistent with Plan Policy 188.00(4).** 1000 Friends state that illustrative plans that depict R-2 zoning as part of NACs are inconsistent with Policy 188.00(4), which states the NAC support areas consist of medium and higher density housing.

(c) **Plan Policy 188.03 restricts housing density proximate to NAC focus areas.** 1000 Friends state Policy 188.03 should be amended since this policy restricts high density housing to no more than 660 feet from the edge of a NAC focus area and medium density housing to no more than 1,320 feet from the edge of a NAC focus area.

(d) **Plan Policy 188.05 allocates excess land for commercial uses.** 1000 Friends state Policy 188.05 allocates an excessive amount of land to accommodate the amount of proposed commercial and office floor space, and that the planned floor area ratios are NAC policies to intending the NACs to be compact, pedestrian-friendly, and transit-supportive.

**DLCD response:** The department agrees with this exception.

(a) As noted in the March 30, 2004 staff report (Attachment A pages 13 and 14), and in this response to exceptions, the city is required to plan for and allow transit supportive uses, including medium- and high-density residential development, within one-quarter mile of transit routes. ~~This is not to suggest that all properties located within one-quarter mile of a transit route must or should be designated for high- or medium-density residential development.~~ However, limiting all residential development beyond 500 feet from a transit corridor to a density of six units per acre is inconsistent with the principles of transit-oriented development. The department correctly identified the need to amend Policy 71.13 but did not identify the need to also amend Policy 71.01.

(b) 1000 Friends correctly point out that Policy 188.00 states the NAC support area consists of medium- and higher-density housing. City policies define the R-2 zone to be a low-density housing zone, and yet the illustrative plans include areas designated R-2 as part of the NAC support areas. As indicated elsewhere in the staff report, Attachment A and in this response to exceptions, it is necessary for the city's plan to be internally consistent. Therefore, it is necessary for the city to either amend Policy 188.00(4) or the illustrative plans so that they are internally consistent.

(c) The department did not support this objection in our March 30, 2004 staff report (Attachment A, page 30) because we viewed this policy as a guideline for the arrangement of land uses and densities within a NAC and to not directly influence the land needs analysis. Since the NACs have an overall targeted density of 7.5 dwelling units per net acre, we did not support the objector's contention that the guidelines in this policy inflate the projected land needs and the size of the proposed UGB expansion. Upon further review, we agree with the exception that the policy should be rewritten to avoid delineating areas of medium- and high-density housing so narrowly. As described elsewhere in this response to objections and in the staff report, Attachment A, we support the notion of establishing a minimum density targets in the NACs while also allowing higher densities. However, since the land needs analysis is based upon projected development densities and minimum or "targeted" densities rather than higher densities that might be allowed within NACs and certain zoning districts, we do not agree with the objector's contention that modifying this policy will necessarily reduce the UGB expansion needs.

This policy appears to be an attempt by the city to define the general arrangement of land uses and densities within NACs. This policy appears to either encourage or require a gradient of residential densities, from higher to lower, with higher densities being located closer to the focus area, and lower densities being located further away. The department agrees with and supports this as a logical planning methodology and guideline. On the other hand, while this policy

purports to include "guidelines," the policy also uses the word "shall" and establishes the "maximum distance" that high- and medium-density development can be located from the NAC focus area. These terms are too prescriptive and limiting to be considered guidelines.

As noted in the exception, this policy states that the "maximum distance" high-density housing can be located away from the edge of a Focus Area is 660 feet, while the "maximum distance" from the edge of the Focus Area for medium-density housing is 1,320 feet. This policy, even in the context of a guideline, appears to indicate that high-density housing is not allowed (or is certainly discouraged from being located) more than 660 feet from the edge of a Focus Area. By definition, this policy states that medium- or low-density housing are the only appropriate uses beyond this 660-foot distance.

McMinnville's zoning ordinance states that the minimum lot size in the R-3 zone (a medium-density zone) is 6,000 square feet. Therefore, this policy limits high-density housing to no further than 660 feet from the edge of a Focus Area, and that beyond this line, residential development with minimum lot sizes of 6,000 square feet are allowed. 6,000 square foot lots can be a component of a transit-oriented development, but it is inconsistent with transit-oriented development principles to preclude higher-density housing types from being located more than 660 feet from a transit stop or neighborhood center.

As noted elsewhere in this response to exceptions and in Attachment A (pages 17-18), higher densities are desirable within NACs. In order for the city to achieve efficiencies in development patterns generally and within NACs particularly, it is necessary to establish both minimum or "target" densities, while at the same time allowing for higher densities should the market dictate higher density housing types. While we support the efforts of this policy to encourage a gradient of densities within NACs through guidelines, this policy is written in such a way as to too narrowly prescribe the precise limitations for the location of high- and medium-density housing. Should market conditions desire higher-density housing options, this policy would preclude those housing types from being located in close proximity to the NAC focus areas. This policy can and should be written to be more clearly a guideline that encourages a gradient of densities while at the same time not precluding high- and medium-density housing types from being located within walking distance of the NAC focus areas.

Allowing more flexibility in the location of high- and medium-density housing, in concert with a minimum or "target" density for NACs, depending upon market conditions, may enable the city to achieve more efficient development patterns over time, and these efficiencies are very desirable. However, we disagree with the objector that these efficiencies will necessarily translate into a reduced land need at this time.

(d) Policy 188.05 is a guideline that describes the ranges of land (in acres) and floor space for commercial, office, and institutional uses that "should" be provided and are acceptable for the NACs. Comparing the ranges of acres to the acceptable range of floor areas yields minimum and maximum floor area ratios (FARs) allowed in the NACs of 0.23 and 0.46, respectively. 1000 Friends asserts the minimum FAR is inherently inconsistent with the city's intent for the NACs to be "compact, pedestrian-friendly, and transit-supportive" and that the city needs to include

findings explaining why such an excessive amount of land is needed to accommodate the projected amount of building space.

We disagree with the exception that the commercial and office FARs are necessarily inconsistent with the stated purposes of the NACs or that the city needs to provide a more detailed explanation of this policy. As noted in the staff report, the NACs are a creation of the city rather than the statewide planning goals, rules, or statutes. Therefore, the city should be afforded considerable deference in terms of defining the characteristics of the NACs. While the city may express the desire for the NACs to be pedestrian- and transit-friendly, this policy is the city's expression of the range and intensities of uses the city anticipates is necessary in order to carry out the plan.

While 1000 Friends correctly notes that FARs of about 0.23 are relatively auto-oriented, the department's experience has been that, outside of downtown areas, average intensities of about 0.25 FAR for retail uses and 0.35 FAR for office uses are not typically exceeded in most small- to medium-sized communities, including those served by feeder bus service. In addition, the department's experience has been that FARs are not the most important or effective tool to accomplishing pedestrian- and transit-oriented development in most small- to medium-sized cities such as McMinnville. While higher FARs than the city's minimum of 0.23 are desirable, design standards regarding the location and orientation of buildings and entrances, clustering buildings, and assuring safe, convenient, and direct pedestrian circulation are more important factors than regulating FARs. The city has adopted regulations guiding the arrangement of commercial uses within NACs to be pedestrian-oriented.

1000 Friends asserts a connection between this policy and the department's conclusion regarding 1000 Friends Objection 4, where the department concluded the city had not estimated and planned for employment and commercial land needs in a manner that maximizes the efficient use of land. While somewhat related, the issues raised in this exception are different than the issues raised in 1000 Friends Objection 4 and McMinnville's Exception 5. The issues in Objection 4 involve the assumptions used to estimate employment and commercial land needs. The issue in this exception involves a policy to implement the plan.

As noted in the response to 1000 Friends Objection 4 and in the response to McMinnville's Exception 5, the city has an obligation for determine employment land needs using assumptions that maximize the efficiency in the use of land and are consistent with the stated purposes of the NACs to be pedestrian- and transit-friendly. That analysis, rather than this policy, may affect the amount employment and commercial lands needed within the city. Upon completion of that analysis, the city will need to review this policy and assure it is consistent with and adequate to carry out the purposes of the plan.

**Conclusion:** The department amends its recommendation to add the following:

*3(o) Amend Policy 71.01 to indicate that densities higher than six units per acre are allowed within one-quarter mile of transit routes.*



- 3(p) *Amend the Illustrative Plans so that the NAC Support Areas consist of high- and medium- density designations. Alternately, amend Policy 188.00(4) to be consistent with the Illustrative Plans.*
- 3(q) *Amend Policy 188.03 to more clearly be a guideline and to not limit high-density housing from being a maximum distance of 1/8 mile (660') from the edge of a Focus Area.*

**Exception 6. Exception areas not included in the UGB and floodplain areas included in the Grandhaven area.** This exception relates to 1000 Friends' Objection 14 on pages 35 through 42 of the March 30, 2004 staff report, Attachment A. 1000 Friends argues that the Bunn's Village, Booth Bend Road, Old Sheridan Road and Riverside North exception areas should be included in the UGB. Also, floodplain areas at the edge of the UGB in the Grandhaven area should be deleted from the UGB.

**DLCD response:** The department does not agree with this exception.

**Exception areas.** With respect to Bunn's Village, 1000 Friends argues that the legal standard whether the area can "reasonably accommodate" the use means whether the exception area "can accommodate the use at all. . ." (Residents of Rosemont v. Metro, 173 Or App 321, fn. 6 (2001)). The city has provided extensive information about these exception areas in Appendix C. The four exception areas cited by 1000 Friends that were not included in the UGB have significant land use conflicts such that they cannot reasonably accommodate residential use.

As shown on the city's maps (see Appendix C, Fig. 1, for example), Bunn's Village, Booth Bend Road and Old Sheridan Road are made up of strips and patches of land adjacent to state highways. Bunn's Village and Riverside North are impacted by railroads as well. These transportation facilities produce noise, vibration and odor. These conflicts can be mitigated with setbacks, but such setbacks diminish the available land in these strips and patches of land. State highways can accommodate adjacent urban uses by reducing speeds and installing signals, intersections and crosswalks. In the case, such accommodations are not reasonable because about two miles of state highway would be impacted for a small gain in buildable land.

1000 Friends argues that, for Bunn's Village, a more detailed study of the cost per dwelling of providing services is needed. The city's evidence that major street, water and sewer improvements would be required to serve the area are sufficient to conclude that it is not reasonable to serve the areas (Appendix C, pages 19 through 40). If, as 1000 Friends suggests, the furthest portion of Hawn Creek Road were deleted from consideration, the need for about a half mile of water and sewer lines would be eliminated, but all of the other facilities identified by the city would still be required.

**Grandhaven.** The department's report stated that floodplain land in the Three Mile Lane and Norton Lane areas must be removed from the UGB unless it is needed for urban uses (Attachment A, page 42). 1000 Friends argues that the same logic applies to the Grandhaven area since 40 percent of that area is in the floodplain. The city's map (Plan, Figure 12) shows that only

a small fraction of the Grandhaven area is in the floodplain. The floodplain in the two areas cited by the department are much larger. The city is not required to remove every small piece of floodplain land from the UGB.

**Conclusion:** The department has not changed its recommendation in response to this exception.

### **B. Community Development Law Center (CDLC)**

**Exception 1. Single family, multiple family housing "split."** This exception relates to CDLC's Objection 2 on pages 44 through 46 of the March 30, 2004 staff report, Attachment A. CDLC disagrees with the department's conclusion that historical data supports the city's planned housing mix of 60 percent single family and 40 percent multiple family. CDLC also asserts that the city did not adequately address the housing need of special needs populations, including farmworkers.

**DLCD response:** The department agrees with this exception in regard to farmworker housing.

The department cited the actual split between single family and multiple family housing on page 45 of Attachment A in the staff report. The city's planned percentage of multiple family housing (40%) exceeds the actual amount reported by the U.S. Census. The percentage recommended by CDLC (46%) exceeds the percentage reported in the U.S. Census by a greater amount. Therefore, the U.S. Census supports the city's percentage more than CDLC's number. Similarly, the city's data on building permits issued between 1988 to 2002 supports the city's decision rather than CDLC's. CDLC argues that building permit activity between 1991 and 1995 supports a higher planned percentage of multi-family. The department agrees with the city that it is reasonable to use data for a longer period of time which tends to even out short-term fluctuations if the local housing market.

**Conclusion:** The issue of special needs populations and farmworker housing is addressed in 1000 Friends' Exception 1, above.

**Exception 2. Implementing measures.** This exception relates to CDLC's Objection 3 on pages 46 through 48 of Attachment A in the staff report. CDLC argues that the city needs to adopt smaller lot sizes and minimum densities to address the issue of "underbuild" (actual development has occurred at less than the allowed density) in the R-1, R-3 and R-4 zones.

**DLCD response:** The department does not agree with this exception.

This issue is addressed in the department's March 30, 2004 report, Attachment A, pages 46 through 48. As stated in that report, the city has adopted measures to improve efficiency in its residential zones. The city is not required to adopt the additional measures suggested by CDLC.

**Conclusion.** The department has not changed its recommendation in response to this exception.

**C. Mr. Mark Davis**

Mr. Davis points out that his objection was that the city had planned for an excess of at least 137 acres of parkland, as opposed to the 94 acres cited in 1000 Friends' objection. Also, the department did not respond to his argument that a portion of the need could be met through the use of shared facilities with the school district and Linfield College.

**DLCD response:** The department agrees with the exception, in part.

The department inadvertently incorporated its response to Mr. Davis' objection with its response to a similar objection from 1000 Friends (see the department's report of March 30, 2004, 1000 Friends Objection 6, pp. 7-9). The department agreed with the objections from both 1000 Friends and Mr. Davis that the city could accommodate some of the parkland need on lands which are in the 100-year floodplain. Mr. Davis' exception letter agrees with the department's conclusion on Objection 6, but points out that he believes the city over-estimated the park land need by 137 acres, rather than the 94 excess acres cited by 1000 Friends. The department recommended that the Commission remand this matter back to the city, but did not conclude exactly how many excess acres would have to be removed from the UGB. Therefore, no change in this part of the department's recommendation is needed with respect to this issue.

The second point in Mr. Davis' exception is that the department did not address his argument that a portion of the parkland need can be met through joint use of facilities with the school district and Linfield College. Mr. Davis states that there is a potential for sharing up to 300 acres of parks. Further, the parks master plan recommends the city, "Pursue joint use agreements with the School District, Linfield College and other partners to share the cost of facility development and maintenance" (attached as Exhibit 5 to Mr. Davis' exception letter).

**Conclusion.** The department agrees with the exception that a portion of the parkland need can be met through shared facilities, consistent with the city's Parks, Recreation & Open Space Master Plan. Therefore, the department's recommendation is amended as follows:

1(f) Reduce the planned need for buildable land for community parks to account for information on the portion of these parks that has actually occurred within the 100-year floodplain *and the potential for sharing park facilities with the School District and Linfield College.*

**D. City of McMinnville**

**Exception 1. Population projection.** This exception relates to recommendation 1(a) on page 8 of the March 30, 2004 staff report and 1000 Friend's Objection 1 on pages 1 through 3 of the same report, Attachment A. The city states that there is substantial evidence in the local record to support the forecast decrease in unincorporated county population. The city cites evidence from

the Population Research Center at Portland State University that the unincorporated population has actually decreased by over 1,600 people between 2000 and 2003.

**DLCD response:** The department does not agree with the exception, although it is possible that the department would change its recommendation if the city can adequately address the issue below in oral argument.

The city cites the fact that the county's unincorporated population has declined in the last three years as evidence to support its forecast. The city does not demonstrate that the 2003 data from PSU is in the local record, so the department will respond to the year 2002 PSU data, which is referenced in the city's Plan (Table 1 on page 2-1). Table 4 of PSU's 2002 population report (attached) shows that between the years 2000 and 2002, unincorporated population declined by 730 people. Projected over twenty years, this rate of decline would amount to a decline of 7,300 people in the unincorporated area (730 divided by 2 times 20). The same report, however, shows that between the years 1990 and 2002, the unincorporated population increased by 634 people. Since the two facts from PSU are opposite trends, the city needs to explain, based on the local record, why it chose the forecast consistent with the short-term decline in unincorporated population rather than a different forecast consistent with the long-term trend of increasing unincorporated population.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 2. Persons per household.** This exception relates to recommendation 1(b) on page 8 of the March 30, 2004 staff report and 1000 Friend's Objection 9 on pages 21 through 22 of the same report, Attachment A. The city states that there is substantial evidence to support the use of 2.54 persons per household rather than the 2.66 persons per household from the year 2000 Census. The city's reasons for such a decrease are a change in the planned mix of housing towards increased numbers of multifamily dwellings, which have a lower number of persons per household than single family housing, and demographic trends towards more female heads of household and an aging population, both of which have smaller family sizes than the average.

**DLCD response:** The department agrees with the exception.

In its March 30, 2004 report, the department observed that the number of persons per household (PPH) would have to be reduced from the year 2000 level of 2.66 rather than remain constant at the 1990 level of 2.54 as stated in the city's findings. The city has planned to increase the percentage of multifamily housing, which will result in a decrease in the average number of persons per household in newly constructed dwellings. This plan only went into effect after the year 2000, so its anticipated effect would be a decrease from the year 2000 number. Also, the well-known "bulge" in the population by age distribution represented by the "baby-boom" is only beginning to reach retirement age after the year 2000. Both of these trends which the city relies on will contribute to a reduction from the year 2000 Census PPH.

The city's finding that the number of persons per household would remain constant over the planning period (actually from the 1990 number to 2023) is not inconsistent with short-term fluctuations, either higher or lower. Therefore, an increase from the year 1990 to 2000 is not necessarily inconsistent with the city's assumed long-term trend. The city did base its decision on substantial evidence that the number will be reduced in the future from the year 2000 number.

**Conclusion:** The department agrees that the city has supported the forecast of 2.54 persons per household with substantial evidence. **The department amends its recommendation to delete recommendation 1(b).**

**Exception 3. Redevelopable R-2 zoned land.** This exception relates to recommendation 1(c) on page 8 of the March 30, 2004 staff report and 1000 Friend's Objection 10 on pages 22 through 23 of the same report, Attachment A. The city states that its findings that there is no potential for redevelopment in the R-2 zone is correct for the following reasons:

- (a) Since the city adopted a new R-5 zone for multiple family housing, it no longer allows multiple family housing in the R-2 zone.
- (b) The city considers large lots with a house to be partially vacant and thereby already accounts for their further development potential.

**DLCD response:** The department does not agree with this exception.

(a) The city states that it no longer allows multiple family development in the R-2 zone, but has not amended the development standards in that zone. That the standards in the R-2 zone have not changed would support the conclusion that historical data on the type and density of development in that zone is valid.

(b) The department agrees that the development potential of partially vacant lots is accounted for and that the redevelopment potential that remains is on small lots. In addition, the city has accounted for the development potential of the development of accessory dwellings (Plan, pages 5-16). Therefore, the remaining redevelopment opportunity is for siting of duplexes on corner lots currently occupied by a single family dwelling. However, the city has not provided any data on the number of duplexes built on redeveloped lots nor have they provided reasons why such a number would be too small to warrant a remand.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 4. Government assisted housing.** This exception relates to recommendation 1(d) on page 8 of the March 30, 2004 staff report and CDLC's Objection 1 on pages 42 through 44 of the same report, Attachment A. This exception addresses the following issues:



- (a) The Housing Needs Analysis has identified that 53 percent of households in the year 2000 are low-income and many of these households would qualify for one or more government assisted housing programs.
- (b) The department is holding the city to a higher standard than it has held any other jurisdiction in the state on this issue.
- (c) The city has included the need for government assisted housing in the overall assessment of land need and has provided for that need in its allocation of land by zone.
- (d) The department misinterprets Table 5-22, "Financially attainable housing type by income range."
- (e) Since the city has determined the need for government assisted housing, then there is no reason to re-examine the ratio of single family to multiple family housing.
- (f) The city agrees that the standard for siting multiple family housing in the R-4 zone is not clear and objective.

**DLCD response:** The department does not agree with this exception.

(a) The number of low-income households is a fact that is not in dispute. What is at issue is whether, based on the discussion below, the city has determined the need for government assisted housing at various price ranges and rent levels.

- (b) The city is being held to the same standard as all cities in the state:
- ORS 197.303 defines "government assisted housing" as a "needed housing" type, and defines "needed housing," generally, as housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels;
  - ORS 197.307 requires cities to provide for zones with sufficient buildable land to satisfy that need; and
  - ORS 197.296(3)(b) requires the city to conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years

(c) The city makes the argument that if the city determines the number of all housing units needed at particular price ranges and rent levels, it includes the need for government assisted housing. Government assisted housing is not a structure type, but rather housing for people at lower price ranges and rent levels that correspond to certain government programs. The department agrees with this position. However, the fundamental problem is that the Housing Needs Analysis (HNA) does not show the number of dwelling units needed in the year 2023 at various price ranges and rent levels. The HNA pages 5-16 through 5-29 only contains data on current household income, housing prices and rent levels, number of needed housing units by



type, tenure and density. There is no table showing how the city plans to meet the need for housing at particular price ranges and rent levels. Therefore, the city lacks substantial evidence to determine that the need for government assisted housing has been met. Since the city has not determined the need for government assisted housing, it has no basis to determine that it has provided sufficient land in its zoning districts.

(d) Table 5-22 provides a link between household income and needed housing types. As the city states, this table was added in response to comments from the department that the city had not adequately analyzed housing needs at various price ranges and rent levels as they relate to income. This table provides the basis for determining what housing types meet a need at various income levels and, by implication, price ranges and rent levels. Since the table shows that government assisted housing is only attainable as "used housing" for very low-income households, the department inferred that the city did not intend to plan land for the development of new government assisted housing. The department agrees that such a conclusion is not reasonable, but we do not see how any other conclusion can be drawn from the table. That is one reason the department believes the plan is not consistent and that the need for government assisted housing must be re-examined.

(e) For the reasons above, the city needs to re-examine whether it has provided sufficient multiple family land for government assisted housing within the overall need for multiple family land.

(f) The city and the department are in agreement that the standard for siting multiple family housing in the R-4 zone is not clear and objective.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 5. Floor area ratio (FAR).** This exception relates to recommendation 1(e) on page 8 of the March 30, 2004 staff report and 1000 Friends' Objection 4 on pages 5 and 6 of the same report, Attachment A. The city states that the information from the City of Boulder should not be considered by the Commission and that the information from the City of Salem is more relevant. Also, the city states that the projected floor area ratio is not relevant at all because it was not used in estimating the land need.

**DLCD response:** The department does not agree with this exception.

The study from the City of Boulder is a background document that explains what a floor area ratio is and provides pictures and site plans of typical commercial buildings at various floor area ratios. Nowhere has the department suggested that the city should attempt to achieve the same average floor area ratio as Boulder. As 1000 Friends observed in its objection, the city has planned for the average floor area ratio of its commercial lands to be less than that achieved in a Walmart store. The average floor area ratio should be higher than that for auto-oriented, big-box development.

The floor area ratio is a statistic that describes the intensity of use of land. The city stated that "FAR can be a useful tool." Whether the FAR is a statistic which describes the city's decision or was a factor in estimating the land need does not change the fact that the city has not maximized its planned efficiency in the use of land. The department could also have said that the city should have planned for more employees per acre, fewer square feet per employee or greater lot coverage.

The city closes its exception by stating that the city's plan allows and encourages higher floor area ratios. The department agrees with this approach, but argues that the city needs to plan for an amount of land consistent with the higher efficiency which can be achieved.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 6. Parkland within the 100-year floodplain.** This exception relates to recommendation 1(f) on page 8 of the March 30, 2004 staff report and 1000 Friends' Objection 6 on pages 7 through 9 of the same report, Attachment A. The city cites three reasons why it should not be required to plan for more parkland within the floodplain.

- (a) The city underestimated the need for parkland.
- (b) The parks master plan does not "depict" neighborhood or community parks adjacent to the floodplain.
- (c) The parks master plan recommends that facilities in community parks be located outside of the floodplain to avoid the need to repair damage caused by flooding.

**DLCD response:** The department does not agree with this exception.

- (a) The need for parkland is not at issue here. The issue is whether a greater portion of the identified need can be met within the floodplain.
- (b) The "depiction" of a preferred site is not the same as the designation of a site or a finding of the area where a park needs to be located to serve a particular area. As stated in the department's March 30, 2004 report, the city will designate land for parks as residential land. Since the city has included this land as part of the residential land inventory, the requirement in ORS 197.296 applies, requiring consideration of data on development that has actually occurred. As is documented by Mr. Davis, that data suggests that a greater portion of the parkland need will be met in the floodplain.
- (c) The department agrees that the location of a portion of park facilities in the floodplain, by definition, exposes them to some risk of damage. None of the objectors has suggested that the city must place all of its parkland or the most expensive park facilities in the floodplain. Rather it



is argued that a portion of future parkland can be located in the floodplain as has been done in the past.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 7. Non-inclusion of floodplain in certain areas.** This exception relates to recommendation 1(g) on page 8 of the March 30, 2004 staff report and 1000 Friends' Objection 14 on page 42 of the same report, Attachment A. The city states that these floodplain areas are needed under Goal 14, factors 1 and 2 for the following reasons:

- (a) The city limits and South Yamhill River are logical boundaries for the UGB. The Norton Lane area is surrounded by the river and the city limits. Similarly, the floodplain portion of the Three Mile Lane area is surrounded by the river and the UGB.
- (b) The city has included floodplain land in the UGB because it cannot be farmed in conjunction with any adjacent farm lands (which are on the other side of the river). Including the two floodplain areas provides for the "orderly and economic provision of services" under Goal 14 factor 3. Also, inclusion of the floodplain area allows the river to provide a buffer between the urbanizable area and adjacent agricultural land under Goal 14 factor 7.
- (c) The department's position that floodplain land should be excluded from the UGB is inconsistent with its position that more of the parkland need should be met in the floodplain.
- (d) The inclusion of the floodplain land in the UGB is consistent with the "locational" factors of Goal 14 once a need has been shown.

**DLCD response:** The department does not agree with this exception.

- (a) The city has not explained what the need is under Goal 14 factors 1 and 2 that is met by designating the river as a "logical boundary" and including areas that would otherwise be surrounded by the city limits and the river.
- (b) As in (a), above, this argument does not identify a need under factors 1 and 2 to include these lands in the UGB. While it is true that the river separates farmlands on either side, no evidence is cited that the lands within the floodplain cannot be farmed. Also, no evidence is cited that utilities or streets need to be routed through the floodplain to serve other areas within the UGB.
- (c) The department's position on locating parkland in the floodplain and excluding floodplain from the UGB is consistent. It is the city that has decided that neighborhood and community parks cannot be located in the floodplain. If, as the department recommends, the city allocated more parkland to the floodplain, the city would justify the inclusion of more floodplain land in the UGB to meet the need for parks.

(d) The department agrees that once a need has been shown, the locational factors of Goal 14 apply to determine what areas best meet the need. However, the city has not clearly stated what that need is. Goal 14 factors 1 and 2 list four types of needs: population growth requirements, housing, employment opportunities, and livability. The city does not state which of these needs it intends to meet by including this floodplain land within the UGB.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 8. Westside Road exception area.** This exception relates to recommendation 2(b) on page 8 of the March 30, 2004 staff report and 1000 Friends' Objection 14 on pages 35 through 39 of the same report, Attachment A. The city states that the area is unlikely to develop with urban uses in the planning period, the southernmost property owner does not want to annex, and the city does not have a need for more land for low density housing.

**DLCD response:** The department agrees with this exception.

This is a small exception area that lies between a creek and a state highway. The city excluded this area from the UGB, based on substantial evidence that the area cannot reasonably be served with local streets. This meets the standard in ORS 197.298(3)(b) to exclude the area. The city's maps in Appendix C show that the pattern of lot lines and buildings in this small area make it infeasible to find a route for a local street to serve the area. The creek, although not an absolute barrier, is a factor that increases the cost of serving the area and would require the construction of a bridge to connect to other areas to the east. The department has also agreed with the city that the other small "strips and patches" of exception areas adjacent to state highways cannot reasonably accommodate urban uses. As the city points out, lack of a local street in this area would necessitate more driveway access onto the highway. A setback from the highway to provide a buffer would further reduce the already small number of homes this area could accommodate.

**Conclusion:** Because of its small size, pattern of existing development and the land use conflict with the adjacent highway, the area cannot reasonably accommodate urban uses and cannot reasonably be served with local streets. The city is justified to exclude it from the UGB. The department amends its recommendation to delete recommendation 2(b).

**Exception 9. Soil class.** This exception relates to recommendation 2(c) on page 8 of the March 30, 2004 staff report and 1000 Friends' Objection 14 on pages 41 and 42 of the same report, Attachment A. The city states that it did consider the priorities in ORS 197.298 when it decided to include areas with higher agricultural capability instead of those with lower capability.

(a) The city found that area with class IV soil east of the airport is inappropriate for residential or commercial uses because of conflicts with the airport and a police training facility. We understand the city's finding to be that the area cannot reasonably accommodate needed uses because of land use conflicts.

(b) We understand the city's finding to be that: (1) the area cannot reasonably be provided with water service because of its elevation; (2) the area cannot reasonably accommodate needed uses because of excessive slope; and (3) the area should be considered a low priority for inclusion within the UGB because of its moderate to high woodland capability.

(c) There are no significant areas with class I soil included in the UGB.

**DLCD response:** The department agrees with the exception in part.

(a) The department agrees that the city has excluded lands east of the airport, in consideration of the priorities in ORS 197.298, because the area cannot reasonably accommodate needed residential or commercial uses.

(b) The city has explained reasons for excluding areas west of the city but has not cited to evidence in the record. The city has not explained why it cannot reasonably plan for water service at higher elevations. The city has not established the extent of the severe slopes. For example, areas with slopes predominantly greater than 25 percent are generally not considered buildable land for purposes of Goal 10 (OAR 660-008-0005(2)). The city states that this area has moderate to high woodland capability but does say how it prioritizes the area in comparison with other areas under ORS 197.298.

(c) The department does not dispute the city's assertion that no significant class 1 areas have been brought in to the UGB.

**Conclusion:** The city has justified the exclusion of the lands east of the airport, based on the priorities in ORS 197.298. However, the exception in regard to areas west of the city is not supported with substantial evidence. The department's recommendation is amended as follows:

2(c) Using maps provided by the US Natural Resource Conservation Service and the Oregon Department of Agriculture, identify areas with class 3 and 4 agricultural soils and either (1) include them in the UGB instead of areas with class 1 and 2 soils, if any, or (2) explain why they should not be included based on the standards in ORS 197.298(3). *Areas with class III and IV soils east of the airport are excluded from this requirement.*

**Exception 10. Transit related densities.** This exception relates to recommendation 3(a) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 8B on pages 13 through 19 of the same report, Attachment A. The city makes several major points in this exception in asserting the city should not increase the width of proposed transit corridors from 500 feet to one-quarter mile in width on either side of transit routes.

(a) **No sources cited.** The city states that DLCD did not provide a citation substantiating the assertion that the planning profession standard for transit-oriented developments include transit-supportive land uses within one-quarter mile of transit corridors.

(b) **It is unreasonable and impracticable to widen corridors.** The city states it would be unreasonable and impracticable to widen the corridors to one-quarter mile on either side of transit corridors since this would result in an "amorphous blob" that would cover approximately 70 percent of the existing growth boundary and "engulf" half, or more, of the width and length of every Neighborhood Activity Center.

(c) **Planning for high-density transit-oriented development not required by Goal 12 or the TPR.** The city states there is nothing in Goal 12 or the Transportation Planning Rule that even remotely requires this level of detail of impact, particularly considering that McMinnville is currently served by a dial-a-ride.

(d) **Not required of other jurisdictions or by DLCD workbook.** The city asserts that planning for high-density residential development within one-quarter mile of transit routes has not been required of any other jurisdiction and is not recommended in the DLCD workbook "Planning for Residential Growth."

(e) **The city's analysis considered all vacant, partially vacant, and potentially redevelopable parcels located within the city.**

(f) **Medium- and high-density residential development.** The city asserts they should not be required to plan for high-density housing beyond 500 feet from a transit route since the city's policies allow medium-density housing within one-quarter mile of transit routes.

(g) **Other factors used to evaluate parcels.** The city states that other factors, such as traffic, noise, and relation to existing surrounding development, are used to publicly review proposed rezonings within the transit corridors.

(h) **City is currently implementing density policy.** The city has approved developments on two of the six parcels identified on Map 3 and Table 9. The resulting developments have a combined average density of over 11 dwelling units per net buildable acre. Consequently, only four of the six properties remain that would be affected by this policy.

**DLCD response:** The department does not agree with this exception.

(a) DLCD cited two publications in the staff report, Attachment A (p. 14) primarily to describe the net residential densities typically considered to be transit-supportive. We anticipated that the minimum densities required would be more of an issue than the width of the transit corridors. The one-quarter mile radius is such a common standard that we did not think this needed to be specifically referenced. Nevertheless, two of the publications cited by DLCD on page 14 of Attachment A refer to the width of transit corridors, as follows:

"Transit supportive development" is a strategy to preserve regional mobility and quality of life, by reinforcing Tri-Met's transit system and supporting ridership growth. It recommends, simply, that land use planning be used to cluster new

development along existing and planned transit corridors, such that walking and transit are viable transportation options... Within these designated corridors, transit supportive development should occur within ½ mile of the LRT stations and one-quarter mile of the bus routes. (Planning and Design for Transit, Tri-Met, 1993, p. 17.)

A Transit-Oriented Development (TOD) is a mixed-use community within an average 2,000-foot walking distance of a transit stop and core commercial area... The size of a TOD must be determined on a case-by-case basis. The average 2,000-foot radius is intended to represent a 'comfortable walking distance' (+/-10 minutes) for a majority of people. (The Next American Metropolis, Peter Calthorpe, 1993, p. 56.)

The planning literature is replete with other references that cite the one-quarter mile standard, including:

The old transit industry standard – that transit users will walk a quarter mile, or five minutes at three miles per hour, to a bus stop – is better than we might have guessed... Of course, young people may be willing to walk a little farther than older people, and users of premium transit (rail rapid, for example) may walk a little farther than regular bus users. But a quarter mile walking distance is a good rule of thumb for transit planning. (Pedestrian- and Transit-Friendly Design: A Primer for Smart Growth, Reid Ewing, p. 5.)

Smart Growth emphasizes accessibility meaning that the activities people use frequently are located close together. For this reason, the basic unit of planning is the local community, neighborhood or "village," that is, a mixed-use, walkable area, one-half to one mile in diameter, with commonly-used public services (shops, schools, parks, etc.) clustered into a central commercial area. (Victoria Transport Policy Institute, Online TDM Encyclopedia, Updated December 13, 2003, [www.vtpi.org/tdm/tdm38.htm](http://www.vtpi.org/tdm/tdm38.htm).)

The Transportation Planning Rule (OAR 660, Division 12) requires that local jurisdictions consider land uses, densities, and design standards that can help to meet local transportation needs. Communities may require development at higher densities, especially within one quarter mile of transit lines or destinations such as shopping or employment centers. (Tools of the Trade, ODOT/DLCD TGM Program, ECO Northwest, Pacific Rim Resources, and J. Richard Forester, 1995, p. 1.25.)

In addition to these publications, DLCD's letter to the city dated August 4, 2003 cited the one-quarter mile standard. To the extent the city questioned this standard, the city had the opportunity to request a citation substantiating DLCD's statement prior to adoption of the MGMUP.

(b) The city has adopted a policy that defines the appropriate locations for high-density residential development (Policy 71.13, p. D-10). This policy effectively limits high-density housing to areas within a 1,000-foot wide corridor centered on existing or planned public transit routes.



The city's exception creates the appearance that the result of DLCD's staff recommendation would be a requirement to designate more than 70 percent of the UGB for high-density housing. This is not staff's expectation. The thrust of our analysis and conclusion is that the city's use of a 500-foot distance from transit routes as a sieve to determine which parcels are suitable for high-density housing is inconsistent with the standards of the profession in terms of planning for transit supportive uses. The city has effectively declared in both policy (Policy 71.13, p. D-10) and through the analysis (pp. 5-22 – 5-24) that parcels lying more than 500 feet from a transit corridor are, on their face, not appropriate for high-density housing. The city has not adequately considered whether there are parcels between 500 feet and 1,320 feet from a transit corridor that may be suitable for high-density housing simply because these parcels lie more than 500 feet from the transit corridor.

As noted above, the standard in the planning profession is to plan for transit-supportive land uses, including high-density housing, within one-quarter mile of transit stops and corridors. The record does not indicate why it is reasonable for the city to exclude high-density housing from being located more than 500 feet from a transit corridor. The fact that these areas may encompass more than half of the UGB or the NACs is not an adequate justification. This is not to suggest that all parcels that lie within one-quarter mile of a transit corridor should be or must be designated for high-density housing. Certainly, the city can apply other criteria to determine the appropriate designation for parcels. For example, Policy 71.13 includes six additional factors that will be used to determine the appropriate location for high-density housing. We do not take issue with the application of these other factors. Our point is that limiting high-density housing to only those parcels within 500 feet of a planned transit route is too restrictive.

(c) The TPR requires the following: "To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a) – (g) below... (g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit" (OAR 660-012-0045(4)).

As noted in the staff report, Attachment A (p. 15), the department is highly supportive of the city's overall approach in terms of integrating transit into the comprehensive plan and planning for transit-supportive uses overall. Incorporating the proximity of parcels to transit corridors as a factor in determining their most suitable use is an excellent step in the right direction. The city's approach is fundamentally sound overall. However, the city's policy is too restrictive since it precludes high-density housing from being located more than 500 feet from a transit corridor.

The department also believes it is appropriate to plan for transit-supportive uses even though the city's transit system has not yet instituted fixed-route service. One of the objectives of the TPR is to integrate land use and transportation planning, and it would not be prudent to wait for fixed-route service to be implemented before planning for transit-supportive uses along those corridors. Planning for transit-supportive uses now will enable fixed-route service to be successful in the future.

(d) Many local governments have adopted plans for transit-supportive land uses, including high-density residential development, near major transit stops and along transit corridors. The department is currently working with several cities on planning for transit-supportive land uses along transit corridors and at major transit stops. These include Salem and Bend, both of which are preparing transportation system plans (TSPs) as periodic review tasks.

The city is correct that the publication "Planning for Residential Growth" does not specifically refer to planning for transit-oriented development as a specific tool or strategy for completing a buildable lands and housing needs analysis. This publication lists various measures, such as applying appropriate plan and zone designations, removing ineffective regulations, and requirements for certain housing types and densities to be planned and built, that can be implemented by local governments in order to meet housing needs and make efficient use of land inside the UGB. Many of these techniques are consistent with the principles of planning for transit-oriented development. In addition, the ODOT/DLCD TGM Program publication "Tools of the Trade" was prepared to "help local governments manage growth more effectively in their communities." This publication specifically refers to transportation efficient land use strategies, including planning for "higher densities, especially within one quarter mile of transit lines or destinations such as shopping or employment centers," (p. 1.25).

In addition, this issue was specifically raised in the department's August 4, 2003 letter to the city, as well as in prior meeting with city representatives. Certainly, the city and the city's consultants were aware that planning for high-density residential development within one-quarter mile of transit routes was a strategy commonly used by local governments to meet housing needs, effectively manage growth, and respond to the requirements of the TPR, and that DLCD expected this strategy to be implemented by the city.

(e) The description in the MGMUP of the methodology used to identify the parcels shown in Figure 3 and identified in Table 9 is fairly brief. The map identifies only two parcels as "partially vacant," and the map legend does not include a category for "redevelopable" parcels. In addition, it is still not clear to us whether the city considered parcels currently zoned for commercial or industrial uses in this analysis. For example, the city's exception states "(a)ll other residential land within these density corridors is 'developed' and currently occupied with existing apartments and neighborhoods." The city's exception does not clearly indicate the status of commercial or industrial parcels, the analysis and map does not describe the existence of any "redevelopable" parcels, and the record does not include a clear description of the methodology used.

(f) We are supportive of the city's policies (for example, Policy 71.09) that allow or encourage medium-density housing within one-quarter mile of transit corridors. However, as noted above, we believe the city's Policy 71.13 is too restrictive since it defines parcels located more than 500 feet from a transit corridor as inappropriate for high-density housing. We agree with the city that medium-density development is also an appropriate use within one-quarter mile of transit corridors. However, planning for medium-density development within one-quarter mile of transit corridors does not mean it is acceptable to prohibit high-density development beyond 500 feet from a transit corridor.

(g) As noted above, the department does not intend for the city to designate all parcels located within one-quarter mile of a transit route for high-density housing. The city can apply other factors, in addition to proximity to transit service, when determining the appropriate land use designation for specific parcels. The department does not take issue with the other criteria listed in Policy 71.13 to determine the appropriate land use designation for specific parcels. The department's only issue in this regard is that parcels located more than 500 feet but less than 1,320 feet from a transit route should not be considered inappropriate for potential designation for high-density residential development.

(h) The city's implementation efforts appear to be consistent with the plan. However, the city misunderstands the department's position regarding this policy. Our position is that the city's policy inappropriately precludes additional parcels (other than the four identified by the city) from being considered as potentially suitable for high-density housing because these parcels lie more than 500 feet from a planned transit route. Had the city examined the potential for parcels within one-quarter mile to be designated for high-density residential development, it is likely the city would have identified additional parcels.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 11. Neighborhood Activity Center (NAC) density.** This exception relates to recommendation 3(d) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 8B on pages 13 through 19 of the same report, Attachment A. The city makes two major points in this exception, as follows:

(a) **Density is consistent with housing need and is a target, not an absolute.** The city states that the overall residential density target of 7.5 dwelling units per acre within the NACs was chosen to reflect the identified housing need. The MGMUP identifies this density as a target rather than an absolute. Therefore, approved residential density may well exceed 7.5 dwelling units per acre.

(b) **Other NAC policies create opportunities for higher densities.** The city states that DLCD is focusing too much on this one policy, and that other NAC policies create the opportunities for higher residential densities.

**DLCD response:** The department does not agree with this exception.

(a) As noted in the staff report, Attachment A (p. 18), the department supports the establishment of an overall *minimum* target of 7.5 dwelling units per net acre, as this target meets both the identified housing need and is consistent with the minimum densities necessary to support feeder bus service. However, the MGMUP policies clearly state that the "overall residential density" for each of the NACs is "targeted at 7.5 dwelling units per acre" (Policy 188.10, for example). The city asserts that approved residential densities may well exceed 7.5 dwelling units per acre. We do not doubt the city's sincerity or desire to encourage developments that exceed the 7.5 dwelling unit target. However, our concern is that a literal reading and interpretation of the MGMUP



policies could potentially preclude the city from approving a NAC Concept Plan that exceeds the target. For example, if a property owner proposes a Concept Plan that achieves 10 dwelling units per net acre, we believe that an opponent to that project could successfully argue that the city cannot approve the proposed Concept Plan because it exceeds the city's target.

The city's exception states "approved residential density may well exceed 7.5 dwelling units per acre." DLCD and the city appear to be in agreement in terms of the overall policy objective—namely, that overall densities higher than 7.5 dwelling units per acre should be allowed. Where we disagree is whether the plan is clear on this point. DLCD believes the city's policies are ambiguous on this point and could be construed more than one way. As noted above, this could create a hardship for a developer when someone asks the city to interpret its policies literally. The department's recommendation is for the city to clarify this issue by amending the NAC policies to clearly indicate the target of 7.5 dwelling units per net acre is a minimum but that higher overall densities will be allowed.

(b) We understand there are other policies guiding housing opportunities in the NACs, and that these policies support the inclusion of higher density housing types of certain sizes and minimum densities. At issue is not whether housing types exceeding 7.5 dwelling units per net acre can be authorized in certain portions of an NAC, but whether the overall residential density of the NAC as a whole is expected to equal or could exceed the targeted overall density of 7.5 dwelling units per acre, and whether the city's policies are clear on this point. For example, certain NAC policies, such as Policies 188.10, 188.18, 188.26, and 188.34, clearly state that the "overall residential density of this neighborhood is targeted at 7.5 dwelling units per acre." Our interpretation of this "target" is that while higher density housing types are allowed within NACs, that the "overall residential density" target can be construed as both a floor and a ceiling. In other words, we believe that a reasonable interpretation of these policies is that higher density housing would have to be offset by lower density housing, so that the "target" of 7.5 dwelling units per net acre is achieved but not exceeded. The staff recommendation is for the city to clarify these policies on this point.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 12. Revision of density definitions.** This exception relates to recommendation 3(e) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 8B on pages 13 through 19 of the same report, Attachment A. The city's exception states that DLCD misinterpreted the city's use of the term "net density," and that use of the definition used by the city would yield lot sizes commensurate with medium- and high-density housing products found in McMinnville.

**DLCD response:** The department does not agree with this exception.

The city used different definitions of the term "net acre" when preparing the land needs and housing analysis and in policies 71.09 and 71.11 regarding medium- and high-density residential development. These different definitions were used to help clarify information for appointed and

elected officials. After reviewing this information with the city, DLCD has determined that the methodology used by DLCD in our staff report, Attachment A (p. 18) is the more commonly accepted use of the term "net residential acre," and that the term as used by the city is the more commonly accepted use of the term "gross residential acre."



Nevertheless, using the city's methodology and definition for "medium-density residential development" from four to eight dwelling units per net acre yields lot sizes ranging from approximately 8,400 square feet to 4,200 square feet. (This differs from the references in the city's exception of lot sizes ranging from 8,100 square feet to 1,000 square feet due to errors on the city's part.) The issue, then, is whether lots ranging from 8,400 to 4,200 square feet are consistent with the medium-density housing products defined in Policy 71.09 (small lot single-family detached, single-family attached, duplexes, triplexes, and townhouses), and whether housing products typically located on lots that are up to but less than 4,200 square feet are consistent with high-density housing products as those are defined in Policy 71.11 (townhouses, condominiums, and apartments).

The department reaches the same conclusion we reached in our March 30, 2004 staff report, Attachment A (pp. 18-19): The city's plan is internally inconsistent with regard to definitions of low-, medium-, and high-density development.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 13. Illustrative plans.** This exception relates to recommendation 3(f) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 8C on pages 19 through 21 of the same report, Attachment A. The city's exception states that these plans are illustrative only, are not legally binding, and that more detailed master planning is required prior to development approval.

**DLCD response:** The department does not agree with this exception.

DLCD understands the issues raised in the exception, and explained these facts in the staff report, Attachment A (pp. 19-20). The only problem DLCD has found with the illustrative plans is that they are not consistent with the adopted policies. The city has not disputed this finding. The city appears to believe these inconsistencies are immaterial since the illustrative plans are not legally binding. The department believes it is necessary for the plan to be internally consistent. Logically, an illustrative plan must be consistent with the city's policies and standards, so that it shows an example of a plan that can be approved.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 14. Traffic impacts of proposed rezonings.** This exception relates to recommendation 3(g) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 11 on pages 23 through 25 of the same report, Attachment A. The city states that the requested



traffic analysis is not necessary because many of the parcels are already developed, some parcels have limited access, and that some parcels are approximately one acre in size, and the city does not believe the TPR was intended to require such analysis for parcels of this size, location, or planned residential intensity.

**DLCD response:** The department does not agree with this exception.

The city's exception does not clearly explain how the department erred in our review of the MGMUP and related objection. The city appears to be asserting that traffic impacts of the rezonings will be minor or insignificant for a variety of reasons, and asserts that the TPR does not apply to these types of rezonings.

The department has no opinion as to whether the proposed rezonings will or will not have a significant impacts on transportation facilities. The city has not provided the factual basis upon which such a conclusion can be reached. The TPR requires an analysis and adopted findings based on fact. Limitations on the development potential of the property and the resulting traffic generation can be used to develop these findings. The TPR does not exempt amendments to functional plans, acknowledged comprehensive plans, and land use regulations from this requirement based on size, location, or planned intensity.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 15. Amend typographical error.** This exception relates to recommendation 3(h) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 12 on pages 25 through 28 of the same report, Attachment A. The city agrees with the need to correct the typographical error and asserts that this error is not a reason to remand the city's submittal.

**DLCD response:** The department does not agree with this exception.

Allowing the error to stand creates the potential for the city to allow strip commercial development in this vicinity. This would be inconsistent with the city's own plan, as alleged in the objection by 1000 Friends of Oregon. Therefore, it is necessary to remand this error for the city to correct.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 16. Accessory dwelling unit.** This exception relates to recommendation 3(i) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 13B on pages 31 and 32 of the same report, Attachment A. The city did not amend its ordinance to make clear that an accessory dwelling does not count towards the allowed density in each particular zone, but the record is clear that the city intends to interpret its zoning ordinance that way.

**DLCD response:** The department does not agree with this exception.

This is an oversight that the city states it can and will correct. The city needs to make this correction to provide clear and objective standards under Goal 10 and to provide implementing measures which are adequate to carry out the plan under Goal 2.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 17. Amend C-1 zone.** This exception relates to recommendation 3(j) and 3(k) on page 9 of the March 30, 2004 staff report and 1000 Friends' Objection 13B(2) and (3) on pages 32 and 33 of the same report, Attachment A. The city asserts that amending development standards in the C-1 zone is unnecessary because the C-1 zone has not been used in many years.

**DLCD response:** The department does not agree with this exception.

The fact that the C-1 zone may not apply to any existing properties and has not been used in many years does not prevent the city from applying this zoning to parcels in the future. Therefore, the city needs to amend the zone to be consistent with other policies or, as suggested by the city, remove this designation from the zoning ordinance.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 18. Amend R-4 and R-5 zones.** This exception relates to recommendation 3(l) and 3(m) on page 10 of the March 30, 2004 staff report, 1000 Friends' Objection 13B(7) on page 34 and CDLC Objection 3 on pages 46 through 48 of the same report, Attachment A. The city states that, for the standard for design features on exterior elevations, it used language from the City of Corvallis' ordinance that has been recently acknowledged. The city agrees that the standard for buffering multifamily housing in the R-4 zone is not clear and objective.

**DLCD response:** The department does not agree with this exception.

The department regrets that it did not identify the standard in the City of Corvallis' ordinance as discretionary. However, to allow the standard to stand in the City of McMinnville's ordinance would be to compound this error. It appears that the city is willing to either amend the two standards or delete them from their ordinance.

**Conclusion:** The department has not changed its recommendation in response to this exception.

**Exception 19. NAC related policy and ordinance amendments.** This exception relates to recommendation 3(n) on page 10 of the March 30, 2004 staff report, 1000 Friends' Objection 11 on pages 23 through 25 and CDLC Objection 4 on pages 48 and 49 of the same report, Attachment A. The city states that it is not prevented by Goal 2 or Goal 10 from applying the

“Activity Center” plan designation to residential lands and from requiring a planned development application at the time of annexation and rezoning.

**DLCD response:** The department does not agree with this exception.

The commission’s housing rule, OAR 660-008-0020, requires cities to assign residential plan designations to all buildable lands that are “specific so as to accommodate the varying housing types and densities identified in the local housing needs projection.” The assignment of specific residential plan designations can be deferred if, “[t]he plan includes a time-specific strategy for resolution of identified public facilities uncertainties and a policy commitment to assign specific residential plan designations when identified public facilities uncertainties are resolved.”

Further, OAR 660-008-0025 allows cities to defer rezoning of land within a UGB to maximum planned residential density only if (1) a rezoning process exists which will be used to provide for needed housing and (2) the rezoning process is clear and objective.

The city has not met the requirement to assign specific residential plan designations or to adopt a policy to do so in the future. The city has adopted an “Activity Center” plan designation which does not assign residential plan designations at all. Based on the Commission’s rule, it is the city’s responsibility, if not now then at some specific time in the future, to tell each affected property owner what type and density of housing will be allowed. The city cannot shift this responsibility to property owners by requiring a planned development application at the time of annexation or the rezoning of property.

Also, the Commission’s rule, cited above prohibits the city from requiring a planned development application with a rezoning application because the standards for a planned development are not clear and objective.

**Conclusion:** The department has not changed its recommendation in response to this exception.

## VI. COMMISSION OPTIONS

(See the department’s March 30, 2004 report.)

## VII. DEPARTMENT RECOMMENDATION AND DRAFT MOTIONS

### A. Procedural Issues.

Before accepting testimony, the Commission needs to decide whether to allow oral argument and whether to accept the three items of new information as requested by the department above.

**Motion 1:** . . . move that the Commission accept oral argument, pursuant to OAR 660-025-0160(6).

**Alternative Motion:** . . . move that the Commission hear this matter based on the written record, pursuant to OAR 660-025-0160(6).

**Motion 2:** . . . move that the Commission accept the excerpts from publications by the City of Boulder, Tri-Met and Peter Calthorp, referenced in the department's staff report, into the record of this hearing as new information, pursuant to OAR 660-025-0160(6).

**Alternative Motion:** . . . move that the Commission not accept the new information as requested by the department, pursuant to OAR 660-025-0160(6).

**B. Substantive Issues.**

Based on the analysis and findings contained in Attachment A, the department recommends the Commission take the following actions.

1. Remand Task 1 and the UGB amendments for reconsideration of the land need for residential, commercial and office uses and to complete the following tasks:

a) Amend the population forecast, based on a constant population for the county unincorporated area, or provide substantial evidence to demonstrate that county unincorporated population can be expected to decline in the next twenty years.

b) Amend the Housing Needs Analysis ~~employ the year 2000 household size of 2.66 persons per household or justify why this factor should be reduced to 2.54.~~

c) Amend the Housing Needs Analysis to accommodate a portion of the housing need on redeveloped land in the R-2 zone, based on available information on development which has actually occurred.

d) Amend the Housing Needs Analysis to project the type and density of government assisted housing *and farmworker housing* that will be needed, including multifamily; reevaluate the planned ratio of single family to multiple family units; and ensure that sufficient land is planned in each residential zone to accommodate the need.

e) Amend the Economic Opportunities Analysis and land need for commercial and office use to substantially increase the planned efficiency in the use of land and to plan for types of development that is pedestrian-friendly and transit oriented development.

f) Reduce the planned need for buildable land for community parks to account for information on the portion of these parks that has actually occurred within the 100-year floodplain *and the potential for sharing park facilities with the School District and Linfield College.*

g) Delete the unbuildable floodplain portions of the Three Mile Lane and Norton Lane areas or justify the need for these lands or urban uses under Goal 14, factors 1 and 2.

2. Remand the UGB amendments for reconsideration of which lands are to be included, including the following tasks:

a) If the revised land need, based on 1) above, results in a decrease in the twenty-year land need, remove a corresponding amount of land from the UGB, starting with resource land according to the priorities in ORS 197.298.

~~b) If any resource land remains in the UGB after completing 2(a) above, add the Westside Road exception area to the UGB and delete an amount of resource land which is equal to the added buildable landed capacity.~~

c) Using maps provided by the US Natural Resource Conservation Service and the Oregon Department of Agriculture, identify areas with class 3 and 4 agricultural soils and either (1) include them in the UGB instead of areas with class 1 and 2 soils, if any, or (2) explain why they should not be included based on the standards in ORS 197.298(3). *Areas with class III and IV soils east of the airport are excluded from this requirement.*

3. Remand the plan to amend plan and *related* implementing regulations, *including the rezonings in Table 73* to make them internally consistent, consistent with the findings used to justify the UGB amendment, and to comply with applicable goal requirements, including the following tasks:

a) Amend Policy 71.13 to indicate high-density housing is a suitable use: (1) within a one-half mile corridor centered on existing or planned public transit routes and modify the transit corridor enhancement analysis and conclusions and (2) within one-quarter mile from neighborhood and general commercial shopping centers or designated activity center.

b) Develop a program that will achieve the 10 dwelling units per acre within transit corridors by identifying additional vacant, underdeveloped, and redevelopable parcels that may be suitable for medium- and high-density housing within this half-mile corridor.

c) Rezone those parcels identified as suitable for medium- and high-density housing in order to implement the plan.

d) Amend the NAC policies to clarify the target of 7.5 dwelling units per net acre is a minimum but that higher overall densities will be allowed.

e) Revise the definitions of low-, medium-, and high-density residential development to ensure the comprehensive plan, policies, and implementing ordinances are internally consistent and consistent with regard to minimum lot sizes and the types of residential products found in the city.

f) Amend the illustrative plans for the Northwest, Grandhaven and Three Mile Lane NACs in order to make these illustrative plans internally consistent with the plan policies.

- g) Conduct an analysis to determine the traffic impacts of the rezonings in Table 73 and include findings to address OAR 660-012-060 or complete such an analysis in a transportation systems plan.
- h) Amend Ordinance 4796 to remedy a typographical error and to rezone and apply development restrictions to Parcel 13.
- i) Amend all residential zones to clearly state the minimum lot size for a lot with an accessory dwelling unit.
- j) Amend the C-1 zone to eliminate or substantially increase the 0.25 commercial floor area ratio limitation.
- k) Amend the C-1 zone to substantially reduce or eliminate the required 30-foot front yard setback
- l) Amend the R-5 zone to provide clear and objective standards for required design features on exterior elevations of buildings.
- m) Amend the R-4 zone to provide clear and objective standards for buffering multiple family from adjacent single family housing.
- n) Adopt a policy to (1) complete the "concept planning" process for Neighborhood Activity Centers over the twenty-year planning period and (2) require the concept plans to demonstrate that the increased traffic resulting from the proposed uses can be accommodated. Amend the NAC Planned Development Ordinance to (1) delete the requirement in Section 5.C to apply the PD process to zone changes and land divisions and (2) add a requirement to include a traffic analysis, which may be satisfied through the adoption of a TSP.
- o) Amend Policy 71.01 to indicate that densities higher than six units per acre are allowed within one-quarter mile of transit routes.*
- p) Amend the Illustrative Plans so that the NAC Support Areas consist of high- and medium- density designations. Alternately, amend Policy 188.00(4) to be consistent with the Illustrative Plans.*
- q) Amend Policy 188.03 to more clearly be a guideline and to not limit high-density housing from being a maximum distance of 1/8 mile (660') from the edge of a Focus Area.*

**Motion:** . . . move that the Commission remand Task 1 and the UGB amendment submittal to the city for reconsideration of: (1) the twenty-year land need, (2) the exception and resource lands added to the UGB, and (3) consistency of policies and implementing regulations and goal compliance, based on completion of tasks set forth in the department's report and responses to objections.



**Alternative Motion 1:** . . . move that the Commission remand Task 1 and the UGB amendment submittal to the city for reconsideration of:

(1) the twenty-year land need, (2) the exception and resource lands added to the UGB, and (3) consistency of policies and implementing regulations and goal compliance [**delete any of the preceding three items the Commission wants to approve**], based on completion of tasks set forth in the department's report and responses to objections;

except for subtasks [**list which tasks recommended by the department that are not required**];

and in addition to address the following issue(s) raised in the objection(s) [**list each issue and the objector who raised it**].

**Alternative Motion 2:** . . . move that the Commission approve Task 1 and the UGB amendment submittal, based on the city's findings and oral argument; the Commission rejects all of the objections.

**Supplementary Motion:** . . . move that the Commission approve the inclusion into the UGB of the Riverside South, Redmond Hill Road, and Fox Ridge Road exception areas because they contribute towards meeting a demonstrated need for buildable land, no objections to these areas have been submitted, and this partial approval is not inconsistent with any remand.

### **Attachments**

- A. CASA letter of August 4, 2003
- B. Guide to Objections and Exceptions

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**Community And Shelter Assistance Corp.**

212 East First Street, Newberg, OR 97132  
Phone: (503) 537-0319/Fax: (503) 537-0558

August 4, 2003

McMinnville City Council  
McMinnville Planning Commission  
230 NE Second St.  
McMinnville, OR 97128

Re: Growth Management and Urbanization Plan

Dear City Council and Planning Commission Members:

Thank you for the opportunity to comment on McMinnville's Growth Management and Urbanization Plan (May, 2003). We request that our comments be included in the official record of this proposed plan amendment and the City's ongoing periodic review process.

CASA of Oregon is a statewide non-profit corporation established in 1988 to provide technical assistance to cities, counties, housing authorities, growers and non-profits in the rehabilitation and development of affordable agricultural housing.

Over the past 15 years CASA has developed 32 multi-family units of housing in Lafayette (Abbey Heights) and a 22 unit scattered site development known as Fresa Park. Of the Fresa Park units, 6 are located in McMinnville, 14 in Dayton and 2 in Newberg. These projects are now many years old and are exemplary components of the Yamhill County housing inventory. Around the state of Oregon it is common knowledge that CASA only builds quality housing that is well budgeted and well managed.

Currently, CASA is developing a 24 unit complex which will be located 2855 Three-mile lane on property previously known as the Sunflower Farm.

**General Information:**

- \* Agriculture is the #1 industry in Yamhill County with a gross farm sales amount of \$2,406,727 in 2001.



EQUAL HOUSING OPPORTUNITY

- \* 50% of Yamhill County Gross Farm Sales is attributed to labor intensive crops (nurseries, wineries etc.)
- \* The "Migrant and Seasonal Farmworker Enumeration Profiles Study of Oregon", Conducted in September 2002, indicates that there are 6,251 farmworkers working in agriculture in Yamhill County.
- \* Farmworkers, as defined by Housing and Urban Development, earn less than 50% of the areas median income.
- \* Because of the expanding nature of labor intensive agriculture in Yamhill County and the below 50% of median income earnings by these families, there is an increasing need for affordable housing.
- \* Since McMinnville is the social and economic hub of Yamhill County, it seems imperative that the "City" significantly increases the percentage of land being set aside for "multi-family" development as an outright use.

#### Our Concern

Over the past 15 years, CASA has worked in partnership with the Housing Authority of Yamhill County and other non-profits, to develop or try to develop properties in McMinnville. In doing so, we have found the number one problem to be locating land that can be developed as multi-family housing without going through a "Conditional Use" process.

In order to increase the stock of Government Assisted Housing, Special Needs Housing, Farm Worker Housing and Rental Housing affordable to those at or below 50% of the median income, CASA strongly encourages the "City" to set aside additional land in order that the market for multi-family housing not be constrained.

Sincerely,

Robert D. May  
Housing Programs Manager

Objection	Title	DLCD Response	Exception	DLCD Response
<b>1000 Friends of Oregon</b>				
1	Population Projection	Agree in part	McMinnville #1 - Population Projection	Do not agree
2	Housing Needs Analysis	Agree in part	1000 Friends #1	Agree in part
3	Residential Density	Do not agree	1000 Friends #2	Do not agree
4	Floor Area Ratios	Agree	McMinnville #5 - Floor Area Ratio	Do not agree
5	Economic Opportunities Analysis	Do not agree		
6	Parkland	Agree	McMinnville #6 - Parkland within the 100-year Floodplain	Do not agree
7	Efficiency Measures	Do not agree	Mr. Mark Davis #1	Agree in part
8A	Location of Neighborhood Activity Centers 1. Three Mile Lane 2. Southwest 3. Northwest 4. Grandhaven 5. Riverside South	Do not agree Do not agree Do not agree Do not agree Do not agree		
8B	Residential Density Transit Corridor Enhancement Policy Neighborhood Activity Centers	Agree in part Agree in part	McMinnville #10 - Transit Related Densities McMinnville #11 - NAC Density	Do not agree Do not agree
8C	NAC Plan Consistency	Agree	McMinnville #12 - Revision of Density Definitions	Do not agree
8D	Floor Area Ratios	Agree - see Obj. 4	McMinnville #13 - Illustrative Plans	Do not agree
9	Household Size	Agree	McMinnville #2 - Persons per Household	Agree
10	Buildable Lands Analysis	Agree in part	McMinnville #3 - Redevelopable R-2 Zoned Land	Do not agree
11	Adequacy of Planned Transportation System	Agree	McMinnville #14 - Traffic Impact of Proposed Rezoning 1000 Friends #3	Do not agree
12	Designation of Commercial Lands	Agree in part	McMinnville #19 - NAC Related Policy & Ordinance Amendments McMinnville #15 - Amend Typographical Error 1000 Friends #4	Agree Do not agree Do not agree

