



**City of McMinnville**  
**Planning Department**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311

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

## MEMORANDUM

**DATE:** December 2, 2020  
**TO:** Mayor Hill and McMinnville City Council  
**FROM:** Heather Richards, Planning Director  
**SUBJECT:** Response to Councilor Questions from December 1, 2020 Ordinance No. 5098

---

### Question:

- ***What went in to the list of permitted and conditional uses in 17.22? There seem to be some odd allowances for the R5 nature of that development.***

### Answer:

Section 17.22 is the proposed R-5 zone. The proposed R-5 zone closely follows the original R-5 zone proposal from 2003, which was previously repealed following the remand. The list of permitted uses and conditional uses is very similar to those currently listed in the R-4 zone, but the most significant differences from the R-4 zone are:

- In addition to multi-family uses, the R-4 zone allows lower-density residential uses, including single-family dwellings and accessory dwelling units (ADUs), two-family dwellings (duplexes), common-wall single-family dwellings on separate lots (townhouses), and mobile home parks and subdivisions. The R-5 zone is designated as a “High Density Residential Zone,” so those lower-density residential uses are not listed as permitted uses in the R-5 zone.
- Several non-residential uses which are conditional uses in the R-4 zone are not included as conditional uses in the R-5 zone. These are lower-intensity uses or uses that could locate in commercial zones or other zones, and could potentially out-compete or increase land costs for residential uses in the R-5 zone, potentially displacing or increasing costs for multi-family residential use in areas zoned R-5.

Some other uses in the R-5 zone are certain types of residential care facilities addressed in state statute which require that zoning ordinances include them as permitted uses if other residential uses are permitted in the zone.

Some other uses in the R-5 zone are permitted in most residential zones, intended to allow flexibility for siting in proximity to residential uses, or which may be allowed within a dwelling, such as a home occupation or residential day care. State law also addresses zoning for some of these uses. In short, the proposed regulations for the R-5 zone are to ensure that higher density residential development occurs in those zoned areas, as the City is required to demonstrate under ORS 197.296.

Page 2

**Question:**

- ***Is proposed Comprehensive Plan Policy #86.00 contradictory to proposed Comprehensive Plan Policy #71.12?***

**Answer:**

Proposed Comprehensive Plan Policy #71.12 encourages lands zoned R-5 to be dispersed throughout the community.

**Proposed Comprehensive Plan Policy # 71.12.** *Lands zoned R-5 should be located within existing or planned transit corridors. In addition, it should be dispersed throughout the community and integrated into neighborhood areas so that high density housing is not concentrated and segregated in one specific area of the city.*

The language of proposed Comprehensive Plan Policy #86.00 is meant to also encourage dispersal of multi-family development throughout the community and to allow larger concentrations of multi-family development in areas where amenities and services were readily available (such as McMinnville's downtown, Linfield University and Neighborhood Activity Centers) in order to respond to fair housing issues. Since there was expressed confusion about the policy language, staff is recommending the revision below.

**Current Proposed Language for Policy 86.00.** *Dispersal of new-multiple family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic, congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple family developments shall still be allowed in properly designated areas.*

**New Proposed Language for Policy 86.00.** *Dispersal of new-multi-family housing development will be encouraged throughout the City in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi-family development in specific areas of the community leading to a segregation of multi-family development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles*

*In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-family development, and the area is commensurate with a higher concentration of multi-family development without creating an unintended segregation of multi-family development, such as McMinnville's downtown, the area surrounding Linfield University and Neighborhood Activity Centers, a higher concentration of multi-family development will be encouraged.*

**Question:**

- ***How do Comp plan numbers 68 and 86 work together and/or against each other?***

**Answer:**

Please see the recommendation for a revised amendment to Policy 86.00 intended to clarify the policies and their relationships below. The policy recognizes dispersal of multi-family development throughout the community. It further explains that higher-density multi-family

uses are suitable and encouraged in certain areas near the downtown core, near Linfield, and within/near mixed-use core areas of neighborhood activity centers in proportion to and proximity to uses, services, and amenities. The neighborhood activity centers themselves are intended to be dispersed in the community. The characteristics of their size, the land use elements, and the distance between their core areas, provides for dispersal of higher-density multi-family near their core areas, while also allowing for smaller-scale multi-family “middle housing” types elsewhere.

**Current Proposed Language for Policy 68.00.** *The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use.*

**Current Proposed Language for Policy 86.00.** *Dispersal of new-multiple family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic, congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown “core,” and surrounding Linfield College where multiple family developments shall still be allowed in properly designated areas.*

**New Proposed Language for Policy 86.00.** *Dispersal of new-multi-family housing development will be encouraged throughout the City in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi-family development in specific areas of the community leading to a segregation of multi-family development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles*

*In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-family development, and the area is commensurate with a higher concentration of multi-family development without creating an unintended segregation of multi-family development, such as McMinnville’s downtown, the area surrounding Linfield University and Neighborhood Activity Centers, a higher concentration of multi-family development will be encouraged.*

**Question:**

- **Why is staff suggesting deleting 71.13 (2)?**

**Answer:**

Page D-6 of Appendix D: Proposed Comprehensive Plan Policy Amendments shows that Policy 71.13(2) is proposed for removal from McMinnville’s Comprehensive Plan. Policy 71.13(2) reads:

71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:

2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low-density residential areas;

A consequence of Policy 71.13(2) observed by staff in its implementation is the separation of high-density housing areas from low-density housing areas and segregation of land-use patterns when the

Page 4

policy is applied to large land areas. This is in conflict with McMinnville Growth Management and Urbanization Plan (MGMUP) Principle #6: Traditional Development – Allow and encourage development that meets the principles of “smart growth”. As noted on Page 24 of the MGMUP, the key idea of “smart growth” is to create walkable, mixed-use communities instead of uniform, low-density residential development where most trips are made by car and forced onto congested collector and arterial streets. Walkable neighborhoods typically have a higher percentage of high-density housing. Removal of Policy 71.13(2) will support the integration of high-density and low-density housing into walkable neighborhoods that are examples of “smart growth”.

Additionally, Policy 71.13(2) conflicts with the Great Neighborhood Principles of the Comprehensive Plan. Specifically, Policy 187.50.11(a), Housing for Diverse Incomes and Generations, requires a range of housing forms and types be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations. The segregation of housing types for different income levels resulting by the implementation of Policy 71.13(2) (whether intentional or incidental) is not a guiding principle for the creation of Great Neighborhoods in McMinnville.

**Question:**

- ***How strong and specific can we make proposed Comprehensive Plan Policy 188.02?***

**Answer:**

We can change the “should” to “shall” and make it very specific. However this may have unintended consequences in eliminating a use in a Neighborhood Activity Center that would be deemed appropriate except that it could fall into one of these categories – such as a drive-thru coffee kiosk or bistro like the “Laughing Bean Bistro” drive-thru.

- 188.02      The following uses should be avoided in a neighborhood activity center:
- Uses considered noxious when located next to a residential neighborhood
  - Large retailers, discount stores
  - Auto-oriented businesses
  - Warehousing, storage, heavy manufacturing

**Question:**

- ***What is the time horizon for the update to the TSP?***

**Answer:**

The update for the Transportation System Plan is on the long-range work plan for 2021 – 2023. However it is funding dependent. Costs for a full Transportation System Plan update is approximately \$500,000 and will take about 2 – 3 years to complete. It is typically funded through the Street Fund with some reimbursement from transportation system development charges depending upon the proportionality of new development related work versus overall system work. In this fiscal year, due to the Pandemic, the Street Fund which relies on the City’s proportional share of state gas tax revenue, is anticipated to be significantly impacted with a reduction in revenue.

Page 5

**Question:**

- ***Page 50 of the “Plan” talks about “Protecting Areas of Community Importance” but appears to focus only on the limitation of R1 zoning to sloped constrained lands – is this a place where the City can add other areas that we think should be protected as areas of community importance?***

**Answer:**

Other areas of community importance could be added, however the City Council would want to ensure that it relative to the discussion at hand which is land supply for future growth needs. This particular section of the Plan is in the “Growth Management and Urbanization Measures to Achieve the Concept Plan” chapter, and is under the section of “Proposed Land Use Efficiency Measures”, so it would need to be an efficiency measure to help with growth management and urbanization that achieves the principles of the concept plan.

This particular part of the Plan has not been amended since the adopted 2003 Plan because it was not challenged. Staff recommend against revising portions of the Plan that are not part of the remand work – namely, the selection of certain lands for inclusion in a new UGB.

**Question:**

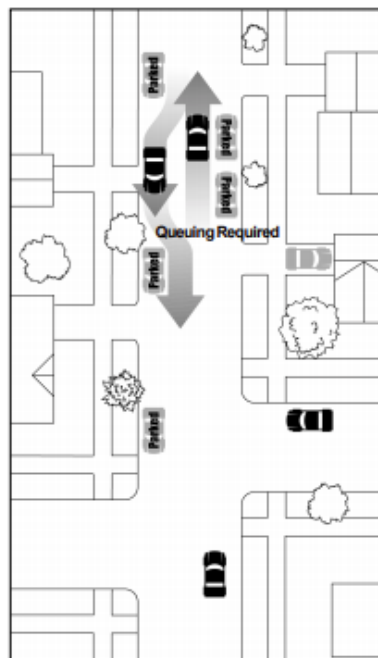
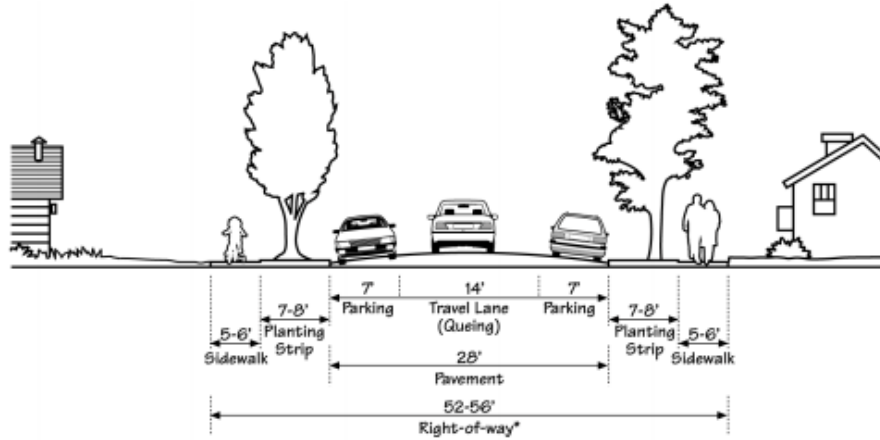
- ***Page 34 of “the plan” has an MGMUP 2020 remand update that talks about the 28’ street width. Has that been proven to make a safer experience for bikes and pedestrians?***

**Answer:**

Numerous studies have been done that show the relationship between street width, traffic speed, the number of crashes, and resulting injury. In short, injury or death to pedestrians increases significantly as motor vehicle speed increases. Chances of a pedestrian surviving a traffic collision is 95% at 20 miles per hour, 60% at 30mph, and just 10% at 40mph (Durkin & Pheby, 1992). Other studies show a correlation between street width and vehicle speed, namely that narrower streets provide more traffic calming and lower vehicle speeds than wider streets do. A 1999 study by Peter Swift determined that a typical 36-foot wide residential street has 1.21 collisions/mile/year and a 24-foot wide residential street has just 0.32 collisions/mile/year, showing that the safest streets were narrow, slow streets. It can be shown that narrower streets provide traffic calming measures that reduce vehicle speed which, in turn, reduces the number of crashes and injury (or worse) to pedestrians,

The McMinnville Transportation System outlines the standards for local residential “Complete Streets” within a typical 50 foot wide right-of-way: 28 foot street width, with 5 foot wide planters and 5 foot wide sidewalks on each side. This standard is similar to the images below, from “Neighborhood Street Design Guidelines: An Oregon Guide for Reducing Street Widths” (note that the image shows a slighter wider right-of-way and wider planting strips and sidewalks than McMinnville’s standards, but the principles remain the same).

### 28 Ft. Streets Parking on both sides



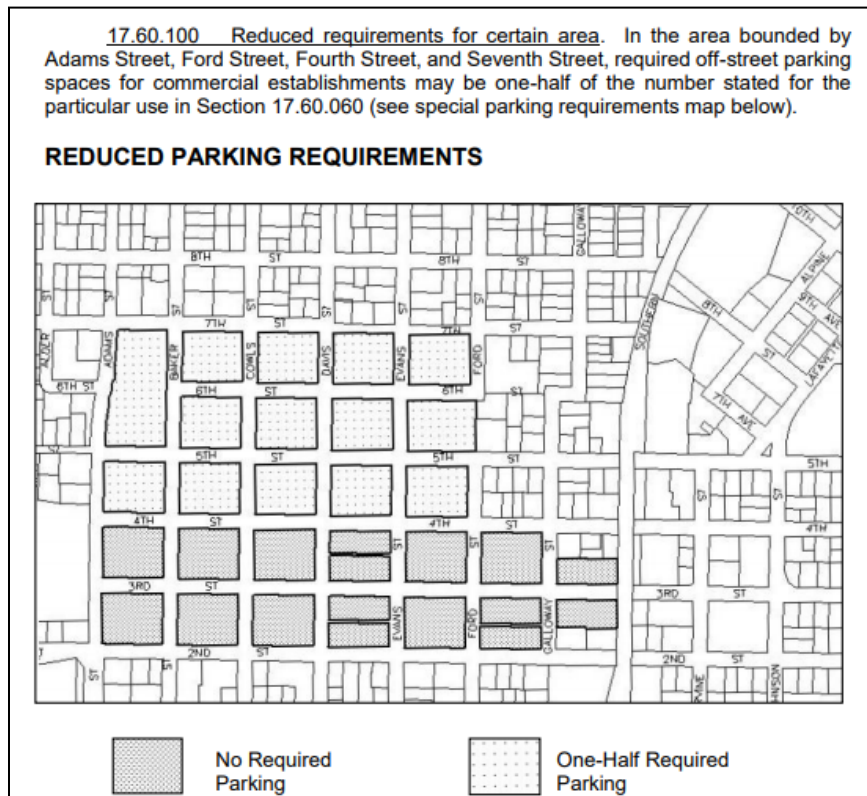
The images illustrate how a 28 foot wide residential street with parking, as is common in McMinnville, provides traffic calming through queuing, reducing traffic speed through a neighborhood. The reduced width of the street leaves room in the right-of-way to provide planter strips and sidewalks. Planter strips can provide further traffic calming with the inclusion of street trees, and sidewalks provide safe spaces for pedestrians and bicyclists. The 28 foot wide residential street width effectively reduces vehicle speed while allowing other amenities in the public right-of-way that create a “Complete Street” and contribute to a safer pedestrian and bicycle experience than a wider street would allow.

**Question:**

- **Page 35 of the “Plan” states that, “Current plan policies encourage high density residential development within the historic downtown commercial core. To assist the downtown in realizing this density, off-street parking and landscaping is not required within the 14 blocks of the downtown core. An additional fifteen blocks that surround the core area are obligated to only provide one half the number of required parking spaces.” Is this in place now?**

**Answer:**

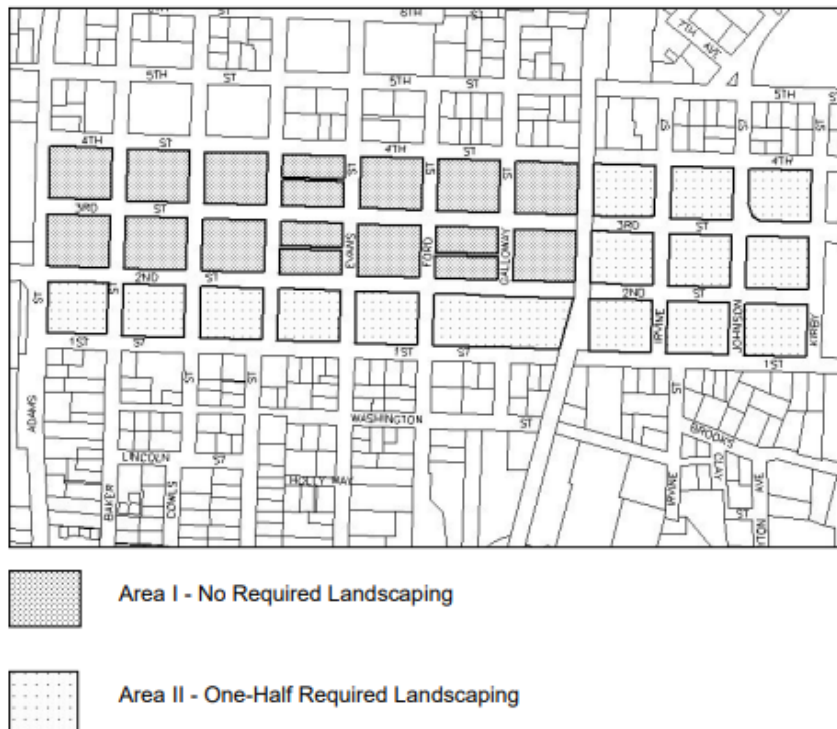
This section (titled “Historic Downtown”) references some reductions in off-street parking and landscaping for areas within the downtown core area. These reductions are already included in the Zoning Ordinance. **The reductions apply to the lands today, and the proposed UGB, Comprehensive Plan, and zoning amendments would not change any of these regulations.** The regulations for reduced parking are provided in MMC Section 17.60.100, and the regulations for reduced landscaping are provided in MMC Section 17.57.080. These MMC sections include maps that identify where these reductions apply, and the full MMC sections (including the maps) are identified below:



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

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

**REDUCED LANDSCAPING REQUIREMENTS**



**Question:**

- ***What are the ramifications of a currently zoned “residential” land that becomes “urban reserve”?*** To the property and the owner.

**Answer:**

Assuming that this question is referencing the comprehensive plan designations on property within the city's urban growth boundary that are currently designated as “Residential” and are proposed to be designated “Urban Holding”, there is no real ramification to the property or to the property owner except that the property will be included in a future area planning exercise prior to annexation into the city limits. All property in the urban growth boundary continues to operate under county zoning and regulations, and pays county taxes. It will be the property owner's choice to annex into the city in the future. However, in order to do so, with the new implementation methodology their property will need to



Page 9

be part of an adopted area plan and they will need to show how via a conceptual master plan how they propose to be compliant with the area plan prior to annexing into the city.

**Question:**

- ***Why add Comprehensive Plan Proposal #48.90 and make annexation not a land-use process? What are the ramifications of that?***

48.90                    **Annexation Process.** *The City shall update its annexation ordinance (Ordinance No. 4357) to reflect new statutory requirements and a process consisting of an annexation agreement with the City Council that includes a conceptual master plan but is not a land-use process.*

**Answer:**

There are a couple of reasons for the recommended proposal. State law changed regarding city annexations in 2017 and the city's ordinance has yet to be amended to reflect those changes.

At the same time, Oregon law allows cities to annex property via multiple legal avenues. Many cities are now opting to use an annexation agreement process with the City Council as it allows the City to require performance by the property owner that may not be allowed under land-use provisions – such as a requirement that a certain amount of the proposed housing development needs to be affordable housing, (City of Bend requires this as part of their annexation agreements), or that land is dedicated for future public amenities (parks, trails, right-of-way, etc.) at the time of annexation, etc. The annexation agreement is a contract between the City and the property owner who wants to annex into the city and is not held to the same proportionality and exaction laws of land-use provisions in the context of the provision of public improvements. The suggestion in the MGMUP is that the property owner will need to provide a conceptual master plan demonstrating compliance with the city's adopted area plan prior to annexation and then that the master plan will need to go through a land-use process to achieve city zoning within a year of annexation. This was discussed with the McMinnville City Council as a future annexation process in a work session and City Council provided direction to staff to move forward in this direction.

**Question:**

- ***Are the Parking Requirements stated in the zoning code for the NACs the standard parking requirements for the city?***
  - ***I'd like to see this, and all other parking requirements, especially for commercial developments, significantly lowered, if not outright cut.***
  - ***Is there a way to drive them lower? or create a single, shared NAC parking center?***

**Response:**

The proposed Neighborhood Activity Center Overlay District ordinance (which begins on page E-2 of Appendix E) has some language on parking within NACs. In general, the uses within the NAC are proposed to follow the standard off-street parking requirements in the existing Chapter 17.60 of the Zoning Ordinance. However, staff is proposing some language within the Neighborhood Activity Center Overlay District ordinance that would provide for flexibility in addressing off-street parking requirements,

and also an opportunity to reduce off-street parking requirements. These are identified in proposed Section 4(F)(6) as follows (also can be seen on page E-7 of Appendix E):

6. Parking and Land Use Efficiency: All of the following methods are used whenever possible to minimize the amount of land developed as surface parking.
  - a. Guidelines:
    - 1) Shared Parking. "Shared parking" means that multiple uses share one or more parking facilities. Parking demands must "peak" during different times of the day.
    - 2) Credit for on-street parking. The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to City standards, except that angled parking may be allowed for some streets, as approved by the City. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site/design review. The City shall maintain a written record of credits granted per each use;
    - 3) Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City;
    - 4) Maximum parking ratio. Surface parking shall not exceed 110% of the minimum parking requirement for the subject land use(s). Exemptions to the standard can be approved through site/design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities;

These guidelines would establish a maximum parking ratio, which would limit the maximum amount of parking that could be developed on a site within a NAC. In addition, the guidelines provide opportunities for developments to reduce their total amount of parking through shared parking and also by allowing credit for on-street parking. Allowing on-street parking to be counted towards a site's off-street parking requirement is currently not allowed in the Zoning Ordinance for other properties throughout the city, so would be unique and new to NACs. The guidelines also provide a means by which an applicant could request a further reduction or entire waiver of off-street parking, based on details of their proposed development project.

Further reductions in off-street parking requirements in NACs or stricter standards for parking in NACs could be further discussed by the Council.

Page 11

**Question:**

- ***Can you help me understand the basic overall process of how the NAC overlay get's created, reviewed, approved, and built? Who submits, who reviews, who approves, etc.***

**Response:**

The NAC overlays will be created through the proposed successive planning process described in Appendix G, and as clarified further in proposed Comprehensive Plan Policies (Appendix D) and Zoning Amendments (Appendix E).

First, the Framework Plan identifies general locations for the locations of NACs. However, as noted in Appendix G, the Framework Plan is intended to be conceptual in nature, and serve as an advisory plan that informs and provides guidance for more detailed Area Planning and Master Planning that will be required for lands that are annexed into the City.

Second, the development of Area Plans will more specifically identify locations and sizes of future NACs. The Area Planning process will be initiated by the City Council, and the City Council will review and approve a final Area Plan (see proposed Section 17.10.40 on page E-17 of Appendix E for more detail). Property owners with control of lands of 100 acres or more may initiate the Area Planning process if the City has yet to do so, but the Area Plan still gets reviewed and approved by City Council.

The final step is the Master Planning process, which will be initiated by property owners or developers. A Concept Master Plan must be completed prior to the City Council approving an annexation agreement. After completion of an annexation agreement, a final Master Plan must be approved by the City Council through a land use review process after annexation (see proposed Section 17.10.65 on page E-18 of Appendix E for more detail).

If any land proposed to be included in a Concept Master Plan or final Master Plan is identified on an Area Plan as being within a NAC, the Concept Master Plan and final Master Plan would need to meet the requirements of the NAC Comprehensive Plan policies (see Policies 188.00 through 188.07 beginning on page D-14 of Appendix D) and the Neighborhood Activity Center Overlay District ordinance (see proposed ordinance language beginning on page E-2 of Appendix E). This includes the development of a NAC Concept Plan as part of the Concept Master Plan (see Section 4 of Neighborhood Activity Center Overlay District ordinance on page E-3 of Appendix E for more detail). The NAC Overlay District would be applied at the time of the Master Plan, because the Overlay District functions as an urban zoning overlay district and cannot be applied to County land that is still in County zoning until it is annexed. The urban zoning must be applied after annexation and the land is brought into the City. **Therefore, the NAC Overlay District would be applied at the same time that Comprehensive Plan Map designations and urban zoning districts are identified in the final Master Plan, which again is reviewed and approved by City Council.**

The proposed Neighborhood Activity Center Overlay District ordinance does provide an opportunity for a property owner to propose a NAC in locations that are not covered by an approved Area Plan or Master Plan, and therefore are not guided or planned for a NAC (see Section 4(B) of Neighborhood Activity Center Overlay District ordinance on page E-3 of Appendix E for more detail). This would also need to be approved by City Council.

Following approval of the final Master Plan by City Council, development of the NAC could occur that is consistent with the approved Master Plan and any other zoning requirements.

**Question:**

- ***How can we use this process to do a better job in protecting landmark trees in McMinnville?***

**Answer:**

This current process is a response to a court ordered remand for land supply for future growth planning. The implementation measures being considered as part of this effort are in response to ORS 197.296 (6) and (7) that require the City to adopt policies, programs and codes that ensure that the needed housing types and density will be achieved in a UGB expansion plan. Code revisions for the protection of landmark or heritage trees is beyond the scope of the proceedings currently before the Council. However there is a proposed new Comprehensive Plan policy that provides direction to update Goal 5 of the Comprehensive Plan after a substantial UGB amendment, which would inventory cultural and natural resources deserving of protection or mitigation by the City. This effort would not only identify the resources to be protected but could develop additional policies for the Comprehensive Plan to assure their protection and provide direction for city code updates as well. Please see proposed policy language below:

182.50 ***Coordinated Master Planning and Plan Updates.*** *The City should initiate updates of its functional planning documents within 5 years of a major UGB update to address consistency with the new UGB, and work with service providers to conduct updates to their planning documents as needed. This includes:*

**City:**

- *Parks and Recreation Master Plan*
- *Water Reclamation Facilities Plan*
- *Storm Drainage Master Plan*
- *Transportation System Plan*
- *Airport Layout Plan*
- *Goal 5 Resources Plan*
- *Goal 7 Hazards Plan*

**Service Providers:**

- *McMinnville Water and Light: Water Distribution System Master Plan*
- *Yamhill County Transit: Transit System Master Plan*

Additionally, the Landscape Review Committee is currently undertaking a work program task to review and update the City's landscaping and tree chapters of Chapter 17 of the McMinnville Municipal Code. City Council could direct them to develop proposed code amendments for City Council to consider at a future date that protects heritage and landmark trees. Below is a summary of their current discussion.

***Actions by the Landscape Review Committee for Landscaping & Tree code revisions:***

Recently, the McMinnville Landscape Review Committee (LRC) has been beginning a review of the Landscaping and Tree Chapters of the McMinnville Zoning Ordinance to provide staff with preliminary

Memorandum

Date: December 2, 2020

Re: Ordinance No. 5098, Councilor Questions

Page 13

guidance for topics to add, revise, or remove from the code when a code update is scheduled on a future Planning Department work plan. Some of the discussion concerned trees, considering both existing tree preservation and planting for new development. The following recommendations were provided to staff from the LRC:

- Review of Chapter 17.57-Landscaping (conducted in LRC meetings 8/5/20 and 8/19/20)
  - Staff should retool the landscape review factors described in 17.57.070(B) to provide more clear and objective standards or review criteria.
    - Included in this section is review factor #3, dealing with “retention of existing trees and natural areas that may be incorporated in the development of a project”. The code does not provide any metrics by which to evaluate retention and incorporation of existing trees into development.
- Review of Chapter 17.58-Trees (began in 11/18/20 LRC meeting, to be continued in future meetings)
  - Define “significant” and “historic” trees
    - Chapter 17.58 applies to individual significant or historic trees, but no definition is provided in the Zoning Ordinance
  - At a future meeting, staff should provide the Committee with examples of tree preservation/protection programs from other comparable communities to review and discuss if similar standards are appropriate for McMinnville.