# Growing McMinnville MINDFULLY

# MCMINNVILLE'S UGB REMAND RESPONSE:

# CITY COUNCIL UPDATE

**We are responding to the LCDC remand to the City of McMinnville for the MGMUP 2003-2023, first submitted in 2003 and modified in 2005. LCDC remand based on Court of Appeals remand to LCDC.**

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

# PUTTING IT ALL IN PERSPECTIVE

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# MCMINNVILLE NEEDS TO EXPAND ITS UGB

**The need to expand has not been the issue, it is how and where the city expands that has been a contested dialogue for 20 years, plagued by opposition, challenges and appeals.**

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

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# GROWTH PLANNING – MCMINNVILLE, Is there a path forward?

# MCMINNVILLE UGB HISTORY

- **1981: Adopted UGB for 1980-2000 Planning Period**
- **1994: Entered Periodic Review with DLCD**
- **1994-1995:** Residential inventory/projections
- **1994-1995:** Commercial land inventory and projection
- **1995-1997:** HB 2709 retrofit to Residential inventory and needs
- **1999:** Community Growth and Land Use Analysis project
- **2000-2002:** Residential BLI, adoption, DLCD appeal, LUBA remand
- **2001-2003:** Economic Opportunities Analysis
- **2002-2003:** Additional local review produced the **McMinnville Growth Management and Urbanization Plan** adopted in 2003
- **2003-2013:** Continued defense of Growth and Expansion plan
- **2013:** Remand by Oregon Circuit Court of Appeals
- **2013:** Decision to let it rest. – battle worn and resource depleted.
- **2018**: Start work again with HNA/EOA and direction to pursue URA/UGB



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# POTENTIAL PATHS FORWARD

1. URA/UGB
2. UGB
   a. Dust off 2003 Submittal, resubmit with revised findings
   b. New alternatives analysis
   c. Concurrent with URA
3. REGIONAL PROBLEM SOLVING
   a. RPS – 2003 UGB Plan
   b. RPS – URA/UGB
4. LEGISLATIVE BILL
5. QUASI-JUDICIAL UGB AMENDMENTS
6. DO NOTHING (Wait for a state-wide fix)
7. NEGOTIATE A DEAL



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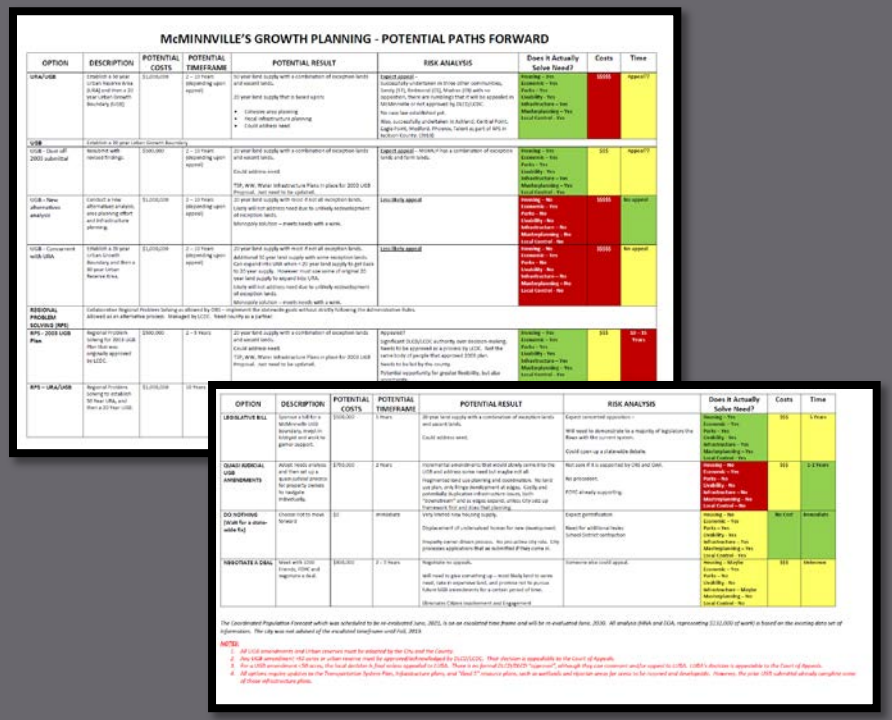
# DECISION MAKING FILTER

1. DOES IT ACHIEVE SUCCESS – Reality not Monopoly
   a. Housing
   b. Economy
   c. Parks
   d. Livability
   e. Infrastructure
   f. Master planning
   g. Local Control
2. ACHIEVEMENT OF GOALS
3. COSTS
4. TIME



McMINNVILLE'S GROWTH PLANNING - POTENTIAL PATHS FORWARD

| OPTION | DESCRIPTION | POTENTIAL COSTS | POTENTIAL TIMEFRAME | POTENTIAL RESULT | RISK ANALYSIS | Does It Actually Solve Need? | Costs | Time |
|---|---|---|---|---|---|---|---|---|
| URA/UGB | Establish a 50 year Urban Reserve Area (URA) and then a 20 year Urban Growth Boundary (UGB) | $1,000,000 | 2 – 10 Years (depending upon appeal) | 50 year land supply with a combination of exception lands and vacant lands.<br>20 year land supply that is based upon:<br>• Cohesive area planning<br>• Fiscal infrastructure planning<br>• Could address need | Expect appeal - Successfully undertaken in three other communities, Sandy (97), Redmond (20), Madras (28) with no opposition; there are rumblings that it will be appealed in McMinnville or not approved by DLCD/LCDC.<br>No case law established yet.<br>Also, successfully undertaken in Ashland, Central Point, Eagle Point, Medford, Phoenix, Talent as part of RPS in Jackson County (2018) | Housing – Yes<br>Economic – Yes<br>Parks – Yes<br>Livability – Yes<br>Infrastructure – Yes<br>Masterplanning – Yes<br>Local Control – Yes | $$$$$ | Appeal?? |
| UGB | Establish a 20 year Urban Growth Boundary | | | | | | | |
| UGB - Dust off 2003 submittal | Resubmit with revised findings. | $100,000 | 2 – 10 Years (depending upon appeal) | 20 year land supply with a combination of exception lands and vacant lands.<br>Could address need.<br>TSP, WW, Water Infrastructure Plans in place for 2003 UGB Proposal. Just need to be updated. | Expect appeal - McMINN has a combination of exception lands and farm lands. | Housing – Yes<br>Economic – Yes<br>Parks – Yes<br>Livability – Yes<br>Infrastructure – Yes<br>Masterplanning – Yes<br>Local Control – Yes | $$$ | Appeal?? |
| UGB - New alternatives analysis | Conduct a new alternatives analysis, area planning effort and infrastructure planning. | $1,000,000 | 2 – 10 Years (depending upon appeal) | 20 year land supply with most if not all exception lands.<br>Likely will not address need due to unlikely establishment of exception lands.<br>Monopoly solution – meets needs with a wink. | Less likely appeal | Housing – No<br>Economic – Yes<br>Parks – No<br>Livability – No<br>Infrastructure – No<br>Masterplanning – No<br>Local Control – No | $$$$$ | No appeal |
| UGB - Concurrent with URA | Establish a 50 year Urban Growth Boundary and then a 50 year Urban Reserve Area. | $1,000,000 | 2 – 10 Years (depending upon appeal) | 20 year land supply with most if not all exception lands.<br>Additional 50 year land supply with some exception lands.<br>Can expand into UGB when < 20 year land supply to get back to 20 year supply. However must use some of original 20 year land supply to expand into URA.<br>Likely will not address need due to unlikely establishment of exception lands.<br>Monopoly solution – meets needs with a wink. | Less likely appeal | Housing – No<br>Economic – Yes<br>Parks – No<br>Livability – No<br>Infrastructure – No<br>Masterplanning – No<br>Local Control – No | $$$$$ | No appeal |
| REGIONAL PROBLEM SOLVING (RPS) | Collaborative Regional Problem Solving as allowed by ORS – implement the statewide goals without strictly following the administrative rules. Allowed as an alternative process. Managed by LCDC. Need county as a partner | | | | | | | |
| RPS - 2003 UGB Plan | Regional Problem Solving for 2003 UGB Plan that was originally approved by LCDC. | $300,000 | 2 – 5 Years | 20 year land supply with a combination of exception lands and vacant lands.<br>Could address need.<br>TSP, WW, Water Infrastructure Plans in place for 2003 UGB Proposal. Just need to be updated. | Appeals?<br>Significant DLCD/LCDC authority over decision making. Needs to be approved as a process by LCDC. Sell the same body of people that approved 2003 plan. Needs to be led by the county.<br>Potential opportunity for greater flexibility, but also | Housing – Yes<br>Economic – Yes<br>Parks – Yes<br>Livability – Yes<br>Infrastructure – Yes<br>Masterplanning – Yes<br>Local Control – Yes | $$$ | 10 – 15 Years |
| RPS – URA/UGB | Regional Problem Solving to establish 50 Year URA, and then a 20 Year UGB. | $1,000,000 | 10 Years | | | | | |

| OPTION | DESCRIPTION | POTENTIAL COSTS | POTENTIAL TIMEFRAME | POTENTIAL RESULT | RISK ANALYSIS | Does It Actually Solve Need? | Costs | Time |
|---|---|---|---|---|---|---|---|---|
| LEGISLATIVE BILL | Sponsor a bill for a McMinnville UGB boundary, inept in Salem and work to garner support. | $100,000 | 1 Years | 20 year land supply with a combination of exception lands and vacant lands.<br>Could address need. | Expect concerted opposition –<br>Will need to demonstrate to a majority of legislators the flaws with the current system.<br>Could open up a statewide debate. | Housing – Yes<br>Economic – Yes<br>Parks – Yes<br>Livability – Yes<br>Infrastructure – Yes<br>Masterplanning – Yes<br>Local Control – Yes | $$$ | 1 Years |
| QUASI JUDICIAL UGB AMENDMENTS | Assist, needs analysis and then set up a quasi-judicial process for property owners to navigate individually. | $750,000 | 2 Years | Incremental amendments that would slowly come into the UGB and address some need but maybe not all.<br>Fragmented land use planning and coordination. No land use plan, only fringe development of edges. Costly and potentially duplicative infrastructure needs, both "downstream" and as edges expand, unless City sets up Framework Plan and Area Plan planning. | Not sure if it is supported by ORS and DAR.<br>No precedent.<br>PSHE already supporting. | Housing – No<br>Economic – Yes<br>Parks – No<br>Livability – No<br>Infrastructure – No<br>Masterplanning – No<br>Local Control – No | $$$ | 2-3 Years |
| DO NOTHING (Wait for a state-wide fix) | Choose not to move forward | $0 | Immediate | Very limited new housing supply.<br>Displacement of undeveloped homes for new development.<br>Inequity owner driven process. No pro-active city role. City processes applications that are submitted if they come in. | Expect gentrification<br>Need for additional hedge.<br>School District contraction | Housing – No<br>Economic – No<br>Parks – No<br>Livability – No<br>Infrastructure – No<br>Masterplanning – No<br>Local Control – Yes | No Cost | Immediate |
| NEGOTIATE A DEAL | Meet with 1000 Friends, PSHE and negotiate a deal. | $400,000 | 2 – 7 Years | Negotiate to appeals.<br>Will need to give something up – most likely land to serve need, take in expensive land, and promise not to pursue future UGB amendments for a certain period of time.<br>Alternative Citizen Involvement and Engagement | Someone else could appeal. | Housing – Maybe<br>Economic – Yes<br>Parks – No<br>Livability – No<br>Infrastructure – Maybe<br>Masterplanning – No<br>Local Control – No | $$$ | Unknown |

The Coordinated Population Forecast which was scheduled to be re-evaluated June, 2021, is on an escalated time frame and will be re-evaluated June, 2020. All analysis (MNA and DLA, representing 22,132,000 sf work) is based on the existing data set of information. The city was not advised of the escalated timeframe until Fall, 2019.

NOTES:
1. All UGB amendments and Urban reserves must be adopted by the City and the County.
2. Any UGB amendment >50 acres or urban reserve must be approved/ratified by the DLCD/LCDC. Their decision is appealable to the Court of Appeals.
3. For a UGB amendment <50 acres, the local decision is final unless appealed to LUBA. There is no formal DLCD/LCDC "approval", although they can comment and/or appeal to LUBA. LUBA's decision is appealable to the Court of Appeals.
4. All options require updates to the Transportation System Plan, Infrastructure plans, and "Good Ol" resource plans, such as wetlands and riparian areas for areas to be rezoned and developed. However, the prior UGB submittal already complete some of those infrastructure plans.

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# CITY COUNCIL DIRECTED STAFF TO EVALUATE RESPONDING TO THE 2012 REMAND OF THE 2003 MGMUP

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# TONIGHT'S WORKSESSION

1. REVIEW COURT DECISION AND REMAND

2. WORK PROGRAM AND PROGRESS THUS FAR
   - Defining Land Need
   - NACs
   - Buildable Land Need
   - Hazards Study – Goal 7
   - Locational Needs Analysis

3. CONCLUSION AND NEXT STEPS



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# THE COURT'S DECISION

1. Petitioners argued there were three assignments of error.

2. Court ruled there was only one assignment of error.

   "The City erred in its application of ORS 197.298, and that a correct application of the law could compel a different result."

   ORS 197.298 = Priority of land to be included with urban growth boundary.

**TRY AGAIN = REMAND!**



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# ORS 197.298 – PRIORITY LANDS FOR UGB AMENDMENTS

1) **First Priority = Urban Reserve Land**
2) **Second Priority = Land adjacent to the UGB that is an exception area or non-resource land.**
3) **Third Priority = Land designated as marginal land.**
4) **Fourth Priority = Agricultural and Forest Lands**

Land of lower priority can be included if land of higher priority is found to be inadequate to accommodate the amount of land needed

- Specific types of identified land needs cannot be reasonably accommodated on higher priority lands.
- Future urban services could not reasonably be provided on higher priority lands due to topographical or other physical constraints
- Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.



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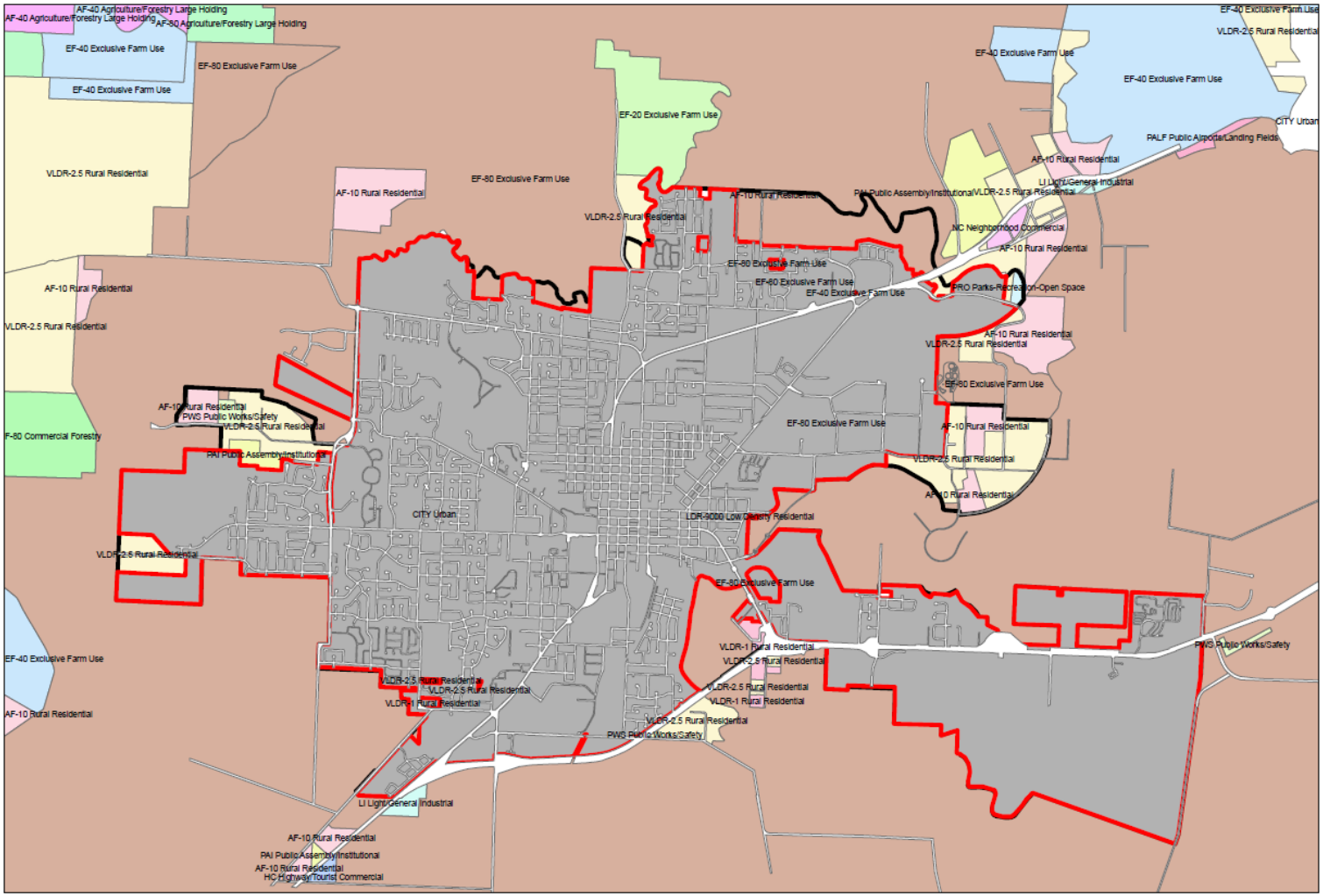
# Yamhill County Zoning Designations

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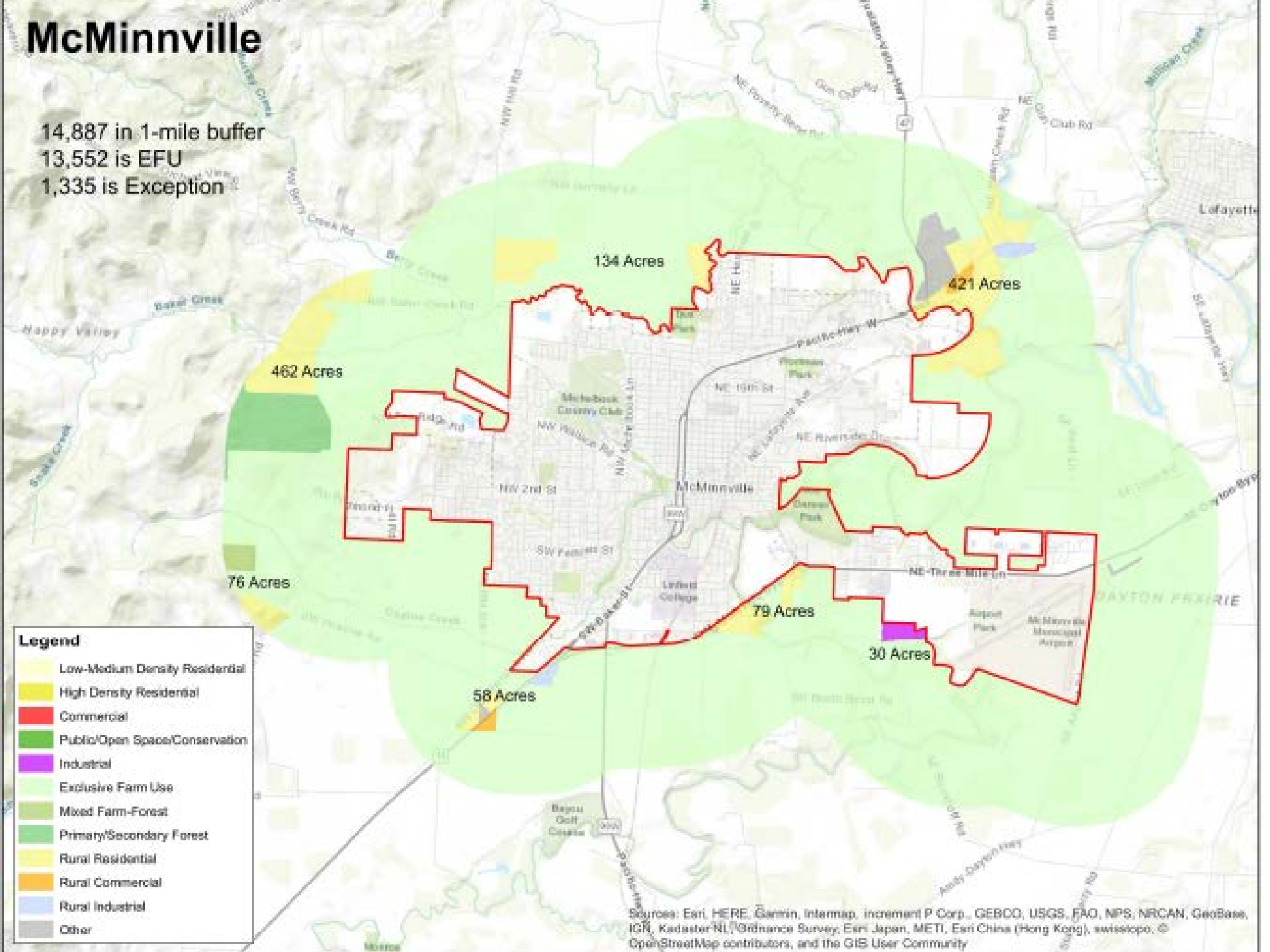
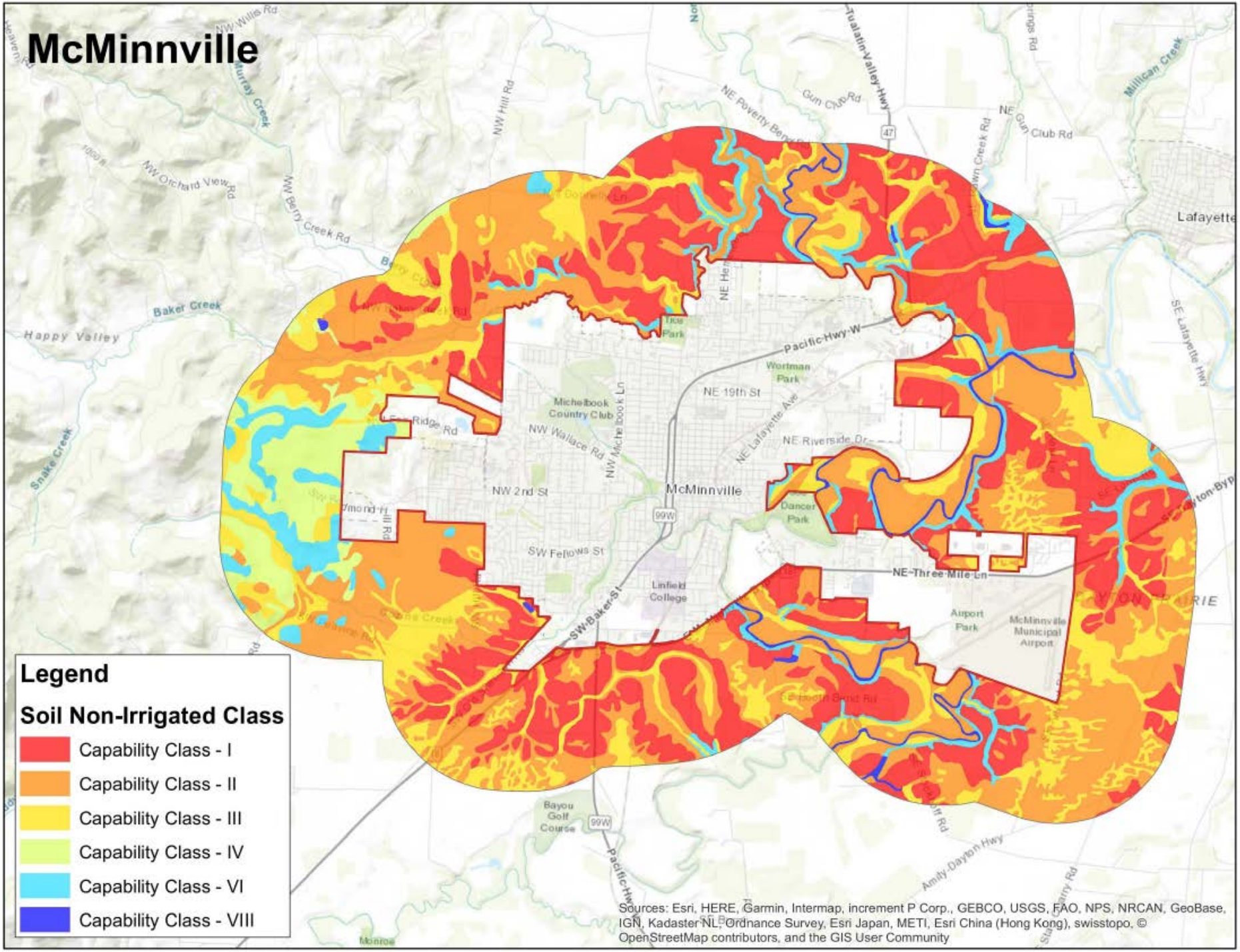
# McMinnville

14,887 in 1-mile buffer
13,552 is EFU
1,335 is Exception



# McMinnville



# THE COURT'S DIRECTION – TRY AGAIN

1. We are no longer disputing –

   Population Forecast
   Housing Needs
   Employment Needs
   Park Land Needs
   Institutional Needs

2. However, we are working within a set of rules that were established at the time of the submittal in 2003 and what is in the public record for the land-use decision. (ORS, GOALS AND PERIODIC REVIEW)



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# THE COURT'S DIRECTION – TRY AGAIN

- Clarified how ORS 197.298 and Goal 14 work together.

- Clarified the selection sequence to meet City's 20 Year planning horizon growth needs:

  1) ID Buildable Land
  2) Consider Exception Land
  3) Last Consideration is Resource Land



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# REMAND PROGRAM OVERVIEW

## What is in the Court decision?

### Specific problems to correct:

- Included more land north of Fox Ridge Road.
- Consider the cost to extend public facilities <u>after</u> identifying buildable lands.



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# REMAND PROGRAM OVERVIEW

## What is in the Court decision?

### Specific problems to correct:

- Analyze study areas in a consistent manner.
- Apply findings to our decisions in the correct manner.



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# WORK PROGRAM OVERVIEW

## Work Tasks

- Technical
  - Mapping, analyzing impacts, preparing documents and findings.

- Procedural
  - Public information, work sessions, hearings

# WORK PROGRAM OVERVIEW

<u>Tasks</u> – Technical

- Revise study area maps and ID buildable land.
- Apply ORS 197.298 and Goal 14 Location Factors for City's Identified Need
- Recommend UGB map.



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# WORK PROGRAM OVERVIEW

## Major Tasks – Technical

**Prepare Plan Documents**

- Draft 2003/2023 plan document.
- Share with the public.
- Prepare findings
- Support adoption process



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# WORK PROGRAM OVERVIEW

## Major Tasks – Procedural

- Website
- Public information/outreach
- County Coordination
- Formal Legislative hearings
- Adoption and submit to LCDC



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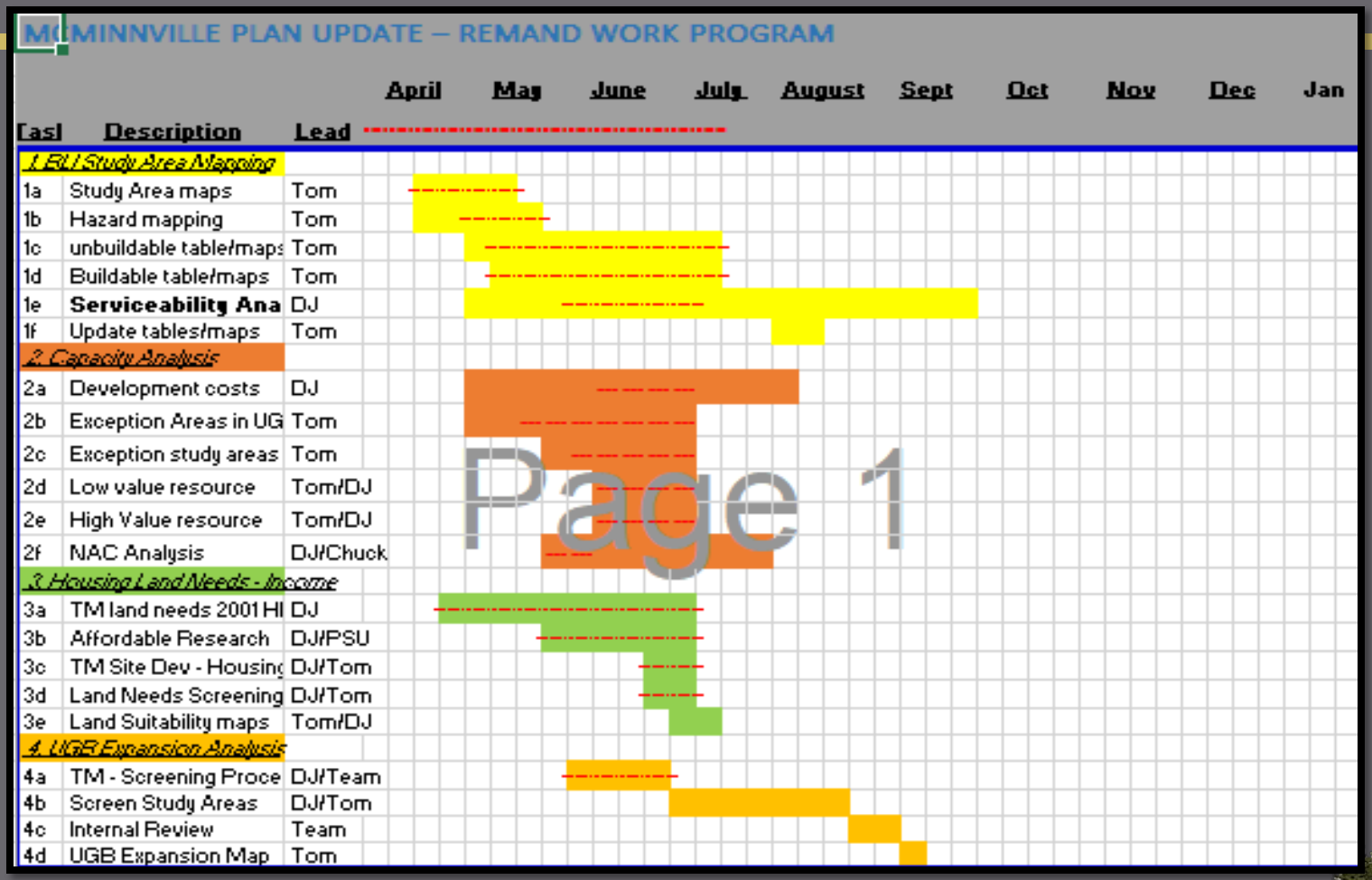
# WORK PROGRAM SCHEDULE

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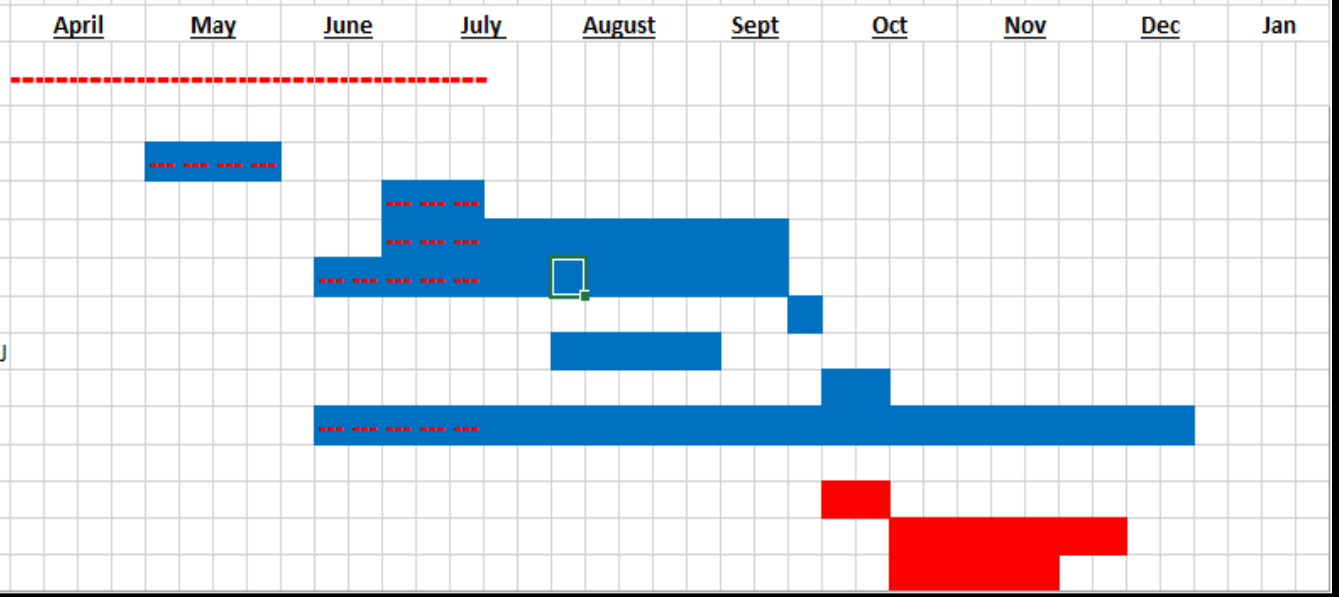
# WORK PROGRAM SCHEDULE

## MCMINNVILLE PLAN UPDATE – REMAND WORK PROGRAM

| Task | Description | Lead |
|---|---|---|
| *5. Revise Plan Documents* | | |
| 5a | Working TOC/docs | Chuck |
| 5b | Revise Appendix B - BLI | Tom |
| 5c | Revise Appendix C - | DJ/Tom |
| 5d | Revise Appendix D | Chuck |
| 5e | Revise Plan Map | Tom/DJ |
| 5f | Revise Appendix F - Zones | Chuck/DJ |
| 5g | Implementation Measures | DJ |
| 5h | Revise plan body | Team |
| *6. Revise Plan Findings* | | |
| 6a | Findings review | DJ |
| 6b | Edit findings | DJ |
| 6c | Legal review | Team |

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# WORK PROGRAM SCHEDULE

## MCMINNVILLE PLAN UPDATE – REMAND WORK PROGRAM

| Task | Description | Lead | April | May | June | July | August | Sept | Oct | Nov | Dec | Jan |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *7. Public Information* | | | | | | | | | | | | |
| 7a | Website | Heather | | | Template | | | | | | | |
| 7b | Purpose, timeline, etc. | Heather | | | Purpose and summary | | | | | | | |
| 7c | Council briefing | Team | | | | Buildable lands | | | | | | |
| 7d | Council/BOCC Work Session | Team | | | | | NACs/Hazards/Serviceability | | | | | |
| 7e | Council/BOCC Work Session | Team | | | | | | Study Area Rating/Development Costs/Agricultural conflicts | | | | |
| 7f | Council Briefing | Team | | | | | | | UGB Map | | | |
| 7g | Public Briefing? | Team | | | | | | | Draft 2020 Plan Update | | | |
| *8. Formal Adoption* | | | | | | | | | | | | |
| 8a | Remand PAPA | Team | | | | | | | | | | |
| 8b | Council/BOCC Session | Team | | | | | | | | | | |
| 8c | Ordinance Hearing 1 | Team | | | | | | | | | | |
| 8d | Ordinance Hearing 2 | Team | | | | | | | | | | |
| 8e | DLCD Submission | Team | | | | | | | | | | |

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# WORK PROGRAM STATUS REPORT

**Public Facility Serviceability Analysis** – in process w/ late summer completion. Jacobs Engineering.

**Land Development Cost Study** – in process w/ completion early August. PSU Master of Real Estate Econ. students



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# COURT DIRECTION – STEP ONE: DETERMINE THE LAND NEEDED

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# DETERMINING LAND NEED – COURT AFFIRMED

The Court accepted the housing and employment forecast and related land needs analysis as adopted in 2005.

Residential land need outside the UGB is derived from forecast housing needs, and the capacity of land inside the UGB.



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# BUILDABLE LAND NEED

**Table 7. Forecast of *needed* new dwelling units and land need by type, McMinnville, 2003-2023**

| Housing type | Number of DU | Needed DU by Type | Density (DU/ Net Res Acre) | Density (DU/Gross Res Acre) |
|---|---|---|---|---|
| **Single-family** | **3,607** | **60.0%** | **5.4** | **4.3** |
| Detached (R-1) | 601 | 10.0% | 4.5 | 3.3 |
| Detached (Other) | 1,804 | 30.0% | 5.5 | 4.1 |
| Manufactured in subdivisions | 601 | 10.0% | 5.5 | 5.0 |
| Manufactured in parks | 601 | 10.0% | 6.5 | 5.9 |
| **Multi-family** | **2,407** | **40.0%** | **14.0** | **11.6** |
| Row/Townhouse/Duplex | 722 | 12.0% | 10.0 | 7.5 |
| Apartment | 1,685 | 28.0% | 17.0 | 15.0 |
| **Total** | **6,014** | **100.0%** | **7.2** | **5.7** |

Source: ECONorthwest
Note: Group quarters not included in number or percent of dwelling units



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# BUILDABLE LAND NEED

2003 Net Land Need Outside the UGB sans 110 Commercial land need - ~1140 acres total

**Table 12. Total additional acres needed in the McMinnville UGB, 2003-2023**

| Category | Needed Gross Res Acres |
|---|---|
| New housing | 536.9 |
| Group Quarters | 13.3 |
| Parks | 314.0 |
| Schools | 96.0 |
| Private Schools | 1.5 |
| Religious | 47.6 |
| Government | 0.9 |
| Semi-Public Services | 22.5 |
| Infrastructure | 2.6 |
| **Total** | **1,035.4** |

Source: City of McMinnville, ECONorthwest
Note: Parkland need assumes the City standard of 14.0 acres per 1,000 residents will be met. The recent $9 million park bond is a strong indication of the City's commitment to this standard.



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# BUILDABLE LAND NEED

## 2006 Corrected Record – New Land Need

Table 14. Comparison of land supply and demand, McMinnville UGB, 2003-2023

| Plan Designation | Land Need (2003-2023) | Gross Buildable Acres (Jan 2003) | Deficit (Surplus) |
|---|---|---|---|
| Residential[a] | 1,538.4 | ~~881.1~~ 880.5 | ~~1019.2~~ 1019.8 |
| Commercial | 219.1 | 102.4 | 106.0 |
| Industrial | 269.7 | ~~326~~ 327.1 | ~~(44.7)~~ (46) |
| **Total Buildable Land Need Outside UGB** | **2,027.2** | **~~1309.5~~ 1312.9** | **~~1125.2~~ 1125.8** |

Source: ECONorthwest, 2003



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# BUILDABLE LAND NEED

## 2006 Corrected Record – New Land Need

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**Residential land need includes increased percentage of multifamily or single-family attached housing, 314 acres of park land, and 96 acres for public schools , since parks and schools locate on residential lands in McMinnville.**



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# BUILDABLE LAND NEED

**Adjustments under review:**

- Corrections for minor accounting errors related to UGB and zoning adjustments.

- Capacity assumptions for the Exception Areas added in 2004. An adjustment could change the land need tables.



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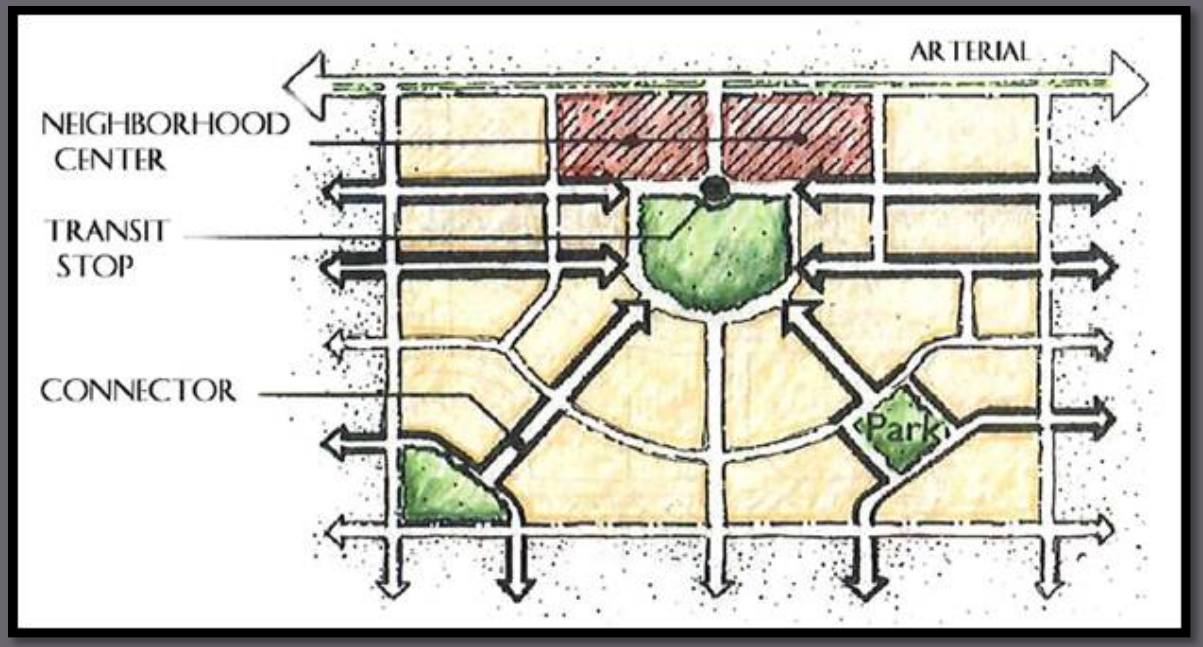
# NEIGHBORHOOD ACTIVITY CENTERS

## PETITIONERS CHALLENGE:
## ARE NOT A LAND NEED AS DEFINED BY STATE LAW

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# NEIGHBORHOOD ACTIVITY CENTERS

- Main component of original MGMUP
- "…neighborhoods are each centered or organized around an ***activity center that would provide a range of land uses within walking distance of neighborhoods*** - preferably within a one-quarter mile area - including neighborhood-scaled retail, office, recreation, civic, school, day care, places of assembly, public parks and open spaces, and medical offices. ***Surrounding the activity center (or focus area) are support areas, which include the highest-density housing within the neighborhood, with housing densities progressively decreasing outward***."



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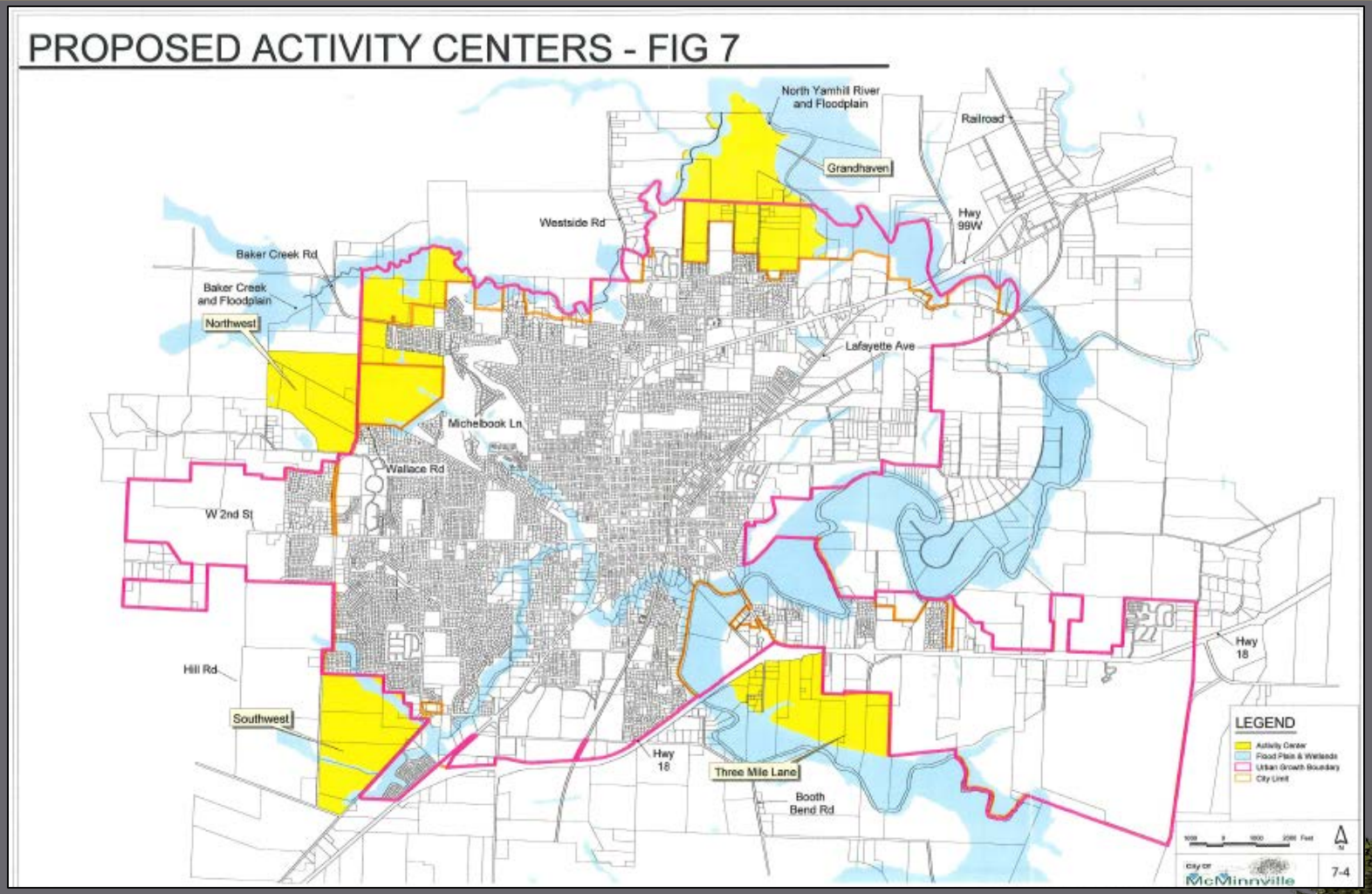
# NAC ORIGINAL LOCATIONS

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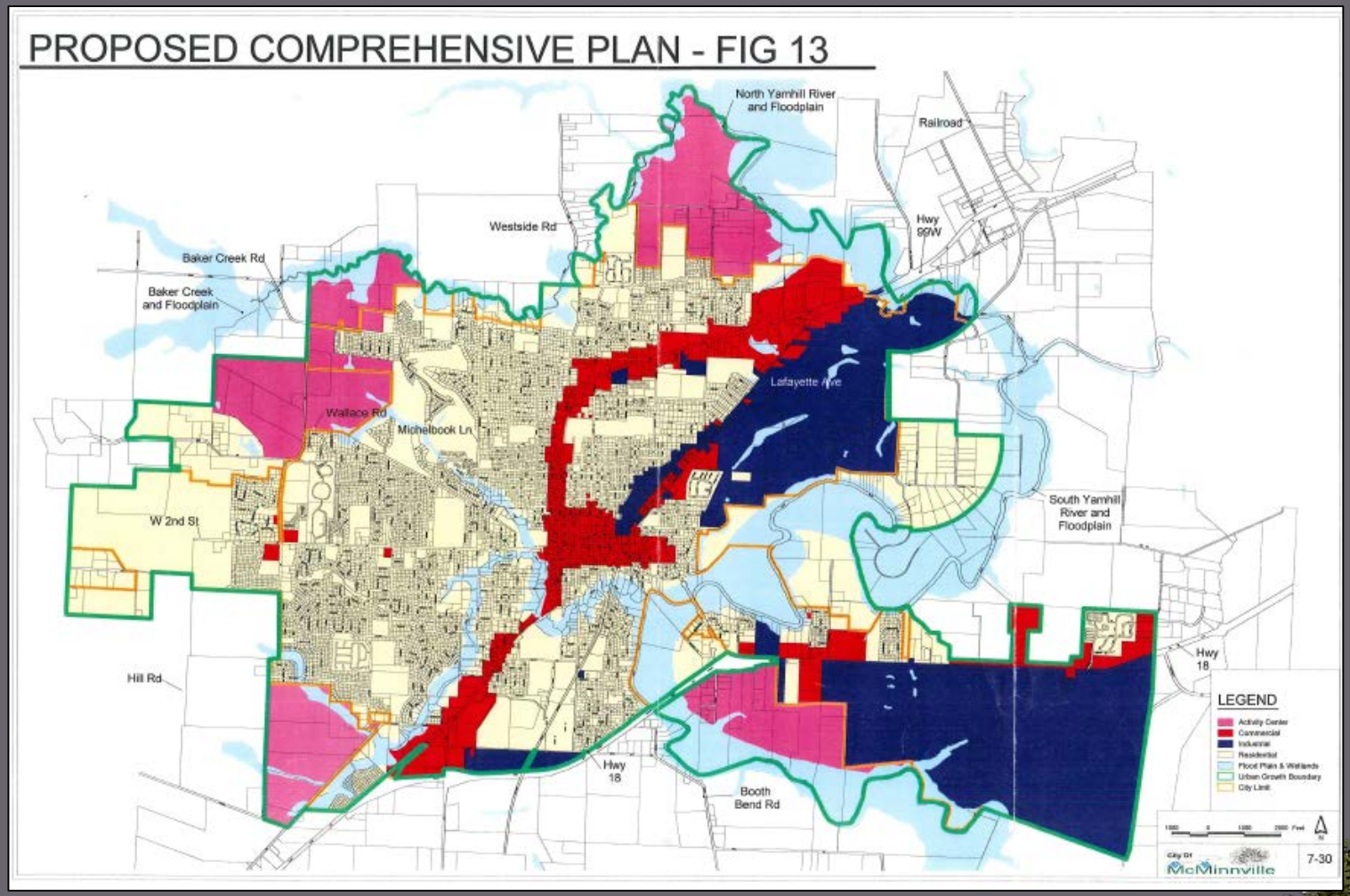
# NAC ORIGINAL LOCATIONS

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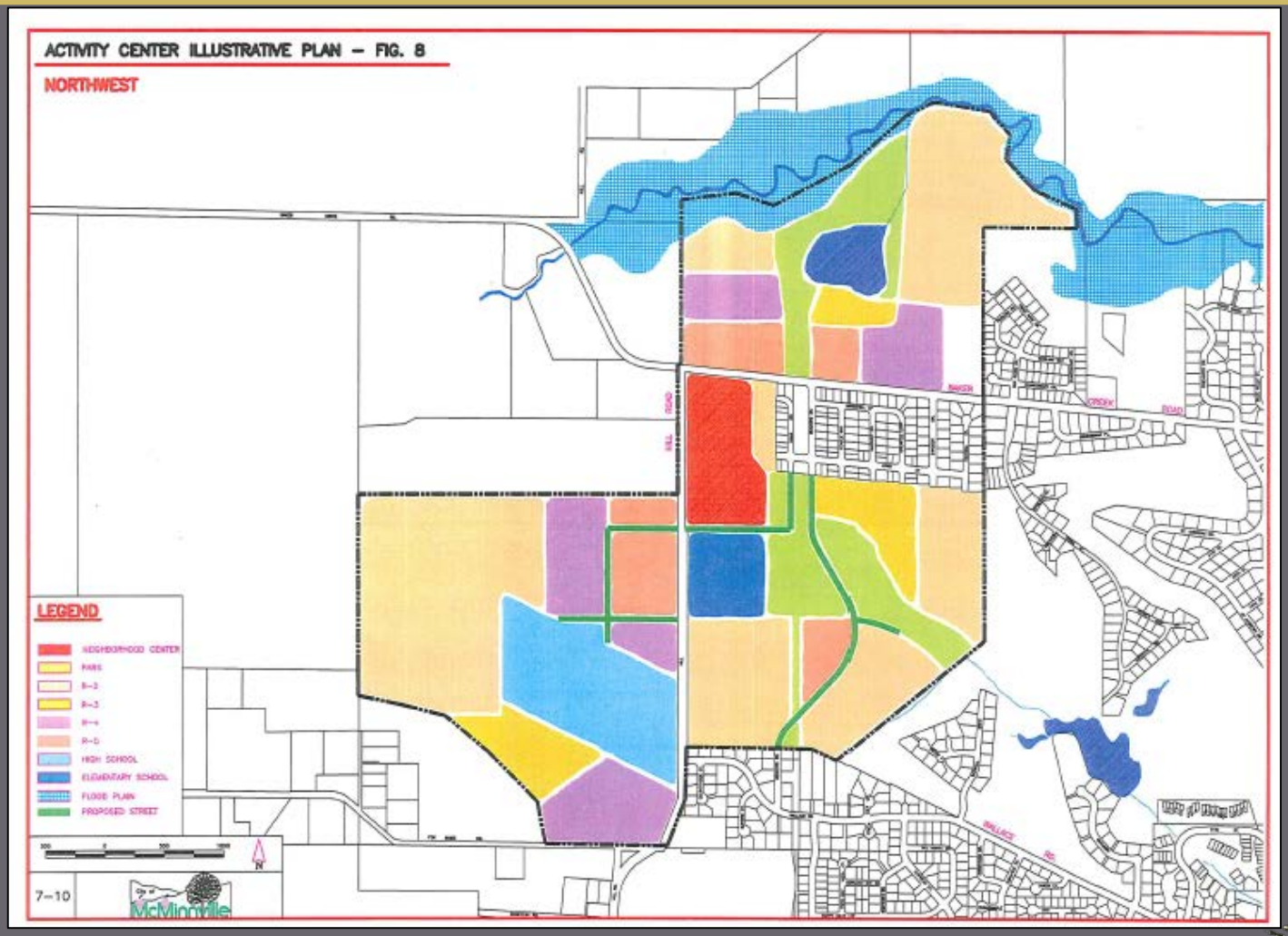
# NORTHWEST NAC

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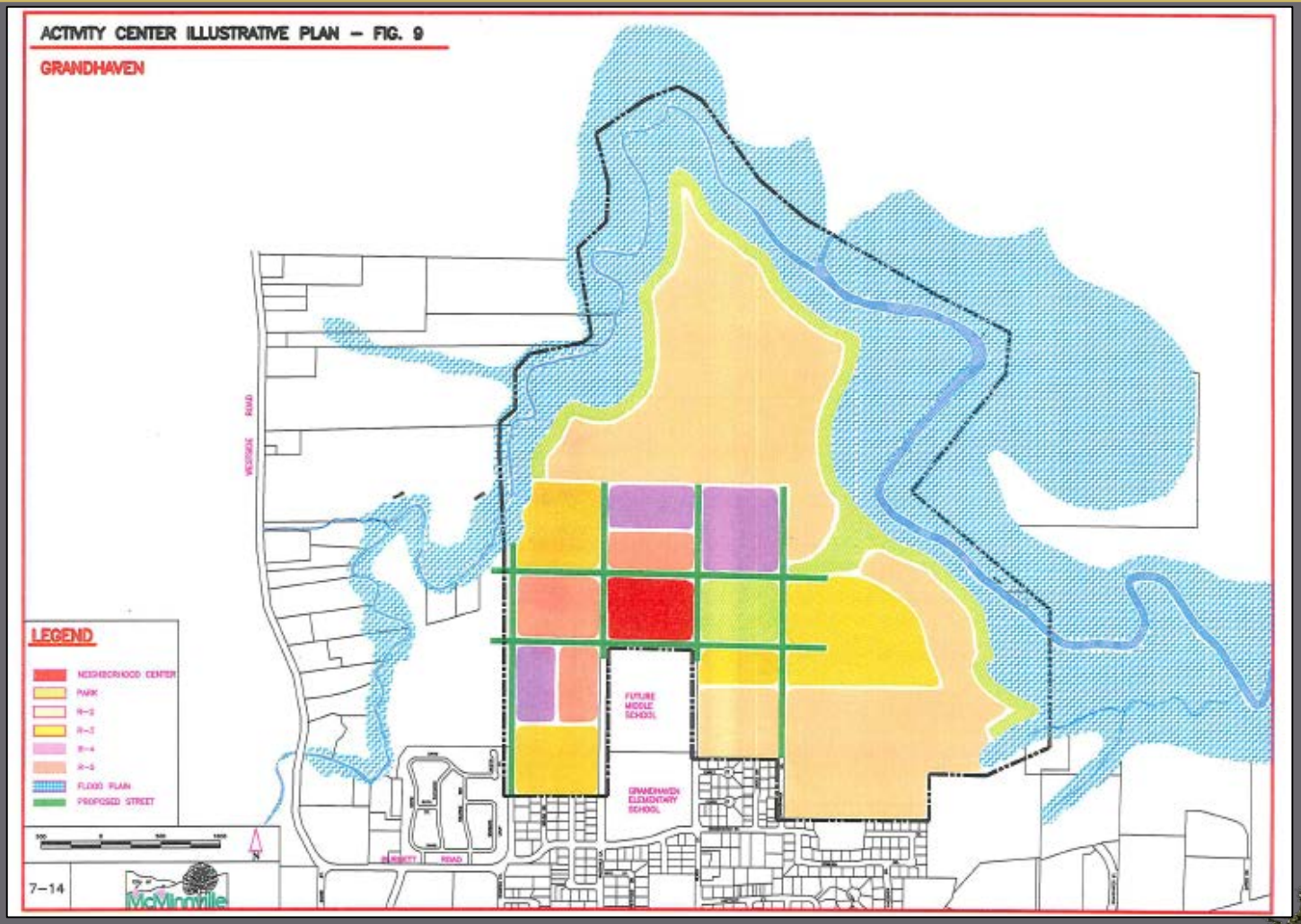
# GRANDHAVEN NAC

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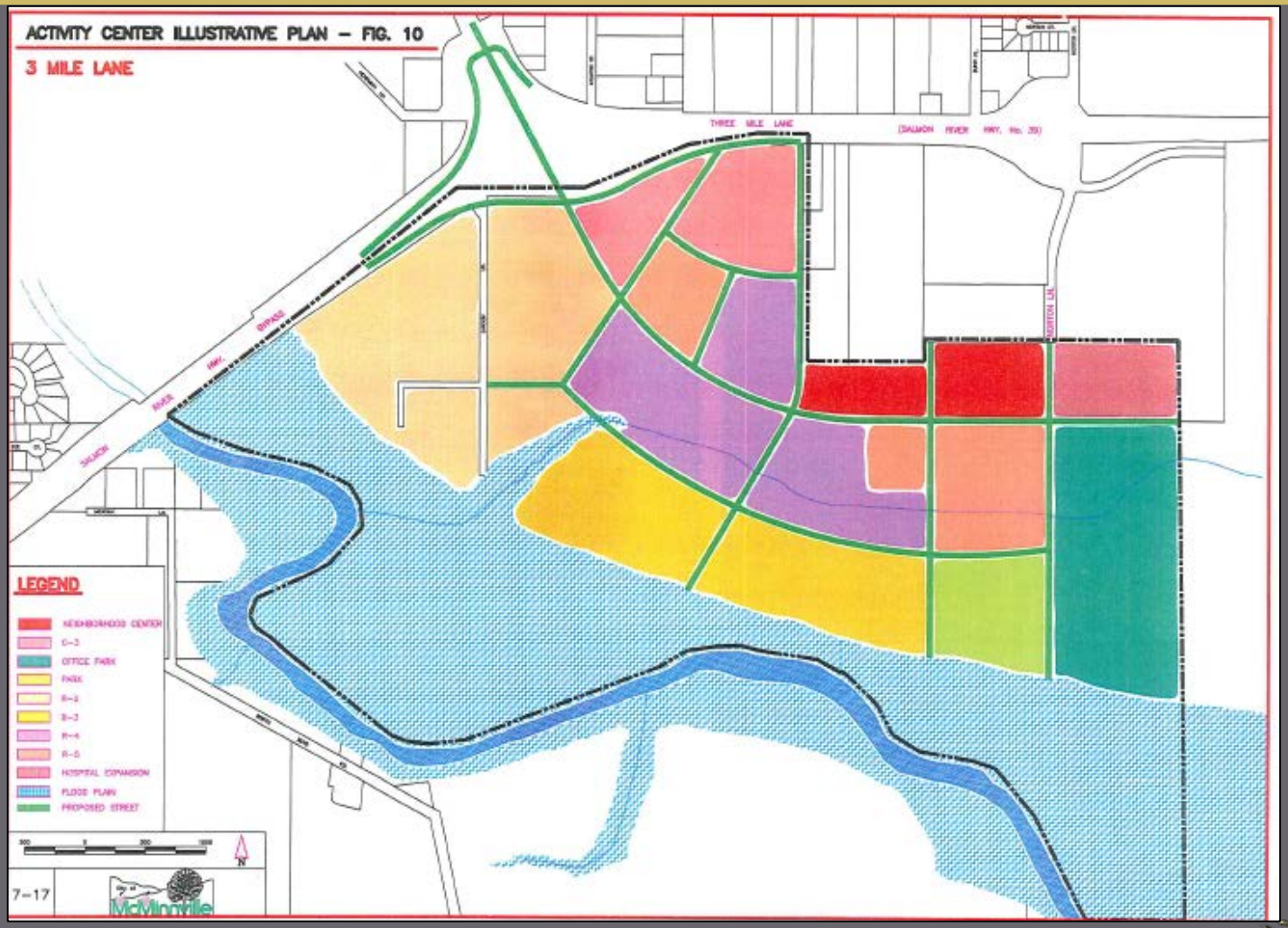
City of McMinnville

# THREE MILE LANE NAC




CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# SOUTHWEST NAC

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

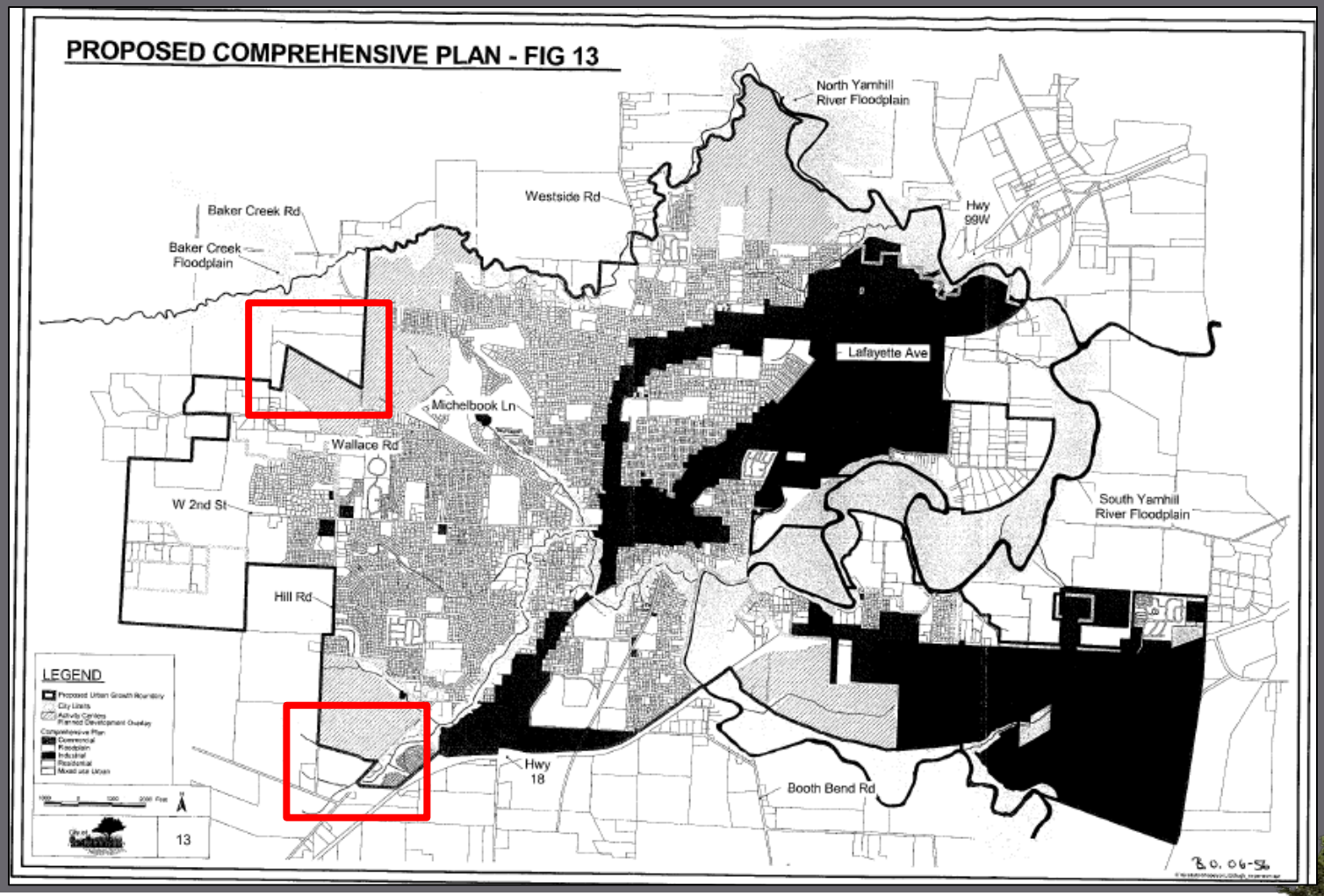
# 2006 NAC AMENDMENTS

- Objections filed during DLCD review of 2003 submittal and LCDC hearings occurred in 2004
- Ordinance 4841 (2006) amended NAC components of MGMUP:
  - Floodplain areas removed
  - Northwest NAC reduced in size
  - Southwest NAC reduced in size
  - Removal of illustrative land use plans for all NACs
    - Residential Comp Plan designations with PD overlays in areas previously identified for NACs
    - Amended Policy 187 to require City to prepare plans for NAC areas at later date within planning period



City of McMinnville

# NAC REVISED LOCATIONS




CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# COURT OF APPEALS FINDINGS - NAC

12 LCDC's first defense--that the city appropriately identified a quantity of
13 needed NAC land and applied ORS 197.298(1) to that quantified need--fails because that
14 is not what the city did. The city did determine that the NAC mixed-use category of land
15 use would use less land than the traditional low-density residential development for
16 housing needs. But the city did not quantify the amount of any needed mixed-use
17 category of commercial and residential land uses and then apply the ORS 197.298(1)
18 priorities to that quantified mixed-use need. To recall, ORS 197.298(1) is applied to
19 determine if land of a particular priority "is found to be inadequate to accommodate the
20 *amount of land*" determined to be needed. (Emphasis added.) Here, the city quantified
21 the need for categories of residential, commercial, industrial, parkland, and other land

1 uses and then applied the priorities to those quantitative needs. However, the city used
2 the defined qualities of an NAC (*e.g.*, size, location to downtown, and urban form) as a
3 basis to rule out higher-priority land under ORS 197.298(1), and, in doing so, proved the
4 wrong point.



City of McMinnville

# COURT OF APPEALS SUMMARY

- City did not quantify the amount of needed mixed-use category of land (NAC lands for compact, pedestrian-friendly neighborhood centers).
- City used qualities of an NAC to exclude lands from inclusion in UGB, without identifying NAC as a land need.
- Findings for exclusion of land areas inconsistent and not specific enough to identified land needs.



City of McMinnville

# REMAND PROPOSED APPROACH

**NAC to be included as a policy approach**

- Similar to 2006 amendments

**However, the following changes to 2006 approach:**

- ***No specific locations will be identified, approximate areas identified on a framework plan.***

- ***Implementation Methodology after UGB Amendment:***
  - **Policy will describe characteristics of an NAC, such as required size, locational factors, land uses**
  - **City will create area plans based on the framework plan after UGB amendment and use area plans for master planning prior to annexation.**



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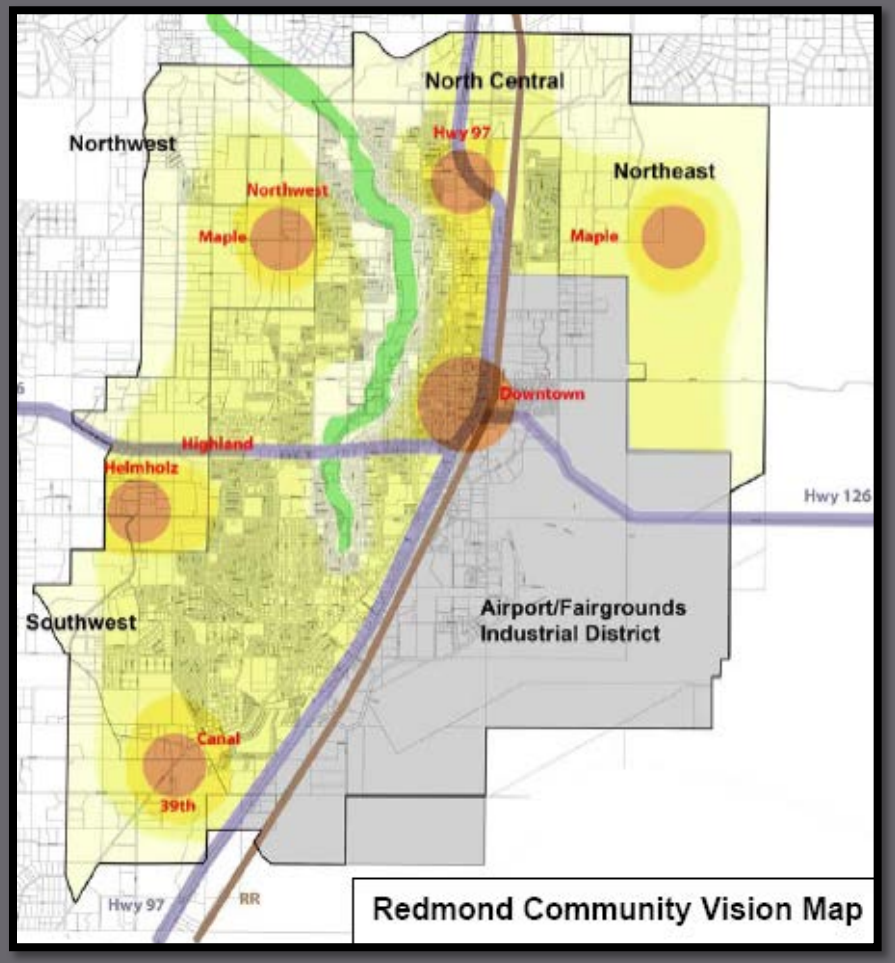


# BUBBLE DIAGRAM OPPORTUNITIY AREAS

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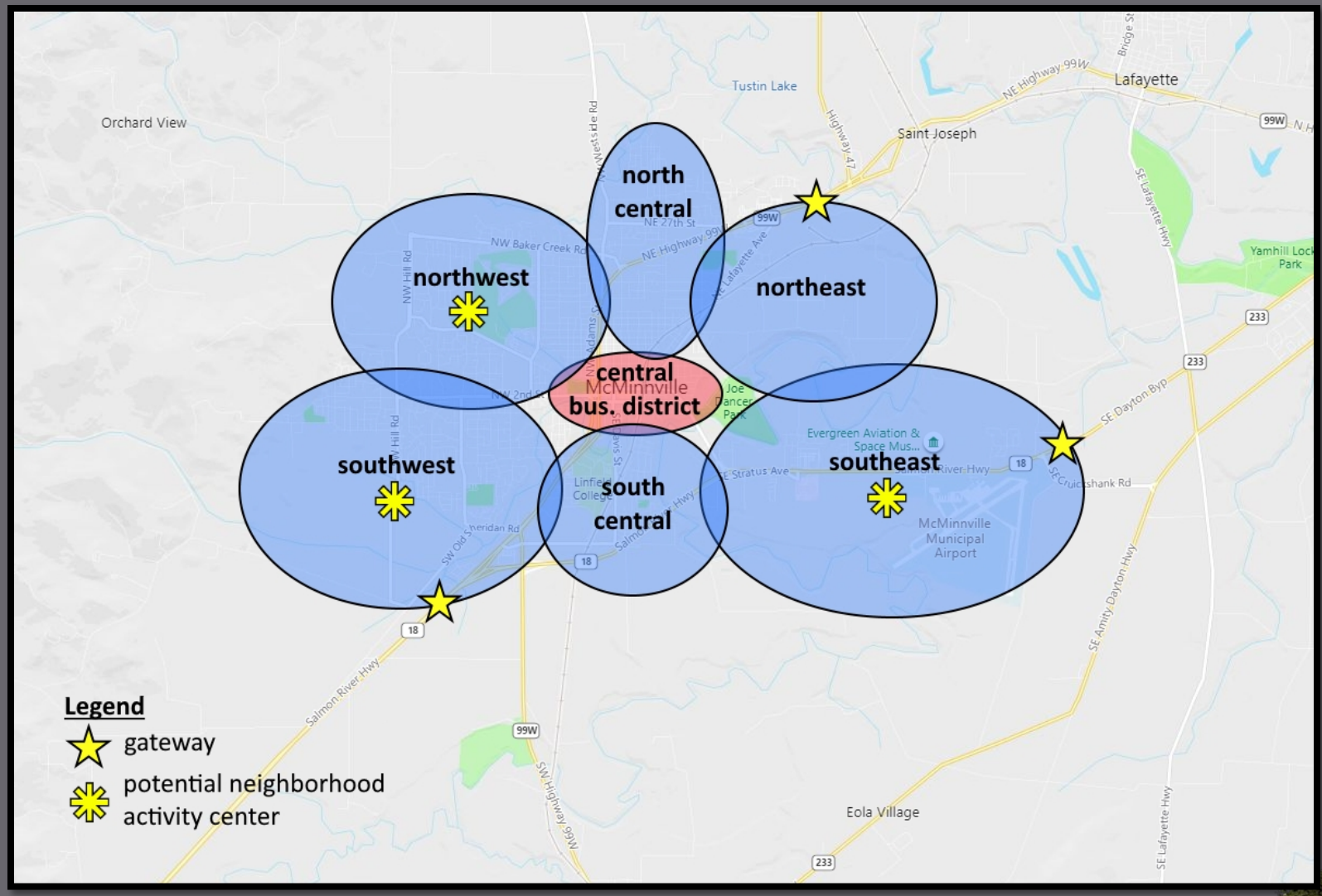


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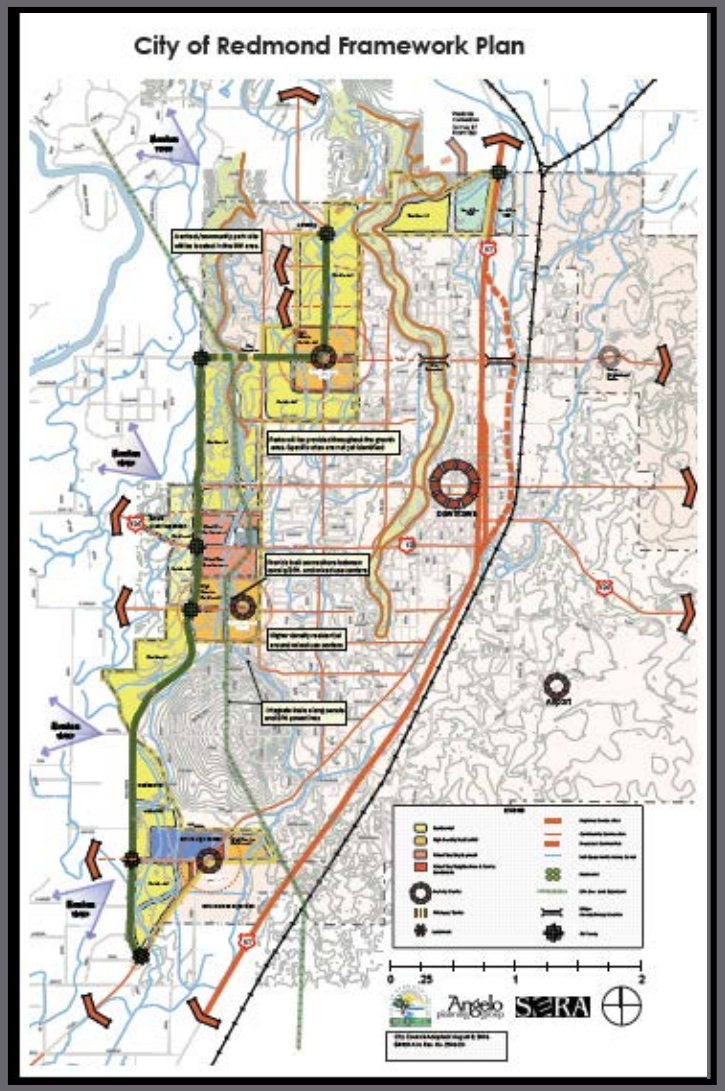


# FRAMEWORK PLAN – UGB LANDS

**Conceptual guide for future lands in the UGB holding zone.**

**General guidance to community form and design.**

**Promote Great Neighborhood Principles with commercial centers that are bike and pedestrian friendly with public spaces.**

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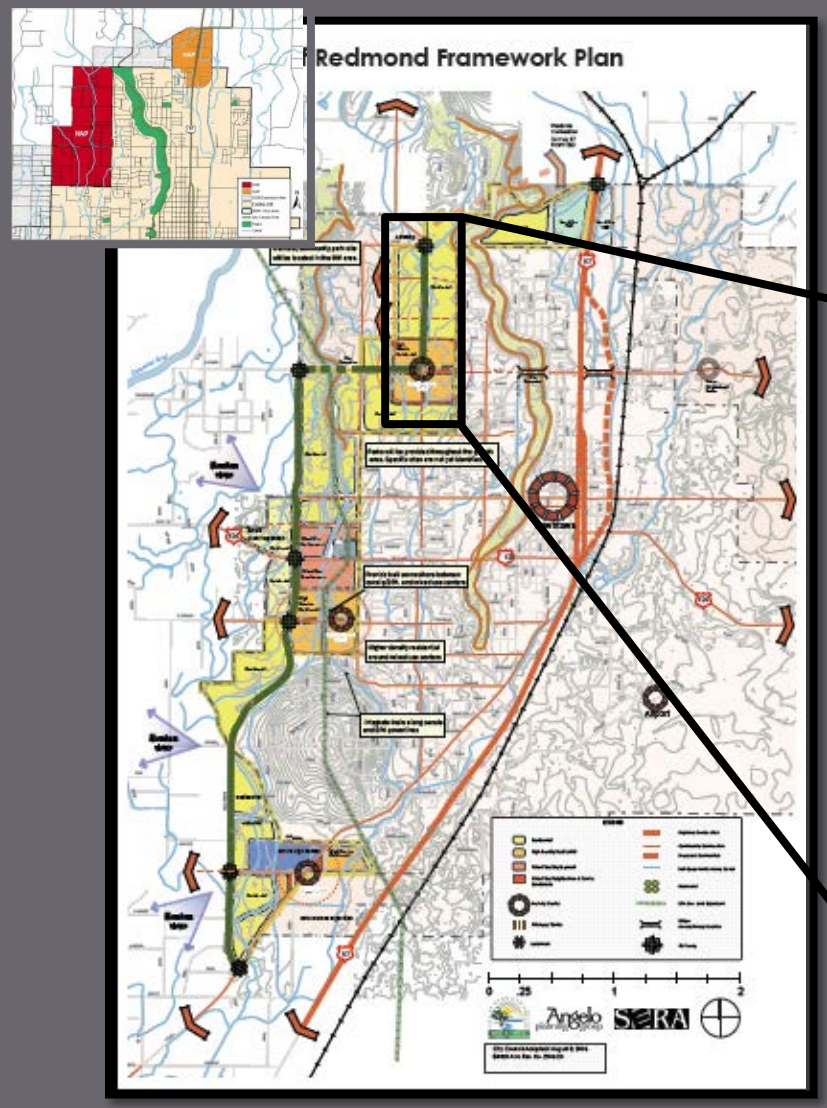


# AREA PLANS:

- Public facilities are cohesive and adequate
- Schools
- Mix of housing units

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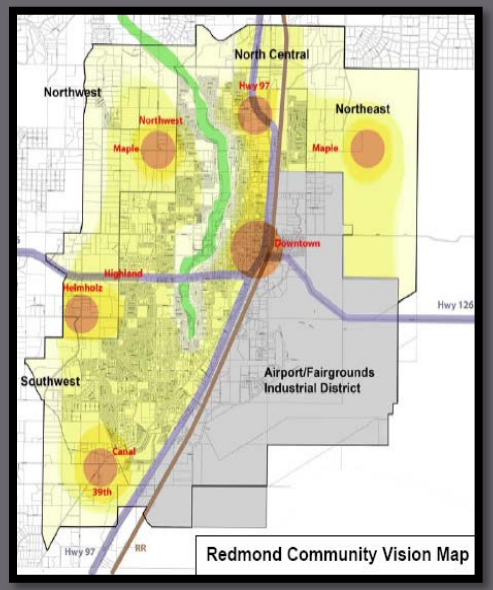
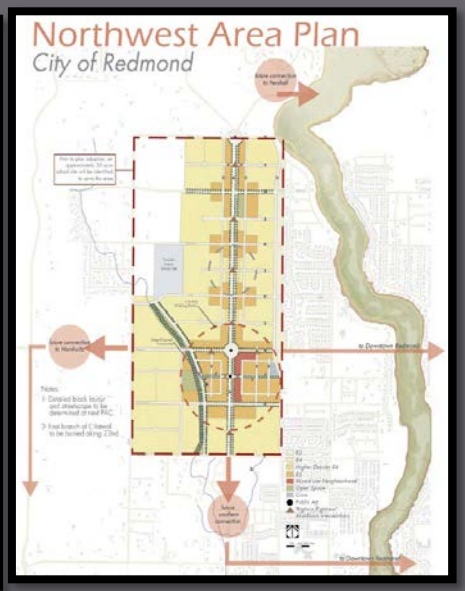
# OPPORTUNITY TO SITE





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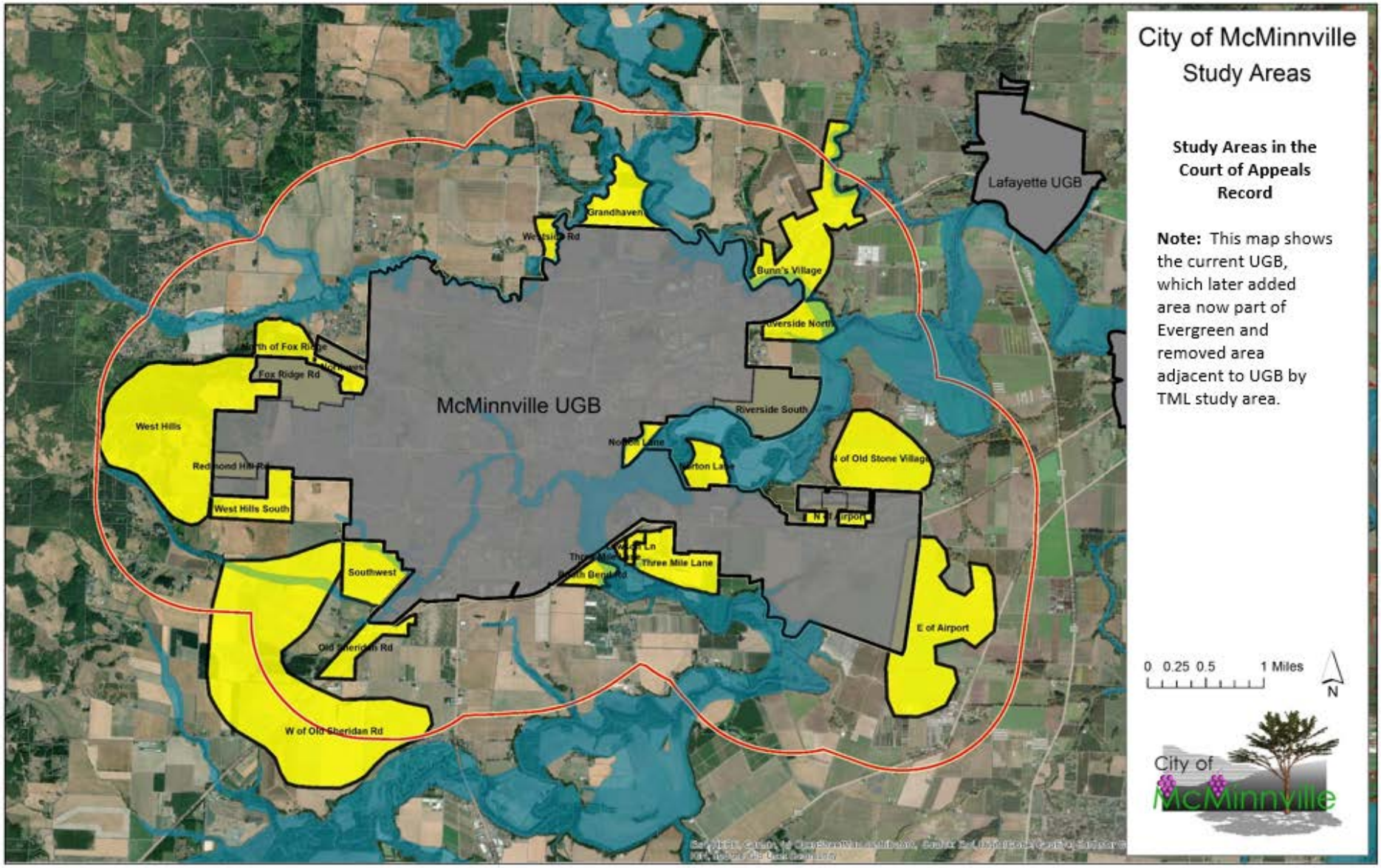
# COURT DIRECTION – STEP TWO: DETERMINE THE ADEQUACY OF CANDIDATE LANDS UNDER ORS 197.298 (1) AND (3)

# PART ONE: IDENTIFY BUILDABLE LAND IN STUDY AREA

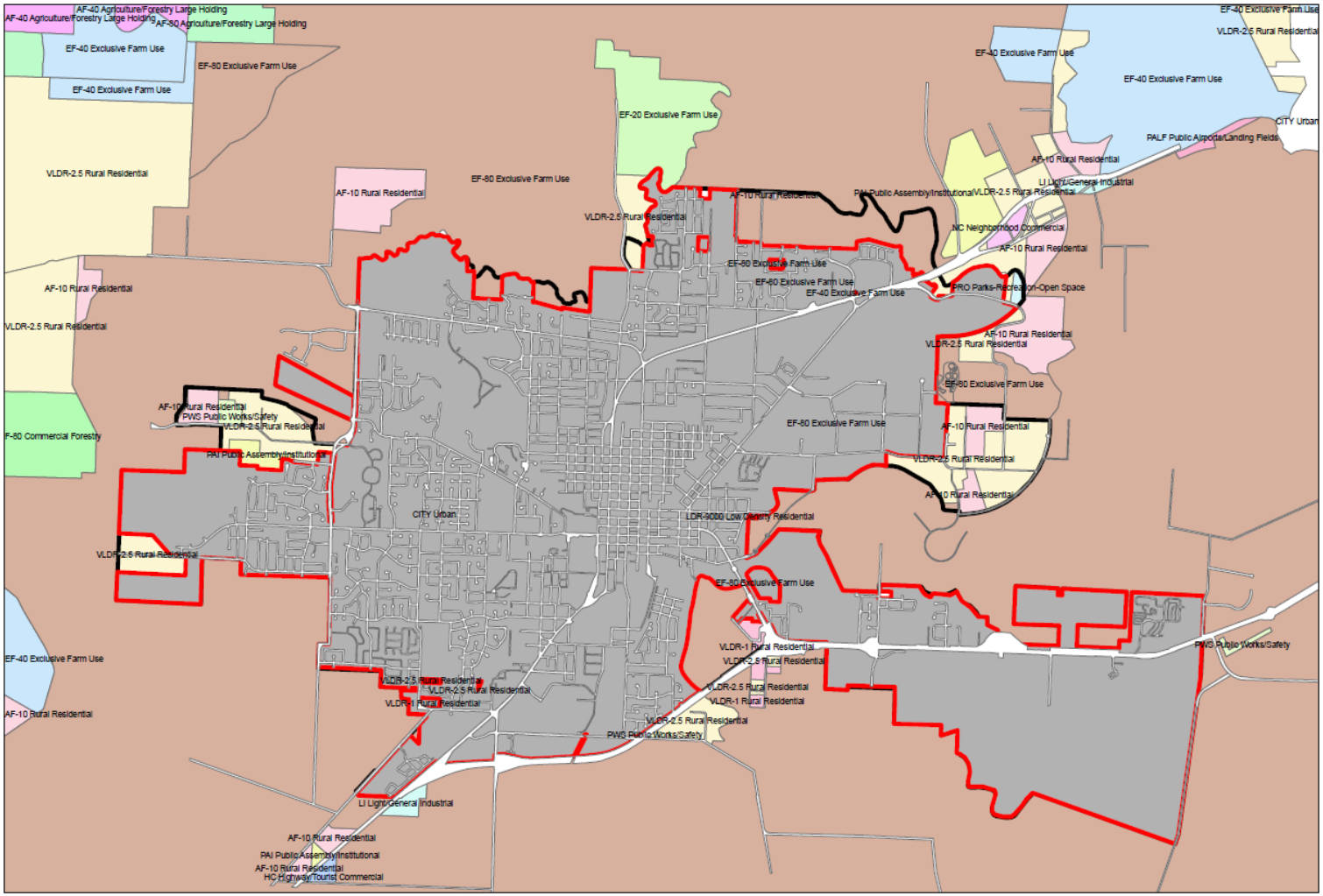
CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# Map 1. Study Areas in Court of Appeals Record



# Yamhill County Zoning Designations

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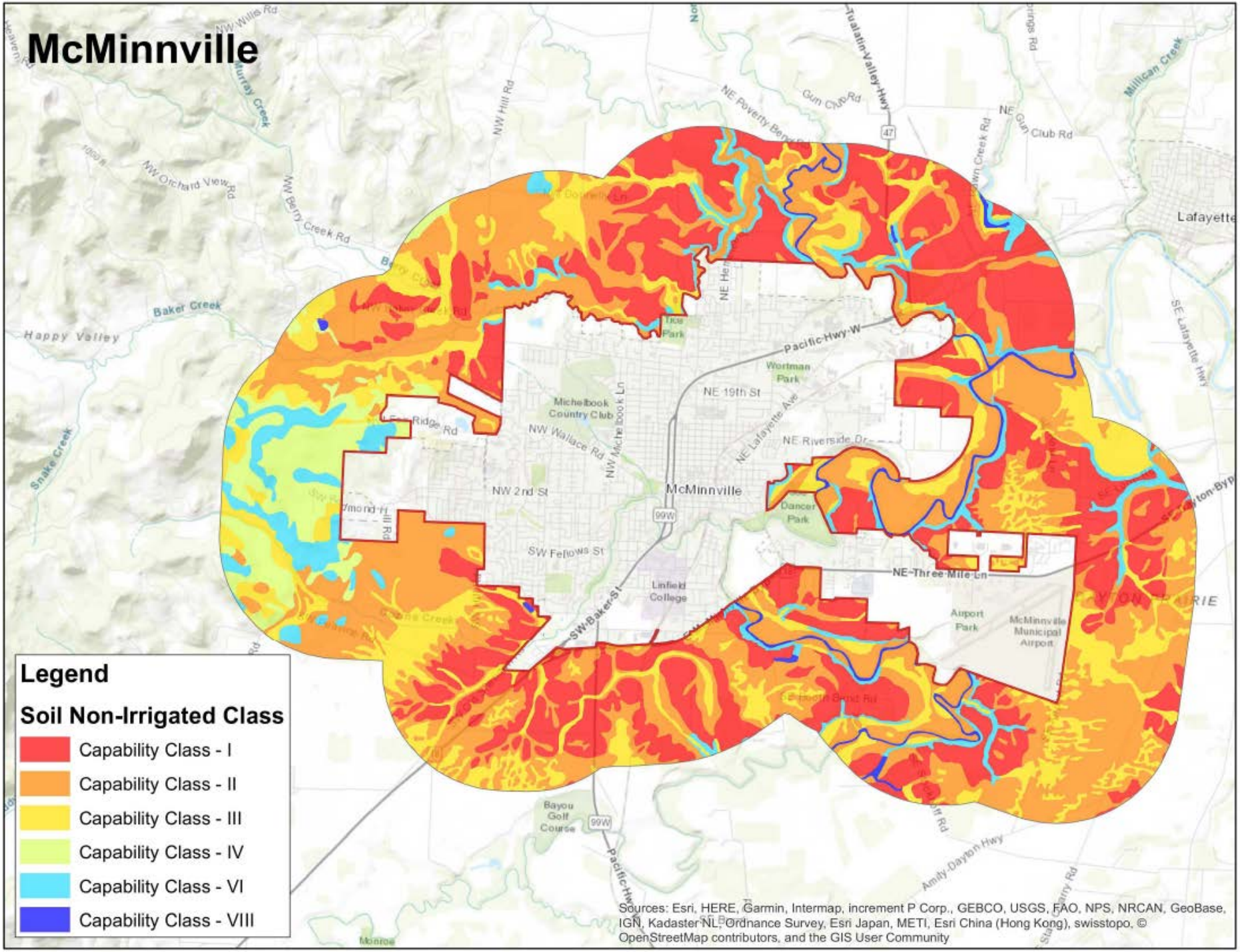
City of McMinnville

# McMinnville



# CITY MGMUP SUBMITTAL

**Resource Land Evaluation**

**The amount of gross vacant buildable land contained within the above described exception land sub-areas-Riverside South, Redmond Hill Road, Lawson Lane, and Fox Ridge Road-is inadequate to meet the previously identified land need for the planning period.**

**As such, the City has conducted an analysis of the farm and forest lands (resource lands) that surround the McMinnville urban growth boundary to determine their ability to reasonably accommodate the identified unmet land need.**



City of McMinnville

# CITY MGMUP SUBMITTAL

**The City looked first at all resource lands <u>within one mile</u> of the current urban growth boundary that met the following criteria:**

1. **Resource lands that are surrounded by the existing urban growth boundary, and the Yamhill River, Baker Creek, or Panther Creek;**

2. **Resource land surrounded on three sides by the existing UGB, non-resource lands, and/or other significant natural or man-made edge (e.g., slope, floodplain or arterial street); and/or**

3. **Resource land needed to allow extension of public facilities to serve land within the existing UGB.**



City of McMinnville

# COURT OF APPEALS SUMMARY

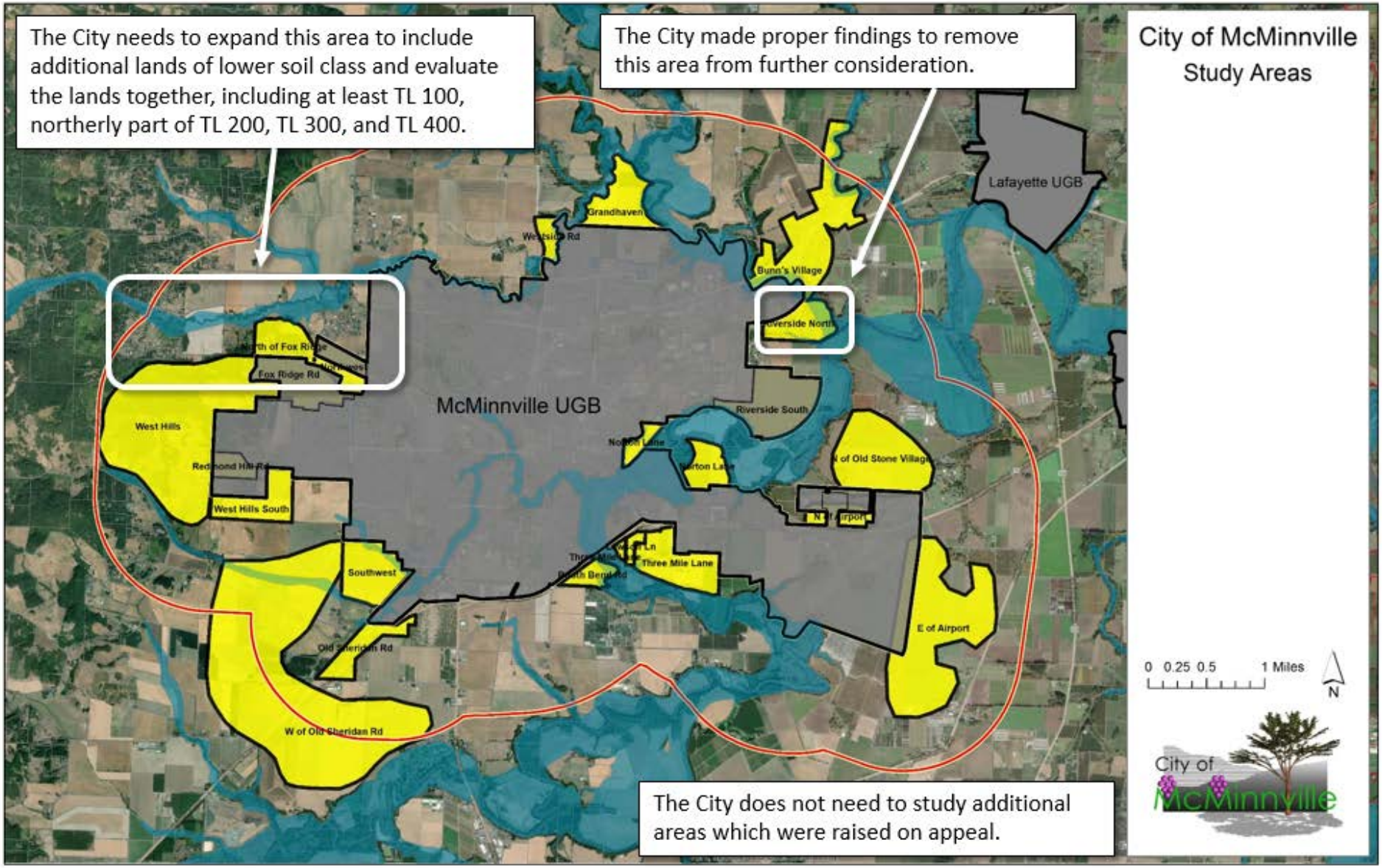
**"OAR 660-004-0020(2)(b)(C) did not require the city to evaluate any particular alternative site proposed by petitioners.**

**Instead, the city applied particular criteria (*e.g.*, within one mile of the 1981 UGB, composition of Class III or IV soils, and within prescribed geographic boundaries) to inventory the lands to be studied. Petitioners did not object to the city or LCDC that those inventory criteria were unlawful or that they had been misapplied to petitioners' suggested alternative resource lands areas. *Thus, the commission did not err in failing to require the city to study those areas for inclusion."***

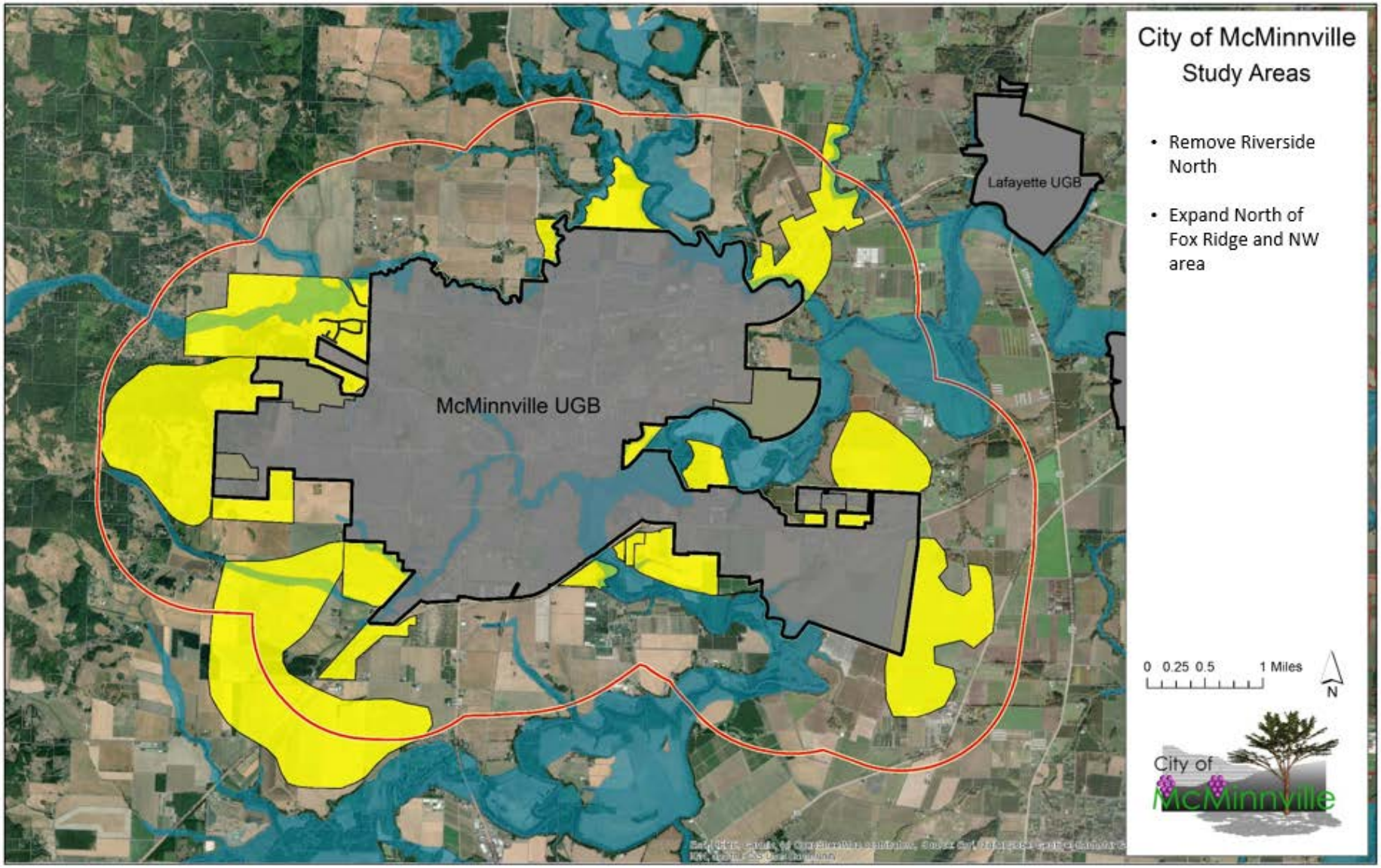


City of McMinnville

# Map 2. Court's Direction Regarding Study Areas



# Map 3. Revised Study Areas Reflecting Court's Direction



# COURT OF APPEALS SUMMARY

**MGMUP, Section III. Guiding Principles for Future Land Use:**

**Principle 7: UGB Expansions: Contain urban expansion within natural and physical boundaries, to the extent possible. (cont.)**

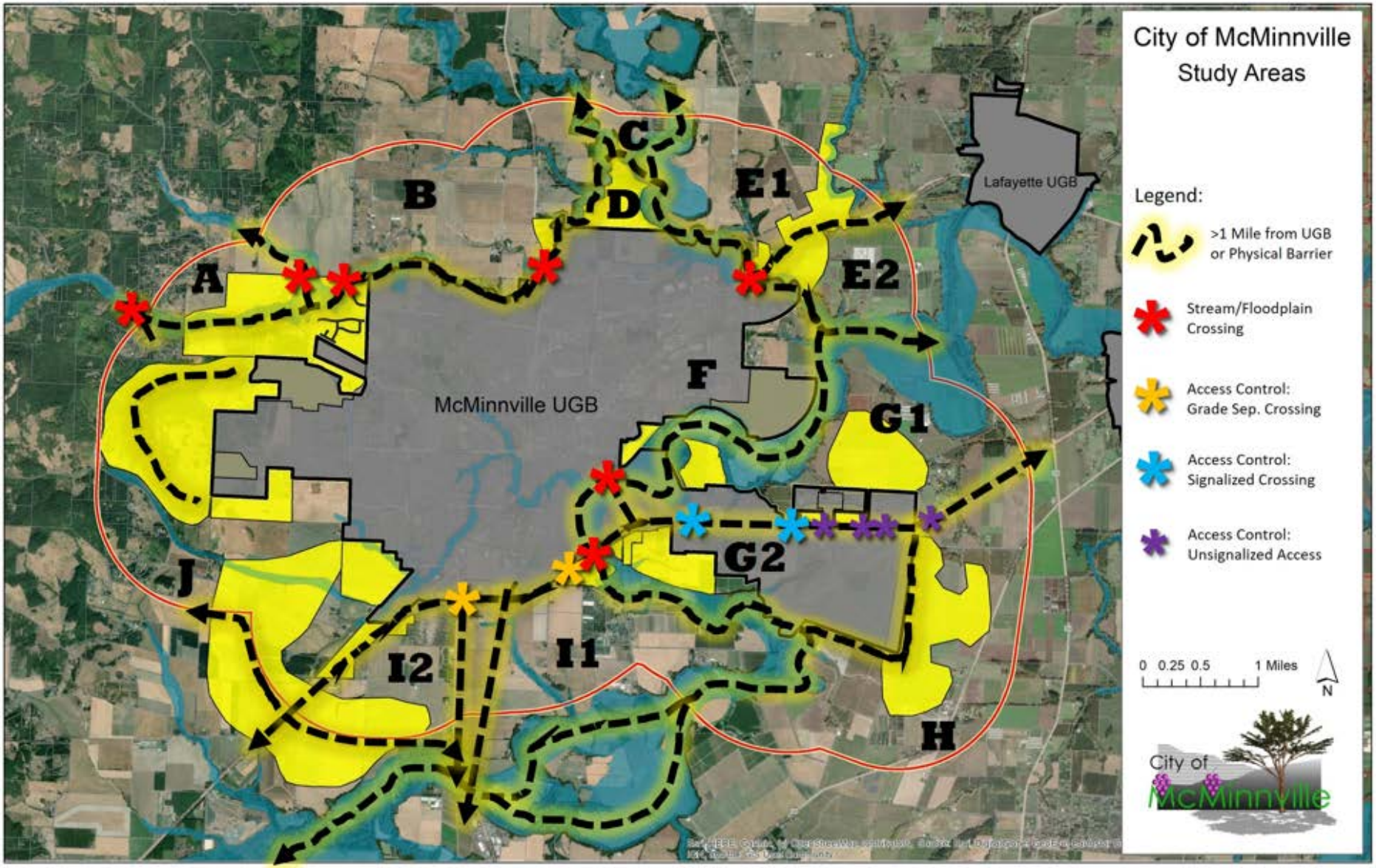
**Expansion of the McMinnville urban growth boundary should, therefore, to the extent possible and permitted by law:**

- **Stay west and north of the South Yamhill River;**
- **Stay south and west of the North Yamhill River;**
- **Stay south of Baker Creek Road; and**
- **Not cross south of Hwy 18, west of the Yamhill River**

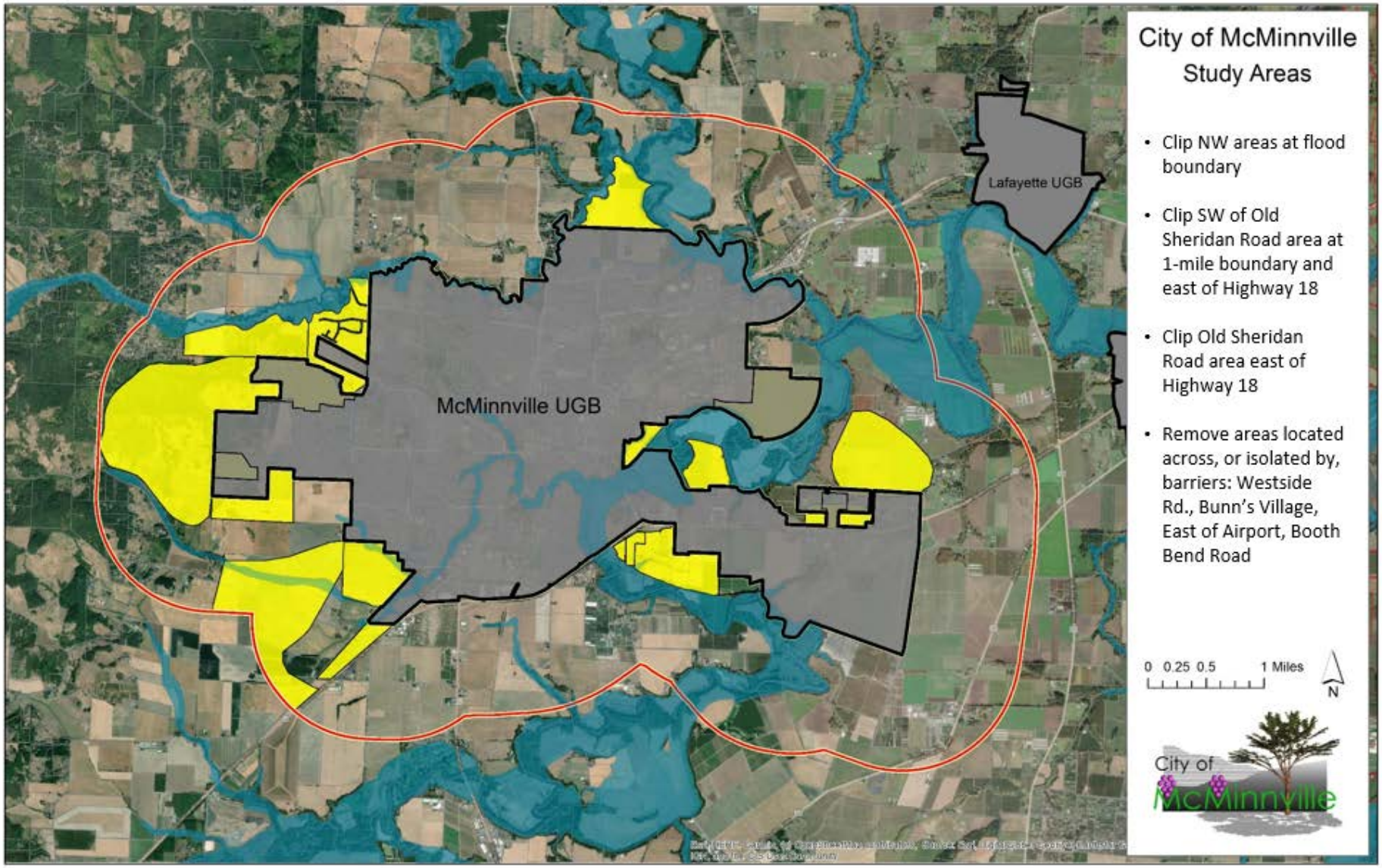


City of McMinnville

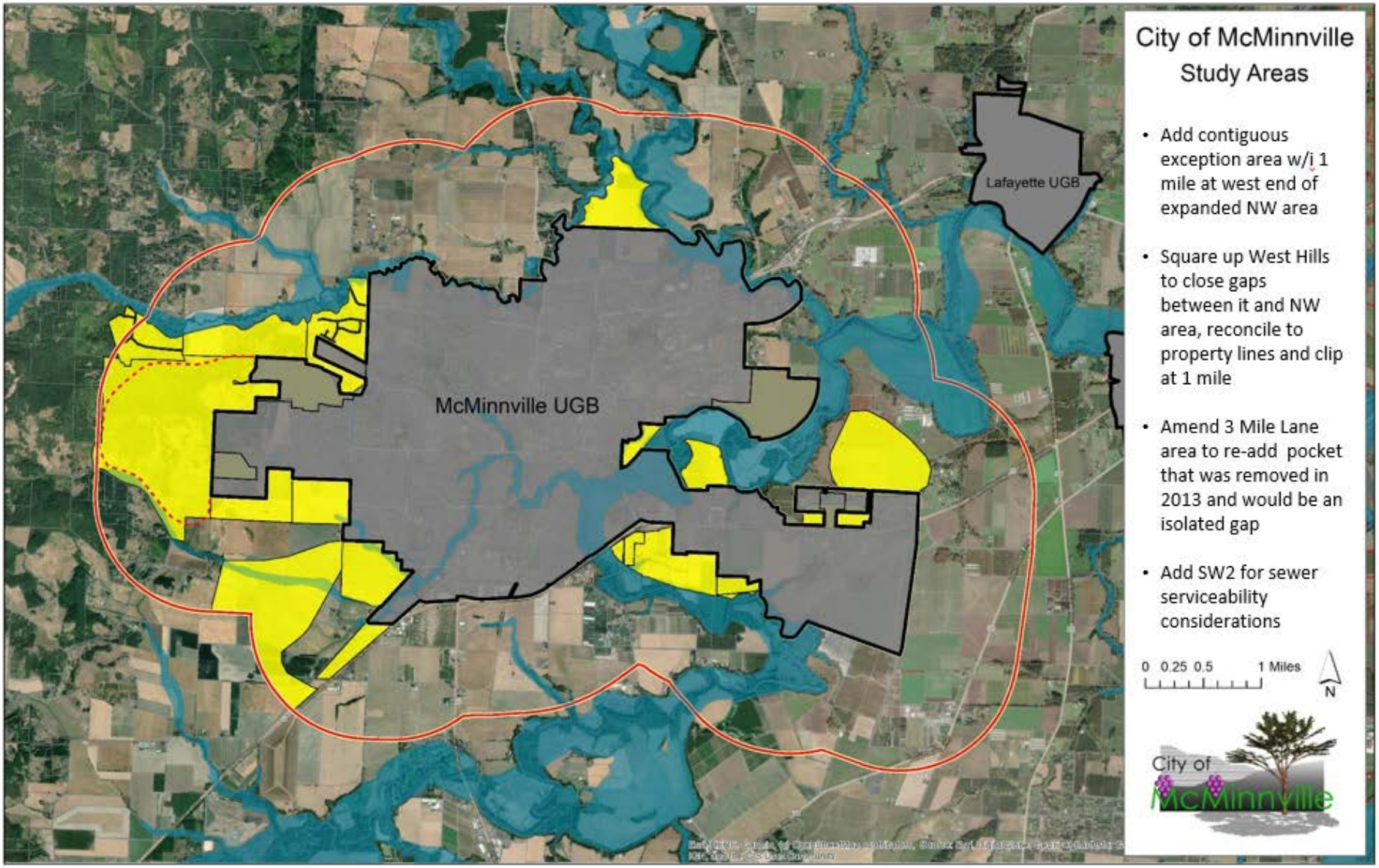
# Map 4. Physical Barriers Map



# Map 5. Resulting Study Areas After Applying Barriers Filters



# Map 6. Further Revisions



# REMAND – NEXT STEPS

**<u>Tasks</u> - Technical**

**Map what's not buildable?**

- Flood plains, steep slopes, landslide hazards.
- Physical Barriers: Baker Creek, N. Yamhill River, airport, etc.



City of McMinnville

# REMAND – NEXT STEPS

## Major Tasks – Technical

### Map what's not Buildable?

- Natural resource conservation areas.
- Land that cannot be served by public facilities. Jacobs Engineering.
- Hazard Areas - Goal 7



City of McMinnville

# HAZARDS STUDY: EVALUATING CONSTRAINTS AND HAZARDS IN STUDY AREAS

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# GOAL 7 – AREAS SUBJECT TO NATURAL HAZARDS

**Oregon Land Use Goal #7 requires local governments to adopt comprehensive plans inventories, policies and implementing measures to reduce risk to people and property from natural hazards.**

**Natural hazards for purposes of this goal are: floods, landslides, earthquakes, wildfire, etc.**



City of McMinnville

# NEW HAZARD INFORMATION FOR MCMINNVILLE

State Hazard Mitigation Plan – Just Released Draft (Chapter on Yamhill County – HR Landslides and Earthquakes)

Yamhill County NHMP – Draft Update in Circulation

McMinnville NHMP – Addendum to YC NHMP in Circulation

McMinnville Hazards Study – Just Completed – UGB/URA



City of McMinnville

# GOAL 7 NATURAL HAZARD STUDY

**Purpose of Natural Hazard study:**

- Inventory mappable natural hazards
- Consider management options for hazard areas
- Suggest policy/mapping amendments to Comp. Plan.



City of McMinnville

# MAPPABLE HAZARDS

- Geological Hazards
  - Landslide
  - Steep Slope
  - Earthquake Liquefaction
  - Earthquake Shaking
- Flood Hazards
- Wildfire Hazards
- Composite Hazards (areas with one or more overlapping hazard)



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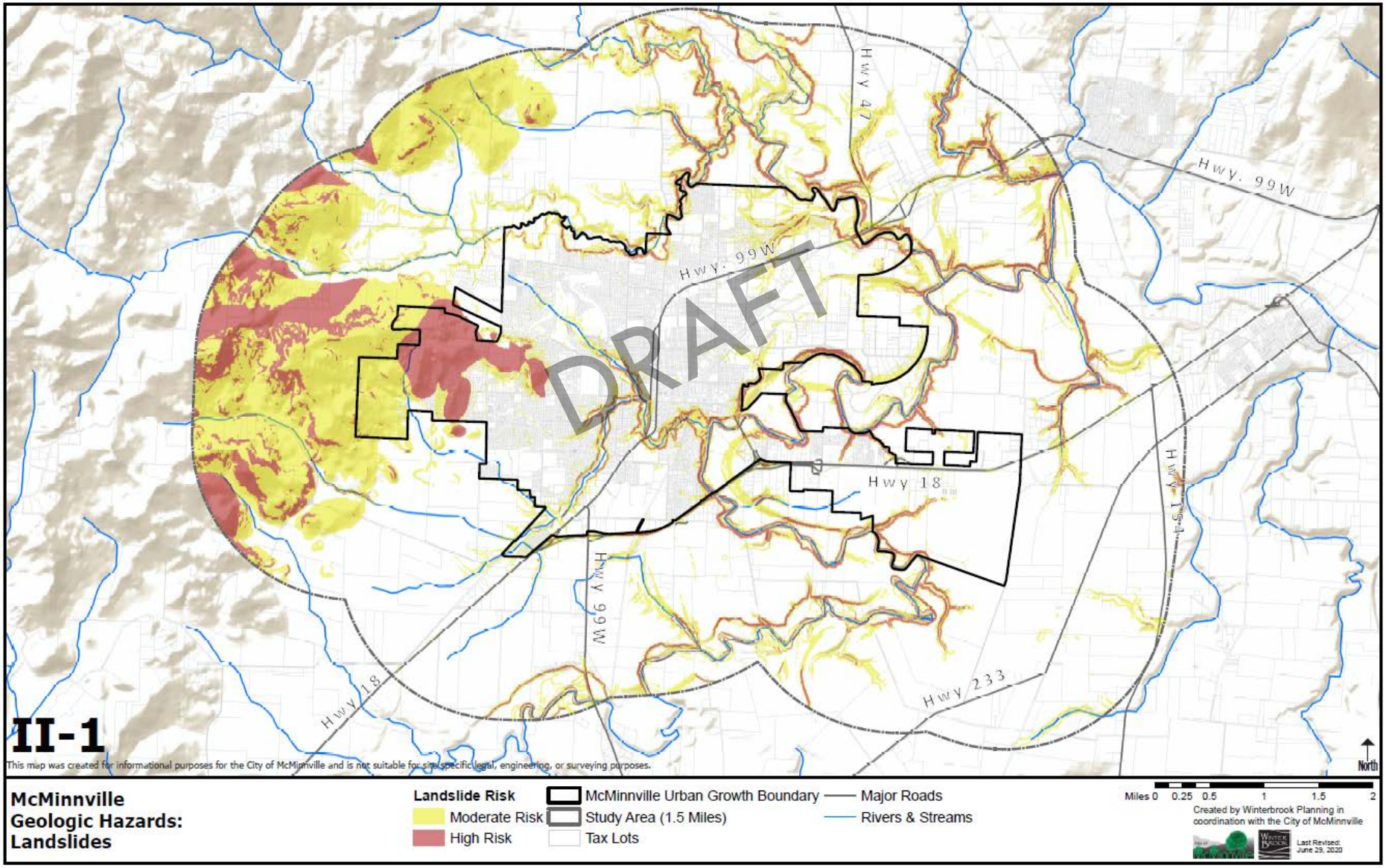
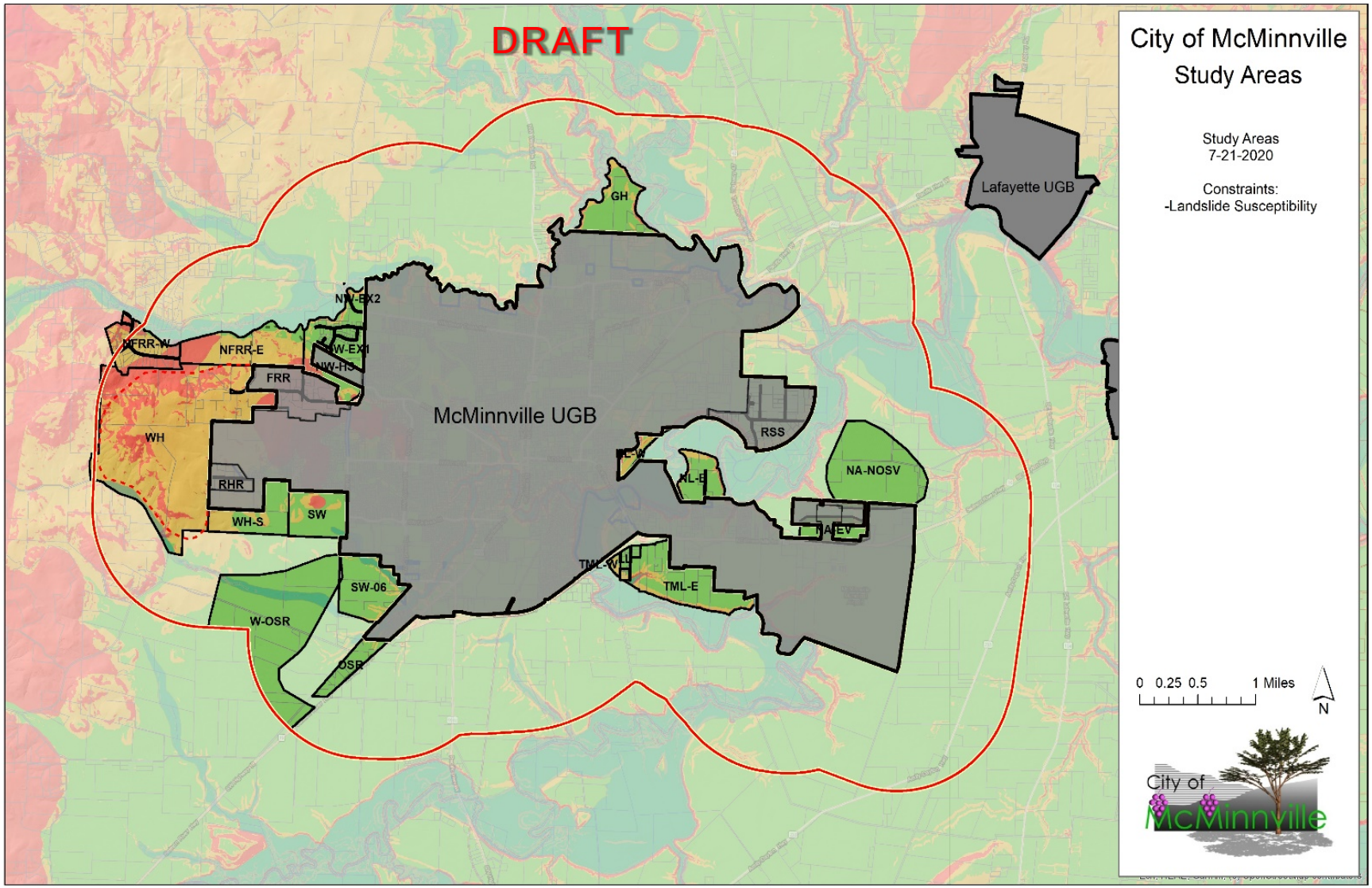
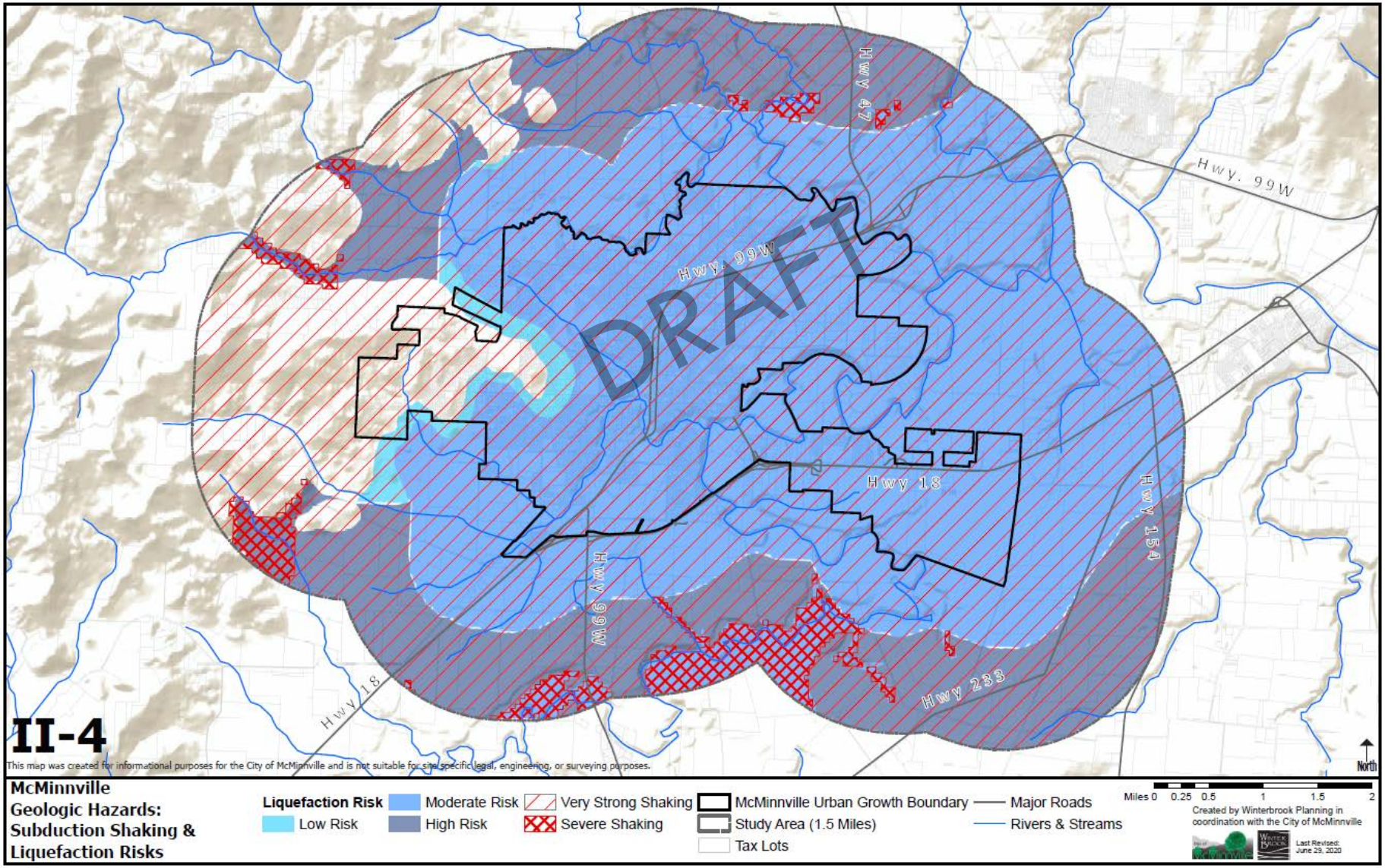
# GEOLOGIC - LANDSLIDES



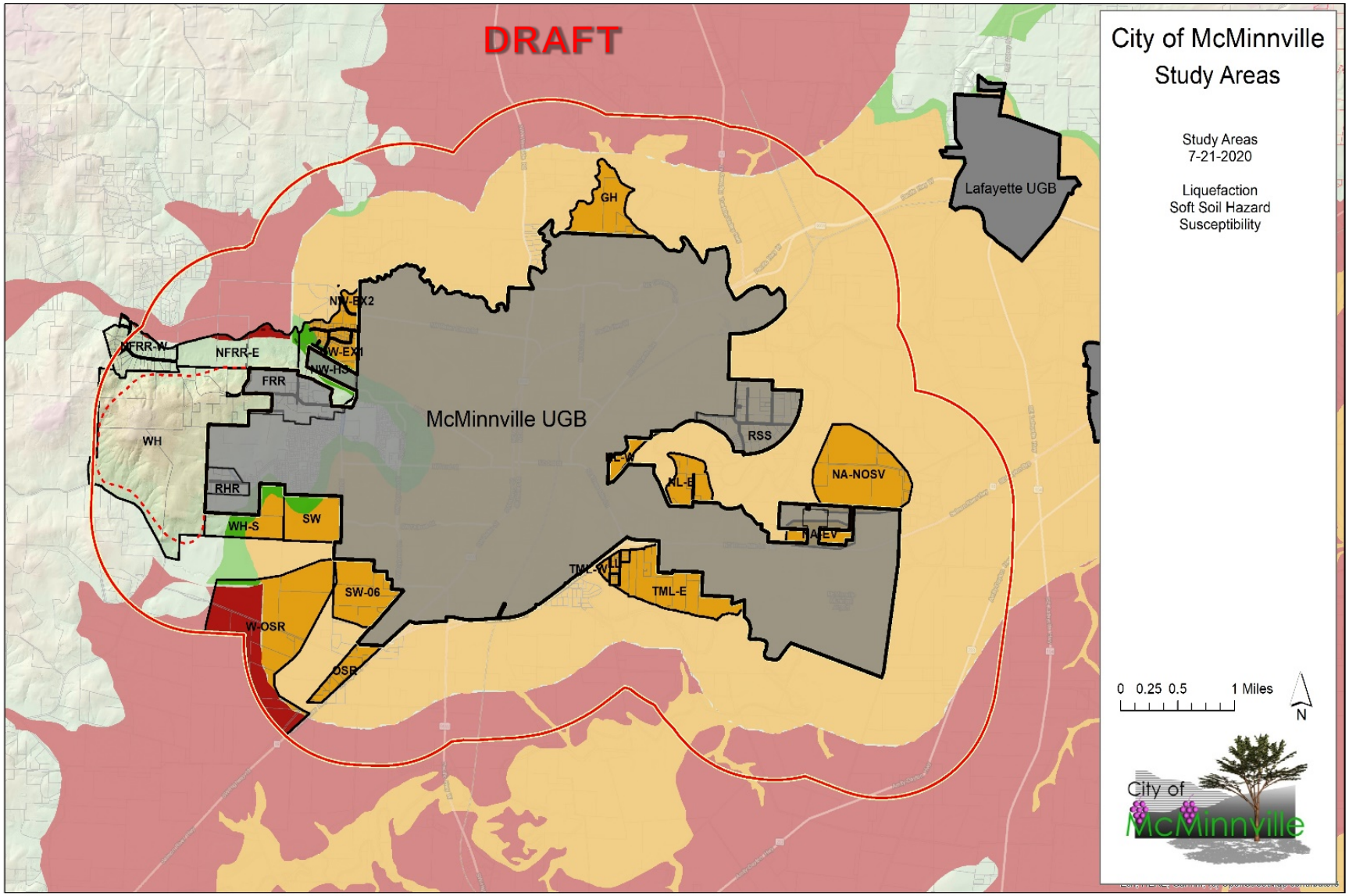
# UGB REMAND RESPONSE STUDY AREA- LANDSLIDES



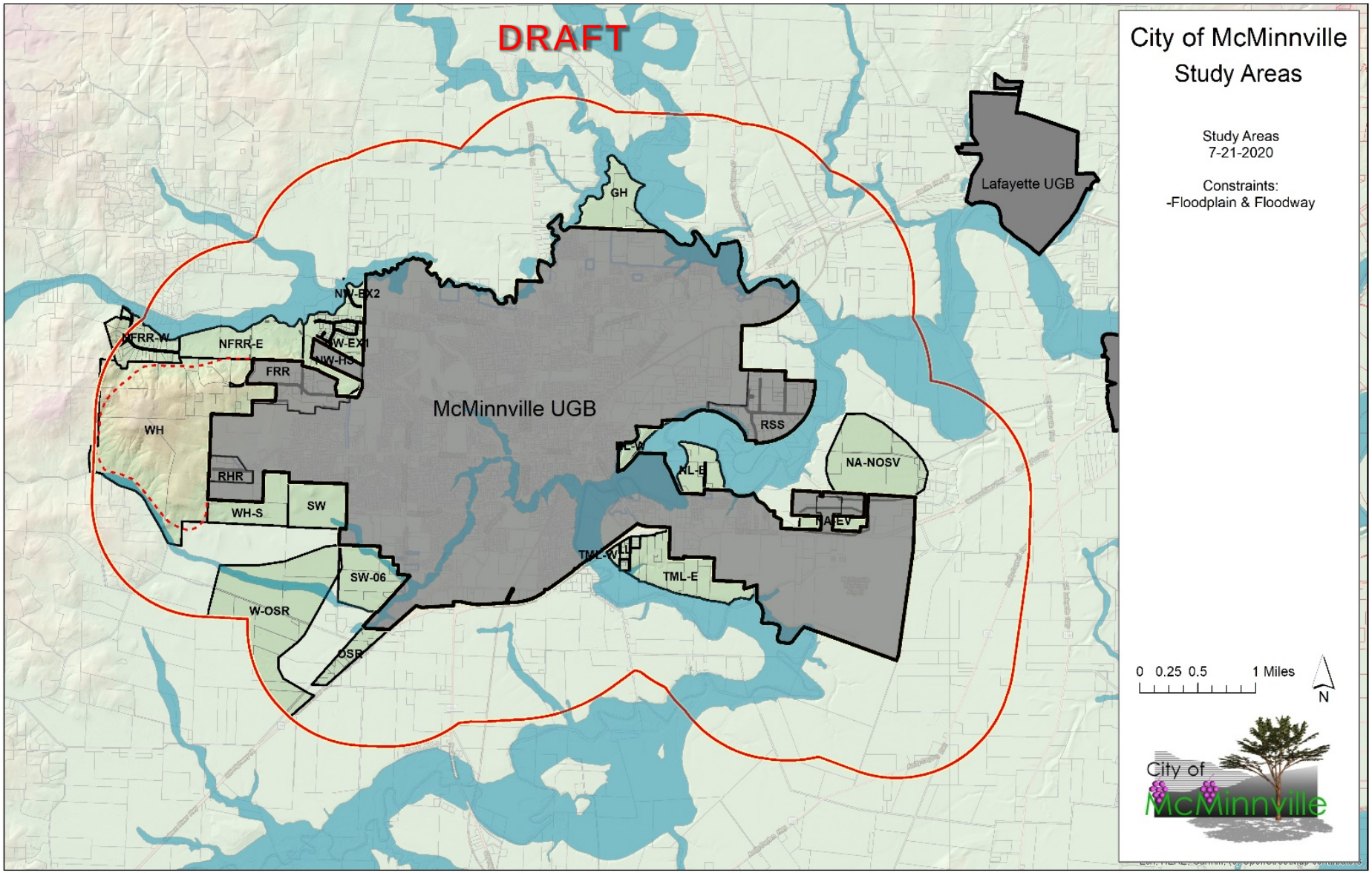
# GEOLOGIC – LIQUEFACTION RISK



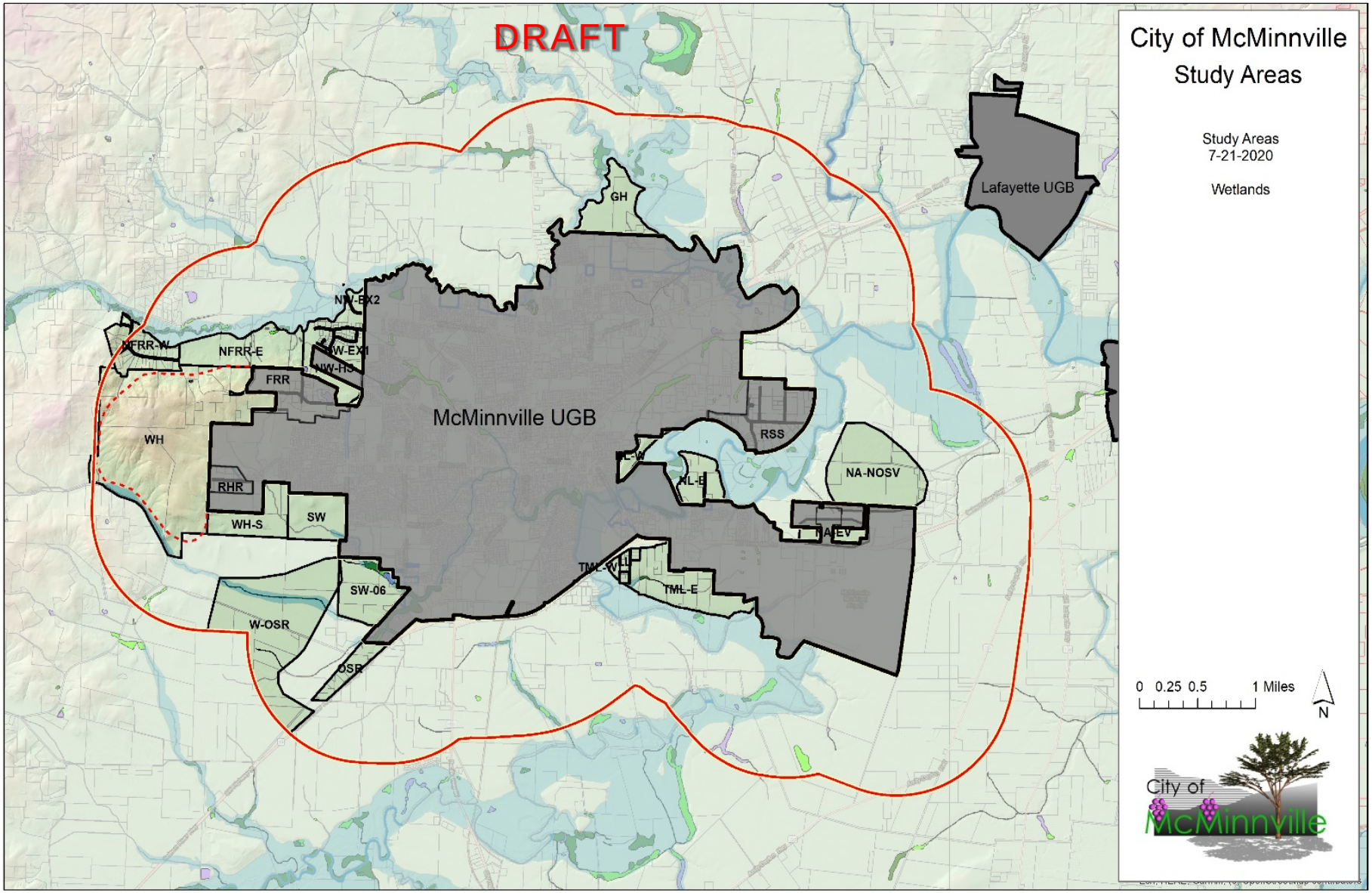
# UGB REMAND RESPONSE STUDY AREA- LIQUEFACTION RISK



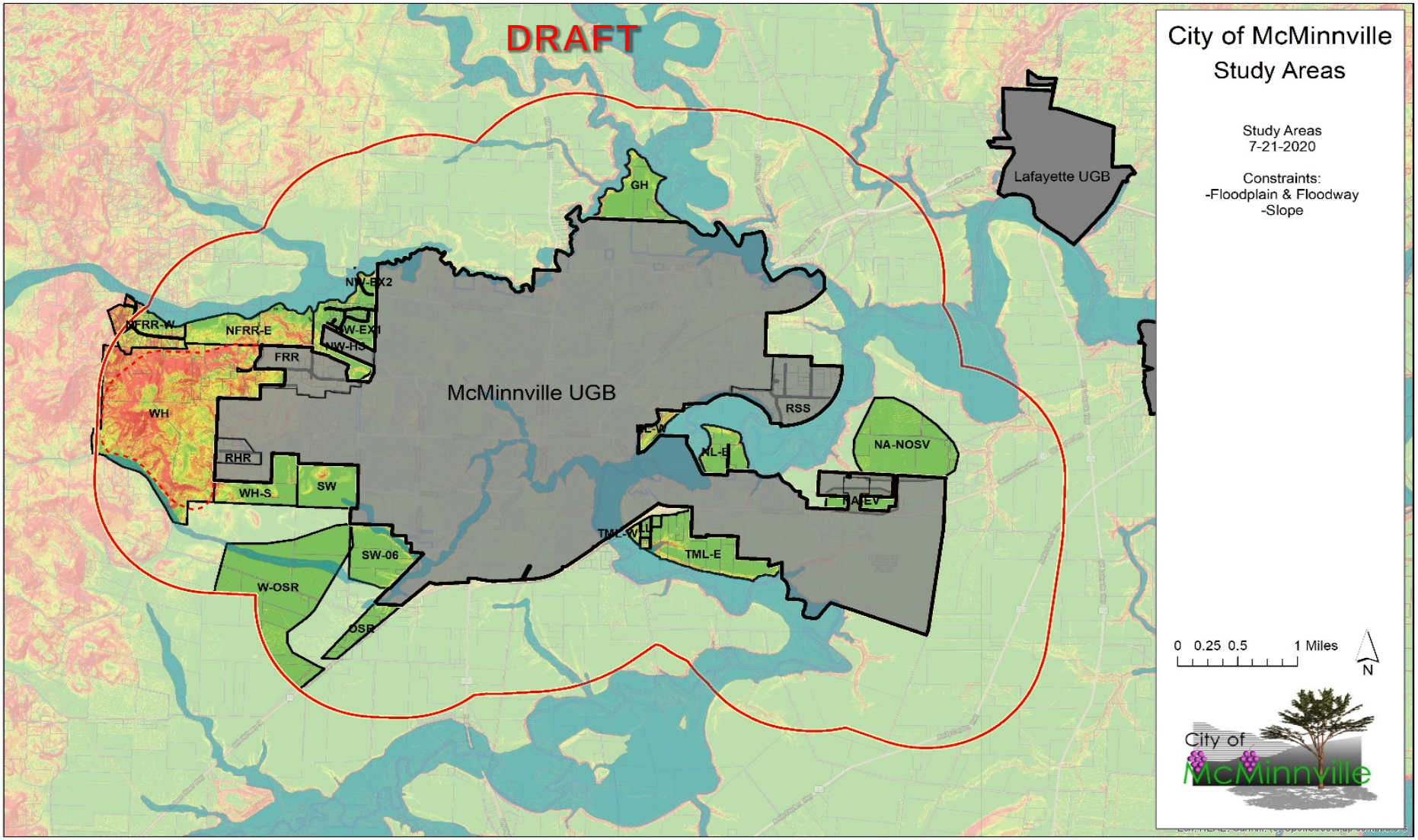
# UGB REMAND RESPONSE STUDY AREA - FLOODPLAINS AND FLOODWAYS



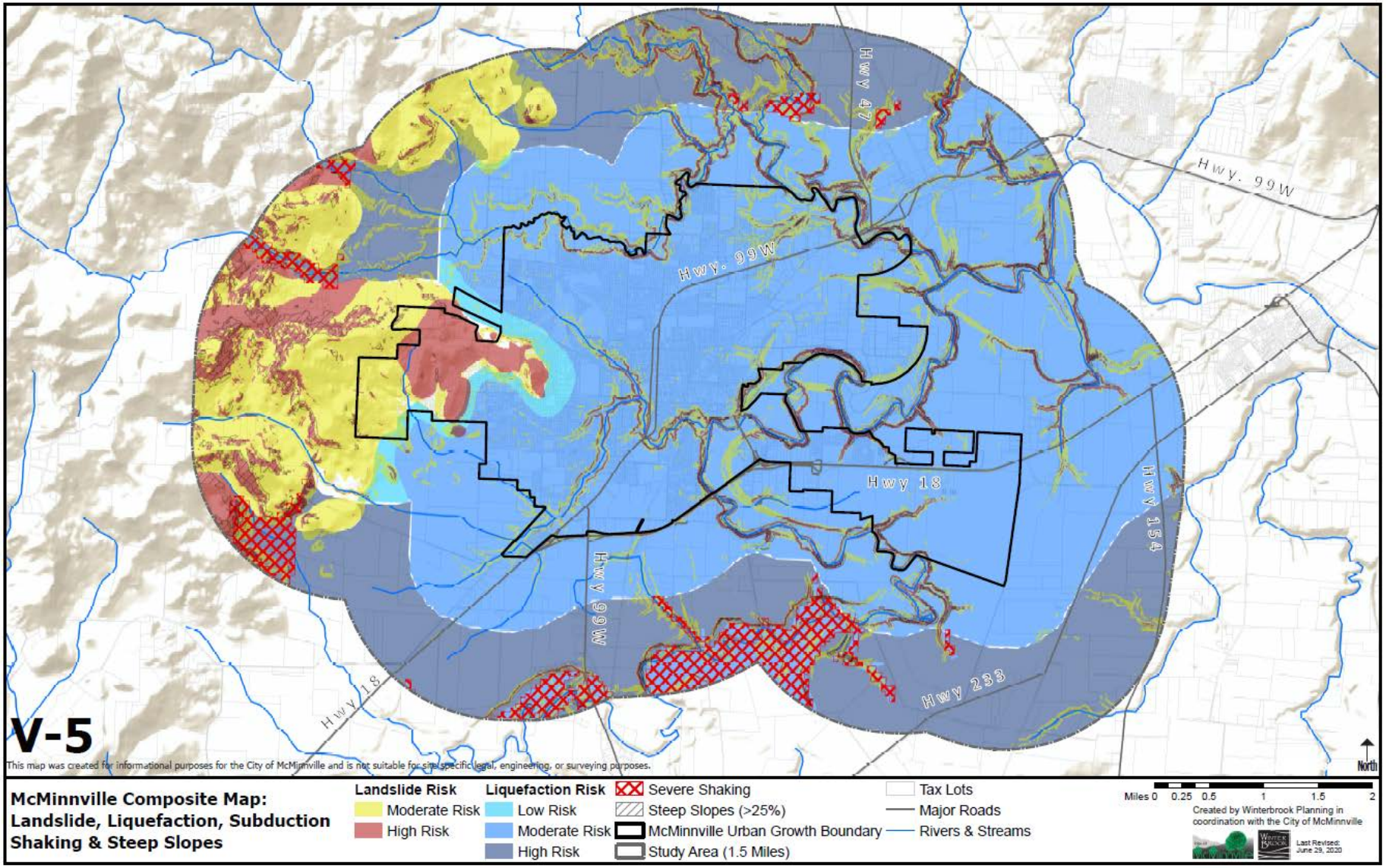
# UGB REMAND RESPONSE STUDY AREA - WETLANDS



# UGB REMAND RESPONSE STUDY AREA – STEEP SLOPES

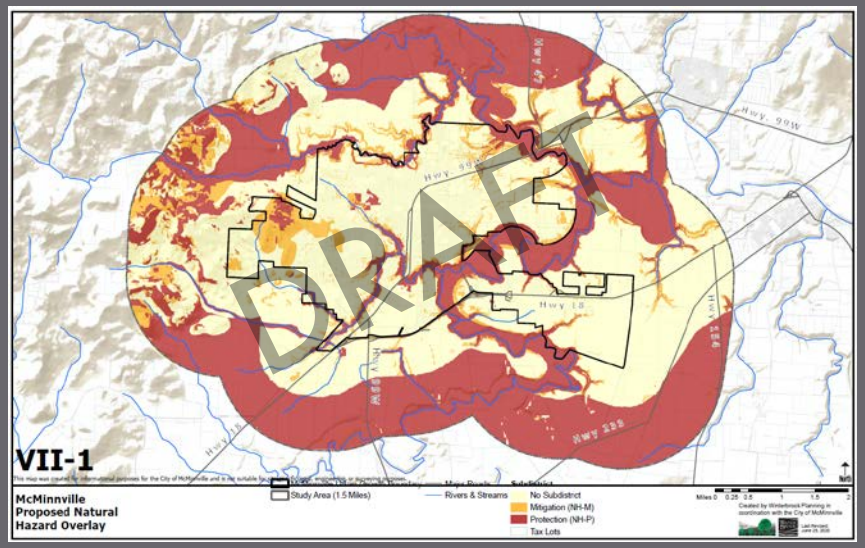


# COMPOSITE HAZARD MAP – URA STUDY BOUNDARY



# MANAGEMENT/POLICY OPTIONS

- Remand – Evaluate as potential constraint
- Future Policy: Proposed Natural Hazard Overlay
- Proposed policy framework to help protect life and property from impact of hazards






City of McMinnville

# COURT DIRECTION – STEP TWO: DETERMINE THE ADEQUACY OF CANDIDATE LANDS UNDER ORS 197.298 (1) AND (3)

# PART TWO: LOCATIONAL ANALYSIS – INTEGRATING GOAL 14 AND ORS 197.298

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# ORS 197.298 - CREATE PRIORITY LANDS MAP

## Take Final Buildable Lands Map

## Identify Priority Land Analysis on Final Map

**First Priority = Urban Reserve Land**

**Second Priority = Land adjacent to the UGB that is an exception area or non-resource land.**

**Third Priority = Land designated as marginal land.**

**Fourth Priority = Agricultural and Forest Lands**



City of McMinnville

# SCREENING CRITERIA –

## APPLY GOAL 14 LOCATION FACTORS TO PRIORITY BUILDABLE LANDS MAP

**(3) Orderly and economic provision for public facilities and services;**

**(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;**

# SCREENING CRITERIA –

## APPLY GOAL 14 LOCATION FACTORS TO PRIORITY BUILDABLE LANDS MAP

**(5) Environmental, energy, economic and social consequences;**

**(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority;**



City of McMinnville

# SCREENING CRITERIA –

## APPLY GOAL 14 LOCATION FACTORS TO PRIORITY BUILDABLE LANDS MAP

**(7) Compatibility of the proposed urban uses with nearby agricultural activities.**



City of McMinnville

# SCREENING CRITERIA –

## APPLY GOAL 14 LOCATION FACTORS TO PRIORITY BUILDABLE LANDS MAP

Refine these with criteria that match local conditions and needs.

Apply them in priority order to study areas (i.e. exception land first).



City of McMinnville

# UGB SCREENING CRITERIA

**UGB Study Area Screening Criteria**

| | Goal 14 Factors | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Criteria Applied** | 3) Orderly and economic provision of public facilities | | 4) Maximum efficience at the urban fringe | | 5) Environment, Energy, Economy, Social Consequences | | 6) AG. Land Retention | | 7) Compatibility with Ag. uses nearby | | |
| | | | | | | | | | | | ***Basis*** |
| ***Public Facilities*** | | | | | | | | | | | |
| Extension Costs and feasibility | ● | | ○ | | | | | | | | $ |
| Existing Capacity Limits | ● | | ○ | | | | | | | | $ |
| | | | | | | | | | | | |
| ***Commercial/MFR Housing*** | | | | | | | | | | | |
| Acres <5% Slope | | | ● | | | | | | | | Numeric |
| Development Costs | | | ● | | ○ | | | | | | $ |
| Distance to Services | | | ● | | ○ | | | | | | Numeric |
| Annex. Feasibility | ○ | | ● | | | | | | | | Numeric |
| Buildable Area | | | ● | | ○ | | | | | | Numeric |

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# UGB SCREENING CRITERIA

**UGB Study Area Screening Criteria**

| | Goal 14 Factors | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Criteria Applied** | 3) Orderly and economic provision of public facilities | | 4) Maximum efficience at the urban fringe | | 5) Environment, Energy, Economy, Social Consequences | | 6) AG. Land Retention | | 7) Compatibility with Ag. uses nearby | | |
| | | | | | | | | | | | ***Basis*** |
| **Urban Integration** | | | | | | | | | | | |
| Buildable Land % | | | ● | | | | | | | | Numeric |
| Bike/Ped Suitability | o | | ● | | ● | | | | | | Qualitative |
| Neighbor. Continuity | | | ● | | ● | | | | | | Qualitative |
| Transit Access | o | | ● | | ● | | | | | | Yes/No |
| | | | | | | | | | | | |
| **Hazard Risks** | | | | | | | | | | | |
| Landslide | | | o | | ● | | | | | | Numeric |
| Slope | | | o | | ● | | | | | | Numeric |
| Liquifaction | | | o | | ● | | | | | | Numeric |
| Wildfire | | | o | | ● | | | | | | Numeric |

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# UGB SCREENING CRITERIA

**UGB Study Area Screening Criteria**

| Criteria Applied | Goal 14 Factors: 3) Orderly and economic provision of public facilities | 4) Maximum efficience at the urban fringe | 5) Environment, Energy, Economy, Social Consequences | 6) AG. Land Retention | 7) Compatibility with Ag. uses nearby | *Basis* |
|---|---|---|---|---|---|---|
| **Priority Sequence** | | | | | | |
| Soil Class (I - VI) | | | | ● | | Numeric |
| Priority Standing * | | | | ● | | Numeric |
| | | | | | | |
| **Other** | | | | | | |
| Resource Conflict? | | ● | ● | | o | Yes/No |
| Park Accessibility/Suitability | | ● | ● | | | Qualitative |
| Trail Accessibility/Suitability | | ● | ● | | | Qualitative |
| Ag. Use Conflicts | | | | | ● | Qualitative |

* - ORS 197.298(1)

● - Primary concern

o - Secondary concern

CITY COUNCIL UGB REMAND RESPONSE UPDATE, JULY 22, 2020

City of McMinnville

# UGB SCREENING CRITERIA

**Criteria Added for:**

Suitability for needed low/moderate income housing and for neighborhood serving commercial.

Hazards including wildfire, liquefaction, severe shaking, landslides.



City of McMinnville

# UGB SCREENING CRITERIA

**Metric Basis**

Numeric - $/acre, percentage, density

Comparative – Yes/No

Qualitative – Suitability for a use



City of McMinnville

# UGB SCREENING CRITERIA

## Metric Basis

- 3-point high, medium, low rating
- 5-point scale

# UGB SCREENING CRITERIA

| | | | | Developable | | | | Undevelopable |
|---|---|---|---|---|---|---|---|---|
| | | | | Excellent/Very Good | Good | Fair | Poor | Very Poor |
| | List of Categories | Source | Description(s) | 1 | 2 | 3 | 4 | 5 |
| Developable? | Slopes | City | Rankings (1, 2, 3, 4, 5) | 0% - 5% | 5% - 10% | 10% - 15% | 15% - 25% | > 25% (Score = 0) |
| | Liquefaction Susceptibility | City | Rankings (2, 3, 4) | Low | Low-Moderate | Moderate | Moderate-High | High |
| | Landslide Hazard | City | Rankings (High, Mod, Low) | Low | N/A | Moderate | N/A | High |
| | Floodway | City | City; Floodway = means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. | None Present; Score = 1 | N/A | N/A | N/A | Present; Score = 0 |
| | Floodzone A | City | City; A = Areas with a 1% chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. | None Present; Score = 1 | N/A | N/A | N/A | Present; Score = 0 |
| | Floodzone AE | City | City; AE = the base floodplain where base flood elevations are provided - AE zones are now used on new format FIRMs instead of A1-A30 zones. | None Present; Score = 1 | N/A | N/A | N/A | Present; Score = 0 |
| | Wetland | City | Presence | None Present; Score = 1 | N/A | N/A | N/A | Present; Score = 0 |
| | Vegetation | | | | | | | |
| Serviceable? | Water | McMinnville Water & Light | Zone Bands based on 140-ft increments (roughly 65 psi) | Zone1 | Zone2 | Zone3 | Zone4 | Zone5 |
| | Wastewater | City | | Gravity service | Gravity service, extension longer than X feet | Pump Station Required | Pump Station High head >100 feet | Pump Station High Head > 150 feet |
| | Bridge Structure Required | City | Water or railroad crossing(s) or other | No need | N/A | short crossing | N/A | Not feasible |
| | Connectivity to Existing road network | City | Need for new arterials, collectors and extensive road network to serve the development | Local Road or Extension of Existing Local Road | N/A | Extension of Collector or Arterial | N/A | New Collector or Arterial |
| | Existing Roads - Capacity | | Available capacity for additional traffic from development with future forecasts (Level of Service, LOS) | LOS A | LOS B | LOS C and LOS D | LOS E | LOS F |
| | Existing Roads - Widening | | Need for improvements of existing roads for additional traffic from development with future forecasts (Volume-to-capacity ratio, v/c) | v/c < 0.5 | 0.5 < v/c < 0.6 | 0.6 < v/c < 0.8 | 0.8 < v/c < 1.0 | v/c>1.0 |

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# UGB SCREENING CRITERIA

**No one criteria or factor is determinant. Council must balance the pros and cons and decide which areas best meet identified needs.**



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# FINAL OUTCOMES

**UGB EXPANSION MAP that balances ORS 197.298 (Land Priority Structure) and Goal 14 (Locational Factors) per the direction of the Court's Decision.**



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# NEXT STEPS

- Next Week – Growing McMinnville Mindfully Website
- July 30 – BOCC Presentation
- August 25 – CC Update (Buildable Lands Map, Servicability Analysis, Screening Criteria)
- Late September – Draft UGB Map
- Late October – Draft Documents
- November – Joint CC/BOCC Meeting
- December – Joint CC/BOCC Public Hearing and Adoption



City of McMinnville

# GROWTH PLANNING – MCMINNVILLE, Moving Forward Mindfully

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# Growing McMinnville MINDFULLY