



City Council Meeting Agenda

Tuesday, May 27, 2025

6:00 p.m. – City Council Work Session Meeting - **CANCELLED**

7:00 p.m. – City Council Regular Meeting

Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.

The public is strongly encouraged to relay concerns and comments to the Council in one of four ways:

- Attend in person and fill out a public comment card
- Email at any time up to **noon on Monday, May 26th** to CityRecorderTeam@mcminnvilleoregon.gov
- If appearing via telephone or ZOOM, please sign up prior by **noon on Monday, May 26th** by emailing the City Recorder at CityRecorderTeam@mcminnvilleoregon.gov as the chat function is not available when calling in Zoom; **You will need to provide the City Recorder with your First and Last name, Address, and contact information (email or phone) for a public comment card.**

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

mcm11.org/live

CITY COUNCIL REGULAR MEETING:

You may join online via Zoom Webinar Meeting:

<https://mcminnvilleoregon.zoom.us/j/81042459460?pwd=JPm78JjoKOagAXMdcRFvbUe5ao0Jrv.1>

Or you can call in and listen via Zoom: 1-253- 215- 8782

Webinar ID: 810 4245 9460

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

1. CALL TO ORDER & ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT –

The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 4 minutes per person for a total of 32 minutes. The Mayor will read comments emailed to the City Recorder and then call on anyone who has signed up to provide public comment.

4. PRESENTATION

- a. Visit McMinnville Annual Presentation – Chief Executive Officer Dan Gibson

5. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports

6. CONSENT AGENDA

- a. Consider the request from All The Good Things, LLC dba: Good Food Mac for Full On-Premises-Commercial, OLCC Liquor License located at 619 NE 3rd Street.

- b. Consider the request from Colibri Hospitality Group LLC dba: Aveline for Full On-Premises-Commercial, OLCC Liquor License located at 645 NE 3rd Street.
- c. Consider **Resolution No. 2025-19**: A Resolution authorizing entering into a Primary Funding Agreement with Circular Action Alliance Oregon LLC (CAA Oregon) for the disbursement of Plastic Pollution and Recycling Modernization Act (RMA) funds.

7. ORDINANCES

- a. Consider the second reading of **Ordinance No. 5156**: An Ordinance Amending Title 17 (Zoning) of the McMinnville Municipal Code, Chapter 17.57 “Landscaping” and Chapter 17.58 “Trees,” and Approving the Decision, Findings, and Conclusionary Findings for Docket G 2-24.”
- b. Consider the first reading with a possible second reading of **Ordinance No. 5160**: An Ordinance Amending Portions of McMinnville Municipal Code Chapter 2.35, Adding “Accessibility” to the Name and Purpose of the Diversity, Equity and Inclusion Advisory Committee.

8. ADJOURNMENT OF REGULAR MEETING

From: [Robert Spitz](#)
To: [City Recorder Team](#); [Mayor Kim Morris](#)
Subject: Parking and Traffic
Date: Wednesday, May 14, 2025 12:41:23 PM

This message originated outside of the City of McMinnville.

Re: Proposed Construction of a Four-Family Dwelling at Koch and Orchard

Dear Mayor Morris and Council Members,

I am writing on behalf of myself and several neighbors on NE Gibbs Circle regarding the recent sale of the parcel located at the corner of Koch and Orchard. We understand that the new owner plans to construct a four-family dwelling on this site.

While we acknowledge that zoning laws may allow for this type of development, we are deeply concerned about the impact such a structure will have on traffic and parking in our neighborhood. We respectfully request that the City conduct a thorough traffic and parking impact study before any permits for construction are approved.

Accessing Orchard from Koch is already a challenge due to limited visibility and frequent congestion caused by vehicles—particularly commercial trucks—parked along both sides of Orchard. The intersection is notoriously difficult to navigate, and among neighbors it's jokingly referred to as “Take-a-Chance Corner.”

Additionally, Orchard is often reduced to a single lane, especially during peak hours and when landscaping and gardening vehicles use it as a route to Recology. The situation worsens considerably when games are held at Patton Middle School, making it almost impossible to safely exit Orchard onto McDaniel Street.

Koch Street is narrow, and parking by park visitors often reduces it to a one-lane road as well. These existing challenges will only be compounded by the increased vehicle presence that a four-family dwelling would bring.

We urge the City to consider potential mitigations, such as:

- Restricting parking to one side of Orchard
- Designating Orchard as a one-way street
- Limiting parking in the area to residents only
- Prohibiting commercial vehicle parking on Koch and Orchard

We understand that these changes are not simple, but proactive steps are necessary to ensure safety and preserve the quality of life in our neighborhood.

Thank you for your time and thoughtful consideration of this matter. We trust you will weigh the broader community impacts as part of your decision-making process.

Sincerely,

Robert Spitz



RECEIVED

MAY 19 2025

City of McMinnville

Subject: Recognizing and Celebrating Pride Month in McMinnville

To: Mayor Kim Morris and McMinnville City Council

From: Suzanne Henry

Date: May 10, 2025

Dear Mayor Morris and Council Members,

I am writing to respectfully request your recognition of June as Pride Month in McMinnville by flying the Pride flag from city offices. This is a time to celebrate the diversity, resilience, and contributions of the LGBTQ+ community. I would think that the City of McMinnville would recognize the importance of being welcoming and inclusive to all since wine tourism is such a huge part of our economy. Additionally, people of our beautiful city need to know that you are committed to inclusivity and acceptance for **all** residents. Please fly the Pride flag during the month of June! 🏳️‍🌈

Sincerely,



Suzanne Henry

[REDACTED]

McMinnville OR 97128

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: All The Good Things, LLC dba: Good Food Mac

BUSINESS LOCATION ADDRESS: 619 NE 3rd Street

LIQUOR LICENSE TYPE: Full On-Premises-Commercial

Is the business at this location currently licensed by OLCC

Yes

No

☐☒

If yes, what is the name of the existing business:

Proposed business operations:

Retail On-Premises Sales and Consumption: Indoor and Outdoor Consumption

Tritech Records Management System Check: Yes ☒ No ☐

Criminal Records Check: Yes ☐ No ☒

Recommended Action: Approve ☒ Disapprove ☐

Tim Symons

Chief of Police / Designee

City Manager / Designee



Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

Step 1: Applicant completes all of Section 1 (including top of Page 2).

Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

Step 3: Local government completes at least Section 2 and returns all pages of the form, or a copy thereof, to the applicant. The local government is allowed up to 45 days to complete Section 3.

Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: After completing the attached form, please follow these steps to complete the Local Government Recommendation process:

- Apply via the [City of Portland website](#).
- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): All The Good Things, LLC / Samantha Johnson

Proposed Trade Name: Good Food Mac

Premises Address: 619 NE 3rd Street

Unit:

City: McMinnville

County: Yamhill

Zip: 97128

Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of Location

License Type: F-COM ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Samantha Johnson

Phone: [REDACTED]

Mailing Address: [REDACTED]

City: McMinnville

State: OR

Zip: 97128

Email Address: [REDACTED]

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production

☐ Retail Off-Premises Sales

☒ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☒ Indoor Consumption

☐ Outdoor Consumption

☐ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): All The Good Things, LLC / Samantha Johnson

Proposed Trade Name: Good Food Mac

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: McMinnville

Optional Date Received Stamp

Date Application Received: May 12, 2025

Received by: Tim Symons

Section 3 – Recommendation - To be completed by Local Government:

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ No Recommendation/Neutral

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Colibri Hospitality Group LLC dba: Aveline

BUSINESS LOCATION ADDRESS: 645 NE 3rd Street

LIQUOR LICENSE TYPE: Full On-premises-Commercial

Is the business at this location currently licensed by OLCC

Yes

No

☐☒

If yes, what is the name of the existing business:

Proposed business operations:

Retail On-Premises Sales and Consumption: Indoor and Outdoor Consumption.

Proposing to allow minors.

Tritech Records Management System Check: Yes ☒ No ☐

Criminal Records Check: Yes ☐ No ☒

Recommended Action: Approve ☒ Disapprove ☐

Tim Symons

Chief of Police / Designee

City Manager / Designee



Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

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- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

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Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

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Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

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NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Colibri Hospitality Group LLC

Proposed Trade Name: Aveline

Premises Address: 645 NE 3rd Street

Unit: 1B

City: McMinnville

County: Yamhill

Zip: 97128

Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of Location

License Type: F-COM Full On-Premises, Commercial ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Nicholle Alumbaugh

Phone: [REDACTED]

Mailing Address: [REDACTED]

City: McMinnville

State: OR

Zip: 97128

Email Address: [REDACTED]

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production

☐ Retail Off-Premises Sales

☒ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☒ Indoor Consumption

☒ Outdoor Consumption

☒ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): Colibri Hospitality Group LLC

Proposed Trade Name: Aveline

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: McMinnville

Optional Date Received Stamp

Date Application Received: May 13, 2025

Received by: Tim Symons

Section 3 – Recommendation - To be completed by Local Government:

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ No Recommendation/Neutral

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.

STAFF REPORT

DATE: May 27, 2025
TO: Jeff Towery, City Manager
FROM: Geoff Hunsaker, Public Works Director

SUBJECT: Authorization to enter into a Primary Funding Agreement with Circular Action Alliance Oregon LLC (CAA Oregon) for the disbursement of Plastic Pollution and Recycling Modernization Act (RMA) funds

Report in Brief:

This action is the consideration of a resolution authorizing the entering into an agreement with Circular Action Alliance Oregon LLC (CAA Oregon) for the disbursement of Plastic Pollution and Recycling Modernization Act (RMA) funds. Local governments are eligible to receive reimbursement from CAA Oregon for eligible costs for transportation, collection and on-site service expansion, and contamination reduction programing.

Background:

The RMA updates Oregon's recycling system by building on local community programs and leveraging the resources of producers to create an innovative system that works for everyone. The law requires packaging producers to share responsibility for effective management of their products after use. The new law went into effect January 1, 2022 and program changes start in July 2025.

The key benefits of the RMA include:

- Shares and scales responsibility across the recycling system.
- Increases access to recycling.
- Prevents plastic pollution.
- Creates one statewide list of what can be recycled.
- Incentivizes sustainable products
- Creates accountability to outcomes.

Oversight and integration of the program is provided by DEQ, with accountability from all participants. DEQ will plan and implement changes required by the new law, and oversee the

recycling system and provide enforcement where necessary. A new Governor-appointed advisory council will provide feedback to DEQ and Producer Responsibility Organizations (PROs) about important elements of the new system. PROs, recycling processors and local governments will track and report more information about where recyclables go and ensure that they are managed responsibly and used to make new products.

Discussion:

In April 2025, Staff gave Full Authorization for the Transportation and Post-Consumer Recycled Content in Collection Containers funding categories to our Service Provider (Recology).

No authorization was given for Contamination Evaluation, Contamination Reduction Programing, and Recycling Service Expansion Identified in the Needs Assessment. The City will submit reimbursement for funding related to these categories to CAA Oregon and disburse the funds to Recology or other entities providing these services.

The Authorization for each funding category may be modified annually.

Fiscal Impact:

Administration of the disbursement of funds is not eligible for reimbursement. Staff will evaluate the cost of administration and make a recommendation on any desired modifications to the funding authorization for each of the five funding categories after one year.

Attachments:

1. Resolution No. 2025-19
 - a. Exhibit A - Primary Funding Agreement with CAA Oregon

Recommendation:

Staff recommend approval to enter into the Primary Funding Agreement. The agreement's Initial Term runs through December 31, 2027 and can be extended for a Renewal Term by written agreement signed by both parties.

RESOLUTION NO. 2025-19

A Resolution authorizing entering into a Primary Funding Agreement with Circular Action Alliance Oregon LLC (CAA Oregon) for the disbursement of Plastic Pollution and Recycling Modernization Act (RMA) funds.

RECITALS:

Whereas, in January 2022, the Plastic Pollution and Recycling Modernization Act went into effect; and

Whereas, CAA Oregon was approved as the Producer Responsibility Organization (PRO) by Oregon's Department of Environmental Quality (DEQ); and

Whereas, in April 2025, full authorization to receive Transportation and Post-Consumer Recycled Content in Collection Containers funds was given to Recology as the City's Service Provider; and

Whereas, in April 2025, no authorization to receive funds for Contamination Evaluation, Contamination Reduction Programing, and Recycling Service Expansion Identified in the Needs Assessment funds was given to Recology; and

Whereas, the City will receive and disburse the funds for Contamination Evaluation, Contamination Reduction Programing, and Recycling Service Expansion Identified in the Needs Assessment; and

Whereas, authorization for the City's Service provider to receive funds directly for any funding category may be modified annually; and

Whereas, in July 2025, RMA program changes and the City's eligibility for reimbursement will begin.

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

1. The City Manager is hereby authorized and directed to enter into a Primary Funding Agreement with CAA Oregon, attached as Exhibit A.
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of May 2025, by the following votes:

Ayes: _____

Nays: _____

Approved this 27th day of May 2025.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Primary Funding Agreement with CAA Oregon

PRIMARY FUNDING AGREEMENT

This Primary Funding Agreement (the “**Agreement**”) governs the disbursement of funds by Circular Action Alliance Oregon LLC, (“**CAA Oregon**”) to the undersigned (“**Recipient**,”) as of the later of (i) the date on which CAA Oregon’s final Oregon Program Plan is approved by DEQ or (ii) the date on which it is fully executed by the Parties (the “**Effective Date**”). CAA Oregon and Recipient may be referred to individually as a “**Party**” or collectively as “**Parties**.”

BACKGROUND

- A. CAA Oregon, or its assignee in accordance with Section 7(h) below, has been approved as a producer responsibility organization (“**PRO**”) by Oregon’s Department of Environmental Quality (“**DEQ**”) pursuant to the Plastic Pollution and Recycling Modernization Act, ORS 459A, and OAR 340-090.
- B. CAA Oregon is a voluntary, private nonprofit 501(c)(3) organization focused on helping producers comply with extended producer responsibility laws by delivering harmonized services and working with governments, businesses and communities to reduce waste and recycle more.
- C. In furtherance of producers of recyclable materials sold or distributed in Oregon helping to finance the management of, and ensure an environmentally sound stewardship program for, their products, CAA Oregon is responsible for administering a program of funding and reimbursement of certain expenses related to the expansion of access to recycling services in Oregon.
- D. In its October 4, 2024 update to the Local Government Opportunity to Recycle Requirements informational document, DEQ advised local governments seeking compensation from a PRO to enter into a formal agreement with the PRO.
- E. Recipient, pursuant to a funding application submitted to CAA Oregon, desires payment or reimbursement for certain expenses for which it may be eligible to receive from CAA Oregon in accordance with Applicable Law, as defined herein.

Therefore, the Parties agree as follows:

1. Disbursements.

a. Subject to the terms of this Agreement, CAA Oregon shall disburse approved funding to Recipient for expenses that are eligible for reimbursement pursuant to Oregon Revised Statutes (ORS) Chapter 459A, Oregon Administrative Rules (OAR) Chapter 340-090, and all other rules and regulations promulgated pursuant thereto, as amended from time to time (“**Applicable Law**”), including without limitation ORS 459A.890 (“**Eligible Expenses**”). In the event of a change in Applicable Law, eligibility shall be determined in accordance with Applicable Law at the time the reimbursement was requested except to the extent that the change in Applicable Law requires otherwise. In order to receive funds for an Eligible Expense,

Recipient shall submit requests for compensation including the applicable addendum or addenda for the type(s) of reimbursement sought (each, a “**Funding Request**”) in accordance with this Agreement and the instructions set forth on CAA Oregon’s website. Recipient may include multiple requests for Eligible Expenses within a single Funding Request, and may submit a maximum of one Funding Request once every calendar month.

b. CAA Oregon shall only make disbursements for reasonable Funding Requests made for Eligible Expenses. CAA Oregon will review Funding Requests and determine in its reasonable discretion whether a particular request for funding is: (i) for reasonably necessary Eligible Expenses; and (ii) a cost-effective solution to meet Recipient’s need. Recipient is responsible for submitting complete and accurate Funding Requests for Eligible Expenses. Recipient understands and acknowledges that incomplete or inaccurate Funding Requests or requests for funding that are not for Eligible Expenses may delay or prevent payment. If a Funding Request contains, in CAA Oregon’s reasonable determination, both Eligible Expenses and ineligible expenses, or a request for funds that is not a reasonable solution to meet Recipient’s need, CAA Oregon may remit payment for Eligible Expenses and withhold the remainder of the funds requested.

c. CAA Oregon shall make disbursements for a Funding Request only if it is obligated to do so under Applicable Law and as specifically required by the currently applicable Program Plan approved by DEQ. CAA Oregon shall not make disbursements to Recipient before or after it is obligated to do so under Applicable Law and as specifically required by the currently applicable Program Plan approved by DEQ. CAA Oregon’s obligation to make disbursements for a Funding Request is conditioned upon Recipient’s full and complete compliance with its obligations under this Agreement and each Funding Request.

2. Use of Funds.

a. Recipient shall use funds disbursed in connection with a Funding Request only for the Eligible Expenses approved in the applicable Funding Request. Recipient represents and warrants to CAA Oregon that the use of funds for such Eligible Expenses, or the purchase and/or use of such Eligible Expenses, as applicable, shall comply with Applicable Law. Recipient further represents and warrants to CAA Oregon that Recipient, including any act or omission of Recipient, will comply with all federal, state, and local laws applicable to Recipient’s receipt and use of such funds.

b. If Recipient receives funds related to an Eligible Expense that are not used for such Eligible Expense, Recipient will remit such unused funds to CAA Oregon in accordance with OAR 340-090-0810. Without limiting the generality of the foregoing, if Recipient expends funds received for an Eligible Expense on an ineligible expense, Recipient shall immediately remit an equivalent amount to CAA Oregon.

c. If Recipient receives funds related to an Eligible Expense and also submits the same Eligible Expense to another PRO or other source of reimbursement, Recipient will immediately remit all funds provided to Recipient by CAA Oregon related to such Eligible Expense to CAA Oregon, and CAA Oregon may at its discretion withhold any further funding related to such Eligible Expense.

d. Any asset(s) purchased by Recipient as Eligible Expenses in accordance with this Agreement must remain in use in the following jurisdictions to be eligible for funding in accordance with this Agreement and any applicable addenda hereto [please indicate the city or county in which the assets will be used]:

(the “**Jurisdictions**”).

In the event that Recipient or its service provider, contractor, subcontractor, agent, or representative, removes the any such asset(s) from use in the Jurisdictions, Recipient shall immediately reimburse CAA Oregon in full for any funds provided by CAA Oregon that were used to purchase such asset(s) under this Agreement; provided that Recipient may remove the asset from service on a temporary basis for ordinary repair or maintenance.

3. Reporting; Records; No Confidentiality; Ownership.

a. Recipient shall promptly report to CAA Oregon all information reasonably requested by CAA Oregon, including (i) any information CAA Oregon may reasonably require to comply with its annual reporting requirements under ORS 459A.887, and (ii) any reasonably related information to substantiate that funding was used for the Eligible Expense for which it was disbursed. Without limiting the generality of the forgoing, Recipient shall timely report to CAA Oregon (i) upon completion of a project for which CAA Oregon disbursed funding for Eligible Expenses, and (ii) the status of incomplete projects for which CAA Oregon disbursed funding for Eligible Expenses.

b. For seven years after the submission of a Funding Request, Recipient shall maintain all records necessary to substantiate the expenses for which funding was requested. Upon at least 10 business days’ notice to Recipient, CAA Oregon or its authorized representative may, at its own expense, conduct audits of Recipient’s records during Recipient’s regular business hours for the purpose of (i) satisfying its obligations under Applicable Law or (ii) substantiating that funding was used for the Eligible Expense for which it was disbursed. Recipient shall take reasonable efforts to cooperate with CAA Oregon in conducting such audits. In the event that CAA Oregon’s audit reveals that Recipient used funds for an ineligible expense, Recipient shall reimburse CAA Oregon for its costs to conduct the audit within thirty (30) days of the conclusion of the audit.

c. Recipient acknowledges that CAA Oregon is required by Applicable Law to provide certain information to governmental authorities as part of its reporting obligations under Applicable Law. As such, except as required by Applicable Law, Recipient shall have no expectation of confidentiality with respect to information reported to CAA Oregon pursuant to this Agreement and applicable addenda; provided that CAA Oregon will make reasonable efforts not to disclose more information than is, in CAA Oregon’s sole discretion, required by Applicable Law or reasonably necessary for CAA Oregon to perform its obligations as a PRO.

d. As required by and in accordance with Applicable Law, CAA Oregon may, from time to time, prepare reports or other documents that contain information reported to CAA Oregon pursuant to this Agreement and applicable Addenda, or which contain content synthesized from such information. CAA Oregon shall be the sole owner of all intellectual property rights pertaining to such reports or other documents, including all derivative works thereof, free of royalties or other charges, to publish or use at any time, in whole or in part. To the extent such reports contain Recipient's information, Recipient grants CAA Oregon a non-exclusive, royalty free, fully-paid, worldwide license to publish or use Recipient's information at any time, in whole or in part.

4. Term; Termination.

a. This Agreement shall remain in force through December 31, 2027 (the “**Initial Term**”); provided that the Agreement may be extended past the Initial Term by written agreement signed by both Parties (each, a “**Renewal Term**,” and together with the Initial Term, the “**Term**”) unless otherwise terminated in accordance with this Agreement.

b. Either Party may terminate this Agreement by giving notice to the other Party no less than 60 days before the end of a Term. Such termination will be effective at the end of the then-current Term; provided that any then-outstanding Funding Requests or portions thereof shall continue to be governed by this Agreement until full and final adjudication.

c. CAA Oregon may terminate this Agreement immediately upon notice to Recipient if, at any time after the Effective Date, CAA Oregon does not have a producer responsibility program plan that is in force and approved by DEQ, or if CAA Oregon is otherwise not subject to the obligations of a PRO under Applicable Law.

d. If Recipient breaches any of its obligations, representations, or warranties under this Agreement, CAA Oregon will have the right to terminate this Agreement by giving Recipient notice of the breach. Recipient shall have thirty (30) days or such other time as the Parties may agree in writing, to cure any such breach. In the event Recipient fails to cure such breach in accordance with this section, CAA Oregon may terminate this Agreement, effective immediately and without further notice to Recipient; provided that any then-outstanding Funding Requests or portions thereof shall continue to be governed by this Agreement until full and final adjudication.

5. Indemnification; LIMITATION OF LIABILITY; NO WARRANTIES.

a. Subject to the limits of the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, Recipient hereby agrees to defend, indemnify and hold harmless CAA Oregon (including its parent and any subsidiaries or affiliates) and CAA Oregon's officials, directors, officers, agents, employees and volunteers (the “**Indemnified Parties**”) from and against any and all liability, loss, costs, damages and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings (collectively, “**Claims**”) arising out of or relating to Recipient's receipt or use of funds or CAA Oregon's denial thereof, by whomever made, sustained, incurred, brought or prosecuted, including without limitation third party bodily injury (including death), personal injury and

property damage, contamination or pollution of soil, water, groundwater, air, or other environmental medium, fines or civil penalties, that in any way relate to, are based upon, occasioned by or attributable to any acts or omissions of Recipient, its service providers, contractors, subcontractors or Recipient's directors, officers, agents, employees, volunteers, or other party for whose conduct Recipient may be legally liable or responsible, including any breach or non-fulfillment of any representation, obligation, or covenant under this Agreement by Recipient, or any failure by Recipient to comply with any Applicable Law. Recipient is not obligated to indemnify and hold harmless an Indemnified Party to the extent that such Claims arise solely from the gross negligence or willful misconduct of any Indemnified Party. The obligations contained in this paragraph shall survive the termination or expiry of this Agreement. During the Term and for five years thereafter, Recipient shall maintain insurance or other financial resources that are sufficient, in CAA Oregon's reasonable discretion, to timely and fully fund all of Recipient's obligations under this section.

b. EXCEPT FOR CLAIMS FOR INDEMNITY PURSUANT TO SECTION 5(A) ABOVE, (i) EACH PARTY'S LIABILITY TO THE OTHER PARTY FOR ANY LOSS, COST, CLAIM, INJURY, LIABILITY, OR EXPENSE, INCLUDING REASONABLE ATTORNEY'S FEES, RELATING TO OR ARISING FROM ANY ACT OR OMISSION RELATED TO A FUNDING REQUEST SHALL BE LIMITED TO THE AMOUNT OF SUCH FUNDING REQUEST; AND (ii) NEITHER PARTY SHALL BE LIABLE TO THE OTHER PARTY FOR ANY INDIRECT, SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES.

c. CAA OREGON MAKES NO WARRANTIES OR REPRESENTATIONS AND DISCLAIMS ALL LIABILITY WITH RESPECT TO ASSETS PURCHASED PURSUANT TO FUNDING REQUESTS. CAA OREGON'S APPROVAL OF A FUNDING REQUEST OR DISBURSEMENT OF FUNDS MEANS ONLY THAT CAA OREGON HAS DETERMINED THAT THE RELEVANT EXPENSES ARE ELIGIBLE FOR FUNDING, AND DOES NOT CONSTITUTE AN ENDORSEMENT, JUDGEMENT, OR OTHER DECISION AS TO CONDITION OR FITNESS FOR ANY PURPOSE. EXCEPT AS EXPRESSLY STATED IN THIS AGREEMENT, ALL REPRESENTATIONS AND WARRANTIES, WHETHER ARISING BY OPERATION OF LAW OR OTHERWISE, ARE HEREBY EXPRESSLY EXCLUDED.

6. Dispute Resolution.

a. In the event of a dispute arising out of or relating to a Funding Request, including the interpretation, scope, or breach thereof or the extent of the Parties' obligations under a Funding Request or Applicable Law (a "**Dispute**"), the Parties shall endeavour to reach a resolution of the Dispute satisfactory to both Parties. Either Party may commence such process by requesting a meeting with the other Party, which may take place in person, or remotely. Each Party shall nominate a representative who shall meet to try to resolve the Dispute.

b. If the Dispute is not resolved within 90 days of the meeting request, then:

i. The Dispute may, at either Party's request, be referred to mediation in accordance with CAA Oregon's final Oregon Program Plan, and informal negotiations need not continue. Either Party may initiate the mediation process by

giving notice in writing, requesting mediation, to the other Party (a “**Mediation Notice**”).

ii. If there is any aspect of the form or conduct of the mediation on which the Parties cannot agree within ten (10) days from the date of delivery of the Mediation Notice, the mediation panel shall, at the request of either Party, decide that point, having first made reasonable efforts to consult with each of the Parties on the issue.

iii. The mediation shall start not later than thirty (30) days from the date of delivery of the Mediation Notice. The mediation shall be governed by the substantive law of the State of Oregon. Each Party will bear its own costs and expenses of its participation in the mediation.

c. If either Party refuses or fails to participate in the mediation process or if a resolution of the Dispute is not reached within ninety (90) days from delivery of the Mediation Notice, any action, controversy, lawsuit, or claim arising out of or relating to a Dispute, shall be resolved by binding arbitration. In the absence of any mutual agreement by the Parties, the seat of arbitration shall be Portland, Oregon, and shall be conducted in accordance with the then effective JAMS arbitration rules. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. Each Party shall bear its own costs and expenses, including attorney's fees, and an equal share of the arbitrator's fees and any administrative fees of arbitration. The decision of the arbitrator(s) shall be final and binding on the Parties, and the Parties waive any right to appeal the decision, to the extent a waiver can be made under applicable law. Notwithstanding the foregoing, nothing in this Section 6 shall limit the ability of a Party to seek injunctive relief from a court of competent jurisdiction ordering compliance with the Agreement or enjoining and restraining the continuation of a breach of the Agreement.

7. Miscellaneous.

a. Relationship of the Parties. Recipient shall have no power or authority to bind CAA Oregon or to assume or create any obligation or responsibility, express or implied, on behalf of CAA Oregon. Recipient shall not hold itself out as an agent, partner or employee of CAA Oregon. Nothing in the Agreement shall have the effect of creating an employment, partnership or agency relationship between CAA Oregon and Recipient or any of Recipient's directors, officers, employees, agents, partners, affiliates, volunteers or subcontractors. Recipient acknowledges that CAA Oregon is a private nonprofit entity and not a governmental entity or functional equivalent of a governmental entity.

b. Entire Agreement. This Agreement, together with the addenda and attachments hereto, embodies the entire agreement between the Parties with regard to the funding of Eligible Expenses and supersedes any prior understanding or agreement, collateral, oral or otherwise, existing between the Parties at the Effective Date.

c. Severability. If any term or condition of the Agreement, or the application thereof to the Parties or circumstances, is to any extent invalid or unenforceable as determined by a court

of competent jurisdiction, the remainder of the Agreement, and the application of such term or condition to the Parties or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby to the maximum extent permitted by applicable law.

d. **Failure to Enforce Not a Waiver.** Any failure by CAA Oregon to insist in one or more instances upon strict performance by Recipient of any of the terms or conditions of the Agreement shall not be construed as a waiver by CAA Oregon of its right to require strict performance of any such terms or conditions, and the obligations of Recipient with respect to such performance shall continue in full force and effect. Any waiver must be given in writing by a duly authorized representative of CAA Oregon.

e. **Changes by Written Amendment Only.** Any changes to the Agreement shall only be by written amendment signed by the Parties. No changes shall be effective or shall be carried out in the absence of a written amendment.

f. **Force Majeure.** Neither Party shall be liable for damages caused by delay or failure to perform its obligations under the Agreement where such delay or failure is caused by an event beyond its reasonable control (a “**Force Majeure Event**”). The Parties agree that force majeure events shall include adverse weather conditions; civil disturbances, riots, war, rebellion, sabotage and atomic or nuclear incidents; fire; flood; natural disasters; shutdown resulting from investigation by government authorities (provided such shutdown is not as a result of the acts or omissions of the Party claiming a Force Majeure Event); court or governmental order (provided such order is not as a result of the acts or omissions of the Party claiming a Force Majeure Event), including without limitation a delay or suspension the Program Plan or statutory regime under which the Program Plan is effective; labor disputes; utilities outages or curtailments (including electricity system outages); epidemics or pandemics (including government mandated quarantines); changes in Applicable Law; or lack of funding due to nonpayment of membership fees in the form of producer fees or other fees owed to CAA Oregon. If a Party seeks to excuse itself from its obligations under the Agreement due to a force majeure event, that party shall immediately notify the other Party of the delay or non-performance, the reason for such delay or non-performance and the anticipated period of delay or non-performance.

g. **Notices.** Notices shall be in writing and shall be delivered by postage-prepaid envelope, personal delivery or email and shall be addressed in accordance with the contact information provided by each Party beneath their signature block. Notices shall be deemed to have been given: (a) in the case of postage-prepaid envelope, five business days after such notice is mailed; or (b) in the case of personal delivery, upon receipt; or (c) in the case of email, upon receipt of a “read receipt.” In the event of a postal disruption, notices must be given by personal delivery or by email. Unless the Parties expressly agree in writing to additional methods of notice, notices may only be provided by the methods contemplated in this paragraph.

h. **Assignment.** The rights and obligations of Recipient may not be assigned, transferred, or delegated without the prior written consent of CAA Oregon, which shall not be unreasonably withheld. CAA Oregon may assign, transfer, or delegate, in whole or in part, this Agreement or any of its rights or obligations under this Agreement without prior written consent of Recipient to an entity that controls, is controlled by, is affiliated with, or is under common control with, CAA Oregon.

i. Authority. Recipient represents and warrants to CAA Oregon that the person signing this Agreement on Recipient's behalf is duly authorized and has legal capacity to execute and deliver this Agreement on behalf of Recipient. Recipient further represents and warrants to CAA Oregon that the execution and delivery of the Agreement and the performance of Recipient's obligations hereunder have been duly authorized by Recipient and that the Agreement is a valid and legal agreement binding Recipient and enforceable in accordance with its terms.

j. Governing Law. The Agreement shall be governed by and construed in accordance with the laws of the State of Oregon, without regard to its or any other jurisdiction's conflicts of laws principles.

k. Counterparts. The Agreement may be executed in several counterparts, all of which taken together shall constitute one agreement binding upon the Parties.

[signature page follows]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date set forth above.

CIRCULAR ACTION ALLIANCE OREGON LLC

By: _____
Kim Holmes
Title: Oregon Executive Director
Date: _____
Address: c/o Corporation Service Company
251 Little Falls Drive
Wilmington, New Castle County
Delaware 19808
Email: legal@circularaction.org

With a copy to:

Miller Nash LLP
Attn: Will Rasmussen
1140 SW Washington St, Suite 700
Portland, Oregon 97205
E-mail: William.rasmussen@millernash.com

RECIPIENT:

[ENTITY NAME]

By: _____
Name: _____
Title: _____
Date: _____
Address: _____

Email: _____

Approved as to form: _____

ADDENDA

STAFF REPORT

DATE: May 27, 2025
TO: Mayor and City Councilors
FROM: Taylor Graybehl, Senior Planner
SUBJECT: Ordinance No. 5156: (Docket G 2-24), An Ordinance amending 17.57 of the McMinnville Municipal Code, Landscape Review Process, and Landscape Plan Submission Requirements

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is the consideration of a second reading of Ordinance No. 5156, which proposes amendments to the McMinnville Municipal Code (MMC), Title 17 “Zoning,” specifically Chapter 17.57 “Landscaping.” The vote on the first reading at the May 13, 2025, meeting was not unanimous.

This legislative action was initiated by the Landscape Review Committee and is recommended for approval by the Planning Commission, following a public hearing held on November 7, 2024.

The proposed amendments represent the first phase of a two-phase effort to revise the landscaping provisions of the Zoning Ordinance for efficiency and clarity. Phase One focuses on implementing the review process and submittal requirements for landscape plans. Phase Two will address updates to landscaping standards, including applicability and the adoption of clear and objective criteria to ensure projects align with community goals and provide applicants with transparent requirements.

Key updates proposed in Phase One include:

- **Review Process:** The proposed amendments establish two pathways of review: 1) administrative for those applications that choose to meet the clear and objective design criteria of the code; and 2) Landscape Review Committee for those applicants who want to proposed a new design approach that meets the intentions and purpose of the code.

Staff will be authorized to review and approve landscape plans (*Administrative Review Process*) that comply with established standards. For plans that cannot meet the base standards, applicants may seek review and approval through the Landscape Review Committee (*Discretionary Review Process*). These applicants must demonstrate that their projects meet or exceed typical standards while aligning with the goals of Chapter 17.57, the Comprehensive Plan, and the Great Neighborhood Principles.

- **Submittal Requirements:** New submittal requirements will clarify expectations for landscape plan submissions, streamlining the review process, reducing review times, and conserving staff resources. These requirements are proposed in Section 17.57.060.

The proposed amendments are anticipated to improve internal efficiencies in landscape plan reviews, enhance clarity for applicants, and support timely decision-making.

Background:

The proposed amendments build on earlier work by the Planning Commission, which began during its June 15, 2023 meeting. At that time, staff presented updates to Chapters 17.57 ("Landscaping") and 17.58 ("Trees") of the Zoning Ordinance. However, the Commission opted to postpone discussion to April 18, 2024.

On April 18, 2024, the Planning Commission decided to prioritize amendments to Chapter 17.58 Trees and defer changes to Chapter 17.57 Landscaping. This decision led to the successful amendment of Chapter 17.58 through Ordinance No. 5145.

Following this, staff revisited proposed updates to Chapter 17.57 on October 3, 2024, as recommended by the Landscape Review Committee. During this session, the Planning Commission requested that staff prepare a draft ordinance based on the proposed changes.

At the November 7, 2024 meeting, the Planning Commission reviewed the draft ordinance and recommended its approval.

The complete amendment was initially provided to City Council in the January 14, 2025 packet but was subsequently pulled from consideration for additional internal coordination on the review process and submittal requirements and the clear and objective design and development standards. After an internal coordinating meeting, it was decided to move forward with the process and submittal requirements proposed amendments and continue discussion on the proposed design and development standards. This is now being described as **Phase One** of Docket G 2-24 and **Phase Two** of Docket G 2-24.

The ordinance was included in a packet brought before the City Council on April 22, 2025. At the meeting, the City Council decided to postpone the item to a later date. The ordinance was included in a packet brought before the City Council on May 13, 2025 and considered for the first time. The vote on the first reading was not unanimous.

The ordinance included in this packet now represents **Phase One** of a two-phase plan to implement the Planning Commission's recommendations and update Chapter 17.57.

Discussion:

The draft amendments prepared by staff and recommended for adoption by the Planning Commission are outlined below.

Sections to be Amended:

- **17.57.050:** Plans – Submittal, Review, Approval, and Time for Completion
- **17.57.060:** Plans – Information to be Included

1. Resource-intensive review process causing delays

Currently all landscape plans are reviewed by the Landscape Review Committee. This process requires staff to develop a staff report and staff the committee meeting adding workload to staff and time to issue a decision. Per the MMC though, a landscape plan decision is a decision of the Planning Director and the Landscape Review Committee is advisory to the Planning Director.

Additional impacts include potentially increasing the review period of a project due to a seven-day “dead” period between packet issuance and decision, changes in committee can lead to different development requirements for projects, and potential for multiple meetings to incorporate the Landscape Review Committees’ required revisions.

To reduce staff workload and expedite the review process, the Planning Commission and staff recommend creating two distinct pathways:

- **Administrative Review Process** (Section 17.57.050(A)(1)): Staff will review and approve landscape plans that comply with established standards.
- **Discretionary Review Process** (Section 17.57.050(A)(2)): Applicants may request modifications to standards, provided they demonstrate alignment with the Chapter’s purpose, the Comprehensive Plan, and the Great Neighborhood Principles. The Landscape Review Committee will evaluate whether these proposals meet or exceed existing standards.

A review of Ashland, Bend, Corvallis, Grants Pass, McMinnville, Newberg, and Redmond found that McMinnville is the only community with a separate hearing process for Landscape applications. Bringing an item before the Landscape Review Committee adds staff time to the review process.

2. Absence of completeness review period

Currently the MMC does not allow for an application completeness review period. The code simply requires that the landscape plan application be reviewed by the Landscape Review Committee within thirty days of an application submittal. Oftentimes though, the application submittal is not complete and leads to the need for additional meetings with the Landscape Review Committee as more information is sought to make a decision. This leads to time delays and frustrations for the applicant.

All other similar type applications have a 30-day completeness review period whereby staff reviews the application to ensure that all of the appropriate information is provided to make a decision. If some information is missing, staff communicates that to the applicant.

In the proposed code amendments, the Administrative Review Process maintains the thirty day review timeline, but the Discretionary Review Process includes a 15 day completeness review to ensure a complete submittal prior to review by the Landscape Review Committee. This step prevents delays caused by incomplete submissions and ensures the Landscape Review Committee has all necessary information. Once an application is deemed complete, the Committee will have 30 days to make a decision, after which the application will be automatically considered approved.

3. Insufficient information on landscape plan submissions

Current landscape plan submissions frequently lack essential details (such as utility location, site conditions, planting materials, expected built conditions) for verifying compliance with standards, despite meeting existing submittal requirements. To resolve this issue, the Planning Commission and staff recommend revising Section 17.57.060 to offer more explicit guidance on submission expectations. These updates aim to streamline the review process, shorten review times, and optimize staff resource allocation.

Overall Impact: The proposed amendments aim to streamline the review process, enhance clarity for applicants, and optimize the use of staff and committee resources, ensuring more efficient and effective landscaping plan approvals.

Attachments:

- Attachment 1: Ordinance No. 5156
 - a. Exhibit A to Ordinance No. 5156, Proposed Code Amendments
 - b. Exhibit B to Ordinance No. 5156, Decision Document

Fiscal Impact:

The proposed changes are anticipated to have a positive fiscal impact, as streamlining the landscape plan review process has the potential to reduce the time required for staff to complete these reviews, ultimately leading to cost savings and improved efficiency. Per the 2023 Planning Fee Study this process improvement should save approximately \$15,000 in staff time. The proposed changes also should provide more surety to the applicant about objective review and timeliness.

City Council Options:

Per Section 17.72.130(B) of the McMinnville Municipal Code:

Legislative hearings: Within 45 days following the public hearing on a comprehensive plan text amendment or other legislative matter, unless a continuance is announced, the Planning Commission shall render a decision which shall recommend either that the amendment be approved, denied, or modified:

1. *Upon reaching a decision the Planning Commission shall transmit to the City Council a copy of the proposed amendment, the minutes of the public hearing, the decision of the Planning Commission, and any other materials deemed necessary for a decision by the City Council;*
2. *Upon receipt of the decision of the Planning Commission, the City Council shall:*
 - a. *Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or*
 - b. *Adopt an ordinance effecting the proposed change in an amended form, or*
 - c. *Refuse to adopt the amendment through a vote to deny, or*
 - d. *Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.120(D).*

1. **ADOPT ORDINANCE NO. 5156** approving the proposed amendments for Docket G 2-24, as presented in Exhibit A to the ordinance.
2. **ADOPT ORDINANCE NO. 5156** in an amended form, approving the proposed amendments for Docket G 2-24, **with revisions**.
3. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting.
4. **DO NOT ADOPT THE ORDINANCE** by denying the second reading and provide direction on how to move forward.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance 5156, which would approve Docket G 2-24, amendments to Chapters 17.57 "Landscaping" of the Zoning Ordinance.

"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS RECOMMENDED BY THE PLANNING COMMISSION AND SUBMITTED BY STAFF, I MOVE TO ADOPT ORDINANCE NO. 5156."

ORDINANCE NO. 5156

AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE MUNICIPAL CODE, CHAPTER 17.57 "LANDSCAPING" AND CHAPTER 17.58 "TREES," AND APPROVING THE DECISION, FINDINGS, AND CONCLUSIONARY FINDINGS FOR DOCKET G 2-24.

RECITALS:

WHEREAS, Docket G 2-24 is a legislative action amending provisions related to landscaping in Title 17 (Zoning) of the McMinnville Municipal Code.

WHEREAS, Docket G 2-24, a draft legislative proposal for amendments to standards for landscape plans, landscape standards, and street tree plans, was initiated on November 7, 2024 with notice of the proposed amendments and a October 2, 2024 Planning Commission public hearing submitted to DLCD.

WHEREAS, on November 1, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance.

WHEREAS, on November 7, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments as presented.

WHEREAS, notice of the January 14, 2025 City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued.

WHEREAS, notice of the April 22, 2025 City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued.

WHEREAS, notice of the May 13, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings, and the vote on the first reading was not unanimous.

WHEREAS, notice of the May 27, 2025 City Council meeting was posted on the City website in accordance with Oregon public meetings.

WHEREAS, the City Council received the Planning Commission recommendation and staff report, and deliberated.

WHEREAS, the City Council, being fully informed about said request, found that the requested amendments attached as Exhibit A conform to the applicable criteria, including the Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance, based on the material submitted by the Planning Division and the findings of fact and conclusionary findings for approval in Exhibit B.

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF
MCMINNVILLE ORDAINS AS FOLLOWS:**

1. The McMinnville Zoning Ordinance is amended as provided in Exhibit A;
and
2. The Council adopts the Decision, Findings, and Conclusionary Findings
for Docket G 2-24 attached as Exhibit B; and
3. This Ordinance will take effect 30 days after passage by the City
Council.

Passed by the McMinnville City Council this 27th day of May 2025 by the
following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Amendments to McMinnville Zoning Ordinance (17.57 of McMinnville Municipal
Code)
- B. Decision, Findings, and Conclusionary Findings for Docket G 2-24

**McMinnville Zoning Ordinance
Amendments to Provisions Relating to Landscape Plans, Landscape
Standards, and Street Tree Plans**

New text is in **bold, italic, underline text**. Deleted text is in ~~strikethrough text~~.

Chapter 17.57

LANDSCAPING

(as amended by Ordinance No. Ord. 5156)

Sections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 Zones where required.
- 17.57.040 Specific uses requiring landscaping
- 17.57.050 Plans—Submittal and review—Approval—Time limit for completion.
- 17.57.060 Plans—Information to be included.
- 17.57.070 Area determination—Planning factors.
- 17.57.080 Central business district.
- 17.57.090 Credit for work in public right-of-way.
- 17.57.100 Appeal—Planning Commission to act.

17.57.010 Purpose and intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- A. Provide guidelines and standards that will:
 - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
 - 2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
 - 3. Mitigate the loss of natural resources.
 - 4. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
 - 5. Create safe, attractively landscaped areas adjacent to public streets.
 - 6. Require the planting of street trees along the City's rights-of-way.

7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
8. Provide shade, and seasonal color.
9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. Support McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);
- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);
- F. M-L (Limited Light Industrial zone);

- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone). (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Specific uses requiring landscaping.

- A. Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- B. Utility substations, subject to the landscaping requirements of commercial uses.
- C. Mobile home park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development. (Ord. 5027 §2, 2017; Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.050 Plans - Submittal and Review – Approval – Completion Time

Limit.

- ~~A. At the time the applicant applies for a building permit, they shall submit, for the Landscape Review Committee, two copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, two copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.~~
 - ~~1. No building permit shall be issued until the landscaping plan has been approved.~~
 - ~~2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;~~

A. Review Process. Two review processes are available for landscape review: administrative and discretionary. An applicant may choose which process to use. The administrative process utilizes standards that do not require the use of discretionary decision-making. The discretionary process utilizes purpose and intent that are more subjective in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or the purpose and intent of this Chapter are being met.

1. Administrative Review Process. An application for Administrative Review shall comply with the standards of this Chapter.

a. Prior to or concurrent with a building permit application, the applicant shall submit a landscape plan application and applicable fees for review, with a landscape plan

- containing all of the information specified in Section 17.57.060;
- b. The Planning Director shall conduct a review within thirty (30) days of submission of the plans. A failure to review within thirty (30) days shall be considered as approval of the plan.
 - c. The landscape plan shall be approved if it is found to comply with the criteria in Section 17.57.040 and Section 17.57.070.
 - d. No building permit shall be issued until the landscape plan has been approved, unless exempted in writing by the Planning Director.
 - e. Minor changes in the landscape plan shall be allowed, such as like-for-like replacement of plants, as long as they do not alter the character and aesthetics of the original plan, as determined by the Planning Director, and those changes do not bring the landscape plan into non-compliance with the standards of this chapter.
2. Discretionary Review Process. The applicant may opt for the discretionary review procedure in accordance with the provisions of this subsection.
- a. Prior to or concurrent with a building permit application, the applicant shall submit a completed Discretionary Review Landscape application, applicable fees, and the following information:
 - 1) A landscape plan application with a landscape plan containing all of the information specified in 17.57.060, and the following additional information:
 - a. Identifies those areas that do not fully comply with the standards in this Chapter;
 - b. Identifies the design features or overall design concept proposed to accomplish Section 17.57.010;
 - 2) A written narrative that:
 - a. Identifies which standards in this Chapter the proposal does not fully comply with;
 - b. Identifies the design features or overall design concept proposed to accomplish Section 17.57.010;
 - c. Identifies how the plans meet the purpose, intent and requirements of this chapter.
 - b. Upon receipt of a complete application, the Planning Director shall review the application for completeness within fifteen (15) days of the date that the application is submitted. If, upon review, the application is found to be incomplete, the applicant shall be advised in writing of the information needed to complete the application within fifteen (30) days of the date of application submittal. The

application shall be deemed complete upon receipt of all the missing information or upon written notice from the applicant that some or all the missing information will not be provided. Throughout all land use proceedings, the burden of proof shall rest on the applicant.

- c. Landscaping review shall occur by the Landscape Review Committee within thirty (30) days from the date the application is deemed complete. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action to be taken on the plans. A failure to review within thirty (30) days shall be considered as approval of the plan;
- d. Only those standards identified within this Chapter are subject to discretionary review; standards related to landscaping outside of this Chapter may only be reduced in limited circumstances as permitted by variance or as otherwise specified;
- e. The landscape plan shall be approved if it is found to be compatible with Section 17.57.010, applicable goals and policies of the McMinnville Comprehensive Plan, McMinnville Great Neighborhood principles, and all other applicable implementing ordinances.
- f. No building permit shall be issued until the landscape plan has been approved, unless exempted in writing by the Planning Director.
- g. The Applicant may request a modification of a previously approved landscape plan by filing a petition to the Planning Director. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. If one or more of the modifications proposed will bring the plan into further non-compliance with standards or adjust an identified design feature or overall design concept proposed to accomplish Section 17.57.050(2)(d), the plan shall be resubmitted, with fee, to the Landscape Review Committee for review subject to the review process of 17.57.050(A)(2). Issuance of building permits will be postponed until the revised plan(s) has been processed in accordance with this section. The petition shall include:

- 1) A written narrative identifying the proposed alterations to the previously approved plans.

~~B. Landscaping review shall occur within 30 (thirty) days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall~~

~~not be necessary for action to be taken on the plans. A failure to review within 30 (thirty) days shall be considered as approval of the plan;~~

- ~~C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;~~

B. The applicant is responsible for ensuring approved landscape plans comply with Building and Civil Plans; additional fees may be assessed for repeated review.

- C. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director is filed with the City assuring such installation within a time specified by the Planning Director , but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, inspection, and approval, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the final inspection and/or approval to be postponed until the project is completed or cause the security to be used by the City;
- D. All completed landscape projects shall be inspected by the Planning Director . Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as determined by the Planning Director or their designee, as long as they do not alter the character, intent, and aesthetics of the original plan. (Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Plans - Information to be Included in the Application. The following information shall be included in the landscape plans review application submitted under Section 17.57.050:

- ~~A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to~~

remain or to be removed from the site. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;

- A. Existing locations of trees with a trunk five (5) inches or more in diameter 4.5 feet above ground level at the base of the trunk or if a tree splits into multiple trunks below 4.5 feet measured at its most narrow point beneath the split, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. Method of protection of trees and shrubs to remain indicated. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;
- B. The location, ~~in which new plantings will be made~~ size, and the variety (common or ~~and~~ botanical name), and size of all new trees, shrubs, groundcover and lawns at maturity;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, structures, potted trees, raised planters, or other open spaces with construction details, location, setbacks, and any additional information necessary so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed or to be used, in sufficient detail to demonstrate compliance with Section 17.57.070(5);
- G. If the discretionary review process is requested, submit those additional items identified in Section 17.57.050(A)(2)(a), including the required information on the landscape plan and the written narrative;
- H. All of the following information ~~on the plot plan for the building permit~~ must be included in the landscape plan:
 - 1. North arrow.
 - 2. Drawn to scale (standard architectural or engineering).
 - 3. Lot and building setback dimensions.
 - 4. Clear vision areas as identified in Section 17.54.080.
 - 5. Property corner elevations (if there is more than a 4-foot elevation differential, site plan must show contour lines at 2-foot intervals).
 - 6. Location of easements and driveway (existing and proposed).
 - 7. Footprint of new structure (including decks).
 - 8. Location of existing wells and septic systems.

9. Existing and proposed utility locations, including sanitary sewer, storm sewer, water lines, utility poles, powerlines, fire hydrants, streetlights, natural gas, utility meters, etc.
10. Lot area, building coverage area, percentage of coverage and impervious area.
11. Surface drainage.
12. Location and extent of fill on the lot.
13. Existing and platted street names and other public ways.
- I. Planting schedule to include quantity, size, and variety (common and botanical) of all plant materials.
- J. If tree protection is required per Section 17.58.075, provide a Tree Protection Plan
- K. For any addition or expansion of an existing structure or parking lot that results in additional lot coverage and in addition to other requirements set forth in this subsection, square footage of existing lot coverage, (building area, not including basement or upper floors, and parking or loading areas) and the square footage of the additional lot coverage.
- L. If the discretionary review process is requested, submit those additional items identified in Section 17.57.050(A)(2)(a), including the required information on the landscape plan and the written narrative; (Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Area Determination - Planning Factors.

- A. Landscaping shall be accomplished within the following ranges:
 1. Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 3. Multiple-dwelling, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 4. A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.

5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition; however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.

$$\text{a. } \frac{\text{ALC (additional lot coverage)}}{\text{ELC (Existing Lot Coverage)}} \times \% \text{ of landscaping required} \times \text{Total lot area}$$

- b. Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;

~~B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions~~ **Landscape plans shall meet the following standards, unless the Discretionary Review Process of Section 17.57.050 (B)(2) is requested by the Applicant:**

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

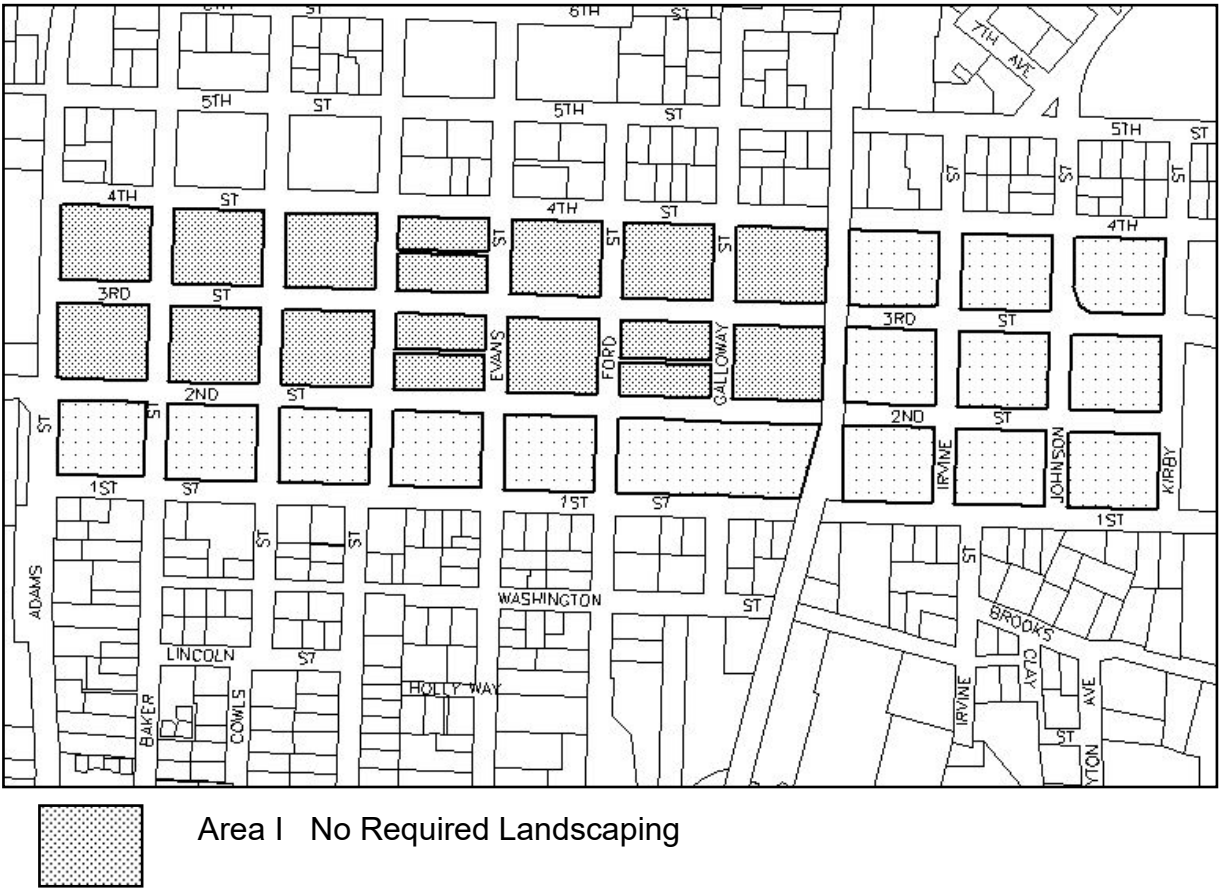
~~C. All landscaping approved through the Landscape Review Committee~~ **by the landscape plan shall be continually maintained, including**

necessary watering, weeding, pruning, mowing, and replacement. ~~Minor changes in the landscape plan, such as like for like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.~~ (Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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

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

REDUCED LANDSCAPING REQUIREMENTS





Area II - One-Half Required Landscaping

17.57.090 Credit for Work in Public Right-of-Way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.100 Appeal—Planning Commission to act when.

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within 15 (fifteen) days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;
- C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).



City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
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DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE ZONING ORDINANCE, DOCKET G 2-24, RELATING TO LANDSCAPE REVIEW PROCESS AND LANDSCAPE PLAN SUBMISSION REQUIREMENTS CHAPTERS 17.57

DOCKET: G 2-24

REQUEST: Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscape review process and landscape plan submission requirements.

LOCATION: N/A. The proposal is a legislative text amendment.

ZONING: N/A. The proposal is a legislative text amendment.

APPLICANT: City of McMinnville

STAFF: Taylor Graybehl, Senior Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: November 7, 2024, 6:30pm. Hybrid In-Person and Zoom Online Meeting:

In Person: Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville

Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REY3RVSzFHeFdmK2pZUmJNdkdSZz09>

Zoom Meeting ID: 893 6863 4307

Zoom Passcode: 989853

Or you can call in and listen via Zoom: 1-253-215-8782
ID: 893 6863 4307

I. APPLICATION SUMMARY

This application is a legislative proposal for amendments to the McMinnville Zoning Ordinance, adopting amended standards for the landscape review process and landscape plan submission requirements in Chapter 17.57.

II. ATTACHMENTS

- Attachment 1. Amendments (on file with Planning Division; see also Exhibit A to Ordinance 5156)

III. FINDINGS OF FACT – GENERAL FINDINGS

Docket G 2-24 is a legislative package of City-initiated proposed McMinnville Comprehensive Plan and McMinnville Municipal Code amendments related to Chapter 17.57 Landscaping. The proposal is intended to implement the adopted revised standards for the landscape review process and landscape plan submission requirements.

The City Council finds that based on the findings of fact and the conclusory findings contained in this findings report, the proposed amendments to Chapters 17.57 of the McMinnville Zoning Ordinance are consistent with all applicable state and local regulations.

This findings document provides conclusory findings regarding consistency with applicable provisions of state and local law. Supporting these is a factual basis upon which the conclusory findings rest.

IV. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. On September 11, 2024, city staff hosted a work session with the Landscape Review Committee to discuss amendments to regulations related to landscape plans, landscape standards, and street tree plans. At the time, the Landscape Review Committee recommended bringing the item before the Planning Commission.
2. On October 2, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was provided to DLCD.
3. On October 3, 2024, city staff hosted a work session with the Planning Commission to discuss options for landscaping and tree amendments to the McMinnville City Code. The options presented largely reflect the amendments as recommended by the Landscape Review Committee. At that time, the Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to modify regulatory standards for landscape plans, landscape standards, and street tree plans.

4. On November 1, 2024, notice of the application and the November 7, 2024 Planning Commission public hearing was published in the News-Register in accordance with Section 17.72.120 of the Zoning Ordinance.
5. On November 7, 2024, the Planning Commission held a duly noticed public hearing to consider the request.
6. Notice of the January 14, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued.
7. Notice of the April 22, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued.
8. The City Council held a meeting on May 13, 2025, and considered the Planning Commission's recommendation, reading Ordinance No. 5156 for the first time. The vote on the first reading was not unanimous.
9. The City Council held a meeting on May 27, 2025, and considered the recommendation of the Planning Commission, reading Ordinance No. 5156 for the second time, and voted to approve the proposed amendment.

V. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

Zoning Ordinance

The Purpose Statement of the Zoning Ordinance serves as a criterion for Zoning Ordinance amendments:

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

FINDING: SATISFIED. The proposed amendments amend standards for landscape plans, landscape standards, and street tree plans. The Planning Commission evaluated the recommendations of the Landscape Review Committee, and a variety of issues related to increased efficiencies and the identified purpose of landscaping within the Zoning Ordinance. The proposal strikes a balance between

the purpose and intent of Chapter 17.57 and the efficiencies required for staff time.

Comprehensive Plan

As described in the Comprehensive Plan, the Goals and Policies of the Comprehensive Plan serve as criteria for land use decisions. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

GOAL X 1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

FINDING: SATISFIED. The proposal is consistent with this applicable Goal of Chapter X of the Comprehensive Plan.

The Planning Commission held a work session on October 3, 2024 to evaluate a draft zoning ordinance amendment and consider best practices, including those of other communities.

At the work session, the Planning Commission agreed to initiate the public hearing process for public consideration of the draft proposal presented.

The Commission determined that the proposed amendments best-balanced Chapter 17.57's purpose and intent, staff time efficiencies, and the State of Oregon's requirement for clear and objective standards for middle housing.

Notice of the proposal and public hearing was provided to DLCD and published in the newspaper.

The public hearing process provides further opportunity for consideration of citizen involvement and input and associated deliberation.

STAFF MEMO

DATE: April 22, 2025
TO: City Council
FROM: Jeff Towery, City Manager and Noelle Amaya, Communication & Engagement Manager | Staff to the Diversity, Equity, and Inclusion Advisory Committee
SUBJECT: Diversity, Equity, and Inclusion Advisory Committee 2024 Annual Report & Name Change Discussion

City of McMinnville STRATEGIC PRIORITY & GOALS:



ENGAGEMENT & INCLUSION

Create a culture of acceptance and mutual respect that acknowledges differences and strives for equity

STRATEGIC OBJECTIVE/S:

1. Actively protect people from discrimination and harassment
2. Celebrate diversity of McMinnville
3. Cultivate cultural competency and fluency throughout the community
4. Grow City's employees and Boards and Commissions to reflect our community
5. Improve access by identifying and removing barriers to participation

Report in Brief:

This report serves as the Diversity, Equity, and Inclusion Advisory Committee's 2024 Annual Report and 2025 Goals Document.

It also introduces the reasoning behind the request for proposed amended Ordinance-5160 for title and purpose of the DEIAC as it pertains to 'accessibility.'

Background:

The DEIAC was established by Ordinance 5097 in October 2020.

The DEIAC's purpose, as drawn from McMinnville Municipal Code section 2.35.010, is to:

To create a culture of acceptance and mutual respect that acknowledges differences and strives for equity by:

- A. Advising the Council on policy decisions related to diversity, equity, and inclusion;
- B. Making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process;

- C.** Advising the City on culturally responsive service delivery, programming, and communication strategies;
- D.** Updating and overseeing progress on the City's Diversity, Equity and Inclusion Plan;
- E.** Overseeing progress on applicable goals and objectives in the 2019 Mac-Town 2032 Strategic Plan; and
- F.** Identifying local leaders and building leadership capacity in McMinnville's communities of color.

2024 Annual Goals and Results

In 2024, the DEIAC worked with staff to establish an annual goal-setting process. This process included a review of their roles and responsibilities, a summarization of their past efforts to date, a discussion on the role of an advisory body, and education on the city government process.

In January 2024, the committee held an intensive strategic planning workshop and set goals to enhance process, visibility, and elevate the work from the strategic plan (MacTown 2032).

The following goals were approved by the committee on January 11, 2024.

Goal 1: Organization Assessment of Diversity, Equity, and Inclusion Initiative

Purpose: To identify, recommend, and prioritize key actions the DEIAC may use to propose a work plan and budget to the McMinnville City Council. The committee was the Initiative Advisory Committee.

Result: The completed Organizational Assessment Report and recommendations were presented to the City Council on December 10, 2024. The committee expects to establish 2025 and beyond annual goals grounded in the Organizational Assessment report recommendations and Organizational Transformation Plan.

Goal 2: Proclamation Review Process

Purpose: To identify an effective and timely proclamation review process. The committee has been responsible for reviewing new proclamation language but lacked an overall understanding of the process and how they could be more engaged.

Result: The committee successfully completed this goal by recommending and documenting a transparent process including an annual review to identify process improvements.

Goal 3: Committee Operations

Purpose: Formalize committee process.

Result: The committee reviewed their roles and responsibilities, the current process for recruiting and onboarding new members, and functions of the committee including public meeting law requirements, and discussed one-time and annual training requirements.

The committee created process documentation for both recruitment and onboarding. Their recruitment process ultimately informed the recent City-wide committee recruitment policy: [UNIFIED BOARD AND COMMITTEE APPOINTMENT POLICY](#) which was presented and adopted by Council at the December 10, 2024 meeting.

DEIAC in Project and Initiative Advisory Roles

The committee also functioned in the role of Project/Initiative Advisory Committees in both 2023 and 2024.

PROS Plan (June 2023 – June 2024) | Project Advisory Committee

Purpose: To support the long-term planning of an inclusive and interconnected park system. Working together with staff and consultants, the DEIAC sought to ensure that diverse voices were represented throughout the planning effort with a focus on fostering community cohesion, celebrating culture, and enhancing a high quality of life in a safe and welcoming environment for all.

Result:

- The DEIAC recommended the PROS Plan to Council for adoption on DATE
- The PROS Plan was adopted by Council Resolution 2024-38 on June 25, 2024

Organizational Assessment Initiative (December 2023 – October 2024) | Initiative Advisory Committee

Purpose: The assessment intended to identify, recommend, and prioritize key actions the DEIAC may use to propose a work plan and budget to the McMinnville City Council and to align the City's DEI strategy with community needs.

Result: The committee dedicated one hour per month during their regularly scheduled meeting times through the 2024 calendar year to work directly with the consultant throughout this initiative. The committee recognizes the recommendations presented in the Organizational Assessment Final Report and used this work to inform their 2025 January goal setting workshop and goals.

2025 Annual Goals

Moving into 2025, the committee desires to prioritize the work coming out of the Organizational Assessment in addition to a continued focus on enhancing language access and translation for all McMinnville residents. The committee has also expressed the desire to bring visibility to underrepresented groups and focus on strengthening local partnerships and the City's participation in local cultural celebrations.

2025 DEIAC Goals:

Goal 1: OTP Strategic Pillar One | Strengthen DEI Strategic Drivers

Goal 2: Support the Community through Enhanced Translations

Goal 3: Visibility through Cultural Celebrations & Events

The 2025 Goals document is an attachment to this memo and was approved by the committee at the February 13, 2025, meeting.

Name Change Discussion - Proposed Ordinance Amendment

In addition to the physical report and recommendations from the Organizational Assessment for Diversity, Equity, and Inclusion, the committee spent approximately 15 hours exploring the purpose, perceived effectiveness, and prior work and impact the committee has had to date.

The committee drew from experiences as the Project Advisory Committee to the PROS Plan and their role in other high-touch community engagement projects. Through these projects, the committee learned that improvements to “accessibility” are a high need for many McMinnville residents, as 19.3% of McMinnville residents currently identify as living with a disability.

Accessibility reaches *beyond* the focus of diversity, equity, and inclusion as it considers the *physical or tangible* way a person may interact with a city service or environment. Considering ‘access’ will ultimately help residents fully participate in their City government’s decision-making process, and promote actions that increase usability or user-friendly thinking. Accessibility, as applied to community engagement and the committee’s work, enhances our ability to provide services to a wider range of McMinnville residents and upholds our values of stewardship, courage, equity, and accountability.

As the committee is tasked with *‘making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process,’* adding accessibility to the scope and purpose of the committee was considered and voted on, passing unanimously by the committee at their March 13, 2025 meeting.

Staff Recommendation:

Approve an ordinance amending portions of McMinnville Municipal Code Chapter 2.35, adding “accessibility” to the name and purpose of the Diversity, Equity and Inclusion Advisory Committee.

Supporting Documentation:

- DEIAC 2024 Goals FINAL

- DEIAC 2025 Goals FINAL
- Ordinance No. 5160

2024 Diversity, Equity, and Inclusion Advisory Committee Goals



ENGAGEMENT & INCLUSION

Create a culture of acceptance and mutual respect that acknowledges differences and strives for equity

COMMITTEE ROLES AND RESPONSIBILITIES (*McMinnville Municipal Code Section 2.35.020*)

- Advising the Council on policy decisions related to diversity, equity, and inclusion
- Making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process
- Advising the City on culturally responsive service delivery, programming, and communication strategies
- Updating and overseeing progress on the City's Diversity, Equity, and Inclusion Plan
- Overseeing progress on applicable goals and objectives in the 2019 MacTown 2032 Strategic Plan; and
- Identifying local leaders and building leadership capacity in McMinnville's communities of color.

STRATEGIC OBJECTIVE/S:

1. Actively protect people from discrimination and harassment
 2. Celebrate diversity of McMinnville
 3. Cultivate cultural competency and fluency throughout the community
 4. Grow City's employees and Boards and Commissions to reflect our community
 5. Improve access by identifying and removing barriers to participation
-

ADOPTED 1.11.2024

Goal	Key Tasks / Milestones	Purpose	Short-term (1 year)	Owners & Key Partnerships
1. Complete the Organizational Assessment of Diversity, Equity, and Inclusion	<p>1.1 Consultant and committee to discuss project scope, timeline, and meeting schedule.</p> <p>1.2 Establish project management team (PMT) roles and responsibilities.</p> <p>1.3 Establish subcommittee roles and responsibilities (if applicable)</p> <p>1.4 Participate in City Council work session to kick-off the project.</p> <p>1.5 Review draft work, report, and recommendations.</p> <p>1.6 Final Report to Council</p> <p>1.7 Seek Council's adoption of the plan and recommendations.</p>	To identify, recommend, and prioritize key actions the DEIAC may use to propose a work plan and budget to the McMinnville City Council. (f)	February – September 2024	<p>DEIAC</p> <p>Project Management Team (PMT)</p> <p>Consultant / Talitha</p> <p>City Council</p>

ADOPTED 1.11.2024

	1.8 Develop recommendations that pertain to the committee's 2025 goals and "work" plan.			
2. Proclamation Review Process	<p>2.1 Review current proclamation process.</p> <p>2.2 Develop draft process with City Recorder</p> <p>2.3 Adopt process.</p>	To identify an effective, timely proclamation review process.	To be completed by December 2024	<p>DEIAC</p> <p>City Recorder</p> <p>City Attorney</p>
3. Committee Operations	<p>3.1 Review existing procedures both formal and informal for onboarding new members, co-chair election process, roles, responsibilities, and annual report actions.</p> <p>3.2 Establish formal structure for report including progress update on applicable goals and objectives in the MacTown 2032 Strategic Plan.</p> <p>3.3 Draft formal documentation for recruitment and onboarding.</p>	Formalize committee process.	To be completed by December 2024	<p>DEIAC</p> <p>City Recorder</p> <p>City Attorney (Public Meeting Laws)</p>

ADOPTED 1.11.2024

	<p>3.4 Review annual training opportunities to keep current on public meetings laws.</p> <p>3.5 Draft recommendations for public meeting laws training.</p> <p>3.6 Adopt training recommendations.</p>			
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Yearly Schedule

January	<p>Approve goals for year</p> <p>Elect Co-Chairs</p> <p>Onboard new committee members</p>
February	Public Records Law Training / Review
June	Mid-year progress check
August	Annual Report preparation
September	Annual Report to City Council
October	Post/Recruitment for end-of-year Committee vacancies
November	Conduct Interviews
December	Goal review / prep for January goal setting

ADOPTED 1.11.2024

DIVERSITY, EQUITY, AND INCLUSION ADVISORY COMMITTEE

2025 GOALS DOCUMENT



ENGAGEMENT & INCLUSION

Create a culture of acceptance and mutual respect that acknowledges differences and strives for equity

COMMITTEE ROLES AND RESPONSIBILITIES (*McMinnville Municipal Code Section 2.35.020*)

- Advising the Council on policy decisions related to diversity, equity, and inclusion
- Making recommendations to the Council on public engagement strategies and methods by which McMinnville residents can better participate in the decision-making process
- Advising the City on culturally responsive service delivery, programming, and communication strategies
- Updating and overseeing progress on the City's Diversity, Equity, and Inclusion Plan
- Overseeing progress on applicable goals and objectives in the 2019 MacTown 2032 Strategic Plan; and
- Identifying local leaders and building leadership capacity in McMinnville's communities of color.

MACTOWN 2032 ENGAGEMENT & INCLUSION STRATEGIC OBJECTIVE/S:

1. Actively protect people from discrimination and harassment
2. Celebrate the diversity of McMinnville
3. Cultivate cultural competency and fluency throughout the community
4. Grow City's employees and Boards and Commissions to reflect our community
5. Improve access by identifying and removing barriers to participation

2025 GOALS

1. OTP STRATEGIC PILLAR ONE | STRENGTHEN DEI STRATEGIC DRIVERS

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Objectives & Tasks	Timeline & Important Dates
<p><i>Create a unified set of definitions for DEIA to ensure the City and its residents have shared meanings/language.</i></p> <ul style="list-style-type: none"> 1.1 Review name change options, make recommendation for committee name change 1.2 Recommend format to demonstrate McMinnville's primary equity principles 1.3 Recommend communication and visibility planning <p><i>Introduce the use of the Equity Lens Toolkit (Equity Lens) starting with executive leadership.</i></p> <ul style="list-style-type: none"> 1.4 Review/recommend process for how and when the DEIAC is consulted (RACI chart) <p><i>Recommend the Council to review and approve the Public Engagement Charter.</i></p> <ul style="list-style-type: none"> 1.5 Review/make recommendations on updated Draft <p><i>Provide in-person training opportunities to employees, which reinforce City values.</i></p> <ul style="list-style-type: none"> 1.6 Review available training options for City employees and recommend high-priority training 1.7 Review and advise on the creation of a digital DEIAC literature and resource library / cultural calendar 	<p>Q1</p> <p>RM: March 13, 2025</p> <p>Q2-Q3</p> <p>Q2-Q3</p> <p>Q4</p>

Adopted 02.13.25

2. SUPPORT COMMUNITY THROUGH ENHANCED TRANSLATION

2.1 Review inventory of signs in public parks	RM: April 10, 2025
2.2 Recommend selected signs for translation or further ADA design	
2.3 Review the inventory of Library signs	
2.4 Recommend selected Library signs for translation services	

3. VISIBILITY THROUGH CULTURAL CELEBRATIONS & EVENTS

3.1 Participate in the City's Community Fair	RM: March 13, 2025
3.2 Participate in Juneteenth	RM: April 10, 2025
3.3 Participate in Dia de los Muertos	
3.4 Support Spanish language learning classes or services	

Yearly Schedule

January	Approve/Review goals for year Elect Co-Chairs Onboard new committee members
February	Public Meetings Training & Review RM: 2.13.25
March	Annual Report Preparation
October	Post recruitment for end-of-year Committee vacancies
November	Conduct Interviews
December	Goal review and preparation for January's goal-setting

Adopted 02.13.25

ORDINANCE NO. 5160

AN ORDINANCE AMENDING PORTIONS OF MCMINNVILLE MUNICIPAL CODE CHAPTER 2.35, ADDING "ACCESSIBILITY" TO THE NAME AND PURPOSE OF THE DIVERSITY, EQUITY AND INCLUSION ADVISORY COMMITTEE

RECITALS:

WHEREAS, the City of McMinnville adopted the Mac-Town2032 Strategic Plan in 2019, which included an Engagement & Inclusion goal to "create a culture of acceptance and mutual respect that acknowledges differences and strives for equity;" and

WHEREAS, based on that goal, in 2020 the City established its "Diversity Equity and Inclusion Advisory Committee to "advise the City on culturally responsive service delivery, programming, and communication strategies, amongst others, and

WHEREAS, during the period of that Committee's existence, it has become apparent that 19.3% of McMinnville's population identifies as living with a disability, emphasizing the need to address and consider advisement on policy related to accessibility among and alongside the Committee's standing goals: and

WHEREAS, the Committee now requests that the Council amend the name and purpose of the Committee to include "accessibility."

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. All references to the "Diversity, Equity, and Inclusion Committee" in Chapter 2.35 of the McMinnville Municipal Code should be amended to the "Diversity, Equity, Inclusion, and Accessibility Committee," including in the title of the Chapter, and Sections 2.35.030(A), (B), (C), & (D); 2.35.040(A) & (B); 2.35.050(A); and 2.35.070(A).
2. Amend portions of Chapter 2.35 as follows (underlined language is new, strikethrough language is to be repealed)

2.35.010(A): Advising the council on policy decisions related to diversity, equity, ~~and inclusion,~~ and accessibility;

2.35.010(D): Updating and overseeing progress on the city's diversity, equity, ~~and inclusion,~~ and accessibility plan;

2.35.020(A): Serve as an advisory body to the council for matters concerning city diversity, equity, and inclusion policies and general city policies through a diversity, equity, ~~and inclusion,~~ and accessibility lens.

2.35.020(C): Supervise the implementation of the goals and objectives in the 2019 Mac-Town 2032 Strategic Plan related to diversity, equity, ~~and inclusion,~~ and accessibility and advise the council on

implementation of other goals and objectives in the 2019 Mac-Town 2032 Strategic Plan through a diversity, equity, ~~and inclusion~~, and accessibility lens.

3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 27th day of May, 2025 by the following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder