



**Special Called City Council Meeting Agenda
Wednesday, December 17, 2025**

7:00 p.m.– (Immediately following Joint City Council & Planning Commission Work Session Meeting)

REVISED 12/16/2025

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 three ways:

- Email at any time up to **noon on Monday, December 15th** to CityRecorderTeam@mcminnvilleoregon.gov
- If appearing via telephone only please sign up prior by **noon on Monday, December 15th** by emailing the City Recorder at CityRecorderTeam@mcminnvilleoregon.gov as the chat function is not available when calling in Zoom;
- Join the Zoom meeting use the raise hand feature in Zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **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

*Download the "Cablecast" app on iOS, Android, Roku, Apple TV or
Amazon Firestick and watch McMinnville City Council on all your devices*

SPECIAL CALLED CITY COUNCIL MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/84118561814?pwd=cyl9ZxRjBm8Urz9xUHjaGSp4hv8vI.1>

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

Webinar ID: 841 1856 1814

7:00 PM – SPECIAL CALLED 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 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 the names of comments emailed to City Recorded and then any community member participating via Zoom.

4. ADVICE/ INFORMATION ITEMS

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

5. CONSENT AGENDA

- a. Consider **Resolution No. 2025-68:** A Resolution appointing an At-Large position to the Economic Vitality Leadership Council. **(Added on 12.16.2025)**

6. RESOLUTIONS

- a. Consider **Resolution No. 2025-69**: A Resolution authorizing the City Manager to enter into a Settlement Agreement with YCAP with regard to the AnyDoor Place Navigation Center. **(Added on 12.16.2025)**

7. ORDINANCES

- a. Consider the second reading of **Ordinance No. 5165**: 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.

8. ADJOURNMENT OF SPECIAL CALLED MEETING

From: [Sandra Atwood](#)
To: [City Recorder Team](#)
Subject: Re: Meeting packet submission
Date: Tuesday, December 9, 2025 7:39:09 PM
Attachments: [image001.png](#)
[image001.png](#)

This message originated outside of the City of McMinnville.

Hello again Recorder Team and City Council,

I got to the meeting too late to speak my public comment, and it appears that there won't be another opportunity in the near future, so here it is in writing instead.

Good evening, My name is Sandra Atwood and I'm a lifelong community member. I felt it necessary to come here and speak tonight after hearing Mr. Ligtenberg's department briefing during the last session, where he talked about my dog case.

I have submitted a packet of evidence for you all and the public to review, to contextualize the situation and offer proof of the facts of the case, number one being that my two dogs, Chaote and Darko, were never sent to a wolfdog sanctuary like I bargained for. The city never contacted a single sanctuary to place them in. They never stepped foot in a sanctuary or left the State. I was contacted by an individual in June who works on placing displaced wolfdogs in forever homes, and began assisting and supporting separate, private placement for them. They are now placed with families, one with children, the other with a dog and cat, and while I consider it a success overall, this was not the sentencing term I bargained for in my case.

This was one of many, MANY, legal errors I attempted to correct through the municipal court. I was ignored, or my motions denied, until finally my two remaining dogs in custody were sentenced to be euthanized. The McMinnville Municipal Court would rather kill two innocent dogs than correct their own legal errors? My four dogs were seized with the first ever administrative warrant of it's kind, a search and seizure warrant was used to seize evidence of code violations? Then my dogs were hidden from me on a farm with no kennel licensing. During sentencing, the judge didn't sentence me according to my plea agreement, in which case he is statutorily required to allow me the opportunity to withdraw my guilty pleas. Then, of course, my dogs didn't end up where they were supposed to be.

Finally, statute ORS 609.090(6) was used to indirectly transfer ownership of my dogs Pearl and Totem to a third party. This statute requires the expiration of an allotted time period, and of course there was not one in my case. I also heard Mr. Ligtenberg mention the statute granting authority to a governing body....which it does....a COUNTY governing body, or dog control board, which McMinnville does not have. The McMinnville city court has no right or authority to activate ORS 609.090(6), but the judge did it anyway. Search and seizure warrants are not to seize evidence of violations, only crimes, but the judge granted it anyway. A farm is not an impound facility, and the place where my dogs were taken to didn't even have a kennel license, but the police took them there anyway. The police aren't allowed to hide impounded dogs from their owner, but they refused to tell me their location anyway. This sounds like knowing and intentional lawbreaking to me.

If the city attorney can make inaccurate statements about a resident's property, or a defendant's case in a public forum, what safeguards are in place to keep this from happening to others?

If the police can take non vicious dogs and hide them in an illegal kennel, if when you bargain for a remedy you don't get sentenced properly, if the city fails to perform on an agreement, and if the judge refuses to provide equitable relief, what safeguards are in place to keep this from happening to others?

Sadly it is happening to others, so what are you going to do about it?

Thank you.

-Sandra Atwood

On Mon, Dec 8, 2025, 3:46 PM City Recorder Team
<CityRecorderTeam@mcminnvilleoregon.gov> wrote:

Good Afternoon Sandra,

Thank you for reaching out. Your public comment has been received, this will be forwarded to the City Council, your comment will be entered into the record at the 12.09 meeting and made part of the record in the amended packet that will be posted on 12.10.

Thank you!

Claudia



**City of
McMinnville**
Claudia Cisneros, CMC
City Recorder/City Elections Officer
503-435-5702 (desk)
230 NE Second Street
McMinnville, OR 97128

Monday – Thursday 7:00 a.m. – 5:30 p.m.

Website: <http://www.mcminnvilleoregon.gov> | [Recorder Page](#) |

PUBLIC RECORDS LAW DISCLOSURE: Messages to and from this e-mail address are public records of the City of McMinnville and may be subject to public disclosure. This e-mail is subject to the State Retention Schedule.

From: Sandra Atwood [REDACTED]
Sent: Monday, December 8, 2025 12:00 PM
To: Claudia Cisneros <claudia.cisneros@mcminnvilleoregon.gov>; City Recorder Team
<CityRecorderTeam@mcminnvilleoregon.gov>
Subject: Meeting packet submission

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This message originated outside of the City of McMinnville.

Hello Council, Adam, and Mayor Morris,

After hearing and seeing Mr. Ligtenberg's recent department briefing to you where he described my dog case, his mischaracterizations and factual inaccuracies in his description inspired me to provide some proof and evidence of what is REALLY going on in the court and with the city's judicial department, which I will contextualize more in person tomorrow.

Thank you,

Sandra Atwood
[REDACTED]

Hello, my name is Eva. My husband and I moved to McMinnville in 2016, a year later we welcomed our first child. Since then, we have immersed ourselves and family into this community. I co-founded a non-profit serving the families of our community and have dedicated countless hours volunteering within our city.

I am here today to express my concern and downright disappointment over the lack of action this council has taken regarding the events of absolute terror our community experienced Friday, November 21, 2025.

Mayor, your bio on the city's website states:

"I'm not one to sit back and watch—I believe in taking action. As your Mayor, I will work hard to stay informed, communicate openly, and listen to your concerns. I am here to serve the citizens of McMinnville."

- Where was your action on November 21st as ICE was terrorizing our community, shamefully, high school students?
- Where have your ears been as the community has cried out with our fear, the lack of safety we feel?
- Where was your open communication on the public statement released 5 days later from the interim city manager & chief of police?
- How are you serving the citizens of McMinnville when masked people are illegally detaining members of our community – without warrants AND racially profiling?

Ma'am, if you refuse to not stand by your word, and continue to ignore those most vulnerable in the community you were elected to serve, you should step aside for someone who will.

Dan Tucholsky,

I am absolutely appalled by your actions during the walk-out Mac high students had on Monday, November 24th. What exactly was your intention recording high school students during their right to protest? I'm curious, do you still have those videos of underage kids protesting on your phone?

Cord Wood,

Why were your officers not dispatched for the multiple calls that were made Friday, November 21st relating to masked people terrorizing the community you swore to preserve the peace and protect the lives of? We should be able to trust you and your department, instead, we're relying on a group of volunteers and a local nonprofit to keep our community safe.

I will end with this: I only voted for 2 of you sitting up there. To those I didn't vote for, your behavior is gross but not surprising. For those of you who I did vote for, I'm extremely disappointed in your lack of action and support.

From: [Ames Bierly](#)
To: [Claudia Cisneros](#)
Cc: [Mayor Kim Morris](#)
Subject: Public comment for the record
Date: Tuesday, December 9, 2025 8:25:33 PM

This message originated outside of the City of McMinnville.

Hello, I wanted to submit my public comment into the record.

I am Ames Bierly, McMinnville resident for 39 years. I'm here to speak in support of our Latino and immigrant community members. Like many here tonight, I encourage the city to both speak out in unequivocal support of its residents in the face of increased ICE activity in the city and county, and to use whatever resources are available to support those impacted.

As a business owner speaking out against ICE agents terrorizing our community, I've gotten a few comments on our social media posts that I wanted to share tonight. (If I was speaking in the meeting I would have censored the profanity in these comments)

"Get them all out we won you <https://url.us.m.mimecastprotect.com/s/9yuQCv2zJ9S7w2NLSQfMFQjNH-> Ice baby."

"Shame on you" (in response to us sharing information about a protest against the illegal detention of a US citizen)

"Your beer fucking blows anyway. This just got you banned from a lot of Taphouses. Good luck, losers."

In regards to a teenage citizen being kidnapped by ICE for several hours: "was his parents legal citizens when he was born if not he's an illegal deport his ass with all the fucking invaders you fucking moron eat shit I want them all out one way or another punk"

There are many others that I can't share anymore because they were so horrific that I deleted them.

If this is what a business owned by two white men was subjected to, I want you to imagine what kind of language and actions our immigrant-owned businesses are being targeted with. Not only does this create stress and trauma, it affects their businesses. Customers are staying home because of fear of being targeted by not only ICE agents, but their own community members. I urge you to use emergency funds to help support these businesses until their financials can stabilize.

I would like use the rest of my comment to highlight information shared by a friend: many of our Latino community members, regardless of their documented status, are scared to go out in public. They see ICE agents racially profiling and using violence, and the possibility of being subjected to that is not worth the risk of going out. Think of the trauma that this is instilling in our city. This will echo in our community for generations to come. We need leadership to act quickly in support of our city.

Ames Bierly
(he/him)

[REDACTED]

From: [Joseph Polivka](#)
To: letters@newsregister.com
Cc: [City Recorder Team](#); bocinfo@co.yamhill.or.us
Subject: Comment Submitted to City Council and the Mayor Tues. 9th, Dec 2025
Date: Wednesday, December 10, 2025 12:22:41 PM

This message originated outside of the City of McMinnville.

Hello

Here is my comment that I did not get to share last night at the City Council meeting:

"Mayor Morris and McMinnville City Council,

It is my opinion, that our country is in a state of emergency due to the unlawful and unconstitutional usurpation of power by our President, and his corrupt and ill-fit administration. No longer can one honestly observe the behaviors of our elected federal officials from one political viewpoint or another. This is not a party issue, but a human rights and ethics issue. Immigration and Customs Enforcement, under the direct instruction of our President, is attacking brown bodies, Latino communities specifically. It would be convenient if these actions were limited to a distant part of the country, but no, freedom is being threatened in our community, in our streets. Once, this country boasted freedom as its chief priority—a land for the immigrant, the separatist, the bold and the brash. I suggest we as a community, return to that promised ideology and put it in practice. How can McMinnville do their part?

We can be loud and proud about the State of Oregon's Sanctuary Status. As a town, we could wear it like a badge of honor. Again, freedom belongs to those that claim it.

We can reallocate the unused funds of our police department, specifically the unfilled salaries that are on the books, towards rapid response to ICE agents in our town, or for financial relief for families that have been acutely affected by federal aggression. We could create a city task force to defend our own, or simply donate those funds to local organizations such as Unidos Bridging Communities. These budget lines that are going unused by our cops, would again find a way to defend and protect our community.

We could, as county seat, set lines of communication and aid with the other county towns and cities—establishing stronger resistance to federally armed thugs. This would provide a model for other Counties and States, on how to prioritize coalition and not division—to avoid licking the boot.

There is never any better time than the present, to stand with human beings, and against fear, against the dollar, and against fascism. The land of the free, should be free to roam, and free for all. American consciousness has fallen so far, that we forget the virtues that put fire in our soul, direction in our steps, and conviction in our words. If not this year, then in the coming years, I will ensure progress is made towards freedom, and towards virtues such as defending the poor, standing with the aggressed, and sharing with the less fortunate. I will do this with or without you, but I won't do it alone. It takes a community resolute and people working together. Think on it."

Thank you,
Joseph Polivka

From: [Joseph Polivka](#)
To: [City Recorder Team](#)
Subject: Re: Comment Submitted to City Council and the Mayor Tues. 9th, Dec 2025
Date: Friday, December 12, 2025 3:56:11 PM
Attachments: [image001.png](#)
[image001.png](#)

This message originated outside of the City of McMinnville.

Hello, this email is about attending the city council meeting in person on the 17th and signing up for public comment.

Joseph Polivka


I will be attending in person

My comment: (I may amend slightly):

"Mayor Morris and McMinnville City Council,

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Thank you,

Joseph Polivka

On Wed, Dec 10, 2025, 12:29 City Recorder Team
<CityRecorderTeam@mcminnvilleoregon.gov> wrote:

Good Afternoon Joseph,

Thank you for reaching out. Your public comment has been received. It will be forwarded to the City Council and entered into the record at the next City Council meeting.

Thank you!

Claudia



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City Recorder/City Elections Officer
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Sent: Wednesday, December 10, 2025 12:22 PM

To: letters@newsregister.com

Cc: City Recorder Team <CityRecorderTeam@mcminnvilleoregon.gov>; bocinfo@co.yamhill.or.us

Subject: Comment Submitted to City Council and the Mayor Tues. 9th, Dec 2025

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our soul, direction in our steps, and conviction in our words. If not this year, then in the coming years, I will ensure progress is made towards freedom, and towards virtues such as defending the poor, standing with the aggrieved, and sharing with the less fortunate. I will do this with or without you, but I won't do it alone. It takes a community resolute and people working together. Think on it."

Thank you,

Joseph Polivka

From: [REDACTED]
To: [City Recorder Team](#)
Subject: Community comment and submitted to read at a city council meeting
Date: Monday, December 15, 2025 8:59:44 AM
Attachments: [We sent you safe versions of your files.msg](#)
[letter to city council CathCuff.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This message originated outside of the City of McMinnville.

Sent from my iPhone

Mayor Morris, and City Council members, good evening. My name is Cath Cuff, and I have been a resident of McMinnville since 2020. I moved here from Portland to slow life down a bit for myself and my children. I have found deeply impactful community here; I have encountered so many wonderful people and made many friendships that will last a lifetime. With all that said, I must speak about the ICE terrorization that is happening in McMinnville to my friends and other community members that are brown. You see that is the common thread, it's not criminality or being here without documentation, or being here legally or even being here as US citizen. People that are brown are scared regardless of status, and with good reason. ICE is operating in our community unchecked and they consistently break laws, particularly when it comes to the fact that Oregon is a sanctuary state.

I am puzzled, frustrated and angry by the lack of involvement by our mayor, city manager, police chief and city council around these illegal activities. I wonder why is it that you are not taking a page from the playbook in Chicago, New York, or even closer to home, Hillsboro. From what I have grown to understand is that McMinnville has been invited to participate with other local cities around this issue and you have either declined or not responded to that outreach. What? Why? Why have you not demanded that they unmask, share badge numbers with concerned citizens, have proper warrants signed by a judge, do the due diligence of knowing they are arresting a violent criminal before breaking windows, dragging people out of cars, and asking questions later, if at all. Their activities are illegal. Why has Mac PD not stepped in and arrested ICE agents that are breaking the law, terrorizing this community, not listening or looking at IDs and not giving due process? The very community you have all vowed to protect, keep safe and represent fairly. In fact, Mayor Morris "safety" was a cornerstone for your campaign when you ran for mayor. There is nothing safe or fair about any of this.

Action is what we are asking for. So many folks that spoke at the last city council meeting asked the same thing. What are you doing? What are you actively doing to protect your community, the community of color that are terrified to leave their houses? What are you doing to really KNOW what is going on. Mayor Morris, you stated last time that you don't always know when ICE is in the community. I have a simple solution for you, WORK WITH Unidos (oo'nidos), they have a plethora of information and facts about ICE and where they are, what they are doing, and tracking so many of ICE's illegal activities. The fact that you haven't worked with them makes me question your true concern, your true desire and passion to protect and represent the community so highly affected by ICE. I challenge you to take action to do something about this to make it safer, and more fair. ICE needs to be checked; you need to get closer to the issues and the fears. Again, that pathway is a partnership with Unidos (oo'nidos) and partnerships with your surrounding cities. I don't

know how many times we, as community members, have to say this. Do something. Work with Unidos, work with surrounding cities and communities and take a page from the playbook of cities that are checking ICE, arresting ICE for illegal activity.

What do you want your legacy to be during this horrible, lawless time in history? Do you want to be the mayor, the city manager, the police chief and the city council that did nothing, that sat by while the very people you are supposed to represent are being terrorized, kidnapped, and not given due process?

We need commitments, statements and actions that show you are serious about how you will change things and protect the community and create safety. Quite frankly Mayor Morris, the joint statement you read at the December 10th city council meeting was not only ineffective, but it was also embarrassing and frustrating. It literally had no solution, no real effort or commitments behind it. Do better, be leaders for ALL your community.

To these comments that I submitted to the City Recorder Team I have included the adopted resolution No. 2906 out of the City of Hillsboro. That document may help you to actually make a plan and figure out how to go about the actions you need to take.

Thank you for your time.

Cath Cuff

Resolution No. 2906 from the City of Hillsboro:

[Adopted_Resolution_No._2906.pdf](#)

RESOLUTION NO. 2906

A RESOLUTION OF THE CITY OF HILLSBORO RECOGNIZING THAT A STATE OF EMERGENCY EXISTS WITHIN THE COMMUNITY DUE TO THE IMPACTS OF FEDERAL IMMIGRATION ENFORCEMENT ACTIONS AND SETTING FORTH VARIOUS ACTIONS THE CITY SHOULD TAKE TO ADDRESS SUCH IMPACTS.

WHEREAS, the City of Hillsboro recognizes and values the diverse contributions of all individuals, affirming its commitment to upholding the dignity and respect of all people regardless of race, color, national origin, ethnicity, immigration or refugee status, heritage, culture, religion, sex, gender identity or expression, sexual orientation, ability, age, housing status, or economic status; and

WHEREAS, immigrants, foreign-born and refugee populations make up a vital portion of Hillsboro's community and economy, contributing significantly as friends, neighbors, workers, business owners, community and faith leaders, reminding us that immigration is not a threat to be managed but a legacy to be honored and a strength to be protected; and

WHEREAS, U.S. Immigration and Customs Enforcement (ICE) officers have reportedly and allegedly engaged in various types of conduct that infringe on the constitutional rights of members of the Hillsboro community, including but not limited to: arresting and detaining individuals without affording due process rights; refusing to share information about the reason for an individual's arrest or the location where an individual will be detained; routinely wearing masks and refusing to provide identification; and questioning residents and visitors about their immigration status based on their race, ethnicity, language, accent, occupation, or presence at certain locations such as day-labor sites, bus stops, car washes, and parking lots; and

WHEREAS, multiple US citizens, lawful permanent residents and other individuals legally present in the United States have been wrongfully apprehended, held without judicial warrants or charges, denied access to counsel, and subjected to prolonged detention without due process, reflecting a disturbing pattern of constitutional and human rights violations by immigration enforcement authorities; and

WHEREAS, the detention of US citizens, lawful permanent residents and other individuals who are legally present in the United States without judicial warrants or formal charges and the use of immigration enforcement to intimidate communities is a dangerous escalation of the erosion of democratic norms and the rule of law; and

WHEREAS, keeping families together and children protected and safe is a fundamental value for the City of Hillsboro and mass deportation efforts, especially without due process, threaten the well-being of Hillsboro families and neighborhoods, harm vulnerable populations, cause economic pain and hardship, and interfere with businesses and day-to-day life across the City; and

WHEREAS, the unnecessary and likely unlawful tactics being used by many federal immigration enforcement authorities have generated widespread fear in the community, which cause our residents to be fearful of leaving their homes to go to work, school, access City services, take public transportation, attend medical appointments, and other necessary daily activities, and as a result children are denied access to public education, individuals are prevented from seeking necessary healthcare, local businesses are negatively impacted, and residents are discouraged from working with law enforcement agents to report, solve and prevent minor and serious crime; and

WHEREAS, such actions by federal immigration enforcement authorities institutionalize racial profiling and encourage discrimination; and

WHEREAS, recent data from the State of Oregon shows a significant impact to immigrant's health and well-being due to fear of being targeted and/or detained; and

WHEREAS, the foregoing circumstances constitute a significant effect on the health and well-being of the community, which provides cause to necessitate assistance from the City to alleviate the loss, hardship, or suffering resulting from such activity; and

WHEREAS, the ultimate solution to our national immigration crisis is congressional action on comprehensive immigration reform with a realistic pathway to citizenship for all aspiring Americans; and

WHEREAS, immigration is a federal responsibility and a comprehensive national approach to solve our broken immigration system would strengthen the economy of our community and of our country; and

WHEREAS, decades of congressional inaction have created this crisis and we recognize it is long past time to fix the law by creating fair and responsible immigration policies that provide legal status for long-time residents who have contributed to our communities; create a path to citizenship for aspiring Americans and secures America's borders thereby ensuring our long-term economic prosperity, and community safety; and

WHEREAS, Oregon became the first Sanctuary State in 1987 and has continued to strengthen its sanctuary laws, most recently through the 2021 Sanctuary Promise Act (HB 3265), which reinforces Oregon's commitment to protecting immigrant and refugee communities; and

WHEREAS, Oregon Revised Statutes 180.805 through 180.820, and 181A.820 through 181A.829 prohibit public bodies from disclosing immigration status without judicial warrant, restrict immigration enforcement activities at public facilities, and prohibit using public resources to enforce federal immigration law except under narrow circumstances; and

WHEREAS, Hillsboro adopted Resolution No. 2552 (March 7, 2017), declaring that the City fully supports and will abide by Oregon's Sanctuary laws; and

WHEREAS, Hillsboro approved its first Equity Statement during its December 3, 2019, Council meeting, that expresses the City's commitment to and role in achieving a common vision of equity within the organization and in providing public services; and

WHEREAS, the Washington County Board of Commissioners declared a state of emergency regarding federal immigration enforcement actions on November 4th, 2025; and

WHEREAS, Forest Grove, a city within Washington County, declared a state of emergency regarding federal immigration enforcement actions on November 10, 2025; and

WHEREAS, Hillsboro's elected officials and staff are working on multiple ways to address the negative impacts federal immigration enforcement actions are having on our community; and

WHEREAS, in the wake of unconstitutional and unlawful federal immigration policies and practices that have generated fear and anxiety among members of the City's community, it is necessary for the City of Hillsboro to recognize that our community is in a state of emergency and publicly contemplate actions the City could take to address the needs of the community in light of this emergency.

NOW, THEREFORE, THE CITY OF HILLSBORO RESOLVES AS FOLLOWS:

Section 1. The City of Hillsboro reaffirms its commitment to being a welcoming and inclusive city and to shielding residents to the best of our ability from fear, discrimination, and unjust enforcement practices. In response to expanding federal immigration actions that threaten civil liberties and community trust, this resolution reiterates the City's commitment to support and comply with Oregon's Sanctuary Promise Laws, and directs that City resources will not be used to enforce federal immigration laws. By adopting this resolution, Hillsboro strengthens its sanctuary measures, upholds its core values, and supports the wellbeing of all residents and visitors, especially immigrant and other vulnerable communities.

Section 2. Based on the recitals set forth above, the City Council hereby declares that a state of emergency exists in the City of Hillsboro, encompassing all areas within the city limits, effective on this 18th day of November 2025.

Section 3. The City Manager is hereby encouraged to take all necessary and proper actions that will help minimize or mitigate the effect of the emergency in a manner consistent with all applicable laws; and

Section 4. The City of Hillsboro unequivocally condemns the misuse of immigration enforcement to detain and deport individuals who are lawfully present in the United States and simply exercising their constitutionally protected rights particularly when such actions are politically motivated or conducted without due process.

Section 5. The City of Hillsboro declares that no matter when someone has joined our community or where they have come from, every person deserves to be free of fear and intimidation and to be treated with dignity and respect.

Section 6. The City of Hillsboro condemns the ICE enforcement actions targeting our students and families and calls for an immediate end to such actions, which are having a chilling effect throughout our schools, communities and our State.

Section 7. The City of Hillsboro calls on all elected officials, including members of Congress from Oregon, to publicly denounce these unconstitutional actions, demand immediate oversight and transparency from immigration enforcement agencies, and work to ensure the rights of all individuals—regardless of immigration status—are fully protected under the Constitution.

Section 8. The City of Hillsboro and the Council demand that the Oregon Congressional delegation of Representatives Bonamici, Hoyle, Salinas, Bentz, Dexter and Bynum, and Senators Wyden and Merkley prioritize a bill at the next congressional session offering comprehensive immigration reform that aligns enforcement with our economic needs, humanitarian values, and community realities.

Section 9. The City of Hillsboro respectfully requests that members of the Legislature and the Governor take action to protect our immigrant and other vulnerable communities from the unlawful and unnecessary actions being taken by federal agents in the name of immigration enforcement, such as imposing a mask ban or imposing identification requirements.

Section 10. The City Council urges the City Manager to continue to identify and clearly label with signage those non-public spaces within City-owned or City-leased buildings that are not accessible to the general public, including offices and other restricted-entry areas. Such signage should:

- be developed in accordance with best practices for language access and plain language and recommendations from employees, equity and subject matter experts on immigrant affairs and rights;
- include companion resources to explain the signage and contain additional resources and contacts. Companion resources shall be based on best practices for language access and plain language, Sanctuary City trainings, and content developed in accordance with immigrant rights organizations' recommendations; and
- be consistent with policies and resources that are updated regularly and informed by experts, the City Attorney's Office, Employee Affinity Groups, and in language access, equity, immigrant affairs and rights, and any additional relevant subject matters.

Section 11. The City Council encourages staff to continue to coordinate with community partners and other municipalities—including immigrant rights advocates, legal services providers, educational institutions, local business owners, neighborhood leaders, and faith leaders—to develop and maintain programs for communication, outreach, and community support to address the emergency impacts of federal immigration enforcement.

Section 12. The City Council further encourages the City Manager and staff to continue to urgently advance the City's commitment to formulate and implement legally-defensible

programs, policies, and resources that protect and support employees and the community in the face of harm and terror caused by ICE's actions.

Section 13. The City Council requests for the City Manager to require that staff participate in trainings on City and State sanctuary policies and laws to include, in addition to the minimum requirements of state law:

- Know Your Rights;
- The Sanctuary Promise Act and how to report to the violations hotline;
- How to report to appropriate immigrant rights coalitions and other agencies;
- Roleplaying scenarios of different Federal Immigration Authority interactions;
- How to report U.S. Immigration and Customs Enforcement agency activity and violations.
- Information on how and where employees can access relevant City resources and additional learning materials.
- Resources for City employees directly affected by federal immigration authority enforcement action.
- Protocols for supervisors on responding if employees are detained, as well as guidance on compassionate leadership and support for employees

Section 14. The City Council urges the City Manager and staff to review any trainings on sanctuary laws and policies no less than annually and more frequently as necessary. Revisions to trainings should incorporate emerging best practices, newly enacted laws, updated protocols, and relevant resources.

Section 15. The City Council also requests that the City Manager and staff regularly review existing programs and services to identify ways to further enhance the goals of this resolution and implement best practices and policies for communities impacted by immigration.

Section 16. The City Council directs the City Manager to provide periodic reports to the Council regarding the implementation of this resolution, which may include information such as:

- Employee training completion rates and an evaluation of the City's training programs;
- Known Federal enforcement activity on City property and within facilities;
- Known violations of the Sanctuary Promise Act by City employees;
- Information on sanctuary-related policies and procedures in similar local jurisdictions; and
- Review and evaluation of the City's efforts to implement this resolution that is informed by feedback from employees, equity and language subject matter experts, labor union representatives, immigration rights organizations, faith leaders, community leaders, nonprofits, and educational institutions.

Section 17. This resolution is effective immediately upon adoption.

Approved and adopted by the Hillsboro City Council at a regular meeting held on the 18th day of November 2025.

ATTEST:

Signed by:

Amber Rios

~~E17C38DC21EF461...~~

Amber Rios, City Recorder

Signed by:

[Signature]

~~F72B58874D6147B...~~

Beach Pace, Mayor

STAFF REPORT

DATE: December 17, 2025
TO: Adam D Garvin, Interim City Manager
SUBMITTED: Heather Richards, Community Development Director
WRITTEN BY: Jody Christensen, Special Projects Manager
SUBJECT: Appointment by Resolution

1. Resolution No. 2025-68, A Resolution Appointing Dr. Mike Wenz as an At-Large Member to the Economic Vitality Leadership Council

Report in Brief: This action is the consideration of Resolution No. 2025-68, appointing Dr. Mike Wenz, Linfield University, to the Economic Vitality Leadership Council for the At-Large position to provide guidance on the implementation of the *MAC Town 2032 Economic Development Strategic Plan*.

Background:

In 2018, the City of McMinnville initiated the development of an economic development strategic plan with a project advisory committee comprised of members of the City of McMinnville, McMinnville Downtown Association, the McMinnville Chamber of Commerce, McMinnville Economic Development Partnership, Visit McMinnville, Chemeketa College, and many business leaders in the community.

The intent from the beginning of the project was to develop a strategic plan that would be a guidance document for everyone in the City of McMinnville working on economic development issues.

The plan identified three foundational goals and strategies that are meant to be broadly beneficial across multiple industry sectors.

1. Accelerate Growth in Living-Wage Jobs Across a Balanced Array of Industry Sectors.
2. Improve systems for Economic Mobility and Inclusion.
3. Maintain and Enhance our High Quality of Life.

The plan also identified five target sector goals and strategies that are intended to pursue opportunities and improve outcomes within clusters or sectors of related industries. :

1. Sustain and Innovate within Traditional Industry and Advanced Manufacturing.
2. Foster Opportunity in Technology and Entrepreneurship
3. Be a Leader in Hospitality and Place-Based Tourism
4. Align and Cultivate Opportunities in Craft Beverages and Food Systems.
5. Proactively Assist Growth in Education, Medicine and Other Sciences.

The Plan's Project Advisory Committee discussed how to ensure that the Plan would be utilized and leveraged as effectively as possible for the community of McMinnville.

They discussed forming an Economic Vitality Leadership Council comprised of members of the McMinnville Downtown Association, McMinnville Economic Development Partnership, McMinnville Chamber of Commerce, Visit McMinnville, the City of McMinnville and other community stakeholders that would meet periodically to review the plan and discuss what made sense to move forward in terms of projects and programs.

On March 12, 2019, the City Council adopted Ordinance No. 5062 establishing the Economic Vitality Leadership Council per Chapter 2.30 of the McMinnville Municipal Code. On December 9, 2025, the City Council approved Ordinance No. 5167 to

remove EVLC member term limits and rename the economic development staff to advisors.

Discussion:

Per Chapter 2.30 of the MMC, the At-Large membership of the Economic Vitality Leadership Council shall be structured per the following:

2.30.030 Membership

- A. Number of Members. The Economic Vitality Leadership Council shall be comprised of 15 members.
- B. Representation. Membership shall be comprised of two members each from the City of McMinnville, McMinnville Chamber of Commerce, McMinnville Economic Development Partnership, Visit McMinnville, and McMinnville Downtown Association, one member from McMinnville Water and Light, one member from the McMinnville School District, and three members at-large representing the McMinnville business community. Each member should be part of the overall team of the representative stakeholder.
- C. Appointments. Appointments will be made by each respective agency for those members representing that agency with guidance from the Economic Vitality Leadership Council. **The three members at-large will be appointed by the McMinnville City Council with the recommendation of the Economic Vitality Leadership Council.**

The three at-large community members will be appointed by the McMinnville City Council based on the recommendation of the Economic Vitality Leadership Council.

On November 12, 2025, the Economic Vitality Leadership Council voted to recommend an executive leader from Linfield University to fill one At-Large position. Dr. Mike Wenz, the Linfield University Chief Financial Officer, has agreed to serve in the At-Large position, if appointed by the City Council.

Attachment:

- Resolution No. 2025-68

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Alternatives:

Alternative 1 [Staff Recommendation]: Adopt the attached resolution appointing Dr. Mike Wenz to serve in an At-Large position on the Economic Vitality Leadership Council.

Alternative 2: Direct Staff to work with the Economic Vitality Leadership Council on another recommendation.

Alternative 3: Reject the attached resolution.

Alternative 4: The Council may consider any other alternative not presented by staff.

RESOLUTION NO. 2025-68

A Resolution appointing an At-Large position to the Economic Vitality Leadership Council.

RECITALS:

WHEREAS, in 2018, the City of McMinnville initiated the development of an economic development strategic plan with a project advisory committee comprised of members of the City of McMinnville, McMinnville Downtown Association, the McMinnville Chamber of Commerce, McMinnville Economic Development Partnership, Chemeketa College, and many business leaders in the community; and

WHEREAS, the intent from the beginning of the project was to develop a strategic plan that would be a guidance document for everyone in the city of McMinnville working on economic development issues; and

WHEREAS, the plan identified three foundational goals and strategies that are meant to be broadly beneficial across multiple industry sectors.

1. Accelerate Growth in Living-Wage Jobs Across a Balanced Array of Industry Sectors.
2. Improve systems for Economic Mobility and Inclusion.
3. Maintain and Enhance our High Quality of Life.

WHEREAS, the plan identified five target sector goals and strategies that are intended to pursue opportunities and improve outcomes within clusters or sectors of related industries. :

1. Sustain and Innovate within Traditional Industry and Advanced Manufacturing.
2. Foster Opportunity in Technology and Entrepreneurship
3. Be a Leader in Hospitality and Place-Based Tourism
4. Align and Cultivate Opportunities in Craft Beverages and Food Systems.
5. Proactively Assist Growth in Education, Medicine and Other Sciences.

WHEREAS, on March 12, 2019, the City of McMinnville adopted the MAC Town 2032 Economic Development Strategic Plan.

WHEREAS, the Plan's Project Advisory Committee discussed how to ensure that the Plan would be utilized and leveraged as effectively as possible for the community of McMinnville; and

WHEREAS, the Plan's Project Advisory Committee voted to recommend that the City of McMinnville establish an Economic Vitality Leadership Council to oversee the implementation of the Plan; and

WHEREAS, on March 12, 2019, the City of McMinnville created the Economic Vitality Leadership Council per Chapter 2.30 of the McMinnville Municipal Code; and

WHEREAS, per Chapter 2.30 of the McMinnville Municipal Code, two representatives from Visit McMinnville, McMinnville Downtown Association, McMinnville Chamber of Commerce, McMinnville Economic Development Partnership, and the City of McMinnville are appointed to the Economic Vitality Leadership Council, based on the recommendation of the Economic Vitality Leadership Council; and

WHEREAS, on November 12, 2025, the Economic Vitality Leadership Council voted to recommend that an executive leader from Linfield University and

WHEREAS, Dr. Mike Wenz, Chief Financial Officer at Linfield University has been recommended to fill the position by Linfield Executive Leadership.

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

1. Dr. Mike Wenz, Linfield University is appointed to the McMinnville Economic Vitality Leadership Council.
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 special meeting held the 17th day of December 2025 by the following votes:

Ayes: _____

Nays: _____

Approved this 17th day of December 2025.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2025-69

A Resolution authorizing the City Manager to enter into a Settlement Agreement with YCAP with regard to the AnyDoor Place Navigation Center

RECITALS:

WHEREAS, Yamhill Community Action Partnership ("YCAP") is the owner of real property located along SW Adams St.; and

WHEREAS, in 2022, the City and YCAP entered into an agreement to construct the AnyDoor Place Navigation Center ("Navigation Center") at the site, with construction to be managed by the City, and YCAP to have ownership of the completed structure; and

WHEREAS, following completion of the Navigation Center, YCAP alleged that the City bore liability for mismanagement of the construction, resulting in fewer available shelter beds and delayed opening of the Navigation Center, which the City denied; and

WHEREAS, now desiring to avoid costly litigation and to unify the goals of these two organizations, the parties wish to enter into a Settlement Agreement; and

WHEREAS, such agreement will include a mutual release of all claims against each other, defense and indemnity by YCAP for any future claims by third parties with regard to the Navigation Center, an assignment of the City's rights against the Navigation Center's contractor to YCAP, and payment of \$98,000 by the City to YCAP.

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

1. The City Manager is authorized and directed to enter into a Settlement Agreement with YCAP in a form acceptable to the City Attorney to include:
 - a. Payment by the City to YCAP of \$98,000;
 - b. Assignment of City's rights against Fackler Construction for any and all issues arising from construction of the Navigation Center;
 - c. YCAP's agreement to defend, indemnify, and hold City harmless for any claims that may follow YCAP's claims arising from construction of the Navigation Center;

- d. Mutual release of all claims or potential claims between the City and YCAP regarding construction of the Navigation Center.
2. This resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Council of the City of McMinnville at a special meeting held the 17th day of December, 2025 by the following votes:

Ayes: _____

Nays: _____

Approved this 17th day of December, 2025.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

STAFF REPORT

DATE: December 17, 2025
TO: Mayor and City Councilors
FROM: Taylor Graybehl, Senior Planner
SUBJECT: Ordinance No. 5165: (Docket G 2-24), An Ordinance amending 17.57 and 17.58 of the McMinnville Municipal Code, Landscape Applicability, Review Criteria, and Standards, and Street Tree Plan Review Process

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 second reading of the Ordinance, as the first reading was not passed unanimously by the City Council at their December 9, 2025, hearing.

This is the consideration of Ordinance No. 5165 proposing targeted amendments to Title 17 of the McMinnville Municipal Code (MMC), specifically addressing:

- Chapter 17.57 – *Landscaping*
- Chapter 17.58 – *Trees*

These updates were initiated by the Landscape Review Committee and subsequently recommended for approval by the Planning Commission following a public hearing held on November 7, 2024.

The proposed amendments constitute **Phase Two** of a comprehensive, two-phase initiative to modernize and streamline the landscaping provisions within the Zoning Ordinance:

- **Phase One** established a streamlined administrative landscape plan review process and defined submittal requirements for landscape plans.
- **Phase Two** (Ordinance No. 5165) builds upon that foundation by updating landscape applicability and providing clear and objective review criteria and standards.

This ordinance also proposes revisions to the Street Tree Plan review process, allowing for administrative staff review. These changes reflect the intent of **Phase One** by simplifying procedures and creating efficiencies, while maintaining consistency and oversight.

Staff recommends minor adjustments to the Planning Commission's proposed amendments to enhance clarity, maintain consistency throughout the Zoning Ordinance, support long-term landscape viability, and ensure efficient use of staff resources.

These refinements are intended to better align development with community priorities, establish clear and predictable standards for applicants, optimize staff capacity, and contribute to a safer, more visually appealing urban environment across McMinnville.

Background:

The proposed amendments to Chapter 17.57 of the McMinnville Zoning Ordinance build upon prior work initiated by the Landscape Review Committee, starting in 2020, and culminating in a recommendation to the Planning Commission at their meeting on September 11, 2024. The Planning Commission then voted to recommend the proposed amendments to the McMinnville City Council at their meeting on November 7, 2024, after conducting a public hearing.

The full set of proposed amendments was initially included in the City Council's January 14, 2025, meeting packet. However, the item was temporarily withdrawn to allow for additional internal coordination regarding the landscape review process, submittal requirements, and the development of clear and objective design standards.

Following internal review, staff determined that the proposed changes should be implemented in two distinct phases under Docket G 2-24:

- **Phase One:** Focused on the landscape review process and submittal requirements.
- **Phase Two:** Addresses updates to landscaping applicability, standards, and design criteria.

Phase One of Docket G 2-24 was adopted by City Council on May 27, 2025.

The ordinance now presented in this packet represents **Phase Two** of the two-phase effort to update Chapters 17.57 and 17.58 and fully implement the Planning Commission's recommendations. The ordinance presented has some minor alterations to those recommended by the Planning Commission. Those changes clarify language by the Planning Commission and make the code more effective at meeting the Planning Commission's intent.

The proposed updates to Chapters 17.57 (Landscaping) and 17.58 (Trees) aim to resolve key concerns raised by the Landscape Review Committee, Planning Commission, and City staff. The language provided reflects these priorities.

Proposed Ordinance Amendments

Below is a summary of all the affected sections and the rationale behind the recommended changes:

- **17.57.010 – Purpose and Intent**
Proposed Modification: Updated to reflect environmental priorities: groundwater protection, climate resilience, air quality, preservation of trees.

Reasons: Aligns with Landscape Review Committee and Planning Commission directions and goals.

- **17.57.030 – Zones Requiring Landscaping**

Proposed Modification: Expanded to include the R-5 zone and correct R-4 zone title.

Reasons: Improves clarity, consistency, and alignment with other city codes and ordinances.

- **17.57.040 – Applicability** (*renamed from “Uses Requiring Landscaping”*)

Proposed Modification	Reason for Change
Rename section to "Applicability"	Clarifies the scope and intent of the standards.
Apply standards to all non-residential uses in residential zones	Ensures consistent application across all non-residential projects (not just “churches”).
Update language for Manufactured Dwelling Parks and satellite dishes	Makes it clear that existing standards already apply to these uses.
Specifies that for city projects, only landscaping elements included in an approved landscape plan are subject to review if changes are proposed.	Provides flexibility to modify landscaping on city property when changes are unrelated to formal approvals, reducing staff workload and enabling timely responses to on-site issues.
Exempt projects in the public right-of-way	Recognizes cases where standards cannot be met or are superseded by state law.
Exempt middle housing projects (still subject to Chapter 17.11)	Keeps middle housing regulations separate for easier review by staff and developers and allows for flexibility with changing state law.
Apply standards uniformly between private and city development.	Ensures equity across private and city projects, implementing previous direction by City Council.

- **17.57.050 – Plan Submittal, Review, and Completion Timeline**

Proposed Modification: Adds clarifying language and introduces self-certification process for irrigation installation.

Reasons: Streamlines process and improve clarity for applicants.

- **17.57.060 – Required Plan Information**

Proposed Modification: Adds requirement for self-certification of irrigation plan, revises language for clarity for applicant and staff.

Reasons: Supports efficient review and accountability in irrigation planning.

- **17.57.070 – Area Determination and Planning Factors**

Proposed Modification	Reason for Change
Revises how new construction (expansion of building footprint or parking lot areas) is regulated	Enhances clarity and ensures consistent application of standards
Leaves stormwater facility regulation to a separate process	Acknowledges that specific regulations and review process already apply elsewhere
Adds measurable screening standards (e.g., 6' wall/fence or landscaping to grow to 6' in 3 years, 75% opacity)	Improves design quality and ensures effective visual screening
Aligns tree protection standards with Chapter 17.58	Ensures consistency across city regulations
Refines parking area limits (max 6,000 sq ft, connected allowed) without landscaping	Enhances livability and better manages site design
Requires 1 shade tree per 10 contiguous parking spaces	Promotes environmental benefits (air quality, heat management, etc.) and improves aesthetics
Establishes minimum standards for parking lot landscaping including landscape islands, driveway entries, and buffering	Enhances design quality, site functionality, environmental benefits, and limits impacts on surrounding properties, pedestrians, bikes, and vehicles.
Moves prohibited tree list to the McMinnville Street Tree List	Provides flexibility and simplifies updates, which can be important as new diseases or pests are introduced to the area.
Adds irrigation self-certification	Improves implementation and reduces administrative burden of landscape plan review and inspections.
Clarifies solid waste/recycling enclosure standards	Enhances clarity and ensures compliance with city expectations
Clarifies landscaping requirements for utilities, including McMinnville Water and Light and other Federal regulations.	Ensures that all landscaping adheres to relevant codes, guidelines, and regulatory standards.

- **17.58.100 – Street Tree Plans**

Proposed Modification: Allows staff to review and approve Street Tree Plans.

Reasons: Improves efficiency and responsiveness in plan review.

Discussion:

City Council was presented with this Ordinance and the recommendation of the Planning Commission at their meeting on October 14, 2025. At that meeting, the Ordinance did not pass due to the lack of majority support from the City Council. Some councilors expressed concerns about the proposed amendments and commented that they had heard Landscape Review Committee members did not support the proposed amendments.

City staff then hosted a meeting with the Landscape Review Committee on November 5, 2025, to discuss the City Council comments, provide a history of the draft code amendments, and ask the question if the Landscape Review Committee was supportive or not supportive of the proposed amendments. After learning more about what the proposed amendments do and do not do, and the history of the Landscape Review Committee's draft and review of the proposed amendments, all Landscape Review Committee supported the amendments moving forward. The meeting materials for the November 5, 2025, Landscape Review Committee meeting can be found at the following link: lrc_packet_11-5-2025.pdf.

In 2019, the Landscape Review Committee requested that the City work with the committee on proposed code amendments to simplify the review process for landscape plans and street tree removals in order to free up the Landscape Review Committee's time to work on more strategic landscape policies, programs, and projects for McMinnville. After adopting a workplan in 2019 with many different strategic objectives (see 2019 work plan below) and then not being able to work on those strategic objectives due to the volume of landscape plan reviews (33 decisions in 2019), the LRC made a request of city staff in September, 2019 to spend some time discussing the role of the Landscape Review Committee.

McMinnville Landscape Review Committee - 2019 Work Plan					
GOAL: Evaluate & Enhance the McMinnville's Urban Forest & Landscape					
Strategy	Action	Priority	Timeframe	Cost	Responsibility
Conduct a Comprehensive Inventory of McMinnville's Street Trees	Develop Inventory Goals and Research Data Collection Methods	High	Spring 2019	Staff	City of McMinnville (City)/ Landscape Review Committee (LRC)
	Promote Public Involvement to Complete City-Wide Tree Inventory	High	Summer 2019	Staff	City/LRC
Promote Healthy, Safe, and Diverse Urban Forest	Update McMinnville's Approved Street Tree List	High	Spring 2019	Staff	City/LRC
	Develop "Right Tree for the Right Place" Informational Pamphlet	High	Spring 2019	Staff	City/LRC
Increase McMinnville's Urban Forest Canopy	Review and Update Street Tree code to Resolve Conflicts Between Street Trees and Utilities, Stormwater Treatment	Medium	Fall 2019	Staff	City/LRC
Apply Landscape Standards to City Projects	Coordinate with City Staff to Review City Projects with Landscape Component	High	Spring 2019	Staff	City/LRC
GOAL: Increase Awareness & Appreciation of McMinnville's Urban Forest & Landscape					
Strategy	Action	Priority	Timeframe	Cost	Responsibility
Educate Community on Urban Forestry	Use Completed Street Tree Inventory to Quantify and Report Benefit of McMinnville's Urban Forest	Low	December 2019	Staff	City/LRC
Celebrate Arbor Day in McMinnville	Promote Arbor Day Events in McMinnville	High	Spring 2019	Staff	City/LRC
	Coordinate Arbor Day Tree Planting Event	High	Spring 2019	\$	City/LRC
GOAL: Preserve McMinnville's Urban Forest & Landscape					
Strategy	Action	Priority	Timeframe	Cost	Responsibility
Preserve and Protect Existing Landscape and Street Trees	Identify Consulting 3rd Party Arborist to Consult on Downtown Tree Removal Requests	High	Spring 2019	\$	City/LRC

In 2020, the LRC discussed the role of the committee and reviewed the Landscaping (Section 17.57) and Tree chapters (Section 17.598) of the McMinnville Municipal Code (4 meetings, March 8, 2020, August 5, 2020, August 19, 2020, November 18, 2020). In 2021, they added the evaluation of the Landscaping Chapter and Tree Chapter to their work plan. (Please see work plan below).

They had several objectives for this work:

- The creation of clear and objective landscape plan standards for housing development as required by state law.
- Updates to the purpose statements with the intent to reflect environmental issues better.
- Expand on the uses requiring landscaping plans.
- Improve the submittal requirements to reduce the need for “more information requested” when reviewing landscape plans.
- Refine standards and review criteria for landscape screening, fencing, tree protection during construction, parking lot landscaping and irrigation systems.

McMinnville Landscape Review Committee - 2021 Work Plan (Draft)					
GOAL: Evaluate & Enhance the McMinnville's Urban Forest & Landscape					
Strategy	Action	Priority	Timeframe	Cost	Responsibility
Conduct a Comprehensive Inventory of McMinnville's Street Trees	Develop/Recommend Plan for Implementation	High	Winter 2021	Staff/\$	City of McMinnville (City)/ Landscape Review Committee (LRC)
Evaluate Landscaping Chapter of McMinnville Zoning Ordinance	Review Chapter 17.57 and Recommend Revisions to Improve City's Landscape	Medium	Winter 2021	Staff	City/LRC
Evaluate Tree Chapter of McMinnville Zoning Ordinance	Review Tree Chapter and Recommend Revisions to Improve Urban Forest	Medium	Winter 2021	Staff	City/LRC
Promote Healthy, Safe, and Diverse Urban Forest	Work with MW&L on Process to Identify/Remove/Replace Problem Trees Under Power Lines	Medium	Fall 2021	Staff	City/LRC
	Develop "Right Tree for the Right Place" Informational Pamphlet	Low	Fall 2021	Staff/\$	City/LRC
GOAL: Increase Awareness & Appreciation of McMinnville's Urban Forest & Landscape					
Strategy	Action	Priority	Timeframe	Cost	Responsibility
Celebrate Arbor Day in McMinnville	Promote Arbor Day Events in McMinnville	High	Spring 2021	Staff	City/LRC
	Coordinate Arbor Day Tree Planting Event	High	Spring 2021	Staff/\$	City/LRC
Educate Community on Urban Forestry					
GOAL: Preserve McMinnville's Urban Forest & Landscape					
Strategy	Action	Priority	Timeframe	Cost	Responsibility
Manage Existing Landscape and Trees	Provide Recommendations and Guidance for Natural Features Management Program	High	Summer 2021	Staff	City/LRC

The LRC then worked with city staff on proposed amendments for the next couple of years, resulting in 15 meetings to discuss the proposed code revisions over four years. The committee helped define key goals, while planning staff collaborated on drafting language to meet both local priorities and state requirements. Staff coordinated proposed revisions with agency partners, including the City's Public Works team, McMinnville Water and Light and other impacted stakeholders.

The City Council was not particularly concerned about the content of the Phase 2 proposed amendments, but appeared to be more concerned about the adoption in May of the Phase 1 amendments, which focused on process.

The Phase 1 amendments created an administrative review for landscape plans that met clear and objective standards in the municipal code (this is a requirement by state law for all housing-related land-use applications) and a Landscape Review Committee review for those landscape plans that did not meet the clear and objective standards of the municipal code. There was some confusion at the October 14, 2025, City Council meeting about whether the developer could choose the process. The code intends that the developer can choose to meet the clear and objective standards and thus navigate the administrative review process, or the developer can choose to present a plan that does not meet the clear and objective standards of the municipal code and thus navigate the discretionary review process of the Landscape Review Committee. The following language has been added to Section 17.57.050(A)(2) to help clarify the difference between the administrative review and the committee review:

"If the applicant wants to submit an application that does not fully comply with the clear and objective standards outlined in this Chapter 17.57, but still meet the intent and purpose of this chapter,"

The Phase 2 proposed amendments, that are the content of Ordinance No. 5165 are the clear and objective standards and represent the work that the Landscape Review Committee did to fulfill their following objectives.

- The creation of clear and objective landscape plan standards for housing development as required by state law.
- Updates to the purpose statements with the intent to reflect environmental issues better.
- Expand on the uses requiring landscaping plans.
- Improve the submittal requirements to reduce the need for "more information requested" when reviewing landscape plans.
- Refine standards and review criteria for landscape screening, fencing, tree protection during construction, parking lot landscaping and irrigation systems.

Without these amendments, the expanded list of applicable situations when landscape plans are required, landscaping requirements for fencing, tree protection, parking lots, and irrigation systems do not exist in the current code and cannot be required as part of landscape review.

Attachment

- Attachment 1: Ordinance No. 5165
 - a. Exhibit A to Ordinance No. 5165, Proposed Code Amendments
 - b. Exhibit B to Ordinance No. 5165, Decision Document
- Attachment 2: Minutes for the November 7, 2024, Planning Commission hearing

Fiscal Impact:

The proposed changes are expected to yield a positive fiscal impact by enhancing efficiency and reducing operational costs by approximately \$80,000 per a fee study conducted by Praxis Solutions in 2023.

Providing clear and objective standards for administrative review and streamlining the Street Tree Plan review process and implementing clear, objective landscaping standards will likely shorten staff review times, resulting in measurable cost savings. Additionally, introducing a self-certification process for irrigation plans and installations will minimize the need for staff oversight and site inspections.

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. 5165** approving the proposed amendments for Docket G 2-24, as presented in Exhibit A to the ordinance.

2. **ADOPT ORDINANCE NO. 5165** 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. **REFUSE TO ADOPT THE ORDINANCE**

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5165, which would approve Docket G 2-24, amendments to Chapters 17.57 “Landscaping” and Chapter 17.58 “Trees” 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. 5165.”

ATTACHMENT 1 TO STAFF REPORT

ORDINANCE NO. 5165

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; and

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

WHEREAS, on September 11, 2024, the Landscape Review Committee elected to move the proposed code amendments, as they had been working on for four years to the Planning Commission to start the adoption process; and

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; and

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; and

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; and

WHEREAS, the Planning Commission was divided into two phases per city leadership's request; and.

WHEREAS, the first phase of the proposed Landscape Code Amendments focusing on the review process (Ordinance No. 5156) was noticed for the April 22, 2025, City Council meeting on the City website in accordance with Oregon public meetings law and the item was continued; and

WHEREAS, Ordinance No. 5156 was noticed for the May 13, 2025, City Council meeting on the City website in accordance with Oregon public meetings law, and the vote on the first reading was not unanimous; and

WHEREAS, the second reading of Ordinance No. 5156 was noticed for the May 27, 2025, City Council meeting on the City website in accordance with Oregon public meetings law, and

WHEREAS, the City Council adopted Ordinance No. 5156 on May 27, 2025 implementing Phase 1 of Docket G 2-24; and

WHEREAS, Phase 2 of the proposed landscape code amendments recommended by the Planning Commission was noticed for consideration at the December 9, 2025, City Council meeting and posted on the City website in accordance with Oregon public meetings law; and

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

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 17th day of December 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

EXHIBIT A TO ORDINANCE NO. 5165

McMinnville Zoning Ordinance Amendments to Provisions Relating to Landscape Plans and Landscape Standards

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

Chapter 17.57 LANDSCAPING

(as amended by Ordinance No. Ord. 5165; 2025)

Sections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 **Applicability.**
- 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~~ **associated stormwater pollution caused by runoff.**
2. Aid 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.

10. Address changes to the environment and climate.

11. Promote air quality.

- 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. **Promote the preservation of** ~~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~~ **Enhance** McMinnville as a community that cares about its appearance.

It is further recognized that **well-designed** landscaping **can** increase 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~~ **outcomes** 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 Sections **s 17.57.040 and** 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. 5165, 2025**; Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this ~~section~~ **Chapter**, 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 Dwelling~~ **Medium, High-Density Residential zone)** ~~except the construction of a Single-Family or Two-Family Residential Unit;~~ **except as provided by 17.57.040(H)**
- B. R-5 (High-Density, Multiple-Dwelling Residential zone) except as provided by 17.57.040(H);**
- C. C-1 (Neighborhood Business zone);**
- D. C-2 (Travel Commercial zone);**
- E. C-3 (General Commercial zone);**
- F. O-R (Office/Residential zone);**
- G. M-L (Limited Light Industrial zone);**

- H.** M-1 (Light Industrial zone);
I. M-2 (General Industrial zone); (**Ord. 5165, 2025;** Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Specific Uses Requiring Landscaping *Applicability*.

- A. Churches **Non-residential uses, are** subject to landscaping requirements of a multiple dwelling 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, **are** subject to the landscaping requirements of commercial uses;
- C. Mobile home park **Manufactured Dwelling Parks, are** subject to the **landscaping** requirements of a multiple dwelling development **Ord. 4220 Mobile Home Development Ordinance and Ordinance 4564;**
- D. Multiple-dwelling, commercial, and industrial uses in residential planned developments, **are** 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);~~
- E. Satellite dishes facing or abutting residential properties shall be screened by a sight obscuring fence, wall, or planting, when in a residential zone or the O-R zone;**
- F. Only the proposed elements that meet the definition of new construction per this Title of the McMinnville Municipal Code are subject to the requirements of this Chapter;**
- G. City and McMinnville Water and Light development in the right-of-way are exempt from the standards of this Chapter;**
- H. The following construction is exempt from the standards of this Chapter: accessory dwelling units, cottage clusters, plexes, single dwelling, single room occupancy – small housing, single room occupancy – large housing, tiny houses, and townhouses. These uses are subject to the landscaping requirements of Chapter 17.11. (Ord. 5165, 2025; 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. Review Process. Two review processes are available for landscape review: administrative and discretionary. An applicant may choose which process to use. The administrative process uses standards that do not require the use of discretionary decision-making. The discretionary process uses purpose and intent that are more subjective in nature and are intended to provide the applicant with more **alternative** 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 may 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. ***If the applicant wants to submit an application that does not fully comply with the clear and objective standards outlined in this Chapter 17.57, but still meet the intent and purpose of this chapter, the applicant may opt for the discretionary review procedure in accordance with the provisions of this subsection to be reviewed by the Landscape Review Committee.***
- 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, ***17.57 Landscaping;***
 - b. Identifies the design features or overall design concept proposed to accomplish Section 17.57.040 ***17.57.050(A)(2)(e).***
 - 2) A written narrative that:
 - a. Identifies which standards, in this Chapter, ***17.57 Landscaping*** the proposal does not fully comply with;
 - b. Identifies the design features or overall design concept proposed to accomplish ~~17.57.040~~ ***17.57.050(A)(2)(e);***
 - c. Identifies how the plans ***comply with*** ~~meet the purpose, intent, and requirements of this Chapter~~ ***Section 17.57.50(A)(2)(e).***
 - 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 (15)

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 may be allowed, as long as they do not alter the character and aesthetics of the original plan. **Modifications of the approved plan that** adjust an identified design feature or overall design concept proposed to accomplish Section 17.57.050(2)(d) **will be considered a major modification and shall require a resubmittal of the plan**, 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 Planning Director will determine if the modification is minor or major modification.** The petition shall include:
 - 1) A written narrative identifying the proposed alterations to the previously approved plans, **and the reasons for the proposed alterations.**
- 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. **The designer or designee of the landscape plan shall certify water facilities or irrigation systems were installed to approved plans.** 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. **To certify compliance of the installed watering facilities or irrigation systems with approved plans, the designer or designee, must provide a letter, on a form provided by the City, certifying watering facilities or irrigation systems were installed to industry standards and the approved plans and that the city bears no responsibility or liability.** Minor changes in the landscape plan shall **may** be allowed, as determined by the Planning Director, as long as they do not alter the character, intent, and aesthetics of the original plan. (**Ord. 5165, 2025**; 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 plan review application submitted under Section 17.57.050:

- 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~~ and indication of whether they are to remain or to be removed from the site, **and** ~~Method of protection of~~ for those 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, size, and the variety (common and botanical name), of all new trees, shrubs, groundcover, and lawns **drawn to size** 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 to illustrate compliance with applicable review criteria, or to explain the details of the application. ~~so that the review committee may be fully knowledgeable of the project when discussing the application;~~
- F. The location of existing or proposed storm water facilities:**
- G.** The location of watering facilities or irrigation systems including irrigation sleeves, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed or to be used, and an accompanying letter from the designer or designee of the landscape plan stating that the design of the proposed irrigation system is to industry standards and meets the purpose, intent, and requirements of Chapter 17.57 Landscaping.
- H.** All of the following information 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~~ including 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, provide the 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. 5165, 2025; 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 minimum ranges:

1. Industrial, at least seven (7) percent of the gross area of the site. This may be reduced to not less than five (5) percent upon approval of the Landscape Review Committee through the discretionary review process. ~~(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 (7) percent of the gross area of the site. This may be reduced to not less than five (5) percent upon approval of the Landscape Review Committee through the discretionary review process. ~~(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 (25) percent of the gross area of the site. This may be reduced to not less than fifteen (15) percent upon approval of the Landscape Review Committee through the discretionary review process. ~~(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 surface 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.~~

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

- a. **New additions to or expansions of existing structures require the site to be brought into further conformance with the minimum landscaped area as established in 17.57.070(A). Landscape improvements, if not currently met, shall not exceed ten (10) percent of the valuation of the addition or expansion**

at building permit. The applicant shall provide the estimates of landscaping improvements to the satisfaction and approval of the Planning Director.

b. New surface parking lots or structures shall be landscaped to meet 17.57.070(B)(4).

c. Landscaping to be installed on ~~an~~ for an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the Landscape Review Committee ~~through the discretionary review process~~;

6. Stormwater facilities do not qualify as landscaping for the purpose of minimum area requirements and are not reviewed as part of this Chapter.

B. Landscape plans shall meet the following standards, unless the Discretionary Review Process of Section 17.57.050(A)(2) is requested by the Applicant:

~~1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.~~

1. Sight-obscuring Screening of the proposed use shall be by ~~sight-obscuring~~ evergreen plantings, shade trees, fences, or combinations of plantings and screens. Sight-obscuring screening abutting residential properties shall conform to the following standards:

a. Height. Fences and walls shall be a minimum of six (6) feet in height. Landscaping shall be of a species that will attain a height of at least six (6) feet within two (2) years of planting.

b. Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away. Landscaping shall be of a species that will attain the opacity requirement within two (2) years of planting.

c. Landscaping and fencing requirements shall be superseded by the requirements in Section 17.54.080, Clear Vision Area, Chapter 8.10.210 of the MMC for regulations and fences, and other applicable screening standards if more restrictive.

~~2. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should~~ shall be preserved to the maximum practical degree. Existing trees identified as to remain shall be provided with a watering area equal to at least one-half the crown area protected during construction as provided under Chapter 17.58.

3. Parking Areas. The development and use of islands and plantings therein to break up parking areas. shall be incorporated to break up parking areas as follows:

a. To minimize large expanses of continuous pavement, parking areas greater than 6,000 square feet in area shall be physically and visually separated with landscape islands or planter bays. Separated parking areas may be connected by a drive aisle or driveway.

- b. At minimum, one deciduous tree shall be planted for every (10) parking spaces within a parking area. A maximum of ten (10) contiguous parking spaces is permitted without separation by a landscape island. Landscape islands and planter bays shall be distributed throughout the parking area to create a canopy effect and to break expanses of paving and long rows of parking spaces.
 - c. Landscape islands and planter bays.
 - 1) Landscape islands shall have a minimum length equal to that of the adjacent parking space, minimum planting area of twenty five (25) square feet, and width of five (5) feet, excluding curb;
 - 2) Planter bays shall have a minimum planting area of twenty (25) square feet and a minimum width of five (5) feet, excluding curb;
 - 3) Shall contain a tree, shrubs spaced no more than three (3) feet on center, and groundcover.
 - d. Driveway Entryway. A landscaped island or planter bay shall be provided on the subject site on both sides of a driveway entryway. Shrubs shall be of a variety appropriate to comply with the clear vision area standards of Section 17.54.080.
 - e. Where surface parking is proposed adjacent to a street, a five (5) foot wide buffer must be provided on the subject site between the surface parking and street. The buffer shall meet the following standards:
 - 1) Contain a wall, hedge, or dense landscaping with a minimum height of thirty (30) inches above the finished grade of the parking area to achieve the opacity standard of Section 17.57.070(B)(1)(b);
 - 2) Trees shall be planted to spacing requirements as described in Section 17.58.090(C), shrubs spaced at most three (3) feet on center, and ground cover distributed throughout the planter area;
 - 3) Walls and planted materials species shall be selected to comply with the clear vision area standards of Section 17.54.080;
 - f. Surface parking areas shall be separated from the exterior wall of a structure by a landscaping strip or pedestrian walkways, with a minimum width of five (5) feet, except where a loading area is present.
 - g. Certain trees shall be prohibited in parking areas : ~~poplar, willow, fruit, nut, birch, conifer, and ailanthus~~ as identified in the McMinnville Street Tree List.
4. ~~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 as identified in Chapter 17.58.

5. Suitable Permanent underground or drip watering facilities or irrigation systems must be included in or near all planted areas; unless not required by subsection b. The following standards apply:
 - a. Prior to approval of the landscape plan the applicant shall provide a letter from the designer or designee of the landscape plan stating that the design of the proposed irrigation system is to industry standards and will meet the purpose, intent, and requirements of Chapter 17.57 Landscaping.
 - b. A permanent underground or drip irrigation system is not required for:
 - 1) Existing healthy vegetation that has been established for at least two (2) years and that is being preserved to meet the landscaping requirements under this chapter;
 - 2) New vegetation that is drought resistant, in which case a two (2) year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over the two (2) year time period and how that water will be distributed to the plant material; or
 - 3) Vegetation located within stormwater facilities.
6. Solid Waste and Recycling Enclosures. Solid Waste and Recycling Enclosures shall comply with Chapter 17.61.
7. Demonstrate that landscaping meets minimum Water and Light Commission rule for clearance from fire hydrants, and water meters.
8. Demonstrate that landscaping meets minimum National Electric Safety Code and Water and Light Commission rules for clearance from electric meters, utility poles, street lights, transformers, and other electric facilities.
- C. All landscaping approved by the landscape plan shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. (Ord. 5165, 2025; Ord. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

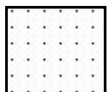
17.57.080 Central Business District. The central business district shall be divided into two areas as defined in this section:

- 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. 5156, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS



Area I No Required Landscaping



Area II - One-Half Required Landscaping

17.57.090 Credit for Work in Public Right-of-Way. The ~~City 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 ~~City 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. 5165, 2025;~~ 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 ~~City review committee~~ the applicant may appeal to the Planning Commission within ~~15 (fifteen)~~ **fifteen (15)** days after the ~~City 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 ~~City 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 City review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 5165, 2025; Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.58

TREES

(as adopted by Ord. 4654B Dec. 9, 1997)

Sections:

17.58.010	Purpose.
17.58.020	Applicability.
17.58.030	Definitions.
17.58.040	Tree Removal/Replacement.
17.58.045	Downtown Trees.
17.58.050	Application Review and Criteria.
17.58.060	Permit Exemptions.
17.58.070	Tree Topping.
17.58.075	Protection of Trees.
17.58.080	Street Tree Planting – When Required.
17.58.090	Street Tree Standards.
17.58.100	Street Tree Plans.
17.58.110	Street Tree Planting.
17.58.120	Street Tree Maintenance.

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- Individual significant or historic trees as defined in this ordinance.
- All trees with trunks located completely or partially within any public area or right-of-way;
- All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

17.58.030 Definitions. For the purpose of this section, refer to Section 17.06.045 for Tree related definitions. (Ord. 4952 §1, 2012).

17.58.040 Tree Removal/Replacement.

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Applications shall be reviewed by the Planning Director or Planning Director's Designee ~~City Manager or City Manager's Designee~~ (hereafter "Planning Director Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, except as authorized in Section 17.58.050. Requests for tree removal within the Downtown Tree Zone shall be submitted to the City. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director Manager ~~Manager~~ should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or the Planning Director Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or the Planning Director Manager may be appealed to the Planning Commission if written notice of the appeal is filed with the City within 15 (fifteen) days of the committee's or the Planning Director's Manager ~~Manager~~ decision. A decision made by the Planning Director Manager in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Planning Director Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed

shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Planning Director's Manager or Landscape Review Committee's decision. The Planning Director Manager or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.
- G. Other conditions may be attached to the permit approval by the Planning Director Manager or Landscape Review Committee as deemed necessary.
- H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.045 Downtown Trees.

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.
- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees within the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees within the Downtown Tree Zone to minimize the potential for sidewalk / tree root conflict.
- C. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the Downtown Tree Zone. In order to implement this policy, the Planning Director

~~Manager~~ shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the Downtown Tree Zone.

- D. A street tree within the Downtown Tree Zone may be removed if the **Planning Director** ~~Manager~~ determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 5027 §2, 2017).

17.58.050 Application Review and Criteria.

A. Application for Simple Tree Removal Permit.

1. Review. Applications for simple tree removal permits shall be reviewed by the **Planning Director** ~~Manager~~ in accordance with the requirements of this Chapter on a form containing information required by the **Planning Director** ~~Manager~~.
2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:
 - a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.
 - b. The tree is dead or in an advanced state of decline.
 - c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.
 - d. Tree is infested with pests or disease.
 - e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.
 - f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.
 - g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.
 - h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.
3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be

required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The **Planning Director** Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the **Planning Director** Manager. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

4. At the **Planning Director's** Manager discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.
- B. Application for Tree Major Pruning Permit.
1. Review. Applications for major pruning of trees shall be reviewed by the **Planning Director** Manager in accordance with the requirements of this Chapter on a form containing information required by the **Planning Director** Manager.
 2. Criteria. Each tree proposed for major pruning shall meet all of the following criteria:
 - a. The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.
 - b. The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.
 - c. The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).
 - d. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.
 3. Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.
 4. At the **Planning Director's** Manager discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.
- C. Application for Complex Tree Removal Permit.
1. Review. Applications for complex tree removal permits shall be reviewed by the Landscape Review Committee in accordance with the procedures of

this Chapter on a form containing information required by the **Planning Director** Manager.

2. Criteria. An application for a complex tree removal permit shall meet all of the following criteria:
 - a. The tree removal is necessary to address a public purpose that is not addressed by the criteria for a Simple Tree Removal Permit, and the application does not merely circumvent the requirements for a Simple Tree Removal Permit.
 - b. The tree removal is necessary to promote the public health, safety, welfare, and/or to accomplish a public purpose or program identified in the City's adopted plans, goals, and/or policies.
 - c. The tree removal will be consistent with the overall furtherance of a healthy urban forest, including healthy, attractive street trees.
3. The Landscape Review Committee may apply conditions of approval as specified in this Chapter and as may be necessary to offset the impact of the tree removal.
4. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.

17.58.060 Permit Exemptions.

- A. Emergency Removal of Hazardous Tree - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.
- B. Tree Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the **Planning Director** Manager. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City's annual tree planting program.
- C. Maintenance - Regular pruning maintenance which does not require the removal of over 20 percent of the tree's canopy, tree topping, or the disturbance of over 10 percent of the tree's root system is exempt from the provisions of this ordinance.
- D. Removal of downtown trees at the direction and initiative of the **Planning Director** Manager. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping. It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be

exempted at the determination of the **Planning Director** Manager or Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees.

- A. It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.
- B. It shall be unlawful for any person to attach or keep attached to any street or public tree or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.
- C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any street tree or public tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.
- D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the Landscape Review Committee. Utility pole installations are exempted from these requirements. During such excavation or construction, any such person shall guard any street tree or public tree within the drip line, or as may be required by the **Planning Director** Manager or Landscape Review Committee.
- E. All building material or other debris shall be kept outside of the drip line of any street tree or public tree. (Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting - When Required. All new residential development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2019-26, and as may have been subsequently amended, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots

- characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
 - D. Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City's adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the Planning Director ~~Manager~~ may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk. Except when authorized by the Planning Director ~~Manager~~, street trees shall not be planted within a curbside landscape strip narrower than four (4) feet in width between the sidewalk and curb. When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards, street trees adjacent to major collector streets or arterial streets shall be placed a minimum of five (5) feet from the back edge of the sidewalk. Except when authorized by the Director, a street tree shall not be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
 - E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
 - F. Existing street trees shall be retained unless approved by the Planning Director ~~Manager~~ for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director ~~Manager~~ to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to

- the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.
- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans.

A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the ~~Landscape Review Committee~~ **Planning Director** for review and approval prior to the filing of a final subdivision or partition plat.
2. Commercial, Industrial, Parking Lots, and Multi-dwelling Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the ~~Landscape Review Committee~~ **Planning Director** for review and approval prior to the issuance of a building permit.

B. Street Tree Plan Content. At a minimum, the street tree planting plan should:

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (**Ord. 5165, 2025**; Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting.

A. Residential subdivisions and partitions.

1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

B. Commercial, Industrial, Residential, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, residential, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Sections 17.58.040 and 17.58.050. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).



**City of
McMinnville**

PLANNING

**City of McMinnville
Community Development**

231 NE Fifth Street
McMinnville, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE ZONING ORDINANCE, DOCKET G 2-24, LANDSCAPE APPLICABILITY, REVIEW CRITERIA, AND STANDARDS, AND STREET TREE PLAN REVIEW PROCESS CHAPTERS 17.57 AND 17.58.

DOCKET: G 2-24

REQUEST: Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscaping applicability, review criteria, and standards, and Street Tree Plan review process.

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

DECISION-MAKING

- BODY:** McMinnville City Council
- DATE & TIME:** December 17, 2025, 7:00 PM. Hybrid In-Person and Zoom Online Meeting: Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville, Zoom Meeting ID: 872 7518 5011
- PROCEDURE:** The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.
- CRITERIA:** Amendments to the McMinnville Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.
- APPEAL:** The Planning Commission will make a recommendation to the City Council. The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

DECISION

Based on the findings and conclusionary findings, the City Council **APPROVES** the legislative amendments to the Zoning Ordinance (Docket G 2-24).

////////////////////////////////////
DECISION: APPROVAL
////////////////////////////////////

City Council:_____ Date:_____
Kim Morris, Mayor

Planning Commission:_____ Date:_____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Planning Division:_____ Date:_____
Heather Richards, Community Development Director

I. APPLICATION SUMMARY

This application is a legislative proposal for amendments to the McMinnville Zoning Ordinance, adopting amended standards for landscaping applicability, review criteria, and standards (Chapter 17.57 "Landscaping"), and Street Tree Plan review process (Chapter 17.58 "Trees").

II. ATTACHMENTS

- Attachment 1. Amendments (on file with Planning Division; see also Exhibit A to Ordinance No. 5165)

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 and Chapter 17.58 Trees. The proposal is intended to implement the adopted revised standards for landscaping applicability, review criteria, and standards (Chapter 17.57 "Landscaping"), and Street Tree Plan review process (Chapter 17.58 "Trees").

The City Council finds that based on the findings of fact and the conclusory findings contained in this findings report, the proposed amendments to Chapter 17.57 and Chapter 17.58 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. The Planning Commission recommended City Council approve the proposed amendments as presented.
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 October 14, 2025, City Council meeting was posted on the City website in accordance with Oregon public meetings law and the item was continued.
8. On October 14, 2025, the City Council held a duly noticed public meeting to consider the Planning Commission's recommendation and the proposal and the item did not pass.
9. On December 9, 2025 the City Council held a duly noticed public meeting to consider the Planning Commission's recommendation and the proposal and voted to adopt the ordinance, five to one. As the first reading was not unanimous, a second reading is required.
10. On December 17, 2025 the City Council held a duly noticed public meeting to consider the Planning Commission's recommendation and the proposal.

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 landscaping applicability, review criteria, and standards (Chapter 17.57 “Landscaping”), and Street Tree Plan review process (Chapter 17.58 “Trees”). The Planning Commission evaluated the recommendations of the Landscape Review Committee, and a variety of issues related to increased efficiencies, revising standards to implement the identified purpose and intent of landscaping, and modifying the identified purpose of landscaping within the Zoning Ordinance. Changes to the Street Tree Plan review process are proposed to allow staff to conduct review in lieu of the Landscape Review Committee. The proposal strikes a balance between the purpose and intent of Chapter 17.57 and Chapter 17.58, additional standards to implement the purpose and intent, 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 and Chapter 17.58'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.



EXHIBIT 1 - MINUTES

November 7, 2024
Planning Commission
Regular Meeting

6:30 pm
Hybrid Meeting
McMinnville, Oregon

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

Members Absent: Meg Murray

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

1. Call to Order

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

2. Citizen Comments

None

3. Public Hearings

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

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

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

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

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

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

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

Chair Winfield asked if any Commissioners had visited the site. Commissioners McClellan, Jones, Tucholsky, Flores, Winfield, Rankin, and Randall had visited the site. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Senior Planner Schauer presented the staff report. This was a request for a Planned Development amendment and Subdivision Tentative Plan amendment for the remaining phases of the Hillcrest Planned Development, approximately 106 acres. The amendments would revise the street layout with substantially the same connections external to the site, 392 lots and open space tracts vs. 394 lots, smaller average lot size and reduced setbacks, and 43 multi-generational homes vs. 43 townhouse lots. He explained additional information entered into the record after the October 31 meeting packet, applications, criteria, subject property, proposed master plan/tentative plan, background on previous applications, project phases, open space tracts, streets and utilities, and staff's recommendation for approval with conditions.

Commissioner Questions: The Commission asked questions about the landscape plan for the open space tracts, how there were no restrictions on occupation of the ADU for the multi-generation housing, pump facility, drainage plan, natural hazards, how the applicant thought they were subject to the 2017 standards rather than current standards and how staff thought the amendments were subject to the current standards, flood risk to the lots adjacent to the wetlands, and how the drainage plan would ensure there would not be flooding,

James Lofton, City Engineer, discussed the drainage plan and how the project would need detention facilities. He described the engineering process that took place after the land use decision was rendered. He explained how the Natural Hazards Overlay applied to this project and how a full geotechnical analysis would be done on the site. They would not be able to eliminate flooding on some of the lots. There would be easements for drainageways and the boundary of the easements would be at the 100 year flood event level to keep the home construction out of the flood area.

Applicant's Testimony: Zach Pelz, AKS Engineering & Forestry, LLC was representing the applicant. He gave a project background and discussed the subdivisions approved in 2007 and 2017, reasons for the modifications including road realignment, how the road realignment was substantially similar to the 2017 plan, summary of the planned modifications, how the

current plan improved on the 2017 plan, mid-block pedestrian pathways, more open space, and community amenities. Regarding Condition of Approval #13, there was a strikeout shown that no longer allowed them to exempt trees located in the rights-of-way. He would like confirmation that the intent was they would not be penalized for removing trees that were in the rights-of-way.

Garret Stephenson, legal counsel for the applicant, said under the current condition, for the trees they would remove, they would have to provide tree mitigation or a fee in lieu. If they were providing land to the public for rights-of-way, he did not think they had to mitigate for the trees that were removed.

Commissioner Questions: There was discussion regarding how the stormwater facilities and the open spaces would be owned and maintained by an HOA.

Senior Planner Schauer said the reason for the strike out in Condition #13 was to be consistent with the language of the zoning ordinance.

There was further discussion regarding connectivity of the streams and roadways and how the applicant would use culverts in those areas to allow the water to flow underneath the roadway.

There was concern about stormwater drainage and it was suggested the applicant use permeable pavement. Mr. Pelz stated they would install two stormwater facilities for water detention. There were long term maintenance issues with permeable pavement. Mr. Lofton explained why permeable pavement was not appropriate for this area with slide susceptibility.

The Commission suggested the applicant work with McMinnville Water & Light for better water pressure to the adjacent neighborhood. Mr. Pelz said even though the pressure was low, it was in the range and they would be operating in a different pressure zone.

Mr. Pelz confirmed the playground in Area F would include a play structure, open area, and walking paths. They were not planning to include a public restroom due to the cost.

There was further discussion regarding how the housing designs would satisfy all of the applicable design guidelines, how adding left turn lanes at some intersections was required, blasting and noise, excavation and fill, clustering housing to save trees, the challenge of putting streets through the site and grading, how this would provide needed homes for residents and protect open spaces, and how there would be room for bus stops on the roads.

Proponents: Linda Berlin, McMinnville resident, had not been notified of the neighborhood meeting. She was concerned about the construction traffic on her street as well as fire and emergency traffic accessing the development. She was in support of the project as long as the water and sewer were on different systems and would be charged differently.

Steven Goldsmith, McMinnville resident, was concerned about urban heat island effect and lack of a lighting plan. He thought the growth should be managed in a responsible way.

Howard Aster, McMinnville resident, was one of the families planning to sell their property to be developed. He and the other two families had been working with the developer on this transaction for two years now and thought Holt Homes was honest and would build good homes. This proposal added housing variety and open space to this area.

Opponents: Kristi Bahr, McMinnville resident, discussed Phase 9, and how a proposed road extension went through her home. Mr. Schauer said the issue was included in Condition #27. At this point in time, the road would stub out at her property line and the intention was in the future that this was how the property would be served with street infrastructure if it was annexed and developed.

Rebuttal: Mr. Pelz discussed the issues they had with Condition #13 regarding the tree mitigation. Up until today, he thought the number was based on trees that were going to exist in the boundaries of the developed lots as well as the street trees they would have to install. Changing the language could be a substantial mitigation cost. He proposed going back to the original version to remove trees in the rights-of-way without paying a fee in lieu. He suggested closing the hearing but keeping the record open for 7 days until November 14 for the applicant to work with staff on the matter, and then keeping the record open for another 7 days for public testimony which would be due by November 21. They would waive the 7 day period for final written arguments. The Planning Commission would then make a decision on November 21.

Commissioner McClellan MOVED to CLOSE the hearing but keep the record open for Planned Development Amendment (PDA 1-24) and Amendment to Subdivision Tentative Plan (S 3-24) until November 14, 2024 for the applicant and until November 21, 2024 for rebuttal. SECONDED by Commissioner Jones. The motion PASSED 8-0.

B. Quasi-Judicial Hearing: Hearing: Zone Change (ZC 3-24), No Site Address (Undeveloped), Tax Lot R4409DC0110

Request: The applicant is requesting approval of a Zone Change application from R-3 (Medium-Density, 6000 SF Lot Residential Zone) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone) for a 2.93-acre parcel located at Tax Lot R4409DC 01100, west of the NE Newby Street and NE Hoffman Drive Intersection. This is for a zone change only. No development is currently proposed for the site

Applicant: Monika Development

Chair Winfield opened the public hearing and read the hearing statement. She asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Winfield asked if any Commissioners had visited the site. Many Commissioners had visited the site. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Report: Senior Planner Graybehl presented the staff report. This was a request for a zone change for a 2.93 acre property from R-3, medium density residential, to R-4, medium high density residential. No development was proposed at this time. Staff recommended approval. He described the existing conditions on the site, review procedures, review criteria and compliance, needed housing, Comprehensive Plan findings, Great Neighborhood Principles findings, Statewide Planning Goals, what was required for Goal 10: transportation, and how the Traffic Impact Analysis showed the project did not create a significant impact due to the new zoning.

There was discussion regarding when development might occur on the site, additional number of units allowed in the new zone, and height and setbacks for the R-4 zone.

Applicant's Testimony: Wendy Kellington, representing the applicant, said the applicant might or might not develop the property. The zone change was a tool to deliver increased housing within the City. It would allow this site to be developed with different housing types per the Great Housing Principles. Due to the wetland on the property, it was the only way to achieve the amount of housing needed to help meet the significant deficit. Without upzoning, it would be difficult to achieve the housing. Rezones were allowed without development proposals so long as they met the standards. This application met all of the standards. The Comprehensive Plan said all housing types shall be allowed, and the City should encourage rezoning to maintain land supply to meet housing objectives. Regarding adding conditions of approval, it would deprive the City of the developer's flexibility to comply with the design standards. The time to impose conditions was when there was a specific development application, and they would know the impacts and how to mitigate them. This application would allow the City significant infill and increase housing.

There was discussion regarding previous applications on this site and applicant's plans for the site.

Proponents: None

Opponents: Jerry Lanier, McMinnville resident, did not think they had to rezone the property as they could already put denser development on it. At its current zoning, it would not be different from the other adjacent properties. It was surrounded by nice neighborhoods of single family, duplexes, and triplexes and building high rise apartments next to these homes would be hard on the neighborhood. There was not any greenspace in the area as it was, and adding more people would make it worse.

Travis Cameron, McMinnville resident, was concerned about people from this site parking in the neighborhood, which was a beautiful neighborhood currently.

Rebuttal: Ms. Kellington said the decision had to be based on the standards and criteria, which stated neighborhoods shall have different housing types. Neighborhood integration and diversity was important to the City and without honoring the standards, the City could not meet their housing targets. This property was well suited to be a beautiful addition to the neighborhood and would have to meet strict standards for development. Parking standards were imposed by the City and would be part of the application. She read a State Statute as a basis for not putting conditions on the zone change.

Commissioner Tucholsky MOVED to CLOSE the public hearing, SECONDED by Commissioner McClellan. The motion PASSED 8-0.

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Deliberation: The Commission discussed short term rentals in the R-4 zone, struggle with the number of units that were possible with the upzone, what they would be gaining and the neighborhood losing with this application, how it met the criteria, future height

concessions and being a good neighbor, questioning if this was the right location for higher density, and adding a condition for the height and setback from the existing neighborhoods.

Commissioner Randall suggested adding a condition for a minimum setback of 15 feet along the abutting single family residences based on the human scale design in the Great Neighborhood Principles.

Commissioner Tucholsky was not in favor of approving the application, even with the condition. There were 14 properties adjacent to this property that would be negatively affected only to add 12 more units. He thought they should not change the zoning on a property that had no plan and was not ideal for the extra density. Changing the setback would not give the neighbors privacy that they had bought into as they had signed up for R-3.

Commissioner McClellan said the applicant wanted to set the property up for the best development opportunities, but she agreed that R-4 might not be the best option for the property. She did not know a criterion that could reasonably deny the request.

The Commission discussed the zone change criteria and what might be used for denial and if the condition proposed by Commissioner Randall followed the code.

No criteria could be found to deny the application.

Community Development Director Richards said the applicant was limited in the number of units based on the footprint of the site itself. They could have a tall, narrow building, but it had not been determined how the site would be designed. She cautioned the Commission not to get caught up in the 120 units that the Traffic Impact Analysis stated was the maximum number of units for the site. She did not know how feasible that would be. One of the complications of R-3 was they had to parcelize the site to create parcels for the housing products. Parcelizing with the drainage ditch was problematic because of the street access to get to the parcels. That was one reason the applicant wanted to change it to R-4 to provide more flexibility. Once they went over three stories, they would be in a different code in terms of structural development, and it would be more expensive. They did not see that in McMinnville.

Commissioner Randall MOVED to RECOMMEND City Council APPROVAL of Zone Change ZC 3-24 with a condition for a minimum setback of 15 feet to the foundation along the north and west property lines. SECONDED by Commissioner McClellan. The motion PASSED 6-2 with Commissioner Mudrak and Tucholsky opposed.

C. **Legislative Hearing: Proposed Amendments To The Comprehensive Plan To Support The Parks, Recreation And Open Space Plan (Docket G 5-24).**

Request: A proposal to adopt the June 2024 Parks Recreation and Open Space Plan as a supplemental document to the McMinnville Comprehensive Plan, and to amend Volume I, Background Information, Volume II, Goals and Policies and Volume III, McMinnville Growth Management and Urbanization Plan's Framework Plan, to support the Parks, Recreation, and Open Space (PROS) Plan.

Applicant: City of McMinnville

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

Staff Report: Community Development Director Richards presented the staff report. This was a request to approve the Comprehensive Plan amendment to adopt the Parks, Recreation, and Open Space Plan as part of the Comprehensive Plan. She explained the reasons for including it in the land use program, purpose of the Parks Plan, table of contents for the Parks Plan, proposed changes to Comprehensive Plan Volume I, background information, Volume II, goals and policies, Volume III, implementing ordinances, and appendices, and amendments to the Framework Plan. She then reviewed the public testimony and addressed the issues raised regarding the number of acres in the Framework Plan, buildable acres vs. unbuildable acres, policies about locations, and Comprehensive Plan Policy #170.18.

Proponents: Mark Davis, McMinnville resident, was in support of the Parks Plan. He requested changes to the document, clarifying Exhibit 3 related to the recently approved Housing Needs Analysis and clarifying parks would be built on unbuildable land.

Opponents: Paula Lang, McMinnville resident, was not opposed to the Parks Plan as a whole. However, the information meeting for the Quarry Park project left people with more questions than answers. There was a perception that the affluent residents in the area would like to keep the park for themselves. She would like open access to the park. The walking paths were relegated to the outside border of the park and the interior would be dedicated to BMX biking. This site flooded every year, and she was concerned about the flora and fauna of the area. The neighbors needed more information.

Susan Muir, Parks and Recreation Director, said Quarry Park was in the five year action plan, not as a BMX, but as a bike park. That was the first outreach to the neighborhood and there would be more community engagement.

Chair Winfield closed the public hearing.

There was discussion regarding the implications to the Fox Ridge Area Plan and the community park in that plan if these amendments were approved. Community Development Director Richards said the community park was not in the Parks Plan, but the Parks Plan did include a minimum 5 acre neighborhood park and greenway acreage in this area.

Bill Kabeiseman, City Attorney, said it was not inconsistent and plans did change over time.

The Commission had worked hard on the Fox Ridge Area Plan and wanted to ensure that it did not need to be amended due to the PROS Plan and associated Framework Plan amendments. They wanted to continue the hearing to have staff bring back a recommendation to address the issue.

Commissioner McClellan MOVED to CLOSE the hearing and CONTINUE deliberations for the proposed amendments to the Comprehensive Plan to support the Parks, Recreation and Open Space Plan (Docket G 5-24) to December 5, 2024. SECONDED by Commissioner Tucholsky. The motion PASSED 8-0.

D. Legislative Hearing: Proposed Amendments To Chapters 17.57 Landscaping and 17.58 Trees Regarding Landscape Plans, Landscape Standards, and Street Tree Plans (Docket G 2-24).

Request: This is a proposed legislative amendment to the Zoning Ordinance initiated by the City of McMinnville. The proposal would amend various provisions of Chapter 17.57 Landscaping and Chapter 17.58 Trees regarding landscape plans, landscape standards, and street tree plans. The proposal would amend Chapter 17.57 to expand the purpose and intent, clarify when landscaping is required, allow for review by staff when a plan complies with standards, update information required on plans, address landscape requirements for additions or expansions to building or parking lots, create clear and objective landscaping standards, and provide minor text amendments for ease of reading. Chapter 17.58 Trees would be amended to allow for review by staff when a street tree plan complies with standards.

Applicant: City of McMinnville

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

Staff Report: Senior Planner Graybehl presented the staff report. This was a request to amend the zoning ordinance for landscape and street tree plans. He gave a background on the amendments, changes that were proposed, and street tree plan standards. Staff recommended approval.

There was no public testimony.

Chair Winfield closed the public hearing.

Commissioner McClellan MOVED to RECOMMEND City Council APPROVAL of the proposed amendments to Chapters 17.57 Landscaping and 17.58 Trees Regarding Landscape Plans, Landscape Standards, and Street Tree Plans (Docket G 2-24). SECONDED by Commissioner Jones. The motion PASSED 8-0.

4. Commissioner Comments

None

5. Staff Comments

Community Development Director Richards discussed the open Planning Manager position and thanked those who attended the Planning Conference.

6. Adjournment

Chair Winfield adjourned the meeting at 11:42 p.m.