Kent Taylor Civic Hall
Council Chambers
200 NE Second Street
McMinnville, OR 97128

City Council Meeting Agenda
Tuesday, April 28, 2026
5:30 p.m. – Special Called City Council Meeting
7:00 p.m. – City Council Regular Meeting
REVISED 04/27/2026

Welcome! This meeting will be a hybrid (in-person & Zoom) Meeting. 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 five ways:
*• **Pre-register** using the online form here:*
*https://www.mcminnvilleoregon.gov/citycouncil/webform/public-comment-card (Registration **OPENS** at **5:00 p.m. on the day the agenda is posted, one week before the meeting** and **CLOSES** at **12:00 p.m. the day BEFORE** the meeting // (Any form submitted outside this window will not be addressed);*
*• **Written comments** may be submitted to the City Recorder Team any time up to **12:00 p.m. the day BEFORE** the meeting and mailed to (McMinnville City Hall, c/o City Recorder Team, 230 NE Second Street, McMinnville, OR, 97128);*
*• **Digital comments (email)** may be submitted to the City Recorder Team any time up to **12:00 p.m. the day BEFORE** the meeting to CityRecorderTeam@mcminnvilleoregon.gov;*
*• Fill out a **physical public comment card** found at McMinnville City Hall; any time up to **12:00 p.m. the day BEFORE** the meeting, but **not before 5:00 p.m.** on the day the agenda is posted for the following week;*
*• Attend **in person** and fill out a public comment card.*

You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331, Frontier 29 or webstream here:
mcm11.org/live

CITY COUNCIL SPECIAL CALLED MEETING & CITY COUNCIL REGULAR MEETING:
You may join online via Zoom Webinar Meeting:
https://mcminnvilleoregon.zoom.us/j/85460915841?pwd=lRFslCqVEHDiBdR34SVJarGWarPASB.1
Or you can call in and listen via Zoom: 1-253- 215- 8782
Webinar ID: 854 6091 5841

5:30 PM – SPECIAL CALLED CITY COUNCIL MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER

2. PUBLIC HEARING
   a. Public Hearing regarding **Ordinance No. 5175**: An Ordinance memorializing the City Council's decision for the EMPWR appeal of the Planning Commission's denial of SE 1-25.

3. ADJOURNMENT OF SPECIAL CALLED MEETING

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

1. CALL TO ORDER & ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. NEW SERGEANT INTRODUCTIONS

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

5. CONSENT AGENDA
   a. Consider the request from Fresh Pint LLC. for Full On-Premises, Commercial, OLCC Liquor License located at 540 NE Hwy 99W.
   b. Consider the request from Moonlite Candles & Gifts LLC, dba NW Food & Gifts / NW CRU for Full On-Premises, Commercial, OLCC Liquor License located at 445 NE 3rd Street and 325 NE Evans Street.
   c. Consider the Draft Minutes of the November 11, 2025 Special Called City Council Work Session & Special Called City Council Meeting.
   d. Consider the Draft Minutes of the November 19, 2025 City Council Work Session Meeting.
   e. Consider the Draft Minutes of the December 09 2025 City Council Work Session & Regular Meeting.

6. RESOLUTIONS
   a. Consider **Resolution No. 2026-19:** A Resolution authorizing the City Manager to sign Amendment #1 to the Annexation Agreement with Yamhill Soil and Water Conservation District (property owner) and MAC Multi LLC (buyer), for the future annexation of Tax Lot R4409CD00100 that was approved via Resolution No. 2025-51.

7. ORDINANCES
   a. Consider the first reading with a possible second reading of **Ordinance No. 5175:** An Ordinance memorializing the City Council's decision for the EMPWR appeal of the Planning Commission's denial of SE 1-25.
   b. Consider the first reading with a possible second reading of **Ordinance No. 5178:** An Ordinance adopting the Natural Hazards program.

8. ADVICE/ INFORMATION ITEMS
   a. Reports from Councilors on Committee & Board Assignments
   b. Department Head Reports
   c. Community Center Appraisal & Pool Renovations **(Added on 04.27.2026)**

9. ADJOURNMENT OF REGULAR MEETING

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice: Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702 or CityRecorderTeam@mcminnvilleoregon.gov.

City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: **April 28, 2026**
TO: **Adam Garvin, City Manager**
SUBMITTED BY: **Heather Richards, Community Development Director**
WRITTEN BY: **Matthew Deppe, Associate Planner**
SUBJECT: **Ordinance No. 5175, AP 2 - 26**

1. *An Ordinance memorializing the City Council's decision for the EMPWR appeal of the Planning Commission's denial of SE 1-25.*

Report in Brief:

This agenda item is a quasi-judicial public hearing to consider AP 2-26, an appeal of the denial by the Planning Commission of a Sign Standards Exception Application for property located at 750 SW Booth Bend Rd, Tax Lot R4429 02600.

After deliberation, the City Council will make the final decision on this application (subject to appeal to LUBA). **A Sign Standards Exception Application must meet the relevant requirements of the review criteria set forth in McMinnville Municipal Code (MMC) 17.62.120(A-C).**

Sign Standards Exception Application (SE 1-25) - The applicant, EMPWR c/o Sheyla Wulf-Howell, is requesting approval of an application for an exception to the sign standards of the McMinnville Municipal Code. The requested exception would allow a new 300 square foot electronic changeable copy sign (30 feet by 10 feet) located on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage. Per the MMC, the maximum size allowed for an electronic changeable copy sign is 24 square feet.

The applicant requested an exception from the maximum size allowed for an electronic changeable copy sign to install a 300 sf electronic changeable copy sign, 12.5 times larger than the maximum allowed in the code.

The Planning Commission denied the application finding that the 300 sf sign (30 feet by 10 feet) met the definition of a video sign, which is a type of electronic changeable copy sign that is specifically prohibited under MMC 17.62.050(G). . Prohibited signs are not eligible for the exceptions listed under 17.62.120(B). Prohibited signs are only eligible for the exceptions listed under MMC 17.62.120(C).

The Planning Commission found that the applicant's sign proposal was a video sign as it was able to project electronically both horizontally and vertically, and that the applicant did not provide evidence showing how they needed a sign standard exception allowing for a 300 sf video sign that is prohibited within the City.

Definition of a Video Sign (MMC Section 17.06.040)

> *Video Sign - An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.*

The Planning Commission also found that the proposed sign was not an electronic changeable copy sign as described by the applicant. The MMC allows one electronic changeable copy sign per site, and it is only allowed if it does not meet the definition of a video sign, is linear in design, and part of a larger permanent sign. MMC 17.62.070(E)(1) states that "one electronic changeable copy sign is permitted per site," but states that "it shall only be allowed as part of a permanent freestanding or wall sign". The applicant has requested a standalone electronic changeable copy sign. The sign is not part of a greater wall sign, and the electronic changeable copy applies to the whole sign face both vertically and horizontally.

The applicant is appealing the decision of the Planning Commission.

The deadline for decision-making is May 29, 2026.

Background:

Applicant EMPWR c/o Sheyla Wulf-Howell, on behalf of property owner Big Step Properties, LLC, requested approval of an application for an exception to the sign standards of the McMinnville Zoning Ordinance. The requested exception would allow a new 300 square foot wall sign with electronic changeable copy for the entirety of the face of the sign on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage. The subject property is zoned General Industrial

(M-2), located at 750 SW Booth Bend Road, Tax Lot #R4429 02600. The sign dimensions are 30 feet by 10 feet.

In mid-2025 the applicant submitted an application to the Planning Division for a 300-square-foot electronic changeable copy sign for administrative review. The application was denied, as it did not meet the criteria for an approved electronic changeable copy sign in the MMC based on the size, make-up and functionality of the sign.

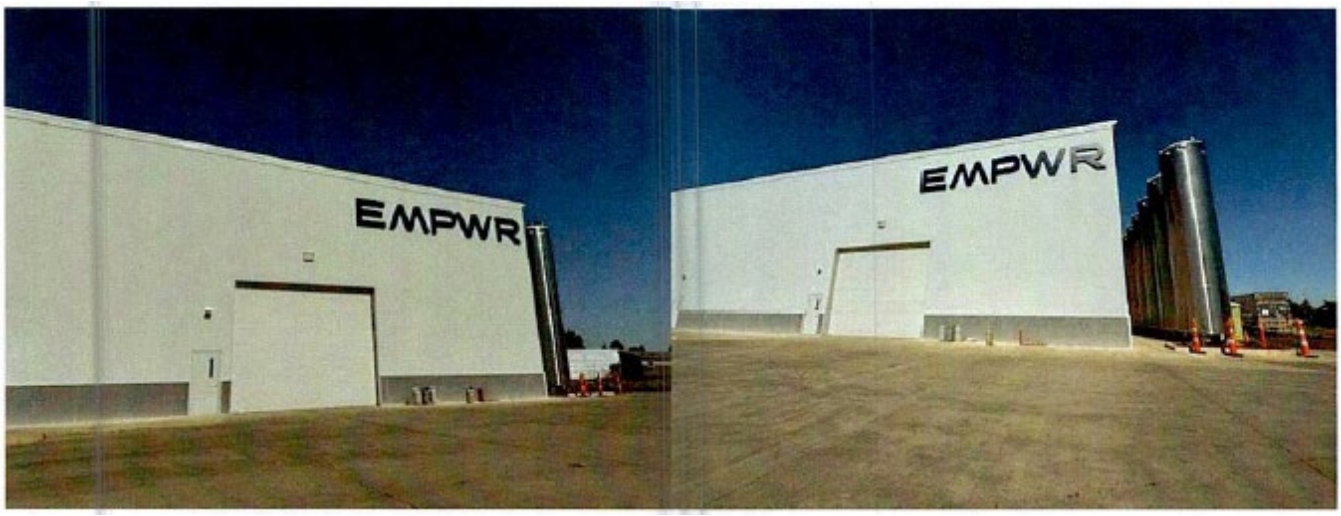
Section 17.62.070(E)(1) of the McMinnville Zoning Ordinance provides that one electronic changeable copy sign is permitted per site, provided that it does not meet the definition of a video sign, and shall only be allowed as "part" of a permanent sign. The electronic changeable copy portion of the sign may not exceed 24 square feet in area. Section 17.62.050(G) of the Zoning Ordinance provides that video signs, a type of electronic copy sign, are prohibited.

A video sign is "an electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities." MMC 17.06.040.

The proposed sign has electronic changeable copy functionality for the whole face of the sign (30 feet x 10 feet), not just a linear readerboard across the bottom of another type of permanent sign (wall sign, ground mounted sign or pole sign). The proposed sign mechanics have a wide spectrum of colors and shades, with capacity to project imagery and dimming capacity. Additionally, the sign has the capacity to create continuously changing sign copy in both the horizontal and in the vertical format. Video signs are a prohibited type of sign (17.62.050(G)). Prohibited signs are not eligible for the exceptions listed under 17.62.120(B).

Proposed Signage : The proposed electronic changeable copy sign would joint a wall sign on that elevation as a separate sign. Please see below.

Existing Signage:



Proposed Electronic Changeable Copy Sign:

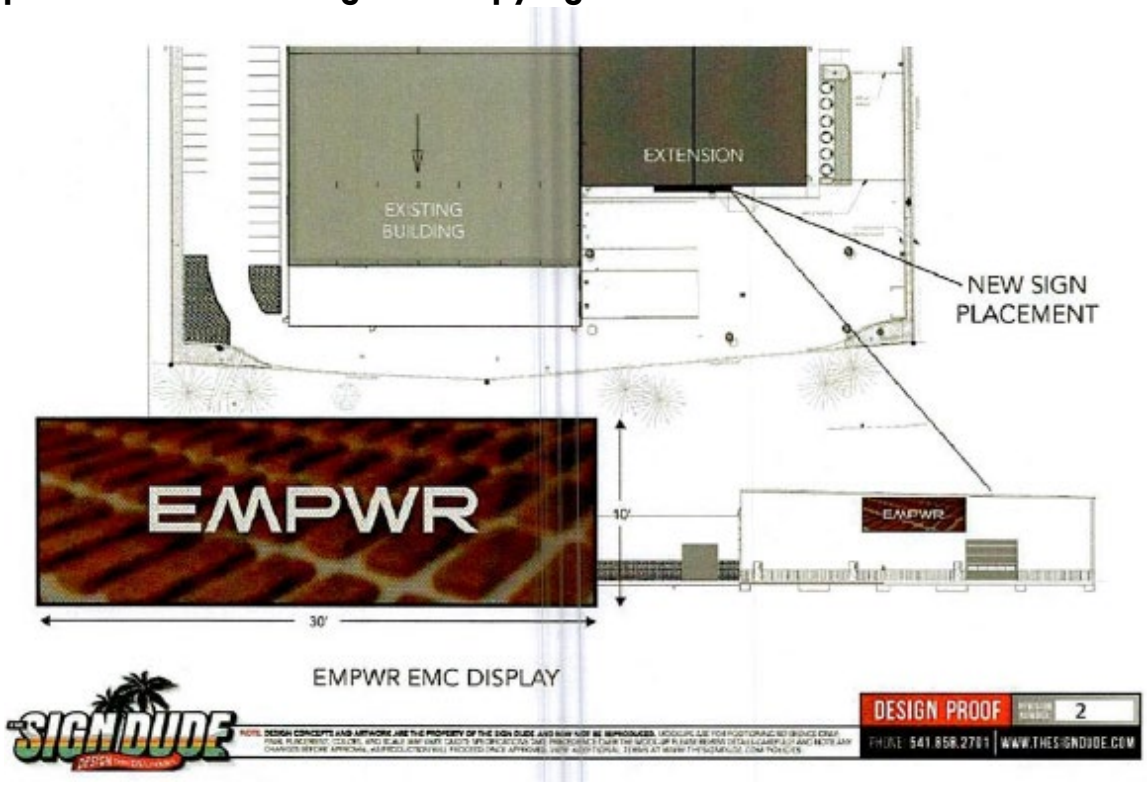


Figure 1: Vicinity Map (Property lines approximate)

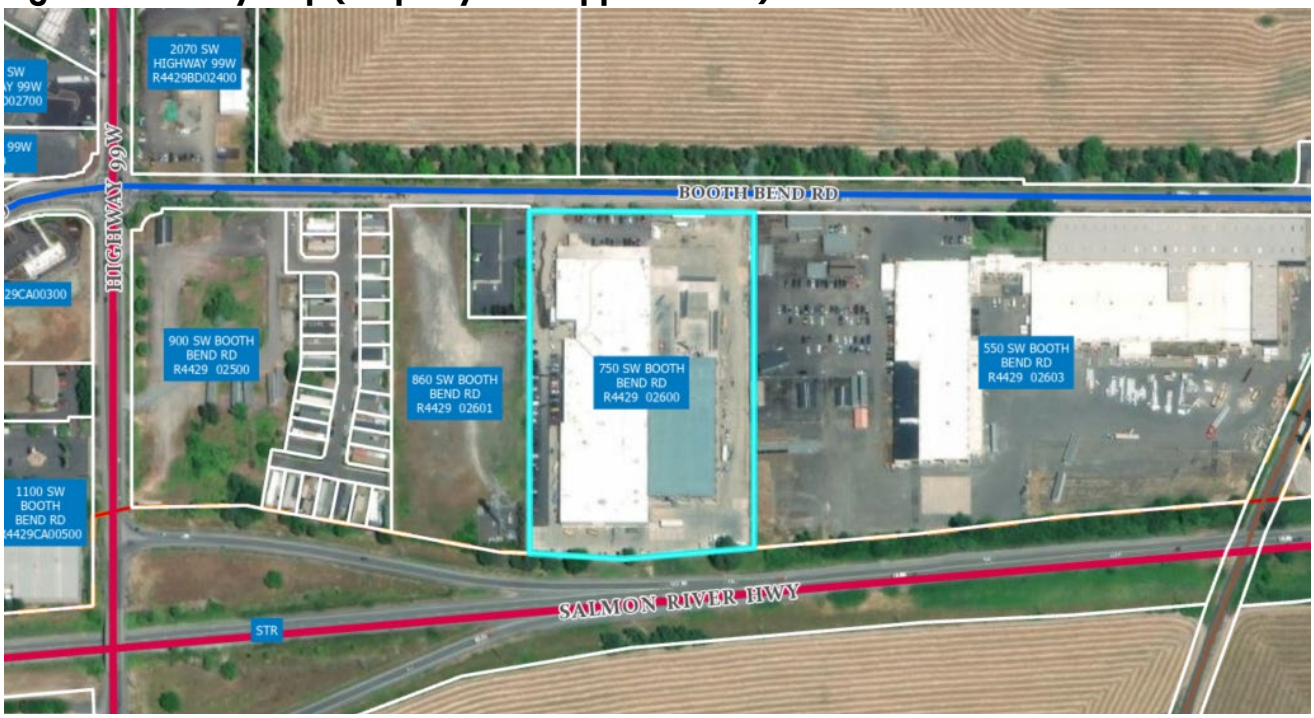


Figure 2: Zoning Map



The applicant submitted a sign application to the Planning Division July 24, 2025. The application was denied. On November 5, 2025 the applicant submitted this Sign Standards Exception Application. On January 15th the Planning Commission held a public hearing in reviewing this application and continued the application to February 5th, 2026 meeting. In that meeting the Planning Commission denied the application unanimously. On February 14, 2026 the applicant appealed the Planning Commission decision.

Procedural Findings:

The Planning Commission closed the public record, without objection from the applicant, during the January 15th public hearing.

The applicant reserved the seven-day comment period to offer final written argument in reply to material and testimony provided during the public hearing. The applicant's written argument is attached to this staff report as part of the public record.

The applicant also attempted to provide new evidence from the sign manufacturer. This testimony was emailed January 22 at 11:01 AM, after the public record was closed. On February 5th, 2026 the Planning Commission moved that the information submitted on January 22nd was new evidence and was not eligible to be part of the record.

In the February 5th meeting the Planning Commission voted unanimously to deny the Sign Exception Standards application.

Discussion:

In determining whether an applicant's sign applications should be approved for an exception to the sign standards in the MMC, the decision-making body must use Section 17.62.120 to determine findings for approval or denial.

17.62.120 Exceptions.

A. *Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by*

Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

B. *An exception may be granted if the property owner established that:*
   1. *An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and*
   2. *The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and*
   3. *The request will not be detrimental to community standards and the appearance of the city.*

C. *An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:*
   1. *Deny the owner of all economically viable use of the property on which the sign is located; or*
   2. *Substantially interfere with the owner's use and enjoyment of the property on which the sign is located*

D. *Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.*

E. *The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)*

Per Section 17.62.120(A), the test for an exception for a standard is that "*owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter.*"

The burden of proof is on the applicant to demonstrate that the undue or unnecessary hardship is due to the specific piece of property.

The Planning Commission found that, even if the sign was not a video sign, which the Planning Commission concluded it is, the applicant did not meet that test of proof to demonstrate that strict application of the code would cause an undue or unnecessary hardship. The planning commission concluded that the loss of additional opportunity due to visibility of the facility from Highway 18 is not an undue

or unnecessary hardship to allow a 300 foot video sign. EMPWR has the same opportunity to advertise their company with fixed wall signage of unlimited square footage just like every other industrial company in McMinnville, and their location and visibility from Highway 18

There are two general questions that first need to be answered in considering this application. First, which exception criteria apply to this application and second, is that criteria met. Sign exceptions must either meet subsection 17.62.120(B) 1, 2, and 3 or it must meet subsection 17.62.120(C) 1 or 2.

17.62.120(A) states that "prohibited signs" are not eligible to be considered under subsection (B). The full list of prohibited signs is found in 17.62.050. Prohibited signs include (E) moving signs, (I) flashing signs, and (G) video sign. If City Council agrees with the Planning Commission that this proposed sign is a video sign then they must only consider the exception provided under 120(C). If they find that this sign is not a video sign then they can consider either 120(B) or 120(C).

Type of Sign	Sign Allowed in the Code	Sign Prohibited in the Code
Criteria to grant an exception	17.62.120(B): An exception may be granted if the property owner establishes: 1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; ***and*** 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; ***and*** 3. The request will not be detrimental to community standards and the appearance of the city. ***OR*** 17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either: 1. Deny the owner of all economically viable use of the property on which the sign is located; **or** 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located	17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either: 1. Deny the owner of all economically viable use of the property on which the sign is located; **or** 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

Below is a table illustrating the Planning Commission's findings for 17.62.120 (A – C), with the findings that the electronic changeable copy sign is a prohibited video sign for which criterion B does not apply.

Subsection	Finding
A. Undue or unnecessary hardship	**Not Satisfied**
B(1). Unnecessary hardship due to site factors such as lot size, etc	**Not Eligible/Not Satisfied**
B(2). Material damage or prejudice to other property in the vicinity	**Not Eligible/Not Satisfied**
B(3). Detrimental to community standards and appearance of city	**Not Eligible/Not Satisfied**
C(1). Deny owner of all economically viable use of the property	**Not Satisfied**
C (2). Substantially interfere with the owner's use and enjoyment of the property	**Not Satisfied**

Is the proposed sign a video sign?

The Planning Commission determined that the proposed sign was a video sign per the following.

The MMC allows electronic changeable copy signs per 17.62.070(E):

E. Electronic Changeable Copy Signs are subject to the following standards:

1. *One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.*
2. *The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.*
3. *The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.*
4. *Electronic changeable copy signs must be set at least ten (10) feet from all property lines.*

5. *The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.*
6. *On sites or multi-tenant complexes on which an electronic changeable copy sign is located, temporary signage is limited to that described in Section 17.62.060(B)(2) and (3).*
7. *Electronic changeable copy signs must be permanently mounted to the ground or a structure.*

MMC 17.06.040 defines "electronic changeable copy sign" to mean "a sign on which the copy changes electronically." The MMC does not allow video signs, which are defined as a type of electronic changeable copy sign:

> ***Video Sign*** *– An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. (MMC Section 17.06.040)*

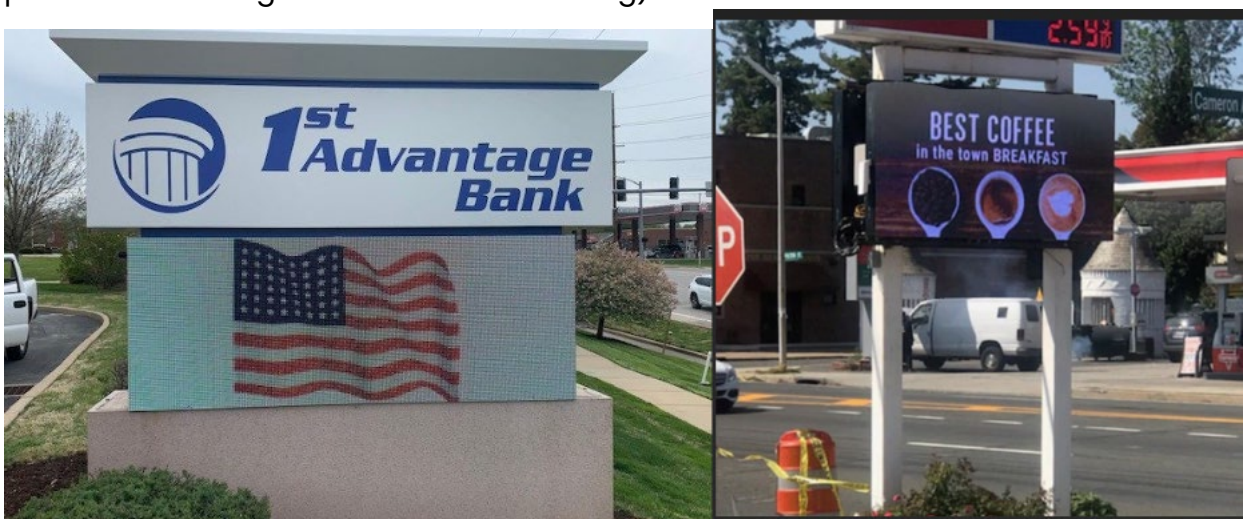
The Planning Commission found that the proposed sign was a video sign as it was not part of another permanent sign (wall or free-standing), had both vertical (10 feet tall) and horizontal (30 feet long) formatting, and has the capacity to create continuously changing sign copy in a wide spectrum of colors, shades and light intensities.

The applicant argued to the Planning Commission that they would manage the capacity of the sign to limit the number and frequency of changing imagery shown. In their appeal statement, the applicant argues that pre-programming the sign to display only static images means that the sign will not have the capacity to create continuously changing sign copy.

Planning Commission Finding: In determining the meaning of "capacity to create continuously changing sign copy" the plain, ordinary, and common meaning of the word "capacity" is understood to be "the ability or power to do". Therefore, a sign that has the ability, or power, to create continuously changing sign copy meets the definition of a video sign. That the applicants offer to operate the sign in a given manner outside of that definition does not change the fact that the proposed sign has the ability to operate as a video sign.

Below are photos illustrating the difference of the types of electronic changeable copy signs that the MMC allows and does not allow:

Allowed Electronic Changeable Copy Signs – smaller footprint (24 sf maximum and part of another sign – wall or free-standing)

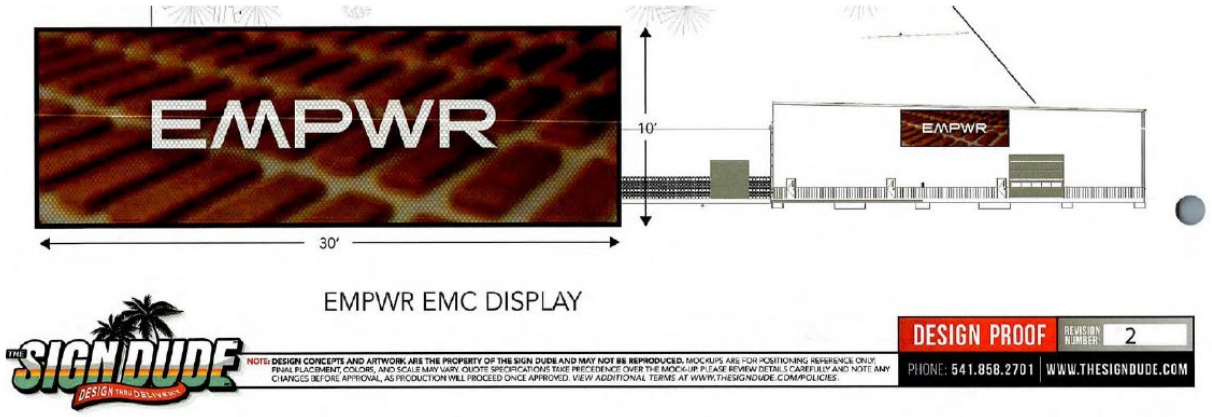


Depiction of a 24 sf ECC sign and a 300 sf ECC Video Sign (AI generated):





Depiction of EMPWR current wall sign and proposed ECC Video Sign (city generated from materials submitted):





If the City Council finds that the proposed sign is not a video sign (not a prohibited sign), then the following review criteria (B) would be applicable to the exception application as well as criteria (C).

Section 17.62.120(B):

1) *An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and*

The applicant provided arguments that state that the exception is necessary to prevent an unnecessary hardship due to sign location, topography, and surrounding development. The applicant has argued that the site's location is unique backing up to Hwy 18 and that at such a distance at highway speeds an electronic sign of only 24 square feet would not be legible. They argue that this presents a hardship. They argue that a sign of only 24 square feet would be out of proportion with the size of the building.

The Planning Commission did not concur with the applicant's arguments, and does not believe that the exceptions requested are warranted based on the site's location, surrounding development, or other physical characteristics of the subject site. The

applicant has not identified anything unique about the property's location, topography, size, share, or about the surrounding development. Being located on Hwy 18 is not unique to this property. Furthermore, sign code does not limit the size of wall mounted sign in general. Sign code only limits the size and context of electronic signs. The applicant already has signage approved and installed on the building facing Hwy 18. In addition, the subject site is highly visible from the adjacent right-of-way. As there is no limit to the size of wall-mounted signage Planning Commission found that the property has space to add additional signage to account for any hardships. It is merely that the signage cannot be a video sign.

Section 17.62.120(B):

2) *The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and*

The applicant argued that granting the exception does not result in material damage to other properties and businesses in the vicinity, as residential properties are buffered from the sign by the building, that the scale of the sign fits the character of the area, that the automatic brightness control will reduce light spillover, and that the sign does not interfere with traffic sight distances.

The Planning Commission found that the granting of the exception would result in prejudice to other properties in the vicinity that have constructed signs that meet the City's sign standards. The applicant has not identified anything unique about the property's location, topography, size, or shape with reference to adjacent properties. Many of the factors that the applicant referenced in their response to criteria #1 (Section 17.62.120(B)(1)), including sign location, topography, lot shape or lot side, and surrounding development, apply similarly to many other properties in the vicinity. Those properties have taken those factors into consideration and still found a location on the site that allowed for a sign to be located that provides visibility for the business, but that also meets the City's standards for signs.

Section 17.62.120(B):

3) The request will not be detrimental to community standards and the appearance of the city.

The applicant has stated that the proposed sign and the exceptions being requested would not be detrimental to community standards or the appearance of the city. The applicant argues that this sign will reduce the total number of signs needed and therefore will reduce clutter, and that it is in scale with the building.

The Planning Commission found that specific sign standards are in place in the McMinnville Zoning Ordinance for signs allowed in the community to reflect the community's minimum standards for signs. These requirements were adopted in 2008 under Ordinance No. 4900. The purpose of the sign standards that were adopted, as now stated in Section 17.62.010 of the McMinnville Zoning Ordinance, is to "improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards" and to "provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance". These standards prohibit video signs and limit the amount of electronic copy allowed as a portion of a sign.

The Planning Commission also found that granting the exception request would not be consistent with the community standards for signs, not only because the proposed sign is a prohibited sign, but also because an approval of the exception request would not result in "equitably applied sign height, size, and location standards". An approval of the exception request would result in prejudice to other properties in the vicinity that have followed the community's standards for signs, as described in more detail above. As previously mentioned, the sign code explicitly prohibits signs of this character and capability under the definition of "video signs". These standards were developed to implement the purpose of the McMinnville sign ordinance that was adopted in 2008 under Ordinance No. 4900. The purpose of the sign standards that were adopted, as now stated in Section 17.62.010 of the McMinnville Zoning Ordinance, is to "improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards" and to "provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance".

In addition to the review criteria discussed above, Section 17.62.120(C) of the McMinnville Zoning Ordinance allows another opportunity for a property owner to be granted an exception. A video sign could be eligible for the exceptions listed under (C). This section states the following:

Section 17.62.120(C):

C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:

1. Deny the owner of all economically viable use of the property on which the sign is located; or

2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located.

The applicant stated in their January 15, 2026 statement that they are only considering (2) and "does not contend that strict application of the electronic display area limitation would deny all economically viable use of the property."

The applicant argued that visibility to freight carriers and employees traveling Highway 18 is critical to its function. They argue that limiting electronic signs and branding to 24 square feet would render the sign illegible, and that "strict enforcement would substantially interfere with the use and enjoyment of the property by preventing the effective use of electronic changeable copy signage in a highway-oriented industrial context."

The Planning Commission found that the applicant has not submitted evidence to demonstrate an "unnecessary hardship" would result from requiring the applicant to install a sign that meets the city's sign standards. The applicant has assumed the right to utilize an electronic changeable copy (video) sign and then claims it is a hardship that it cannot convey a 300 square foot message in that location due to its proximity to Highway 18 and the speed of the vehicles on that expressway. The Planning Commission concluded that the applicant has not demonstrated a need for a prohibited, exceedingly large video sign on the back of their building at their manufacturing facility. The applicant has the same opportunity as any other private market distributor to take advantage of other advertising available to them in the form of approved billboard locations on Highway 18. Any such circumstances are not a hardship and are not owing to special and unusual circumstances related to a specific piece of property.

The Planning Commission also found that the enforcement of the prohibited signs and of the limitations imposed on electronic copy signs does not deny the owner of all economically viable use of the property, or substantially interfere with the owner's use and enjoyment of the property. The property is zoned industrial, and the applicant is operating a manufacturing facility on the property. The applicant previously applied for and obtained permits for multiple signs that have been installed, including wall signs on the south and west sides facing Highway 18. The applicant has been able to install code-compliant signage that identifies the business and provides wayfinding opportunities for its suppliers, vendors, and employees.

The sign code was in place when the owner constructed the building and when the owner installed the signage already in place. Strict enforcement of the existing sign code does not require that signage be completely removed from the property, nor does it limit the size of the signage. It only limits the type of sign. The prohibited signs and limitations on electronic copy signs also do not result in the property becoming

completely economically inviable, as the existing building and use are allowed to continue to operate as they do today.

Below is a table illustrating the Planning Commission's findings for 17.62.120 (A – C), with the findings for if the proposed sign was not considered a prohibited video sign .

Subsection	Finding
A. Undue or unnecessary hardship	**Not Satisfied**
B(1). Unnecessary hardship due to site factors such as lot size, etc	**Not Satisfied**
B(2). Material damage or prejudice to other property in the vicinity	**Not Satisfied**
B(3). Detrimental to community standards and appearance of city	**Not Satisfied**
C(1). Deny owner of all economically viable use of the property	**Not Satisfied**
C (2). Substantially interfere with the owner's use and enjoyment of the property	**Not Satisfied**

Attachments:

1. Testimony from Mark Davis, April 16, 2026
2. Notice of Intent to Appeal of Planning Commission's Decision by EMPWR, dated February 13, 2026
3. February 5, 2026 Draft Planning Commission Minutes
4. January 15, 2026 Draft Planning Commission Minutes
5. Planning Commission Decision Document, SE 1-25, February 6, 2026
6. Notice of Planning Commission Decision, February 6, 2026 (Docket SE 1-25)
7. Letter from Pathfinder Land Use Consulting LLC, Rebuttal of Planning Commission public hearing record, January 22, 2026
8. Testimony by Pathfinder Land Use Consulting LLC, January 15, 2026
9. Sign Standards Exception Application, (Docket SE 1-25)
10. Ordinance No. 5175
    a. Exhibit A to Ordinance No. 5175 – Docket AP 2-26 Decision Document

Fiscal Impact:

Appeal fees are not 100% cost recovery and are subsidized by the City of McMinnville. It is estimated that this appeal will cost approximately $1,500 in legal fees, $500 in public noticing and approximately 30 hours of staff time. The fee for the appeal is $1,350.

Alternatives:

Alternative 1 [Staff Recommendation]: **CONDUCT THE PUBLIC HEARING, DELIBERATE AND AFFIRM THE PLANNING COMMISSION DECISION BY APPROVING ORDINANCE NO. 5175** adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.

Alternative 2: **CONDUCT THE PUBLIC HEARING, DELIBERATE AND AMEND THE PLANNING COMMISSION DECISION BY APPROVING ORDINANCE NO. 5175** adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided with amendments.

Alternative 3: **CONDUCT THE PUBLIC HEARING, DELIBERATE AND APPROVE THE APPELLANT'S REQUEST BY APPROVING ORDINANCE NO. 5175** and provide findings for the approval.

Mark Davis
652 SE Washington Street
McMinnville, OR 97128

April 16, 2026

McMinnville City Council
230 NE Second Street
McMinnville, OR 97128

RE: SE 1-25

Dear Mayor Morris and Members of the Council:

I am opposed to granting an exception to the City's sign ordinance to EMPWR. I agree with the analysis provided by Planning staff that the application does not even meet the criteria for an exception. Even if it did meet the criteria, I don't believe an exception is justified.

Our sign ordinance exists to allow businesses to put a reasonably sized sign to identify their location and products. It specifically does not allow huge signs or video signs, exactly the sort of sign the applicant has requested.

The purpose of a sign is to attract your attention and by doing so causes distraction from what should be your primary function–safely driving your vehicle. And make no mistake, the sole purpose of this sign is to get drivers traveling along Highway 18 to turn their heads and look at the video letters on the sign. A car traveling at the 55 MPH speed limit travels over 80 feet per second. Looking away for two seconds to read the sign means the driver has gone more than half a football field.

Highway 18 is one of the busiest highways in the State and millions of dollars have been spent to try and increase safety along this corridor. Adding this sign as a distraction to drivers going past decreases public safety and should not be allowed.

Thank you for considering my perspective on this matter.

Mark Davis

Mark Davis

NOTICE OF INTENT TO APPEAL

February 13, 2026

VIA EMAIL

Heather Richards
Community Development Director
McMinnville Planning Department
231 NE Fifth Street
McMinnville, OR 97128
Heather.Richards@mcminnvilleoregon.gov

RE: Notice of Appeal – Planning Commission Decision on Docket SE 1-25
Sign Standards Exception for 750 SW Booth Bend Road

I. NOTICE OF APPEAL

Pursuant to McMinnville Municipal Code ("MMC") § 17.72.180 and § 17.62.120(E), EMPWR ("Appellant") hereby files this Notice of Intent to Appeal the decision rendered by the McMinnville Planning Commission on February 5, 2026, denying the application for a Sign Standards Exception at 750 SW Booth Bend Road, McMinnville, Oregon (Tax Lot R4429 02600, Docket SE 1-25).

II. STANDING

Appellant is the original applicant for SE 1-25 and actively participated in all proceedings before the Planning Commission, including the public hearing held on January 15, 2026, and attendance at the February 5, 2026 deliberation meeting, at which the Commission closed the hearing and issued its decision. As the applicant whose land use application was denied, Appellant has standing under MMC § 17.72.180 and § 17.62.120(E) to seek review by the City Council.

III. GROUNDS FOR APPEAL

Appellant seeks reversal of the Planning Commission's decision on the following grounds:

A. Erroneous Interpretation of "Video Sign" (MMC § 17.06.040)

The Commission misapplied MMC § 17.06.040's definition of "Video Sign" by adopting an overly broad hardware-based interpretation that is inconsistent with the statutory text and renders the separate "Electronic Changeable Copy Sign" category a nullity.

MMC § 17.06.040 defines "Video Sign" as "an electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear)

and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities."

The Commission interpreted "capacity" to mean "the ability or power to do" and concluded that "choosing to limit the way a sign is operated does not limit its ability to operate as a video sign." (Decision Document, p. 10). Under this interpretation, any LED sign—regardless of operational configuration, software restrictions, or contractual limitations—constitutes a prohibited "Video Sign" if the underlying hardware is theoretically capable of video display.

This interpretation is legally erroneous for three reasons:

First, it renders MMC § 17.06.040's separate definition of "Electronic Changeable Copy Sign" meaningless. All modern ECC signs use LED technology that is theoretically capable of video if reprogrammed. If "capacity" means theoretical hardware capability rather than operational configuration, then no LED-based ECC sign can lawfully exist, and the ECC sign category serves no function. The Commission's interpretation violates the fundamental rule that statutes must be construed to give effect to all provisions.

Second, the Commission's interpretation of "capacity" ignores the statutory requirement that the sign have "the capacity to create continuously changing sign copy." The word "create" is an active verb describing actual operational functionality, not theoretical potential. A sign programmed and configured to display only static images does not have the operational capacity to 'create continuously changing sign copy' as that term is used in MMC § 17.06.040.

Third, the correct interpretation of "capacity" must account for the sign's permitted and operational configuration. A sign programmed and restricted to display static images only—as documented in the Sign Manufacturer's Technical Letter (attached hereto as **Exhibit A**)—does not possess the operational capacity to display "continuously changing sign copy" as defined in MMC § 17.06.040.

B. Failure to Consider and Give Proper Weight to Material Evidence

The Commission failed to accept into the record the Sign Manufacturer's Technical Letter (Exh. A), which provides essential technical evidence demonstrating that the proposed sign is operationally configured as an Electronic Changeable Copy Sign, not a Video Sign.

The Sign Manufacturer's Letter establishes that:

1. The sign is "intended to display static digital content only, including still images such as JPEG and PNG files";

2. "The Sign Dude will configure administrative controls within the sign's content management system to restrict uploaded content to static images only, and disable video or animation playback";

3. The sign "is intended to be used exclusively for static imagery and not for video, animation, streaming media, or motion-based content."

See generally Exhibit A.

The Commission made no findings regarding this evidence and did not address how operational restrictions affect the "capacity" analysis under MMC § 17.06.040. The complete absence of any analysis of this material evidence constitutes reversible error.

The manufacturer's disclaimer regarding post-installation use does not undermine the relevance of this evidence. The City has authority to impose conditions of approval requiring operational restrictions and to enforce those conditions. The proper remedy for concerns about post-installation modifications is conditions of approval—not classification of the sign based on theoretical capabilities that will be contractually and technologically prohibited.

C. Failure to Apply Correct Legal Standard Under MMC § 17.62.120

The Commission's errors in Grounds A and B created a cascading failure to apply the correct legal standards under MMC § 17.62.120.

First, the Commission concluded that because the sign met the definition of a prohibited "Video Sign" under MMC § 17.62.050(G), it was legally barred from considering the hardship criteria in MMC § 17.62.120(B). However, this conclusion was premised entirely on the erroneous classification discussed in Ground A.

Second, the Commission found that the proposed sign violates MMC § 17.62.070(E)(1), which requires that electronic changeable copy signs "shall only be allowed as part of a permanent freestanding or wall sign." (Decision Document, p. 11). The Commission noted that "the applicant did not request an exception to this provision of the sign code." However, this finding is also dependent on the erroneous classification of the sign. If the sign is properly classified as an Electronic Changeable Copy Sign (as opposed to a Video Sign), then it may lawfully be approved as an ECC sign integrated into or constituting a wall sign, subject to evaluation of the size exception request under the hardship criteria.

Had the Commission correctly classified the sign as an “Electronic Changeable Copy Sign,” it would have applied the exception standards within the proper regulatory

framework governing ECC signage and without the threshold constraint that the sign was ineligible for relief.

Under MMC § 17.62.120, the Commission was required to evaluate whether:

1. An exception is necessary to prevent unnecessary hardship due to topography, location, surrounding development, lot shape, or lot size (MMC § 17.62.120(B)(1));

2. Granting the exception would not result in material damage or prejudice to other property (MMC § 17.62.120(B)(2));

3. The request would not be detrimental to community standards and appearance (MMC § 17.62.120(B)(3)); and

4. Whether strict enforcement would deny all economically viable use of the property or substantially interfere with the owner's use and enjoyment (MMC § 17.62.120(C)).

Indeed, the property's unique physical characteristics create circumstances warranting exception consideration. The property has a 200-foot setback from Highway 18, where traffic travels at speeds exceeding 55 MPH. These factors render a code-compliant 24-square-foot sign functionally illegible to passing motorists, creating location-based hardship under MMC § 17.62.120(B)(1).

As the owner of a newly constructed commercial facility, Appellant faces the prospect of having invested substantial capital in a building that cannot effectively communicate its presence to the traveling public due to code restrictions that do not account for the property's unique location-based constraints and the operational reality that the proposed sign is configured for static display only.

IV. REQUEST FOR CITY COUNCIL REVIEW

Appellant respectfully requests that the City Council, acting as the appeal board pursuant to MMC § 17.62.120(E), conduct a a reviewe de novo of SE 1-25, on the following grounds:

1. Consideration of the Sign Manufacturer's Technical Letter and application of the correct legal interpretation of "capacity" under MMC § 17.06.040 based on operational configuration rather than theoretical hardware capability;

2. Proper classification of the sign as an "Electronic Changeable Copy Sign" rather than a prohibited "Video Sign";

3. Evaluation of the hardship criteria under MMC § 17.62.120(B) and (C) based on the correct classification; and

4. Consideration of conditions of approval that would ensure operational restrictions prohibiting video display and address any legitimate regulatory concerns while permitting appropriate signage for the property's unique circumstances.

V. FILING FEE

Enclosed herewith is a check in the amount of $1,350.00, constituting the required appeal fee.

Respectfully submitted,

Sheyla Wulf-Howell
PMO Director
EMPWR Nutrition Group

Appeal
Information & Submittal Requirements

City Of McMinnville
Planning Department
231 NE Fifth Street ○ McMinnville, OR 97128
(503) 434-7311 Office ○ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Overview

Land use decisions, whether from the Planning Director or Planning Commission, may be appealed within 15 (fifteen) days of the date the decision is reduced to writing. Appeals of the Planning Director's decision are presented to the Planning Commission while appeals of a Planning Commission decision go before the City Council. Appeals presented before either body are subject to a public hearing. Decisions by the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice is mailed. Further information regarding appeals can be found in Chapter 17.72 (Applications & Review Process) of the Zoning Ordinance.

Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

☒ A completed Appeal application form.

☒ Payment of the applicable review fee.

Review Process

An application for an appeal is subject to review by the Planning Commission or City Council at a public hearing as provided in Section 17.72.130 (Public Hearing Process) of the Zoning Ordinance.

Planning Department
231 NE Fifth Street ○ McMinnville, OR 97128
(503) 434-7311 Office ○ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

569-26-000020-PLNG

Office Use Only:
File No. AP 2-26
Date Received 2/13/2026
Fee $1,350.00
Receipt No. 212619
Received by JH

Appeal Application

Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other_____
☐ Provided testimony prior to this appeal.

Applicant Name EMPWR Phone (971) 706-2200 #222

Contact Name Sheyla Wulf-Howell, VP of Opertations Phone _____
(If different than above)

Address 750 SW Booth Bend Road

City, State, Zip McMinnville, OR 97128

Contact Email sheyla.wulfhowell@empwrnutrition.com

Original Application Information

File No.: SE-1-25 Review Body: Planning Commission

Decision: Denial Date of Decision: 2/5/26

Date Decision Mailed: 2/6/26 Appeal Date Deadline: 2/13/26

Description of Original Application Request:

See written notice of intent to appeal

Appeal of a decision made by the following review body is requested:

☐ PLANNING DIRECTOR (See Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance for further information.)

☒ PLANNING COMMISSION (See Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance for further information.)

Please state in detail the basis for and issues raised in this appeal. You must identify the criteria and findings that you are appealing. Attach additional sheets as necessary.

See notice of intent to appeal.

In addition to this completed application, the applicant must provide the following:

☒ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Sheyla WulffHowell

Appellant's Signature

2/13/26

Date

appeal_app

Final Audit Report 2026-02-14

Created:	2026-02-14
By:	Laura LaRoque (laura@pathfinderlanduse.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIzUO1OXtQnOUFd23op8N682PHE3CFHXs

"appeal_app" History

Document created by Laura LaRoque (laura@pathfinderlanduse.com)
2026-02-14 - 0:27:58 AM GMT

Document emailed to Sheyla Wulf-Howel (sheyla.wulfhowell@empwrnutrition.com) for signature
2026-02-14 - 0:28:03 AM GMT

Email viewed by Sheyla Wulf-Howel (sheyla.wulfhowell@empwrnutrition.com)
2026-02-14 - 0:28:27 AM GMT

Document e-signed by Sheyla Wulf-Howel (sheyla.wulfhowell@empwrnutrition.com)
Signature Date: 2026-02-14 - 0:30:24 AM GMT - Time Source: server

Agreement completed.
2026-02-14 - 0:30:24 AM GMT

From:	Sheyla Wulf-Howell
To:	Matthew Deppe; Heather Richards; Laura LaRoque
Cc:	Evan Hietpas; Tom Schauer
Subject:	RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application
Date:	Thursday, March 12, 2026 2:24:39 PM
Attachments:	image001.png image002.png image003.png image004.png image385621.png

This message originated outside of the City of McMinnville.

Great! Thank you, Matthew for gaining that clearance from the City clerk.

With that, EMPWR USA, Inc. would like to formally request an extension of the 120-day period for the sign standards exception hearing out an additional 30 days, moving it the tentative hearing date on April 28th and the decision-making period out to May 29th.

Please let me now once that is formally noted and if there is anything further that needs to be addressed.

Thanks again,

Sheyla

Sheyla Wulf-Howell
PMO Director

EMPWR Nutrition Group
A: 750 SW Booth Bend Rd | McMinnville, OR 97128 | United States
T: +1 971 706 2200
M: +1 503 583 0576
W: www.empwrnutrition.com

From: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>
Sent: Thursday, March 12, 2026 2:16 PM
To: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Laura LaRoque <laura@pathfinderlanduse.com>
Cc: Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

[EXTERNAL]
Hi Sheyla,

We did get approval from the City clerk that that agenda item can be moved to that meeting. So we just need you to request it and to extend the decision making timelines as you described.

City of McMinnville
PLANNING

Matthew Deppe
Associate Planner
Office: (503) 434-7330
231 NE Fifth Street McMinnville, OR 97128
www.mcminnvilleoregon.gov

New Lobby Hours*
Community Development Center lobby hours:
Monday – Thursday, 7:30 AM to 5:30 PM.
On Fridays, staff will be available by appointment
and will still provide inspections and plan review.

From: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>
Sent: Thursday, March 12, 2026 1:48 PM
To: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Laura LaRoque <laura@pathfinderlanduse.com>
Cc: Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

This message originated outside of the City of McMinnville.

Hello Matthew,

I wanted to follow up on my email from Friday.

I apologize for the requested extension but getting everyone in the same place during the end of March and 1st half of April was impossible and I didn't get that word until after the initial extension was requested.

Please let me know if it will be an issue as requested below, in my previous email.

Thanks,

Sheyla

Sheyla Wulf-Howell
PMO Director

EMPWR Nutrition Group
A: 750 SW Booth Bend Rd | McMinnville, OR 97128 | United States
T: +1 971 706 2200
M: +1 503 583 0576
W: www.empwrnutrition.com

From: Sheyla Wulf-Howell
Sent: Friday, March 6, 2026 8:30 AM
To: 'Matthew Deppe' <Matthew.Deppe@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Laura LaRoque <laura@pathfinderlanduse.com>
Cc: Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

Hello Matthew,

After further review of the timeline extension and possible hearing dates, the April 14th date is also not an option with some of the necessary members of our team.

Is it possible to formally request an extension of the 120-day period out an additional 30 days, moving it to May 29th, with the tentative hearing date on April 28th?

Please let me know what would be needed to make this possible. Thank you so much Matthew.

Sheyla

From: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>
Sent: Wednesday, February 25, 2026 2:48 PM
To: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Laura LaRoque <laura@pathfinderlanduse.com>
Cc: Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

[EXTERNAL]
Confirming receipt of this.

City of McMinnville
PLANNING

Matthew Deppe
Associate Planner
Office: (503) 434-7330
231 NE Fifth Street McMinnville, OR 97128
www.mcminnvilleoregon.gov

New Lobby Hours*
Community Development Center lobby hours:
Monday – Thursday, 7:30 AM to 5:30 PM.
On Fridays, staff will be available by appointment
and will still provide inspections and plan review.

From: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>
Sent: Wednesday, February 25, 2026 1:57 PM
To: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Laura LaRoque <laura@pathfinderlanduse.com>
Cc: Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

This message originated outside of the City of McMinnville.

Hey Matthew,

Sorry for the delay in getting back to my computer to get confirmation over to you.

EMPWR would like to formally request the extension of the 120 day window so we can have our sign exception appeal hearing in the April timeframe, planning for the 14th session with the decision timeline out to the 29th of April.

Please let me know if you need anything further to make this extension. Thank you!

Sheyla Wulf-Howell

Sheyla Wulf-Howell
PMO Director

EMPWR Nutrition Group
A: 750 SW Booth Bend Rd | McMinnville, OR 97128 | United States
T: +1 971 706 2200
M: +1 503 583 0576
W: www.empwrnutrition.com

From: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>
Sent: Wednesday, February 25, 2026 12:54 PM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>; Laura LaRoque <laura@pathfinderlanduse.com>
Cc: Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

[EXTERNAL]

Thank you for the phone discussion, Sheyla. I will look for your email stating the request to move the sign stand exemption hearing to the April 14th agenda and extending the decision-making timeline out until April 29th. If you were to decide to not make this adjustment we would need to know today, since some notices would need to go out this week.

City of McMinnville
PLANNING

Matthew Deppe
Associate Planner
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New Lobby Hours*
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Monday – Thursday, 7:30 AM to 5:30 PM.
On Fridays, staff will be available by appointment
and will still provide inspections and plan review.

From: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Sent: Tuesday, February 24, 2026 2:39 PM
To: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>; Laura LaRoque <laura@pathfinderlanduse.com>; Planning <Planning@mcminnvilleoregon.gov>
Cc: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>

Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

Yes, you would just need to send an email stating that you are requesting to toll the 120 day clock to a date specific. I would ask that it be April 29 as suggested by Laura, in case City Council needs two meetings to make a decision.

Have a great day!

Heather

City of McMinnville

Building Community, Together

Heather Richards
Community Development Director
Office: (503) 474-5107
Cell: (971) 287-8322

From: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>
Sent: Tuesday, February 24, 2026 1:35 PM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Laura LaRoque <laura@pathfinderlanduse.com>; Planning <Planning@mcminnvilleoregon.gov>
Cc: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

This message originated outside of the City of McMinnville.

Hello Heather,

Is there a formal avenue to request a move to the April 14th agenda? That should still keep us within the 120 day window, correct?

Thanks,

Sheyla

Sheyla Wulf-Howell
PMO Director

EMPWR Nutrition Group
A: 750 SW Booth Bend Rd | McMinnville, OR 97128 | United States
T: +1 971 706 2200
M: +1 503 583 0576
W: www.empwrnutrition.com

From: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Sent: Tuesday, February 24, 2026 12:03 PM
To: Laura LaRoque <laura@pathfinderlanduse.com>; Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>; Planning <Planning@mcminnvilleoregon.gov>
Cc: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

[EXTERNAL]
Hi Laura,

If your client would like to request an extension of the 120-day clock, I can review the CC schedule in April. Right now April 14 looks like a pretty light agenda.

Have a great day!

Heather

City of McMinnville
Building Community, Together

Heather Richards
Community Development Director
Office: (503) 474-5107
Cell: (971) 287-8322

From: Laura LaRoque <laura@pathfinderlanduse.com>
Sent: Tuesday, February 24, 2026 10:47 AM
To: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>; Planning <Planning@mcminnvilleoregon.gov>

Cc: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Subject: Re: Notice of Decision - SE 1-25 - Sign Standards Exception Application

This message originated outside of the City of McMinnville.

Hello Heather,

Reaching out to let you know that I have a scheduling conflict on Tuesday, March 24. As this falls during Spring Break week, others may also have conflicts.

I would like to suggest rescheduling the public hearing to Tuesday, April 14. The application was deemed complete on December 5, 2025. An extension of the 120-day review period could be granted to April 29, if necessary.

Please let me know your thoughts.

Laura LaRoque | Land Use Consultant

a: P.O. Box 484, Lebanon, Oregon 97355

e: laura@pathfinderlanduse.com | w: www.pathfinderlanduse.com

p: Direct 503-501-7197

From: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Sent: Friday, February 13, 2026 6:19 PM
To: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>; Planning <Planning@mcminnvilleoregon.gov>
Cc: Laura LaRoque <laura@pathfinderlanduse.com>; Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>; Planning <Planning@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

Hi Everyone,

Please put a hold on your calendars for March 24 for a public hearing with City Council. I will confirm next week.

Have a great day!

Heather

City of McMinnville
Building Community, Together

Heather Richards
Community Development Director
Office: (503) 474-5107
Cell: (971) 287-8322

From: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>
Sent: Friday, February 13, 2026 5:45 PM
To: Planning <planning@mcminnvilleoregon.gov>
Cc: Laura LaRoque <laura@pathfinderlanduse.com>; Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>; Planning <planning@mcminnvilleoregon.gov>
Subject: Re: Notice of Decision - SE 1-25 - Sign Standards Exception Application

This message originated outside of the City of McMinnville.

Thank you, James!

EMPWR

Sheyla Wulf-Howell
PMO Director

EMPWR Nutrition Group
A: 750 SW Booth Bend Rd | McMinnville, OR 97128 | United States
T: +1 971 706 2200
M: +1 503 583 0576
W: www.empwrnutrition.com

On Feb 13, 2026, at 5:14 PM, Planning <planning@mcminnvilleoregon.gov> wrote:

You don't often get email from planning@mcminnvilleoregon.gov. Learn why this is important

[EXTERNAL]

Sure thing, Sheyla. See attached.

<image001.png>

Building Community, Together

James Howe (she/her)
Interim Planning Analyst
Office: (503) 474-5102
Cell: (971) 387-1803
231 NE Fifth Street
McMinnville, OR 97128
www.mcminnvilleoregon.gov

New Lobby Hours*
Community Development Center lobby hours:
Monday – Thursday, 7:30 AM to 5:30 PM.
On Fridays, staff will be available by appointment
and will still provide inspections and plan review.

From: Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>
Sent: Friday, February 13, 2026 4:45 PM
To: Planning <Planning@mcminnvilleoregon.gov>; Laura LaRoque <laura@pathfinderlanduse.com>; Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>
Cc: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

This message originated outside of the City of McMinnville.

Thank you, James. Could you please send over the receipt for appeal payment.

Thanks, and have a great weekend everyone.

Sheyla

Sheyla Wulf-Howell
PMO Director

EMPWR Nutrition Group
A: 750 SW Booth Bend Rd | McMinnville, OR 97128 | United States
T: +1 971 706 2200
M: +1 503 583 0576
W: www.empwrnutrition.com

From: Planning <Planning@mcminnvilleoregon.gov>
Sent: Friday, February 13, 2026 4:39 PM
To: Laura LaRoque <laura@pathfinderlanduse.com>; Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>
Cc: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>; Planning <Planning@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Sheyla Wulf-Howell <Sheyla.WulfHowell@empwrnutrition.com>
Subject: RE: Notice of Decision - SE 1-25 - Sign Standards Exception Application

You don't often get email from planning@mcminnvilleoregon.gov. Learn why this is important

[EXTERNAL]

Thank you, Laura.

We've got everything we need now to move this application forward. You'll be hearing from us again soon.

All my best,

<image001.png>

Building Community, Together

James Howe (she/her)
Interim Planning Analyst
Office: (503) 474-5102
Cell: (971) 387-1803
231 NE Fifth Street
McMinnville, OR 97128
www.mcminnvilleoregon.gov

New Lobby Hours*
Community Development Center lobby hours:
Monday – Thursday, 7:30 AM to 5:30 PM.

On Fridays, staff will be available by appointment and will still provide inspections and plan review.

From: Laura LaRoque <laura@pathfinderlanduse.com>
Sent: Friday, February 13, 2026 4:37 PM
To: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>; Evan Hietpas <evan.hietpas@mcminnvilleoregon.gov>
Cc: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Tom Schauer <tom.schauer@mcminnvilleoregon.gov>; Planning <planning@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Sheyla.WulfHowell@empwrnutrition.com
Subject: Re: Notice of Decision - SE 1-25 - Sign Standards Exception Application
Importance: High

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.

Matthew,

I'm just noticing that a formal application was also required. Please find the signed application form attached and the intent to appeal. I believe the fee the was processed via credit card.

Please feel free to reach out if anything else is needed at this time.

<image005.png>

Laura LaRoque | Land Use Consultant

a: P.O. Box 484, Lebanon, Oregon 97355

e: laura@pathfinderlanduse.com | w: www.pathfinderlanduse.com

p: Direct 503-501-7197

From: Laura LaRoque <laura@pathfinderlanduse.com>

Sent: Friday, February 13, 2026 4:19 PM
To: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>
Cc: Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Tom Schauer <tom.schauer@mcminnvilleoregon.gov>; Planning <planning@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>; Sheyla.WulfHowell@empwrnutrition.com <sheyla.wulfhowell@empwrnutrition.com>
Subject: Re: Notice of Decision - SE 1-25 - Sign Standards Exception Application

Matthew,

Please find attached a Notice of Intent to Appeal. What is the best way to submit payment by 5:00 p.m.? I understand the department is closed to the public on Fridays, and I was unable to locate an online submittal or payment option.

<image005.png>

Laura LaRoque | Land Use Consultant

a: P.O. Box 484, Lebanon, Oregon 97355

e: laura@pathfinderlanduse.com | w: www.pathfinderlanduse.com

p: Direct 503-501-7197

From: Matthew Deppe <Matthew.Deppe@mcminnvilleoregon.gov>
Sent: Friday, February 6, 2026 5:54 PM
To: Sheyla.WulfHowell@empwrnutrition.com <sheyla.wulfhowell@empwrnutrition.com>
Cc: bcarrier@bettylousinc.com <bcarrier@bettylousinc.com>; Laura LaRoque <laura@pathfinderlanduse.com>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Evan Hietpas <Evan.Hietpas@mcminnvilleoregon.gov>
Subject: Notice of Decision - SE 1-25 - Sign Standards Exception Application

Dear Sheyla,

Attached are the Notice of Decision and the Decision Document for Docket SE 1-

25, the sign standards exception application.

Please contact me if you have any questions.

<image006.png>

Matthew Deppe

Associate Planner

Office: (503) 434-7330

231 NE Fifth Street McMinnville, OR 97128

www.mcminnvilleoregon.gov

New Lobby Hours*

Community Development Center lobby hours:

Monday – Thursday, 7:30 AM to 5:30 PM.

On Fridays, staff will be available by appointment and will still provide inspections and plan review.

<AP 2-26 Receipt.pdf>

City of McMinnville
PLANNING

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

www.mcminnvilleoregon.gov

SENT VIA EMAIL

February 6, 2026

Sheyla Wulf-Howell
750 SW Booth Bend Road
McMinnville, OR 97128
sheyla.wulfhowell@empwrnutrition.com

RE: Sign Standards Exception Application SE 1-25 Notice of Decision
750 SW Booth Bend Road, Tax Lot R4429-02600

Dear Sheyla Wulf-Howell,

This is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, January 15th, 2026 and on Thursday, February 5, 2026, your application for a Sign Standards Exception Application (SE 1-26) was presented and considered.

Based on the material submitted and the review criteria, the Planning Commission voted to **DENY** the application.

Pursuant to Section 17.72.180 of the McMinnville Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 days of the date this written notice of the Planning Commission's decision is mailed to parties who participated in the local proceedings and are entitled to notice. If no appeal is filed on or before February 21st, 2026, the decision of the Planning Commission will be final.

If you have any questions regarding this matter, please feel free to contact me at (503) 434-7330.

Sincerely,

Matthew Deppe,
Associate Planner

Enclosures:

SE 1-25 Decision, Findings of Fact and Conclusionary Findings for the Denial of a Sign Standards Exception Application

CC:
Mark Davis mark@startlivingthetruth.com
Betty Carrier Bcarrier@bettylousinc.com
Laura LaRoque laura@pathfinderlanduse.com

City of McMinnville
PLANNING

Planning Division
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE CONSIDERATION OF A SIGN STANDARDS EXCEPTION TO ALLOW AN ELECTRONIC SIGN AT 750 SW BOOTH BEND ROAD.

DOCKET:	SE 1-25 (Sign Standards Exception Application)
REQUEST:	The applicant is requesting an exception to the sign standards to install a 300 square foot electronic video sign.
LOCATION:	750 SW Booth Bend Road (Tax Lot R4429 02600)
ZONING:	M-2, General Industrial
APPLICANT:	EMPWR c/o Sheyla Wulf-Howell
STAFF:	Matthew Deppe, Associate Planner
DATE DEEMED COMPLETE:	December 5, 2025
HEARINGS BODY & ACTION:	The McMinnville Planning Commission makes the final decision unless the Planning Commission's decision is appealed to the City Council.
HEARING DATE & LOCATION:	February 5, 2026. (Application was first reviewed at the January 15, 2026 meeting), Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, and Zoom Online Meeting ID 831 2090 5124
PROCEDURE:	An application for a sign standards exception is processed in accordance with the procedures in Section 17.62.120 of the Zoning Ordinance.
CRITERIA:	The applicable criteria for a Zoning Variance are as follows: Zoning Ordinance (Title 17 of the McMinnville Code): MMC Section 17.62.120 Exceptions - Planning Commission Authority; In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.
APPEAL:	**The Planning Commission's decision is final unless appealed to the City Council.** Such an appeal must be filed within 15 calendar days of the date the written notice of decision is mailed.

Attachments:
Attachment 1 – Application and Attachments

If the Planning Commission's decision is appealed to City Council, the City Council's final decision may be appealed to the Oregon Land Use Board of Appeals as specified in State Statute. The City's final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Division, Building Division, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas. Comments received by time of packet distribution listed below. Additional comments after distributions will be presented by staff.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are not satisfied and **DENIES** the exception (SE 1-25).

//

DECISION: DENIAL

//

Planning Commission: _____ Date: February 6, 2026
Sidonie Winfield, Planning Commission Chairperson

Planning Department: _____ Date: February 6, 2026
Heather Richards, Community Development Director

Attachments :
Attachment 1 – SE 1-25 Application Form and Materials

I. APPLICATION SUMMARY & BACKGROUND:

Subject Property & Request

Applicant EMPWR c/o Sheyla Wulf-Howell, on behalf of property owner Big Step Properties, LLC, is requesting approval of an application for an exception to the sign standards of the McMinnville Zoning Ordinance.

Per the applicant, the proposed sign is designed as a digital wall sign integrated into the building façade, oriented toward Highway 18. According to the application, the sign will measure 30 feet in width by 10 feet in height, for a total display area of 300 square feet.

The applicant is requesting an exception to the McMinnville Municipal Sign Code governing the size of an electronic changeable copy of a sign to 24 square feet (Section 17.62.070(E)(3)).

Section 17.62.070(E)(1) of the McMinnville Municipal Sign Code provides that one electronic changeable copy sign is permitted per site and shall only be allowed as part of a permanent sign. The electronic changeable copy portion of the sign may not exceed 24 square feet in area.

The requested exception would allow a new 300 square foot wall sign with electronic changeable copy on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage.

The subject property is zoned General Industrial (M-2), located at 750 SW Booth Bend Road, Tax Lot #R4429 02600.

The subject property is located approximately 900 feet east of Hwy 99W. Adjacent properties to the north and to the northwest are C-3, properties to the east and to the west are M-2, and the property to the south, across Hwy 18, is Yamhill County zoned EF-80. The subject site is developed with buildings containing manufacturing industry with driveways onto Booth Bend Road.

Existing Signage



Proposed Signage : (Note that the provided representation of the electronic sign does not include existing signage on that portion of the building.

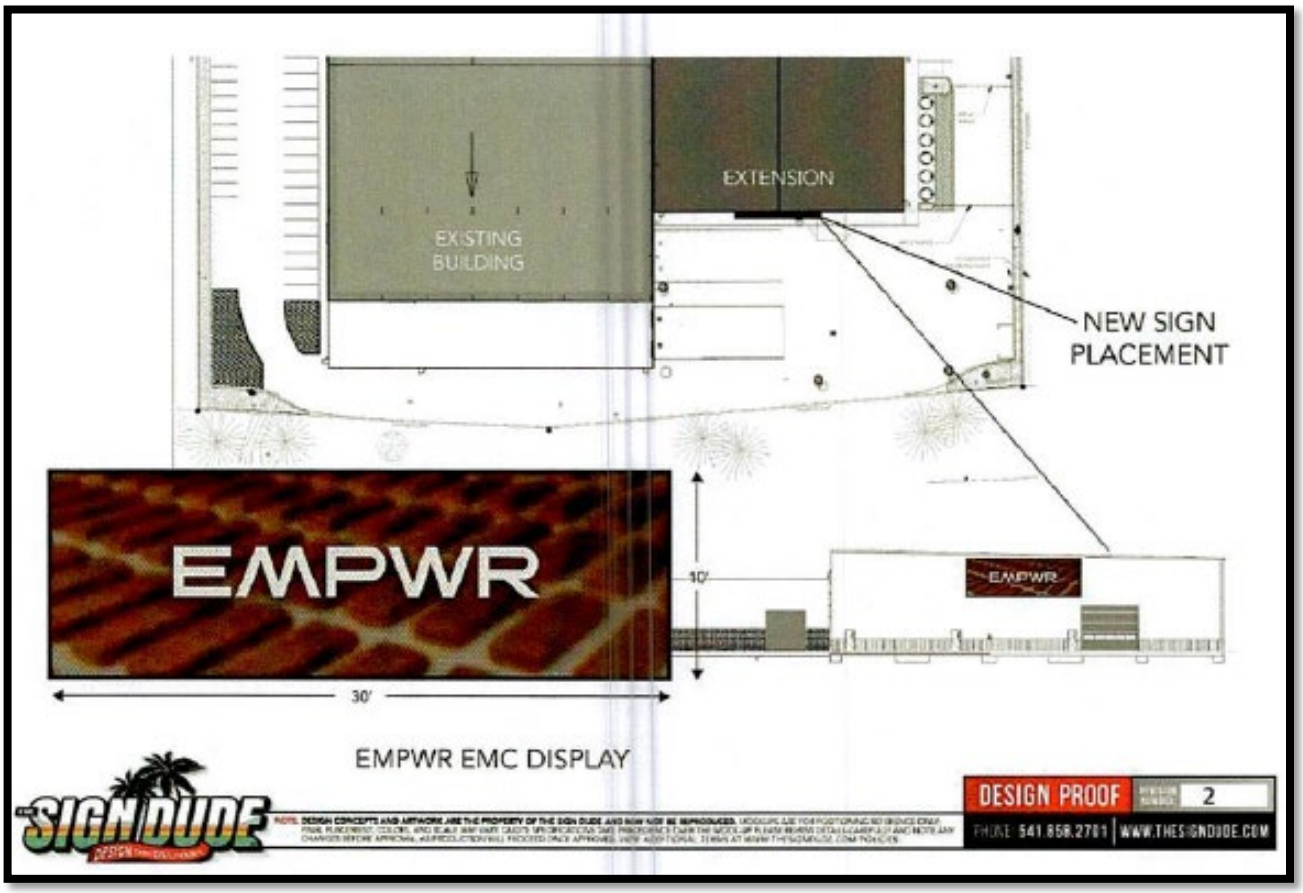
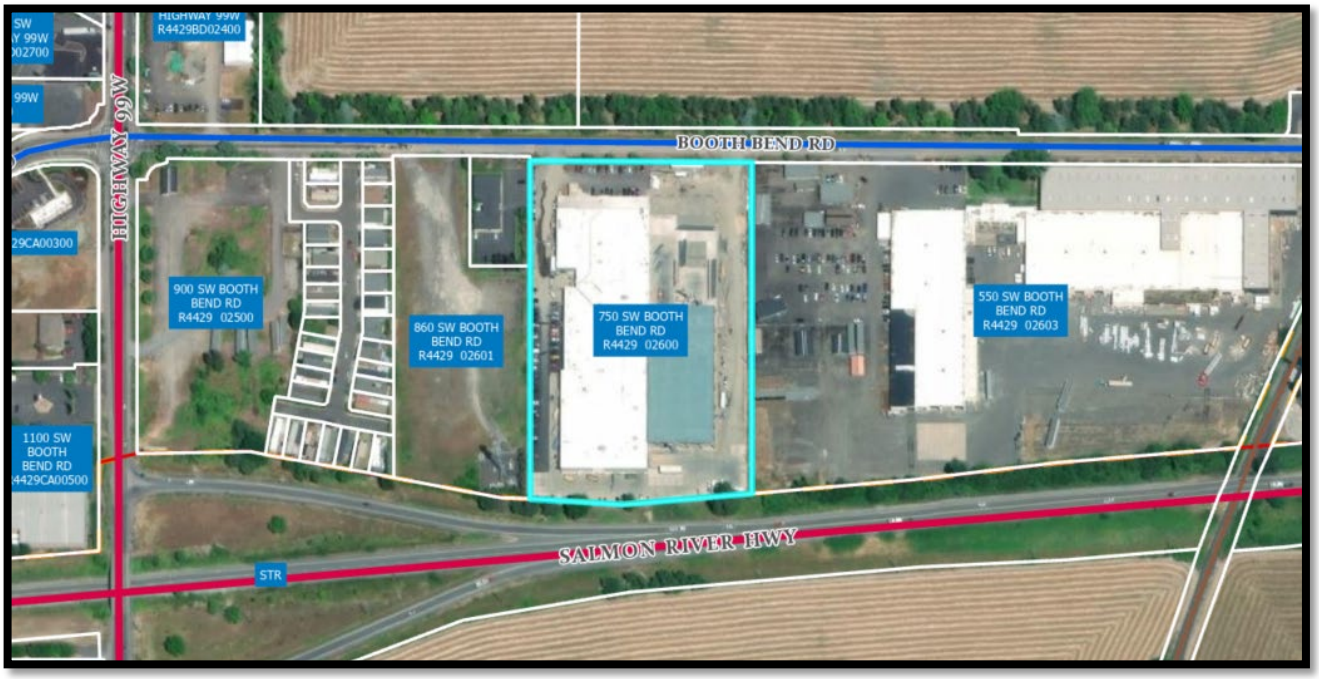
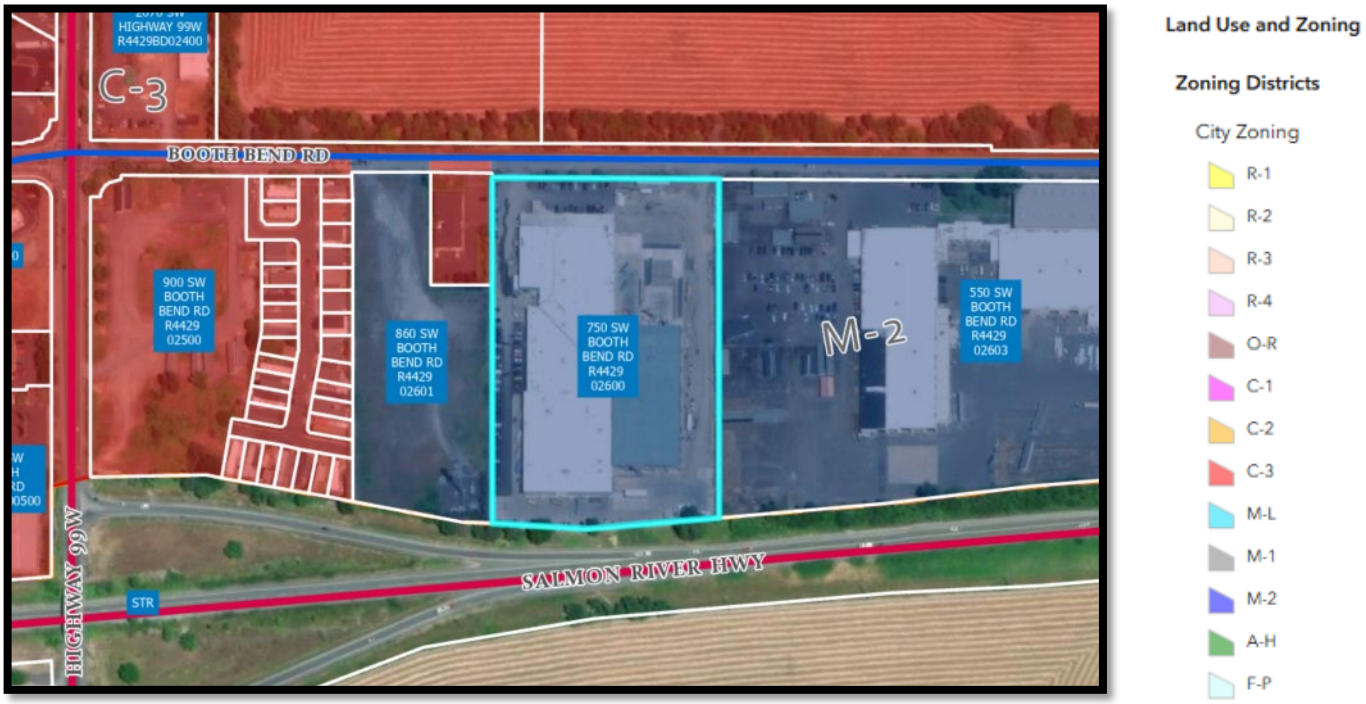


Figure 1: Vicinity Map (Property lines approximate)



Attachments :
Attachment 1 – SE 1-25 Application Form and Materials

Figure 2: Zoning Map



Review Criteria

Sign exceptions are reviewed per the criteria established in Section 17.62.120 of the McMinnville Municipal Code.

17.62.120 Exceptions.

A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

B. An exception may be granted if the property owner established that:
   1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and
   2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
   3. The request will not be detrimental to community standards and the appearance of the city.

C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
   1. Deny the owner of all economically viable use of the property on which the sign is located; or
   2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.

E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

Attachments :
Attachment 1 – SE 1-25 Application Form and Materials

The Planning Commission may authorize exceptions from the requirements of the McMinnville Municipal Sign Code if it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in 17.62.120(B) and (C).

An exception for a sign that is allowed in the McMinnville Municipal Sign Code may be granted if it meets the criteria in either section 17.62.120(B) and (C).

If a sign is prohibited, an exception can only be granted if it meets the criteria in 17.62.120(C).

Type of Sign	Sign Allowed in the Code	Sign Prohibited in the Code
Criteria to grant an exception	17.62.120(B): An exception may be granted if the property owner establishes: 1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; ***and*** 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; ***and*** 3. The request will not be detrimental to community standards and the appearance of the city. ***OR*** 17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either: 1. Deny the owner of all economically viable use of the property on which the sign is located; **or** 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located	17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either: 1. Deny the owner of all economically viable use of the property on which the sign is located; **or** 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

The application is for an exception to an electronic changeable copy sign. The McMinnville Municipal Code defines electronic changeable copy signs as:

> **Changeable Copy Sign (Electronic)** – A sign on which the copy changes electronically. (17.06.040 Sign Related Definitions)

Furthermore, a video sign is also defined in the McMinnville Municipal Code as an electronic changeable copy sign:

> **Video Sign** – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. (17.06.040 Sign Related Definitions).

Video signs are prohibited in the McMinnville Municipal Code per Section 17.62.050. Prohibited signs are not eligible for the exceptions listed under 17.62.120(B).

The proposed sign is ten feet tall and thirty feet wide with a wide spectrum of colors and shades in a vertical and horizontal format. Additionally, the sign has the capacity to create continuously changing sign copy in both horizontal and vertical formats. Video signs are a prohibited type of sign (17.62.050(G)).

In determining the meaning of "capacity to create continuously changing sign copy," the plain, ordinary, and common meaning of the word "capacity" is understood to be "the ability or power to do". Therefore, a sign that has the ability, or power, to create continuously changing sign copy meets the definition of a video sign.

The applicant's submittal indicates that the sign that the applicant wants to install has both vertical and horizontal functionality of a video sign, and the capacity of a video sign.

As a video sign, only the exceptions considered under 17.62.120(C)(1 and 2) can be considered. Such an exception must still meet the requirement listed under (A) of "owing to special and unusual circumstances related to a specific piece of property."

If, however, the proposed sign were to be found not to meet the definition of a video sign, then either the full list of 1-3 under (B) must be met or 1 or 2 under (C) must be met.

Per Section 1762.070(E) of the McMinnville Municipal Code, an electronic changeable copy signs are required to be part of a greater wall-mounted or freestanding sign. 17.62.070(E)(1) states that "one electronic changeable copy sign is permitted per site," but states that "it shall only be allowed as part of a permanent freestanding or wall sign".

The applicant's sign is a standalone electronic changeable copy sign. The sign is not part of a greater wall sign. The applicant did not request an exception to this provision of the sign code.

II. CONDITIONS OF APPROVAL:

1. – None recommended

III. ATTACHMENTS:

1. SE 1-25 Application Form and Attachments
2. Memo from Pathfinder Land Use Consulting LLC, January 15, 2026
3. Memo from Pathfinder Land Use Consulting LLC, January 22, 2026

IV. COMMENTS:

Neighborhood Meeting
From the application:
"The applicants held a neighborhood meeting on October 22, 2025. No members of the public attended the meeting. The applicant remained available at the posted location for the full duration of the meeting to answer any potential questions or accept comments."

Agency Comments
This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Division, Building Division, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas.

- McMinnville Engineering Division
  Engineering has no comments on this application.

- McMinnville Water & Light
  MW&L has no comments on this.

- Building Division
  No building code concerns.

Public Comments

- Mark Davis, Oral Testimony, January 15, 2026.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, EMPWR, c/o Sheyla Wulf-Howell, held a neighborhood meeting on Wednesday, October 22, 2025.

2. The applicant, EMPWR, submitted Sign Standards Exception Application (SE 1-25) application on November 6, 2025.

3. The application (SE 1-25) was deemed complete on December 6, 2025.

4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Comments received from agencies are addressed in Section IV of the Decision Document.

5. Notice of the application and January 15, 2026, Planning Commission public hearing was mailed to property owners within 100 feet of the subject property on December 24, 2025, in accordance with Section 17.72.120 of the Zoning Ordinance.

6. Notice of the application and the January 15, 2026, Planning Commission public hearing was published in the News Register on January 5, 2026, and January 9, 2026, in accordance with Section 17.72.120 of the Zoning Ordinance.

7. On January 15, 2026, the Planning Commission held a duly noticed public hearing to consider the request.

8. On January 15, 2026, the Planning Commission closed the public hearing but kept the record open until 5:00 PM, January 22, 2026, for the applicant to provide final arguments.

9. On February 5, 2026, the Planning Commission considered the public record and rendered a decision.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 750 SW Booth Bend Road (Tax Lot R4429 02600)

2. **Lot Size:** Approximately 7.23 acres

3. **Comprehensive Plan Map Designation:** Industrial

4. **Zoning:** M-2 (General Industrial)

5. **Current Use:** Industrial

6. **Inventoried Significant Resources:** None

7. **Other Features:**
   a. **Slopes:** The site is generally level with no significant features.
   b. **Easements:** Narrow public easements exist along the north and the south property lines.

8. **Utilities**
   a. **Water:** The site is served by McMinnville Water & Light.
   b. **Electric:** Power service is available to the site.
   c. **Sewer:** Sewer service is available to the site.
   d. **Stormwater:** Stormwater service is available to the site.
   e. **Other Services:** Other utility services are available to the subject site.

9. **Transportation:** The site is adjacent to Booth Bend Road, which is classified as a Major Collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for Major Collector streets as 74 feet. It is also backs up to Hwy 18 which is identified as a state highway. No impacts to the Transportation System are being considered as a part of this exception application.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for this variance request are as follows:

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance provide criteria applicable to this application:

17.06.040 Definitions.

Changeable Copy Sign (Electronic) – A sign on which the copy changes electronically.

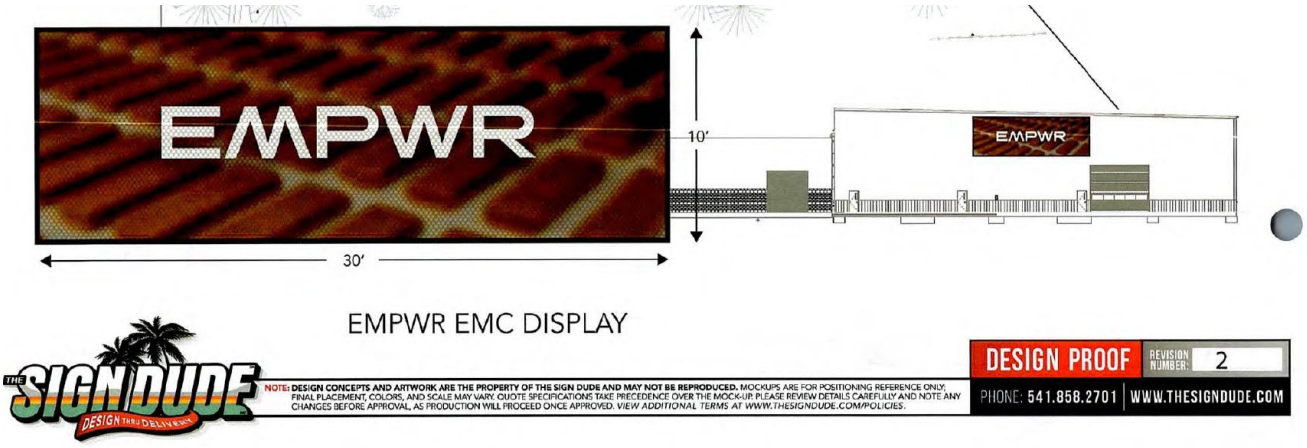
Video Sign – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

FINDING: The Planning Commission finds that the applicant's sign is a "Changeable Copy Sign (Electronic) per the definition in 17.06.040. And the Planning Commission finds that the applicant's sign is a "Video Sign", per the definition in 17.06.040.. A video sign is also an electronic changeable copy sign that provides information in both a horizontal and vertical format (as opposed to linear) and has the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

Per the design proof provided Sign Dude in the applicant's application on pages 38 and 39, the sign is ten feet tall and thirty feet wide, and the whole of the sign has the capacity to change sign copy in a wide spectrum of colors, shades and light intensities.

The proof sheet describes the sign as an EMC According to the International Sign Association, an EMC sign is an Electronic Message Center that is a type of digital sign that can display words, symbols, figures, or images that can be electronically changed by remote or automatic means. EMCs utilize LED displays to show dynamic content.

In this definition "capacity" is used in it's plain, ordinary, and common meaning. The common meaning of capacity is "the ability or power to do". Choosing to limit the way a sign is operated does not limit its ability to operate as a video sign.



Attachments :
Attachment 1 – SE 1-25 Application Form and Materials

17.62.050 Prohibited Signs. The following signs are prohibited:

A. Signs or sign structures which may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in Sections 17.54.080(A) and (B).
B. Signs not in compliance with applicable setback requirements as specified in this chapter and/or as set forth in Section 17.54.050(F).
C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility.
D. Portable signs in the following categories:
    1. Signs on a vehicle parked on public property or right-of-way unless the vehicle is being used for transport in the normal day-to-day operations of a business.
    2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
E. Moving signs.
F. Balloon signs twenty-four (24) inches in diameter or greater.
G. Video signs.
H. Hazardous signs.
I. Flashing signs.
J. Roof signs.
K. Signs that appear similar to traffic control devices.
L. Signs not in compliance with this ordinance. (Ord. 4912 §3 2009)

FINDING: Per 17.62.050(G), the Planning Commission finds that Video Signs are a Prohibited Sign.

17.62.070. Permanent Sign Regulations.

E. Electronic changeable copy signs are subject to the following standards:
    1. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.
    2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.
    3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
    4. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.
    5. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.
    6. On sites or multi-tenant complexes on which an electronic changeable copy sign is located, temporary signage is limited to that described in Section 17.62.060(B)(2) and (3).
    7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

FINDING: Per 17.62.070(1), the Planning Commission finds that Electronic Changeable Copy Signs shall only be allowed as part of a permanent freestanding or wall sign. are a Prohibited Sign. The Planning Commission finds that per the applicant's application, pages 38 and 39, the sign proof sheets as provided by Sign Dude, that the electronic changeable copy sign is not part of a permanent freestanding or wall sign, and is proposed as a standalone sign. Since the applicant did not apply for an exception to this portion of the sign code, the Planning Commission finds that the application is not compliant with the McMinnville Municipal Code.

17.62.120 Exceptions.

A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

APPLICANT'S RESPONSE: *The proposed EMPWR sign is not a prohibited sign type under 17.62.050. The sign is a wall mounted, static electronic display that does not incorporate flashing, strobing, or continuously changing video imagery. It is permanently affixed to the building facade and does not project into the right-of-way, move, rotate, or simulate traffic control features. The sign therefore complies with 17.62.050 and is permitted subject to compliance with applicable standards under Chapter 17.62, including the request for an exception to the maximum allowable display area under 17.62.070(E)(3)*

Additionally, the applicant has suggested that "capacity" in "capacity to create continuously changing sign copy" must be interpreted in an operational context, and that a sign being operated in a static method would not meet this definition.

FINDING: NOT SATISFIED. The Planning Commission finds that the applicant has not demonstrated that "owing to special and unusual circumstances related to this specific piece of property, that strict application of this chapter would cause an undue or unnecessary hardship, and the Planning Commission finds that the applicant applied for an exception to the size of an electronic changeable copy sign from 24 square feet to 300 square feet, but that it has not applied for the exception that an electronic changeable copy sign needed to be part of a wall sign..

The Planning Commission has found that per the definitions of of a changeable copy sign (electronic) and video sign in Section 17.06.040, that the proposed sign is both an electronic changeable copy sign and a video sign. The Planning Commission also finds that per 17.62.050 that video signs are prohibited.

As stated in Subsection (A), "no exception shall be granted pursuant to subsection (B) of this Section to allow a type of signage which is prohibited by Section 17.62.050. Section 17.52.050(G) lists "Video signs" as a type of prohibited sign.

The proposed sign would display information on a 300 square foot LED screen with 10-foot vertical by 30-foot horizontal dimensions, with changeable messages. The applicant has indicated the intent is to display changeable messages in a static format. However, the applicant has not provided evidence to demonstrate that the proposed sign does not have "the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities." Rather, the description of the proposed sign in the application indicates it does have this capacity.

Therefore, the proposed sign meets the definition of a video sign, which is a prohibited type of sign, and it is not eligible for an exception under Subsection (B).

Further, the code intentionally prohibits video signs and regulates electronic changeable copy signs under provisions that are more restrictive than other wall signs. The purpose of these

standards is to implement the purposes of the Zoning Ordinance and the purposes of Chapter 17.62.

The applicant currently has a wall sign on the south side of the building and other sides of the building. The sign code would also permit more/larger wall signs on the south side and other sides. One (non-video) electronic changeable copy sign would be permitted on the site without an exception, whether on the south wall or another wall, if it was part of another sign and not larger than 24 square feet.

The applicant has requested an exception for the size of an changeable copy sign (electronic), but the applicant has not requested an exception to the provision of 17.62.070, that a changeable copy sign needed to be part of a wall sign. The proposed sign would be 12.5 times the maximum permitted size of an electronic changeable copy sign, and would be separate from any other sign, including the existing wall sign on the south wall.

The following section (B) would only apply to non-video electronic changeable copy signs, as part of a permanently installed wall (or freestanding) sign. In order to qualify under (B) the applicant must show that "owing to special and unusual circumstances related to a specific piece of property" criteria 1, 2, and 3, subsections to (B) are met.

B. An exception may be granted if the property owner established that:
   1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and

APPLICANT'S RESPONSE:
1. The subject property fronts Highway 18, a regional high-speed arterial with posted speeds of 55+ mph. At these speeds, sign readability requires substantially larger copy area than would be necessary in a lower-speed, local street context.
2. The EMPWR building is set back more than 200 feet from Highway 18 right-of-way. A sign limited to 24 square feet would not be legible at that distance and speed.
3. The building facade itself is large-scale, with a continuous wall area over 200 feet in length and more than 30 feet in height. A larger sign is proportionate to the scale of the wall and will not appear out of context.
4. Surrounding uses include industrial facilities with large-scale operations and visibility needs. Several properties along Highway 18 already employ monument or wall signage scaled to highway visibility.
5. Conclusion: A 24-square-foot sign would not be reasonably legible to motorists traveling at 55+ mph on Highway 18. This creates concern about public safety, as drivers may slow or make unsafe maneuvers in attempting to identify the facility. The hardship is thus a product of the site's physical conditions and transportation context, not the applicant's convenience.

FINDING: NOT SATISFIED. The Planning Commission finds that the property owner has not established that the exception requested is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size. In fact, the applicant's argument demonstrates that the applicant's property has an advantage in terms of topography, location, surrounding development, lot shape or lot size. The property;s location on a ridge overlooking Highway 18 is an advantage and not an unnecessary hardship. Arguing that the applicant cannot maximize that advantage does not demonstrate an unnecessary hardship.

There is no limit on the area of permanent wall-mounted signs (17.62.070(C)(2)). The applicant is not limited in the size of signage facing Hwy 18. Sign code merely restricts the type of sign and the size of the electronic portion of the sign. The applicant does not meet the burden of

proof that there are challenges of their site that can uniquely be solved by an electronic video sign, which is a prohibited type of sign. The applicant has existing, previously approved wall signs on the south and east sides of the building, which are visible from Highway 18.

Being located on Hwy 18 is not unique to this property. Having a building approximately 200 feet from Hwy 18 is not unique to this property. There are dozens, if not hundreds of properties located on Hwy 18 and Hwy 99W. Granting an exception based solely on being located on Hwy 18 or Hwy 99 would completely undermine the sign limitations provided in the sign ordinance and it would ignore the additional code offerings that are provided for properties along those highways.

The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and

APPLICANT'S RESPONSE:

6. The proposed sign faces south toward Highway 18, oriented away from residential areas to the north and east.
7. Residential properties to the north are buffered by distance, existing landscaping, and the industrial building itself, which blocks direct visibility of the sign.
8. The sign does not project into rights-of-way, does not obstruct views of adjoining parcels, and does not interfere with traffic sight distance at driveways or intersections.
9. The scale and placement of the sign are consistent with the industrial character of Booth Bend Road and Highway 18 frontage.
10. The exception will not cause material damage or prejudice to nearby residential or industrial properties. The design, orientation, and placement ensure the sign functions as site identification without adverse off-site impacts.
11. The sign will employ modern LED technology with automatic brightness controls to reduce glare and ensure nighttime visibility is safe and non-intrusive. This prevents spillover lighting impacts to nearby properties and maintains compatibility with surrounding uses.

FINDING: NOT SATISFIED. The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission finds that the granting of the exception would result in prejudice to other properties in the vicinity that have constructed signs that meet the City's sign standards. The applicant has not identified anything unique about the property's location, topography, size, or shape with reference to adjacent properties. Many of the factors that the applicant referenced in their response to criteria #1 (Section 17.62.120(B)(1)), including sign location, topography, lot shape or lot side, and surrounding development, apply similarly to many other properties in the vicinity. Those properties have taken those factors into consideration and still found a location on the site that allowed for a sign to be located that provides visibility for the business, but that also meets the City's standards for signs.

3. The request will not be detrimental to community standards and the appearance of the city.

APPLICANT'S RESPONSE:

12. The City's community appearance goals emphasize compatibility, visual order, and avoidance of sign clutter.
13. The sign will be integrated into the south wall of the EMPWR building, rather than as a detached or pole-mounted billboard. This placement maintains building symmetry and reduces visual clutter.
14. The design employs modern electronic technology in a professional, architecturally compatible format that matches the scale and character of the new building.
15. By consolidating branding and information into a single building-mounted sign, the proposal avoids the proliferation of multiple smaller signs.
16. The industrial zoning designation anticipates larger-scale building forms and associated signage. By limiting signage to a single, building-mounted sign rather than multiple smaller signs or pole structures, the proposal achieves an orderly appearance consistent with City goals and avoids the billboard clutter the ordinance is intended to prevent.
17. The proposed exception enhances legibility and safety while maintaining compatibility with community standards. The sign is proportionate, well-integrated, and will not detract from the City's appearance.

FINDING: NOT SATISFIED. The Planning Commission finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission also finds that specific sign standards are in place in the McMinnville Zoning Ordinance for signs allowed in the community to reflect the community's minimum standards for signs. These requirements were adopted in 2008 under Ordinance No. 4900. The purpose of the sign standards that were adopted, as now stated in Section 17.62.010 of the McMinnville Zoning Ordinance, is to "improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards" and to "provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance". These standards prohibit video signs and limit the amount of electronic copy allowed as a portion of a sign.

The Planning Commission finds that granting the exception request would not be consistent with the community standards for signs, not only because the proposed sign is a prohibited sign, but also because an approval of the exception request would not result in "equitably applied sign height, size, and location standards". An approval of the exception request would result in prejudice to other properties in the vicinity that have followed the community's standards for signs, as described in more detail above.

C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
   1. Deny the owner of all economically viable use of the property on which the sign is located; or
   2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

APPLICANT'S RESPONSE:

18. EMPWR is a regional-scale industrial operation whose visibility to freight carriers, suppliers, and employees traveling Highway 18 is critical to its function.

19. Limiting electronic sign area to 24 square feet would render the sign illegible at highway speeds, effectively denying its functional purpose and interfering with wayfinding.
20. The ability to display branding, operational messages, and community information in a legible format is essential for full and beneficial use of the property.
21. Without the exception, the applicant would be denied the ability to utilize an electronic changeable copy sign in a meaningful way, thereby interfering with reasonable use and enjoyment of the property.

The applicant clarifies in their January 22nd filing that they are not seeking consideration under (C)(1) but only under (C)(2).

FINDING: NOT SATISFIED. The Planning Commission finds that the applicant has not submitted evidence to demonstrate an "unnecessary hardship" would result from requiring the applicant to install a sign that meets the city's sign standards. The applicant has assumed the right to utilize an electronic changeable copy (video) sign and then claims it is a hardship that it cannot convey a 300 square foot message in that location due to its proximity to Highway 18 and the speed of the vehicles on that expressway. Why does the applicant need a prohibited, exceedingly large video sign on the back of their building at their manufacturing facility. The applicant has the same opportunity as any other private market distributor to take advantage of other advertising available to them in the form of approved billboard locations on Highway 18. Such a hardship is a perspective of entitlement and is not owing to special and unusual circumstances related to a specific piece of property.

The Planning Commission finds that the enforcement of the prohibited signs and of the limitations imposed on electronic copy signs does not deny the owner of all economically viable use of the property, or substantially interfere with the owner's use and enjoyment of the property. The property is zoned industrial, and the applicant is operating a manufacturing facility on the property. The applicant previously applied for and obtained permits for multiple signs that have been installed, including wall signs on the south and west sides facing Highway 18. The applicant has been able to install code-compliant signage that identifies the business and provides wayfinding opportunities for its suppliers, vendors, and employees.

The sign code was in place when the owner constructed the building and when the owner installed the signage already in place. Strict enforcement of the existing sign code does not require that signage be completely removed from the property, nor does it limit the size of the signage. It only limits the type of sign. The prohibited signs and limitations on electronic copy signs also do not result in the property becoming completely economically inviable, as the existing building and use are allowed to continue to operate as they do today.

D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.

FINDING: NOT APPLICABLE. The exception is not specifically requested for the purpose of convenience related to a standard sign size. Although the applicant did argue in the hearing that ease of changing the message was part of their preference for this sign type.

E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

FINDING: NOT APPLICABLE. This is not a criterion for an exception to sign code standards.

Comprehensive Plan: The goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land-use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land-use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this variance application are addressed through implementation standards, except as provided below.

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.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

FINDING: SATISFIED. The process for a sign standards exception provides an opportunity for citizen involvement through the public hearing and neighborhood meeting. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials prior to the McMinnville Planning Commission's review of the request. All members of the public have access to provide testimony and ask questions during the public hearing process.

City of McMinnville
Community Development
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MINUTES

February 5, 2026 **6:30 pm**
Planning Commission **Hybrid Meeting**
Regular Meeting **McMinnville, Oregon**

Members Present:	Sidonie Winfield, Brian Everest, Sylla McClellan (zoom), Brian Randall, Matt Jones (zoom), Meg Murray, Abigail Neilan, Rachel Flores (zoom), and Elena Mudrak (zoom)
Members Absent:	None.
Staff Present:	Tom Schauer – Senior Planner, Heather Richards – Community Development Director, Matthew Deppe – Associate Planner, Taylor Graybehl – Senior Planner, Evan Hietpas (zoom) – Acting Planning Manager and Associate Housing Planner, and Missy Ryan (zoom) – Legal Counsel
Guests:	Scott Cunningham – City Councilor, Mary Beth Branch – Member, Historic Landmarks Committee, and David Koch

1. **Call to Order**

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

2. **Training – Oregon Land Use Law and Decision-Making (Training Minutes in Separate Document)**

3. **Citizen Comments**

   David Koch, McMinnville resident, spoke from a private property owner's perspective on the proposed landmark and significant tree ordinance. He had a unique property that was fully fenced and landscaped since the 1980s. It had been well maintained and the property was thriving. He objected to the significant overreach by the City as it wanted to impose regulations on all private property. He urged the Commission to limit the application of the proposed regulations to only those areas previously covered and undeveloped private property. He asked that developed residential property not be included. If they did impose the regulations, he asked for some amendments to the draft ordinance. He asked that the exemption to remove two significant trees per year on undeveloped property be extended to developed residential properties that were 20,000 square feet or larger. He also requested the exemption be revised to clarify that the carve out for natural hazards protected zones that would not allow for the exemption would only happen in the natural hazards protection overlay and not natural hazards mitigation overlay. He had paid a premium price for his property and had invested thousands of dollars to maintain it. He did not think the City should put a protected overlay over property that was already being protected.

4. Minutes

a) May 15, 2025

Commissioner Everest moved to approve the May 15, 2025, meeting minutes. The motion was seconded by Commissioner McClellan and passed 7-0-2 with Commissioners Murray and Neilan abstaining.

b) August 7, 2025

Commissioner Everest moved to approve the August 7, 2025, meeting minutes. The motion was seconded by Commissioner Jones and passed 8-0-1 with Commissioner Neilan abstaining.

5. Action Items: Deliberation and decision for the following application:

A. Quasi-Judicial Decision: Sign Standards Exception (SE 1-25), 750 SW Booth Bend Rd, Tax Lot R4429 02600

Chair Winfield said on January 15, the public hearing and public record for SE 1-25 were closed to submittal of new evidence. The applicant had until 5 p.m. on January 22 to submit rebuttal arguments. The applicant did provide additional comments to address arguments made at the hearing, which were in the record. The applicant also tried to provide new evidence from the sign manufacturer, however staff recommended rejecting that evidence by motion.

Commissioner Everest moved that the materials from the sign manufacturer submitted by the applicant via email on January 22, 2026, at 11:01 a.m. was new evidence and was submitted after the record was closed for submittal of new evidence and should be excluded from the record. The motion was seconded by Commissioner Mudrak and passed 8-0-1 with Commissioner Flores abstaining.

The Commission moved to deliberations on the application.

Commissioner Everest thought the application met the definition of a video sign and did not meet the standards. Commissioners McClellan, Jones, and Winfield agreed the sign had the capacity to be a video sign as opposed to an electronic copy sign.

Commissioner Randall thought the size of the sign was also an issue.

Commissioner Mudrak MOVED to DENY Sign Standards Exception SE 1-25 for 750 SW Booth Bend Rd, Tax Lot R4429 02600. The motion was seconded by Commissioner Jones and passed 8-0-1 with Commissioner Flores abstaining.

6. Work Session – Natural Resources

Senior Planner Graybehl said this was a continuation of the January 21, 2026, City Council/Planning Commission joint meeting discussion. The topics were Oregon White Oak minimum size and landmark tree inventory. The goal was to gather Planning Commission input to advance the natural resources program and bring the program to a public hearing. He gave a background on the work that had been done already, key issues from the joint meeting, previously proposed minimum size for Oregon White Oaks of 20 inch caliper at 4.5 feet above ground, new minimum size proposed of 15 inch caliper at 4.5 feet above ground, growth range, landmark tree inventory purpose, manager, requirements, restrictions, and maintenance, who paid for the deed of record, letter from Commissioner Mudrak, and next steps. Staff

recommended initiating the ordinance adoption process to bring the item before the Planning Commission on March 19, 2026.

There was discussion regarding protecting oak groves and allowing a transfer of density rights, programs in other cities and how they tracked landmark/heritage trees, how significant trees were based on clear and objective standards, property owner's permission needed to identify the tree as a landmark tree, how landmark trees had higher protections than significant trees, difference between the two programs for significant trees and landmark trees, fees for tree removal, what the fees would be used for, using the fees to pay for the deed recording and a plaque, enforcement on private property, allowing any residential lot greater than 20,000 square feet to remove two trees per year, incentivizing the landmark tree program, allowing all lots to remove one tree per year, exempting the fee to cut down a tree in certain circumstances, process for transferring the designation of a landmark tree to the next property owner, funding sources, and how most larger undeveloped properties in McMinnville had a land use division decision requirement where they had to provide a tree survey and justify the trees that would be removed.

There was further discussion on options for allowed tree removals including allowing lots less than 20,000 square feet to have no restrictions for tree removal and greater than 20,000 square feet to remove two trees per year for developed parcels, for undeveloped parcels less than 20,000 square feet two trees per year could be removed and greater than 20,000 square feet would need to provide a tree inventory, or keep it as it was proposed for smaller lots but allow one tree to be removed per year for larger lots. They also discussed how many lots this would apply to and need for better understanding of the general impact, and exempting small lot single family housing and missing middle housing from the program.

There was consensus that the minimum size of a significant White Oak was 10-inch caliper, however 15-inch was acceptable depending where it was measured. There was also consensus to make additions to the proposed landmark tree program as follows: that mitigation funds would be used to pay for the plaques, for developed residential properties under 20,000 square feet there would be no restrictions for tree removal, for developed residential parcels greater than 20,000 square feet, one tree could be removed per year, and for undeveloped parcels two trees could be removed per year.

Staff would bring back another Work Session on landmark and significant trees. The natural resource overlays would go to a public hearing.

7. Commissioner Comments

Chair Winfield asked about limitations for detention centers. Staff would come back with more information. Chair Winfield would be gone for the meetings of March 19 and May 21.

8. Staff Comments

Community Development Director Richards said Planning Manager Berniker left the City and Associate Housing Planner Hietpas was the new Acting Planning Manager. Staff was working on the Commission's Work Plan for next fiscal year. The focus would be updating the Transportation System Plan and Downtown Master Plan as well as code amendments. She then discussed upcoming agenda items.

9. Adjournment

Chair Winfield adjourned the meeting at 10:01 p.m.

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MINUTES

January 15, 2026 **6:30 pm**
Planning Commission **Hybrid Meeting**
Regular Meeting **McMinnville, Oregon**

Members Present:	Sidonie Winfield, Brian Everest, Sylla McClellan, Brian Randall, Matt Jones (via zoom), Meg Murray (via zoom), Abigail Neilan, and Elena Mudrak
Members Absent:	Rachel Flores
Staff Present:	Tom Schauer – Senior Planner, Heather Richards – Community Development Director, Matthew Deppe – Associate Planner, and Missy Ryan (via zoom) – Legal Counsel

1. **Call to Order**

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

2. **Swearing In of Planning Commissioner Meg Murray for New Term**

   Chair Winfield swore in returning Commissioner Murray.

3. **Selection of Chair and Vice Chair**

   Commissioner McClellan nominated Sidonie Winfield as Chair for 2026. The nomination was approved unanimously.

   Commissioner McClellan nominated Elena Mudrak as Vice Chair for 2026. The nomination was approved unanimously.

4. **Citizen Comments**

   None

5. **Minutes**
   a. December 18, 2025

   Commissioner Mudrak moved to approve the December 18, 2025, minutes. The motion was seconded by Commissioner Neilan and passed 6-0-2 with Commissioners Everest and Jones abstaining.

6. **Public Hearings**

a. Quasi-Judicial Hearing: Sign Standards Exception (SE 1-25), 750 SW Booth Bend Rd, Tax Lot R4429 02600

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.

Commissioner Everest said his roommate had just accepted a position with EMPWR, but it would not affect his decision.

Chair Winfield asked if any Commissioner had visited the site. Most of the Commission had.

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 Presentation: Associate Planner Deppe presented the request for an exception to the sign standards of the McMinnville zoning ordinance for a property on Booth Bend Road. He discussed the subject site, project description for the proposed sign, and some of its characteristics. He also presented elevations, and recommendation for denial due to the sign exception criteria not being met. He described the review procedures, how the proposed sign met the definition of a video sign, which by definition is a type of electronic changeable copy sign which is prohibited, and that the criteria were not met for the requested exception. He presented the code criteria for exceptions, how there were no public testimony or agency comments received, history of the last sign exception application from 2017, and findings that the applicant had not submitted evidence to demonstrate an “unnecessary hardship” and that generalized concerns about public safety on a public highway did not demonstrate an “unnecessary hardship” to the applicant. The applicant had not identified anything unique about the property’s location, topography, size, shape, or about surrounding development.

Applicant’s Testimony: Laura LaRoque, representing the applicant, read an executive summary that was submitted in response to staff’s recommendation for denial. She thought the sign met the definitions for electronic changeable copy sign and wall sign, but it did not meet the definition of a video sign as it would change from one static image to another at intermittent intervals. This interpretation was further supported by the purpose and scope of the code chapter which emphasized a balance of effective communication with public safety and aesthetics through minimum, consistent, and enforceable standards. The code also stated the copy or message of the sign was not to be regulated. The exception was necessary due to the site-specific conditions related to Hwy 18 frontage, building setback, industrial scale, and it would not result in material damage to surrounding properties or be detrimental to community standards or the appearance of the City. The applicant asked that the Planning Commission find the proposed sign was an electronic changeable copy wall sign and approve the sign exception. She then read the applicant’s response to the findings, reiterating that this was not a video sign, the images would be static, the sign was eligible for exceptions, how there was a hardship due to the site’s location, the speed environment of the highway, and surrounding industrial development, the requested exception would not result in material damage or adverse impacts to other properties and would not be detrimental to the community standards or the appearance of the City, and staff’s hardship analysis was not supported by substantial evidence. This was an electronic static sign not intended to be a video streaming sign on the side of the building. The hardship was that this was a large

industrial building set more than 200 feet back from the property frontage and even further from the road. Traffic was going 55+ miles per hour down the highway and the size permitted by the code was too small for this setting. Reducing the overall signage and allowing a static image to be changed a couple times was more aesthetically appealing than filling the space with letter signs.

Community Development Director Richards discussed the definition of a video sign vs. an electronic sign, how that related to the applicant's proposed condition regarding a static graphic, any clarifications as to whether the applicant's proposed condition also included changeable static graphics, and the Planning Commission's decision-making relative to these issues. Additionally, the applicant said staff had not proved that there was not a hardship, but it was the Commission's decision to decide if the applicant had proven there was a hardship. If the hardship was visibility of the back of buildings from Hwy 18, that was a precedent they would be setting for the community.

There was discussion regarding the code's definition of changeable copy sign and video sign, intended use of the sign, concern about the definition of "continuously change" and how static meant the image did not change, concern about the capacity for this sign to be used as a video sign and there was no means to enforce it, and how a different sign, like a billboard, could still serve the purpose of displaying branding, operational messages, and community information in a legible format without violating City code.

Proponents: None

Opponents: Mark Davis, McMinnville resident, agreed with the staff report that this application did not meet the criteria for an exception. He was especially surprised at the size of the sign proposed. The purpose of the sign was to get people to look at it, which he thought was not safe for people driving on a highway.

Rebuttal: Ms. LaRoque reiterated the differences between electronic changeable copy and video signs. She did not think a static sign with text that would not be moving could be interpreted as a video sign. It was a permitted use, and an electronic sign of this nature should not be interpreted as a video sign.

Chair Winfield asked if any party wished to request a continuance or that the record be left open for an opportunity to present additional evidence, argument, or testimony. There was no request by any party.

Commissioner McClellan moved to close the public hearing and public record; Seconded by Commissioner Everest. The motion passed unanimously 8-0.

Chair Winfield closed the public hearing and the public record.

The applicant did not waive the right to submit additional rebuttal argument after the record was closed to all other parties. The applicant would have until 5 p.m. on January 22, 2026, to submit final written arguments in support of the application, but the arguments would not include any new evidence.

Commissioner Jones moved to continue the Commission's deliberations for Sign Standards Exception (SE 1-25), 750 SW Booth Bend Rd, Tax Lot R4429 02600 to February 5, 2026. The motion was seconded by Commissioner Mudrak and passed unanimously 8-0.

7. Commissioner Comments

None

8. Staff Comments

Senior Planner Schauer discussed upcoming agenda items.
Community Development Director Richards said the McMinnville Landing planned development overlay was approved by the City Council. The Council would be looking at the Airport Master Plan and land use efficiency measures on January 27. The Planning Commission was still in a quasi-judicial process for the application tonight and they should not speak to anyone about it before the next meeting.

9. Adjournment

Chair Winfield adjourned the meeting at 8:07 p.m.

Pathfinder Land Use Consulting, LLC
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503-501-7197
laura@pathfinderlanduse.com

January 22, 2026

McMinnville Planning Commission
City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Commissioners:

This letter and the attached Planning Commission Open Record Findings are submitted as written testimony and proposed findings for consideration during the seven-day open record period following the January 14, 2026, Planning Commission hearing for Sign Standards Exception SE 1-25.

The purpose of this submission is limited and focused. It is intended to:

1. Clarify the evidentiary record regarding staff's prior classification of the proposed sign, the procedural history of the application, and statements made during deliberations concerning any prior indication of denial;

2. Address the Commission's interpretation of the term "capacity" in the definition of a video sign under MMC § 17.06.040 and explain how that interpretation affects sign classification and eligibility for an exception;

3. Confirm the applicant's acceptance of enforceable operational limitations describing the intended operation of the sign, as reflected in the attached findings; and

4. Acknowledge compliance with applicable electronic changeable copy sign standards upon approval, as required by MMC § 17.62.070(E).

This submission does not seek to expand the scope of the application or re-argue matters already presented, but rather to ensure that the Commission's decision is based on an accurate understanding of the record, the applicable code provisions, and the applicant's proposed operation of the sign.

The applicant respectfully requests that the attached findings be included in the record and considered as part of the commission's final written decision.

Thank you for the opportunity to provide clarification during the open record period.

Respectfully submitted,

AUTHORIZED REPRESENTATIVE:
PATHFINDER LAND USE CONSULTING, LLC

LAURA LAROQUE
LAND USE CONSULTANT

APPLICANT:
EMPWR
750 SW BOOTH BEND ROAD
MCMINNVILLE, OR 97128

PROPERTY OWNER:
BIG STEP PROPERTIES, LLC

FINDING 1: CLARIFICATION OF THE RECORD REGARDING STAFF CLASSIFICATION AND STATEMENTS CONCERNING DENIAL

Throughout the pre-hearing review process, staff consistently characterized the proposed sign as an Electronic Changeable Copy Sign subject to the sign standards exception process and advised the applicant that approval would depend on demonstrating compliance with the exception criteria in MMC § 17.62.120. Prior to issuance of the staff report seven days before the public hearing, staff did not advise the applicant that the proposed sign constituted a prohibited "video sign" under MMC § 17.62.050, nor did staff communicate that denial of the application had been determined or expressed.

Staff correspondence dated August 6, 2025, which denied a separate administrative sign permit request, did not deny or purport to deny a sign standards exception application. That letter expressly distinguished between administrative sign permit review and the exception process, stating that a sign exception is reviewed and decided by the Planning Commission at a noticed public meeting. The August 6, 2025, denial letter did not communicate that the proposed sign was ineligible for approval through the exception process.

Subsequent correspondence dated August 19, 2025, from the Community Development Director further confirmed that a sign standards exception would be reviewed by the Planning Commission, that the applicant would be required to provide a burden of proof demonstrating compliance with the exception criteria, and that the Commission may attach conditions of approval pursuant to MMC § 17.62.120. That correspondence reflects staff's understanding that the application was eligible for approval subject to findings and conditions and does not indicate that the sign was prohibited or that denial had already been determined.

The completeness determination and advancement of the application to public hearing further confirm that the proposal was processed as an eligible application subject to approval, approval with conditions, or denial following public testimony. The record does not contain correspondence, meeting notes, or other documentation demonstrating that denial of the sign standards exception application had been expressed to the applicant prior to receipt of the staff report.

During deliberations, staff indicated that denial of the application had previously been conveyed to the applicant and relied on a reclassification of the sign as a prohibited video sign. To the extent those statements rely on the August 6, 2025, administrative denial letter or other pre-hearing communications, such reliance is not supported by the record. The August 6, 2025, letter addressed a different review process and expressly contemplated Planning Commission review of an exception application.

To the extent the Commission relies on an understanding that denial of the sign standards exception had previously been expressed to the applicant, that understanding is not

supported by written correspondence in the record and should not form the basis of the Commission's decision.

FINDING 2: PROPER CLASSIFICATION OF THE PROPOSED SIGN

The applicant proposes a wall-mounted sign that displays static electronic images only, subject to enforceable operational limitations proposed by the applicant. The sign does not include animation, motion, scrolling, flashing, fades, dissolves, sequencing, transitions, or other forms of continuously changing imagery.

Under MMC § 17.06.040, a *video sign* is defined as an electronic changeable copy sign that both:

1. Provides information in a horizontal and vertical format; and
2. Has the capacity to create continuously changing sign copy.

Because the proposed sign, as designed and conditioned, does not operate with continuously changing sign copy, it does not meet the definition of a video sign and is not prohibited under MMC § 17.62.050.

FINDING 3: "CAPACITY" MUST BE INTERPRETED IN AN OPERATIONAL CONTEXT

MMC § 17.62.070(E) expressly allows and regulates electronic changeable copy signs, which by their nature possess the technical ability to change copy. If "capacity" were interpreted to mean any theoretical or technical capability, then all electronic changeable copy signs would be prohibited, rendering MMC § 17.62.070(E) meaningless.

The ordinance must be interpreted to give effect to all provisions. Accordingly, "capacity" must be understood to distinguish signs that are designed or operated to display continuously changing imagery from those that display static electronic images subject to enforceable operational limits.

FINDING 4: STATIC IMAGE CHANGES AT DISCRETE INTERVALS ARE NOT "CONTINUOUSLY CHANGING" COPY

The ordinance does not define "continuously changing" based on the number or frequency of image changes, nor does MMC § 17.06.040 or § 17.62.070(E) establish any numerical threshold for image changes. Instead, "continuously changing" is a qualitative operational characteristic referring to ongoing motion, progression, or visual transitions.

"Continuously changing" is a qualitative operational characteristic referring to ongoing motion, progression, or visual transitions. A sign that displays one static image at a time, without motion, animation, transitions, or sequencing, does not produce continuously changing sign copy, even if the image may be updated at discrete, intermittent intervals.

If the mere possibility that copy could change at some unspecified time were sufficient to constitute continuously changing copy, then all electronic changeable copy signs would meet the definition of a video sign, contrary to the express allowance of such signs in MMC § 17.62.070(E).

FINDING 5: LIGHTING INTENSITY AND COLOR CAPABILITY DO NOT CREATE A VIDEO SIGN

The definition of a video sign references "a wide spectrum of colors, shades, and light intensities" only in conjunction with continuously changing sign copy. Lighting intensity, color, or shading capability is not an independent trigger for video sign classification.

These adjustments do not animate, transition, sequence, or otherwise change the sign copy, colors, or message content and do not create the appearance of continuously changing imagery. Brightness adjustments affect illumination only and do not constitute changes to sign copy or visual messaging.

Changes in illumination level due solely to ambient light sensing do not alter sign copy, imagery, or message content. Brightness control is a mitigation feature intended to reduce glare and visual impact and does not constitute continuously changing sign copy under MMC § 17.06.040.

FINDING 6: ADVERTISING CONTENT IS NOT A VALID BASIS FOR CLASSIFICATION

During deliberations, distinctions were drawn between advertising messages and other types of sign copy. That distinction is not supported by the McMinnville Zoning Ordinance.

MMC § 17.62.020 expressly provides that *"the copy or message of signs is not regulated by this chapter."* The classification of a sign type therefore cannot turn on whether the message displayed is advertising, branding, or operational in nature.

The definition of a video sign is based solely on a sign's format and operational characteristics, not the purpose or content of the message. A static electronic image advertising a business operates no differently than a static electronic image conveying informational content. Content alone cannot transform a static electronic display into a video sign**.**

FINDING 7: PROPOSED OPERATION OF THE SIGN

The proposed sign is a wall-mounted Electronic Changeable Copy Wall Sign intended to display static electronic images only. The sign is designed to function as a digital equivalent of a traditional wall sign, providing clear, legible messaging oriented to Highway 18 without animation or motion-based effects.

The applicant does not propose routine cycling or scheduled image changes; any update to the displayed image would occur only as needed for business identification or informational purposes and not as part of an ongoing display sequence

At all times, the sign will display a single, fixed image. The image will not scroll, fade, dissolve, animate, transition, sequence, flash, or otherwise change in a manner that creates motion, progression, or continuously changing imagery. Any updates to the displayed image will occur only at discrete intervals and will not create the appearance of movement or visual change over time.

The sign will utilize automatic brightness controls to adjust overall illumination levels in response to ambient light conditions. These adjustments are intended solely to reduce glare

and light spillover and will not alter the displayed image, colors, message content, or visual appearance of the sign copy.

The proposed operation ensures that the sign functions consistently with the purpose of Chapter 17.62 by balancing effective communication with public safety and visual compatibility.

FINDING 8: APPLICANT-PROPOSED CONDITIONS OF APPROVAL

The applicant proposes the following conditions of approval to clarify and enforce the intended operation of the sign:

1. Static Electronic Images Only

   The electronic display shall display static electronic images only. No animation, motion, scrolling, flashing, fades, dissolves, sequencing, transitions, or other visual effects shall be permitted.

2. Single Image Display

   At any given time, the electronic display shall show a single, fixed image.

3. No Continuously Changing Copy

   The electronic display shall not operate in a manner that produces continuously changing sign copy.

4. Discrete Image Updates

   Any change to the displayed image shall occur only at discrete intervals and shall not create the appearance of movement, progression, animation, or visual transition.

5. Brightness Controls

   The sign shall utilize automatic brightness controls to adjust overall illumination levels in response to ambient light conditions. Such adjustments shall not alter, animate, transition, or otherwise change the displayed sign copy, colors, or message content and shall not create the appearance of continuously changing imagery.

6. Traffic Safety

   The sign shall be operated in a manner that avoids glare, distraction, or interference with traffic safety.

The applicant agrees that these operational limitations may be incorporated as conditions of approval and enforced by the city. These conditions are offered not to cure a prohibited sign type, but to clarify and enforce the proposed operational characteristics relevant to sign classification under MMC § 17.06.040.

The classification of a sign type under MMC § 17.06.040 is a threshold determination based on proposed operation, not on post-approval enforcement assumptions. Conditions of approval clarify operation; they do not convert a non-video sign into a video sign.

FINDING 9: CONDITIONS OF APPROVAL DO NOT REQUIRE IMPROPER POLICING

During deliberations, the Commission expressed concern that approval of the proposed sign would require the city to "police" the sign through conditions of approval. That concern does not provide a basis for denial under the McMinnville Zoning Ordinance.

The Commission's authority under MMC § 17.62.120(A) expressly contemplates approval of sign exceptions subject to conditions. The possibility that a sign could be operated in violation of approval conditions does not constitute a lawful basis for denial of an application that otherwise meets the applicable standards.

Conditions of approval are a standard and lawful mechanism to ensure compliance with adopted land use regulations. The proposed conditions do not require ongoing monitoring beyond that which applies to other regulated signs or land uses within the city. Enforcement would occur only in the event of a violation, consistent with the city's existing enforcement authority under MMC § 17.62.130.

The applicant-proposed conditions are clear, objective, and enforceable. They define how the sign will operate and provide certainty regarding compliance. The possibility that a sign could be operated in violation of approval conditions does not justify denial of an application that otherwise meets the applicable standards.

Applications must be evaluated based on what is proposed and conditioned, not on speculative concerns regarding future enforcement.

The ordinance does not require the city to engage in continuous monitoring to enforce conditions; it authorizes enforcement only upon violation, consistent with standard zoning enforcement practice. This approach is consistent with MMC § 17.62.120(A), which expressly authorizes the Commission to attach conditions necessary to achieve the purposes of the sign ordinance.

FINDING 10: ELIGIBILITY FOR AN EXCEPTION UNDER MMC § 17.62.120

Because the proposed sign is not a prohibited sign type, it is eligible for consideration under the exception provisions of MMC § 17.62.120.

FINDING 11: COMPLIANCE WITH REMAINING ELECTRONIC CHANGEABLE COPY SIGN STANDARDS

Except for the electronic display area limitation in MMC § 17.62.070(e)(3), the proposed sign complies with all applicable electronic changeable copy sign standards, including limitation to one electronic changeable copy sign per site, permanent mounting to a structure, and incorporation into a wall sign.

MMC § 17.62.070(E)(1) provides that one (1) electronic changeable copy sign is permitted per site and shall be allowed only "as part of" a permanent freestanding or wall sign. The ordinance also refers to the "electronic changeable copy portion of a sign" for purposes of regulating size and area calculation. This language is not explicit as to whether electronic

changeable copy must be a subsidiary component of a larger sign face or may itself constitute the sign.

MMC § 17.06.040(E) defines a wall sign as a sign attached parallel to and extending not more than twelve (12) inches from the wall of a building and includes cabinet signs. This definition regulates the method of attachment and projection and does not prescribe the composition of the sign face or require non-electronic copy.

Based on the submitted plans and mounting details, the proposed electronic display is attached parallel to the building façade, projects less than twelve (12) inches from the wall, and is a single, self-contained sign permanently mounted to the structure. Under these circumstances, the electronic changeable copy display may constitute the wall sign itself, provided it meets the wall sign definition.

Under this interpretation, references to the "electronic changeable copy portion of a sign" establish how electronic copy is measured and regulated and do not require that a sign include non-electronic copy or a separate surrounding sign face.

Accordingly, the proposed sign complies with MMC § 17.62.070(E)(1), (4), (5), (6), and (7). No evidence in the record suggests that compliance with these standards is infeasible or that such compliance would alter the classification of the sign.

FINDING 12: REQUIREMENT FOR EXPLICIT INTERPRETATION IN THE WRITTEN DECISION

If the Commission interprets "capacity" to mean technical capability alone, regardless of proposed operation or enforceable limitations, that interpretation constitutes a formal code interpretation. That interpretation must be explicitly stated in the written findings to demonstrate how the adopted definitions were applied and to allow meaningful review. The Commission's role is to apply the adopted definitions as written and not to expand prohibited sign categories beyond those expressly defined in the ordinance.

Nothing in these findings is intended to limit the Commission's discretion, but rather to ensure that the decision clearly reflects the interpretation of the code provisions applied.

FINDING 13: UNNECESSARY HARDSHIP (MMC § 17.62.120(B)(1))

Strict application of the electronic display area limitation creates an unnecessary hardship due to the site's location adjacent to Highway 18, the speed environment, viewing distance, and the industrial scale of the building. Limiting electronic changeable copy to 24 square feet would result in signage that is not legible or proportionate in this context.

The hardship is not the absence of signage generally, but the inability to utilize electronic changeable copy in a manner that functions for the site's unique location and surroundings.

FINDING 14: THE REQUEST IS NOT FOR CONVENIENCE (MMC § 17.62.120(D))

The requested exception is not sought for the convenience of the applicant or to accommodate a standard sign size. The request is based on site-specific conditions including Highway 18 frontage, viewing distance, vehicle speed environment, and the scale of surrounding industrial development.

Pathfinder Land Use Consulting, LLC
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503-501-7197
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January 15, 2026

McMinnville Planning Commission
City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Commissioners:

This executive summary is submitted in response to staff's recommendation to deny Sign Standards Exception SE 1-25 based on the determination that the proposed EMPWR sign constitutes a prohibited "video sign" under McMinnville zoning ordinance § 17.62.050.

Under the sign-related definitions in § 17.06.040, the proposed sign is properly classified as an Electronic Changeable Copy Sign and a Wall Sign. A "Changeable Copy Sign (Electronic)" is defined as a sign on which the copy changes electronically, and a "Wall Sign" is defined as a sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. The proposed EMPWR sign meets both definitions: it is permanently mounted to the building façade and utilizes electronic technology to display copy.

The proposed sign does not meet the definition of a "Video Sign." Section 17.06.040 defines a video sign as an electronic changeable copy sign that both (1) provides information in a horizontal and vertical format and (2) has the capacity to create continuously changing sign copy. While the EMPWR sign utilizes electronic display technology, the applicant proposes and accepts enforceable conditions limiting operation of the sign to static electronic images only, with no animation, scrolling, flashing, dissolves, fades, frame sequencing, or other continuously changing imagery. A sign that changes from one static image to another at intermittent intervals does not constitute "continuously changing sign copy" under the plain language of the ordinance.

The reference to "capacity" in the definition must be read in context and in harmony with the remainder of Chapter 17.62. Chapter 17.62.070(E) expressly allows and regulates Electronic Changeable Copy Signs, which by their nature the technical capability to display changing copy. If the mere technical capacity to display continuously changing imagery were sufficient to classify a sign as a prohibited video sign, then all electronic changeable copy signs would be prohibited and MMC § 17.62.070(E) would be rendered meaningless. The ordinance cannot reasonably be interpreted in a manner that nullifies its own regulatory provisions or conflicts with the definitions in MMC § 17.06.040.

This interpretation is further supported by the Purpose and Scope of Chapter 17.62. Section 17.62.010 emphasizes balancing effective communication with public safety and aesthetics through minimum, consistent, and enforceable standards, while § 17.62.020 provides that the copy or message of signs is not regulated. Regulation under the ordinance therefore focuses on objective operational characteristics, not speculative or hypothetical display capability.

Because the proposed sign is not a prohibited sign type, it is eligible for consideration under the Exception provisions of § 17.62.120. As demonstrated in the findings that follow, the requested exception to the electronic display area limitation in § 17.62.070(E)(3) is necessary due to site-specific conditions related to Highway 18 frontage, building setback, and industrial scale, will not result in material damage or prejudice to surrounding properties, and will not be detrimental to community standards or the appearance of the City.

The applicant respectfully requests that the Planning Commission find that the proposed sign is an Electronic Changeable Copy Wall sign, reject the prohibited-sign classification, apply the exception criteria as written, and approve sign standards exception SE 1-25 subject to reasonable operational and illumination conditions.

Respectfully submitted,

AUTHORIZED REPRESENTATIVE:
PATHFINDER LAND USE CONSULTING, LLC

LAURA LAROQUE
LAND USE CONSULTANT

APPLICANT:
EMPWR
750 SW BOOTH BEND ROAD
MCMINNVILLE, OR 97128

PROPERTY OWNER:
BIG STEP PROPERTIES, LLC

REBUTTAL FINDINGS

Finding 1: Classification of the Proposed Sign

Staff concludes that the proposed sign is a prohibited "video sign." This conclusion is inconsistent with the definitions in MMC § 17.06.040. The application proposes an Electronic Changeable Copy Wall Sign that displays static electronic images and does not include animation, scrolling, flashing, dissolves, fades, frame sequencing, or other continuously changing imagery. Because the proposed operation does not include continuously changing sign copy, the sign does not meet the definition of a "video sign" and is not prohibited under MMC § 17.62.050. Accordingly, the proposed sign is not a "video sign" as defined in MMC § 17.06.040 and is not prohibited under MMC § 17.62.050.

Finding 2: Interpretation of "Capacity"

Staff's reliance on the term "capacity" to classify the sign as prohibited is inconsistent with the structure of Chapter 17.62. MMC § 17.62.070(E) expressly allows and regulates Electronic Changeable Copy Signs, which necessarily possess the technical capability to change copy. Interpreting "capacity" to prohibit any sign with such capability would render § 17.62.070(E) meaningless. The ordinance must be read to give effect to all provisions; therefore, "capacity" must be understood to distinguish signs that operate with continuously changing imagery from those, like the proposed sign, that operate with static images subject to enforceable conditions.

Finding 3: Eligibility for an Exception

Because the proposed sign is not a prohibited sign type, it is eligible for consideration under the exception provisions of MMC § 17.62.120. Staff notes that prohibited signs are not eligible for exceptions, but that conclusion depends entirely on the threshold determination regarding sign type. Once the sign is properly classified as an Electronic Changeable Copy Wall Sign, the exception criteria apply and must be evaluated on their merits. Absent a valid determination that the sign is prohibited, the Commission is required to apply the exception criteria.

Finding 4: Staff's Hardship Analysis Is Not Supported by Substantial Evidence

Criterion: An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and (MMC § 17.62.120(B)(1))

Staff concludes that the requested exception is not warranted and asserts that the subject property has adequate opportunity to address any hardship through additional wall-mounted signage because the sign code does not limit the size of wall-mounted signs generally and because the site is highly visible from Highway 18. However, this conclusion is not supported by substantial evidence in the record.

Staff does not provide any quantitative or site-specific analysis demonstrating that additional non-electronic wall signage would adequately address the hardship identified by the applicant. The record contains no evidence demonstrating that strictly limiting electronic changeable copy to 24 square feet would remain legible, proportionate, or functional given the site's highway frontage, speed environment, and surrounding industrial development.

The hardship identified by the applicant is not the absence of wall signage generally, but the inability to utilize electronic changeable copy in a manner that is legible and proportionate given the site's location, speed environment, and surrounding industrial development. Staff's assertion that the applicant may simply add more, or larger static signage does not address this hardship and does not demonstrate that the electronic display area limitation can be strictly applied without unnecessary hardship.

Further, the existence of previously approved signage and general site visibility do not negate the hardship analysis required under MMC § 17.62.120(B)(1). The criterion requires an evaluation of whether strict application of the standard creates an unnecessary hardship due to site-specific factors, not whether some signage already exists or whether alternative signage types are theoretically possible.

Finally, staff's statement that "the signage cannot be a video sign" presupposes the disputed classification issue and does not provide factual support for denying the exception based on hardship. Once the sign is properly classified as an Electronic Changeable Copy Wall Sign, the relevant inquiry is whether the electronic display area limitation results in unnecessary hardship. Staff have not provided evidence demonstrating that it does not.

Finding 5: The Requested Exception Will Not Result in Material Damage or Prejudice to Other Properties

Criterion: The granting of the exception will not result in material damage or prejudice to other property in the vicinity. (MMC § 17.62.120(B)(2))

The applicant has demonstrated that the proposed sign will not result in material damage or prejudice to other properties in the vicinity. Residential properties are buffered from the sign by the building itself, the scale of the sign is consistent with the industrial and highway-oriented character of the area, automatic brightness controls will limit illumination and reduce light spillovers, and the sign will not interfere with traffic sight distances. Staff concurs that the proposed sign, in and of itself, does not cause material damage to surrounding properties.

Staff nonetheless conclude that granting the requested exception would result in prejudice to other properties because other sites in the vicinity have complied with the sign code without requiring an exception. This conclusion does not satisfy the prejudice standard in MMC § 17.62.120(b)(2).

The code requires a showing of material damage or prejudice to other property, not a comparison of whether other property owners have complied with the code or elected not to seek an exception. Differential treatment or the availability of exceptions to one property does not, by itself, constitute material prejudice. The ordinance expressly provides a mechanism for site-specific exceptions where the applicable criteria are met, and the use of that mechanism cannot be deemed prejudicial solely because other properties did not pursue or require similar relief.

The fact that other properties may have complied with the sign code without seeking an exception does not constitute material damage or prejudice, as the code expressly allows site-specific exceptions where the criteria are satisfied.

Staff does not identify any site-specific adverse impacts to neighboring properties resulting from the requested exception. There is no evidence in the record demonstrating increased glare, light trespass, visual intrusion, traffic safety impacts, or interference with the use and enjoyment of nearby properties. Generalized concerns about fairness or consistency are not equivalent to material damage or prejudice as contemplated by the code.

Staff further rely on the conclusion that the proposed sign is a prohibited video sign and therefore ineligible for an exception. That conclusion presupposes the disputed classification issue and does not constitute an independent finding of material prejudice. Once the sign is properly classified as an electronic changeable copy wall sign, the relevant inquiry under MMC § 17.62.120(b)(2) is whether the requested exception will cause material damage or prejudice to other properties. The record does not support such a finding.

While the applicant bears the burden of proof, once evidence is submitted in support of the applicable criterion, denial must be supported by substantial evidence in the record demonstrating that the criterion is not met.

Finding 6: The Requested Exception Will Not Be Detrimental to Community Standards or the Appearance of the City.

Criterion: The request will not be detrimental to community standards and the appearance of the City. (MMC § 17.62.120(B)(3))

The applicant has demonstrated that the proposed sign and the requested exception will not be detrimental to community standards or the appearance of the city. The sign is building-mounted, proportional to the scale of the existing industrial building, and located within a highway-oriented corridor. The applicant further explains that allowing a single electronic changeable copy sign reduces the need for multiple signs, thereby minimizing visual clutter and contributing to a more orderly streetscape.

Staff acknowledges that reducing the number of signs may reduce clutter and improve visual order but concludes that this consideration is not a basis for approving the request because the sign is characterized as a prohibited “video sign.” This conclusion conflates the threshold classification issue with the community standards criterion and does not constitute an independent evaluation under MMC § 17.62.120(b)(3).

Community standards for signage are established in Chapter 17.62 and include mechanisms for site-specific exceptions where the applicable criteria are met. The existence of dimensional limits on electronic changeable copy signage reflects a general regulatory standard, not a determination that any exception to that standard is inherently detrimental to community standards. The code expressly authorizes exceptions to address unique site conditions, provided the criteria are satisfied.

Staff’s reliance on the assertion that approval would be inconsistent with community standards because the sign exceeds the electronic display size limit and is characterized as prohibited presupposes the disputed classification issue and does not identify any site-specific adverse impacts to the city’s appearance. There is no evidence in the record demonstrating that the proposed sign would introduce visual clutter, degrade streetscape quality, conflict with

surrounding development patterns, or undermine the aesthetic objectives stated in MMC § 17.62.010.

Further, staff's assertion that approval would prejudice other properties that have complied with the sign code does not establish detriment to community standards. Community standards are measured by visual and functional impacts on the built environment, not by whether other properties have chosen or been required to comply without seeking an exception. Equity considerations alone do not satisfy the criterion in MMC § 17.62.120(b)(3).

Community standards are implemented through the code's standards and exception mechanisms, not by prohibiting the use of those mechanisms.

Based on the sign's building-mounted configuration, proportional scale, controlled illumination, industrial and highway-oriented context, and the absence of evidence demonstrating adverse visual or aesthetic impacts, the requested exception will not be detrimental to community standards or the appearance of the city, as required by MMC § 17.62.120(b)(3).

Finding 7: Staff's Hardship Analysis Is Not Supported by Substantial Evidence

Criterion: An exception may be granted if the strict enforcement of the ordinance will either deny the owner of all economically viable use of the property or substantially interfere with the owner's use and enjoyment of the property. (MMC § 17.62.120(c))

This finding addresses the additional review criteria in MMC § 17.62.120(C) and incorporates the factual findings set forth in Findings 4 and 5. The applicant does not contend that strict application of the electronic display area limitation would deny all economically viable use of the property. Rather, the applicant asserts that strict enforcement would substantially interfere with the use and enjoyment of the property by preventing the effective use of electronic changeable copy signage in a highway-oriented industrial context.

As discussed in findings 4 and 5, the applicant has demonstrated that the proposed electronic changeable copy wall sign is necessary to address site-specific conditions related to highway frontage, viewing distance, operating speeds, and building scale, and that limiting electronic display area to 24 square feet would materially impair the functionality and effectiveness of electronic signage for the site.

For the same reasons identified in findings 4 and 5, strict enforcement of the electronic display area limitation would substantially interfere with the applicant's use and enjoyment of the property as contemplated by MMC § 17.62.120(c)(2). Staff have not provided substantial evidence demonstrating otherwise.

Conclusion

For the reasons set forth in the executive summary and rebuttal findings, the applicant respectfully submits that the proposed EMPWR sign is properly classified as an Electronic Changeable Copy Wall Sign, not a prohibited video sign under MMC § 17.06.040. When the code is applied as written, the proposed sign is eligible for consideration under the exception provisions of MMC § 17.62.120.

The record demonstrates that strict application of the electronic display area limitation would result in an unnecessary hardship due to site-specific conditions, including the property's highway 18 frontage, viewing distance and speed environment, and the scale and character of surrounding industrial development. The applicant has further demonstrated that granting the requested exception will not result in material damage or prejudice to surrounding properties and will not be detrimental to community standards or the appearance of the city.

The applicant has proposed, and accepts, enforceable conditions limiting the sign to static electronic images, controlling illumination levels, and ensuring ongoing compliance with applicable sign standards. With these conditions in place, the proposed sign achieves the purpose of Chapter 17.62 by balancing effective communication with public safety and aesthetics.

Accordingly, the applicant respectfully requests approval of sign standards exception SE 1-25

569-25-000247-PLNG

Office Use Only:
File No. SE 1-25
Date Received 11/6/2025
Fee $2,514
Receipt No. 212211
Received by JH

City Of McMinnville

Planning Department
231 NE Fifth Street ○ McMinnville, OR 97128
(503) 434-7311 Office ○ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Sign Standards Exception Application

Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐Option Holder Agent ☒ Other_____

Applicant Name EMPWR Phone (971) 706-2200 #222

Contact Name Sheyla Wulf-Howell, VP of Operations Phone_____
(If different than above)

Address 750 SW Booth Bend Road

City, State, Zip McMinnville, OR 97128

Contact Email Sheyla.WulfHowell@empwrnutrition.com

Property Owner Information

Property Owner Name Big Step Properties, LLC Phone_____
(If different than above)

Contact Name Betty Carrier, Manager Member Phone_____

Address 750 SW Booth Bend Road

City, State, Zip McMinnville, OR 97128

Contact Email_____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 750 SW Booth Bend Road

Assessor Map No. R4 429 2600 - - Total Site Area +7.23-AC

Subdivision_____ Block_____ Lot_____

Comprehensive Plan Designation Industrial Zoning Designation M-2

Sign Standards Exception
Information & Submittal Requirements

City Of McMinnville
Planning Department
231 NE Fifth Street ○ McMinnville, OR 97128
(503) 434-7311 Office ○ (503) 474-4955 Fax
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Overview

The Planning Commission may authorize exceptions from the requirements of Chapter 17.62 (Signs) of the Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of Chapter 17.62 (Signs) would cause an undue or unnecessary hardship. However, no exception shall be granted to allow a sign or a type of signage which is prohibited. In granting an exception, the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of Chapter 17.62 (Signs) of the Zoning Ordinance.

An exception may be granted if the property owner can establish that:

A. The request is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and

B. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and

C. The request will not be detrimental to community standards and the appearance of the city.

An exception may also be granted if the property owner can establish that strict enforcement Chapter 17.62 (Signs) will either:

A. Deny the owner of all economically viable use of the property on which the sign is located; or

B. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located.

The burden for demonstrating that any of the above circumstances exist is upon the applicant. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.

Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

☒ A completed Sign Standards Exception application form. Please give as thorough an explanation as possible, keeping in mind the above review criteria that must be satisfied in order for the Planning Commission to grant your request. If additional explanation or materials would assist or support the request, include them with the application form.

- ☒ A site plan (drawn to scale, with a north direction arrow, legible, and of a reproducible size), clearly showing the location of the sign, buildings, lot dimensions, and adjacent street(s), distances from property lines, access, and other elements relevant to the requested exception to the sign standards.

- ☒ Additional information describing the sign such as height and materials used to construct the sign.

- ☒ Compliance of Neighborhood Meeting Requirements.

- ☒ Payment of the applicable review fee.

Review Process

An application for an exception to the sign standards of Chapter 17.62 (Signs) of the Zoning Ordinance is subject to a public hearing before the McMinnville Planning Commission. In advance of such hearing, public notice is provided to neighboring property owners within 100 feet of the subject property advising them of the proposed request and inviting their participation in the upcoming hearing. The procedure for providing notification of the request and the public hearing process itself is outlined in Sections 17.72.120 (Applications – Public Hearings) through 17.72.130 (Public Hearing Process) of the Zoning Ordinance.

The decision made by the Planning Commission may be appealed to the City Council as outlined in Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance.

1. Please describe the specific exception from Chapter 17.62 (Signs) that is being requested. State in detail how your request differs from the requirement(s).

See narrative

2. Explain how this request is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or size.

See narrative

3. Explain how the granting of this exception will not result in material damage or prejudice to other property in the vicinity.

See narrative

4. Explain how this request would not be detrimental to community standards and the appearance of the City.

See narrative

5. Does the strict enforcement of Chapter 17.62 (Signs) deny the property owner of all economically viable use of the property on which the sign is located?

See narrative

6. Does the strict enforcement of Chapter 17.62 (Signs) substantially interfere with the owner's use and enjoyment on which the sign is located?

See narrative

In addition to this completed application, the applicant must provide the following:

- ☒ *A site plan (drawn to scale, with a north direction arrow, legible, and of a reproducible size), clearly showing the location of the sign, buildings, lot dimensions, and adjacent street(s), distances from property lines, access, and other elements relevant to the requested exception to the sign standards.*
- ☒ *Other data or information which would help substantiate or clarify your request.*
- ☒ Compliance of Neighborhood Meeting Requirements.
- ☒ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Shaunte Wulff-Howell
Applicant's Signature

10/28/2025
Date

Billy Lee Carrier
Property Owner's Signature

11-03-25
Date

Planning Department • 231 NE 5th Street • McMinnville, OR 97128 • (503) 434 - 7311

Sign Permit Review – Chapter 17.62

Sign Submittal, Review, and Inspection Process

- ☒ **Complete the Planning/Building Sign Permit application form with authorizing signatures**. *(The attached application is for the Sign Review process. Electrical permits, if required, are issued from Yamhill County Building.)*
- ☒ **Description of proposed and existing sign(s):**
- ☒ **A site plan** *(drawn to scale, with a north arrow, legible, and of a reproducible size) and include the following information (see sample site plan):*
  - *Curb and right of way locations, including street names*
  - *Location of all property lines*
  - *Location, type, size, and height of all existing and proposed signs*
  - *Setbacks: Sign(s) to property line(s), Sign(s) to building(s)*
  - *Location of all existing buildings*
  - *Clear vision triangle for driveways (10') and intersections (15' commercial and industrial and 30' residential)*
  - *Indicate parking and landscaping areas*
- ☒ **Construction Plans** *(include plan view of sign, sign dimensions, plan view of foundation, sign elevations, method of attachment, bracket detail, if attached to building.)*
- ☒ N/A **Freestanding signs six (6) feet or taller tall must be engineered.**
- ☒ **Complete Review Criteria Responses**
- ☒ **Payment of the applicable fee**

City of McMinnville

Planning Department
231 NE Fifth Street, McMinnville, Oregon 97128
Phone: 503.434.7311 Fax: 503.474.4955
www.mcminnvilleoregon.gov

McMinnville Sign Permit Application

Applicant:

Name: Sheyla Wulf-Howell, VP of Operations
Company: EMPWR
Mailing Address: 750 SW Booth Bend Road
City, State, Zip: McMinnvile, OR 97128
Phone: (971) 706-2200 #222 Fax:
E-mail: Sheyla.WulfHowell@empwrnutrition.com

Contractor Information:

Name: Laura LaRoque
Company: Pathfinder Land Use Consulting, LLC
Mailing Address: P.O. Box 484
City, State, Zip: Lebanon, OR 97355
Phone: (503) 501-7197 CCB License No.:
E-mail: laura@pathfinderlanduse.com

Property Owner:

Name: Big Step Properties, LLC
Company: C/O NOBLE FOODS NUTRITION USA
Mailing Address: 750 SW Booth Bend Road
City, State, Zip: McMinnville, OR 97128
Phone: Fax:
E-mail:

Property Owner's Signature:

Betty L Carrier
Printed Name: Betty L Carrier Date: 11-3-25

Applicant's Signature: (if different from Property Owner)

Sheyla Wulf-Howell
Printed Name: Sheyla Wulf-Howell Date: 10/28/25

Site Location and Description:

Project Address if Available: 750 SW Booth Bend Road, McMinnville, OR 97128
Project Location: south building elevation fronting Hwy. 18 Total Site Area: ±7.23-AC
Tax Map Number: R4429 Comprehensive Plan Designation: Industrial Zoning: M-2

Request:

New wall sign with electronic changeable copy - south wall - Highway 18 frontage

Project Type:

☐ Residential ☐ Commercial ☒ Industrial ☐ Other:

Incomplete applications will not be processed until all of the required materials are submitted.

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

Note: Fees are due at time of application submittal
(City McMinnville accepts Cash, Check, and Credit Card)

Office Use Only:

File No.
Date Received
Fee
Receipt No.
Received by JH

Provide the following Sign Information for Review.

Zoning Designation (check one) ☐ Residential ☐ Commercial ☒ Industrial

Overlay/Planned Development District (check one):

☐ McMinnville Downtown District ☐ Three Mile Lane ☐ NE Gateway District

☐ Planned Development Overlay: Ordinance No._____

Type of Sign (check all that apply):

Freestanding Signs: **Valuation:**_____

☐ Pole/Pylon Sign ☐ Monument Sign ☐ Drive Thru ☒ Electronic Sign

☒ New ☐ Replacement

Number of sign faces: 1 Sign height above grade (feet)_____

Area of sign (square feet)_____ Dimensions of sign cabinet_____

Area of electric changeable copy portion (square feet)_____

Type of animation Static Image

Note: Only one electric changeable copy sign is permitted per site or multi-tenant complex

Are there any existing signs on the property? ☒ Yes ☐ No

If yes show location on site plan, including size, dimensions, and type.

Building (Mounted) Signs: **Valuation:** $80,000

☒ Wall Sign ☐ Projecting Sign ☐ Hanging Sign ☐ Canopy/Awning

Number of sign faces: X Height to bottom of sign above grade (feet)_____

Area of sign (square feet) 300 Area of sign on canopy/awning (square feet)_____

Dimensions of sign 30'W x 10'H

Are there any existing temporary signs on the property? ☐ Yes ☐ No

If yes show location on site plan, including size, dimensions, and type.

Temporary Signs: **Valuation:**_____

Type of sign_____ Duration of sign (number of days):_____

Sign height above grade (feet)_____ Area of sign (square feet)_____

Dimensions of sign_____

Are there any existing signs on the property? ☐ Yes ☐ No

If yes show location on site plan, including size, dimensions, and type.

Freestanding Sign(s) A sign supported upon the ground by a frame, pole(s), or other support structure which is not attached to any building. A freestanding sign shall count as one sign, even if it has two or more faces. In this context, freestanding signs include monument (ground-mount), pole, and pylon-type signs.

Monument - A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground. Does not include pole or pylon signs.



Monument


Pole/Pylon

Pylon Sign - A freestanding sign, usually double-faced, mounted on one or two supports above ground level. Also referred to as a pole sign.

Building Mounted Sign(s) – A sign permanently attached to a building.

Canopy Sign – A sign painted on, printed on, or attached flat against the surface of a canopy or awning.



Canopy

Projecting Sign – A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.



Projecting

Roof Sign – Any mounted sign that projects above the top of a wall, eave, or parapet. Signs on a mansard roof or on a wall on the end façade of a gable roof are considered wall signs for the purposes of this ordinance, provided they do not extend above the roofline.


Roof

Hanging Sign – A sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face.



Hanging

Wall Sign – A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letters, and cabinet signs.



Wall

Required Plan Submittal:

The following information must be provided to complete the planning sign permit and building permit (if required) review.

Three (3) site plans with the following information: *(drawn to scale, with a north arrow, legible, and of a reproducible size), including the following information (see sample site plan):*

- *Curb and right of way locations, including street names*
- *Location of all property lines*
- *Location, type, size, and height of all existing and proposed signs*
- *Setbacks: Sign(s) to property line(s), Sign(s) to building(s)*
- *Location of all existing buildings*
- *Clear vision triangle for driveways (10') and intersections (15' commercial and industrial and 30' residential)*
- *Indicate parking and landscaping areas*

Two (2) complete sets of construction plans with the following information:

Sign elevations drawings: Indicate scale, lighting design, height, and dimensions per sign (may be included with construction drawings). This should be indicated on each type of drawing.

Construction Plans (include plan view of sign, sign dimensions, plan view of foundation, sign elevations, method of attachment, bracket detail, if attached to building. **Please note** engineered plans are required for signs six (6) feet in height or taller. Engineered plans may also be required if increasing the size of a cabinet on an existing sign.

Electrical permits from Yamhill County Building (503) 434-7516, must be obtained for signs that are directly or indirectly illuminated or that are backlit.

SIGN PERMIT AND SIGN STANDARD EXCEPTION APPLICATIONS

Submitted to:	City of McMinnville Planning and Building Department 231 NE Fifth Street McMinnville, Oregon 97128 (503) 434-7311 / planning@mcminnvilleoregon.gov
Applicant:	EMPWR 750 SW Booth Bend Road McMinnville, OR 97128 Sheyla Wulf-Howell, VP of Operations (971) 706-2200 #222 / Sheyla.WulfHowell@empwrnutrition.com
Property Owner:	Big Step Properties, LLC C/O NOBLE FOODS NUTRITION USA 750 SW Booth Bend Road McMinnville, OR 97128 Betty Carrier, Manager.Member Bcarrier@bettylousinc.com 503-550-6664
Representative:	Pathfinder Land USW Consulting, LLC P.O. Box 484, Lebanon, OR 97355 Laura LaRoque, Land USW Consultant (503) 501-7197 / laura@pathfinderlanduSW.com
Site Location:	750 SW Booth Bend Road, McMinnville, OR 97128
Yamhill County Tax Assessor's Map No.	R4429 02600
Site Size:	±7.23-AC
Existing Land USW:	Industrial
Zone Designation:	M-2 General Industrial Zone
Comprehensive Plan Designation:	Industrial
Surrounding Zoning:	North: C-3 General Commercial Zone South: EF-80 Exclusive Farm USW East: M-2 West: M-2, C3

1 PROPOSAL - SIGN STANDARDS EXCEPTION

The applicant seeks approval for the installation of one building-mounted electronic changeable copy sign on the south wall of the new EMPWR building at 750 SW Booth Bend Road (Tax Lot R4429 02600). The subject site is located in the M-2 (General Industrial) zone, adjacent to Highway 18.

The proposed sign is designed as a digital wall sign integrated into the building façade, oriented toward Highway 18. According to the submitted Sign Design Package (Attachment C), the sign will measure 30 feet in width and 10 feet in height, for a total display area of 300 square feet.

The exception requested is from LDC § 17.62.070(E)(3), which limits the electronic changeable copy portion of a sign to 24 square feet. The proposed sign includes an electronic display area of approximately 300 square feet to provide adequate visibility and legibility for motorists traveling at highway speeds along Highway 18.

2 APPLICABLE CRITERIA

Per MCZO § 17.62.120, the Planning Commission may authorize exceptions from the requirements of Chapter 17.62 (Signs) where, owing to special and unusual circumstances related to a specific piece of property, strict application of the chapter would cause an undue or unnecessary hardship. The criteria for approval are summarized below:

- Subsection (B): An exception may be granted if the property owner establishes that (1) the exception is necessary to prevent unnecessary hardship due to topography, location, surrounding development, lot shape, or lot size; (2) granting the exception will not result in material damage or prejudice to other property in the vicinity; and (3) the request will not be detrimental to community standards or the appearance of the City.
- Subsection (C): Alternatively, an exception may be granted if the property owner establishes that strict enforcement would either (1) deny all economically viable use of the property or (2) substantially interfere with the owner's use and enjoyment of the property.
- Subsection (D): Exceptions may not be granted merely for the convenience of the applicant or to accommodate regional or national business standards.

3 APPLICABLE CRITERIA AND FINDINGS

A. CRITERION – HARDSHIP DUE TO PROPERTY CHARACTERISTICS

An exception is necessary to prevent unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and

1. The subject property fronts Highway 18, a regional high-speed arterial with posted speeds of 55+ mph. At these speeds, sign readability requires substantially larger copy area than would be necessary in a lower-speed, local street context.

2. The EMPWR building is set back more than 200 feet from Highway 18 right-of-way. A sign limited to 24 square feet would not be legible at that distance and speed.

3. The building façade itself is large-scale, with a continuous wall area over 200 feet in length and more than 30 feet in height. A larger sign is proportionate to the scale of the wall and will not appear out of context.

4. Surrounding uses include industrial facilities with large-scale operations and visibility needs. Several properties along Highway 18 already employ monument or wall signage scaled to highway visibility.

5. Conclusion: A 24-square-foot sign would not be reasonably legible to motorists traveling at 55+ mph on Highway 18. This creates concern about public safety, as drivers may slow or make unsafe maneuvers in attempting to identify the facility. The hardship is thus a product of the site's physical conditions and transportation context, not the applicant's convenience.

B. Criterion – No Material Damage or Prejudice to Other Property

The granting of the exception will not result in material damage or prejudice to other property in the vicinity.

6. The proposed sign faces south toward Highway 18, oriented away from residential areas to the north and east.

7. Residential properties to the north are buffered by distance, existing landscaping, and the industrial building itself, which blocks direct visibility of the sign.

8. The sign does not project into rights-of-way, does not obstruct views of adjoining parcels, and does not interfere with traffic sight distance at driveways or intersections.

9. The scale and placement of the sign are consistent with the industrial character of Booth Bend Road and Highway 18 frontage.

10. The exception will not cause material damage or prejudice to nearby residential or industrial properties. The design, orientation, and placement ensure the sign functions as site identification without adverse off-site impacts.

11. The sign will employ modern LED technology with automatic brightness controls to reduce glare and ensure nighttime visibility is safe and non-intrusive. This prevents spillover lighting impacts to nearby properties and maintains compatibility with surrounding uses.

C. Criterion – Not Detrimental to Community Standards or Appearance

The request will not be detrimental to community standards and the appearance of the City.

12. The City's community appearance goals emphasize compatibility, visual order, and avoidance of sign clutter.

13. The sign will be integrated into the south wall of the EMPWR building, rather than as a detached or pole-mounted billboard. This placement maintains building symmetry and reduces visual clutter.

14. The design employs modern electronic technology in a professional, architecturally compatible format that matches the scale and character of the new building.

15. By consolidating branding and information into a single building-mounted sign, the proposal avoids the proliferation of multiple smaller signs.

16. The industrial zoning designation anticipates larger-scale building forms and associated signage. By limiting signage to a single, building-mounted sign rather than multiple smaller signs or pole structures, the proposal achieves an orderly appearance consistent with City goals and avoids the billboard clutter the ordinance is intended to prevent.

17. The proposed exception enhances legibility and safety while maintaining compatibility with community standards. The sign is proportionate, well-integrated, and will not detract from the City's appearance.

D. Alternative Criterion – Economically Viable USW / USW and Enjoyment

An exception may be granted if strict enforcement of Chapter 17.62 denies economically viable use of the property on which the sign is located or substantially interferes with the owner's use and enjoyment of the property.

18. EMPWR is a regional-scale industrial operation whose visibility to freight carriers, suppliers, and employees traveling Highway 18 is critical to its function.

19. Limiting electronic sign area to 24 square feet would render the sign illegible at highway speeds, effectively denying its functional purpose and interfering with wayfinding.

20. The ability to display branding, operational messages, and community information in a legible format is essential for full and beneficial use of the property.

21. Without the exception, the applicant would be denied the ability to utilize an electronic changeable copy sign in a meaningful way, thereby interfering with reasonable use and enjoyment of the property.

4 Other Applicable Code Standards

A. General Sign Standards (Chapter 17.62 – Signs)

22. § 17.62.010 Purpose: McMinnville Zoning Ordinance § 17.62.010 establishes that the purpose of Chapter 17.62 is to balance the need for effective communication through signage with the public interest in maintaining traffic safety and the City's aesthetic character. The stated objectives include improving the visual quality of the streetscape, minimizing visual clutter, ensuring consistent and enforceable sign standards, and protecting safety by regulating sign design, location, illumination, and construction.

    The proposed EMPWR sign is consistent with the intent and purpose of Chapter 17.62. The sign provides clear and legible identification for the business at highway speeds while consolidating multiple messages into a single, integrated design. This approach avoids the proliferation of

smaller, competing signs that could contribute to visual clutter, thereby supporting the City's goal of preserving community aesthetics and enhancing the appearance of key entry corridors such as Highway 18. The proposed sign maintains safety by ensuring legibility and visibility appropriate for high-speed travel while adhering to modern construction and illumination standards.

23. § 17.62.020 Scope: Per McMinnville Zoning Ordinance § 17.62.020, all signs visible from the public right-of-way or other areas open to public travel within the city limits are subject to the provisions of Chapter 17.62. The content or message of a sign is not regulated by this chapter. Signs must comply with these standards unless otherwise authorized under an applicable Planned Development overlay or determined to be legally nonconforming.

    The proposed EMPWR electronic display sign is visible from the public right-of-way along Highway 18 and is therefore subject to the requirements of Chapter 17.62. No Planned Development overlay or alternative signage restrictions apply to the subject property. Accordingly, the proposed sign is reviewed under the applicable provisions of Chapter 17.62, including the request for an exception under § 17.62.120 to exceed the electronic changeable-copy area standard in § 17.62.070(E)(3).

24. §17.62.030 Definitions: Per McMinnville Zoning Ordinance § 17.62.030, applicable sign definitions are provided in § 17.06.040, including definitions for *"wall sign," "electronic changeable copy sign," and "video sign."* These definitions clarify how sign types are classified and regulated under Chapter 17.62.

    The proposed EMPWR sign qualifies as a wall sign and an electronic changeable copy (video) sign under § 17.06.040. The sign will be permanently mounted to the building façade oriented towards Highway 18 and incorporates a full-color digital display designed to convey variable electronic messages. Accordingly, the sign is subject to the electronic changeable copy standards under § 17.62.070(E), including the 24-square-foot display area limitation from which the applicant seeks an exception pursuant to § 17.62.120.

25. § 17.62.040 Exempted Signs: Per McMinnville Zoning Ordinance § 17.62.040, certain types of signs are allowed in all zones and are exempt from size, height, and setback requirements. These include, but are not limited to, government signs, flags, small commemorative plaques, non-illuminated window and incidental signs, and signs less than specified thresholds for area or height. The exemptions generally apply to small-scale, temporary, or informational signage and do not extend to illuminated or electronic changeable copy signs exceeding the stated size limits.

    The proposed EMPWR sign does not qualify as an exempt sign under § 17.62.040 because it exceeds the size thresholds established for exempt signage and includes an illuminated electronic changeable copy (video) display visible from the public right-of-way. Therefore, the proposal is subject to the applicable provisions of Chapter 17.62, including the electronic changeable copy standards of § 17.62.070(E) and the requested exception under § 17.62.120.

26. § 17.62.050 Prohibited Signs: Per McMinnville Zoning Ordinance § 17.62.050, certain sign types are expressly prohibited within the city. Prohibited signs include, but are not limited to, those

that create hazards to pedestrian or vehicular traffic, obstruct clear-vision areas, are placed within or overhang the public right-of-way, are portable or moving, include flashing or strobe lighting, are roof-mounted, or otherwise resemble traffic control devices.

The proposed EMPWR sign is not a prohibited sign type under § 17.62.050. The sign is a wall-mounted, static electronic display that does not incorporate flashing, strobing, or continuously changing video imagery. It is permanently affixed to the building façade and does not project into the right-of-way, move, rotate, or simulate traffic control features. The sign therefore complies with § 17.62.050 and is permitted subject to compliance with applicable standards under Chapter 17.62, including the request for an exception to the maximum allowable display area under § 17.62.070(E)(3).

27. § 17.62.060 Temporary Signs: Per McMinnville Zoning Ordinance § 17.62.060, temporary signs are allowed subject to specific limitations on duration, location, size, and placement. Temporary signs include short-term banners, construction signs, and election or real estate signage. In commercial and industrial zones, temporary signs are generally limited to sixteen (16) square feet in area if mounted other than flush to a building wall and must comply with setback and placement restrictions.

    The proposed EMPWR sign is not a temporary sign as defined or regulated under § 17.62.060. The sign is a permanent wall-mounted identification sign designed for long-term installation on the building façade facing Highway 18. It is not intended for short-term or event-related display and will be permanently affixed in compliance with applicable structural and electrical standards. Accordingly, the temporary sign provisions of § 17.62.060 do not apply, and the proposal is reviewed under the permanent sign standards of Chapter 17.62, including the electronic changeable copy provisions of § 17.62.070(E).

28. § 17.62.070 Permanent Sign Regulations: Per McMinnville Zoning Ordinance § 17.62.070, permanent signs may be erected and maintained only in compliance with the applicable zone-specific and supplemental standards. In Industrial (M-L, M-1, and M-2) zones, signs may be directly or indirectly illuminated and must meet all required setbacks.

    Subsection (E) establishes additional standards for electronic changeable copy signs, including:

    1. Only one (1) electronic changeable copy sign is permitted per site or multi-tenant complex, as part of a permanent freestanding or wall sign.
    2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.
    3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
    4. Such signs must be set back at least ten (10) feet from all property lines, have their area calculated at twice that of other signs, and must be permanently mounted.
    5. The electronic display area is calculated at twice the rate of other signs.

6. Sites with an electronic changeable copy sign are limited in temporary signage per § 17.62.060(B)(2) and (3).
7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

The proposed EMPWR sign complies with the majority of the electronic changeable copy sign standards under § 17.62.070(E). The sign is permanently mounted to the building façade, meets all Setbacks and mounting requirements, and is designed to function as a single, integrated wall sign.

However, the display area of approximately 300 square feet exceeds the maximum 24-square-foot limitation specified under § 17.62.070(E)(3). The enlarged display is necessary to ensure legibility and safe visibility for motorists traveling at highway speeds along Highway 18, consistent with national design standards for on-premises signage in high-speed traffic corridors.

To address this dimensional limitation, the applicant is requesting an Exception under § 17.62.120, Based on the property's unique industrial setting, building scale, and highway frontage conditions. The Exception would allow a single, consolidated wall sign that effectively conveys on-premises identification and public messaging without contributing to visual clutter or the proliferation of smaller signs.

The proposed ScreenHub display incorporates advanced illumination controls, including automatic GPS-Based dimming that adjusts brightness according to local sunrises and sunsets times. The display can dim to as low as one percent (1%) of its maximum brightness, ensuring full compliance with nighttime luminance limitations and minimizing light spill or glare. Horizontal light shields are integrated into the display design to direct illumination forward and prevent upward or downward light trespass. These features ensure the sign's illumination remains compatible with surrounding industrial and highway corridor conditions while maintaining safety and visibility at highway speeds.

B. Sign Permits (§ 17.62.080)

29. The applicant has submitted a sign permit application consistent with § 17.62.080, including detailed information on size, location, materials, lighting, scaled drawings, and contractor/owner details. Approval of the sign permit will be obtained prior to construction.
30. Permit Application Requirements: Pursuant to § 17.62.080(B)(1), an applicant must supply detailed information on forms provided by the City. This application satisfies those requirements as follows:
    a. Size, height, location, description, and materials: The proposed sign is 30 feet in width and 10 feet in height, with a total display area of 300 square feet. It will be permanently mounted to the south wall of the new EMPWR facility facing Highway 18. The sign will utilize LED electronic technology with automatic dimming features.
    b. Name of manufacturer, contractor, owner, and business advertised: The application identifies EMPWR as the business advertised and Big Step Properties, LLC as the property

owner. The sign will be manufactured and installed by a licensed sign contractor, to be identified at the building permit stage.

c. Scaled drawings and description of copy, structure, and lighting: The submitted construction drawings provide scaled dimensions, location, and design details of the sign, including the electronic copy area and lighting specifications.

d. Photo or drawing of the proposed sign location: The submittal includes plan sheets showing the proposed placement of the sign on the south building façade oriented towards Highway 18.

e. Signature of property owner or designee: The property owner's signature has been provided with the application, authorizing the request.

f. Other information required to demonstrate compliance: This findings narrative demonstrates compliance with applicable sign code standards, identifies the exception request from § 17.62.070(E)(3), and confirms that all other standards are met.

31. § 17.62.080(B)(2), the required application fee was submitted at the time of filing.

32. § 17.62.090 Landmark and Abandoned Signs: Per McMinnville Zoning Ordinance § 17.62.090, *landmark signs* may be exempted from the provisions of Chapter 17.62 upon recommendation of the Planning Director, and *abandoned signs* must be removed or brought into conformance within forty-five (45) days of being classified as abandoned.

    The proposed EMPWR wall sign is a new on-premises identification sign and does not involve any existing or historic landmark signage. The proposal also does not replace or modify an abandoned sign. Therefore, the provisions of § 17.62.090 related to landmarks or abandoned signs do not apply to this application. The new sign will be constructed in compliance with current standards and maintained in accordance with Chapter 17.62.

33. § 17.62.100 Construction and Maintenance Standards: Per McMinnville Zoning Ordinance § 17.62.100, all permanent signs must be constructed and erected in accordance with the Oregon Structural Specialty Code. Illuminated signs must also comply with the State Electrical Specialty Code, and applicants must provide an approved State Electrical Permit to demonstrate compliance. All signs are required to be maintained in good repair and free from structural decay or deterioration.

    The proposed EMPWR sign will be constructed in compliance with the Oregon Structural Specialty Code and the Oregon Electrical Specialty Code. Electrical connections and components will be installed under a valid Permit and inspected for safety compliance. The sign will be permanently affixed to the building structure and maintained in a sound, upright, and visually attractive condition consistent with § 17.62.100 requirements.

34. § 17.62.110 Nonconforming Signs: Per McMinnville Zoning Ordinance § 17.62.110, nonconforming signs must be brought into compliance with current sign standards when certain actions occur such as structural alteration, major building additions or renovations, or abandonment of the

nonconforming sign. Temporary or portable signs that do not conform to current provisions must be removed or brought into compliance immediately.

The proposed EMPWR sign is a new, conforming permanent wall sign and does not involve modification or replacement of an existing nonconforming sign. No portion of the proposed sign relies on nonconforming status for its location, structure, or illumination. Therefore, the provisions of § 17.62.110 regarding nonconforming or portable signs do not apply to this proposal. The sign will be fully constructed and maintained in compliance with the current standards of Chapter 17.62.

35. § 17.62.130 Enforcement: Per McMinnville Zoning Ordinance § 17.62.130, any sign that does not conform to the requirements of Chapter 17.62 or other applicable provisions of the zoning code is subject to enforcement under Chapter 17.03 (General Provisions). The City may issue citations, declare a sign unlawful, or require removal of a noncompliant sign. Costs associated with removal, alteration, or storage may be recovered from the sign owner or responsible party.

    The proposed EMPWR sign will be constructed, installed, and operated in compliance with all applicable provisions of Chapter 17.62 and related building and electrical codes. No violations or enforcement actions are anticipated. Should future modifications occur, the applicant acknowledges that any changes must maintain compliance with current sign standards or receive formal approval through the City's permitting process.

C. M-2 General Industrial Zone (§ 17.54.010 et seq.)

36. Signs are permitted as accessory uses in the M-2 zone. The proposed sign is accessory to the principal industrial use of the EMPWR facility and is not an unrelated off-premises advertising use. The proposed sign is consistent with § 17.54 as an allowed accessory use in the M-2 zone.

D. Applications and Review Process (§ 17.72.120–130, § 17.72.180)

37. The application for a Sign Standards Exception is subject to a Planning Commission public hearing, with mailed notice to all property owners within 100 feet of the site. Any Planning Commission decision on this application may be appealed to the City Council. This application is being processed consistent with the procedural requirements of Chapter 17.72.

E. Neighborhood Meeting (§ 17.72.095)

38. Per § 17.72.095(A), a neighborhood meeting is required for all applications that require a public hearing under § 17.72.120, unless specifically exempted. The proposed Sign Standards Exception requires a Planning Commission public hearing pursuant to § 17.72.120 and is not among the exempted application types. Therefore, a neighborhood meeting was held prior to submitting this application.

39. The applicant conducted one neighborhood meeting in full compliance with § 17.72.095(B)–(C). The meeting was held on October 22, 2025, at 6:00 p.m. at the EMPWR site, located within the McMinnville city limits. The meeting location was accessible to the public and notice was provided consistent with the procedural requirements of Chapter 17.72. The meeting occurred within 180 days prior to submittal of this application.

40. Per § 17.72.095(D), notice of the neighborhood meeting must be mailed to property owners within the distance required for public hearing notice under § 17.72.110 and § 17.72.120, at least twenty (20) days but not more than thirty (30) days prior to the meeting date.

    Mailed notice of the neighborhood meeting was provided to all property owners within the required notice area, consistent with §§ 17.72.095(D), 17.72.110, and 17.72.120. Notice was mailed on September 30, 2025, at least twenty days and no more than thirty days prior to the October 22, 2025, meeting. A copy of the mailed notice, mailing list, and verification of mailing have been included as evidence. The Planning Department also received mailed notice as required.

41. Per § 17.72.095(E), the applicant must post one (1) waterproof sign measuring 18 × 24 inches on each frontage of the subject property not fewer than twenty (20) and not more than thirty (30) calendar days prior to the neighborhood meeting. Signs must be posted within twenty (20) feet of the adjacent right-of-way and be easily visible and readable from the public right-of-way. The applicant is responsible for keeping the sign in place until the meeting and removing it afterward.

    The applicant posted one 18 × 24-inch waterproof neighborhood-meeting notice sign on each property frontage on September 30, 2025, in compliance with the timing, size, and placement requirements of § 17.72.095(E). The signs were clearly visible from the adjacent right-of-way and remained in place until the neighborhood meeting on October 22, 2025, after which they were promptly removed.

42. Per § 17.72.095(F), the applicant is responsible for preparing and conducting a neighborhood meeting that includes, at minimum: a. An opportunity for attendees to view the conceptual site plan; b. A description of the major elements of the proposal, including proposed land uses, building size and height, access, parking, landscaping, and buffering or resource protection, as applicable; and c. An opportunity for attendees to speak, ask questions, and identify issues they believe should be addressed.

    The applicant prepared a meeting agenda and presentation materials consistent with § 17.72.095(F), including a conceptual site plan and description of the proposed EMPWR wall sign and requested sign standards exception. The meeting was held on October 22, 2025, at 6:00 p.m. at the EMPWR site. Although no members of the public attended, the applicant fulfilled all procedural requirements by properly noticing, posting, and conducting the meeting opportunity. A copy of the meeting agenda, notice materials, and attendance record is included as evidence of compliance.

43. Per § 17.72.095(G), the applicant must submit documentation demonstrating compliance with the neighborhood meeting requirements.

    This application includes all required documentation under § 17.72.095(G), including (a) the mailed notice, (b) mailing list, (c) photographs of the posted meeting signs, (d) meeting presentation materials, and (e) meeting notes. The applicant held a neighborhood meeting in full compliance with § 17.72.095 prior to submitting this application and has provided complete evidence of compliance as part of this submittal.

5 Consistency with Comprehensive Plan

44. Policy 47.00 (Industrial Development – General Policies, Chapter IV: Economy): The proposal meets environmental and design expectations by orienting the sign to Highway 18, minimizing noise, light spill, and traffic conflicts.

45. Policy 48.00 (Industrial Development – General Policies, Chapter IV: Economy): Industrial development should be compatible with surrounding land uses. The sign's placement on the south wall facing Highway 18 ensures compatibility with the industrial corridor while shielding residential areas.

46. Policy 53.00 (Industrial Development – Locational Policies, Chapter IV: Economy): The proposal supports orderly and economic industrial growth by improving visibility and accessibility of a designated industrial site.

47. Policy 179.00 (Energy, Chapter VIII): The sign represents a design technique that improves efficiency by consolidating identification and messaging into a single, well-located electronic display rather than multiple smaller signs

6 Overall Conclusion

The proposed 300-square-foot building-mounted electronic changeable copy sign meets the criteria for a Sign Standards Exception under McMinnville Zoning Ordinance Chapter 17.62. The hardship arises from the property's highway-facing location, building setbacks, and industrial scale. The proposal will not cause material damage or prejudice to surrounding properties, and it is consistent with community standards and Comprehensive Plan policies supporting orderly industrial development and efficient site design. Approval of the exception will ensure safe, effective, and compatible site identification along the Highway 18 corridor.

7 Attachments

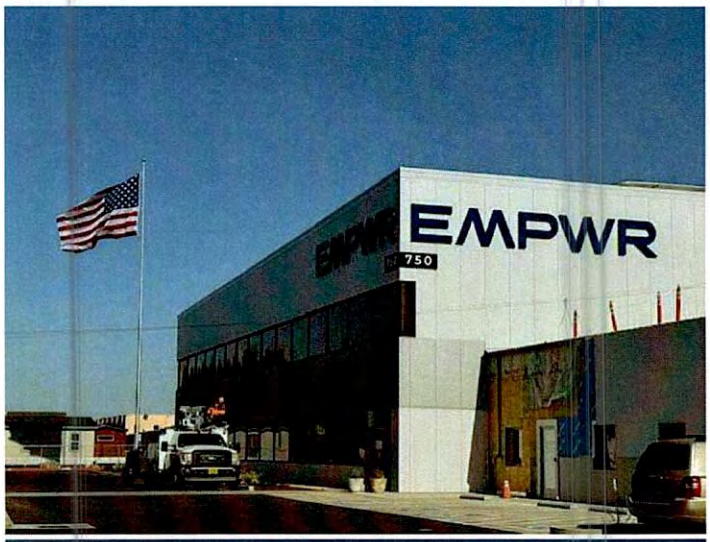
A. Application Form

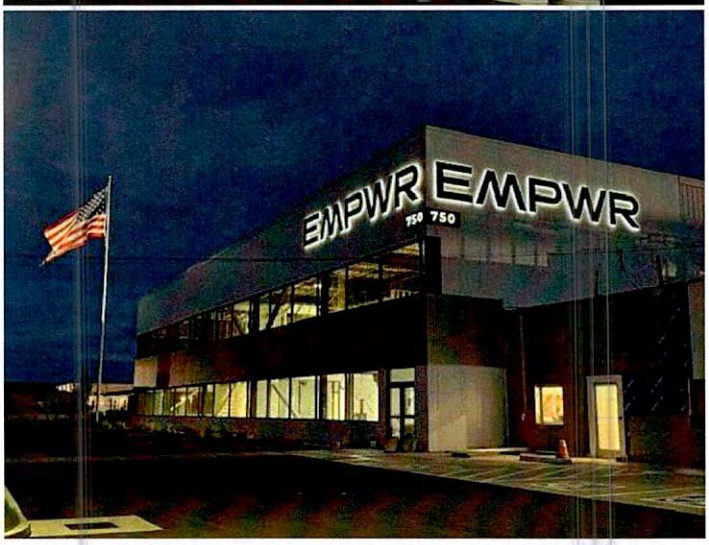
B. Building Elevation & Sign Location

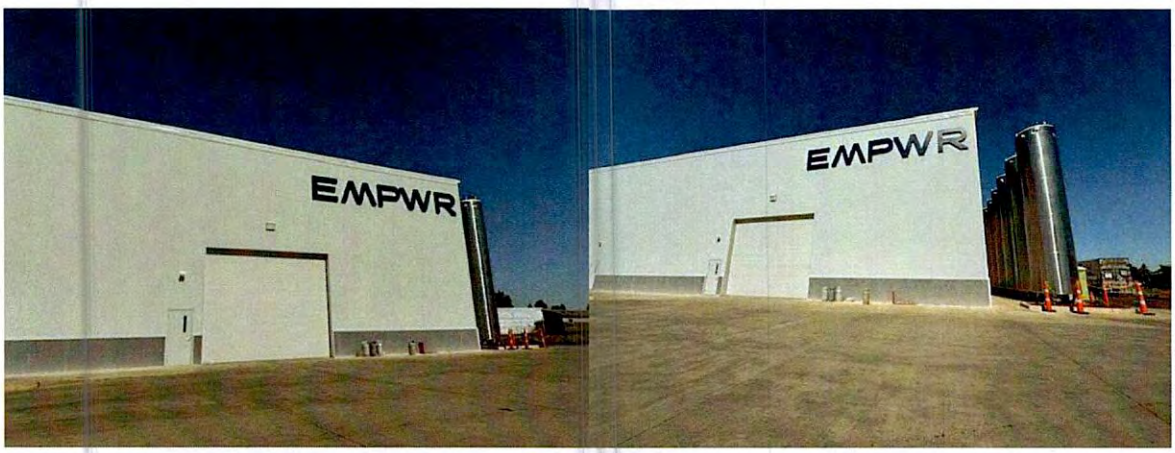
C. Sign Design Package

D. Neighborhood Meeting Evidence

Existing Signage







Pathfinder Land Use Consulting, LLC
P.O. Box 484, Lebanon, OR 97355
Laura LaRoque, Land Use Consultant
(503) 501-7197 • laura@pathfinderlanduse.com

Date: September 30, 2025

RE: Neighborhood Meeting Notice – EMPWR Electronic Changeable Copy Sign

Site: 750 SW Booth Bend Road, McMinnville, OR 97128 (Tax Lot R4429 02600)

Dear Property Owner,

You are invited to a Neighborhood Meeting to discuss a proposed land use application for the EMPWR building at 750 SW Booth Bend Road. This meeting is open to the public and intended to gather neighbor input prior to filing the land use application with the City of McMinnville.

Meeting Details:

- Date: Wednesday, October 22
- Time: 6:00 p.m.
- Location: 750 SW Booth Bend Road, McMinnville, OR 97128

Proposal Summary:

EMPWR seeks approval to install one 300-square-foot building-mounted electronic changeable copy (LED) sign on the south wall of the EMPWR building facing Highway 18, located in the M-2 (General Industrial) zone.

Sincerely,

Laura LaRoque

Laura LaRoque
Pathfinder Land Use Consulting, LLC
(503) 501-7197 • laura@pathfinderlanduse.com

Enclosures:

1) Site Location Map and Sign Location Map

Neighborhood Meeting Mailing List

LINFIELD COLLEGE
900 SE BAKER ST
MCMINNVILLE, OR 97128

CHAMPION HOME BUILDERS INC,
C/O TAX DEPT - GMA
1412 MAIN ST STE 1500
DALLAS, TX 75202

TKB HOLDINGS LLC,
14670 BAKER CREEK RD
MCMINNVILLE, OR 97128

R&B KAUER PROPERTIES LLC,
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128

Neighborhood Meeting Exhibit

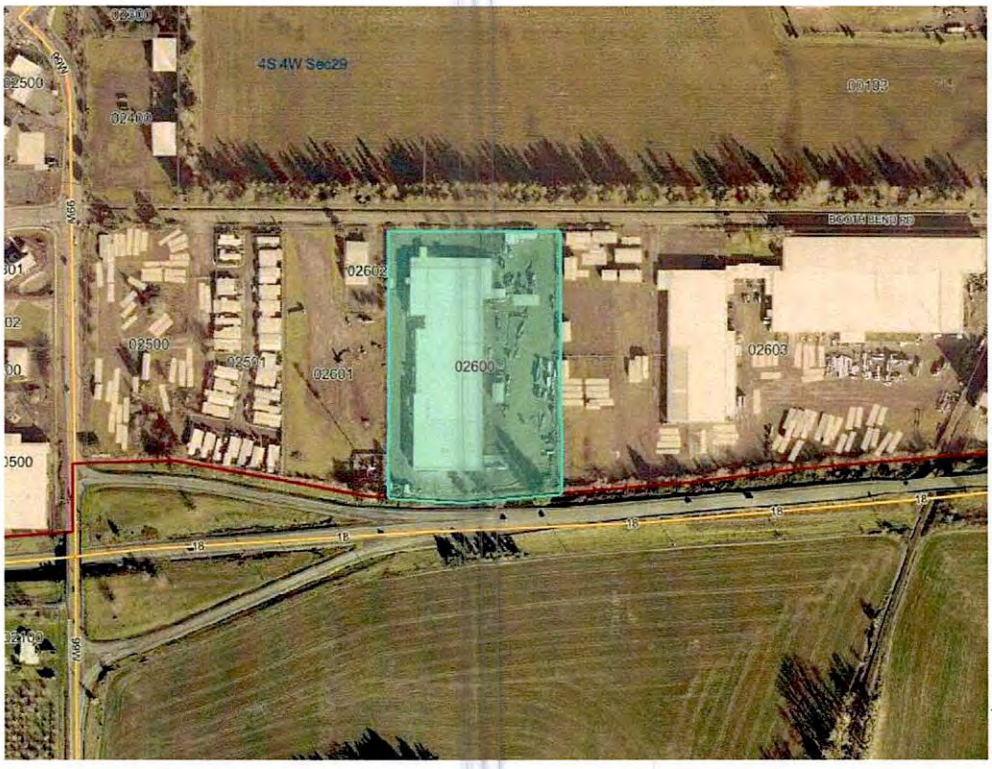


Figure 1: Location Map; 750 SW Booth Bend Rd. McMinnville, 97128

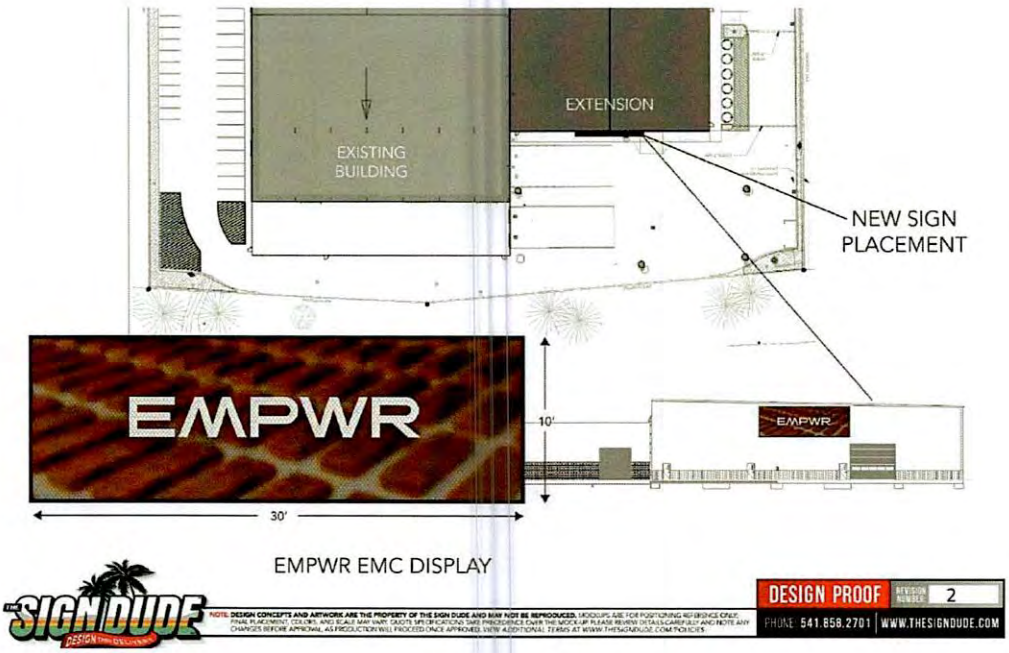


Figure 2: Sign Location; South Building Elevation

AFFIDAVIT OF MAILING – NEIGHBORHOOD MEETING NOTICE

I, Laura LaRoque, declare that on September 30, 2025, I mailed Neighborhood Meeting Notices via USPS First-Class to property owners within a 100-foot radius of 750 SW Booth Bend Road (Tax Lot R4429 02600) and to the City of McMinnville Planning Department, using a list generated on September 30, 2025, based on Yamhill County's most recent assessment roll.

Signature: _____ Date: 9/30/25

NOTICE OF NEIGHBORHOOD MEETING

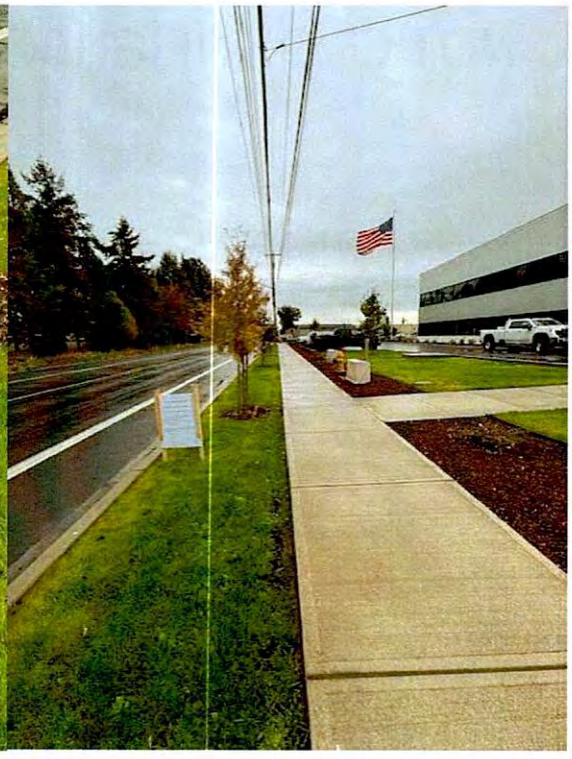
Proposed: EMPWR electronic changeable copy sign

Site: 750 SW Booth Bend Road, McMinnville

- Meeting Date: Wednesday, October 22
- Meeting Time: 6:00 p.m.
- Meeting Location: 750 SW Booth Bend Road, McMinnville

This meeting is open to the public. All interested persons are invited.


NOTICE OF NEIGHBORHOOD MEETING




EMPV

AFFIDAVIT OF POSTING – NEIGHBORHOOD MEETING NOTICE

I, Sheyla Wulf-Howell, posted one 18"x24" waterproof sign on each street frontage of 750 SE Booth Bend Road on September 30, 2025, within 20' of the adjacent right-of-way and clearly visible. Signs remained in place until the meeting on October 22, 2025. Photographs taken from the right-of-way are attached.

Signature: Sheyla Wulf-Howell Date: September 30, 2025

NEIGHBORHOOD MEETING – OPEN TO THE PUBLIC

Topic: EMPWR Building – electronic changeable copy sign (south wall)

Site: 750 SW Booth Bend Road, McMinnville (Tax Lot R4429 02600)

Meeting Date: Wednesday, October 22

Meeting Time: 6:00 p.m.

Meeting Location: 750 SW Booth Bend Road, McMinnville

Neighborhood Meeting Sign-In Sheet

Project: EMPWR Electronic Changeable Copy Sign

Site: 750 SW Booth Bend Road, McMinnville, OR 97128 (Tax Lot R4429 02600)

Meeting Date: October 22, 2025 Time: 6:00 p.m. Location: 750 SW Booth Bend Road, McMinnville, OR 97128

No.	Name	Address	Email	Phone
1	Laura LaRoque	P.O. Box 484, Lebanon, OR 97355	laura@pathfinderlanduse.com	(503) 501-7971
2	Sheyla Wulf-Howell	750 SW Booth Bend Road, McMinnville, OR 97128	Sheyla.WulfHowell@empwrnutrition.com	(971) 706-2200
3				
4				
5				
6				
7				
8				
9				

Neighborhood Meeting Agenda

Project: EMPWR Electronic Changeable Copy Sign

Site: 750 SW Booth Bend Road, McMinnville

1. Welcome & introductions
2. Project overview (site context, zoning: M-2)
3. Sign proposal
    a. Location: south wall facing Hwy 18
    b. Approx. dimensions & mounting
    c. Illumination: LED, automatic dimming, nighttime luminance, shielding
4. Conceptual site plan viewing
5. Q&A / comment period
6. Next steps

Meeting Notes

Project: EMPWR Electronic Changeable Copy Sign

Meeting Date/Time: Wednesday, October 22nd at 6:00 p.m.

Location: 750 SW Booth Bend Road, McMinnville

Attendees

1. Laura LaRoque, Pathfinder Land Use Consulting, LLC

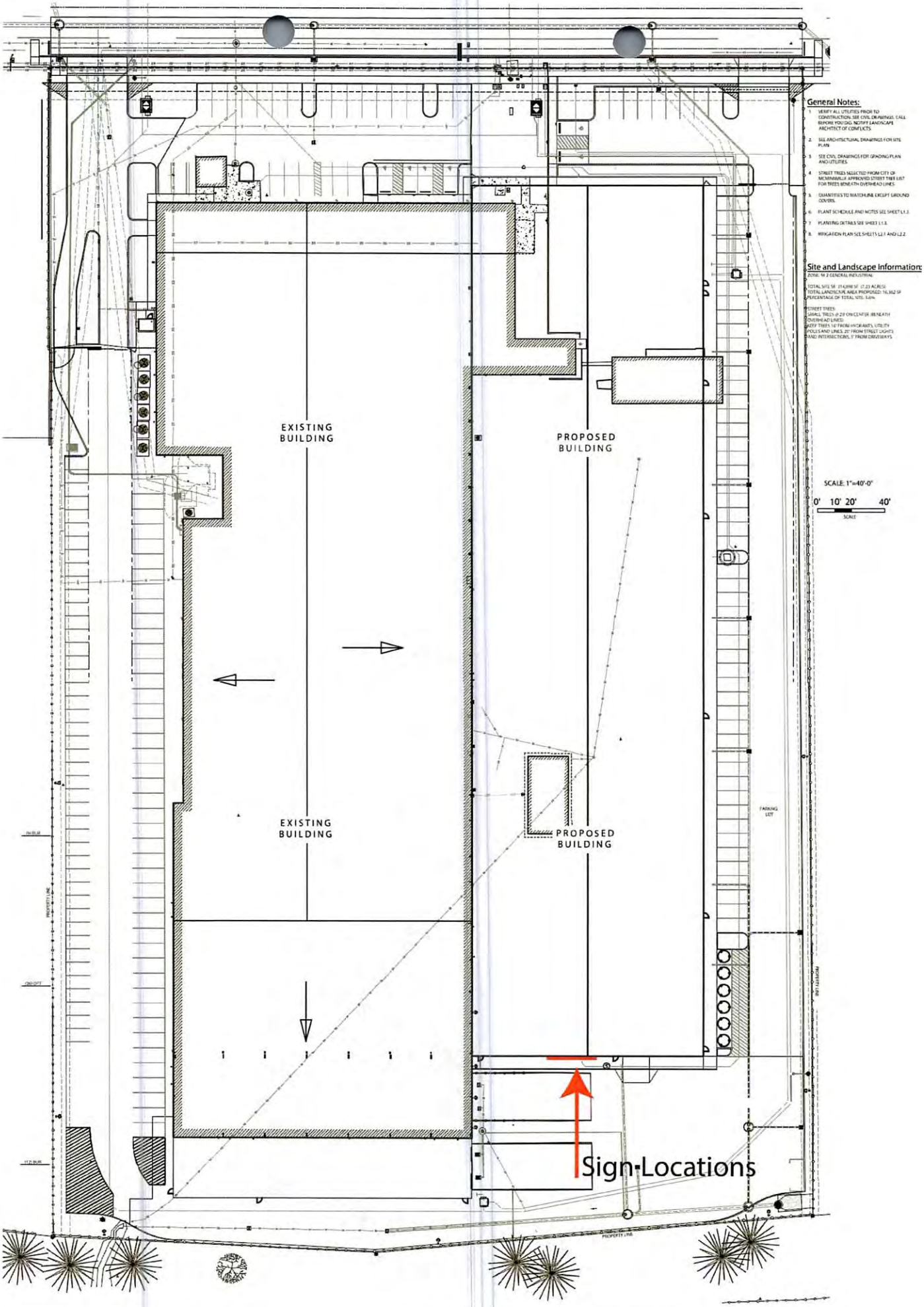
2. Sheyla Wulf-Howell, EMPWR, VP of Operations

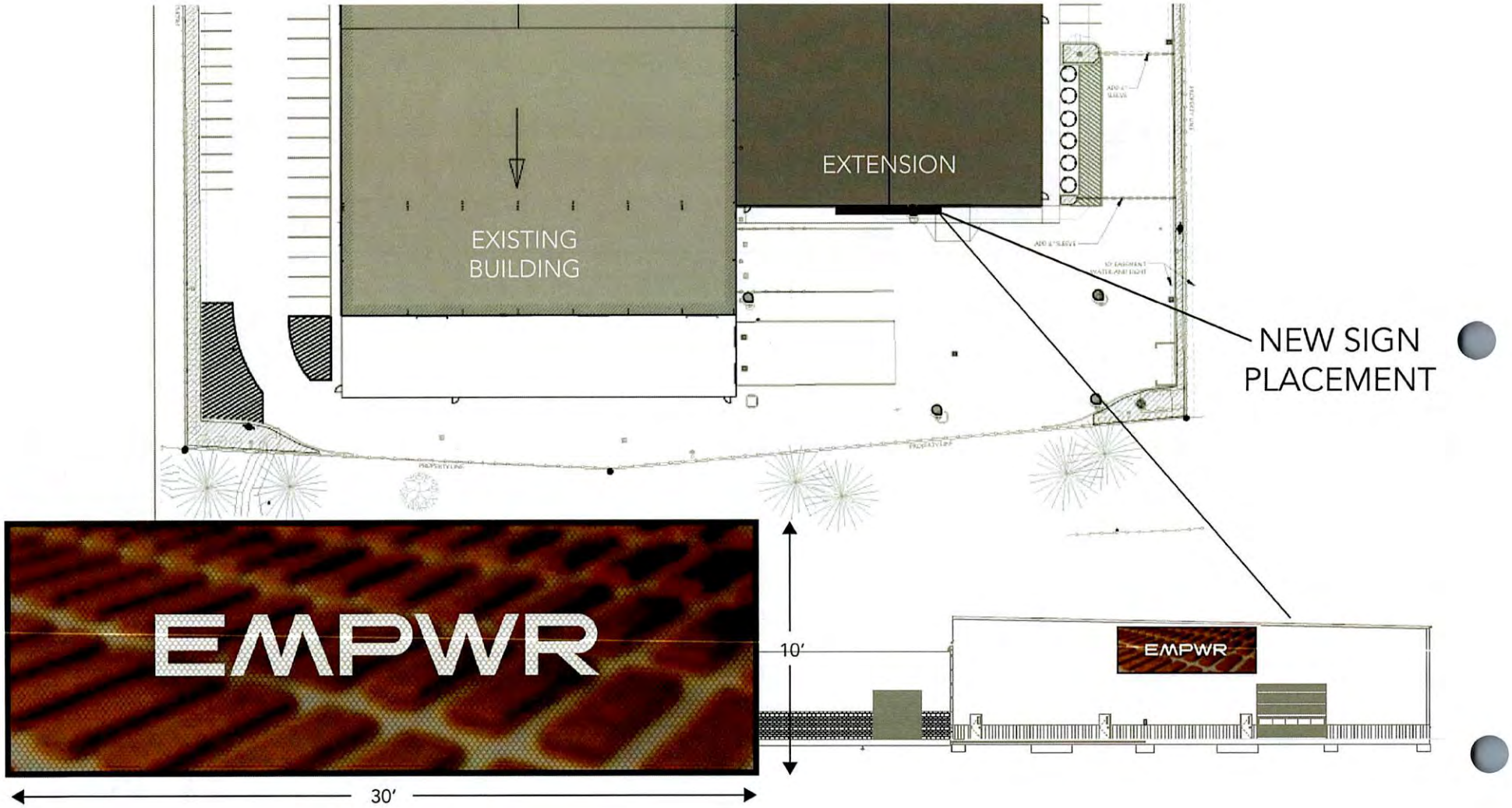
Summary

No members of the public attended the meeting. The applicant remained available at the posted location for the full duration of the meeting to answer any potential questions or accept comments.

Prepared by: Laura LaRoque

(503) 501-7197 • laura@pathfinderlanduse.com


General Notes:
1. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. SEE CIVIL DRAWINGS. CALL BEFORE YOU DIG. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS
2. SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN
3. SEE CIVIL DRAWINGS FOR GRADING PLAN AND UTILITIES
4. STREET TREES SELECTED FROM CITY OF MCMINNVILLE APPROVED STREET TREE LIST FOR TREES BENEATH OVERHEAD LINES
5. QUANTITIES TO MATCH LINE EXCEPT GROUND COVERS.
6. PLANT SCHEDULE AND NOTES SEE SHEET L1.3.
7. PLANTING DETAILS SEE SHEET L1.3.
8. IRRIGATION PLAN SEE SHEETS L2.1 AND L2.2.
Site and Landscape Information:
ZONE: M-2 GENERAL INDUSTRIAL
TOTAL SITE SF: 214,898 SF (7.23 ACRES)
TOTAL LANDSCAPE AREA PROPOSED: 16,362 SF
PERCENTAGE OF TOTAL SITE: 5.6%
STREET TREES
SMALL TREES @ 25' ON CENTER BENEATH OVERHEAD LINES
LATIFF TREES 10' FROM HYDRANTS, UTILITY POLES AND LINES, 20' FROM STREET LIGHTS AND INTERSECTIONS, 5' FROM DRIVEWAYS
EXISTING BUILDING
PROPOSED BUILDING
EXISTING BUILDING
PROPOSED BUILDING
SCALE: 1"=40'-0"
0' 10' 20' 40'
SCALE
PARKING LOT
PROPERTY LINE
PROPERTY LINE
Sign Locations
HIGHWAY 18



EMPWR EMC DISPLAY

THE SIGN DUDE
DESIGN THRU DELIVERY

NOTE: **DESIGN CONCEPTS AND ARTWORK ARE THE PROPERTY OF THE SIGN DUDE AND MAY NOT BE REPRODUCED.** MOCKUPS ARE FOR POSITIONING REFERENCE ONLY; FINAL PLACEMENT, COLORS, AND SCALE MAY VARY. QUOTE SPECIFICATIONS TAKE PRECEDENCE OVER THE MOCK-UP. PLEASE REVIEW DETAILS CAREFULLY AND NOTE ANY CHANGES BEFORE APPROVAL, AS PRODUCTION WILL PROCEED ONCE APPROVED. *VIEW ADDITIONAL TERMS AT WWW.THESIGNDUDE.COM/POLICIES.*

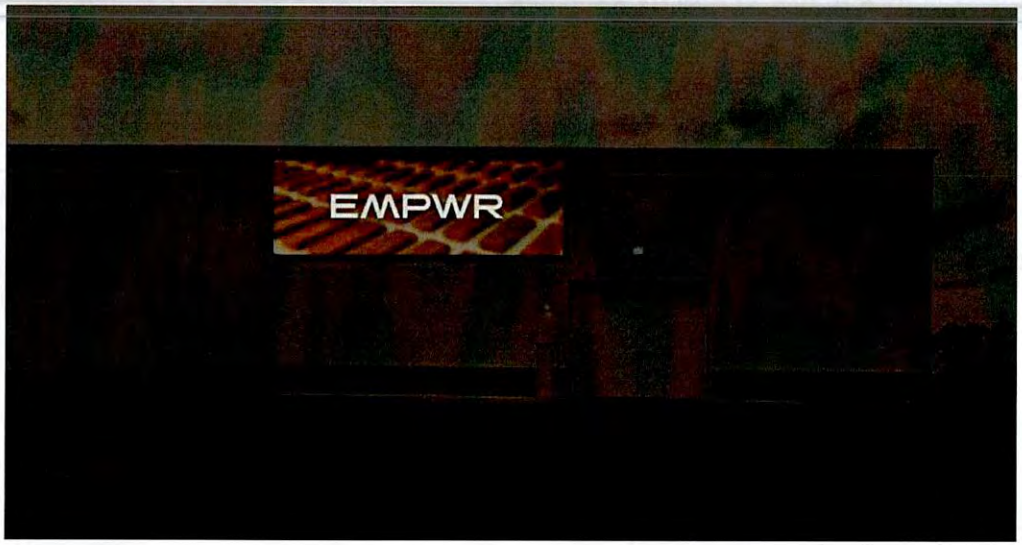
DESIGN PROOF REVISION NUMBER: 2

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

OPTION 2: DAY



OPTION 2: NIGHT



EMPWR EMC DISPLAY MOCK-UP

THE SIGN DUDE DESIGN THRU DELIVERY

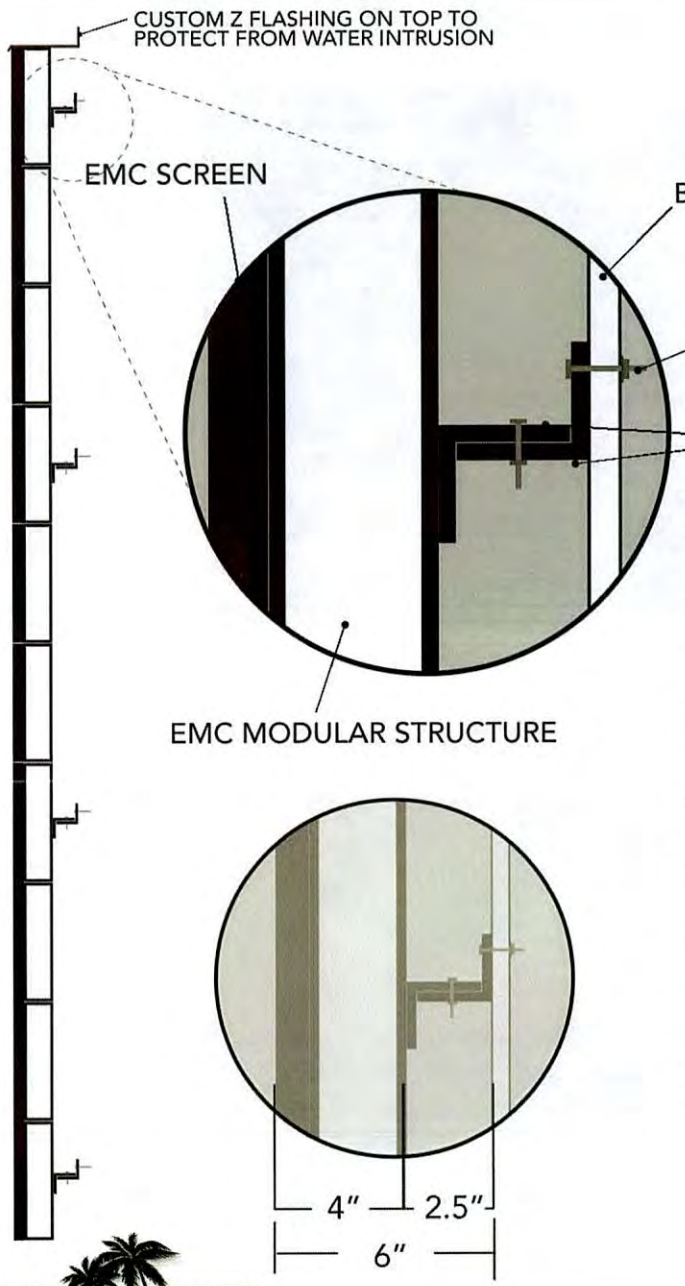
NOTE: **DESIGN CONCEPTS AND ARTWORK ARE THE PROPERTY OF THE SIGN DUDE AND MAY NOT BE REPRODUCED.** MOCKUPS ARE FOR POSITIONING REFERENCE ONLY; FINAL PLACEMENT, COLORS, AND SCALE MAY VARY. QUOTE SPECIFICATIONS TAKE PRECEDENCE OVER THE MOCK-UP. PLEASE REVIEW DETAILS CAREFULLY AND NOTE ANY CHANGES BEFORE APPROVAL, AS PRODUCTION WILL PROCEED ONCE APPROVED. *VIEW ADDITIONAL TERMS AT WWW.THESIGNDUDE.COM/POLICIES.*

DESIGN PROOF REVISION NUMBER: 2

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

360" X 120" OVERALL SIGN DIMENSIONS

DEPTH OF 4" | PLUS 2.5" RAIL = 6.5" OFF WALL. | 1,800 # | EMC 2,300# TOTAL WEIGHT WITH MOUNTING HARDWARE



3/8" BOLT - THROUGH BOLTED INTO WALL
+ THROUGH BOLTED TO SOLID BACKING WITHIN WALL
+ SECURED WITH NUT AND WASHER INSIDE WALL

2" ALUMINUM 1/8" ANGLE

+6" FROM TOP AND BOTTOM, 36" SPACED APART EACH, HOLD IN 6" FRO EACH EDGE.

+SPACED HORIZONTAL ON EACH RAIL EVERY 36" (QTY 10 BOLTS EACH RAIL)

+TOTAL OF 40 THROUGH BOLTS, EACH WILL CARRY A LOAD OF <60 POUNDS

+ALUMIUM RAIL WILL BE ATTACHED TO ALUMINUM SUB-FRAME OF EMC WITH 3/8" BOLT EVERY 24" AT CENTER OF EACH BOX.

+THERE WILL BE A 2.5" SPACE BEHIND EMC FOR AIRFLOW

+POWER TO ENTER ON THE LOWER LEFT CORNER FROM BUILDING - 208 - 240V POWER 30 AMP CIRCUIT REQUIRED.

THE SIGN DUDE DESIGN THRU DELIVERY

NOTE: DESIGN CONCEPTS AND ARTWORK ARE THE PROPERTY OF THE SIGN DUDE AND MAY NOT BE REPRODUCED. MOCKUPS ARE FOR POSITIONING REFERENCE ONLY. FINAL PLACEMENT, COLORS, AND SCALE MAY VARY. QUOTE SPECIFICATIONS TAKE PRECEDENCE OVER THE MOCK-UP. PLEASE REVIEW DETAILS CAREFULLY AND NOTE ANY CHANGES BEFORE APPROVAL, AS PRODUCTION WILL PROCEED ONCE APPROVED. VIEW ADDITIONAL TERMS AT WWW.THESIGNDUDE.COM/POLICIES.

DESIGN PROOF REVISION NUMBER: 2

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

ORDINANCE NO. 5175

An Ordinance memorializing the City Council's decision for the EMPWR appeal of the Planning Commission's denial of SE 1-25.

RECITALS:

WHEREAS, on November 6, 2025, EMPWR applied for a Sign Standards Exception at 750 SW Booth Bend Road, tax lot R4429 02600; and

WHEREAS, on January 15, 2026, the Planning Commission took public testimony, closed the public hearing, and left the record open for an additional 7 days (Docket SE 1-25); and

WHEREAS, on February 5, 2026, the Planning Commission denied the application; and

WHEREAS, on February 13, 2026, the Planning Division received a notice of appeal of SE 1-25 and on February 14, 2026, the Planning Division received an appeal application for SE 1-25 (AP 2-26); and

WHEREAS, on March 12, 2026, the applicant requested an extension of the 120-day period with a tentative hearing date on April 28th, and the decision-making period out to May 29, 2026; and

WHEREAS, after conducting a public hearing on April 28, 2026, the McMinnville City Council considered all of the information in the public record and voted to affirm the Planning Commission decision.

NOW, THEREFORE, THE CITY OF MCMINNVILLE ORDAINS, as follows:

1. That the appeal in Docket AP 2-26 is denied, and the Planning Commission's decision for SE 1-25 remain as the final decision of the City of McMinnville for SE 1-25.
2. That the Council votes to adopt the decision document in Exhibit A as the final decision for the City of McMinnville; and
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 28th day of April, 2026 by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form: Attest:

_____ _____
City Attorney City Recorder

EXHIBITS:
A. Decision Document for Docket AP 2-26

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 OF THE McMINNVILLE CITY COUNCIL REVIEW OF AN APPEAL OF THE PLANNING COMMISSION'S DECISION ON AP 2-26, APPEAL OF THE PLANNING COMMISSION'S DECISION OF DOCKET SE 1-25.

DOCKET: AP 2-26

REQUEST: An appeal of the Planning Commission's decision for a Sign Standards Exception application for EMPWR (SE 1-25). The applicant is appealing the Planning Commission's denial.

The applicant is requesting an exception to the sign standards to install a 300 square foot electronic video sign.

LOCATION: 750 SW Booth Bend Road (Tax Lot R4429 02600)

ZONING: M-2, General Industrial

APPLICANT: EMPWR c/o Sheyla Wulf-Howell

STAFF: Matthew Deppe, Associate Planner

DATE DEEMED COMPLETE: December 5, 2025 (120-day decision deadline extended by the applicant via email to May 29, 2026)

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 28, 2026. A hybrid meeting, in person at McMinnville Civic Hall, 200 NE 2nd St and online via Zoom.

PROCEDURE: An appeal of a decision by the Planning Commission may be made within 15 days of the date the written notice of the decision was mailed. If an appeal is filed, the McMinnville City Council shall receive a report of the Planning Commission decision and shall hold a public hearing on the appeal, subject to the procedure stated in Section 17.72.130. .

CRITERIA: The applicable criteria for the appeal are the same criteria used in the original application review. The applicable criteria for a Zoning Variance are as follows: Zoning Ordinance (Title 17 of the McMinnville Code): MMC Section 17.62.120 Exceptions - Planning Commission Authority; In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all

land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

COMMENTS: Notification of the appeal and public hearing were mailed to surrounding property owners.

DECISION

Based on the findings and conclusionary findings, the City Council finds in favor of the Planning Commission and **MAINTAINS THE PLANNING COMMISSION DENIAL FOR** Docket SE 1-25.

//

DECISION: DENIAL

//

City Council: _____ Date: _____
Kim Morris, Mayor of McMinnville

Planning Commission: _____ Date: February 6, 2026
Sidonie Winfield, Planning Commission Chairperson

Planning Department: _____ Date: February 6, 2026
Heather Richards, Community Development Director

I. APPLICATION SUMMARY & BACKGROUND:

This is an appeal of the Planning Commission's decision for a Sign Standards Exception application.

The Planning Commission denied the application with findings that the applicant did not meet the criterion for a sign standards exception.

The applicant requested an exception from the maximum size allowed for an electronic changeable copy sign, which per the MMC is 24 sf, to install a 300 sf electronic changeable copy sign, 12.5 times larger than the maximum allowed in the code.

The Planning Commission denied the application finding that the 300 sf sign (30 feet by 10 feet) met the definition of a video sign, which is a type of electronic changeable copy sign that is prohibited within the City of McMinnville.

The Planning Commission found that the applicant's sign proposal was a video sign as it was able to project electronically both horizontally and vertically, and did not feel that the applicant provided findings showing how they needed a sign standard exception allowing for a 300 sf video sign that is generally prohibited within the City, per 17.62.120(A- C).

Definition of a Video Sign (MMC Section 17.06.040)

> *Video Sign - An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.*

The Planning Commission also found that the sign was not an electronic changeable copy sign as described by the applicant. The MMC allows one electronic changeable copy sign per site, and it is only allowed if it does not meet the definition of a video sign, is linear in design and part of a larger permanent sign. MMC 17.62.070(E)(1) states that "one electronic changeable copy sign is permitted per site" but states that "it shall only be allowed as part of a permanent freestanding or wall sign". The applicant has requested a standalone electronic changeable copy sign. The sign is not part of a greater wall sign, and the electronic changeable copy applies to the whole sign face both vertically and horizontally. .

Subject Property & Request

Applicant EMPWR c/o Sheyla Wulf-Howell, on behalf of property owner Big Step Properties, LLC, is requesting approval of an application for an exception to the sign standards of the McMinnville Zoning Ordinance.

Per the applicant, the proposed sign is designed as a digital wall sign integrated into the building façade, oriented toward Highway 18. According to the application, the sign will measure 30 feet in width by 10 feet in height, for a total display area of 300 square feet.

The applicant is requesting an exception to the McMinnville Municipal Sign Code governing the size of an electronic changeable copy of a sign to 24 square feet (Section 17.62.070(E)(3)).

Section 17.62.070(E)(1) of the McMinnville Municipal Sign Code provides that one electronic changeable copy sign is permitted per site and shall only be allowed as part of a permanent sign. The electronic changeable copy portion of the sign may not exceed 24 square feet in area.

The requested exception would allow a new 300 square foot wall sign with electronic changeable copy on the south elevation of the existing building, facing Highway 18, in addition to the existing wall signage.

The subject property is zoned General Industrial (M-2), located at 750 SW Booth Bend Road, Tax Lot #R4429 02600.

The subject property is located approximately 900 feet east of Hwy 99W. Adjacent properties to the north and to the northwest are C-3, properties to the east and to the west are M-2, and the property to the south, across Hwy 18, is Yamhill County zoned EF-80. The subject site is developed with buildings containing manufacturing industry with driveways onto Booth Bend Road.

Existing Signage



Proposed Signage : (Note that the provided representation of the electronic sign does not include existing signage on that portion of the building.

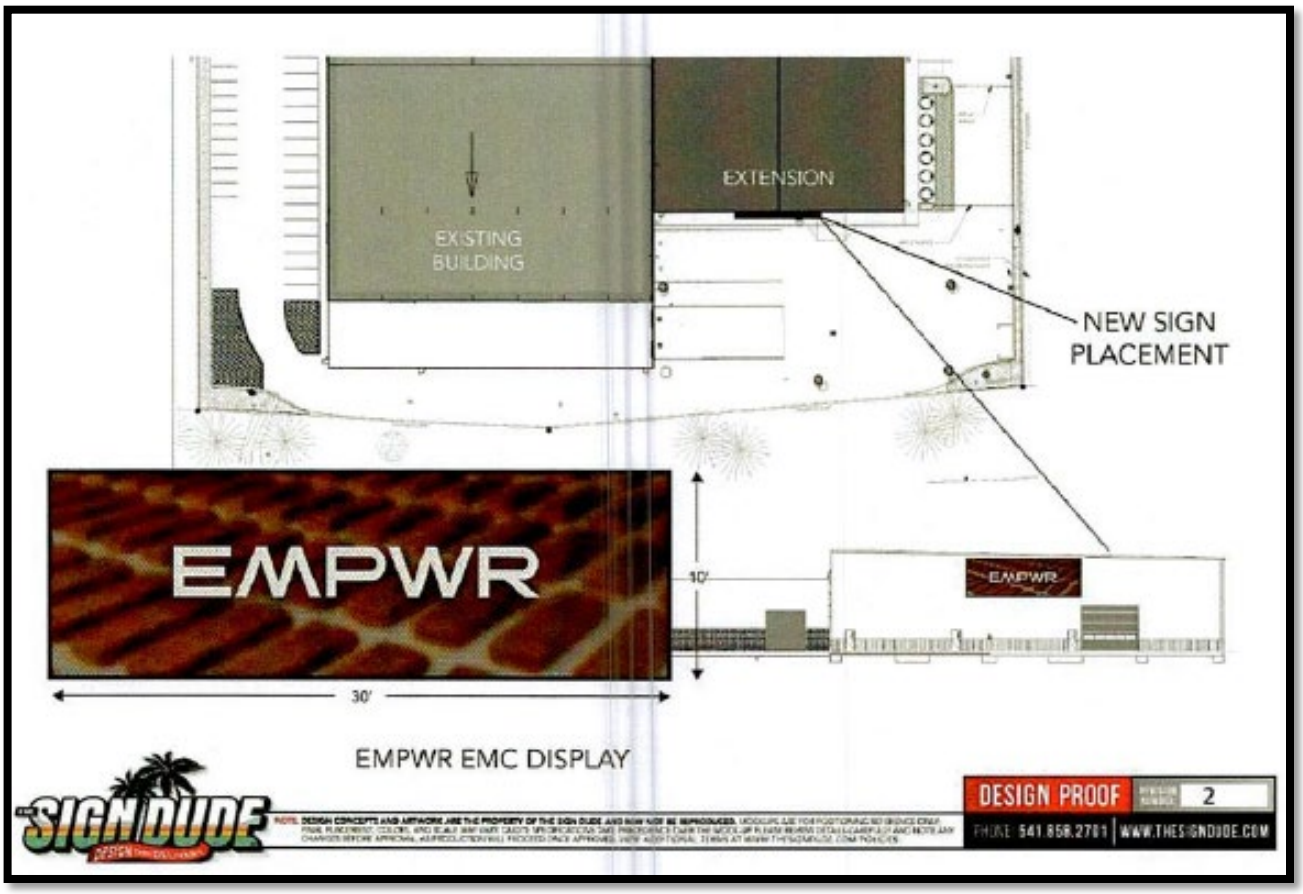


Figure 1: Vicinity Map (Property lines approximate)

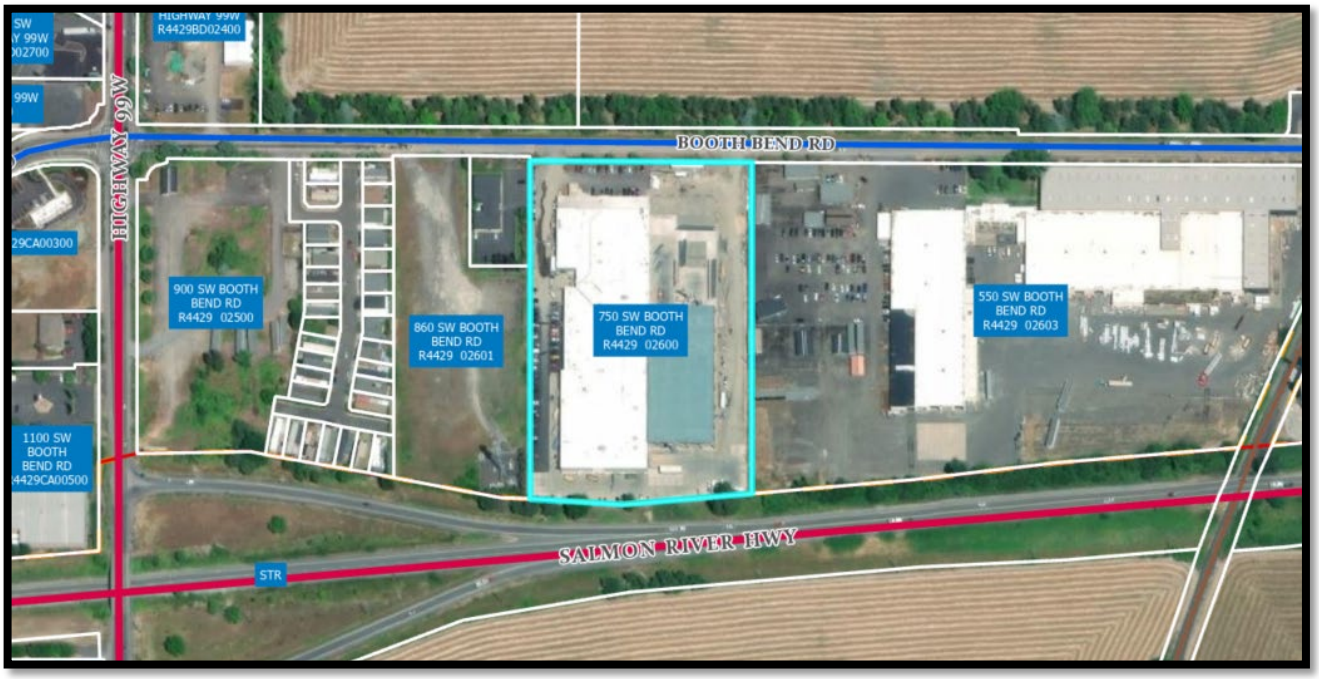
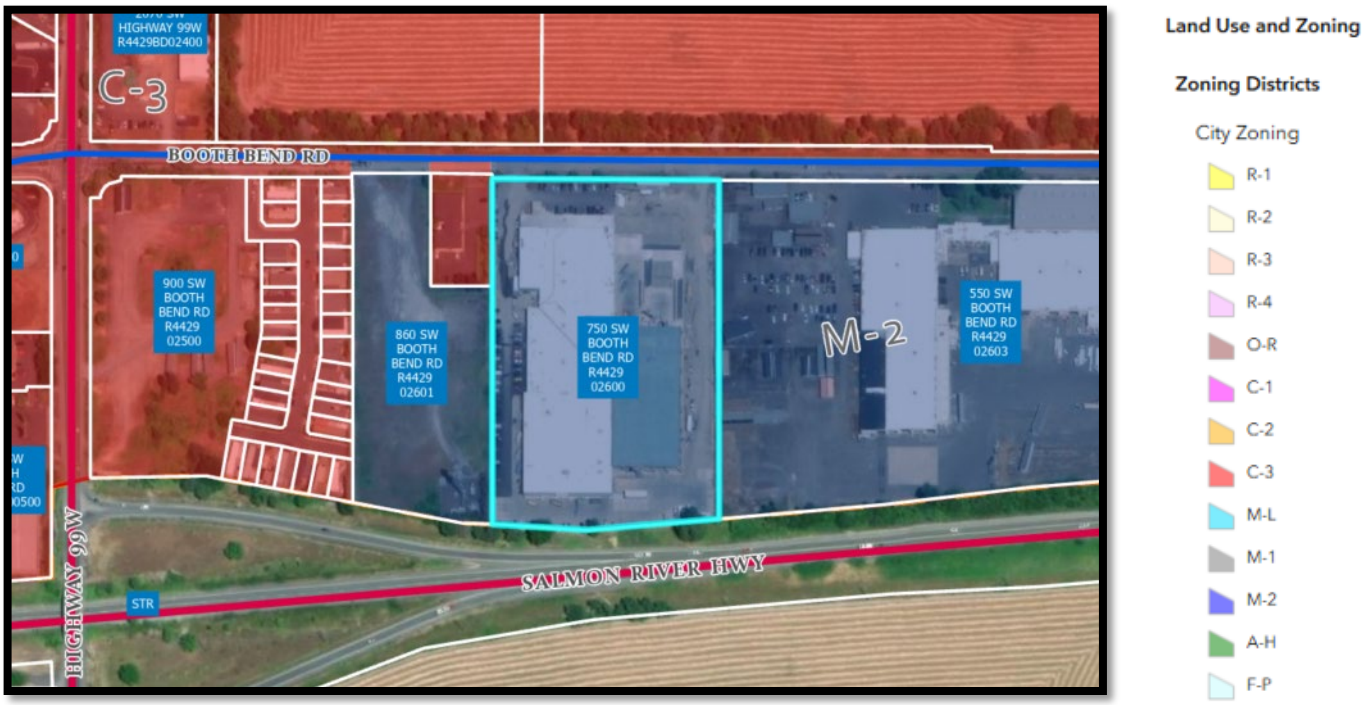


Figure 2: Zoning Map



Review Criteria

Sign exceptions are reviewed per the criteria established in Section 17.62.120 of the McMinnville Municipal Code.

17.62.120 Exceptions.

A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

B. An exception may be granted if the property owner established that:
   1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and
   2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
   3. The request will not be detrimental to community standards and the appearance of the city.

C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
   1. Deny the owner of all economically viable use of the property on which the sign is located; or
   2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.

E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

The Planning Commission may authorize exceptions from the requirements of the McMinnville Municipal Sign Code if it can be shown that, owing to special and unusual circumstances

related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in 17.62.120(B) and (C).

An exception for a sign that is allowed in the McMinnville Municipal Sign Code may be granted if it meets the criteria in either section 17.62.120(B) and (C).

If a sign is prohibited, an exception can only be granted if it meets the criteria in 17.62.120(C).

Type of Sign	Sign Allowed in the Code	Sign Prohibited in the Code
Criteria to grant an exception	17.62.120(B): An exception may be granted if the property owner establishes: 1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; ***and*** 2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; ***and*** 3. The request will not be detrimental to community standards and the appearance of the city. ***OR*** 17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either: 1. Deny the owner of all economically viable use of the property on which the sign is located; **or** 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located	17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either: 1. Deny the owner of all economically viable use of the property on which the sign is located; **or** 2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

The application is for an exception to an electronic changeable copy sign. The McMinnville Municipal Code defines electronic changeable copy signs as:

> **Changeable Copy Sign (Electronic)** – A sign on which the copy changes electronically. (17.06.040 Sign Related Definitions)

Furthermore, a video sign is also defined in the McMinnville Municipal Code as an electronic changeable copy sign:

> **Video Sign** – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create

continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. (17.06.040 Sign Related Definitions).

Video signs are prohibited in the McMinnville Municipal Code per Section 17.62.050. Prohibited signs are not eligible for the exceptions listed under 17.62.120(B).

The proposed sign is ten feet tall and thirty feet wide with a wide spectrum of colors and shades in a vertical and horizontal format. Additionally, the sign has the capacity to create continuously changing sign copy in both horizontal and vertical formats. Video signs are a prohibited type of sign (17.62.050(G)).

In determining the meaning of "capacity to create continuously changing sign copy," the plain, ordinary, and common meaning of the word "capacity" is understood to be "the ability or power to do". Therefore, a sign that has the ability, or power, to create continuously changing sign copy meets the definition of a video sign.

The applicant's submittal indicates that the sign that the applicant wants to install has both vertical and horizontal functionality of a video sign, and the capacity of a video sign.

As a video sign, only the exceptions considered under 17.62.120(C)(1 and 2) can be considered. Such an exception must still meet the requirement listed under (A) of "owing to special and unusual circumstances related to a specific piece of property."

If, however, the proposed sign were to be found not to meet the definition of a video sign, then either the full list of 1-3 under (B) must be met or 1 or 2 under (C) must be met.

Per Section 1762.070(E) of the McMinnville Municipal Code, an electronic changeable copy signs are required to be part of a greater wall-mounted or freestanding sign. 17.62.070(E)(1) states that "one electronic changeable copy sign is permitted per site," but states that "it shall only be allowed as part of a permanent freestanding or wall sign".

The applicant's sign is a standalone electronic changeable copy sign. The sign is not part of a greater wall sign. The applicant did not request an exception to this provision of the sign code.

II. CONDITIONS OF APPROVAL:

1. – None recommended

III. ATTACHMENTS:

1. Notice of Intent to Appeal and Appeal Application (on file with the Planning Division)
2. SE 1-25 Application Form and Attachments (on file with the Planning Division)
3. Memo from Pathfinder Land Use Consulting LLC, January 15, 2026 (on file with the Planning Division)
4. Memo from Pathfinder Land Use Consulting LLC, January 22, 2026 (on file with the Planning Division)

IV. COMMENTS:

Neighborhood Meeting
From the application:

"The applicants held a neighborhood meeting on October 22, 2025. No members of the public attended the meeting. The applicant remained available at the posted location for the full duration of the meeting to answer any potential questions or accept comments."

Agency Comments
This matter was referred to the following public agencies for comment: McMinnville Fire District, Police Department, Engineering Division, Building Division, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation; and Northwest Natural Gas.

- McMinnville Engineering Division
  Engineering has no comments on this application.

- McMinnville Water & Light
  MW&L has no comments on this.

- Building Division
  No building code concerns.

Public Comments

- Mark Davis, Oral Testimony, January 15, 2026.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, EMPWR, c/o Sheyla Wulf-Howell, held a neighborhood meeting on Wednesday, October 22, 2025.

2. The applicant, EMPWR, submitted Sign Standards Exception Application (SE 1-25) application on November 6, 2025.

3. The application (SE 1-25) was deemed complete on December 6, 2025.

4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire District, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Comments received from agencies are addressed in Section IV of the Decision Document.

5. Notice of the application and January 15, 2026, Planning Commission public hearing was mailed to property owners within 100 feet of the subject property on December 24, 2025, in accordance with Section 17.72.120 of the Zoning Ordinance.

6. Notice of the application and the January 15, 2026, Planning Commission public hearing was published in the News Register on January 5, 2026, and January 9, 2026, in

accordance with Section 17.72.120 of the Zoning Ordinance.

7. On January 15, 2026, the Planning Commission held a duly noticed public hearing to consider the request.

8. On January 15, 2026, the Planning Commission closed the public hearing but kept the record open until 5:00 PM, January 22, 2026, for the applicant to provide final arguments.

9. On February 5, 2026, the Planning Commission considered the public record and rendered a decision of denial.

10. On February 6, 2026, the Notice of Decision and Decision Document was issued.

11. On April 7, 2026, a Notice of City Council Public Hearing for an appeal of the Planning Commission decision was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the McMinnville Municipal Code.

12. On April 24, 2026, a Notice of City Council Public Hearing for an appeal of the Planning Commission decision was published in the newspaper in accordance with Section 17.72.120 of the McMinnville Municipal Code.

13. On April 28, 2026, the City Council held a public hearing and rendered a decision.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 750 SW Booth Bend Road (Tax Lot R4429 02600)

2. **Lot Size:** Approximately 7.23 acres

3. **Comprehensive Plan Map Designation:** Industrial

4. **Zoning:** M-2 (General Industrial)

5. **Current Use:** Industrial

6. **Inventoried Significant Resources:** None

7. **Other Features:**
    a. **Slopes:** The site is generally level with no significant features.
    b. **Easements:** Narrow public easements exist along the north and the south property lines.

8. **Utilities**
    a. **Water:** The site is served by McMinnville Water & Light.
    b. **Electric:** Power service is available to the site.
    c. **Sewer:** Sewer service is available to the site.
    d. **Stormwater:** Stormwater service is available to the site.
    e. **Other Services:** Other utility services are available to the subject site.

9. **Transportation:** The site is adjacent to Booth Bend Road, which is classified as a Major Collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for Major Collector streets

as 74 feet. It is also backs up to Hwy 18 which is identified as a state highway. No impacts to the Transportation System are being considered as a part of this exception application.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for this variance request are as follows:

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance provide criteria applicable to this application:

17.06.040 Definitions.

Changeable Copy Sign (Electronic) – A sign on which the copy changes electronically.

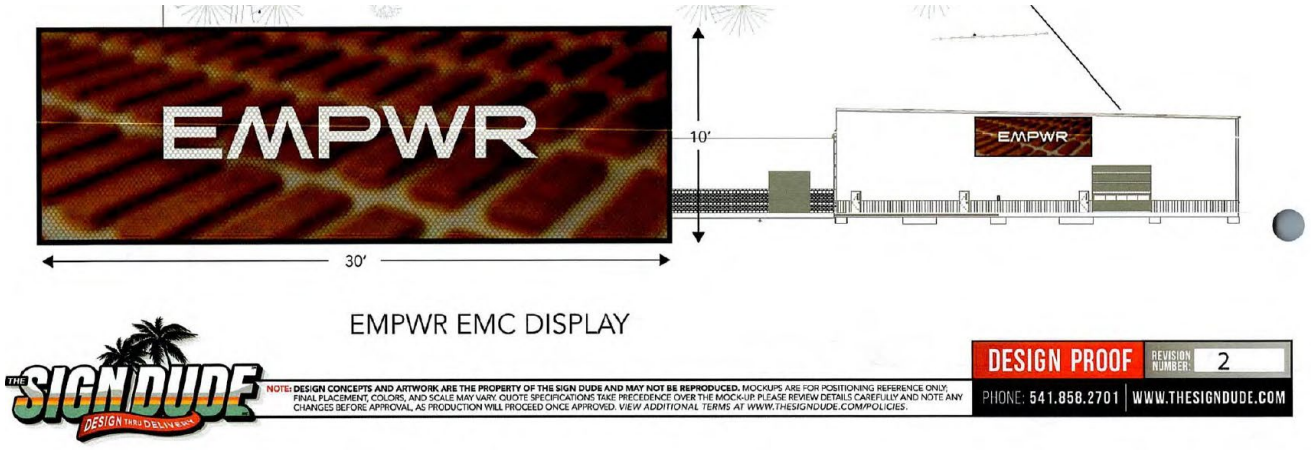
Video Sign – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

FINDING: The Planning Commission finds that the applicant's sign is a "Changeable Copy Sign (Electronic) per the definition in 17.06.040. And the Planning Commission finds that the applicant's sign is a "Video Sign", per the definition in 17.06.040.. A video sign is also an electronic changeable copy sign that provides information in both a horizontal and vertical format (as opposed to linear) and has the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

Per the design proof provided Sign Dude in the applicant's application on pages 38 and 39, the sign is ten feet tall and thirty feet wide, and the whole of the sign has the capacity to change sign copy in a wide spectrum of colors, shades and light intensities.

The proof sheet describes the sign as an EMC According to the International Sign Association, an EMC sign is an Electronic Message Center that is a type of digital sign that can display words, symbols, figures, or images that can be electronically changed by remote or automatic means. EMCs utilize LED displays to show dynamic content.

In this definition "capacity" is used in it's plain, ordinary, and common meaning. The common meaning of capacity is "the ability or power to do". Choosing to limit the way a sign is operated does not limit its ability to operate as a video sign.



17.62.050 Prohibited Signs. The following signs are prohibited:

A. Signs or sign structures which may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in Sections 17.54.080(A) and (B).

B. Signs not in compliance with applicable setback requirements as specified in this chapter and/or as set forth in Section 17.54.050(F).

C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility.

D. Portable signs in the following categories:

1. Signs on a vehicle parked on public property or right-of-way unless the vehicle is being used for transport in the normal day-to-day operations of a business.
2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.

E. Moving signs.

F. Balloon signs twenty-four (24) inches in diameter or greater.

G. Video signs.

H. Hazardous signs.

I. Flashing signs.

J. Roof signs.

K. Signs that appear similar to traffic control devices.

L. Signs not in compliance with this ordinance. (Ord. 4912 §3 2009)

FINDING: Per 17.62.050(G), the Planning Commission finds that Video Signs are a Prohibited Sign.

17.62.070. Permanent Sign Regulations.

E. Electronic changeable copy signs are subject to the following standards:

1. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.
2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above grade.
3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
4. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.
5. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.
6. On sites or multi-tenant complexes on which an electronic changeable copy sign is

located, temporary signage is limited to that described in Section 17.62.060(B)(2) and (3).

7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

FINDING: Per 17.62.070(1), the Planning Commission finds that Electronic Changeable Copy Signs shall only be allowed as part of a permanent freestanding or wall sign. are a Prohibited Sign. The Planning Commission finds that per the applicant's application, pages 38 and 39, the sign proof sheets as provided by Sign Dude, that the electronic changeable copy sign is not part of a permanent freestanding or wall sign, and is proposed as a standalone sign. Since the applicant did not apply for an exception to this portion of the sign code, the Planning Commission finds that the application is not compliant with the McMinnville Municipal Code.

17.62.120 Exceptions.

A. Applications for an Exception shall be heard by the Planning Commission, which may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship as set forth in subsections (B) and (C) of this Section, except that no exception shall be granted pursuant to subsection (B) of this Section to allow a sign or a type of signage which is prohibited by Section 17.62.050 of this chapter. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

APPLICANT'S RESPONSE: *The proposed EMPWR sign is not a prohibited sign type under 17.62.050. The sign is a wall mounted, static electronic display that does not incorporate flashing, strobing, or continuously changing video imagery. It is permanently affixed to the building facade and does not project into the right-of-way, move, rotate, or simulate traffic control features. The sign therefore complies with 17.62.050 and is permitted subject to compliance with applicable standards under Chapter 17.62, including the request for an exception to the maximum allowable display area under 17.62.070(E)(3)*

Additionally, the applicant has suggested that "capacity" in "capacity to create continuously changing sign copy" must be interpreted in an operational context, and that a sign being operated in a static method would not meet this definition.

FINDING: NOT SATISFIED. The Planning Commission finds that the applicant has not demonstrated that "owing to special and unusual circumstances related to this specific piece of property, that strict application of this chapter would cause an undue or unnecessary hardship, and the Planning Commission finds that the applicant applied for an exception to the size of an electronic changeable copy sign from 24 square feet to 300 square feet, but that it has not applied for the exception that an electronic changeable copy sign needed to be part of a wall sign..

The Planning Commission has found that per the definitions of of a changeable copy sign (electronic) and video sign in Section 17.06.040, that the proposed sign is both an electronic changeable copy sign and a video sign. The Planning Commission also finds that per 17.62.050 that video signs are prohibited.

As stated in Subsection (A), "no exception shall be granted pursuant to subsection (B) of this Section to allow a type of signage which is prohibited by Section 17.62.050. Section 17.52.050(G) lists "Video signs" as a type of prohibited sign.

The proposed sign would display information on a 300 square foot LED screen with 10-foot vertical by 30-foot horizontal dimensions, with changeable messages. The applicant has

indicated the intent is to display changeable messages in a static format. However, the applicant has not provided evidence to demonstrate that the proposed sign does not have "the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities." Rather, the description of the proposed sign in the application indicates it does have this capacity.

Therefore, the proposed sign meets the definition of a video sign, which is a prohibited type of sign, and it is not eligible for an exception under Subsection (B).

Further, the code intentionally prohibits video signs and regulates electronic changeable copy signs under provisions that are more restrictive than other wall signs. The purpose of these standards is to implement the purposes of the Zoning Ordinance and the purposes of Chapter 17.62.

The applicant currently has a wall sign on the south side of the building and other sides of the building. The sign code would also permit more/larger wall signs on the south side and other sides. One (non-video) electronic changeable copy sign would be permitted on the site without an exception, whether on the south wall or another wall, if it was part of another sign and not larger than 24 square feet.

The applicant has requested an exception for the size of an changeable copy sign (electronic), but the applicant has not requested an exception to the provision of 17.62.070, that a changeable copy sign needed to be part of a wall sign. The proposed sign would be 12.5 times the maximum permitted size of an electronic changeable copy sign, and would be separate from any other sign, including the existing wall sign on the south wall.

The following section (B) would only apply to non-video electronic changeable copy signs, as part of a permanently installed wall (or freestanding) sign. In order to qualify under (B) the applicant must show that "owing to special and unusual circumstances related to a specific piece of property" criteria 1, 2, and 3, subsections to (B) are met.

B. An exception may be granted if the property owner established that:
   1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size; and

APPLICANT'S RESPONSE:

1. The subject property fronts Highway 18, a regional high-speed arterial with posted speeds of 55+ mph. At these speeds, sign readability requires substantially larger copy area than would be necessary in a lower-speed, local street context.
2. The EMPWR building is set back more than 200 feet from Highway 18 right-of-way. A sign limited to 24 square feet would not be legible at that distance and speed.
3. The building facade itself is large-scale, with a continuous wall area over 200 feet in length and more than 30 feet in height. A larger sign is proportionate to the scale of the wall and will not appear out of context.
4. Surrounding uses include industrial facilities with large-scale operations and visibility needs. Several properties along Highway 18 already employ monument or wall signage scaled to highway visibility.
5. Conclusion: A 24-square-foot sign would not be reasonably legible to motorists traveling at 55+ mph on Highway 18. This creates concern about public safety, as drivers may slow or make unsafe maneuvers in attempting to identify the facility. The hardship is thus a product of the site's physical conditions and transportation context, not the applicant's convenience.

FINDING: NOT SATISFIED. The Planning Commission finds that the property owner has not established that the exception requested is necessary to prevent an unnecessary hardship due

to factors such as topography, location, surrounding development, lot shape or lot size. In fact, the applicant's argument demonstrates that the applicant's property has an advantage in terms of topography, location, surrounding development, lot shape or lot size. The property;s location on a ridge overlooking Highway 18 is an advantage and not an unnecessary hardship. Arguing that the applicant cannot maximize that advantage does not demonstrate an unnecessary hardship.

There is no limit on the area of permanent wall-mounted signs (17.62.070(C)(2)). The applicant is not limited in the size of signage facing Hwy 18. Sign code merely restricts the type of sign and the size of the electronic portion of the sign. The applicant does not meet the burden of proof that there are challenges of their site that can uniquely be solved by an electronic video sign, which is a prohibited type of sign. The applicant has existing, previously approved wall signs on the south and east sides of the building, which are visible from Highway 18.

Being located on Hwy 18 is not unique to this property. Having a building approximately 200 feet from Hwy 18 is not unique to this property. There are dozens, if not hundreds of properties located on Hwy 18 and Hwy 99W. Granting an exception based solely on being located on Hwy 18 or Hwy 99 would completely undermine the sign limitations provided in the sign ordinance and it would ignore the additional code offerings that are provided for properties along those highways.

The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and

APPLICANT'S RESPONSE:

6. The proposed sign faces south toward Highway 18, oriented away from residential areas to the north and east.
7. Residential properties to the north are buffered by distance, existing landscaping, and the industrial building itself, which blocks direct visibility of the sign.
8. The sign does not project into rights-of-way, does not obstruct views of adjoining parcels, and does not interfere with traffic sight distance at driveways or intersections.
9. The scale and placement of the sign are consistent with the industrial character of Booth Bend Road and Highway 18 frontage.
10. The exception will not cause material damage or prejudice to nearby residential or industrial properties. The design, orientation, and placement ensure the sign functions as site identification without adverse off-site impacts.
11. The sign will employ modern LED technology with automatic brightness controls to reduce glare and ensure nighttime visibility is safe and non-intrusive. This prevents spillover lighting impacts to nearby properties and maintains compatibility with surrounding uses.

FINDING: NOT SATISFIED. The Planning Commission also finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission finds that the granting of the exception would result in prejudice to other properties in the vicinity that have constructed signs that meet the City's sign standards. The applicant has not identified anything unique about the property's location, topography, size,

or shape with reference to adjacent properties. Many of the factors that the applicant referenced in their response to criteria #1 (Section 17.62.120(B)(1)), including sign location, topography, lot shape or lot side, and surrounding development, apply similarly to many other properties in the vicinity. Those properties have taken those factors into consideration and still found a location on the site that allowed for a sign to be located that provides visibility for the business, but that also meets the City's standards for signs.

3. The request will not be detrimental to community standards and the appearance of the city.

APPLICANT'S RESPONSE:

12. The City's community appearance goals emphasize compatibility, visual order, and avoidance of sign clutter.

13. The sign will be integrated into the south wall of the EMPWR building, rather than as a detached or pole-mounted billboard. This placement maintains building symmetry and reduces visual clutter.

14. The design employs modern electronic technology in a professional, architecturally compatible format that matches the scale and character of the new building.

15. By consolidating branding and information into a single building-mounted sign, the proposal avoids the proliferation of multiple smaller signs.

16. The industrial zoning designation anticipates larger-scale building forms and associated signage. By limiting signage to a single, building-mounted sign rather than multiple smaller signs or pole structures, the proposal achieves an orderly appearance consistent with City goals and avoids the billboard clutter the ordinance is intended to prevent.

17. The proposed exception enhances legibility and safety while maintaining compatibility with community standards. The sign is proportionate, well-integrated, and will not detract from the City's appearance.

FINDING: NOT SATISFIED. The Planning Commission finds that Subsection A specifies that prohibited types of signs are not eligible for exceptions under Subsection B. The proposed sign is a video sign, a prohibited type of sign. Therefore, it is not eligible for an exception under the criteria in this Subsection (B).

The Planning Commission also finds that specific sign standards are in place in the McMinnville Zoning Ordinance for signs allowed in the community to reflect the community's minimum standards for signs. These requirements were adopted in 2008 under Ordinance No. 4900. The purpose of the sign standards that were adopted, as now stated in Section 17.62.010 of the McMinnville Zoning Ordinance, is to "improve the visual qualities of McMinnville's streetscape environment through the use of equitably applied sign height, size, and location standards" and to "provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance". These standards prohibit video signs and limit the amount of electronic copy allowed as a portion of a sign.

The Planning Commission finds that granting the exception request would not be consistent with the community standards for signs, not only because the proposed sign is a prohibited sign, but also because an approval of the exception request would not result in "equitably applied sign height, size, and location standards". An approval of the exception request would result in prejudice to other properties in the vicinity that have followed the community's standards for signs, as described in more detail above.

C. An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:
   1. Deny the owner of all economically viable use of the property on which the sign is located; or

2. Substantially interfere with the owner's use and enjoyment of the property on which the sign is located

APPLICANT'S RESPONSE:
18. EMPWR is a regional-scale industrial operation whose visibility to freight carriers, suppliers, and employees traveling Highway 18 is critical to its function.
19. Limiting electronic sign area to 24 square feet would render the sign illegible at highway speeds, effectively denying its functional purpose and interfering with wayfinding.
20. The ability to display branding, operational messages, and community information in a legible format is essential for full and beneficial use of the property.
21. Without the exception, the applicant would be denied the ability to utilize an electronic changeable copy sign in a meaningful way, thereby interfering with reasonable use and enjoyment of the property.

The applicant clarifies in their January 22nd filing that they are not seeking consideration under (C)(1) but only under (C)(2).

FINDING: NOT SATISFIED. The Planning Commission finds that the applicant has not submitted evidence to demonstrate an "unnecessary hardship" would result from requiring the applicant to install a sign that meets the city's sign standards. The applicant has assumed the right to utilize an electronic changeable copy (video) sign and then claims it is a hardship that it cannot convey a 300 square foot message in that location due to its proximity to Highway 18 and the speed of the vehicles on that expressway. Why does the applicant need a prohibited, exceedingly large video sign on the back of their building at their manufacturing facility. The applicant has the same opportunity as any other private market distributor to take advantage of other advertising available to them in the form of approved billboard locations on Highway 18. Such a hardship is a perspective of entitlement and is not owing to special and unusual circumstances related to a specific piece of property.

The Planning Commission finds that the enforcement of the prohibited signs and of the limitations imposed on electronic copy signs does not deny the owner of all economically viable use of the property, or substantially interfere with the owner's use and enjoyment of the property. The property is zoned industrial, and the applicant is operating a manufacturing facility on the property. The applicant previously applied for and obtained permits for multiple signs that have been installed, including wall signs on the south and west sides facing Highway 18. The applicant has been able to install code-compliant signage that identifies the business and provides wayfinding opportunities for its suppliers, vendors, and employees.

The sign code was in place when the owner constructed the building and when the owner installed the signage already in place. Strict enforcement of the existing sign code does not require that signage be completely removed from the property, nor does it limit the size of the signage. It only limits the type of sign. The prohibited signs and limitations on electronic copy signs also do not result in the property becoming completely economically inviable, as the existing building and use are allowed to continue to operate as they do today.

D. Exceptions shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign size.

FINDING: NOT APPLICABLE. The exception is not specifically requested for the purpose of convenience related to a standard sign size. Although the applicant did argue in the hearing that ease of changing the message was part of their preference for this sign type.

E. The City Council shall stand as an appeal board. An appeal from a ruling of the Commission must be filed within fifteen (15) days of the date said ruling is rendered. (Ord. 5013 §1, 2016)

FINDING: NOT APPLICABLE. This is not a criterion for an exception to sign code standards.

Comprehensive Plan: The goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land-use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land-use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:
The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this variance application are addressed through implementation standards, except as provided below.

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.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

FINDING: SATISFIED. The process for a sign standards exception provides an opportunity for citizen involvement through the public hearing and neighborhood meeting. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials prior to the McMinnville Planning Commission's review of the request. All members of the public have access to provide testimony and ask questions during the public hearing process.

ENTERED INTO THE RECORD
DATE RECEIVED: 04.27.2026
SUBMITTED BY: John Olson
SUBJECT: 2.a. Public Hearing - Ordinance No. 5175

McMinnville Area Chamber of Commerce
4/27/2026

Mayor Morris and Members of the City Council
City of McMinnville
230 NE Second Street
McMinnville, OR 97128

RE: Support for EMPWR Appeal – Sign Standards Exception (SE 1-25)

Dear Mayor and Councilors,

On behalf of the McMinnville Area Chamber of Commerce, we write in strong support of EMPWR Nutrition's appeal regarding their Sign Standards Exception application.

EMPWR represents one of the most significant economic investments and growth stories in McMinnville in recent years. The company has expanded from 85 employees to more than 550 in just four years and continues to grow. Their investment exceeds $150 million to date, with additional expansion planned—resulting in tens of millions of dollars in annual wages and substantial secondary economic impact.

This level of commitment is particularly important when viewed in the context of broader economic trends in McMinnville.

This year:

- Oregon Mutual Insurance has reduced its workforce by 60+ positions and significantly downsized its local presence
- Lippert Trailer Manufacturing has exited McMinnville entirely
- Linfield University is reduced staffing levels
- The Springs Living is relocating its headquarters out of the community

At the same time, local employers continue to face workforce constraints and challenges to growth.

While McMinnville's economy remains stable overall, these shifts reflect a clear reality:
business retention, growth, and investment cannot be taken for granted.

Against this backdrop, EMPWR's continued expansion stands out—and should be supported.

The Chamber recognizes the intent behind the City's sign code and the importance of maintaining community standards. However, we believe this application presents a unique and reasonable case for flexibility.

The EMPWR facility:

- Is significantly larger than typical commercial buildings
- Is set back a considerable distance from Highway 18
- Operates along a high-speed corridor where visibility standards differ materially

Under these conditions, the current 24-square-foot limitation for electronic changeable copy signage does not provide a functional solution.

We also acknowledge EMPWR's clear commitment that the proposed sign will not include video, flashing, or moving content. This creates an opportunity for the City Council to approve the request with specific, enforceable conditions that ensure alignment with community standards.

More broadly, this decision sends an important signal.

The business community is paying close attention to how McMinnville responds to employers who are actively investing, growing, and creating jobs locally.

We respectfully encourage the City Council to:

- Recognize the unique circumstances of this property
- Consider the substantial economic contributions of EMPWR
- Apply the code with reasonable flexibility
- Identify a path forward that balances community character with economic vitality

We believe a conditioned approval achieves that balance.

McMinnville has an opportunity to demonstrate that it is a community that not only values its identity, but also actively supports the businesses that are choosing to build their future here.

We urge your support.

Sincerely,
John Olson
President & CEO
McMinnville Area Chamber of Commerce

ENTERED INTO THE RECORD
DATE RECEIVED: 04.27.2026
SUBMITTED BY: David Bates
SUBJECT: 2.a. Public Hearing - Ordinance No. 5175

From: Claudia Cisneros
To: Heather Richards; Matthew Deppe
Cc: Zack Geary
Subject: FW: EMPWR sign application
Date: Monday, April 27, 2026 2:36:27 PM
Attachments: image001.png

Hi Heather and Matt,

Please see the email below regarding the EMPWR application.

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: Zack Geary <Zack.Geary@mcminnvilleoregon.gov>
Sent: Monday, April 27, 2026 2:35 PM
To: Claudia Cisneros <Claudia.Cisneros@mcminnvilleoregon.gov>
Subject: Fw: EMPWR sign application

From: David Bates [redacted]
Sent: Monday, April 27, 2026 12:22 PM
To: Zack Geary <Zack.Geary@mcminnvilleoregon.gov>
Subject: EMPWR sign application

This message originated outside of the City of McMinnville.

Zack,

I am writing to urge the McMinnville City Council to deny EMPWR's application for a 300-foot video display on its property out on Booth Bend Road, and I'd like to put this unusual request by an international company in a

broader context than you have perhaps considered.

EMPWR, as you surely know, is a nutrition bar manufacturer headquartered in Belgium. They employ there about 40 people who work on the eighth floor of an office building in Gent, a city of 277,314 in a metropolitan area of nearly 481,000 people — considerably smaller, in other words, than Portland, which is situated in a metropolitan area of more than 2 million people. Like McMinnville, Gent also has a tourist industry. Based on the most recent statistics I could find, that city logs more than 1 million overnight stays by visitors--far more than visit McMinnville (as tourists spending a night) each year.

The office building EMPWR is headquartered in is called Blue Towers 2. Combined with Blue Towers 1 right next to it, these two buildings have an occupancy for more than 2,000 people. The campus is barely a stone's throw from the E40 highway, which is one of the most heavily congested roads in the entire country, with an estimated annual volume of 29-44 million vehicles.

I would add here an essential fact: The city of Gent prohibits LED screens larger than five square meters along roads because they are, obviously, distracting to motorists.

Now consider McMinnville.

EMPWR is proposing to build a 300-square foot video display in a city of 35,000 people, situated in a county of around 108,000 people — a largely agrarian county with half the population of Gent. This city in 2021 logged fewer than 260,000 overnight stays. (I'd venture a guess that the bulk of those visitors came from the Portland area and thus would have entered the city on the east side at points from which EMPWR's proposed sign would not be visible.) The sign would be visible, however, to motorists approaching McMinnville from the south on Highway 99W, which has an annual traffic volume of around 4 million—perhaps as high as nearly 6 million.

As near as I am able to determine, EMPWR does not own or operate a digital advertising screen anywhere in the considerably larger city where it is actually headquartered.

When one puts the numbers cited above from Gent and McMinnville side by side, a proposal to erect a *three hundred square foot* digital sign in our city isn't simply strange and inexplicable; it is laughably absurd. Whose attention, exactly, do they intend to reach? How, given the considerable expense of operating such a sign, does this even make economic sense? If they want to get the word out about nutrition bars, wouldn't it make more sense to advertise on the Autzen Stadium display in Eugene, or the one up in Seattle along Interstate 5?

Motorists are already distracted enough by screens — the ones they have in their cars that they shouldn't be looking at. Please do not add to this visual and cognitive chaos by permitting the applicant to erect yet another distracting screen at the south entrance to the city.

Thank-you
David Bates
McMinnville
Resident since 1997

ENTERED INTO THE RECORD
DATE RECEIVED: 04.27.2026
SUBMITTED BY: Sidonie Winfield
SUBJECT: 2.a. Public Hearing - Ordinance No. 5175

McMinnville City Council

230 NE Second Street

McMinnville, OR 97128

RE: SE 1-25

April 23, 2026

Dear Mayor Morris and Council Members:

As a long-time citizen of McMinnville, I respectfully request that City Council deny EMPWR's appeal and affirm the Planning Commission's unanimous decision to deny Sign Standards Exception Application SE 1-25.

The Appellant raises four grounds for appeal. None withstands scrutiny under the McMinnville Municipal Code.

The Proposed Sign is a Prohibited Video Sign - MMC § § 17.06.040 and 17.62.050 (G)

The proposed 300-square-foot sign meets every element of the Video Sign definition in MMC §17.06.040: it provides information in both horizontal and vertical format and it has the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

The Appellant's central argument is the promise to restrict programming to static monthly images eliminates the sign's "capacity" to display continuously changing content. This argument fails on its face. The plain, ordinary meaning of "capacity" is the inherent ability of the device – not its current operational configuration. A sign engineered and manufactured to display full-color video does not lose that capability because its owner promises to limit its programming. The City does not regulate intent; it regulates the physical characteristics and capabilities of signs. If the owners programming choices determined sign classification, the City could never reliably enforce its sign code.

Moreover, the Appellant's own framing concedes the point: they propose to change the sign's display once a month. A sign that can be programmed to change monthly, can be programmed to change every second. The ability to change is not negated by choosing a slow interval – it is demonstrated by it.

The dot-matrix and older LED signs found throughout McMinnville are distinguishable requiring separate code definitions. Many are linear in design, are part of larger permanent signs and some may predate the current code. Their existence does not alter the definition of a Video Sign or create an entitlement to a new prohibited sign.

The Manufacturer's Technical Letter was Properly Excluded.

The Sign Manufacturer's Technical Letter (Exhibit A) was submitted after the public record was closed. The Planning Commission correctly found it to be new evidence submitted outside the record and properly excluded it. The Planning Commission always abides by the rules set by the McMinnville Code and to provide an exception sets a long-term unworkable precedent for the City. Even if considered, the letter cannot change the engineering and physical capability of the sign's hardware. A manufacturer's statement about intended use does not alter what the sign is capable of doing.

The Sign Independently Violates MMC §17.62.070(E)(1)

Despite the Video Sign classification, the proposed sign independently violates MMC §17.62.070(E)(1), which requires that any electronic changeable copy sign "shall only be allowed as part of a permanent freestanding or wall sign." The Appellant's proposed sign is a stand-alone 300 square foot electronic display - it is not incorporated into or made part of a larger permanent sign structure. The Appellant never requested an exception this requirement. This is an independent and separate ground for denial that the appeal does not address.

No Hardship Exists under MMC §17.62.120 (B) or (C)

Because the proposed sign is a prohibited Video Sign, only the narrow exception under MMC §17.62.120(C) is available. The Appellant has not met that standard.

Regarding MMC §17.62.120(C)(1), the Appellant expressly conceded at the January 15 hearing that it does not deny all economically viable use of the property. The creation and production of snack and power bars remain unaffected. The warehouse was not specifically purchased and designed to be a unconventional and misshaped billboard to circumvent McMinnville's sign ordinance.

Regarding MMC §17.62.120(C)(2), the Appellant has not demonstrated that sign code enforcement substantially interferes with the use and enjoyment of the property. EMPWR operates functioning manufacturing facility. It has installed code-compliant clearly visible signage on the south and west elevations facing Highway 18. The sign code limits the type of sign, not the ability to have visible signage.

The claim that a 24-squre-foot electronic sign would be illegible at highway speeds does not constitute location-based hardship. Being adjacent to Highway 18 is not unique to this property. Other industrial properties along the highway have installed code-compliant signage. Granting this exception would create prejudice against every neighboring property owner who followed the rules.

The argument that employees and freight carriers need a 30 square foot electronic sign to locate the facility is undermined by modern reality: mapping applications and GPS precisely identify this location. The sign code was in place when EMPWR constructed its building and installed its existing signage. The company made a business decision to seek signage exceeding code limits. Unfamiliarity with local ordinances or a preference for a larger sign, is not a hardship.

Finally, the Appellant's claimed need to attract attention from Highway 18 raises a concern under MMC §17.62.040(A), which prohibits signs that create traffic hazards. A 300-square-foot bright, full-color electronic display positioned just past the Highway 18 interchange on and off-ramps could distract drivers navigating the interchange – the opposite of a legitimate business need the code should accommodate.

No Conditions of Approval Can Cure the Violation

There are no conditions of approval that would render this sign lawful. Its hardware, engineering, material, and design meet the definition of a Video Sign which is categorically prohibited. Operational promises cannot change what the sign is.

Beyond that, conditions of approval based on programming restrictions would be unenforceable. The city cannot police promises and intent. McMinnville does not have staff to monitor daily or monthly sign operations, no fee schedule to sanction violations of programming conditions, and no practical mechanism to verify that the sign's content management system remains restricted over time. Given our current budget, providing any conditions of approval places an onerous fiscal and regulatory burden on the City and create an unworkable enforcement precedent.

Conclusion

The Planning Commission applied the McMinnville Municipal Code correctly and unanimously. The proposed sign is a prohibited Video Sign. It is also a standalone sign that violates §17.62.070(E (1) independent of its Video Sign classification. No hardship exception is available or warranted. No enforceable conditions of approval exist.

I recognize Appellant has contributed greatly to the job growth in McMinnville. Part of being a member of this community include operating within its ordinances. Exceptions are reserved for genuine, property-specific hardships – not for businesses that prefer signage the code does not permit.

I respectfully urge the Council to affirm the Planning Commission's unanimous decision of denial of SE 1-25.

Sincerely,

Sidonie Winfield

SIDONIE K. WINFIELD
[redacted]

McMinnville | ECONOMIC DEVELOPMENT PARTNERSHIP

ENTERED INTO THE RECORD
DATE RECEIVED: 04.28.2026
SUBMITTED BY: Patty Herzog
SUBJECT: 2.a. Public Hearing - Ordinance No. 5175

April 28, 2026

Mayor Kim Morris and Members of the City Council
City of McMinnville
230 NE Second Street
McMinnville, OR 97128

Re: Support for EMPWR Sign Appeal

Dear Mayor Morris and City Council Members,

On behalf of the McMinnville Economic Development Partnership (MEDP), I am writing in support of EMPWR and their appeal regarding the proposed LED reader board sign for their facility along OR Highway 18.

EMPWR has become one of McMinnville's most significant economic drivers and a major contributor to our local economy. In just four years, they have grown from 85 employees to more than 550 employees, with plans to add another 50 to 75 positions this year alone. This growth represents millions of dollars in direct wages circulating through our community, along with substantial secondary job creation across the region.

In addition to workforce growth, EMPWR has invested more than $150 million in facility expansion, with another major phase planned that will add 90,000 to 100,000 square feet of warehouse space and significant continued private investment in McMinnville.

This is exactly the type of company we work hard to attract, retain, and support.

The request before you is not for a flashing video billboard or something inconsistent with McMinnville's character. EMPWR has been clear that this sign will not display moving video, flashing graphics, or distracting animations. It is intended to function as a professional, static reader board that improves visibility and communication for a large industrial employer located along OR Highway 18.

It is also important to consider the scale of the proposed sign in proportion to the building itself. The current code allows for a 24 square foot sign, which may be appropriate for a smaller commercial building located closer to the street. EMPWR's facility is significantly larger in scale, set back much farther from the property line, and positioned farther from Highway 18 than most businesses the standard was originally designed to serve.

When viewed against the size of the building, a 24 square foot sign is disproportionately small and does not provide reasonable visibility for employees, customers, vendors, or the

traveling public along Highway 18. The proposed sign is proportional to the building and site and better reflects the scale of one of McMinnville's largest advanced manufacturing employers.

As a leading food manufacturer in our region, EMPWR helps represent McMinnville to visitors, business partners, and investors traveling through our community. A well designed, appropriately scaled sign facing Highway 18 would create a professional and attractive presence that reflects both the quality of the company and the strength of McMinnville's business community.

The intent of our sign regulations is to preserve community character while allowing businesses to operate successfully and communicate effectively. In this case, a modestly larger sign helps achieve that balance and supports the intent of the code rather than working against it.

McMinnville can protect its character while also recognizing the unique circumstances of major employers making extraordinary investments in our community. Supporting EMPWR in this request sends a strong message that we value business growth, job creation, and long term investment here.

I encourage Council to consider both the spirit of the regulation and the significant economic contribution EMPWR continues to make to McMinnville.

Sincerely,

Patty Herzog

Patty Herzog
Executive Director
McMinnville Economic Development Partnership

ENTERED INTO THE RECORD
DATE RECEIVED: 04.28.2026
SUBMITTED BY: Sheyla Wulf-Howell
SUBJECT: 2.a. Public Hearing - Ordinance No. 5175

April 28th, 2026

Good evening, Mayor and Council Members,

Thank you for the opportunity to speak with you tonight.

My name is Sheyla Wulf-Howell, and I am here representing EMPWR USA located at 750 SW Booth Bend Road. We are here to respectfully appeal the Planning Commission's denial of our sign exception request under docket SE 1-25.

At its core, this appeal is about ensuring that our proposal is evaluated based on what we are actually intending to do—not what a modern sign could hypothetically do. More importantly, it is about how we, as a growing local employer and large scale economic driver, can better connect with this community and continue contributing to McMinnville's future.

Who EMPWR Is—and Why This Matters to McMinnville

For those who may not be familiar with us, EMPWR is a rapidly growing company in the global food and beverage sector—but more importantly, we are a local employer, a local investor, and an intentional long-term partner in this community.

In just the past four years, EMPWR has:

- Invested nearly **$150 million** into our McMinnville operations
- Grown from **85 employees in 2022 to over 550 full-time employees today**
- Contributed an estimated **$40 million annually in wages** to local households and the surrounding region
- Helped to increase **national and international visibility** to McMinnville
- And a catalyst for the revitalized growth activity along the Highway 18 corridor

And we are just getting started.
Looking ahead at the next 12-18 months, we are planning:

- An additional **90,000–100,000 square feet of expansion** with a new warehouse on our recently acquired neighboring property that has never successfully developed
- The creation of **150–200 additional full-time jobs**
- Continued long-term investment right here in McMinnville

Why This Sign Matters to EMPWR

This sign is not about advertising in the traditional sense. We do not have a product to sell other than EMPWR as a manufacture and our needs for additional employees is is the message we are trying to communicate.

It is about **communication and connection**.

One of our biggest challenges over the past four years has been simply letting people know:

We are here—and we are hiring.

Every day, many residents commute to Portland, Salem, or the coast for work, often unaware that opportunities exist right here at home. Our mission is to change that. We want to bring these people home.

This sign would allow us to:

- Communicate directly with local residents and those passing through on Hwy 18 about **job opportunities**
- Position EMPWR as an **employer of choice** within this region
- Help bring people **back into the local workforce**, reducing long commutes
- Continue growing in a way that strengthens the **local economy and community**

Quite simply, **we need the community to grow with us—and this is one of the most effective ways to reach them.**

A Partnership Approach with the City

We are not here asking for an exception without accountability.

We are here asking for a **reasonable, collaborative path forward**—one that works for both the City and EMPWR.

That includes:

- Evaluating the sign based on its **intended use**, not theoretical capability
- Applying **clear, enforceable conditions** that ensures it is operated responsibly
- Working together to find a solution that supports both **community standards and economic growth**

Clarifying the Misinterpretation

The denial was based on the conclusion that our sign qualifies as a "video sign" because it has the *capacity* to display continuously changing content.

But EMPWR has been consistent from the beginning:

- We **do not intend to display video**
- We have committed to **static images only**
- We are willing to accept **binding conditions** to ensure that remains the case

This distinction is important.

- The current interpretation regulates based on what a sign *could* do
- We are asking to be evaluated based on what the sign *will* do

EMPWR USA, Inc.
750 SW Booth Bend Rd.
McMinnville, OR 97128
info@empwrnutrition.com
www.empwrnutrition.com

If capacity alone defines a prohibited use, then nearly all modern electronic signs, of which there are at least 7 within city limits, that could fall into that category—regardless of how they are actually used. That creates an unclear and difficult standard for any applicant to meet as modern technology has advanced beyond the current outdated ordinance enforcement.

Addressing Concerns Through Conditions

We want to be very clear—we are willing to operate this sign in a way that respects the community.

We are open to accepting written conditions such as:

- Static images only, with **no animation, motion, or video**
- Minimum display times of **8–10 seconds per image**
- **Automatic brightness controls**, with reduced levels at night
- Directional calibration to **minimize light spill**
- Additional measures such as **nighttime dimming during migration periods** to address environmental concerns
- Adapted sign design being framed and so it meets the requirement of **being part of a permanent wall sign**

We are not asking for unlimited flexibility—we are offering a **controlled, responsible solution**.

Why the Exception is Reasonable for This Site

Our location presents unique challenges:

- We are in a **General Industrial zone**, not the main retail business, or pedestrian corridor
- Our building is nearly **200,000 square feet and significantly set back** from Highway 18
- Traffic speeds are **55–60 miles per hour**, where a 24-square-foot sign is functionally ineffective and more dangerous to vehicle traffic attempting to decipher its message at that size

Strict application of the current size limit does not reflect the realities of this site or corridor. A larger sign is not about excess—it is about **basic visibility, functionality and scale in reference to our unique facility**.

EMPWR USA, Inc.
750 SW Booth Bend Rd.
McMinnville, OR 97128

info@empwrnutrition.com
www.empwrnutrition.com

EMPWR
Ambitious. Nutritious. Delicious.

Closing

EMPWR is proud to call McMinnville home.

We are investing here, hiring here, and building our future here—and we want to continue doing so in partnership with the city and this community.

This request is about creating a practical way to communicate with local residents, support our workforce, and continue contributing to McMinnville's growth—while still respecting community standards through reasonable conditions.

We respectfully ask the City Council to **reverse the denial** and approve the sign exception with appropriate conditions.

Thank you for your time, your consideration, and for your continued support of local businesses like EMPWR.

Sheyla Wulff-Howell

Sheyla Wulf-Howell
PMO Director
EMPWR USA, Inc.
750 SW Booth Bend Rd.
McMinnville, OR 97128

EMPWR
Ambitious. Nutritious. Delicious.

April 28th, 2026

Proposed Sign Operating Restrictions

- Static images only, with **no animation, motion, or video**
- Minimum display times of **8–10 seconds per image**
- **Automatic brightness controls**, with reduced levels at night
- Directional calibration to **minimize light spill**
- Additional measures such as **nighttime dimming during migration periods** to address environmental concerns
- Adapted sign design being framed and so it meets the requirement of **being part of a permanent wall sign**

EMPWR USA, Inc.
750 SW Booth Bend Rd.
McMinnville, OR 97128

info@empwrnutrition.com
www.empwrnutrition.com

911 N Riverside Ave
Medford, OR 97501
541.858.2701

Re: Electronic Message Center (EMC) Sign
Program and Configuration Capabilities and Limitations

Client: EMPWR
Address: 750 SE Booth Bend Rd, McMinnville, OR 97128

To Whom It May Concern,

This letter is provided in support of the permit application for the proposed Electronic Message Center (EMC), outlining how the sign can be configured to operate as a static display only, as is intended. by EMPWR.

- The proposed sign can be programmed to display static images only;
- Based on representations made to us by EMPWR, EMPWR's proposed operation would not require video playback, live video, recorded video, streaming video, or moving graphics;
- Animation, scrolling, flashing, blinking, fades, dissolves, sequencing, transitions, zooming, panning, rotating, or other motion effects can be disabled, avoided, or not programmed into the display;
- The sign can be programmed so each image remains fixed for a minimum display time, such as 8–10 seconds or longer;
- Image changes can occur as instantaneous changes only, without animated transitions;
- The sign can use automatic brightness controls and nighttime dimming set to a pre-defined limit;
- The sign can be calibrated or directed to reduce glare and light spill, including louvers to limit visibility from above; and
- In short, the sign can be configured and operated consistently with EMPWR's proposed use as a static-image electronic message center, not a video sign.

Sincerely,

Jim DeBoer
Owner
The Sign Dude

EMPWR: EMC Sign + Frame

EMC Size W Static Image: 360"x120"
Frame Size: 376"x158.3"



THE SIGN DUDE DESIGN THRU DELIVERY

NOTE: **DESIGN CONCEPTS AND ARTWORK ARE THE PROPERTY OF THE SIGN DUDE AND MAY NOT BE REPRODUCED.** MOCKUPS ARE FOR POSITIONING REFERENCE ONLY; FINAL PLACEMENT, COLORS, AND SCALE MAY VARY. QUOTE SPECIFICATIONS TAKE PRECEDENCE OVER THE MOCK-UP. PLEASE REVIEW DETAILS CAREFULLY AND NOTE ANY CHANGES BEFORE APPROVAL, AS PRODUCTION WILL PROCEED ONCE APPROVED. *VIEW ADDITIONAL TERMS AT WWW.THESIGNDUDE.COM/POLICIES.*

DESIGN PROOF REVISION NUMBER:

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

EMPWR: EMC Sign + Frame



THE SIGN DUDE DESIGN THRU DELIVERY

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DESIGN PROOF REVISION NUMBER:

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

EMPWR: EMC Sign

EMC Size W Static Image: 360"x120"



YOUR CAREER

empwrjobs.com

THE SIGN DUDE DESIGN THRU DELIVERY

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DESIGN PROOF REVISION NUMBER:

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

EMPWR: EMC Sign



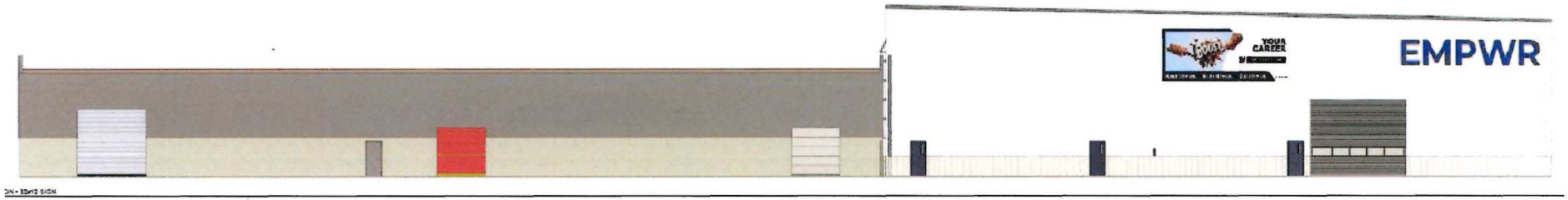
THE SIGN DUDE DESIGN THRU DELIVERY

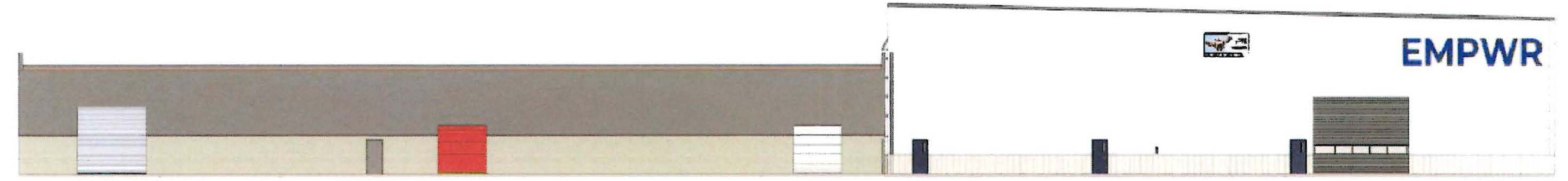
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DESIGN PROOF REVISION NUMBER:

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

EMPWR: EMC Sign





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DESIGN PROOF REVISION NUMBER:

PHONE: 541.858.2701 | WWW.THESIGNDUDE.COM

1 APPROVED SIGNAGE EXAMPES

1.1 LINFIELD COLLEGE

- Address: 900 SW Baker Street, McMinnville, OR 97128
- R-4 Medium, High-Density Zone
- Approved Sign Permit: No. 569-04B0609
    - A 60-foot-wide by 30-foot-high digital video display located at the northeast corner of Maxwell Field, along with a field scoreboard situated south of Maxwell Field.
- Exhibits:
    - City of McMinnville GIS site location map (Figure 1)
    - Street View Photo (Figures 2 and 3) depicting visibility from SE Lever Street and SE Davis Stree
    - Image from Linfield Magazine (Figure 4) (https://magazine.linfield.edu/article/seeing-the-big-picture/)
    - Linfield University Athletics Stadium Video Board Upgrade webpage (https://linfieldtopcat.com/sports/stadium-video-board-upgrade?print=true)



Figure 1: Linfield College Football Stadium Location



Figure 2: Linfield College Video Boards Signage



Figure 3: Linfield College Video Board Signage



Figure 4: Linfield College Video Board Signage

1.2 McMinnville SelfStor

- Address: 2600 NE Lafayette Avenue, McMinnville, OR 97128
- M-1 Limited Light Industrial Zone
- Approved Sign Permit: No. 569-20-000071-PLNG (SR 2-20))
- Exhibits:
    - City of McMinnville GIS site location map (Figure 5)
    - Street View Photo (Figure 6)
    - Video Documentation (Img.2186)

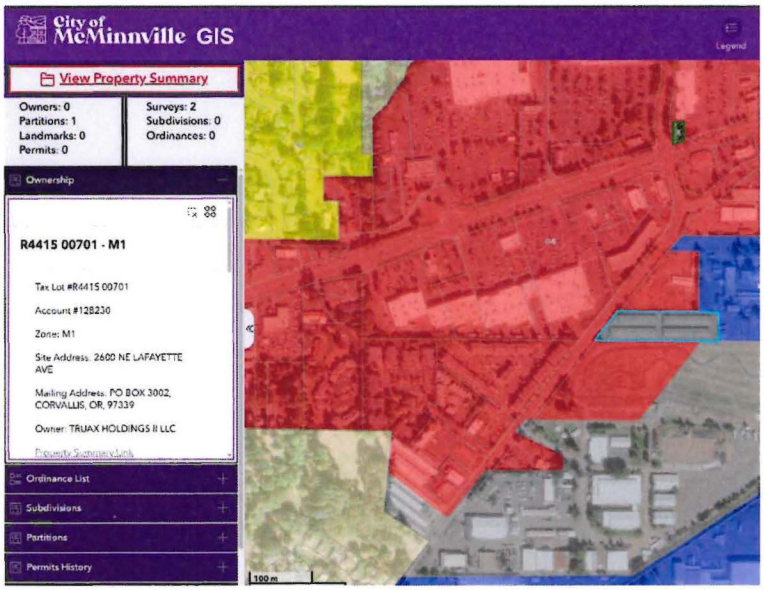


Figure 5: McMinnville Selfstor Location Map



Figure 6: McMinnville SelfStor Signage

1.3 CHUCK COLVIN FORD

- Address: 1925 OR-99W, McMinnville, OR 97128
- C-3 General Commercial Zone
- Approved Sign Permit: No. 569-05B0876 - Commercial Structural New Monument Sign
- Exhibits:
    - City of McMinnville GIS site location map (Figure 7)
    - Streetview Photo (Figure 8)
    - Video (Img.2187)

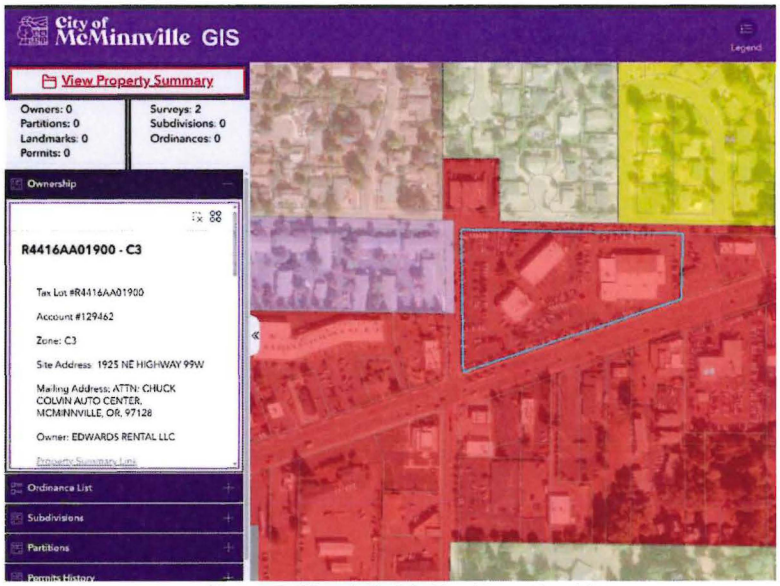


Figure 7: Chuck Colvin Ford Location Map



Figure 8 McMinnville Chuck Colvin Ford Signage

1.4 RIP N CARD TRICK

- Address: 125 OR-99W, McMinnville, OR 97128
- Approved Sign Permit: No. 569-13B0670 - Commercial Structural
- Exhibits:
  - City of McMinnville GIS site location map (Figure 9)
  - Street View Photo (Figure 10)
  - Video (Img. 2189)

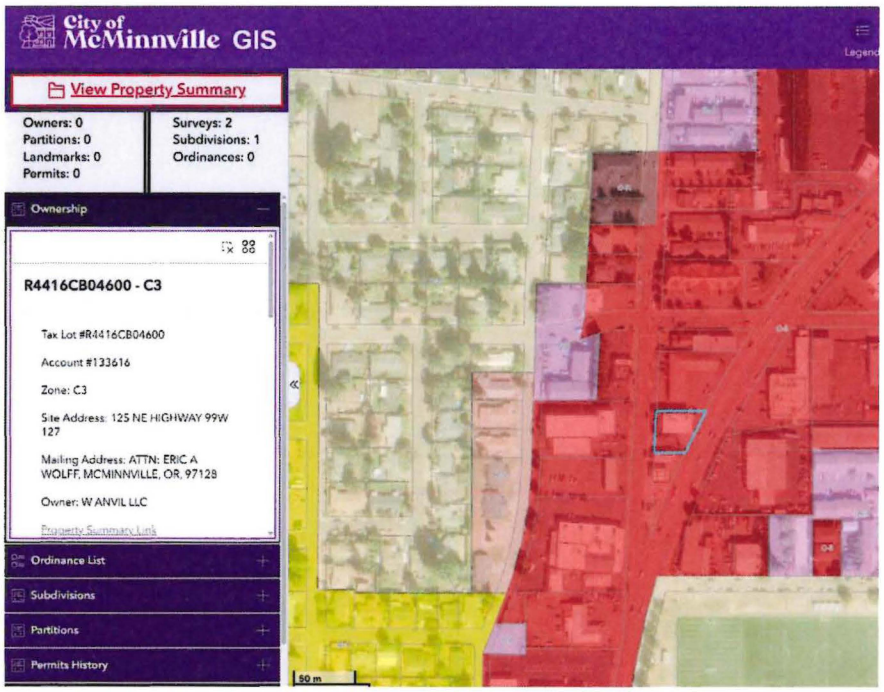


Figure 9: Rip N Card Trick

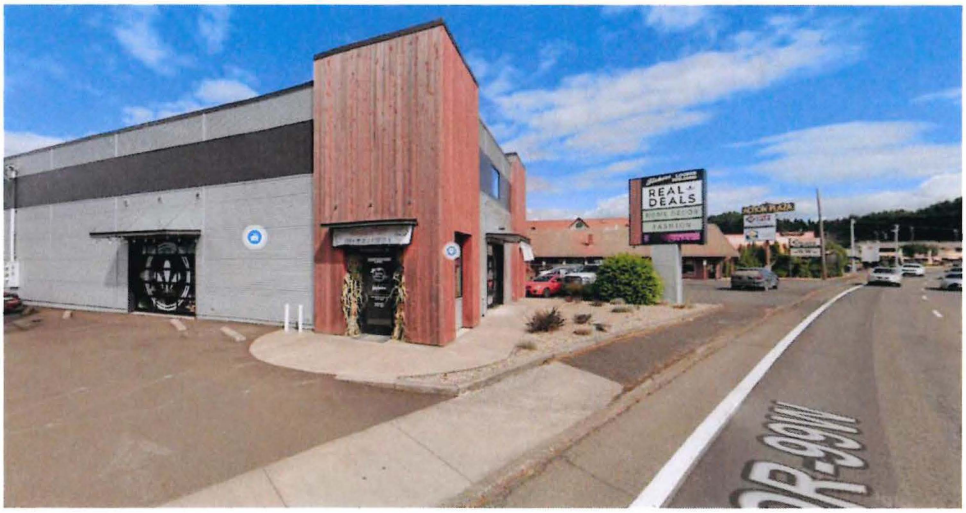


Figure 10: McMinnville Rip N Card Trick LLC Signage

JUHREN.law
Solutions. Period.

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April 28, 2026

EMPWR'S LEGAL BRIEF IN SUPPORT OF APPEAL

Docket: AP 2-26 / SE 1-25
Matter: Appeal of Planning Commission Denial of Sign Standards Exception
Property: 750 SW Booth Bend Road, McMinnville, Oregon
Appellant: EMPWR USA / EMPWR Nutrition Group
Hearing Date: April 28, 2026

I. INTRODUCTION

EMPWR USA/EMPWR Nutrition Group ("EMPWR" or "Appellant") respectfully submits this brief in support of its appeal of the McMinnville Planning Commission's denial of Sign Standards Exception Application SE 1-25.

The Planning Commission denied the application on two principal grounds:

1. That the proposed electronic message center ("EMC") sign constitutes a prohibited "Video Sign" under MMC §§ 17.06.040 and 17.62.050(G), thereby limiting available exception relief to the narrower criteria of MMC § 17.62.120(C); and

2. That even if the sign were not a Video Sign, Appellant failed to demonstrate the hardship required under MMC § 17.62.120(B).

The Commission also stated that the proposed sign was not part of a permanent freestanding or wall sign under MMC § 17.62.070(E)(1). Based on the findings, the Planning Commission found the applicable criteria not satisfied and denied the exception (SE 1-25).

EMPWR respectfully requests that the City Council reverse or modify the denial because the Commission's decision appears to rest on an interpretation of "capacity" that treats theoretical hardware capability as dispositive, rather than the sign's proposed, conditioned, and enforceable operation. EMPWR submits that this interpretation does not give full effect to the Code's separate category for permitted

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"Electronic Changeable Copy Signs," the exception process under MMC § 17.62.120, or the applicant's proposed operational restrictions.

Properly construed, the proposed sign is an Electronic Changeable Copy ("ECC") sign — not a Video Sign — and the full exception criteria under MMC 17.62.120(B), and alternatively MMC 17.62.120(C)(2), apply. EMPWR has satisfied those criteria and requests that the City Council approve the exception with appropriate conditions of approval.

II. STANDARD OF REVIEW AND GOVERNING INTERPRETIVE PRINCIPLES

The City Council sits as the appeal board for the Planning Commission's ruling. MMC § 17.62.120(E) provides that "[t]he city council shall stand as an appeal board," and MMC § 17.72.180 provides that an action or ruling of the Planning Commission may be appealed to the City Council within 15 calendar days after written notice of decision is mailed. If an appeal is filed, the City Council receives a report and recommendation from the Planning Commission and holds a public hearing on the appeal.

This is a quasi-judicial land use matter. EMPWR bears the burden to demonstrate that the applicable approval criteria are met. On questions of code interpretation, the Council should apply the text in context and construe the ordinance so that all provisions are given effect. Oregon courts interpret statutes and ordinances by examining text and context, and by avoiding interpretations that make express provisions meaningless where another plausible interpretation gives effect to the whole enactment. *See State v. Gaines*, 346 Or 160, 206 P3d 1042 (Or. 2009); *Bundy v. NuStar GP, LLC*, 371 Or 220, 533 P3d 21 (Or. 2023).

Those principles are decisive here. The City's sign code both prohibits "Video Signs" and expressly permits one ECC sign per site or multi-tenant complex, subject to standards. The Council should therefore adopt an interpretation that gives independent meaning to both categories: prohibited Video Signs are signs that operate as continuously changing video-type displays; permitted ECC signs are signs on which copy changes electronically but that do not operate as continuously changing video displays.

The purpose section confirms that the Code is not intended to prohibit effective business communication. MMC 17.62.010 recognizes that signs are an important medium for businesses and individuals and seeks to balance communication needs with safety, traffic, aesthetics, and enforceability. The standards contained in this chapter are primarily intended to balance the needs of businesses and individuals to

convey their messages through signs, and the right of the public to be protected against the unrestricted proliferation of signs and their effect on public and traffic safety and the aesthetic qualities of the city such as vistas and gateways. The Code also provides that "[t]he copy or message of signs is not regulated by this chapter," so sign classification must turn on physical and operational characteristics, not the content of EMPWR's messages.

III. DISCUSSION

Issue 1: The Proposed Sign Is Not a Video Sign

A. Applicable Definitions

MMC 17.06.040 defines the two electronic sign categories at issue:

> Electronic Changeable Copy Sign: "A sign on which the copy changes electronically."
>
> Video Sign: "An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities."

A Video Sign is expressly defined as a subcategory of ECC sign. Not every ECC sign is a Video Sign. The distinction between the two categories is the central issue in this appeal.

B. The City's Interpretation

The Planning Commission concluded that the proposed sign is a Video Sign because it is ten feet tall and thirty feet wide, uses a wide spectrum of colors and shades, and the whole sign has the "capacity" to change sign copy.

The Commission defined "capacity" as "the ability or power to do" and concluded that "[c]hoosing to limit the way a sign is operated does not limit its ability to operate as a video sign." In this definition "capacity" is used in its plain, ordinary, and common meaning.

That interpretation is legally and practically unsound because it treats theoretical hardware potential as dispositive and gives no operative effect to the Code's express allowance for ECC signs.

C. The Commission's Interpretation Renders the ECC Sign Category a Nullity

The most fundamental error in the Commission's analysis is that it leaves no practical space for a lawfully permitted ECC sign to exist in McMinnville. Modern LED-based ECC signs can often be programmed in different ways. If "capacity" means theoretical hardware potential rather than approved operational configuration, then ordinary LED ECC signs may be recharacterized as prohibited Video Signs whenever the hardware could theoretically display motion or continuously changing imagery.

That result conflicts with MMC 17.62.070(E), which expressly permits one ECC sign per site or multi-tenant complex and regulates ECC signs through specific standards, including area, mounting, setbacks, and temporary-sign consequences. An interpretation that simultaneously permits and prohibits the same operational sign type violates the ordinary rule that all provisions should be given effect.

The better interpretation is straightforward: an ECC sign becomes a prohibited Video Sign only when, as approved or operated, it has the operational capacity to create continuously changing sign copy in the manner described by the definition. A static-image EMC subject to enforceable restrictions is an ECC sign, not a Video Sign.

D. "Capacity" Must Mean Operational Capacity, Not Theoretical Hardware Potential

The Video Sign definition does not refer to "capacity" in the abstract. It requires "the capacity to create continuously changing sign copy." The word "create" describes the sign's active operational function — what the sign is configured and authorized to do — not the theoretical maximum capability of every component inside the display.

A sign that is programmed, configured, permitted, and conditioned to display static images only does not have the approved operational capacity to create continuously changing sign copy. It will not operate as a video display. It will not scroll, flash, animate, dissolve, fade, sequence, transition, pan, zoom, rotate, or otherwise create motion-based imagery. It will display a single fixed image at a time.

The Council should therefore interpret "capacity" in operational context. This interpretation gives meaning to the Video Sign prohibition without erasing the permitted ECC category.

E. The Definition of Video Sign Is Conjunctive and EMPWR's Conditioned Sign Does Not Satisfy All Elements

The Video Sign definition requires ***both***: (1) an ECC sign providing information in horizontal and vertical format; and (2) capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities. A static image may use colors and shades, but it does not create continuously changing copy. The phrase "wide spectrum of colors, shades, and light intensities" is tied to the continuously changing copy requirement; it is not an independent trigger that converts every full-color EMC into a prohibited Video Sign.

The proposed EMPWR sign, as configured and conditioned, does not function as a video board. It functions as a large-format static electronic message display. It therefore does not satisfy the full Video Sign definition.

F. The "As Opposed to Linear" Language Does Not Support a Hardware-Only Test

The parenthetical "as opposed to linear" distinguishes the Video Sign definition from traditional linear readerboard formats. It does not say that every non-linear electronic display is prohibited. The definition still requires ***capacity*** to create continuously changing sign copy. The City must give effect to the entire definition, not only the horizontal/vertical phrase.

G. Conditions of Approval Are the Proper Tool for Any Operational Concern

MMC 17.62.120(A) expressly authorizes the decision-maker to attach conditions necessary to protect surrounding property or achieve the purposes of the sign chapter. In granting an exception the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

Title 17 also authorizes conditions of approval and makes violation of a condition a violation of the title, subject to enforcement and potential revocation. The planning director, planning commission, the city council or the hearings officer, when acting as the hearing authority, may impose conditions of approval on any planning action to modify that planning action to comply with the criteria of approval or to comply with other applicable city ordinances.

Even if the Council has concerns about technical capability, the legally appropriate response is conditional approval with enforceable restrictions — not

denial based on speculative future misuse. EMPWR is willing to accept conditions including:

- Static images only;
- No video, animation, motion, scrolling, flashing, blinking, fades, dissolves, sequencing, transitions, zooming, panning, rotating, or other motion-based effects;
- A single fixed image at any given time;
- Discrete image updates only, without visual transition effects;
- Automatic brightness control and nighttime dimming;
- Operation in a manner that avoids glare, distraction, or traffic-safety interference;
- Installation as part of a permanent wall sign or framed building-mounted presentation; and
- Content-management configuration restricting the display to static-image operation.

These conditions would make it legally and operationally clear that the approved sign is an ECC sign and not a Video Sign.

H. Comparable Signs Support an Operational Interpretation

The record identifies existing electronic message center signs operating in McMinnville, including signs at Linfield College, McMinnville SelfStor, Chuck Colvin Ford, and Rip N Card Trick. The legal significance of those comparators is not that EMPWR is automatically entitled to identical treatment; it is that a hardware-only interpretation of "capacity" would call into question other LED EMC signs the City has allowed to operate. The more consistent interpretation is that "capacity" has been understood, and should be understood, by reference to approved and actual operation.

Issue 2: The Proposed Sign Satisfies MMC 17.62.070(E)(1)

The Planning Commission separately found that the proposed sign violates MMC 17.62.070(E)(1), which requires that one ECC sign per site be "allowed as part of a permanent freestanding or wall sign.

The Commission found that the proposed sign was "standalone" and not part of a permanent freestanding or wall sign. That finding should be reversed or, at minimum, cured by condition.

First, a wall-mounted sign attached parallel to the building façade and extending no more than twelve inches from the wall falls within the wall-sign concept addressed by the Code. Pathfinder's open-record findings explained that the proposed

display is attached parallel to the building façade, projects less than twelve inches from the wall, and is a single, self-contained sign permanently mounted to the structure. The submitted plans and mounting details echo Pathfinder's findings.

Second, the phrase "as part of a permanent freestanding or wall sign" does not require a separate non-electronic sign face. Nothing in MMC 17.62.070(E)(1) states that the electronic copy must be subsidiary to a larger non-electronic cabinet. The references to the "electronic changeable copy portion" establish how electronic copy is measured and regulated; they do not require non-electronic copy or a separate surrounding sign face.

Third, EMPWR is willing to accept a condition requiring final permit drawings to show the sign installed as part of a framed building-mounted wall sign presentation integrated with the building façade and existing EMPWR signage on the south elevation. If the Council believes additional physical integration is necessary, that issue is design-detail curable and should be addressed by condition, not denial.

Issue 3: Appellant Satisfies the Exception Criteria Under MMC 17.62.120(B)

If the Council correctly determines that the proposed sign is an ECC sign and not a prohibited Video Sign, the full exception framework of MMC 17.62.120(B) applies.

An exception may be granted if the property owner established that:

1. An exception is necessary to prevent an unnecessary hardship due to factors such as topography, location, surrounding development, lot shape or lot size;
2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and
3. The request will not be detrimental to community standards and the appearance of the city.

I. MMC 17.62.120(B)(1): The Exception Is Necessary to Prevent Unnecessary Hardship

The site presents an unusual combination of physical and locational factors that make strict application of the 24-square-foot ECC display limit unnecessarily burdensome.

Highway-adjacent industrial location. The south elevation of the EMPWR facility faces Highway 18, a high-speed state highway. The Commission's decision

acknowledges that the site backs up to Highway 18 and that no transportation-system impacts were identified for purposes of this exception application. The viewing conditions are materially different from a pedestrian-oriented downtown or lower-speed commercial street.

Building scale, setback, and orientation. EMPWR's facility is a large industrial building with a large south façade oriented toward Highway 18. A 24-square-foot ECC display — approximately the size of a small readerboard — is not proportionate to that façade and is unlikely to provide meaningful highway-oriented identification or communication at the distance and speed involved.

Industrial context. The property is zoned M-2 General Industrial and used as an industrial facility. The Code's one-size 24-square-foot ECC display limit does not fully account for the specific signage needs of a large-format industrial facility adjacent to a highway corridor.

The Commission dismissed these points by saying that Highway 18 frontage and a building approximately 200 feet from Highway 18 are not unique. But MMC 17.62.120(B)(1) does not require proof that no other property shares any individual characteristic. It asks whether the exception is necessary due to factors such as location, surrounding development, lot shape, lot size, or topography. Here, the cumulative effect of location, highway speed, industrial scale, building orientation, and façade size creates the hardship.

The Commission also relied on the availability of unlimited permanent mounted signs in commercial and industrial zones. (17.62.070(C)(2)). The applicant is not limited in the size of signage facing Highway 18. That does not resolve the hardship. The Code expressly permits one ECC sign per site. The issue is whether this site's conditions justify an exception to the 24-square-foot limit for that permitted ECC sign. Static wall signage and an ECC sign serve different permitted functions.

II. MMC 17.62.120(B)(2): The Exception Will Not Result in Material Damage or Prejudice to Other Properties

The record does not identify material damage or prejudice to adjoining or nearby properties. The sign faces south toward Highway 18 and is oriented away from residential areas to the north and east. The City's Engineering Division, McMinnville Water & Light, and Building Division had no substantive objections or concerns in the decision document.

The Commission found prejudice because other properties had constructed signs meeting the City's standards. That reasoning is too broad.

An exception, by definition, grants relief from a standard in circumstances where the exception criteria are met. If the fact of differential treatment alone constituted "prejudice," the exception provision could never operate. The relevant inquiry is whether approval would cause material damage or prejudice to other property in the vicinity — such as glare, loss of use, safety impacts, or property interference. The record does not establish those impacts, and EMPWR's proposed conditions further address them.

III. MMC 17.62.120(B)(3): The Request Is Not Detrimental to Community Standards or the Appearance of the City

Again, the EMPWR facility is located in an M-2 General Industrial zone on a highway corridor. The sign is proposed for — and proportional to — the industrial elevation of the building, not a residential street-facing façade. The proposed operating restrictions — static images only, brightness controls, nighttime dimming, and no animation, video, flashing, scrolling, or motion effects — ensure responsible operation consistent with the surrounding context.

The exception process is itself part of the ordinance's community-standards framework. An exception granted on proper findings is not a departure from the Code; it is an application of the Code.

The proposal also furthers the sign chapter's purposes. It allows effective business communication while minimizing clutter through a single building-mounted sign, maintaining enforceable standards through conditions, and avoiding hazardous or distracting operation through static-image and brightness controls.

This conclusion is independently supported by the McMinnville Economic Development Partnership and the McMinnville Area Chamber of Commerce that have independently submitted letters in support of this appeal. The position of these representative bodies on the question of community character and code intent is relevant third-party evidence under § 17.62.120(B)(3) that the Commission did not have before it.

Issue 4: Appellant Satisfies MMC § 17.62.120(C)(2) in the Alternative

Whether or not the Council approves the application under subsection (B), EMPWR also satisfies MMC 17.62.120(C)(2), which permits an exception where strict enforcement will "substantially interfere with the owner's use and enjoyment of the property.

EMPWR does not rely on subsection (C)(1), which concerns denial of all economically viable use. EMPWR clarifies in its January 22nd filing that it is not seeking consideration under (C)(1) but only under (C)(2).

The Commission's analysis effectively required EMPWR to show that the property could not operate as an industrial facility without the sign. That is too demanding for subsection (C)(2). The fact that EMPWR can continue operating some aspects of its manufacturing facility does not answer whether strict enforcement substantially interferes with EMPWR's use and enjoyment of this property for effective on-site identification, workforce recruitment, wayfinding, and facility communication.

EMPWR operates a large industrial facility with significant workforce and operational communication needs. A 24-square-foot ECC sign is functionally inadequate for highway-oriented communication given the property's scale, orientation, setback, and Highway 18 speed environment. A sign right that exists in theory but cannot function meaningfully in practice substantially interferes with use and enjoyment of the property.

The Commission also suggested that EMPWR could use approved billboard locations on Highway 18. That EMPWR has the same opportunity as any other private market distributor to take advantage of other advertising available to them in the form of approved billboard locations on Highway 18 is not an adequate answer under subsection (C)(2). The criterion concerns use and enjoyment of the property on which the sign is located. Off-site advertising cannot substitute for effective on-site identification and communication at the facility itself.

Issue 5: The Manufacturer's Technical Letter Is Properly Before This Council

The Planning Commission excluded the Sign Manufacturer's Technical Letter as untimely. That letter is now formally submitted into the record before this Council. It is authored by Jim DeBoer, Owner of The Sign Dude, the manufacturer of the proposed sign, and constitutes expert technical opinion on the classification question at the center of this appeal.

Mr. DeBoer's letter establishes that all motion-based functionality — including animation, scrolling, flashing, blinking, fades, dissolves, sequencing, transitions, zooming, panning, and rotating — "can be disabled, avoided, or not programmed into the display," and concludes that the sign "can be configured and operated consistently with EMPWR's proposed use as a static-image electronic message center, not a video sign."

That conclusion — from the person who builds and programs these signs — is direct expert rebuttal to the Commission's "capacity" holding. The Commission held that theoretical hardware potential controls. The manufacturer holds the opposite: that the sign's operational configuration is what determines its character, and that this sign can be configured to operate as a static-image EMC, not a video sign.

This evidence is material because the Video Sign definition turns on whether the sign has the capacity "to create continuously changing sign copy." Technical evidence that the sign can be configured and operated as a static-image EMC directly addresses classification. It also supports the practical enforceability of the conditions proposed by EMPWR.

The Council may consider evidence submitted for its public hearing on the appeal. MMC 17.72.180 requires the Council to hold a public hearing on an appeal from a Planning Commission decision, and MMC 17.06.015 defines a "De Novo" public hearing as one in which "new testimony and evidence not considered during a prior hearing can be submitted." To the extent any procedural question remains, the Council should accept Mr. DeBoer's letter as part of the appeal record because it directly addresses the central classification issue and can be addressed through conditions of approval.

IV. PROPOSED CONDITIONS OF APPROVAL

EMPWR proposes the following conditions to ensure the sign operates only as a static ECC sign and not as a Video Sign:

1. Static electronic images only. The electronic display shall display static electronic images only. No video, animation, motion, scrolling, flashing, blinking, fades, dissolves, sequencing, transitions, zooming, panning, rotating, or other motion-based visual effects shall be permitted.

2. Single fixed image. At any given time, the electronic display shall show a single, fixed image.

3. No continuously changing copy. The electronic display shall not operate in a manner that produces continuously changing sign copy.

4. Discrete image updates only. Any change to the displayed image shall occur only at discrete intervals and shall not create the appearance of movement, progression, animation, or visual transition.

5. Brightness controls. The sign shall utilize automatic brightness controls to adjust overall illumination levels in response to ambient light conditions. Such adjustments shall not alter, animate, transition, or otherwise change the displayed sign copy, colors, or message content and shall not create the appearance of continuously changing imagery.

6. Traffic safety. The sign shall be operated in a manner that avoids glare, distraction, or interference with traffic safety.

7. Permanent wall-sign installation. Final sign-permit drawings shall confirm installation as part of a permanent wall sign or framed building-mounted presentation integrated with the building façade.

8. Content-management configuration. The sign's content-management system shall be configured to restrict operation to static-image display and disable video or animation playback, consistent with the proposed use plan submitted herewith.

9. Compliance and enforcement. Any operation inconsistent with these conditions shall constitute a violation of the approval and may be enforced under the City's ordinary enforcement and revocation authority.

V. PROPOSED COUNCIL FINDINGS

EMPWR respectfully requests that the Council reverse or modify the Planning Commission decision by adopting the following findings:

Classification. The proposed sign, as conditioned, is an Electronic Changeable Copy Sign and not a Video Sign under MMC 17.06.040 because the approved operation does not create continuously changing sign copy.

Eligibility for subsection (B). Because the proposed sign is not a prohibited Video Sign under MMC 17.62.050(G), it is eligible for exception review under MMC 17.62.120(B).

Wall-sign compliance. The proposed sign satisfies MMC 17.62.070(E)(1) because it is permanently mounted as part of a wall sign or framed building-mounted wall sign presentation. Alternatively, any remaining concern is resolved by a condition requiring final permit drawings to demonstrate compliance.

Unnecessary hardship. The exception is necessary to prevent unnecessary hardship under MMC 17.62.120(B)(1) due to the property's location adjacent to Highway 18, speed environment, viewing distance, industrial setting, building scale, and sign orientation.

No material damage or prejudice. The exception will not result in material damage or prejudice to other property in the vicinity under MMC 17.62.120(B)(2), particularly because the sign is oriented toward Highway 18, away from residential areas, and subject to brightness and static-display conditions.

Community standards and appearance. The exception will not be detrimental to community standards or the appearance of the City under MMC 17.62.120(B)(3), because the sign is building-mounted, integrated into an industrial façade, avoids sign clutter, supports appropriate industrial-facility identification, and is subject to enforceable operational controls.

Alternative substantial-interference finding. In the alternative, strict enforcement of the 24-square-foot ECC display-area limitation would substantially interfere with EMPWR's use and enjoyment of the property under MMC 17.62.120(C)(2) by preventing meaningful, legible, on-site electronic identification and communication under the property's Highway 18 conditions.

Conditions and enforcement. Conditions of approval are authorized by MMC 17.03.055 and 17.62.120(A). Any violation of the conditions may be enforced under the City's existing enforcement and revocation authority.

VI. CONCLUSION

For the foregoing reasons, EMPWR respectfully requests that the City Council reverse or modify the Planning Commission's denial and approve Sign Standards Exception Application SE 1-25, subject to the proposed conditions of approval.

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The proposed sign is properly classified as an Electronic Changeable Copy Sign, not a Video Sign. The Commission's contrary classification depends on a hardware-capability interpretation of "capacity" that would substantially undermine the Code's express allowance for ECC signs. Properly classified, the proposed sign satisfies the exception criteria under MMC 17.62.120(B), and alternatively under MMC 17.62.120(C)(2). Any remaining operational concern is appropriately addressed through clear, enforceable conditions — not denial.

Respectfully submitted,



Matthew Juhren
Counsel for EMPWR

ENTERED INTO THE RECORD
DATE RECEIVED: 04.28.2026
SUBMITTED BY: Patrick Evans
SUBJECT: 4.a. Public Comment Resolution No. 2026-19

Comments to McMinnville City Council 4/28/26

Re: Resolution No. 2026-18, Amendment #1 to Annexation Agreement Tax ~~Lot R4409CD00100~~

As representative of the Chegwyn/Grandhaven petitioners I wish to make a few points in regard to this amendment request:

1. **THE CART IS AHEAD OF THE HORSE**

This project has not yet been applied for, approved nor appealed through the normal development process. Yet one significant Council action (conditional annexation) and another (Lock in of current SDC fees) have been reviewed and presented as though this project is a foregone conclusion. It is not a foregone conclusion in the eyes of the impacted neighborhoods. This is not the way the process is supposed to work regardless of staff's highly questionable positive recommendations for both actions.

2. **CONTEXT OF THE SDC "LOCK IN" REQUEST**

In the request before you, the sum of the cost of land, hard costs (labor and materials) and soft costs (design, fees, SDSC's, developer overhead and profit) drives the size of the project necessary for the endeavor to be profitable **with land, not SDC charges, being one of the two largest variables.**

In this case the land was donated to Yamhill Soil and Conservation District **at no cost**, so the historic basis of that component is zero. However, because of internal budgetary shortfalls, YSCD determined a value for the "surplus" land to be sold at $1.3 million. This valuation, with the addition of other hard and soft costs, drove the design for a project of a certain size, rental structure and subsequent revenue stream for the project to be "profitable" and thus enable a long-term mortgage.

The real trigger for the request before you tonight *is not* the proposed, future SDC charges in isolation but primarily the *land sales price established by Yamhill Soil and Conservation District* plus other hard and soft costs. Were the sale price of land $500,000 instead of $1.3 million, then the profitability of the project would increase to the point where the proposed SDC charges would likely not impact the project profitability. Also and more importantly, were the sale price to be the lower number, it is entirely possible that a profitable project with significantly fewer visual and traffic impacts could also be placed on the site with greatly reduced neighborhood opposition (as was done immediately to the immediate north by a former City Councilor.)

What you are being asked to do tonight is to effectively move money from one pocket (the City of McMinnville future SDC revenue) into another governmental pocket (Yamhill Soil and Water Conservation District general fund). Ultimately the $540,000 future difference in SDC fees not paid by MacMulti will be paid for by already burdened McMinnville taxpayers (or other, future projects assuming they do not request and receive the same type of consideration as MacMulti!)

COMMUNICATION BY CITY STAFF

This project was first brought to the Chegwyn/Grandhaven neighborhoods in late November after a conditional annexation was approved by the City of McMinnville and negotiations were completed by YSCD. Following a developer presentation to the neighborhoods, a number of residents formally requested Ms. Richards that we receive notification when *any* applications were made regarding this project. Those requests fell on deaf ears such that the first we heard about tonight's SDC discussion was in this Mondays "News-Register". So much for democracy and effective communication to those taxpayers most affected by this proposal.

CHEGWYN/GRANDHAVEN COMMUNITY POSITION

This project as presently constituted is strongly opposed by the combined Chegwyn/Grandhaven community. Over 100 neighborhood residents have signed a petition against the project. **We are not opposed to development on this site** and would support a project that fits into the scale of our "Great Neighborhood", minimizes automobile congestion in an area that is already subject to gridlock during the school year and emphasizes community integration, not just profit.

THE ASK

We request that the COUNCIL reject the resolution and do not lock in the existing Parks SDC methodology for the project associated with the annexation agreement.

Patrick Evans
[redacted]
McMinnville, OR 97128
[redacted]

Grandhaven-Chegwyn Farm
Petition to City Council against
MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
C Bru Crabtree	[redacted]		
PETE GOODMAN			
Maggie Bowman			
DANIEL SPARROW			
Katherine Sparrow			
Krystal Goodman			
Meghan Murillo Martins			
MURILO MARTINS			
LARRY DEY			
Paul Wilson			
Ray Clark			
Ron Larson			
Dona Larson			
Joan Buzzard			
Patrick Evans			

Grandhaven-Chegwyn Farm
Petition to City Council against
MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
Gail Hyte	[redacted]		
Pam White			
Jeffrey White			
KAREN BROWN			
Lynette Studebaker			
Wendy Sauer			
Steven Santiago			
Susan Agric-Kippenhan			
Connie Rolfe			
Ken Rolfe			
Caroline Strode			
Evan Strode			
Jamie Leathers			
Carolyn Huber			

Grandhaven-Chegwyn Farm
Petition to City Council against
MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
Ken [redacted] Carlson	[redacted]	[redacted]	[redacted]
Kathie Schumacher			
Nancy Carlson			
Patricia A Holden			
Stephanie Bean			
Josh Harris			
Virginia Galt			
Ken Galt			
Paul Studebaker			
Henry S Billington			
Barbara R Billington			
Robert Leathers			
James E. Hobbs			
Michael Kippenhan			
TED MATTHEWS			

Grandhaven-Chegwyn Farm
Petition to City Council against
MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
[illegible]	[redacted]		
Tami Spooner			
Bonnie Hutchison			
Victor Mead			
Annasteacha Mead			
E. Louise Booth			
Robert Booth			
Lee Vasquez			
Mike Chouinard			
Jennifer Chouinard			
Debbie Hammond			
Barbara Coleman			
Kim Marshall			
James Billings			

Grandhaven-Chegwyn Farm Petition to City Council against MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
Moseley Pothier	[redacted]		
[redacted] Jarz			
Jeff Keikkala			
Jennifer Keikkala			
Jeffery Keikkala			
Samuel Keikkala			
Benjamin Keikkala			
Kaylee Keikkala			
Wayne Frederick			
Cathie Frederick			
Waldo Trenham			
Robbi Sichler			
George Sichler			
James Aldin			
Emily Aldin			

Grandhaven-Chegwyn Farm
Petition to City Council against
MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
Brian Pelletier	[redacted]		
Jade Luttrell			
Martin Pattison			
Danielle Garcia			
Kyle Garcia			
Austin Garcia			
Tami Garcia			
Madison Chouinard			
Jeremy Marsh			
Maya Flores			
Michelle Alaimo			
Lois Stevens			
Emely (Carey)			
Helen SHIELDS			
Amy Pothier			

Grandhaven-Chegwyn Farm
Petition to City Council against
MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
Michael Jester	[redacted]		
Kathryn Wilson			
Ivan Reyes			
Eugene Tibbett			
Brady Lam			
Irvin Soriano			
Lauren Kelly			
Cliff Hewlett			
Jason Livinghouse			
Alicia Gray			
Robin Asher			
Peter Asher			
Vicki Gant			
James Cahill			
Kathleen Gibson			

Grandhaven-Chegwyn Farm Petition to City Council against MAC Multi LLC Apartment Project

Name	Email	Mobile phone	Street Address
Kathryn Christie	[redacted]		
Jordan Christie			
DONNE LEE LARSON			
Ronald Larson			
Laurie Gredrig			
Randy Gredrig			
WAYNE THOMAS			
Teana Harnett			
Sarah Crocker			
Victoria Patton			
ALISON THOMSON			
Nikole Lefkowitz			
Amanda Larsen			
John Larsen			
Holly Jester			

City of McMinnville
POLICE

City Recorder Use

Final Action:
Approved ☐ Disapproved ☐

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: **Fresh Pint LLC**
BUSINESS LOCATION ADDRESS: **540 NE Hwy 99W, McMinnville**
LIQUOR LICENSE TYPE: **Full On-Premises, Commercial**

Is the business at this location currently licensed by OLCC
☐ Yes ☑ No

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

Proposed business operations:

Outdoor Consumption

Tritech Records Management System Check: Yes ☑ No ☐

Criminal Records Check: Yes ☐ No ☑

Recommended Action: Approve ☑ Disapprove ☐

Scott Fessler, Captain

Chief of Police / Designee

City Manager / Designee

OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

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

The local government is as follows:

(a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.

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

INSTRUCTIONS:

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

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

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

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

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

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

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

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

OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

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

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Fresh Pint LLC (Nicholas Manzke)

Proposed Trade Name: Fresh Pint LLC

Premises Address: 540 NE HWY 99W Unit:

City: Mcminnville, OR County: Yamhill Zip: 97128

Application Type: ⊗ New License Application ○ Change of Ownership ○ Change of Location

License Type: Full on Premises Sales - Commercial ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Nick Manzke Phone: [redacted]

Mailing Address: [redacted]

City: Mcminnville State: OR Zip: 97128

Email Address: [redacted]

Business Details

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

☐ Manufacturing/Production

☐ Retail Off-Premises Sales

☐ Retail On-Premises Sales & Consumption

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

☐ Indoor Consumption ☒ Outdoor Consumption

☐ Proposing to Allow Minors

Section 1 continued on next page

OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:
Legal Entity/Individual Applicant Name(s): ~~Fresh~~ Fresh Print LLC (Nicholas Manzke)
Proposed Trade Name: Fresh Print LLC
IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC. Section 2 must be completed ***by the local government*** for this form to be accepted with your CAMP application.

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

Local Government Recommendation Proof of Acceptance

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

City or County Name: McMinnville

Optional Date Received Stamp

Date Application Received: 04/06/2026

Received by: Scott Fessler

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

- ○ **Recommend this license be granted**
- ○ **Recommend this license be denied** (Please include documentation that meets OAR 845-005-0308)
- ○ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

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

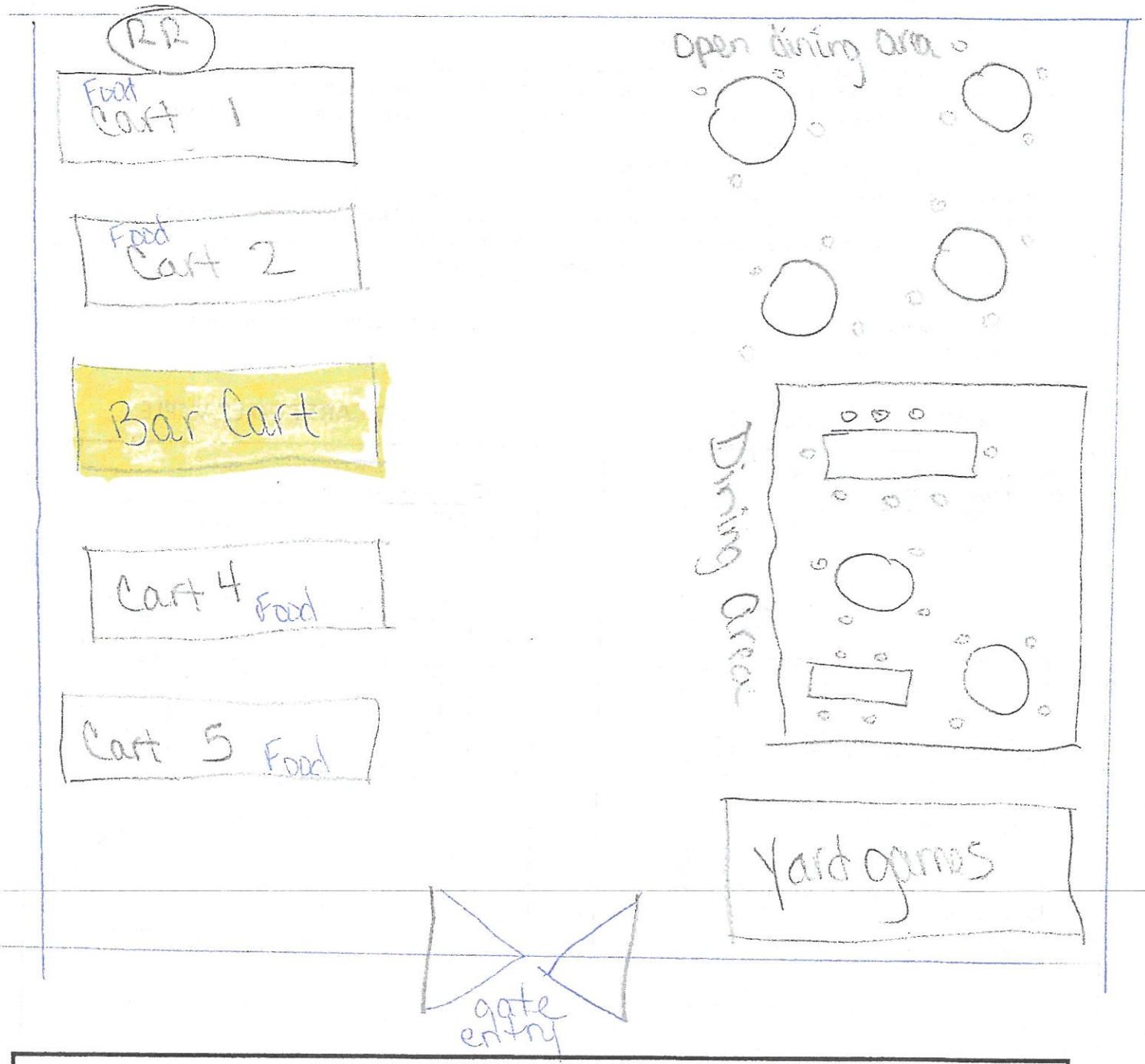
OREGON LIQUOR & CANNABIS COMMISSION

FLOOR PLAN FORM

Your floor plan must be submitted on this form

Nicholas Manzke
Applicant Name

Fresh Pint LLC
Trade Name (dba)



.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date:_____ Initials:_____

(rev. 03/22)

City of McMinnville
POLICE

City Recorder Use

Final Action:
Approved ☐ Disapproved ☐

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: **Moonlite Candles & Gifts LLC, dba NW Food & Gifts / NW CRU**
BUSINESS LOCATION ADDRESS: **445 NE 3rd ST & 325 NE Evans ST, McMinnville**
LIQUOR LICENSE TYPE: **Full On-Premises, Commercial**

Is the business at this location currently licensed by OLCC
☑ Yes ☐ No

If yes, what is the name of the existing business:
Moonlite Candles & Gifts LLC dba NW Food & Gifts / NW CRU
** currently licensed as **Limited On-Premises Sales** **

Proposed business operations:

Retail On-Premises Sales & Consumption
Indoor Consumption
Outdoor Consumption
Proposing to Allow Minors

Tritech Records Management System Check: Yes ☑ No ☐

Criminal Records Check: Yes ☐ No ☑

Recommended Action: Approve ☑ Disapprove ☐

Scott Fessler, Captain

Chief of Police / Designee

City Manager / Designee

OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

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

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Moonlite Candles & Gifts, LLC

Proposed Trade Name: NW Food & Gifts / NW Cru

Premises Address: 445 NE 3rd Street & 325 NE Evans Street Unit:

City: McMinnville County: Yamhill Zip: 97128

Application Type: (•) New License Application ( ) Change of Ownership ( ) Change of Location

License Type: Full On-Premises, Commercial [ ] Additional Location for an Existing License

Application Contact Information

Contact Name: James Tate Phone: [redacted]

Mailing Address: 445 NE 3rd Street

City: McMinnville State: OR Zip: 97128

Email Address: [redacted]

Business Details

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

[ ] Manufacturing/Production

[ ] Retail Off-Premises Sales

[■] Retail On-Premises Sales & Consumption

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

[■] Indoor Consumption [■] Outdoor Consumption

[■] Proposing to Allow Minors

Section 1 continued on next page

OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

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

Legal Entity/Individual Applicant Name(s): Moonlite Candles & Gifts, LLC

Proposed Trade Name: NW Food & Gifts / NW Cru

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

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

Local Government Recommendation Proof of Acceptance

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

City or County Name: McMinnville

Optional Date Received Stamp

Date Application Received: 04/09/2026

Received by: Scott Fessler

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

- ◯ **Recommend this license be granted**
- ◯ **Recommend this license be denied** (Please include documentation that meets OAR 845-005-0308)
- ◯ **No Recommendation/Neutral**

Name of Reviewing Official:

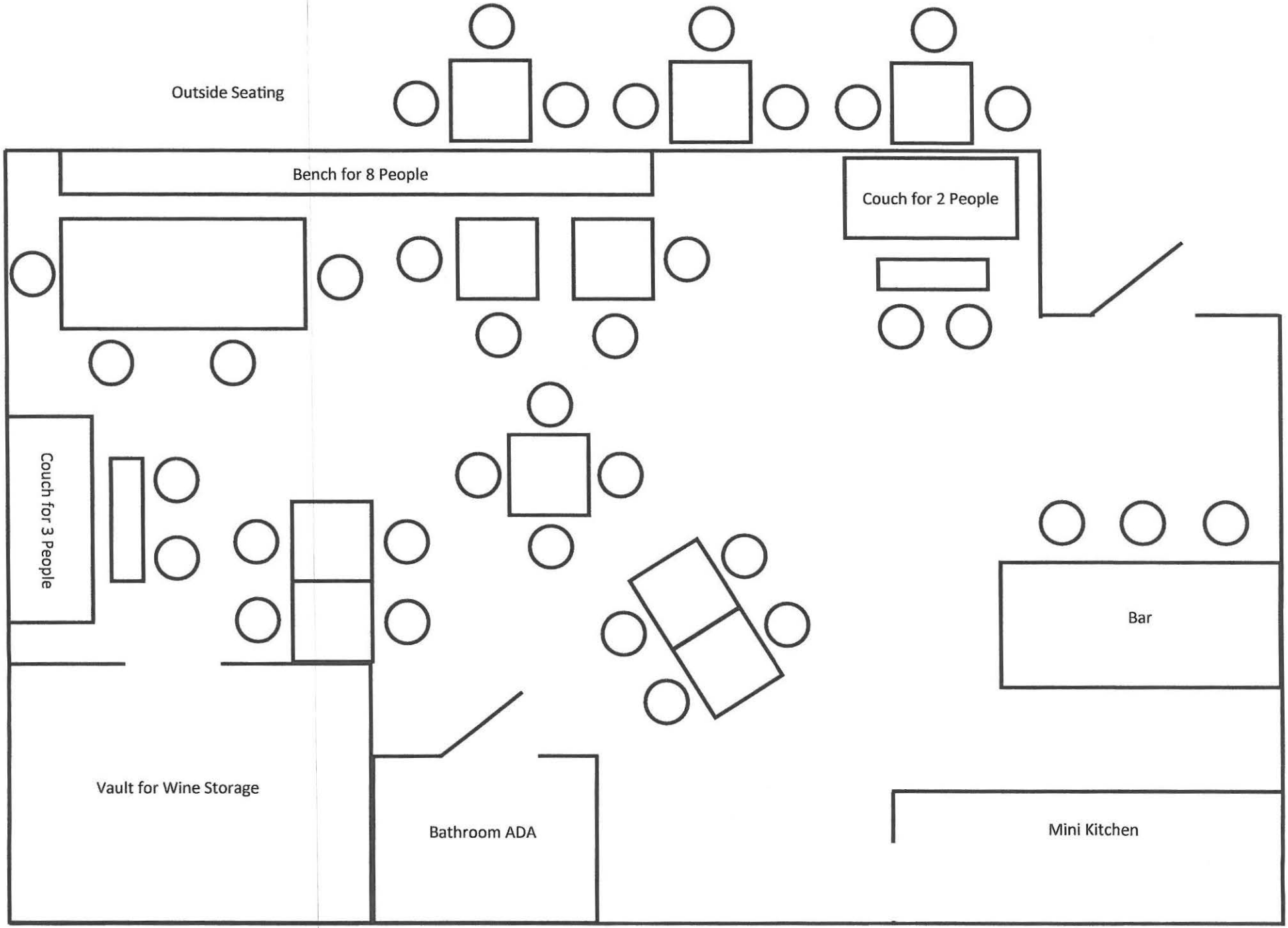
Title:

Date:

Signature:

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

NW Cru Lounge Design



OREGON LIQUOR & CANNABIS COMMISSION

THIS CERTIFICATE MUST BE DISPLAYED IN A PROMINENT PLACE ON THE PREMISES

LIMITED ON-PREMISES SALES

LICENSE # 380275

ISSUED TO:	MOONLITE CANDLES & GIFTS LLC
TRADE NAME:	NW FOOD & GIFTS/NW CRU
PREMISES NUMBER:	43380
LOCATED AT:	325 NE EVANS ST & 445 NE 3RD ST MCMINNVILLE OR 97128
ENDORSEMENTS:	NONE

LICENSEE SIGNATURE

Tara M Wasiak

EXECUTIVE DIRECTOR TARA WASIAK

Effective: 04/01/2026 to 03/31/2027

This certificate verifies OLCC licensure. It does not verify compliance with other state and local regulations.

SPECIAL CALLED CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, November 12, 2025 at 5:30 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Scott Burke

Councilors:	Present	Absent
	Sal Peralta, Council President	
	Zack Geary	
	Chris Chenoweth	
	Jessica Payne	
	Scott Cunningham	
	Dan Tucholsky	

Also present were Interim City Manager Adam Garvin, City Attorney David Ligtenberg, Community Development Director Heather Richards, Finance Director Katie Henry, Information Technology Director Scott Burke, Public Works Director Geoff Hunsaker, Human Resources Director Vicki Hedges, Communications & Engagement Manager Noelle Amaya (via Zoom), Planning Manager David Berniker (via Zoom), and *members of the News Media – Kyle Dauterman McMinnville Community Media.*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 5:30 p.m. and welcomed all in attendance.

2. CITY COMMITTEE REVIEW AND DISCUSSION

Interim City Manager (IMC) Adam Garvin presented a holistic overview of the committees, explaining that this review stemmed from Goal #3 set during the Council's August 28th goal-setting session to "review recruitment strategies and guidelines for committees. He noted that this was the first comprehensive review of committees since the strategic plan process in 2017-2018. The presentation covered three types of committees: state-required committees (established by Oregon Revised Statutes), council-required committees (established by resolution), and code-required committees (established by ordinance).

Mr. Garvin led the Council through each committee, requesting council discussion and direction for each committee.

Budget Committee

Mr. Garvin explained that the Budget Committee consists of seven community members at large plus the City Council members. The committee makes recommendations to the Council on the budget as required by law.

Finance Director Katie Henry clarified that while the presentation slide suggested having "training meetings earlier in the year," what was actually planned was a work session in January to discuss presentations, taxing authority, and review the first half of the current fiscal year. This would be in addition to the already-scheduled budget meeting calendar that had been previously discussed.

Councilor Payne sought clarification on the nature of the training, and Director Henry explained it would be more of a work session format to bring potential new committee members up to speed on the city's budget process

Historic Landmarks Committee

Mr. Garvin presented that this is a 5-member committee overseen by Associate Planner Matthew Deppe, with statutory date requirements including a 30-day window for decisions.

Councilor Cunningham expressed concern about the suggestion to potentially fold this committee into the Planning Commission. Community Development Director Heather Richards explained that the Historic Landmarks Committee is one of only two committees making quasi-judicial decisions for the city, with members possessing specialized skill sets in historic preservation, building design, and McMinnville history. She noted that the city participates in a Certified Local Government grant program that requires committee members with appropriate expertise, and that adding this workload to the already busy Planning Commission would require extensive training.

The Council expressed support for keeping the Historic Landmarks Committee as a separate entity, with Councilor Geary suggesting that reviewing the Planning Department's work plan might help ensure appropriate staff hours are dedicated to this committee.

Planning Commission

The Planning Commission was described as having the heaviest workload of all committees, with nine members (at least two from each ward). The commission typically meets twice monthly, though some meetings are canceled when not needed. The recommendation was to maintain the current structure due to the volume and complexity of their work.

Audit Committee

The Audit Committee, consisting of two council members and one budget committee member, was discussed at length. Ms. Henry expressed her personal preference for having the entire Council serve as the audit committee, noting her preference to give her audit report to only a few councilors. Several councilors expressed support for bringing audit committee functions to the full Council for a one-year trial. Mayor Morris directed the Interim City Manager to provide more information about the cost implications of this change before making a final decision.

McMinnville Urban Renewal Advisory Committee (MURAC)

The Council discussed MURAC's meeting schedule and agreed to formalize that their required quarterly meetings should occur during the first month of each quarter (January, April, July, October), while still allowing for additional monthly meetings as needed. The committee expressed a preference for maintaining monthly meeting holds on their calendars.

Airport Advisory Committee

Airport Manager John Paskell recommended changing from bimonthly to quarterly meetings (January, April, July, October), with special called meetings as needed. Councilor Tucholsky, who serves on this committee, supported this recommendation, noting that the group is responsive to calling special meetings when necessary. The Council reached consensus on this change.

Affordable Housing Committee

The Council discussed the current structure of the Affordable Housing Committee. Ms. Richards explained that the committee initially began as a task force in 2016, comprised primarily of housing providers, but evolved to include more general community members to address potential conflicts of interest when reviewing program applications from the providers themselves.

Council President Peralta expressed concern about the committee potentially moving away from collaborative problem-solving with service providers toward broader civic engagement. Ms. Richards explained that it's a balance of maintaining expertise while avoiding situations where committee members must recuse themselves from decisions. The Council requested more information about this committee be brought back at a future meeting.

Diversity, Equity, and Inclusion Advisory Committee (DEIAC)

The Council engaged in extensive discussion about the future of the DEIAC. Communications & Engagement Manager Noelle Amaya explained the committee's accomplishments, including serving as the project advisory committee for the PROS Plan, contributing to the boards and commissions policy, supporting public cultural celebrations, and participating in the organizational assessment.

Council's opinion was divided on whether to maintain the committee or bring its functions in-house. Councilor Chenoweth expressed concern about potential impacts on federal grant funding for downtown improvements. Council President Peralta argued for maintaining the committee, possibly with a name change, noting its importance for community representation. Mayor Morris indicated support for bringing functions in-house.

Due to the split opinions and time constraints, this topic was flagged for further discussion at a future meeting.

Economic Vitality Leadership Council (EVLC)

The Council briefly discussed the EVLC committee, which was formed during the strategic planning process. There was consensus to remove term limits for organizational representatives on this committee.

Landscape Review Committee

The final committee discussed was the Landscape Review Committee. Director Richards explained that there had been some confusion about recent changes to the committee's role regarding clear and objective standards. She clarified that the intent was to have the committee focus on more complex projects rather than those that simply meet minimum standards, noting that the committee had recently held a two-hour meeting to discuss these changes.

Several councilors expressed concern about the committee's role being diminished. Mayor Morris suggested this topic needed further discussion but indicated that additional communication might be preferable to another work session

3. ADJOURNMENT: Mayor Morris adjourned the meeting at 7:07 p.m.

_____

Claudia Cisneros, City Recorder

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SPECIAL CALLED CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, November 12, 2025, at 7:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Scott Burke

Councilors:	Present	Absent
	Sal Peralta, Council President	
	Zack Geary (via Zoom)	
	Chris Chenoweth	
	Jessica Payne	
	Scott Cunningham	
	Dan Tucholsky	

Also present were Interim City Manager Adam Garvin, City Attorney David Ligtenberg, Community Development Director Heather Richards, Finance Director Katie Henry, Information Technology Director Scott Burke, Public Works Director Geoff Hunsaker, Human Resources Director Vicki Hedges, Court Supervisor Jason Carbajal, Aquatic Center Manager Josh Reusser, Adult Services Manager Courtney Terry, Communications & Engagement Manager Noelle Amaya (via Zoom), Planning Manager David Berniker (via Zoom), and *members of the News Media – Kyle Dauterman McMinnville Community Media.*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 7:12 p.m. and welcomed all in attendance.

   The Mayor announced that the executive session planned for after the council meeting would not take place and would be taken off the agenda.

2. PLEDGE OF ALLEGIANCE

   Mayor Morris led the Pledge of Allegiance.

3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT: Mayor Morris invited the public to comment.

   Sidonie Winfield, McMinnville Community Member, spoke in support of maintaining city committees, noting their importance in filtering information and providing specialized expertise to bodies like the Planning Commission. She specifically advocated for maintaining the DEI committee, emphasizing its role in providing a window into the community and supporting cultural events

Michael Burr, McMinnville Community Member, representing the social justice team at McMinnville First Baptist Church, spoke in support of maintaining the DEI committee, describing diversity, equity and inclusion as core principles of democracy. He noted that many businesses maintain or expand their DEI budgets, emphasizing that promoting equity, justice, and inclusion isn't just ethically sound, it's also smart for both business and public policy

4. ADVICE/ INFORMATION ITEMS

4.a. Reports from Councilors on Committee & Board Assignments

Councilor Cunningham reported that none of his committees had met, but he attended the Veterans Day parade.

Councilor Chenoweth reported on the EVLC meeting, which discussed an upcoming government forum planned for January or February.

Council President Peralta noted that the Council of Governments would not meet until the 26th, and the Planning Commission did not meet.

Mayor Morris reported on numerous activities including interviews for a new Water and Light Commissioner, a quarterly meeting with interim Superintendent Kourtney Ferrua, meetings with Linfield University representatives about potential real estate projects, attended the Landscape Review Committee meeting, attended the city-county dinner hosted by Newberg, attended the Veterans Day parade, had a meeting with County Commissioner Kit Johnston, met with a community member regarding resource centers for the homeless community, and speaking to the Chamber of Commerce leadership class.

Councilor Geary reported that MURAC met, swore in a new Committee member and received updates on RB Rubber, on the Third Street improvement plan and downtown master plan, which are experiencing delays. He also attended the Veterans Day parade.

Councilor Payne reported on the Landscape Review Committee meeting.

Councilor Tucholsky reported on the airport committee meeting, noting several improvements in progress including a 57,000-dollar grant application, a new capital improvement plan submitted to the FAA, an RFP for fixed base operator services being drafted, and a review of lease agreements.

4.b. Department Head Reports

HR Director Vicki Hedges reported that her department had completed open enrollment and would be processing the data for the first time, taking over this function from Finance.

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Public Works Director Geoff Hunsaker noted ongoing leaf removal operations and work on finalizing the wastewater master plan. He also mentioned that the upcoming work session would focus on the proposed CIP prioritization process.

IT Director Scott Burke reported on work with partners on the municipal court software upgrade, training for the police records software project, and discussions about technology upgrades for the council chamber.

Finance Director Katie Henry reported on closing out the first quarter, launching the budget process, and working with auditors. She also mentioned an open RFP for new auditors with responses due by December 16th.

Court Supervisor Jason Carbajal reported on the court software upgrade project and noted that a new staff member would be starting on November 17th. He also mentioned an increase in dog-related cases and jail lodgings.

Community Development Director Heather Richards provided updates on the southwest area plan, including a joint work session planned for December 17th and a community design workshop scheduled for January 24th. She also mentioned the Planning Commission's heavy workload for December 18th with five public hearings scheduled.

City Attorney David Ligtenberg thanked those who had covered during his absence and provided an update on a dog case involving wolf dogs, noting that two remaining dogs would be rehomed with Cooper's Kennel.

Library Adult Services Manager Courtney Terry reported on successful teen programming at the library, including a popular monthly teen game night that recently attracted 45 middle and high school students. She also noted upcoming events including a craft fair on December 6th and staff completion of QPR (Question, Persuade, Refer) suicide prevention training.

Aquatic Center Manager Josh Reusser reported on swim season for the high school starting at the aquatic center, popular teen nights, and upcoming Winter Fun events from December 15th to January 3rd. He also highlighted free programs at the senior center.

Interim City Manager Adam Garvin provided a communications update and noted progress on council goals, including the committee review presented during the work session.

4.c. September 2025 Cash and Investment Report (in packet)

The Cash and Investment Report was included in the meeting packet. No discussion occurred.

4.d. FY2025-26 1st Quarter Finance Report (in packet)

Councilor Cunningham inquired about building licenses and permits revenue being down 44 percent. Director Henry confirmed that permitting was down

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throughout the county, consistent with budget projections. She also offered to provide more detailed notes in future reports.

5. CONSENT AGENDA

a. Consider **Resolution No. 2025-62:** A Resolution appointing a volunteer to the Planning Commission.
b. Consider the request from El Torito Supermarket LLC. for Off-Premises Sales, OLCC Liquor License located at 1621 NE Baker St.

Councilor Chenoweth MOVED to adopt the consent agenda as presented; SECONDED by Councilor Geary

AYE: Councilors Geary, Cunningham, Tucholsky, Chenoweth, Payne, Peralta
NAY: NONE

*The consent agenda has **PASSED** unanimously by a vote of **6-0**.*

Mayor Morris noted that Abigail Neilan was the volunteer appointed to the Planning Commission.

6. RESOLUTION

6.a. Consider **Resolution No. 2025-63:** A Resolution authorizing the City Manager to execute a contract for Municipal Court Software with Tyler Technologies, Inc.

Councilor Chenoweth MOVED to approve Resolution No. 2025-63; authorizing the City Manager to execute a contract for Municipal Court Software with Tyler Technologies, Inc; SECONDED by Councilor Payne.

AYE: Councilors Geary, Cunningham, Tucholsky, Chenoweth, Payne, Peralta
NAY: None

*Resolution No. 2025-63 **PASSED** unanimously by a vote of **6-0**.*

7. ADJOURNMENT: Mayor Morris adjourned the meeting at 8:05 p.m.

_____
Claudia Cisneros, City Recorder

DRAFT

CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, November 19, 2025 at 6:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Sal Peralta, Council President	
	Zack Geary	
	Chris Chenoweth	
	Jessica Payne	
	Scott Cunningham	
	Dan Tucholsky	

Also present were Interim City Manager Adam Garvin, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Chief of Police Cord Wood, Human Resources Director Vicki Hedges, Public Works Director Geoff Hunsaker, City Engineer James Lofton, Community Development Director Heather Richards, Finance Director Katie Henry, and Finance Services Administrator-Budget Crystal Wooldridge, *members of the News Media – Kyle Dauterman McMinnville Community Media.*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 6:00 p.m. and welcomed all in attendance.

2. CAPITAL IMPROVEMENT PLAN (CIP) PRIORITIZATION PROCESS:

Public Works Director Geoff Hunsaker presented a PowerPoint presentation regarding the Capital Improvement Plan (CIP) prioritization framework to the Council. He explained that this framework had been in development since he started working for the city two years ago and was now being implemented for this year's budget process.

Mr. Hunsaker outlined several reasons why a prioritization framework was needed, including growing infrastructure needs across the United States, finite financial and staffing resources, and the current lack of a formalized process for prioritizing projects. He noted that the city's current wastewater plan was nearly 20 years old, and emphasized that the CIP should be updated annually since five-year plans rarely proceed exactly as projected.

The framework's goals included ensuring transparency with the community about why certain projects were chosen, developing a clear and repeatable process that would last beyond current staff and Council members,

improving grant competitiveness by gathering necessary data ahead of time, and facilitating cross-department integration in the planning process.

Mr. Hunsaker defined CIP projects as major public improvements with a 10+ year life span, typically costing over $100,000. He clarified that routine maintenance, even if occasionally exceeding $100,000, would not be part of the CIP. He explained that projects enter the pipeline through various means including adopted master plans, condition assessments, regulatory mandates, community engagement, and Council direction.

He proposed eight scoring categories for evaluating CIP projects:

1. Maintenance responsibility
2. Partnership and project coordination
3. Health and safety
4. Community engagement
5. Socioeconomic considerations
6. Economic vitality
7. Resiliency
8. Livability and connectivity

He explained that subject matter experts would score projects in their respective areas of expertise, creating an objective scoring system. The Council's primary role would be determining the weighting of these categories to reflect community priorities, which could be adjusted over time as needs change.

Council members provided feedback on category preferences with several expressing that maintenance responsibility (addressing deferred maintenance) and health and safety should be top priorities. There was discussion about whether all eight categories were necessary, with some councilors suggesting fewer categories might be more manageable long-term, while others felt the comprehensive approach would better position the city for grant opportunities. There were questions about how regulatory mandates would be handled, with Mr. Hunsaker explaining they would typically fall under health and safety considerations but would be clearly identified as required projects regardless of their score.

Finance Director Katie Henry emphasized the importance of having a robust CIP process for future funding decisions, noting that the framework would need to account for 20-30 year planning horizons for major infrastructure. She explained this was essential for determining appropriate utility rates and preparing for large future expenditures.

Hunsaker outlined the implementation timeline, proposing to begin with facilities projects this fiscal year, followed by parks and wastewater in the next fiscal year, and streets and stormwater thereafter. He noted that training

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for staff would be relatively straightforward, requiring about 4 hours total, as the documents are designed to be self-explanatory.

The Council expressed interest in receiving regular updates on smaller maintenance projects (under $100,000) that have been completed, acknowledging the importance of demonstrating progress on maintenance issues to the public. Interim City Manager Garvin indicated they would find ways to provide this information to the Council.

3. ADJOURNMENT: Mayor Morris adjourned the meeting at 7:17 p.m.

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Claudia Cisneros, City Recorder

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CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, December 09, 2025 at 5:30 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Sal Peralta, Council President	
	Zack Geary	
	Chris Chenoweth (@ 5:45pm)	
	Jessica Payne	
	Scott Cunningham	
	Dan Tucholsky	

Also present were Interim City Manager Adam Garvin, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Chief of Police Cord Wood, Public Works Director Geoff Hunsaker, Library Director / Parks & Recreation Director Jenny Berg, Human Resources Director Vicki Hedges, Information Technology Director Scott Burke, City Engineer James Lofton, Finance Director Katie Henry, Planning Manager David Berniker, Police Captain Scott Fesler and *members of the News Media – Phil Guzzo McMinnville Community Media.*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 5:35 p.m. and welcomed all in attendance.

2. LONG-RANGE PLANNING WORK PLAN

Community Development Director Heather Richards, gave a comprehensive presentation on the long-range planning work program, a 5-year strategic plan that includes a more detailed 2-3 year work plan.

Ms. Richards explained that the plan was originally developed in 2017 to catch up and keep up with long-range planning goals in McMinnville. It is led by the Community Development Department but involves many other city departments. While it has been discussed during budget sessions and work sessions, it has not been formally adopted by City Council.

The plan is managed through annual prioritization with the City Manager, Planning Commission, and relevant departments. In 2021, the city developed an internal master planning work group to coordinate updates to various master plans following the UGB amendment, including wastewater, water, parks, and transportation system plans. In 2024, a more layered prioritization process was implemented to balance limited resources against increasing state mandates.

Richards showed various planning documents including:

- The original 2017 assessment spreadsheet that established the blueprint for budget requests
- The 5-year work plan divided between long-range planning efforts, comprehensive plan amendments, and zoning ordinance amendments
- A deeper prioritization framework that aligns projects with city strategic goals and state mandates

She explained how staff resources are allocated to projects:

- Project managers (typically 0.2-0.3 FTE per project)
- Project management team members (0.05-0.1 FTE)
- Technical advisory committee members (0.05 FTE)

Richards highlighted the "disruptors" that have impacted the work plan:

- New state mandates with pressing deadlines, particularly housing-related requirements
- Challenges when projects are appealed after city decisions
- Staff capacity issues and transitions in both planning and engineering

She presented the projects completed since 2017, noting major accomplishments like the UGB amendment, Great Neighborhood Principles, residential site and design standards, and the Fox Ridge Road area plan.

Ms. Richards explained the presentation materials prepared for Council, using color coding to indicate project status (red for completed projects, yellow for those to be completed by Q1 2026, green for underway projects, and blue for not yet started). She noted that of 21 total projects, 5 have been completed, 6 more will be completed by March 2026, 1 was removed, leaving 9 projects still in progress or needing to start.

Ms. Richards focused on two key projects that have not yet started:

- Transportation System Plan (TSP) update - required by state law after a UGB amendment, budgeted at $500,000
- Downtown Master Plan update - identified by MURAC as a priority, budgeted at $350,000

She recommended starting the TSP immediately and beginning the Downtown Master Plan in Q2 2026, allowing six months between the two large planning efforts.

During Council discussion, questions arose about the capacity of the department and who should lead the TSP update. Councilor Geary expressed preference for having the TSP be an engineering-led effort. Ms. Richards and Public Works Director Hunsaker explained that both departments would need to be heavily involved regardless of which department leads.

The Council provided direction to move forward with the TSP update immediately, with Interim City Manager (ICM) Garvin determining who

should lead it and manage the budget. The Council also agreed that new requests should go through the ICM and Council leadership for initial vetting before coming to the full Council for approval. They requested quarterly updates using the color-coded chart format, with notes about any significant disruptions.

3. ADJOURNMENT: Mayor Morris adjourned the meeting at 6:46 p.m.

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Claudia Cisneros, City Recorder

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CITY OF McMINNVILLE
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the
Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, December 09, 2025, at 7:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	Present	Absent
	Sal Peralta, Council President	
	Zack Geary	
	Chris Chenoweth	
	Jessica Payne	
	Scott Cunningham	
	Dan Tucholsky	

Also present were Interim City Manager Adam Garvin, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Chief of Police Cord Wood, Public Works Director Geoff Hunsaker, Library Director / Parks & Recreation Director Jenny Berg, Human Resources Director Vicki Hedges, Information Technology Director Scott Burke, City Engineer James Lofton, Finance Director Katie Henry, Planning Manager David Berniker, Police Captain Scott Fesler, Police Captain Dan O'Laughlin, Senior Planner Taylor Graybehl, Communications & Engagement Manager Noelle Amaya and *members of the News Media – Phil Guzzo McMinnville Community Media.*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 7:00 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE

Mayor Morris, led the Pledge of Allegiance.

3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT: Mayor Morris invited the public to comment.

City Recorder Claudia Cisneros, noted for the record the four additional emails for public comment already emailed to the City Council and will be made part of the amended packet posted tomorrow.

Stacey Mayhew, McMinnville Community Member, thanked the Council and Mayor for their service, Visit McMinnville for organizing city cleanup efforts, and the Mayor and Interim City Manager for their clarifying

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statement about ICE activity. She urged the Council to reject any declaration that blurs lines between local and federal authority.

Fabiola Alcantar, McMinnville Community Member, spoke about the fear experienced by people of color during recent ICE activities, sharing personal concerns for her family despite being U.S. citizens. She asked how the city will protect residents wrongfully detained and requested answers about law enforcement's role.

Dayna Gilbert (via Zoom), McMinnville Community Member, asked questions about whether McMinnville Police would respond to 911 calls regarding ICE approaches, whether city leadership had met with Unidos Bridging Community, and whether they had contacted the Oregon Attorney General for guidance.

Miriam Vargas Corona, Executive Director of Unidos Bridging Community, detailed observations of ICE activities on November 21, 2025, including unmarked vehicles, aggressive tactics, and the targeting of minors. She invited the Mayor and city leadership to ongoing communication to address public safety concerns.

Alyson Larkin read a statement from Abraham Romo, a 17-year-old high school senior, expressing fear in his community and asking for safety and protection for Latino residents.

Ximena Van Dyke, McMinnville Community Member, spoke regarding the proposed recreation center bond, expressing concerns about transparency and requesting more details on the facility components and associated costs. She asked for expanded time at the town hall meeting for questions.

Miriam Peterson read a letter from a concerned grandmother disturbed by the detention of a minor U.S. citizen and requested that MacPD verify identities of ICE agents and develop protection plans for residents.

Caitlin Nemeth, McMinnville Community Member, expressed disappointment with the city's response, urging the mayor and council to affirm values of inclusion and to partner with Unidos to support immigrant community members.

Andy Phillips, McMinnville Community Member, shared personal observations of ICE activity, including license plate swapping, reckless driving, and breaking windows, asking the council to stand up for community members.

Following public comments, Mayor Morris read a statement jointly prepared with Council President Peralta.

4. NEW BUSINESS (Action Item)

4.a. McMinnville Water and Light Commission Appointment

Mayor Morris recommended the appointment of John Johnson for a 4-year term expiring December 31, 2029.

Councilor Chenoweth MOVED to approve the appointment of John Johnson for a 4-year term expiring December 31, 2029; SECONDED by Councilor Payne

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

*Motion **PASSED** unanimously by a vote of 6**-0**.*

5. ADVICE/ INFORMATION ITEMS

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

Communications & Engagement Manager Noelle Amaya provided a social media update, reporting significant year-to-date improvements across all platforms, including increases in content interactions (189%), link clicks (199%), page visits (39%), and follows (260%) on Facebook. She reminded the Council about ongoing recruitments for the Airport Commission, Historic Landmarks Committee, Landscape Review Committee, and Diversity Equity and Inclusion Advisory Committee ending December 31. She announced a rent burden community meeting scheduled for December 10th.

Police Chief Cord Wood reported on hiring progress, noting one Officer continuing his academy training and another Officer hired on December 1st and would go to the police academy in January. The department hosted its first compressed hiring event, resulting in background offers to four candidates. He also highlighted the department's "Shop with a Cop" event at Walmart, where officers accompanied over 50 kids shopping, and the beard fundraiser that raised nearly $900 for Juliet's House.

Library Director / Parks & Recreation Director Jenny Berg reported increasing attendance and participation in sports and recreation activities, with 258 players registered for youth basketball and a new coed sixth-grade team with 15 participants. She noted ongoing maintenance issues at the community center and aquatic center, including problems with doors, toilets, and HVAC systems. She also highlighted collaborations between the library, parks and recreation, and the senior center, including a poetry night at the senior center art gallery.

Public Works Director Geoff Hunsaker reported that the engineering team was reviewing six proposals from consultants for the Northeast Gateway sewer project. He provided an update on the historical wall damaged in a traffic accident on Star Mill Way, noting that materials had been collected and stored while plans for proper restoration are being developed. He also

reported on river levels, noting that the South Yamhill River was at 33 feet and projected to reach about 44 feet, approaching but not yet reaching flood stage.

Human Resources Director Vicki Hedges thanked the McMinnville Police Association for their collaboration during bargaining, noting that the contract was before the Council this evening. She mentioned work on modifying the paid leave Oregon plan through the state, which would result in savings for the city.

Information Systems Director Scott Burke reported on WiFi upgrades being deployed throughout city buildings and several major software projects underway, including court software, finance, and the police department's RMS (records management system) rollout. He mentioned pre-budget work to get software quoted for the January budget cycle.

City Recorder Claudia Cisneros announced upcoming meetings, including a joint work session with the Planning Commission on December 17, and noted that the December 23 meeting was canceled. City offices would be closed December 25 for Christmas and January 1 for New Year's, with the first Council meeting of 2026 scheduled for January 13th.

Councilor Cunningham apologized for missing some committee meetings due to technical issues with his calendar. He reported on the Historic Landmarks Committee's work on updating the approval process for demolition of historic resources, which would eventually come before the Council. Also surveyed local businesses regarding economic impacts of recent immigration enforcement, finding that Latino-owned businesses were experiencing devastating losses of 30-50% of their business.

Councilor Chenoweth reported on the Mid-Willamette Area Commission on Transportation (MWAC) meeting held in McMinnville, which included updates on the bypass project. The estimated costs were now $250-300 million for section 2B and $170-200 million for section 3, totaling around $500 million to complete the entire project.

Council President Peralta reported on Council of Governments meetings, attended interviews for the Planning Commission vacancy, and attended a focus group with Unidos Bridging Community discussing a community business survey on the economic impacts of immigration enforcement on local businesses. Has had series of meetings between Mayor Morris, Interim City Manager Garvin, and himself regarding immigration enforcement.

Mayor Morris reported on sitting on several committee interviews, a meeting with Derek Price regarding ADUs and how project value triggers for sidewalks were making them unaffordable, participation in the suicide coalition through the county, attending the swearing-in of Officer Freeman, and meeting with Steve Scott of McMinnville Properties at Evergreen to discuss the hotel property and possible partnerships.

Councilor Geary reported on MURAC's meeting, highlighting the Third Street improvement project update regarding the $850,000 funding from Andrea Salinas and Walt Gowell's presentation on the history of the urban renewal area. He also provided updates from Visit McMinnville, noting that room night demand had dropped by 1.2% compared to October 2024, with hotel revenue falling by 3.4% year-over-year. The November TLT check was about $20,000 under the projected amount.

Councilor Payne reported that the Landscape Review Committee had met twice the previous week, that Lina Collins would continue service, and that there was still one opening on the committee. She mentioned the ADA Advisory Committee's first meeting on December 18, and that DEIAC would meet in two days.

Councilor Tucholsky reported attending the Santa parade and budget committee interviews, noting the significant number of extremely qualified candidates.

Finance Director Katie Henry reported that budget trainings had been launched for different departments, and that the promised software integration was finally moving forward with a consultant contract signed. Work on the audit was continuing, with auditors still confident it could be completed before year-end.

Community Development Director Heather Richards provided an update on the Star Mill Flume project, noting that a grant from the Certified Local Government grant program would support research on the Chinese settlement in McMinnville and historic sites. She also reported on attending the Oregon Business Leadership Summit with Jody Christensen and Heather Hadley Blank, where representatives from Business Oregon expressed interest in the McMinnville Landing Project.

Interim City Manager Adam Garvin provided updates on the Council's five highest priority goals:

1. Implementation of consistent customer service hours: Starting January 5, front-facing customer service counters of City Hall, the Police Department, and the CDC building would operate under the same lobby hours (7:30 AM to 5:30 PM, Monday through Thursday)
2. Review of recruitment strategies and guidelines for committees: Progress was reflected in the resolutions and ordinances on the evening's agenda
3. Development of a realistic work plan for planning: The first phase was addressed in the work session
4. Building the new pool and community center: Following the bond's narrow failure, meetings were being held with various stakeholders to determine next steps
5. Review of park and rec SDC fees on non-residential projects: This would come before the Council in the next calendar year

Garvin also mentioned meetings with Steve Scott regarding the hotel site, also attended the focus group with Unidos Bridging Community and other local leaders and stakeholders regarding the immigration impact on local businesses and is hoping for the survey to go out to Yamhill County businesses in January. Lastly, met with staff from Radius Recycling (formerly Cascade Steel) and others to talk about State policies and impacts.

6. CONSENT AGENDA

a. Consider **Resolution No. 2025-64:** A Resolution appointing volunteers to the City's Boards, Commissions, and Committees.
b. Consider **Resolution No. 2025-65:** A Resolution approving the issuance of the certificate for the canvass of the returns of the votes cast at the Special Election conducted on November 4, 2025, in regard to Measure 36-237 "Bonds to build Recreation Center; update parks, senior center, library."
c. Consider the request from Casteel Custom Bottling (Jon Ryslinge) for Warehouse, OLCC Liquor License located at 1575 NE Colvin Ct.
d. Consider the Draft Minutes of the October 14, 2025 Joint City Council & Planning Commission Work Session Meeting.
e. Consider the Draft Minutes of the October 14, 2025 City Council Regular Meeting.
f. Consider the Draft Minutes of the October 22, 2025 Joint City Council & Planning Commission Work Session Meeting.
g. Consider the Draft Minutes of the October 28, 2025 Joint City Council & Budget Committee Work Session Meeting.
h. Consider the Draft Minutes of the October 28, 2025 City Council Regular Meeting.
i. Consider **Resolution No. 2025-66:** A Resolution ratifying a collective bargaining agreement between the City of McMinnville and the McMinnville Police Association (MPA) for the period starting July 1, 2025 and ending June 30, 2028.
j. Consider **Resolution No. 2025-67:** A Resolution Amending Resolution 2007-05 to Increase the Number of City Councilors Serving on the Audit Committee from Two (2) to Three (3).
k. Consider the request from NAM LLC dba Spices N Slices (Birpal Johal) for Full On Premise – Commercial, OLCC Liquor License located at 328 NE Evans Street.

Councilor Cunningham acknowledged a potential conflict of interest with item k. on the agenda, but it is not an issue.

Councilor Geary MOVED to adopt the consent agenda as presented; SECONDED by Councilor Payne

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

*Motion **PASSED** unanimously by a vote of **6-0**.*

After a procedural correction, Councilor Tucholsky recused himself from voting on item 6i (Resolution 2025-66) due to his position with the McMinnville Police Department.

Corrected voting:

AYE: Councilors Cunningham, Chenoweth, Payne, Geary, Peralta
NAY: NONE
ABSTAIN: Councilor Tucholsky

*Motion **PASSED** unanimously by a vote of **5-0**.*

7. ORDINANCES

7.a. Consider the first reading with a possible 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.

Mayor Morris asked if any Councilor needed to declare any conflict of interest or recuse themselves. There was none.

No Councilor present requested that the Ordinance be read in full.

City Attorney David Ligtenberg read by title only Ordinance No. 5165.

City Manager Garvin explained that this ordinance was returning after the October vote that went 4-3 with the tiebreaker. He noted that there wasn't a clear desire to remove the administrative process from the November work session, but the revised ordinance included tighter guardrails around the administrative process. He indicated the Landscape Review Committee could address any remaining concerns in 2026.

*Councilor Payne MOVED to **pass** Ordinance No. 5165 to a second reading; SECONDED by Councilor Cunningham.*

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Peralta
NAY: Councilor Geary

*Ordinance No. 5165 **PASSED** by decent by a vote of **5-1** on it's first reading and will be brought back for a second reading on December 17, 2026 Special Called City Council Meeting.*

7.b. Consider the first reading with a possible second reading of **Ordinance No. 5166**: An Ordinance Approving a Zone Map Amendment from M-1 Zoning (Light Industrial) to M-2 (General Industrial) and a Conditional Use Permit

for Property of Approximately 9.00 Acres Located at 4150 NE Riverside Drive (Tax Lot R4414 01000), Docket ZC 1-25 and CU 1-25.

Mayor Morris asked if any Councilor needed to declare any conflict of interest or recuse themselves. There was none.

No Councilor present requested that the Ordinance be read in full.

City Attorney David Ligtenberg read by title only Ordinance No. 5166.

Planning Manager David Bernicker explained that the proposal sought approval for both a zone change and a conditional use permit to establish a composting facility. He noted that the Planning Commission had unanimously recommended approval (7-0). Senior Planner Taylor Graybehl presented the project details, explaining that the rezone was required because organic composting facilities are only permitted in M-2 zones. He described the existing conditions, noting that the site was in an industrial area, identified as industrial in the comprehensive plan, and adjacent to other M-2 zoned properties. He reported that no public testimony had been received when neighboring property owners were notified or at the Planning Commission hearing.

*Councilor Geary MOVED to **pass** Ordinance No. 5166 to a second reading; SECONDED by Councilor Tucholsky. Motion **PASSED** 6-0 by the following vote:*

AYE: Councilors Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta
NAY: NONE

City Attorney David Ligtenberg read by title only for a second time Ordinance No. 5166.

*Councilor Chenoweth MOVED to **adopt** Ordinance No. 5166, approving a Zone Map Amendment from M-1 Zoning (Light Industrial) to M-2 (General Industrial) and a Conditional Use Permit for Property of Approximately 9.00 Acres Located at 4150 NE Riverside Drive (Tax Lot R4414 01000), Docket ZC 1-25 and CU 1-2; SECONDED by Councilor Payne. Motion PASSED 6-0 by the following vote:*

AYE: Councilors Payne, Cunningham, Tucholsky, Chenoweth, Geary, Peralta
NAY: NONE

7.c. Consider the first reading with a possible second reading of **Ordinance No. 5167**: An Ordinance Amending Portions of Chapter 2.30 of the McMinnville Municipal Code, Specific to the McMinnville Economic Vitality Leadership Council.

Mayor Morris asked if any Councilor needed to declare any conflict of interest or recuse themselves. There was none.

No Councilor present requested that the Ordinance be read in full.

City Attorney David Ligtenberg read by title only Ordinance No. 5167.

Community Development Director Heather Richards explained that this ordinance resulted from discussions at the McMinnville Economic Vitality Leadership Council and the November 12 Council work session on committees. The change would remove terms and term limits for this particular council, as there is already natural rotation occurring, and some members need to stay longer due to the institutional knowledge required for economic development projects.

*Councilor Cunningham MOVED to **pass** Ordinance No. 5166 to a second reading; SECONDED by Councilor Payne. Motion **PASSED** 6-0 by the following vote:*

AYE: Councilors Payne, Cunningham, Tucholsky, Chenoweth, Geary, Peralta
NAY: NONE

*Motion **PASSED** unanimously by a vote of **6-0**.*

City Attorney David Ligtenberg read by title only for a second time Ordinance No. 5163.

*Councilor Chenoweth MOVED to **adopt** Ordinance No. 5156, Amending Portions of Chapter 2.30 of the McMinnville Municipal Code, Specific to the McMinnville Economic Vitality Leadership Council; SECONDED by Councilor Payne.*

AYE: Councilors Payne, Cunningham, Tucholsky, Chenoweth, Geary, Peralta
NAY: NONE

7. ADJOURNMENT: Mayor Morris adjourned the meeting at 8:56 p.m.

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Claudia Cisneros, City Recorder

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City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: **April 28, 2026**
TO: **Adam Garvin, City Manager**
SUBMITTED BY: **Heather Richards, Community Development Director**
SUBJECT: **Resolution No. 2026-19, Amendment #1 to Annexation Agreement, Tax Lot R4409CD00100**

1. *A Resolution authorizing the City Manager to sign Amendment #1 to the Annexation Agreement with Yamhill Soil and Water Conservation District (property owner) and MAC Multi LLC (buyer), for the future annexation of Tax Lot R4409CD00100 that was approved via Resolution No. 2025-51.*

Report in Brief:

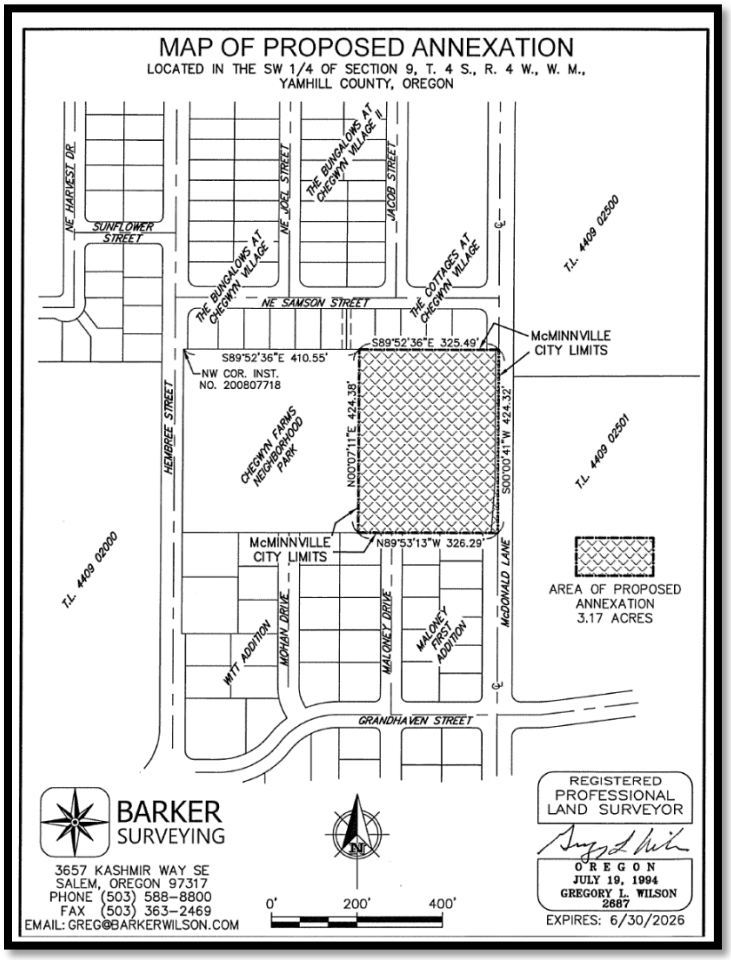
This is the consideration of Amendment #1 to the Annexation Agreement with Yamhill Soil and Water Conservation District and MAC Multi LLC for the future annexation of Tax Lot R4409CD00100 that was approved via Resolution No. 2025-51.

Yamhill Soil and Water Conservation District and MAC Multi LLC have requested an amendment to the annexation agreement to lock in the Parks System Development Charge (SDC) rates for fiscal year 2026/27. This would provide cost certainty for the development proposed in the concept plan, in light of the City's ongoing consideration of new Parks SDC rates that could increase per-unit charges by approximately 225 percent, resulting in an estimated $530,000 increase in total SDCs for the project.

Background:

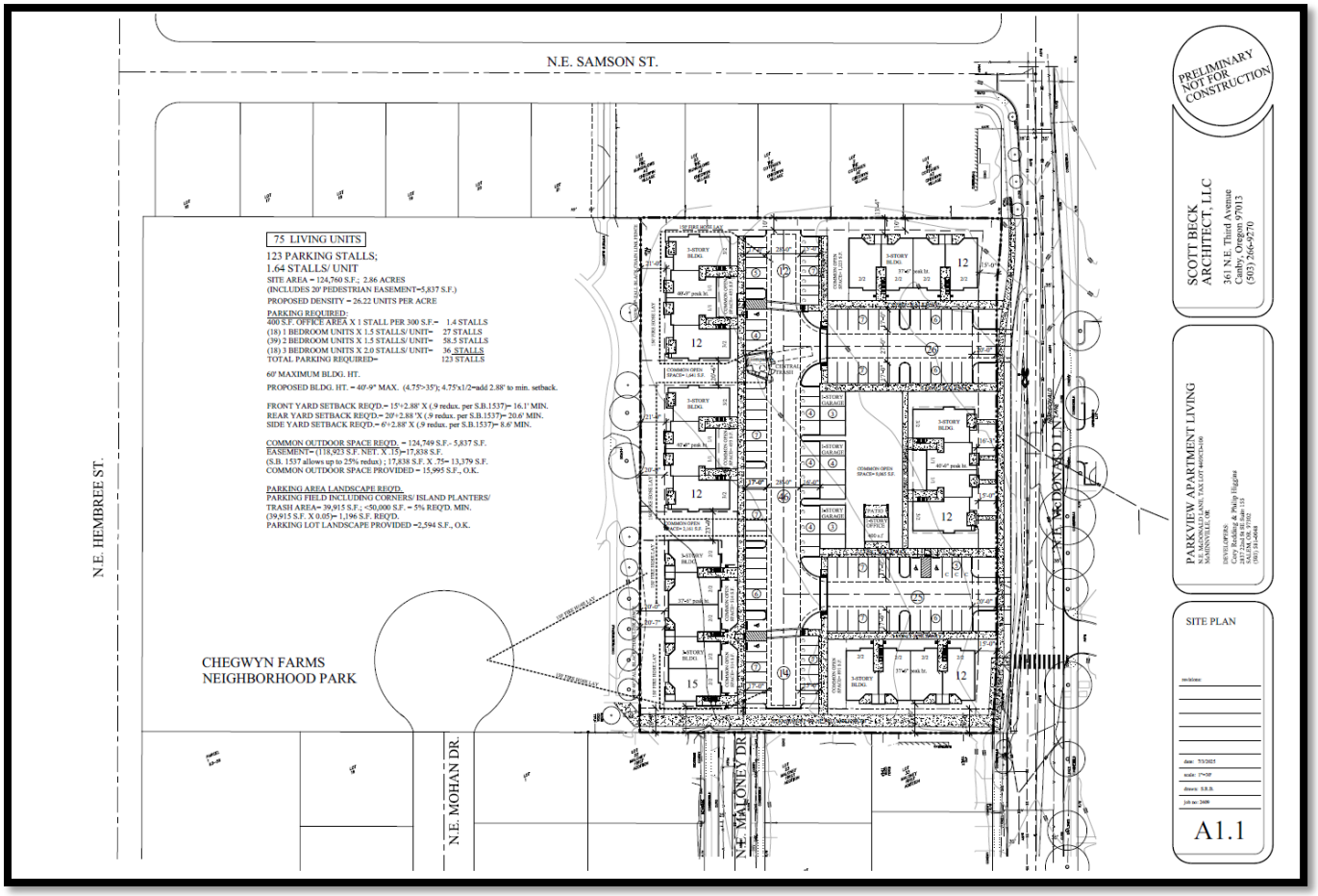
On October 14, 2025, the McMinnville City Council approved Resolution No. 2025-51, authorizing then Interim City Manager Adam Garvin to sign an Annexation Agreement with Yamhill Soil and Water Conservation District and MAC Multi LLC for the consideration of annexing Tax Lot R4409CD00100 into the McMinnville city limits for a multi-family development project.


NE Samson St
04600
04200
04500
10200
10400
10700
10900
18800
Subject Site
to be annexed
00100
02501
00300
00715
00700
00213
00714
00701
00201


MAP OF PROPOSED ANNEXATION
LOCATED IN THE SW 1/4 OF SECTION 9, T. 4 S., R. 4 W., W. M.,
YAMHILL COUNTY, OREGON
NE HARVEST DR
SUNFLOWER STREET
NE JOEL STREET
THE BUNGALOWS AT CHEGWYN VILLAGE II
JACOB STREET
THE BUNGALOWS AT CHEGWYN VILLAGE
THE COTTAGES AT CHEGWYN VILLAGE
NE SAMSON STREET
T.L. 4409 02500
S89°52'36"E 410.55'
NW COR. INST. NO. 200807718
S89°52'36"E 325.49'
McMINNVILLE CITY LIMITS
HEMBREE STREET
CHEGWYN FARMS NEIGHBORHOOD PARK
N00°07'11"E 424.35'
S00°00'41"W 424.32'
T.L. 4409 02501
T.L. 4409 02000
McMINNVILLE CITY LIMITS
N89°53'13"W 326.29'
AREA OF PROPOSED ANNEXATION
3.17 ACRES
MCDONALD LANE
MCMAN DRIVE
MALONEY DRIVE
MALONEY FIRST ADDITION
M I T ADDITION
GRANDHAVEN STREET
BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: GREG@BARKERWILSON.COM
0'
200'
400'
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 19, 1994
GREGORY L. WILSON
2887
EXPIRES: 6/30/2026

The developer, MAC Multi LLC, under contract for the subject property, is proposing to build a 75 unit market rate multifamily development consisting of 18 one-bedroom, 39 two-bedroom and 18 three-bedroom units.

Multi-Family Project Tentative Site Plan: *(Note this still needs to be officially reviewed for development compliance and is only being provided as a concept plan for the annexation agreement).*



On February 10, 2026, city staff conducted a work session with the City Council regarding a proposed Parks SDC methodology that would increase the current SDCs by 200 – 300%.

Representatives from MAC Multi LLC learned about the proposed new methodology and reached out to discuss how those proposed changes would impact their multifamily development, essentially impacting the development's proforma, and increasing the monthly rent for their units by $40 – 60 per month depending upon size.

On April 6, 2026, they submitted a letter requesting the ability to use the current Parks SDC methodology for their project and memorializing it in an amendment to the annexation agreement. (See Attachment 1).

Discussion:

The letter details the impact of the proposed Parks SDC methodology on their project and the basis of their request.

The proposed amendment language to the annexation agreement is to add Section 14:

14. **PARKS SDC RATES**: Notwithstanding any amendment to the City's Parks System Development Charge schedule adopted pursuant to or following the City Council's February 10, 2026 Parks SDC Methodology Work Session, the Parks System Development Charge applicable to all residential dwelling units constructed on the Property described in Exhibit 1 (R4409CD 00100) shall be calculated and assessed at the rate in effect immediately prior to the effective date of any such new methodology ordinance. Currently, the project is anticipated to submit for building permits in FY 26/27. Per the January 29, 2026 SDC Rate Memorandum by the McMinnville City Engineer, the Parks SDC rate for FY 26/27 effective July 1, 2026 is $3,088 per dwelling unit.

This rate lock shall apply to all building permits for the Property submitted within five (5) years of the effective date of this Agreement, subject to an annual adjustment per the January – January Engineering News Record Construction Index for Seattle, Washington.

This provision shall run with the land and shall be binding upon the City's successors and assigns pursuant to Section 10 of this Agreement.

Attachments:

1. Letter of Request from MAC Multi LLC, dated April 6, 2026
2. Letter of Support from Yamhill Soil and Water Conservation District
3. January 29, 2026, SDC Rates Update Memorandum from James Lofton, City Engineer
4. Resolution No. 2026-19
    a. Exhibit A: Annexation Agreement Amendment #1

Fiscal Impact:

Attachment 1 details the anticipated fiscal impact of the proposed Parks SDC Methodology highlighted at the February 10, 2026, City Council work session to the MAC Multi LLC multifamily project, culminating in approximately $530,000 additional development fees and a pass-through increase to the monthly rents of 40 - $60 per month. .

Since the City has not yet adopted a new Parks SDC methodology there is no current fiscal impact. However, if the proposed Parks SDC methodology was adopted as proposed and the amendment was approved, the City would collect $530,000 less of Parks SDCs from the development, assuming that the development would still move forward with the proposed SDC methodology.

This project is already in a developed area with established parks to serve the development.

Alternatives:

Alternative 1 [Staff Recommendation]: Approve Resolution No. 2026-19, with the proposed Annexation Agreement Amendment #1 language.

Alternative 2: Approve Resolution No. 2026-19 with an amended Annexation Agreement Amendment #1.

Alternative 3: Reject the attached resolution and do not lock in the existing Parks SDC methodology for the project associated with the annexation agreement.

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

April 6, 2026

Heather Richards
Community Development Director
City of McMinnville
231 NE Fifth Street
McMinnville, Oregon 97128

RE: Request to Amend Annexation Agreement — MAC Multi LLC / YSWCD (R4409CD 00100) — Lock-In of Current FY 26/27 Parks SDC Rate

Dear Director Richards,

We write on behalf of MAC Multi LLC, the buyer under contract for the property at R4409CD 00100 — a 3.17-acre infill parcel proposed for the Parkview Apartments: a 75-unit market-rate multifamily development consisting of 18 one-bedroom, 39 two-bedroom, and 18 three-bedroom units.

This letter formally requests that the City amend the Annexation Agreement executed November 24, 2025 (Resolution No. 2025-51) to lock in the Parks System Development Charge (SDC) rates in effect for fiscal year 26/27 as per the memo of January 29, 2026 just after the Agreement was signed and that this principle be applied consistently to all future annexation agreements, so that SDC rates in effect at execution govern the project through permit issuance.

Applying the City's proposed tiered Parks SDC rate schedule (Slide 15, February 10, 2026, Work Session) to the project's actual unit sizes at the FY 26/27 inflation-adjusted rate of $3,088/unit (January 29, 2026 SDC Rate Memorandum), the Parks SDC increases from **$231,600.00** to **$770,154.00** — an increase of **$538,554.00 (232.5%)**.

This increase materially undermines the financial viability of a workforce-scale rental project in a city the State of Oregon has designated severely rent-burdened for two consecutive years.

In practical terms, the SDC increase passes through directly to tenants as permanently higher base rent: the proposed increase adds approximately $43–$62 per month per unit, on top of rents that already exceed McMinnville's prevailing market average. Parkview's 2-bedroom units, for example, would require approximately $1,792/month — nearly $300 above the McMinnville market ceiling — making the project functionally un-rentable at market. The rent pass-through impact, owner subsidy period, and project viability analysis are detailed in Sections IV and V below.

I. Background — The Annexation Agreement and Reliance

The Annexation Agreement (Exhibit A to Resolution No. 2025-51) was executed November 24, 2025 between the City of McMinnville, Yamhill Soil and Water Conservation District (Owner), and Cory Redding, MAC Multi LLC (Buyer). The Agreement governs a 3.17-acre parcel in the SW ¼ of Section 9, T. 4 S., R. 4 W. — bounded by NE Samson Street, NE McDonald Lane, NE Maloney Drive, and NE Hembree Street, contiguous to Chegwyn Farms Neighborhood Park.

In exchange for annexation, MAC Multi LLC committed to:

- Pedestrian mid-block crossing on NE McDonald Lane (NE Grandhaven to NE Samson)
- 20-foot public utility easement and 10-foot concrete path to Chegwyn Park

- Vision-permeable fence along the west development line with 20-foot pedestrian opening at the park boundary
- Dedication of rights-of-way or easements for all planned Improvements identified in the City's Public Facilities Plan
- Half-street improvements on NE McDonald Lane and permanent termination of NE Maloney Drive
- Removal of all water rights from the property

These commitments were made in reliance on the Parks SDC rate in effect at execution: **$231,600.00 for 75 units** (at the FY 26/27 inflation-adjusted rate of $3,088/unit per the January 29, 2026 SDC Rate Memorandum — $122 lower than the $3,210/unit shown in the February 10, 2026 work session presentation). The Parks SDC work session occurred February 10, 2026 — ten weeks after the Agreement was signed.

II. Project Unit Mix and SDC Bracket Analysis

The Parkview Apartments consist of three unit types with the following actual square footages and corresponding SDC brackets per Slide 15 of the City's February 10, 2026, presentation. The current SDC rate used throughout this analysis is the FY 26/27 inflation-adjusted rate of $3,088/unit per the January 29, 2026, SDC Rate Memorandum — $122 lower than the $3,210/unit shown in Slide 16 of the February 10, 2026, presentation, and the lowest applicable rate prior to adoption of any new methodology ordinance:

Table 1. Parkview Apartments — Unit Mix, Actual Square Footage, and Proposed SDC Bracket

Unit Type	Sqft	Baths	Units	SDC Bracket (Slide 15)	Current SDC / Unit (City Slide 16)	Proposed SDC / Unit	Project Increase
1-Bedroom	750 sf	1	18	500–999 sf	**$3,088.00 (FY 26/27)**	$9,560.00	**$116,496.00**
2-Bedroom	**950 sf**	2	39	**500–999 sf**	**$3,088.00 (FY 26/27)**	**$9,560.00**	**$252,408.00**
3-Bedroom	1100 sf	2	18	1,000–1,999 sf	**$3,088.00 (FY 26/27)**	$12,513.00	**$169,650.00**
TOTAL				—	**$231,600.00**	**$770,154.00**	**$538,554.00 (+232.5%)**

Current rate: $3,088/unit per the January 29, 2026, SDC Rate Memorandum (FY 26/27 inflation-adjusted, effective January 2026) — $122 lower than the $3,210/unit shown in the February 10, 2026, work session presentation (Slide 16). We request the lower rate. Proposed rates per Slide 15.

Critical Finding: 39 Two-Bedroom Units (950 sf) Are 50 Square Feet Below the Bracket Threshold

The Parkview two-bedroom units are 950 square feet — placing them in the 500–999 sf bracket at $9,560, the same rate as the 1-bedroom units. They are 50 square feet below the 1,000 sf threshold that would move them to the $12,513 bracket.

Had the project designed 2BR units at 1,000 sf — a common Oregon apartment standard — the project would face $115,167 in additional Parks SDC exposure (39 units × $2,953).

The SDC bracket structure creates a significant pricing cliff at 1,000 sf that does not align with typical market-rate design practice and is not addressed in the City's presentation.

III. The Market Ceiling Problem — Rents Were Already Strained at Current SDC Rates

A critical dimension of this request that the City must understand: the Parkview Apartments' pro forma rents are already above McMinnville's prevailing market rents — even at the current Parks SDC rate.

The project requires above-market rents simply to achieve the yield-on-cost threshold that makes construction financeable. The proposed SDC increase widens that gap further, pushing required rents to levels McMinnville's renter households demonstrably cannot support.

Table 2. Pro Forma Rents vs. McMinnville Market — Before and After SDC Increase

Unit Type	# Units	McMinnville Avg. Market Rent	Park View Pro Forma Rent	Pro Forma vs. Market (Current SDC)	Required Rent After SDC Increase (7%/30yr)	Above Market
1-Bedroom	18	~$1,350.00/mo	$1,450.00/mo	**+$100.00/mo above market**	**$1,492.53/mo**	**+$142.53**
2-Bedroom	39	~$1,500.00/mo	$1,750.00/mo	**+$250.00/mo above market**	**$1,792.53/mo**	**+$292.53**
3-Bedroom	18	~$1,800.00/mo	$2,000.00/mo	**+$200.00/mo above market**	**$2,061.94/mo**	**+$261.94**

Market Rent Source: McMinnville avg. rents, Apartments.com / Rent.com / city-cited data (2025). The SDC increase further widens an already-untenable gap between required rents and what McMinnville households can afford.

At the **current** SDC rate, our 2-bedroom units already require $1,750/month — approximately $250 above the McMinnville market average of ~$1,500/month for a 2-bedroom. The project needs those above-market rents to pencil at current SDC rates. The proposed increase adds another $42.53/month on top, pushing the required 2-bedroom rent to **$1,792.53/month — nearly $300 above market ceiling.**

This is not a matter of developer preference. It is an arithmetic consequence of development economics in a market where construction costs, financing costs, and land acquisition costs have

all risen substantially — while McMinnville's renter incomes have not. McMinnville has been designated severely rent-burdened precisely because market rents already exceed what working households can afford. The proposed SDC increase compounds a documented affordability crisis, not a theoretical one.

The implication for the City is direct: when required rents exceed market ceiling, projects do not get built. The City does not collect a reduced SDC — it collects **$0 from every category simultaneously** for every project that cannot pencil.

The Parkview Apartments represent exactly the type of marginal project — workforce rents, constrained market — that disappears first when fees cross the viability threshold.

IV. Rent Pass-Through — How the SDC Increase Affects Tenants

For projects that do proceed under the proposed SDC, the increased cost flows directly through to tenants via permanently higher base rent — with no end date and no equity return:

Table 3. Monthly Rent Pass-Through — Parkview Apartments (Based on FY 26/27 Rate of $3,088/Unit)

Unit Type	Sqft	# Units	Pro Forma Rent	SDC Increase / Unit (vs. $3,088 FY 26/27)	Monthly Rent + (7%/30-yr Debt Svc)	Monthly Rent + (9.5% YOC)
1-Bedroom	750 sf	18	$1,450.00/mo	$6,472.00	**+$42.53/mo (+2.9% of rent)**	**+$51.24/mo**
2-Bedroom	950 sf	39	$1,750.00/mo	$6,472.00	**+$42.53/mo (+2.4% of rent)**	**+$51.24/mo**
3-Bedroom	1100 sf	18	$2,000.00/mo	$9,425.00	**+$61.94/mo (+3.1% of rent)**	**+$74.61/mo**
Project Monthly Rent Gap — All 75 Units					**$3,539/mo · $42,470/yr**	**$4,264/mo · $51,162/yr**

A 1-bedroom at $1,450/month and a 2-bedroom at $1,750/month serve McMinnville's working households — manufacturing employees, service workers, and retail staff. The SDC pass-through of $43–$62/month is permanent, irrecoverable, and lands on households that are already cost-burdened before any increase.

The asymmetry with homeownership is structural: a buyer's SDC obligation ends at month 360 and accrues equity; the renter pays indefinitely and builds nothing.

V. Owner Subsidy Period

The rent pass-through above does not recover the SDC cost immediately. Market rents grow slowly, and until base rents rise enough to cover the pass-through, owners absorb the shortfall from operating cash flow — while every other cost line (insurance, maintenance, taxes) is also rising:

Table 4. Owner Subsidy Period — Parkview Apartments

Unit Type	# Units	Pass-Through Needed	Yrs to Recover (1%/yr — Most Likely)	Yrs to Recover (2%/yr)	Yrs to Recover (3%/yr)	Aggregate Subsidy / Unit (1%/yr)
1-Bedroom	18	+$42.53/mo	**3 years**	2 years	1 year	**$497.02**
2-Bedroom	39	+$42.53/mo	**3 years**	2 years	1 year	**$388.66**
3-Bedroom	18	+$61.94/mo	**4 years**	2 years	1 year	**$780.14**
Total Project Aggregate (75 units, 1%/yr rent growth — Most Likely Scenario)						**~$38,147**

Aggregate subsidy = sum of monthly shortfalls across each subsidized year. All other costs held constant — a conservative assumption.

In the most likely scenario (1%/yr rent growth), the project absorbs approximately **$38,147 in aggregate operating shortfall** before rents cover the pass-through — across all 75 units, with all other costs constant. A project that cannot underwrite at day-one rents is shelved. A shelved project contributes $0 in Parks SDC, $0 in all other SDC categories, and $0 in permanent property tax base.

VI. Grounds for Amendment

1. **Material Change Not Disclosed at Execution.**
   The Annexation Agreement was executed November 24, 2025. The Parks SDC methodology overhaul was presented February 10, 2026 — ten weeks later. The 232.5% fee increase was not disclosed or foreseeable at signing. Basic contract principles entitle a party to perform under the fee environment in effect when the agreement was entered.
2. **Substantial Infrastructure Commitments Made in Exchange.**
   MAC Multi LLC committed to pedestrian infrastructure, park connectivity, land dedications, and right-of-way improvements with concrete public value — all in reliance on a $231,600.00 Parks SDC obligation. Imposing $538,554.00 in retroactive fees while holding the project to those obligations is inequitable.
3. **Alignment with HB 4006 Housing Production Obligations.**
   McMinnville's severely rent-burdened designation requires an affirmative Housing Production Strategy. The Parkview Apartments directly address that obligation with workforce-scale rents ($1,450–$2,000/month). A retroactive fee increase that makes the project infeasible — while the Agreement's infrastructure obligations remain intact — is directly contrary to the City's state-mandated housing production goals.

VII. Project Timeline

The following timeline documents the sequence of events leading to this request, demonstrating MAC Multi LLC's good-faith reliance on the SDC rate environment in effect at the time of annexation and the City's subsequent introduction of a materially different Parks SDC methodology:

Pre-Application & Annexation

December 3, 2024 — Pre-application meeting with City staff.

December 4, 2024 – September 5, 2025 — Sanitary sewer analysis completed in support of annexation application.

February 27, 2025 – March 4, 2025 — Annexation application submitted to the City.

October 14, 2025 — City Council approves annexation.

December 3, 2025 — City emails regarding Traffic Impact Analysis (TIA) requirement for Zone Change application.

December 5, 2025 — Cory Redding records Annexation Agreement.

February 17, 2026 — City provides recorded copy of Annexation Agreement to applicant.

Parks SDC Development

February 10, 2026 — City Council Parks SDC Methodology Work Session. Proposed tiered rate structure presented for the first time — ten weeks after execution of the Annexation Agreement. This is the event that triggered the proposed Parks SDC increase now at issue: a 232.5% increase over the FY 26/27 rate established by the January 29, 2026, SDC Rate Memorandum.

Original Schedule vs. Actual Schedule — The Cost of Process Delay

MAC Multi LLC prepared a preliminary project schedule at the outset of engagement (Version 1, "Preliminary Schedule v1") and has maintained a running updated schedule throughout the entitlement process (Version 10, "Preliminary Schedule v10," current as of this letter). The contrast between the two documents is offered not as a criticism of City staff, who have worked diligently within an adopted process, but as evidence that the entitlement process itself creates structural delays that directly compound McMinnville's housing shortage.

Version 1 — Original Hoped-For Schedule (October 2024 – June 2025, ~9 months):

The original schedule anticipated a streamlined 9-month path from pre-application through building permit — annexation, zone change amendment, and tentative partition plat completed sequentially within a single calendar year. Under this schedule, the Parkview Apartments would have broken ground in mid-2025, well ahead of the Parks SDC methodology overhaul introduced in February 2026. The SDC rate dispute at the center of this letter would not exist.

Version 10 — Current Actual Schedule (September 2024 – August 2027, ~3 years):

The current schedule reflects a project that has grown to span nearly three years before a single unit is delivered. The primary drivers of this expansion are not applicant-caused delays — they are structural requirements of the entitlement process that emerged sequentially, each one gating the next:

Sanitary Sewer Analysis (December 2024 – September 2025 — 9 months): Not anticipated in the original schedule, this single analysis consumed as much calendar time as the entire original project timeline. It was not triggered by project complexity or applicant error — it was a sequential process dependency that could not begin until pre-application was complete and could not be resolved in parallel with other workstreams. The analysis was critical given the City's proposed new Sanitary Master Plan and if the project could be financially feasible or not.

Annexation Agreement Coordination (March – October 2025 — 7 months): Negotiating, drafting, circulating for signatures, and scheduling the City Council review on the Annexation Agreement required seven months from submission to Council approval. The Agreement was recorded December 5, 2025 — fourteen months after the original schedule's anticipated project completion date and nearly a full year behind the original plan. The Annexation Agreement was necessary to understand conditions of approval and exactions on the project financial feasibility and integration into the proposed Zone Change application.

Transportation Planning Rule Analysis (December 2025 – March 2026 — 4 months): A Traffic Impact Analysis (TIA) requirement identified via City email on December 3, 2025, added a further four-month analytical phase before the Zone Change application could be

submitted — a submission that remains pending as of the date of this letter. Initially the TIA was intended to occur later in the review process and be submitted at the time of building permits.

The net result: a project approximately twelve months behind its original schedule through no fault of City staff and no failure of the applicant — entirely as a consequence of a process that is sequential, inefficient, and unable to absorb parallel workstreams.

The Parkview Apartments represent one project. Multiplied across every infill and multi-family project in McMinnville's pipeline, process-driven delays of this magnitude represent thousands of units deferred, delayed, or abandoned — each one a compounding contributor to the rent burden the State of Oregon has formally documented.

A more nimble and concurrent entitlement process — one where sewer analysis, annexation agreement negotiation, and zone change preparation could proceed in parallel rather than in sequence — would have delivered this project to permit-ready status in 2025. Workforce housing units that could today be housing McMinnville's working families remain unbuilt.

The request to lock in SDC rates at the time of annexation is one specific and limited corrective measure. The broader lesson of this schedule comparison is that process reform is itself a housing policy: a municipality that requires 12 to 18 months to execute an annexation agreement cannot meaningfully address a rent burden crisis that compounds every month housing is withheld from the market.

VIII. Proposed Amendment Language

We propose the following addition to the Annexation Agreement. The language anchors to the FY 26/27 inflation-adjusted rate of $3,088/unit established by the January 29, 2026, SDC Rate Memorandum — the lowest rate in effect prior to adoption of any new methodology ordinance — and avoids any ambiguity over indexed adjustments. It applies only to the Parks SDC on this parcel:

PROPOSED AMENDMENT — Annexation Agreement R4409CD 00100

MAC Multi LLC / YSWCD · Exhibit A to Resolution No. 2025-51 · Amendment No. 1

Section [__] — Parks SDC Rate Lock

Notwithstanding any amendment to the City's Parks System Development Charge schedule adopted pursuant to or following the City Council's February 10, 2026 Parks SDC Methodology Work Session, the Parks System Development Charge applicable to all residential dwelling units constructed on the Property described in Exhibit 1 (R4409CD 00100) shall be calculated and assessed at the rate in effect immediately prior to the effective date of any such new methodology ordinance — which the January 29, 2026 SDC Rate Memorandum establishes as $3,088 per dwelling unit (FY 26/27 inflation-adjusted rate, effective January 2026) — $122 lower than the $3,210/unit shown in the February 10, 2026 work session presentation Slide 16.

This rate lock shall apply to all building permits for the Property submitted within five (5) years of the effective date of this Agreement, shall not be subject to any new bracket-based or methodology-based adjustment, and shall survive any inflation indexing applied after the effective date of this Agreement. This provision shall run with the land and shall be binding upon the City's successors and assigns pursuant to Section 10 of this Agreement.

[Standard amendment provisions: mutual written consent per Section 5; notarization; effective date; recitals. All other terms of Resolution No. 2025-51 remain in full force and effect.]

Note on Rate Anchor Strategy

The proposed amendment language is anchored to the January 29, 2026 SDC Rate Memorandum figure of $3,088/unit (FY 26/27 inflation-adjusted rate) — not to the $3,210/unit shown in the February 10, 2026 work session presentation (Slide 16), and not to the November 24, 2025 execution date. This approach uses the City's own definition of the 'current' rate, already incorporating any January 2026 index adjustment, and avoids any dispute over which indexed rate was in effect at execution.

By anchoring to the lower FY 26/27 rate, we ask for the minimum relief justified by the City's own published schedule. The amendment asks only that the project be exempt from the new capital-cost-driven methodology — not from the normal annual indexing that the January 29, 2026 memo already applies.

IX. Requested Next Steps — Due by April 8, 2026

We respectfully request the following before April 8, 2026:

- Confirm receipt of this request and identify the assigned staff contact
- Advise on the procedural path for amendment under Section 5 of the Agreement
- Confirm the applicable Parks SDC rate as $3,088/unit (FY 26/27 per the January 29, 2026, SDC Rate Memorandum) for incorporation into the amendment language
- Advise whether the proposed amendment language is acceptable or requires revision
- Identify any additional documentation required — full pro forma is available on request

We are available to meet with staff before the April 8 deadline and are prepared to execute the amendment at the earliest opportunity.

X. Conclusion

The Parkview Apartments are a 75-unit workforce housing project that required above-market rents simply to pencil at the existing SDC rate. The proposed Parks SDC increase — a **232.5% addition** of **$538,554.00** over the FY 26/27 baseline — does not merely make the project more expensive. It breaks the financial model for a project that was already operating at the margin of feasibility in a severely rent-burdened market.

The amendment we propose is narrow, grounded in the City's own numbers, and consistent with the City's state-mandated housing production obligations. Parks should be funded. We do not oppose parks. We oppose a retroactive methodology overhaul that destroys the financial basis of commitments already made — in a city the State of Oregon has formally designated as failing its renters.

Respectfully submitted,

Cory Redding
MAC Multi LLC
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(503) 581-4488
credding@cdredding.com

Philip Higgins
MAC Multi LLC
2837 22nd St SE
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503-793-9039
Phiggins@pacificcrestrea.com

cc:

- Adam Garvin, City Manager, City of McMinnville
- McMinnville City Council (all members)
- David Ligtenberg, City Attorney

Enclosures:

1. Annexation Agreement (Res. 2025-51)
2. January 29, 2026 SDC Memorandum
3. Parks SDC Methodology Presentation (Feb. 10, 2026, Slides 15–16)
4. Preliminary Schedule v1
5. Preliminary Schedule v10

EXHIBIT A to Resolution No. 2025-51

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK

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$56.00 $10.00 $20.00 $11.00 $60.00

After Recording Return To:

City of McMinnville
220 NE Second Street
McMinnville, OR 97128

ANNEXATION AGREEMENT

This Annexation Agreement is made and entered into this 24 day of November, 2025 by and between the City of McMinnville, Oregon, an Oregon municipal corporation (hereinafter "City") and Yamhill Soil and Water Conservation District (hereinafter "Owner"), and Cory Redding, MAC Multi LLC (hereinafter "Buyer").

W I T N E S S E T H

WHEREAS, Owner is the record owner of the property legally described on Exhibit 1 attached hereto and incorporated herein (hereinafter referred to as the "Property"); and

WHEREAS, Buyer has the property under contract to purchase to develop a multi-dwelling development; and

WHEREAS, the Property is within the City's urban growth boundary, contiguous to the currently existing City limits, and is proposed to be annexed to the City; and

WHEREAS, Owner desires to have the Property annexed to the City; and

WHEREAS, Owner will submit a petition for annexation and provide the City with all required consents for annexation; and

WHEREAS, the City is willing to consider annexation of the Property on the terms and conditions, and subject to the provisions, of this Agreement; and

WHEREAS, the City will apply urban zoning upon the successful completion and approval of a land use application for a Zone Map Amendment; and

WHEREAS, the City and Owner desire to enter into this Agreement to regulate the annexation, zoning, use and development of the Property; and

WHEREAS, should a property owner who chooses not to execute the Annexation Agreement, refuses to grant a right-of-way and/or easement across his or her property in accordance with the City's Public Facilities Plans, the City may institute condemnation proceedings to effectuate such right-of-way and/or easement, or modify the Public Facilities Plans to bypass the property, in order to accommodate the orderly construction of the public infrastructure; and

WHEREAS, Council will consider this annexation agreement on October 14, 2025.

NOW, THEREFORE, in consideration of the representations, promises and mutual covenants contained herein, the City and Owner agree as follows:

1. **RECITALS:** The foregoing recitals are incorporated herein as is fully set forth in this Section.

2. **ANNEXATION**

a. City agrees that it will initiate an ordinance annexing the Property into the City once the following conditions are met:

1. All required consents have been received by the City. (See McMinnville Municipal Code (MMC) 16.20.020 for a list of required consents.)

2. A signed Annexation Agreement has been received by the City.

3. The Owner has received a final unappealed land-use approval for city zoning on the property.

b. This agreement is void if the Property is not annexed to the City of McMinnville within five years after the effective date of this Agreement and after the City's receipt of all required consents.

c. Owner may terminate this Agreement by serving written notice to the City no less than 60 days prior to the effective date of the termination. The notice must be received by the City at least 60 days prior to the public hearings for council consideration of the annexation. If the City receives such notice, this Agreement terminates as of the effective date of the notice. After the annexation ordinance is adopted by the City, this Agreement may only be terminated or amended by written consent of the Owner and City. Pursuant to this Agreement, the City agrees that an annexation ordinance will be considered by the McMinnville City Council; however, the City cannot guarantee that the annexation ordinance will be adopted by the City Council.

3. **COMPREHENSIVE PLAN/ZONING**: Prior to the development and annexation of the property, the Owner is required to complete a land-use application for a zoning map amendment for the property in compliance with the McMinnville Comprehensive Plan and McMinnville Zoning Ordinance. Upon successful annexation and a Zone Map Amendment adoption, the City will apply the Zoning designation identified in the land-use application to the property.

4. **DEVELOPMENT:** Owner agrees as follows:

a. Owner shall waive and shall not assert any claim against the City that may now exist or that may accrue through the date of annexation of the Property that it may claim due to its ownership of the Property. This includes any claim arising out of any land use regulation or under Measure 37 (ORS 197.352), Measure 49, and Measure 56 (ORS 227.186).

b. Owner agrees that any development of the property will comply with the City's Zoning Ordinance as it exists now or is later amended. In addition, the development of the Property shall comply with the applicable approved land-use decisions for the property and will incorporate and follow the City's Great Neighborhood Principles as found in the McMinnville Comprehensive Plan and McMinnville Zoning Ordinance as applicable. The Community Development Director or Hearings Body shall determine the applicability of the Great Neighborhood Principles to the subject property as necessary. All development must also comply with federal, state and city regulations.

c. Owner agrees that it will, without any cost to the City, dedicate the necessary rights-of-way or easements for all Planned Improvements identified in the City's Public Facilities Plan and that will be necessary for the development of the property. The Public Facilities Plan includes the Wastewater Conveyance Plan, Water Master Plan, Transportation System Plan, and Parks and Recreation Plan.

All public rights-of-way to be dedicated shall be free and clear of all encumbrances or other restrictions that may interfere with their intended public use.

d. Required frontage improvements will include up to a half street improvement and restriping along NE McDonald Lane and minor improvements to permanently terminate NE Maloney Drive. Right-of-way dedication, any necessary easement vacations, and frontage improvements are subject to review and approval by the City Engineer.

e. Owner agrees to construct a pedestrian mid-block crossing on NE McDonald Lane between NE Grandhaven Street and NE Samson Street. Design and location to be reviewed and approved by the City Engineer and will need to include the installation or replacement of the receiving ramp on the east side of NE McDonald Lane.

f. Owner/Buyer agrees to provide connectivity from the pedestrian crossing at NE McDonald Lane with the stubbed out path on the south end of Chegwyn Park by dedicating a twenty (20) foot public utility easement (PUE) to the City and constructing a ten (10) foot concrete path within the PUE. The path should avoid vehicular/parking lot crossings and conflicts, and the two remaining five (5) feet of buffer on either side of the concrete path within the PUE shall be planted, irrigated and maintained.

This pedestrian path should also provide connectivity to the existing sidewalks along NE Maloney Drive and a connection to the mid-block crossing on NE McDonald Drive required in Section 4(d) of this Agreement.

Path will be subject to design review and approval of the City Engineer.

Owner/Buyer agrees to construct a four to six (6) foot tall fence on the subject site between the Chegwyn Park and the development, with the only opening being twenty (20) feet wide at the path entrance. The fence must be constructed in a way that provides a physical barrier but allows clear visibility through the fence,

such as a vertical bar fence. This will be subject to the approval of the Parks and Recreation Director.

g. Owner shall remove all water rights from Property, unless partial use is otherwise approved by the McMinnville City Council.

h. Owner agrees to not remonstrate against the formation of a local improvement district or reimbursement district created for the purpose of funding public improvements that will serve the Property. This waiver applies to the Property until all utility service and all required infrastructure that will service or benefit the Property is completed and accepted by City. When all of the necessary improvements are completed and accepted by the City, the remonstrance for the local improvement district is terminated.

5. **AMENDMENT:** This Agreement and any exhibits attached hereto may be amended only by the mutual written consent of both parties.

6. **SEVERABILITY:** If any provision, covenant or portion of this Agreement or its application to any person, entity, property or portion of property is held invalid, or if any ordinance or resolution adopted pursuant to this Agreement or its application to any person, entity, property or portion of property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement or other ordinances or resolutions passed pursuant hereto, and to that end, all provisions, covenants, and portions of this Agreement and of the ordinances and resolutions adopted pursuant hereto are declared to be severable.

7. **NO WAIVER OF RIGHT TO ENFORCE AGREEMENT:** Failure of any party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

8. **ENTIRE AGREEMENT:** This Agreement supersedes all prior agreements, negotiations and exhibits and is a full integration of the entire agreement of the parties relating to the subject matter hereof. The parties shall have no obligations other than specifically stated in this Agreement except those of general applicability.

9. **SURVIVAL:** The provisions contained in this Agreement shall survive the annexation of the property and shall not be merged or expunged by the annexation of the property or any part thereof to the City.

10. **SUCCESSORS AND ASSIGNS:** This Agreement shall run with the land described on Exhibit B and inure to the benefit of, and be binding upon, the successors in title of the Owners and their respective successors, grantees, lessees, and assigns, and upon successor corporate authorities of the City and successor municipalities.

11. **TERM OF AGREEMENT**: This Agreement shall be binding upon the parties and their respective successors and assigns for the full statutory term of twenty (20) years, commencing as of the date of this Agreement unless superseded by Section 2.b of this Agreement.

12. **ENFORCEMENT:** Owner agrees that if it fails to perform as required under this Agreement, the City Council may, at the City Council's option, refuse to process any development application submitted for the Property or include as conditions of approval any requirement of this Agreement. Owner hereby waives any claim regarding such conditions of approval, whether to LUBA or to any state or federal court.

13. **ATTORNEY FEES:** In any proceeding to enforce, apply or interpret this Agreement, each party shall bear its own attorneys' fees and costs.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the date first above written.

CITY

Adam Garvin, Interim City Manager
City of McMinnville

OWNER

Barbara Boyer, Chair of YSWCD
Yamhill Soil and Water Conservation District

BUYER

Cory Redding, MAC Multi LLC

Claudia Cisneros

Claudia Cisneros, City Recorder

SEE ATTACHED NOTARIAL CERTIFICATE

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this 4th day of November, 2025 by Adam Garvin, Interim City Manager, on behalf of the City of McMinnville, who acknowledged that he had authority to sign on behalf of the City of McMinnville and this instrument to be the City's voluntary act and deed.

OFFICIAL STAMP
CLAUDIA CISNEROS
NOTARY PUBLIC - OREGON
COMMISSION NO. 1031977
MY COMMISSION EXPIRES JANUARY 5, 2027

Claudia Cisneros
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this 24th day of November, 2025 by Barbara Boyer, owner of the property at R4409CD00100, who acknowledged this instrument to be his/her voluntary act and deed.

OFFICIAL STAMP
PEGGY LYNN HOWD
NOTARY PUBLIC - OREGON
COMMISSION NO. 1020150
MY COMMISSION EXPIRES JANUARY 05, 2026

Howd
Notary Public for Oregon

EXHIBIT 1:

Legal Description of the Property to Be Annexed:

A tract of land situated in the southwest one-quarter of Section 9, Township 4 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

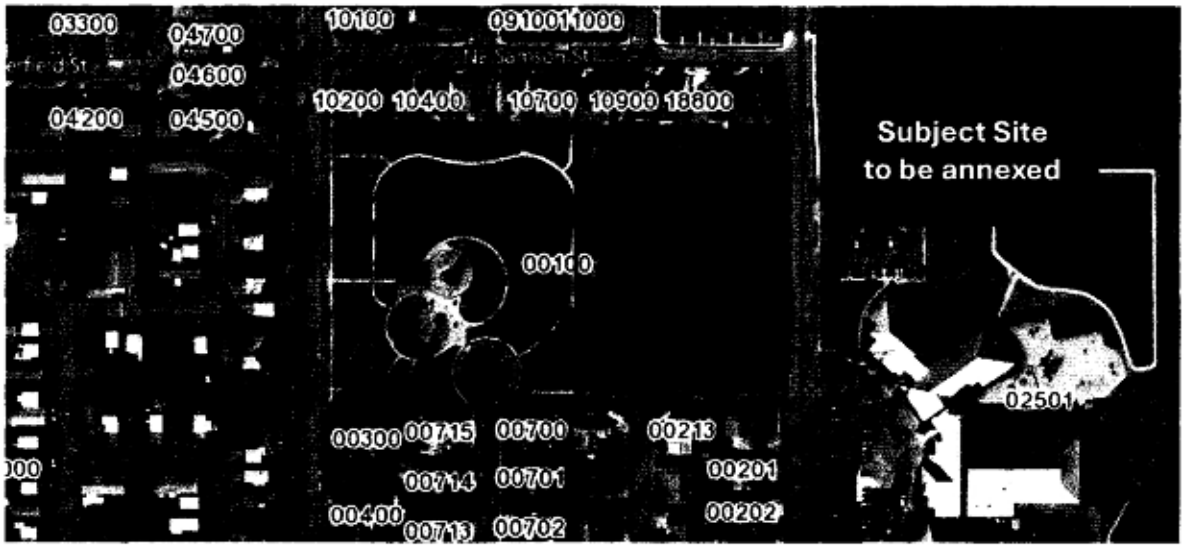
Beginning at a point on the north line of that property described in Instrument No. 200807718, Yamhill County Deed Records, said point bears South 89°52'36" East 410.55 feet from the northwest corner of said property; and running thence:
South 89°52'36" East 325.49 feet along the north line of said property to the northeast corner thereof, said point being on the centerline of McDonald Lane;
thence South 00°00'41" West 424.32 feet along said centerline to the southeast corner of said property;
thence leaving said centerline, North 89°53'13" West 326.29 feet along the south line of said property;
thence leaving said south line, North 00°07'11" East 424.38 feet to the Point of Beginning, containing 3.17 acres of land, more or less.

Bearings are based on the Oregon Coordinate Reference System (OCRS) Salem Zone, referenced to NAD83 (2011), Epoch 2010.00.

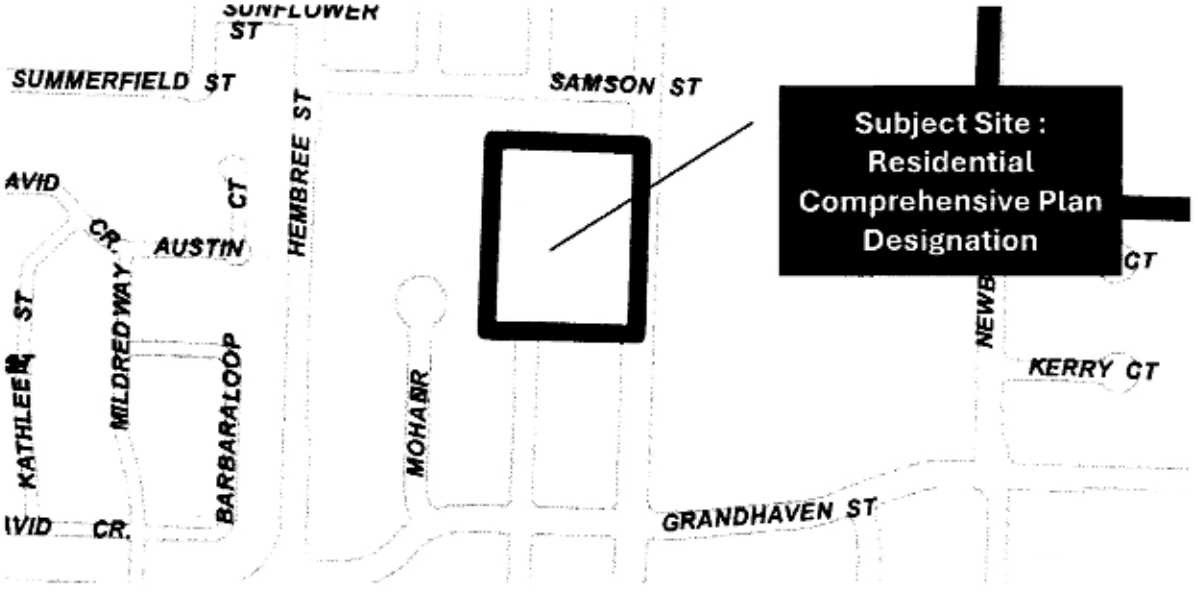
EXHIBIT 2:

Maps of Subject Site:

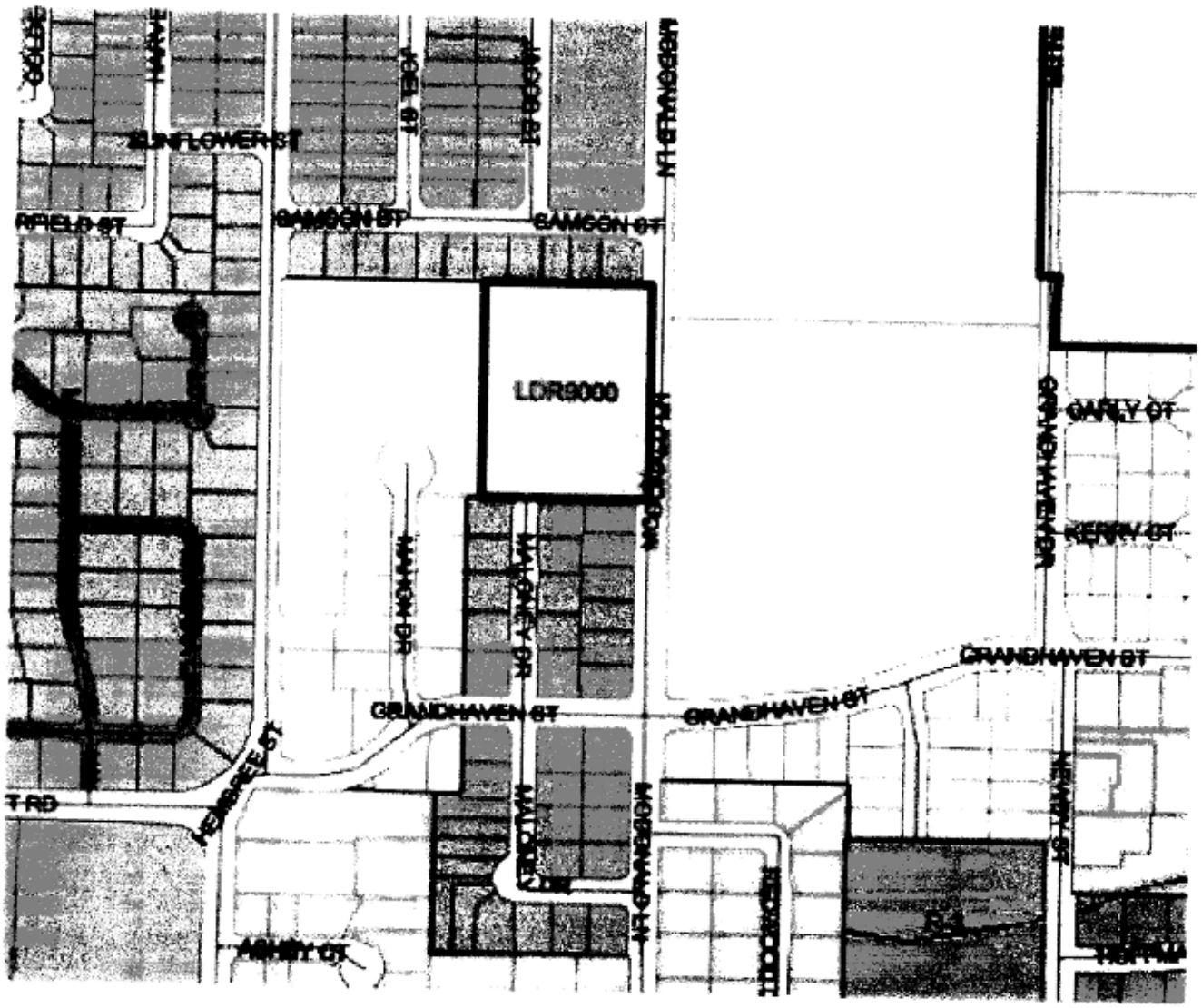
Aerial of Subject Site:



Comprehensive Plan Designation of Subject Site:



Vicinity Map:



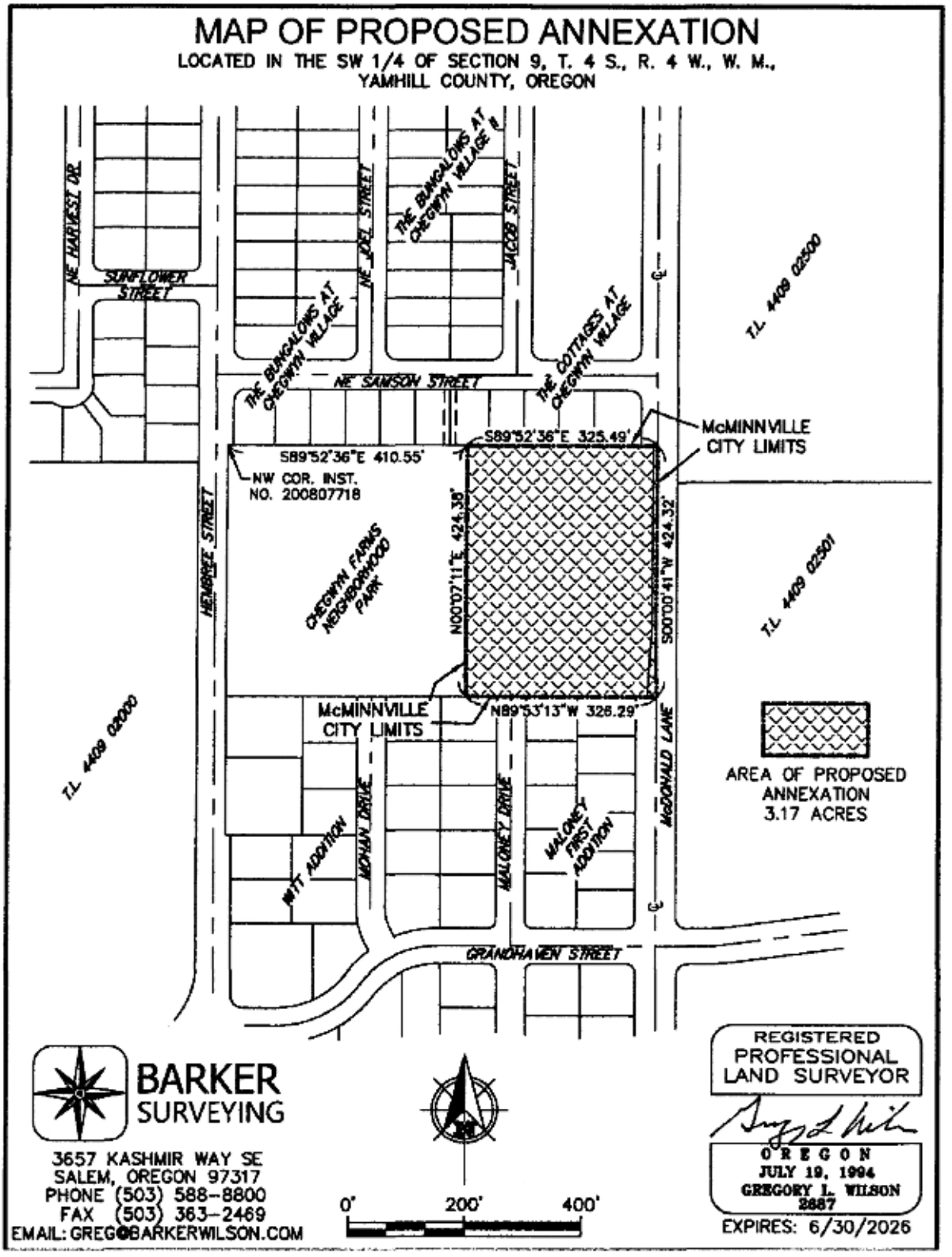
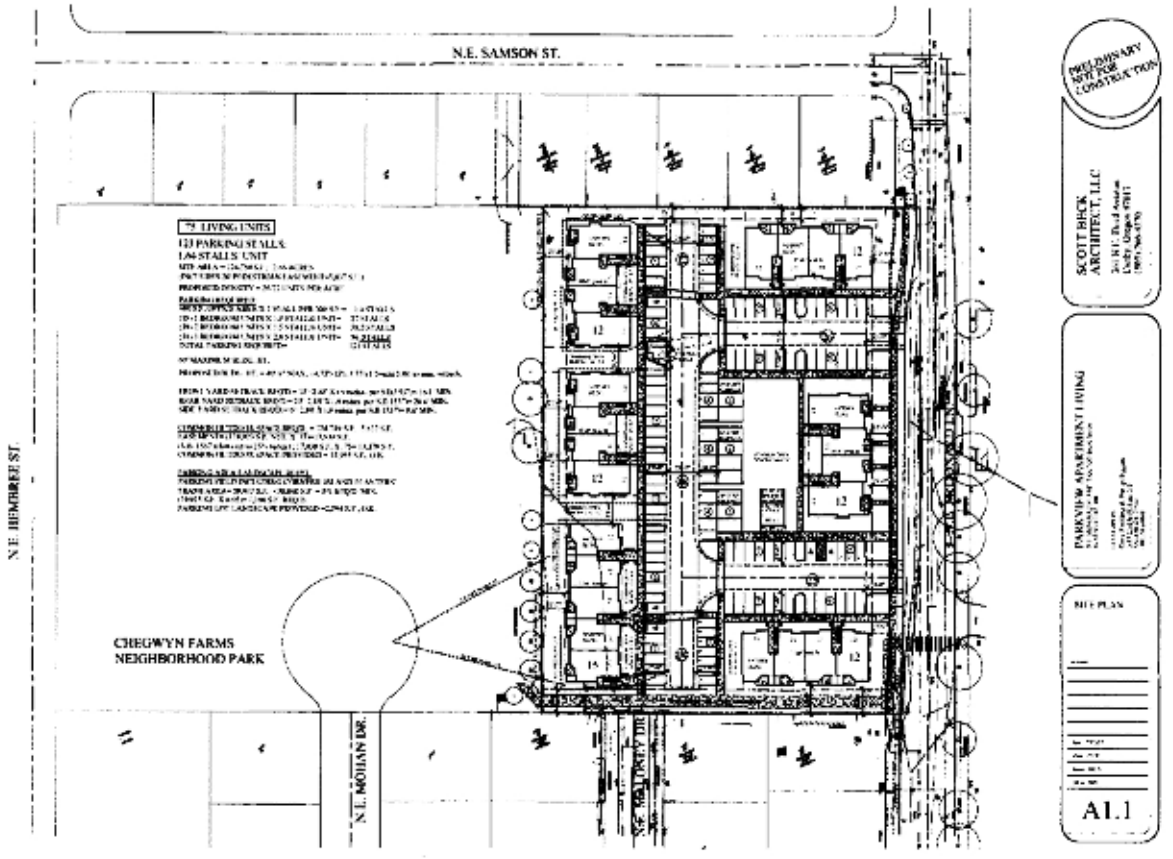

MAP OF PROPOSED ANNEXATION
LOCATED IN THE SW 1/4 OF SECTION 9, T. 4 S., R. 4 W., W. M.,
YAMHILL COUNTY, OREGON
NE HARVEST DR.
SUNFLOWER STREET
NE JOEL STREET
THE BUNGALOWS AT CHEGWYN VILLAGE
JACOB STREET
THE COTTAGES AT CHEGWYN VILLAGE
T.L. 4409 02500
NE SAMSON STREET
S89°52'36"E 325.49'
McMINNVILLE CITY LIMITS
S89°52'36"E 410.55'
NW COR. INST. NO. 200807718
HEMBREE STREET
CHEGWYN FARMS NEIGHBORHOOD PARK
N00°07'11"E 424.38'
S00°00'41"W 424.32'
T.L. 4409 02501
T.L. 4409 02000
McMINNVILLE CITY LIMITS
N89°53'13"W 326.29'
McDONALD LANE
AREA OF PROPOSED ANNEXATION
3.17 ACRES
WITT ADDITION
MOHAN DRIVE
MALONEY DRIVE
MALONEY FIRST ADDITION
GRANDHAVEN STREET
BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: GREG@BARKERWILSON.COM
0' 200' 400'
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 19, 1994
GREGORY L. WILSON
2887
EXPIRES: 6/30/2026

EXHIBIT 3:

Proposed Development Plan of Subject Site:



City of McMinnville
PUBLIC WORKS

City of McMinnville
Public Works Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

MEMO

DATE: January 29th, 2026
TO: Adam Garvan, City Manager
CC: Heather Richards, Community Development Director
Geoff Hunsaker, Public Works Director
FROM: James Lofton, City Engineer
SUBJECT: SDC Rates Update

Report in Brief:

This memo establishes revised System Development Charges (SDCs) pertaining to parks and recreation, sanitary sewer, and transportation and replaces all previous SDC rate memos.

Background & Discussion:

Chapter 3.10 of the Municipal Code, as adopted by Ordinance No. 4980 on June 10th, 2014, includes provisions for imposing sanitary sewer, transportation, and parks and recreation system development charges (SDCs). Per Section 3.10.020 (B) of the Municipal Code, the SDCs shall be adjusted annually, as allowed by Oregon Revised Statutes, to reflect the change in construction costs.

Adjustments shall be calculated each January by the City Engineer based upon changes in the Engineering News Record Construction Index (ENR Index) for Seattle, Washington. The index for January 2026 has been issued, and the index shrank by 3.8% for calendar year 2025 (the index went from 15,757.84 in January 2025 to 15,159.42 in January 2026).

Per the attached summary, the sanitary sewer SDC will decrease $165 for a single family home; the parks and recreation SDC will decrease $122 per dwelling unit; and the transportation SDC rate will decrease $125 per PM peak hour trip. The effective date of rate changes shall be July 1, 2026, and the revised SDC rates shall apply to applicable building permits issued on or after that date.

Fiscal Impact:

The purpose of the SDCs is to impose an equitable share of the public costs of capital improvements that increase system capacity upon those developments that create the need for or increase the demands on capital improvements.

Attachments:

1. SDC Rate Changes Summary

Approved by:

1/29/26
City Engineer Date

Revised 2026/27 SDC's

Engineering News Record Construction Cost Index - Seattle	
Jan-25	15,757.84
Jan-26	15,159.42
	-3.80% =Annual Increase

SDC RATES	Current	FY25/26	Difference
SANITARY SDC	$4,350	$4,185	-$165
PARKS SDC	$3,210	$3,088	-$122
TRANSPORTATION SDC			
Capital Costs	$23,876,327	$22,969,027	
Total New PM peak trips	7,230	7,230	
Rate (per PM pk hr trip)	$3,302	$3,177	-$125

Residential SDC

- Converted into per-unit development charges
  - <500 sf: $6,042
  - 500-999 sf: $9,560
  - 1,000–1,999 sf: $12,513
  - 2,000–2,999 sf: $13,820
  - 3,000-3,999 sf: $15,029
  - 4,000+ sf: $15,577

Developer Cost Impact

- Current Parks SDC ≈ $3,210 per unit
  - Inflation-only FY27 rate ≈ $3,088

- New methodology typical home ≈ $12,500
  - Increase reflects full growth cost recovery

Redding - Higgins Preliminary v1

Redding - Higgins: Parkside Development	Beg Date	End Date	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
RH - Redding-Higgins / TRG - The Rux Group / City - City of McMinnville																							
Annexation/Zone Map Amendment/Partition Overall Schedule																							
Contract Negotiations																							
Kick-off Meeting																							
McMinnville Staff Pre-application Meeting - Annexation/Zone Map Amendment/Partition																							
Annexation/Zone Map Amendment Legal Description & Map																							
Prepare Annexation Application																							
Submit/Completeness Annexation Application																							
Coordination Annexation Agreement																							
City Council Meeting Annexation Agreement																							
City Council Legislative Hearing Annexation																							
Prepare Zone Map Amendment Application																							
Submit/Completeness Zone Map Amendment Application																							
Planning Commission Quasi-judicial Public Hearing																							
City Council Quasi-judicial Public Hearing																							
Prepare Tentative Partition Plat Application																							
Submit/Completeness Partition Application																							
City Review and Decision on Tentative Partition																							
RH construction of public improvements																							
Prepare Final Partition Plat Application																							
Submit/Completeness Partition Application																							
City Review and Decision on Final Partition																							
RH record final Partition Plat with Yamhill County																							
Site Development Review - Building Permit (Schedule & Process to be Determined)																							TBD

Enclosure 5

Redding - Higgins: Parkside Apartment Living	Beg Date	End Date	Sept 2024	Oct	Nov	Dec	Jan 2025	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2026	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2027	Feb	March	April	May	June	July	Aug
RH - Redding-Higgins / TRG - The Rux Group / City - City of McMinnville																																						
Title Transaction Timeline																																						
Effective Date	9/24/24																																					
Open Escrow	9/27/24	9/25/24																																				
Title Report Delivery	10/4/24	9/25/24																																				
Seller Deliveries	10/4/24																																					
Earnest Money Due	10/8/24																																					
Buyer's Title Notice	10/7/24																																					
Seller Response to Title Notice	10/17/24																																					
General Conditions	3/23/25																																					
Entitlement Condition	3/26/26																																					
Extension to Entitlement Condition	3 @ 60 days*	*5/25/2026 7/24/2026																																				
Close of Escrow	TBD**	**15days after conditions waived																																				

	Beg Date	End Date	Sept 2024	Oct	Nov	Dec	Jan 2025	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2026	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2027	Feb	March	April	May	June	July	Aug
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Contract Negotiations																																						
Code Audit R-4 verses R-5 Development Standards																																						
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Building Permit - Site Development Review - Landscape Plan Review - Code Adjustments (Schedule & Process to be Determined)																																						
Landscape Plan																																						
Code Adjustments																																						

YAMHILL SOIL & WATER
CONSERVATION DISTRICT

April 7, 2026

To: Heather Richards
Community Development Director
City of McMinnville
231 NE Fifth Street McMinnville, Oregon 97128

RE: Request to Amend Annexation Agreement — MAC Multi LLC / YSWCD (R4409CD 00100) — Lock-In of Current FY 26/27 Parks SDC Rate

Dear Director Richards,

Yamhill Soil and Water Conservation District supports the request submitted by Cory Redding and Philip Higgins of MAC Multi LLC, to amend the Annexation Agreement [YSWCD (MAC Multi LLC) (R4409CD 00100)] as detailed below.

Proposed Amendment - Parks SDC Rate Lock
Notwithstanding any amendment to the City's Parks System Development Charge schedule adopted pursuant to or following the City Council's February 10, 2026 Parks SDC Methodology Work Session, the Parks System Development Charge applicable to all residential dwelling units constructed on the Property described in Exhibit 1 (R4409CD 00100) shall be calculated and assessed at the rate in effect immediately prior to the effective date of any such new methodology ordinance — which the January 29, 2026 SDC Rate Memorandum establishes as $3,088 per dwelling unit (FY 26/27 inflation-adjusted rate, effective January 2026) — $122 lower than the $3,210/unit shown in the February 10, 2026 work session presentation Slide 16.

This rate lock shall apply to all building permits for the Property submitted within five (5) years of the effective date of this Agreement, shall not be subject to any new bracket-based or methodology-based adjustment, and shall survive any inflation indexing applied after the effective date of this Agreement. This provision shall run with the land and shall be binding upon the City's successors and assigns pursuant to Section 10 of this Agreement.

Thank you for your consideration in this matter, and please contact us if you have any questions or require any further information.

Sincerely,

Andy Bleckinger
Executive Director

City of McMinnville
PUBLIC WORKS

City of McMinnville
Public Works Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312

www.mcminnvilleoregon.gov

MEMO

DATE: January 29th, 2026
TO: Adam Garvan, City Manager
CC: Heather Richards, Community Development Director
Geoff Hunsaker, Public Works Director
FROM: James Lofton, City Engineer
SUBJECT: SDC Rates Update

Report in Brief:

This memo establishes revised System Development Charges (SDCs) pertaining to parks and recreation, sanitary sewer, and transportation and replaces all previous SDC rate memos.

Background & Discussion:

Chapter 3.10 of the Municipal Code, as adopted by Ordinance No. 4980 on June 10th, 2014, includes provisions for imposing sanitary sewer, transportation, and parks and recreation system development charges (SDCs). Per Section 3.10.020 (B) of the Municipal Code, the SDCs shall be adjusted annually, as allowed by Oregon Revised Statutes, to reflect the change in construction costs.

Adjustments shall be calculated each January by the City Engineer based upon changes in the Engineering News Record Construction Index (ENR Index) for Seattle, Washington. The index for January 2026 has been issued, and the index shrank by 3.8% for calendar year 2025 (the index went from 15,757.84 in January 2025 to 15,159.42 in January 2026).

Per the attached summary, the sanitary sewer SDC will decrease $165 for a single family home; the parks and recreation SDC will decrease $122 per dwelling unit; and the transportation SDC rate will decrease $125 per PM peak hour trip. The effective date of rate changes shall be July 1, 2026, and the revised SDC rates shall apply to applicable building permits issued on or after that date.

Fiscal Impact:

The purpose of the SDCs is to impose an equitable share of the public costs of capital improvements that increase system capacity upon those developments that create the need for or increase the demands on capital improvements.

Attachments:

1. SDC Rate Changes Summary

Approved by:

1/29/26
City Engineer Date

Revised 2026/27 SDC's

Engineering News Record Construction Cost Index - Seattle		
Jan-25	15,757.84	
Jan-26	15,159.42	
	-3.80%	=Annual Increase

SDC RATES	Current	FY25/26	Difference
SANITARY SDC	$4,350	$4,185	-$165
PARKS SDC	$3,210	$3,088	-$122
TRANSPORTATION SDC			
Capital Costs	$23,876,327	$22,969,027	
Total New PM peak trips	7,230	7,230	
Rate (per PM pk hr trip)	$3,302	$3,177	-$125

RESOLUTION NO. 2026 - 19

A Resolution authorizing the City Manager to sign Amendment #1 to the Annexation Agreement with Yamhill Soil and Water Conservation District (property owner) and MAC Multi LLC (buyer), for the future annexation of Tax Lot R4409CD00100 that was approved via Resolution No. 2025-51.

RECITALS:

WHEREAS, on March 4, 2025, Yamhill Soil and Water Conservation District and MAC Multi LLC applied for the annexation of their property (Tax Lot R4409CD00100) to be annexed into the City of McMinnville; and

WHEREAS, the City leadership team comprised of staff members from Planning, Engineering, Parks and Recreation, and the City Attorney, as well as staff members from McMinnville Water and Light and the McMinnville Fire District reviewed the annexation application and drafted an annexation agreement for the McMinnville City Council and the property owners; and

WHEREAS, on October 14, 2025, the City Council approved Resolution No. 2025-51 authorizing then Interim City Manager Adam Garvin to sign an annexation agreement with Yamhill Soil and Water Conservation District and MAC Multi LLC; and

WHEREAS, on April 6, 2026, the City received a letter requesting an amendment to the annexation agreement from MAC Multi LLC asking to lock in the Parks SDC rates per the current methodology after seeing a work session on February 10, 2026 proposing a new Parks SDC methodology that would raise the rates by 200 – 300%; and

WHEREAS, on April 7, 2026, the Yamhill Soil and Water Conservation District, the property owner of the subject site, submitted a letter supporting the request by MAC Multi LLC.

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

1. That the City Manager is authorized to sign the attached Annexation Agreement Amendment #1 (Exhibit A) on behalf of the City of McMinnville.
2. This Resolution will take effect immediately upon passage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of April, 2026 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of April 2025.

_____

MAYOR

Approved as to form:

_____

City Attorney

Attest:

_____

City Recorder

EXHIBITS:

A. Annexation Agreement Amendment #1 with Yamhill Soil and Water Conservation District and MAC Multi LLC for Tax Lot R4409CD00100.

After Recording Return To: **Exhibit A**

City of McMinnville
City Hall
Attn: City Recorder
230 NE Second Street
McMinnville, OR 97128

AMENDMENT #1
ANNEXATION AGREEMENT

This is an amendment to the Annexation Agreement made and entered into on November 24, 2025, by and between the City of McMinnville, Oregon, an Oregon municipal corporation (hereinafter "City") and Yamhill Soil and Water Conservation District (hereinafter "Owner"), and Cory Redding, MAC Multi LLC (hereinafter "Buyer").

The parties mutually covenant and agree to add the following section to the agreement:

14. **PARKS SDC RATES**: Notwithstanding any amendment to the City's Parks System Development Charge schedule adopted pursuant to or following the City Council's February 10, 2026 Parks SDC Methodology Work Session, the Parks System Development Charge applicable to all residential dwelling units constructed on the Property described in Exhibit 1 (R4409CD 00100) shall be calculated and assessed at the rate in effect immediately prior to the effective date of any such new methodology ordinance. Currently, the project is anticipated to submit for building permits in FY 26/27. Per the January 29, 2026 SDC Rate Memorandum by the McMinnville City Engineer, the Parks SDC rate for FY 26/27 effective July 1, 2026 is $3,088 per dwelling unit.

This rate lock shall apply to all building permits for the Property submitted within five (5) years of the effective date of this Agreement, subject to an annual adjustment per the January – January Engineering News Record Construction Index for Seattle, Washington.

This provision shall run with the land and shall be binding upon the City's successors and assigns pursuant to Section 10 of this Agreement.

All remaining terms and conditions of the original Annexation Agreement remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the date first above written.

CITY

_____
Adam Garvin, City Manager
City of McMinnville

OWNER

_____
Barbara Boyer, Chair of YSWCD
Yamhill Soil and Water Conservation District

BUYER

_____
Cory Redding, MAC Multi LLC

_____
Claudia Cisneros, City Recorder

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this ____ day of _____, _____ by Adam Garvin, City Manager, on behalf of the City of McMinnville, who acknowledged that he had authority to sign on behalf of the City of McMinnville and this instrument to be the City's voluntary act and deed.

_____
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me this ____ day of _____, _____ by Barbara Boyer, owner of the property at R4409CD00100, who acknowledged this instrument to be his/her voluntary act and deed.

_____
Notary Public for Oregon

City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: **April 28, 2026**
TO: **Adam Garvin, City Manager**
SUBMITTED BY: **Heather Richards, Community Development Director**
WRITTEN BY: **Heather Richards, Community Development Director**
SUBJECT: **Ordinance No. 5178, Natural Hazards, Docket G 3-22**

1. *An Ordinance amending the McMinnville Comprehensive Plan, Volumes I, II, and III to support a Natural Hazards planning program (Docket # G 3-22) per Oregon Land Use Goal #7.*

Report in Brief:

This is the consideration of Ordinance No. 5178 adopting amendments to the McMinnville Comprehensive Plan, Volumes I, II and III to support a Natural Hazard planning program per Oregon Land Use Goal #7.

Specifically, Ordinance No. 5178 amends the McMinnville Comprehensive Plan in the following ways:

- Amendment to the McMinnville Comprehensive Plan, Volume I – Background Elements, adopting the *2021 Natural Hazards Inventory and Management Program Options and Recommendations* and its Appendices.

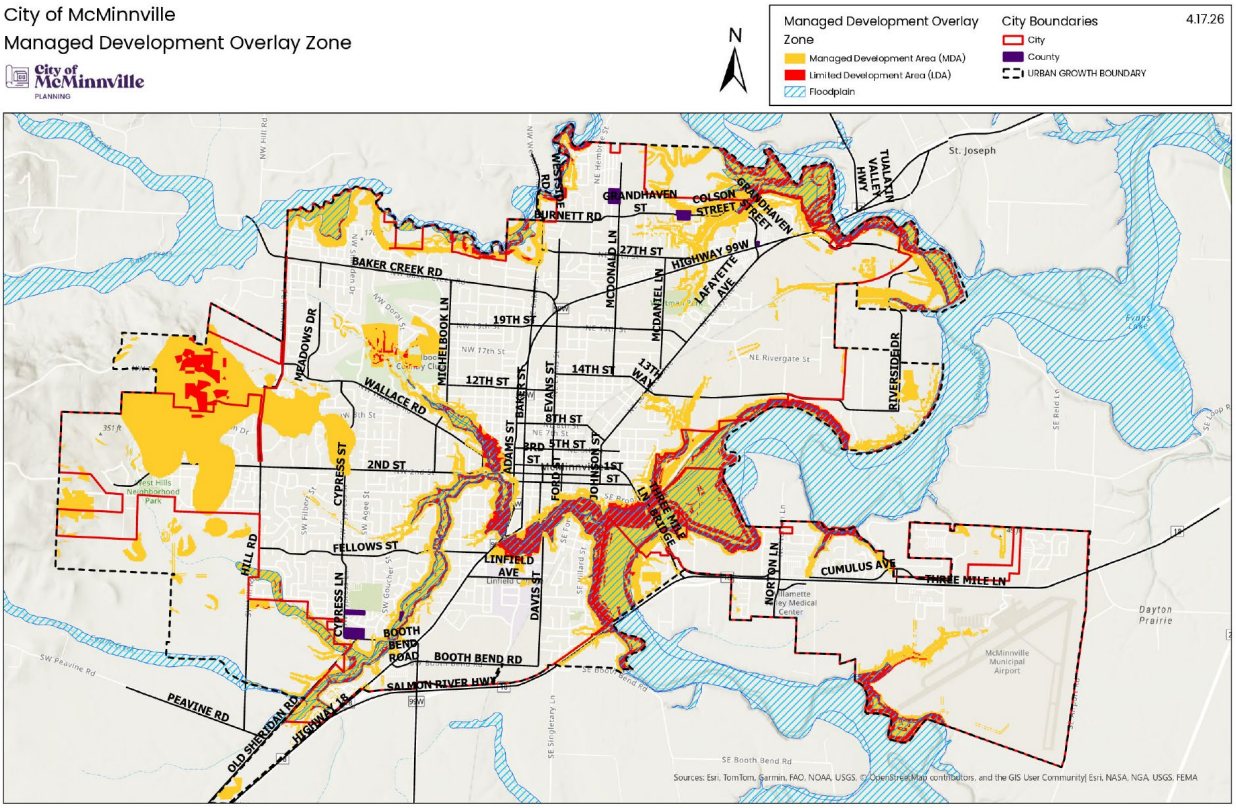
- Amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled *Natural Features*.

- Amendments to the McMinnville Municipal Code, Chapters 17.48, *Flood Area Zone*, and Chapter 17.49, *Managed Development Overlay Zone and Subdistricts*.

- Amendment to the McMinnville Zone Map, adding the Managed Development Overlay Zone and the Managed Development Area Subdistrict (MDA) and the Limited Development Area Subdistrict (LDA).

A website page has been developed for this effort: [Natural Hazards | McMinnville Oregon]

This is a recommendation of the Planning Commission per their vote on March 19, 2026.



Background:

What is Natural Hazard planning? Disasters occur when natural hazard events impact people, property and the environment. Natural hazard planning mitigates that disaster by identifying and implementing actions that will reduce loss when the next disaster strikes. Implementing mitigation actions can also reduce the length of time that essential services are unavailable after a disaster, protect critical facilities, reduce economic hardship, speed recovery, and reduce construction costs. Natural hazard mitigation is any sustained action taken to reduce or remove the long-term risk to life, property, and the environment from natural hazards. It is most effective when implemented under a comprehensive, long-term natural hazards mitigation plan, and integrated into other partner plans.

What is a Natural Hazards Mitigation Plan? A natural hazards mitigation plan identifies hazards, vulnerabilities, and risks facing a local, state or tribal government, and prioritizes actions to reduce the risk.

Natural hazard planning is not new to McMinnville. The original comprehensive plan in 1981 conducted natural hazard planning and from this effort, the Flood Area zone was realized. Per state regulations, when a city amends its UGB or when new hazard inventory data becomes available from the state, cities should update their natural hazard planning programs to evaluate the new land within their boundaries and/or the new data and develop a mitigation plan if appropriate.

Oregon Land Use Goal #7 requires local governments to evaluate the risk to people and property and assess the frequency, severity and location of the hazard; the effects of the hazard on existing and future development; the potential for development in the hazard area to increase the frequency and severity of the hazard; and the types and intensities of land uses to be allowed in the hazard area. In this effort, governments should allow an opportunity for citizen review and comment on the new data and the results of the evaluation, and adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

- Avoiding development in hazard areas where the risk to people and property cannot be mitigated; and

- Prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code.

Oregon Land Use Goal #7 further states that state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information.

In 2018, the Oregon Department of Geology and Mineral Industries updated their geohazards data. At the same time, the US Forest Service updated their Pacific Northwest Quantitative Wildfire Risk Assessment Data.

In 2019, Yamhill County with the aid of a grant from the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Program, updated the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan, which was acknowledged by FEMA in December 22, 2020.

As a partner in that process, the City of McMinnville prepared an addendum to that plan that was adopted by the McMinnville City Council on December 8, 2020 by Resolution No. 2020-67. The McMinnville addendum identified a number of action items for the City of McMinnville including mapping and inventorying hazard areas and evaluating comprehensive plan policies and development regulations to ensure that the city is protecting people and property from natural hazard areas.

At the same time, the State of Oregon updated the Oregon Natural Hazards Mitigation Plan, which was approved by FEMA September 24, 2020.

The hazards normally identified in Oregon are floods, earthquakes, landslides, wildfires, tsunamis and coastal erosion.

McMinnville's existing comprehensive plan and zoning ordinance addresses flood hazards only – consistent with Federal Emergency Management Agency (FEMA) regulations related to the National Flood Insurance Program (NFIP). The comprehensive plan does not have a separate natural hazards element. The McMinnville Zoning Ordinance has a separate F-P Flood Hazard Zone that applies to land within the 100-year floodplain. However, the City currently lacks development standards for geological and wildfire hazards.
In 2020, the City hired Winterbrook Community Resource Planning to prepare the initial draft of the McMinnville Natural Hazards Inventory, Management Program Options and Recommendations study. The study area at that time included (a) the McMinnville Urban Growth Boundary (UGB) as it existed in June 2020 and (b) the UGB expansion study area within 1.5 miles of the existing UGB.

When the City initiated a UGB amendment process in 2020 simultaneously with the Natural Hazards Inventory and Review, the City considered the natural hazard inventory information provided in the initial draft report as part of the UGB analysis.

In December 2020, the City Council amended its UGB to include approximately 1,280 acres of land (of which 921 acres were considered "buildable"). The County subsequently adopted, and the Land Conservation and Development acknowledged, the UGB amendment in April 2021.

In April 2021, the City contracted with Winterbrook Planning to revise the 2020 natural hazards study to (a) focus on the expanded 2021 UGB, (b) include social vulnerabilities described in the *Oregon Natural Hazards Mitigation Plan* (Oregon NHMP) in the natural hazards composite ranking system, (c) amend the proposed Natural Hazard Mitigation and Protection maps accordingly, and (d) prepare draft amendments to

the McMinnville Zoning Ordinance to include natural hazard mitigation and protection subdistrict maps and text.

The revised study includes an inventory of natural hazards based on available mapping sources, considers alternative management options, and suggests policy and mapping amendments to the McMinnville Comprehensive Plan to systematically address McMinnville's mappable natural hazards within the 2021 UGB.[1]

The revised natural hazards inventory includes a series of GIS (geographic information system) overlay maps showing moderate, high and severe hazard areas within the 2021 UGB and study area. The inventory also includes a description of the following natural hazards and how they may adversely affect life and property:

- **Geological Hazards** (areas subject to landslide, steep slope and earthquake liquefaction and shaking impacts)
- **Flood Hazards** (areas within the 100-year floodplain including the floodway)
- **Wildfire Hazards** (areas that are particularly susceptible to wildfires due to topography, fuel and settlement patterns)
- **Composite Hazards** (areas with one or more overlapping natural hazard categories)

This work resulted in proposed amendments to the McMinnville Comprehensive Plan both in terms of new inventory and recommended programs and new policies for natural hazards. It also resulted in proposed amendments to the McMinnville Municipal Code and McMinnville Zone Map, introducing two new overlay districts, the Natural Hazard – Mitigation Zone (NH-M) (now called the Managed Development Area or MDA) and the Natural Hazard Protection Zone (NH-P) (now called the Limited Development Area or LDA). Regulations for the administration of both overlay zones is proposed as a new chapter 17.49, "Managed Development Overlay Zone and Subdistricts".

Several work sessions were conducted with the McMinnville City Council and Planning Commission informing them of the research and evaluation and seeking policy direction on how to move forward with mitigating the risk.

[1] Winterbrook addresses relationships among natural hazards and natural resources (such as riparian and upland wildlife habitat and scenic views and viewpoints) in a separate white paper.

In August 2020, the McMinnville City Council asked city staff and the consultants to develop mitigation measures that would help to assess risk for people and property on land that had multiple hazards, and for those lands with moderate overlapping hazards to require additional assessments as part of the development review and with those lands that were identified as high hazard areas to limit development to low density and intensity development to protect people and property.

On February 16, 2023, city staff brought the final draft recommendations to the Planning Commission for review and discussion. At that work session, the Planning Commission directed city staff to identify the impact of hazard planning on property owners from the perspective of insurance provisions, and to develop an appeal process for property owners as well as the ability for property owners in the Natural Hazards – Protection overlay where development is limited to transfer their density rights to other properties within the city.

Insurance Risk:

City staff reached out to insurance agencies to inquire about the impact of this planning effort to home insurance policies. Most homeowners and some renters have insurance to protect their home and belongings. Homeowner and renter insurance typically covers certain natural hazards, such as water damage from heavy rain or snow. As long as it can be demonstrated that a domicile has been maintained in good working order, the majority of costs for repair and replacement can be recovered.

However, homeowner and renter insurance policies almost never cover floods, hurricanes, earthquakes, and other natural hazards. Coverage of these hazards events require separate policies that the homeowner initiates on their own. Due to the earthquake subduction zone in McMinnville, the city is already tagged as a hazard area for home insurance and insurers asked did not feel that this new information would impact anything.

Appeal Process:

City staff researched appeal processes in other communities for property owners to prove that their property should not be included in a hazard overlay. Based on that research, Section 17.49.95 was added to the draft code amendments, entitled "Verification of Natural Hazards Boundaries". per the following:

Transfer of Residential Density Rights:

City staff also researched transfer of density rights programs associated with natural hazard overlays in several other Oregon cities.

Planning Commissioners asked if the development rights could be sold; if the property owner needed to own both the giving property and the receiving property; and asked city staff to research a program with 100% transfer of development rights rather than the 50% recommended.

After some research and evaluation, staff is recommending that the city process for the program be fairly simple. The City would provide a certificate to the giving property that is recorded on the city's internal lien system. Any transfer of density rights program application would have the giving property owner's signature and the receiving property owner's signature as well as the certificate signed over to the receiving property, so that the City is not managing the density rights as commodities.

That research is reflected in Section 17.49.170 entitled, "Residential Density Transfer".

Public Engagement:

The City sent out notices to all impacted property owners both within the city limits and outside of the city limits but within the UGB (although the zoning overlays will not apply until such time that the property is annexed into the city limits), informing them of the proposed amendments and inviting them to one of two public information sessions hosted by planning staff. City staff also set up a project website with an interactive map to help property owners understand the hazards that were identified on their properties and have been meeting with impacted property owners to answer their questions and concerns.

The City noticed the Department of Land Conservation and Development and started the public hearing process in 2023 with the Planning Commission. The Planning Commission elected to continue the public hearings over several meetings due to the amount of public testimony received and the questions that came up during the hearing process.

Several impacted property owners testified expressing their concerns with the veracity of the data, the onerous of the reporting required, and how the City was applying the hazardous scoring to the properties.

***Veracity of the Data*:** Planning Commissioners asked city staff to meet with DOGAMI and DLCD staff about the veracity of the data and asked if DOGAMI and DLCD staff could join the Planning Commission at a future meeting.

City staff organized a meeting with DOGAMI (Bill Burns, Engineering Geologist) and DLCD (Katherine Daniel, Natural Hazards Planner) to discuss the City's efforts, the reliance on DOGAMI data and whether the City's current proposed program was meeting the intent and mandate of Goal 7. Both staff representatives said that the City was doing what it needed to do with the best data available to the City and were supportive of the City's efforts, and both participated in one of the public hearings to share those findings with the Planning Commission and the general public.

***Types of Reports Required*:** Some of the property owners that testified expressed their concerns with the added costs of the reports required if their property was in one of these overlays. Planning Commissioners asked city staff to research whether there were other distinctive levels of data analysis that were less expensive than a Geological Site Assessment or a Geotechnical Report that could be required prior to the property owner incurring the expense for those reports.

Below is a link to a document that DOGAMI and DLCD staff prepared. In this document there is considerable discussion on how cities should mitigate hazards with site assessments and geo-tech reports.

Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities

The City also received comments from the Department of Land Conservation and Development, the McMinnville Public Works Department, McMinnville Parks and Recreation Department, McMinnville Water and Light, and private engineers and property owners. These were all evaluated and incorporated into the proposed amendments as appropriate.

Natural Hazards Composite Ranking System

The Natural Hazards Composite Ranking System is explained starting on page 44 of the Natural Hazards Inventory, Management Program Options and Recommendations.

A scoring system for each type of hazard was determined based on probability of the hazard occurring and vulnerability of people and property to the hazard. Rankings

were from 0 to 5 with 0 being the lowest and 5 the highest. This system was modeled after the Oregon Natural Hazards Mitigation Plan Risk Assessment scoring system.

Properties then had cumulative scores determined based on the number and types of hazards on their properties. Those scores were then assigned to designated subareas per the following:

Table VII.4 Designation of NH Subdistricts Based on Ranking of Natural Hazards Subareas

Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 0.99	No NH-Subdistrict
1 to 1.499	Natural Hazard Mitigation Subdistrict (NH-M)
1.5 to 3.517	Natural Hazard Protection Subdistrict (NH-P)

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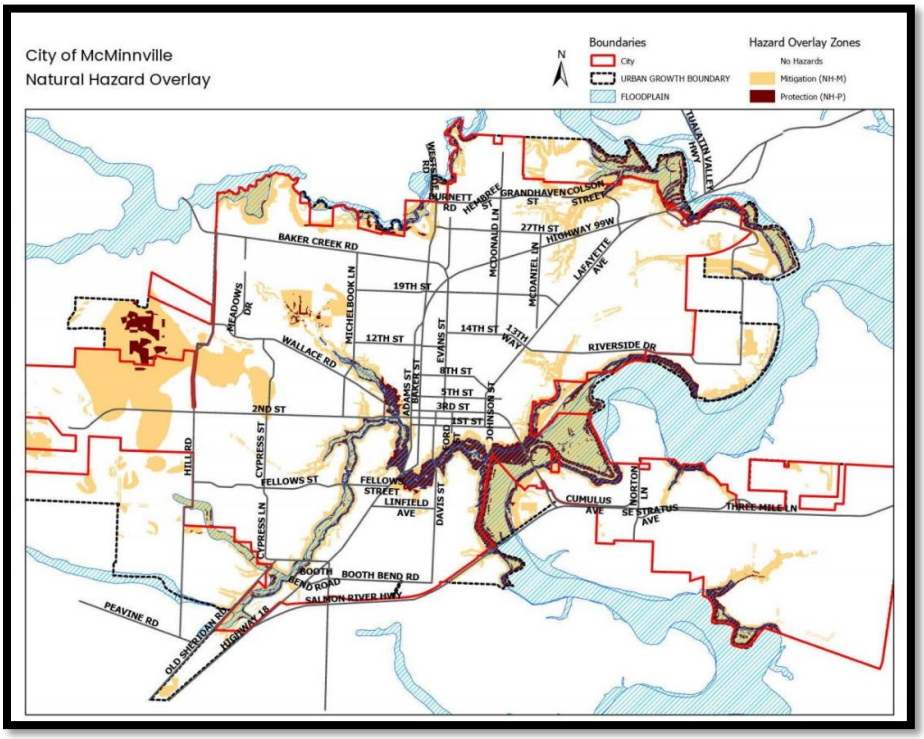
Several property owners had asked if it made sense to adjust the thresholds of what score constitutes a Natural Hazard Mitigation Subdistrict and a Natural Hazard Protection Subdistrict, especially if the NH-M subdistrict requires further assessment. If the scores were adjusted down and some of the properties in the NH-P subdistrict were adjusted down to the NH-M subdistrict it would mean that they would need to do more assessment specific to their property to determine the level of hazard that exists and then that particular hazard would be mitigated per the professional recommendations of the authorized experts.

City Council and the Planning Commission discussed it at a joint work session on January 21, 2026 and recommended changes. Below is a reflection of the new scoring ranking.

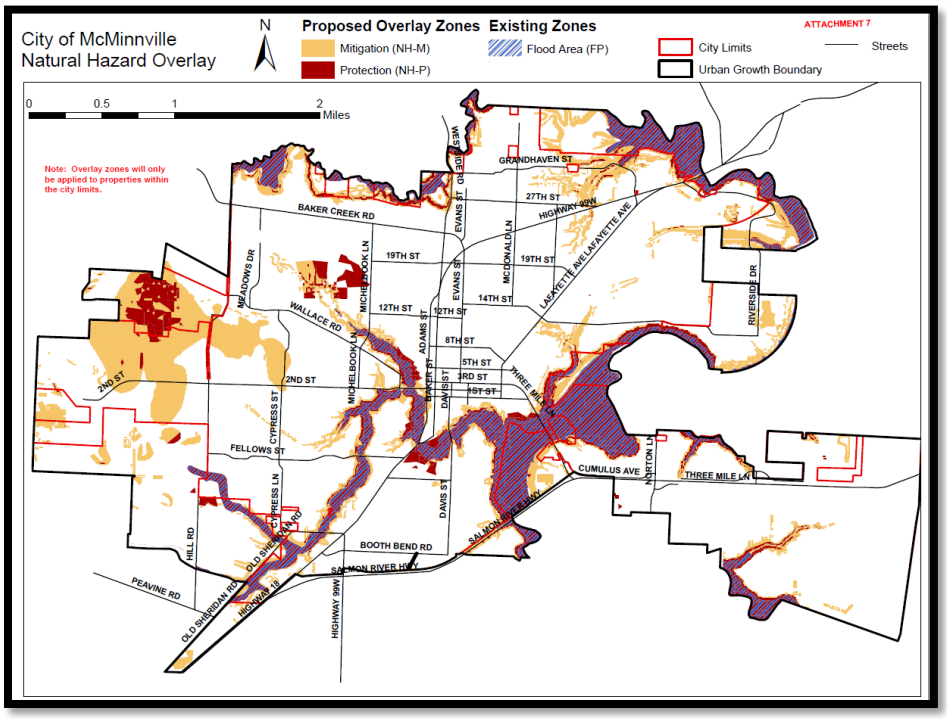
Combined Subarea Hazard Risk	**Natural Hazard Overlay Subdistrict**
0 to 0.99	No NH-Subdistrict
1.00 – 1.799	Natural Hazard Mitigation Subdistrict (NH-M)
1.8 – 3.517	Natural Hazard Protection Subdistrict (NH-P)

This change moved approximately 400 properties into the Natural Hazards Mitigation subdistrict from the Natural Hazards Protection subdistrict.

Please note the juxtaposition of the new Natural Hazards Overlay Zone and the old Natural Hazards Overlay Zone reflected in the maps below.



New - 2026 Natural Hazards Overlay



Old - Natural Hazards Overlay

Discussion:

After hearing public testimony on February 19, 2026, the Planning Commission voted to close the public hearing and started deliberations.

Based on the public hearing testimony, the Planning Commission asked city staff to come back with two recommendations:

1) Nomenclature for the overlay zone that would not be a liability for property value and insurance provisions; and

2) Adding a provision to the assessment language that identified impacts of proposed development on adjacent sites.

Impact on Adjacent Properties:

Staff proposed amending 17.49.070 to include the highlighted language below.

17.49.070 Required Natural Hazard Mitigation Reports. Depending on the natural hazards present on a particular property, the applicant for land development shall be responsible for preparing one or more of the following studies within the NH-M and NH-P Subdistricts.

A. Geological Site Assessment (also known as an Engineering Geologic Report) is an overview of existing geological conditions that includes recommendations for mitigation measures. The Site Assessment shall be completed and stamped by a Certified Engineering Geologist, licensed by the Oregon Board of Geologic Examiners. At a minimum, the Geological Site Assessment shall follow Oregon State Board of Geologic Examiners (OSBGE)'s guideline for preparing Engineering Geologic Reports and include the following elements:

1. **Relevant landslide and earthquake hazard information from the McMinnville Natural Hazards Inventory;**
2. **A field investigation of the site and vicinity including a description of geologic hazards that may be present on the site;**
3. **An analysis of the geological suitability of the site for proposed development – this analysis shall include the potential hazard impact of property within 200 feet of the subject property measured from the property boundaries;**

4. **A description of any unusual or extreme geologic processes at work on the site, such as rapid erosion, landslide hazard, flood hazard, rockfall, subsidence, debris run-out, or other features;**
5. **A description of any geologic hazards that may affect the proposed land use, including but not limited to slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, springs, expansive soils, subsidence, fault rupture, landslide hazard, rockfall, debris run out, or any other geologic hazard discovered by the investigation;**
6. **Identification of any areas of the site that should be avoided for human-occupied structures;**
7. **An analysis of the feasibility of developing the site for the proposed land use(s);**
8. **Identification of any mitigation measures needed to address any anticipated geologic problems; and**
9. **Recommendations regarding the need for follow-up studies, such as a Geotechnical Engineering Report.**

B. Geotechnical (Soils Engineering) Report is prepared and stamped by a Licensed Civil Engineer, licensed in the Specialty of Geotechnical Engineering by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The Geotechnical Report usually makes specific recommendations to avoid or mitigate geological hazards. At a minimum, the Geotechnical Report shall include the following elements:

1. **Data regarding the nature, distribution and strength of existing soils on the site.**
2. **Analysis, conclusions, and recommendations for grading procedures and associated drainage requirements.**
3. **Design standards for corrective measures, including buttress fill, when necessary.**
4. **A professional opinion on the adequacy of the development site for the intended use considering the proposed grading in relation to soils engineering factors, such as slope stability, and the impact to property within 200 feet of the subject site measured from the property boundary.**
5. **The location of proposed development and public facilities; and**
6. **Relevant information from the McMinnville Natural Hazards Inventory.**

The potential impact area was already a required element of the application per 17.49.060(D). Please see below.

17.49.060 Natural Hazard Subdistrict Application Requirements.

Development applications for all properties within the NH-M or NH-P Subdistricts shall accurately indicate the site-specific locations of specific types of natural hazard areas based on City GIS maps in relation to the proposed development. City planning staff will assist the applicant by providing GIS maps showing city information sources listed below. Development applications within or partially within natural hazard subdistricts shall include:

A. **A site plan showing the proposed development on the site, drawn to a standard scale and including an illustrated scale for use in reductions.**
B. **Topography showing 2-foot contour intervals and slopes of:**
    1. **15 to 24.9 percent; and**
    2. **25 percent and greater.**
C. **The location of existing and proposed infrastructure necessary to serve the proposed development. Such infrastructure includes streets, driveways, water, sanitary sewer, and storm drainage.**
D. **The potential hazard impact area showing land uses and tree cover within 200 feet of the subject property.**
E. **A title block, north arrow, and bar scale.**
F. **Date(s) of field check(s).**
G. **A grading plan, if grading is to occur, showing existing and finished contours on the site, at two-foot contour intervals. Grading plans can be accepted with greater contour intervals with the approval of the City Engineer or the Building Official, per their appropriate authorities, if the size of the site or elevation changes across the site are such that two-foot contours do not clearly demonstrate the intent of the grading plan.**
H. **Information sources, such as soil survey maps and applicable McMinnville Natural Hazard and Natural Resource inventory maps.**
I. **Relevant City maps applicable to the site and impact area including the Zoning Map, natural hazard, and natural resource subdistrict maps.**
J. **Aerial photos, including their date and scale.**
K. **Depending on the type of natural hazard or natural resource identified on a proposed development site, the applicant shall be responsible for:**
    1. **Showing the precise location of each type of inventoried natural hazard or natural resource present on the development site;**
    2. **Submitting required flooding, seismic, geological and/or wildfire hazard mitigation studies as prescribed in Section 17.49.060; and**

3. **Demonstrating compliance with recommended mitigation measures pursuant to required hazard studies.**

L. **The location and size of significant and landmark trees within 25 feet of any proposed disturbance area. If development is proposed within a wildfire area, the location and size of significant and landmark trees must be shown within 50 feet of the outer limits of above-ground construction.**

M. **Any other submittal requirements identified for development in areas with specific types of natural hazards, as specified in this chapter.**

***Overlay/Sub District Nomenclature*:**

Staff provided the following suggestions for the overlay zone and sub-districts, and th Planning Commission chose a Managed Development Overlay with a Managed Development Area Subdistrict (MDA) and a Limited Development Area Subdistrict (LDA). These changes are reflected in the proposed amendments to Volumes II (Goals and Policies) and Volume III (Zoning Ordinance and Zoning Map) of the Comprehensive Plan but are not reflected in the proposed amendment to Volume I (Background Elements).

Proposed Overlay Name	**Proposed Sub-District Area Names**
Natural Stewardship Overlay	Managed Development Area (MDA) Stewardship Area (SA)
Natural Resilience Overlay	Resilience Management Area (RMA) Resilience Protection Area (RPA)
Managed Development Overlay	**Managed Development Area (MDA)** **Limited Development Area (LDA)**
Areas of Special Interest	Managed Development Area (MDA) Limited Development Area (LDA)
Sensitive Lands Overlay	Risk Reduction Area (RRA) Hazard Protection Area (HPA)
Community Resilience Overlay	Resilience Management Area (RMA) Resilience Protection Area (RPA)

***Impact to Properties*:**

Existing Uses are considered conforming within both the Managed Development Area and the Limited Development Area, and can be expanded by 50% of the habitable area without implicating the provisions of the Managed Development overlay.

The Managed Development Area (MDA) allows all permitted and conditional uses in the underlying zones to continue to be developed. However, based on the types of hazards on the property, the Community Development Director will determine if an additional study is needed to help inform the development to protect the people and property from a potential natural disaster. That study might be a geo-site assessment for those properties that have landslide, liquefaction or shaking soil hazards, or a wildfire mitigation plan for those properties within a wildfire risk area. Development on slopes greater than 15% might be required by the City Engineer to provide an erosion control plan as part of their development review.

The Limited Development Area (LDA) allows all permitted and conditional uses in the underlying zones but limits the intensity and density of the uses by prohibiting large format commercial development, limiting land division and residential development to one unit per lot unless a planned development process is used to locate the more intensive development on land that is less hazardous. The LDA also allows for a transfer of residential density rights to other properties within the city limits.

Attachments:

1. Oregon Land Use Goal #7
2. Ordinance No. 5178

    EXHIBITS:

    A. *2021 Natural Hazards Inventory and Management Program Options and Recommendations and its Appendices*

    B. Proposed amendments to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled *Natural Features*.

    C. Proposed amendments to the McMinnville Comprehensive Plan, Volume III – Title 17 of the McMinnville Municipal Code, Chapters 17.48, *Flood Area Zone*, and Chapter 17.49, *Managed Development Overlay Zone and Subdistricts*.

    D. Proposed amendments to the McMinnville Comprehensive Plan, Volume III - McMinnville Zone Map, adding the *Managed Development Area (MDA) and the Limited Development Area (LDA)*.

    E. Decision Document for Docket # G 3-22, with Findings for the Natural Hazards planning program.

Fiscal Impact:

This project is currently a staff managed effort with no contractual support.

Alternatives:

Alternative 1 [Staff Recommendation]: **APPROVE ORDINANCE NO. 5178**

Alternative 2: **APPROVE ORDINANCE NO. 5178** with amendments

Alternative 3: **REMAND** the Natural Hazards Planning Program back to the Planning Commission with directions for changes to consider.

Oregon's Statewide Planning Goals and Guidelines
GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,[1] earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.
2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.
3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and property based on the new inventory information and an assessment of:
   a. the frequency, severity and location of the hazard;
   b. the effects of the hazard on existing and future development;
   c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
   d. the types and intensities of land uses to be allowed in the hazard area.
2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.
3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:
   a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and
   b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.[2]
4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

[1] For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

[2] For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.

implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

GUIDELINES

A. PLANNING

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:

a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;

b. the beneficial effects that natural hazards can have on natural resources and the environment; and

c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

B. IMPLEMENTATION

1. Local governments should give special attention to emergency access when considering development in identified hazard areas.

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:

a. providing financial incentives and disincentives;

b. providing public information and education materials;

c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:

a. limiting placement of fill in floodplains;

b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and

c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.

ORDINANCE NO. 5178

An Ordinance amending the McMinnville Comprehensive Plan, Volumes I, II, and III to support a Natural Hazards planning program (Docket # G 3-22) per Oregon Land Use Goal #7.

RECITALS:

WHEREAS, Oregon Land Use Goal #7, "Areas Subject to Natural Hazards" requires local governments to adopt comprehensive plan inventories, policies and implementing measures to reduce risk to people and property from natural hazards; and

WHEREAS, for the purposes of Oregon Land Use Goal #7, natural hazards are floods, landslides, earthquakes and related hazards; and

WHEREAS, when a city undertakes a major Urban Growth Boundary (UGB) amendment or new information is made available from the state regarding natural hazards in a city, the city must undertake Goal #7 planning; and

WHEREAS, in 2018, Yamhill County started updating their Natural Hazard Mitigation Plan; and

WHEREAS, in 2019, the City received updated natural hazards mapping from the state as part of the Yamhill County update; and

WHEREAS, in 2020, the City adopted the Yamhill County Mitigation Plan with a stated policy of starting a Natural Hazard Inventory and planning program; and

WHEREAS, in 2021, the City amended its UGB; and

WHEREAS, in 2021, the City undertook a Natural Hazards Inventory of its UGB and city limits and developed recommended management policies; and

WHEREAS, for several years, the City worked with stakeholders on the development of a Natural Hazards planning program; and

WHEREAS, between 2023 and 2026, the City hosted six work sessions, four information sessions and six public hearings to consider the Natural Hazards planning program; and

WHEREAS, on March 19, 2026, the Planning Commission after closing their public hearing, voted to recommend the Natural Hazard planning program to the McMinnville City Council for adoption.

NOW, THEREFORE, THE CITY OF MCMINNVILLE ORDAINS, as follows:

1. To amend the McMinnville Comprehensive Plan, Volume I – Background elements, by adopting the *2021 Natural Hazards Inventory and Management Program Options and Recommendations* and its Appendices (Exhibit A).

2. To amend the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled *Natural Features* (Exhibit B).

3. To amend the McMinnville Comprehensive Plan, Volume III – Title 17 of the McMinnville Municipal Code, by amending Chapters 17.48, *Flood Area Zone*, and adding Chapter 17.49, *Managed Development Overlay Subdistricts* (Exhibit C).

4. To amend the McMinnville Comprehensive Plan, Volume III - McMinnville Zone Map, adding the Managed Development Overlay Zone with the Managed Development Area Subdistrict (MDA) and the Limited Development Area Subdistrict (LDA). (Exhibit D).

5. To adopt the Decision Document for Docket # G 3-22, with Findings for the Natural Hazards planning program. (Exhibit E)

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

Passed by the McMinnville City Council this 28th day of April 2026, by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

EXHIBITS:

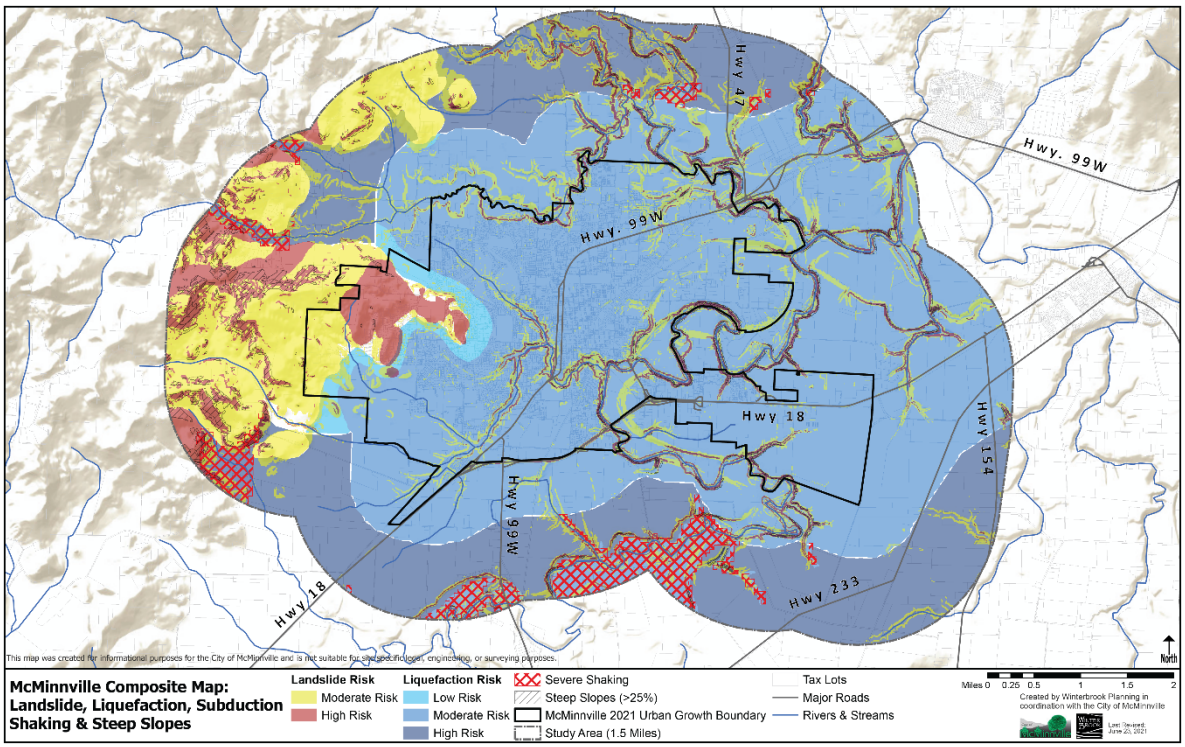
A. *2021 Natural Hazards Inventory and Management Program Options and Recommendations and its Appendices*

B. Proposed amendments to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled *Natural Features*.

C. Proposed amendments to the McMinnville Comprehensive Plan, Volume III – Title 17 of the McMinnville Municipal Code, Chapters 17.48, *Flood Area Zone*, and Chapter 17.49, *Managed Development Overlay Subdistricts*.

D. Proposed amendments to the McMinnville Comprehensive Plan, Volume III - McMinnville Zone Map, adding the *Managed Development Area (MDA) and the Limited Development Area (LDA)*.

E. Decision Document for Docket # G 3-22, with Findings for the Natural Hazards planning program.



Natural Hazards Inventory & Management Program Options and Recommendations

Prepared by:

WINTER BROOK
COMMUNITY RESOURCE PLANNING

Winterbrook Planning | June 24, 2021 | *Draft*

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Appendix 2: Natural Hazard Overlay Methodology

Appendix 3: REVISED Natural Hazard Inventory and Natural Hazard Overly Maps

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Acronyms and Abbreviations

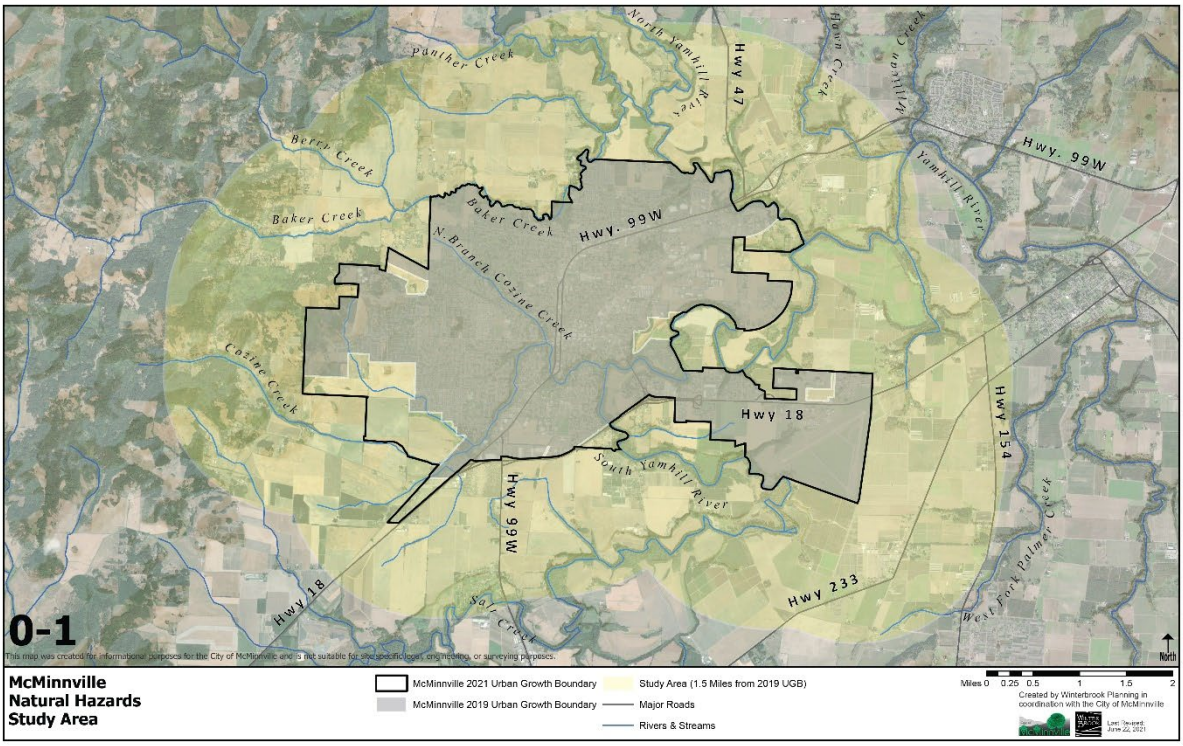
The following acronyms and abbreviations are used in this report.

- **BFE** – Base Flood Elevations
- **Cascadia** or **CSZ —** Cascadia Subduction Zone earthquake
- **CWPP** – *Yamhill County Community Wildfire Protection Plan*
- **DEM** – Digital Elevation Model
- **DOGAMI** – Oregon Department of Geology and Mineral Industries
- **FEMA** – Federal Emergency Management Agency
- **FIRM** – Flood Insurance Rate Map
- **Floodplain** – the 100-year floodplain including the floodway
- **GIS** – Geographic Information System
- **LIDAR** – Light Detection and Ranging
- **McMinnville NHMP** – *McMinnville Addendum to the Yamhill County Natural Hazards Mitigation Plan*
- **NFIP** – National Flood Insurance Program
- **NHO** – Natural Hazards Overlay (Comprehensive Plan Map Overlay)
    - **NH-M Subdistrict** – Natural Hazard Mitigation Subdistrict (Zoning Map Overlay)
    - **NH-P Subdistrict** – Natural Hazard Protection Subdistrict (Zoning Map Overlay)
- **OWRE** – *Oregon Wildfire Risk Explorer*
- **Oregon NHMP –** *Oregon Natural Hazards Mitigation Plan (2020)*
- **RFPD** – Rural Fire Protection Districts
- **SFHA** – Special Flood Hazard Area
- **Study Area** – the Natural Hazard Study Area (including land 1.5 miles from the 2019 UGB)
- **UGB** – McMinnville Urban Growth Boundary
- **UGMA** – Urban Growth Management Agreement
- **WUI Zone** – Wildland Urban Interface Zone

Introduction and Project Summary

In 2020, Winterbrook prepared the initial draft of the McMinnville Natural Hazards Inventory, Management Program Options and Recommendations study. The study area included (a) the McMinnville Urban Growth Boundary (UGB) as it existed in June 2020[1] and (b) the UGB expansion study area within 1.5 miles of the existing UGB[2]. The City considered inventory information provided in the initial draft report during the UGB amendment process. In December 2020, the City Council amended its UGB to include approximately 1,280 acres of land (of which 921 acres were considered "buildable"). The County subsequently adopted, and the Land Conservation and Development acknowledged, the UGB amendment. Figure 0-1 shows the 2021 UGB expansion area in relation to the previously existing 2019 and the Natural Hazards Study Area.

Figure 0-1 McMinnville 2019 UGB, 2021 UGB, and Natural Hazards Study Area



In March 2021, the City contracted with Winterbrook Planning to revise the 2020 Natural Hazards Study to:

a) Focus on the expanded 2021 UGB
b) Include social vulnerabilities described in the *Oregon Natural Hazards Mitigation Plan,* (Oregon NHMP) in the Natural Hazards Composite Ranking System,
c) Amend the proposed Natural Hazard Mitigation and Protection maps accordingly, and
d) Prepare draft amendments to the McMinnville Zoning Ordinance to include natural hazard mitigation and protection subdistrict maps and text.

[1] Referenced throughout this document as the 2019 UGB. (1 and 2 ? where are these referenced?_)
[2] Referenced throughout this document as the 2021 UGB.

This report represents the revised study including an inventory of natural hazards based on available mapping sources, considers alternative management options, and suggests policy and mapping amendments to the McMinnville Comprehensive Plan to systematically address McMinnville's mappable natural hazards within the 2021 UGB.[3]

The revised Natural Hazards Inventory includes a series of GIS (geographic information system) overlay maps showing moderate, high and severe hazard areas within the 2021 UGB and study area. The inventory also includes a description of the following natural hazards and how they may adversely affect life and property:

- **Geological Hazards** (areas subject to landslide, steep slope and earthquake liquefaction and shaking impacts)
- **Flood Hazards** (areas within the 100-year floodplain including the floodway)
- **Wildfire Hazards** (areas that are particularly susceptible to wildfires due to topography, fuel and settlement patterns)
- **Composite Hazards** (areas with one or more overlapping natural hazard categories)

McMinnville Comprehensive Plan

This revised study helps to implement recent amendments to the *McMinnville Comprehensive Plan* (Comprehensive Plan) to incorporate Great Neighborhood Principles and implementing policies.

> **Policy 187.40** **The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.**
>
> **Policy 187.50.1** directly addresses natural features (including Natural Hazard Management):
>
> 1. **Natural Feature Preservation**. Great Neighborhoods are sensitive to the natural conditions and features of the land. a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

The existing comprehensive plan addresses flood hazards only – consistent with Federal Emergency Management Agency (FEMA) regulations related to the National Flood Insurance Program (NFIP). The current comprehensive plan does not have a separate natural hazards element. The McMinnville Zoning Ordinance has a separate F-P Flood Hazard Zone that applies to land within the 100-year floodplain. However, the City currently lacks development standards for geological and wildfire hazards. The McMinnville Buildable Lands Inventory (ECONorthwest, 2003) identifies slopes of 25% or greater and floodplains as unbuildable consistent with applicable state law.

[3] Winterbrook addresses relationships among natural hazards and natural resources (such as riparian and upland wildlife habitat and scenic views and viewpoints) in a separate white paper.

McMinnville Natural Hazards Mitigation Plan

Recognizing that McMinnville is subject to several other natural hazards, the City has participated in the preparation of the *McMinnville Addendum to the Yamhill County Natural Hazards Mitigation Plan* (McMinnville NHMP).[4]

The mission of the McMinnville NHMP is:

> ***To promote public policy and mitigation activities which will enhance the safety to life and property from natural hazards.***

The McMinnville NHMP includes the following natural hazard goals related to the management of natural hazards:

> ***GOAL 4: PREVENTIVE:*** *Develop and implement activities to protect human life, commerce, and property from natural hazards. Reduce losses and repetitive damage for chronic hazard events while promoting insurance coverage for catastrophic hazards.*
>
> ***GOAL 6: IMPLEMENTATION:*** *Implement strategies to mitigate the effects of natural hazards and increase the quality of life and resilience of economies in Yamhill County.*
>
> ***GOAL 7: DEVELOPMENT:*** *Communities appropriately apply development standards that consider the potential impacts of natural hazards.*

The McMinnville NHMP includes a series of GIS hazard maps and recommends specific "measures" to implement these goals. These recommended natural hazard mitigation measures, along with the natural hazard management practices of six comparable Oregon cities, provide the foundation for developing a geographically based natural hazards management program.

Oregon Natural Hazards Mitigation Plan

The Oregon NHMP was amended in 2020 and incorporates social equity factors when ranking natural hazard risks. Broadly, the State risk assessment is based on 3 variables, (1) the probability of the event happening, (2) the physical vulnerability of the event happening, and (3) the social vulnerability of the event happening. The Oregon NHMP groups these factors by county. Winterbrook included the State's ranking for physical and social vulnerabilities with the localized probability of the natural hazard event occurring. This inclusion provides the revised ranking system presented in Chapters V and VI of this report.

Statewide Planning Goal 7 (Natural Hazards)

As recognized by Goal 7 (Natural Hazards), natural hazards pose risks to life and property that can be mitigated by effective planning. Goal 7 requires each local government to identify and develop programs to mitigate impacts for natural hazards.

> *A. NATURAL HAZARD PLANNING:*
>
> *1. Local governments shall adopt comprehensive plans inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*

[4] The McMinnville NHMP also considers information found in the *Yamhill County Community Wildfire Protection Plan* (Yamhill County CWPP).

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

This report meets Goal 7 requirements by (a) inventorying natural hazards and assessing the risks they pose to people and property and (b) recommending a program to mitigate the effects of mapped natural hazards within the McMinnville UGB and study area.

Overlapping Natural Hazards

In this report, Winterbrook also looks at relationships that exist among natural hazards based on a series of geographic information system (GIS) overlay maps.

- For example, McMinnville's West Hills and associated downslope areas are especially threatened by a combination of geological, wildfire and flood hazards.
- In low-lying areas, the Yamhill River and its tributaries are subject to overlapping flooding, slide hazards (bank failures) and wildfires fueled by riparian vegetation in dry conditions.
- Most of the McMinnville study area outside the West Hills is subject to strong or very strong earthquake liquefaction and shaking hazards due to underlying soil conditions.

Recognizing these inter-relationships and the threats posed by natural hazards to people, public infrastructure and private property, Winterbrook proposes a natural hazards mitigation program that addresses the combined impacts of geological, flood and wildfire hazards. The proposed program includes amendments to the McMinnville Comprehensive Plan and Plan Map that would include:

- A new Chapter XI: Natural Features that includes policies addressing multi-hazard, geological, flooding and wildfire impacts and mitigation within the McMinnville Natural Hazards Study Area.
- A new Natural Hazards Overlay Map that would be implemented by two zoning subdistricts – with graduated development standards depending on the combination of and severity of hazards found in specific geographic subareas in the community.

Report Organization

In addition to the Introduction, this report is organized into seven sections:

- **Section I Revised Inventory Methods** and information sources. The study area includes land within the McMinnville 2021 UGB and land within 1.5 miles of the 2019 UGB. The Inventory considers mappable geological, flooding and wildfire hazard areas.

- **Section II Revised Geological Hazards Inventory** is based on the McMinnville NHMP (which in turn is largely based on Oregon Department of Geology and Mineral Industries (DOGAMI) data). The Geological Hazards Inventory focuses on land within the McMinnville study area and includes areas susceptible to landslides, earthquake liquefaction and earthquake shaking. Inventory maps show moderate, high and severe hazard areas and include descriptions of and threats from each type of geological hazard.

- **Section III Revised Flood Hazard Inventory** is based on existing FEMA maps of the 100-year floodplain. This inventory will likely change based on planned updates and improved data sources.

- **Section IV Revised Wildfire Hazard Inventory** is based on the McMinnville NHMP, the Yamhill County CWPP, and application of the *Oregon Wildfire Risk Explorer* to the McMinnville study area.

- **Section V Natural Hazards – Cumulative Impacts Analysis** is based on Winterbrook's analysis of overlapping natural hazards maps to better understand the spatial relationships that exist among McMinnville's geological, flooding and wildfire hazard areas. The revised Section V incorporates social factors from the Oregon NHMP.

- **Section VI Natural Hazards Management Options** is based on the recommendations of the McMinnville NHMP, the management programs of six comparator communities, the McMinnville-specific natural hazards inventory found in Sections II-V, and recognition of the cumulative impacts of overlapping natural hazards in McMinnville's West Hills and lower elevation drainage systems.

- **Section VII Natural Hazards Program Recommendations** is based on information found in Sections I – VI, comments from the McMinnville planning staff, evaluation of natural hazards programs in other communities, and Winterbrook's experience in preparing natural features management plans. Section VII provides the basis for Zoning Ordinance amendments that include text and maps for Natural Hazard Mitigation and Protection Subdistricts.

I. Natural Hazards Inventory Methods

Information Sources

Winterbrook conducted the McMinnville Natural Hazards Inventory in May and June of 2020 using publicly available sources of hazard information from:

- The Oregon Department of Geology and Mineral Industries (DOGAMI). DOGAMI GIS data is publicly accessible via the Oregon HazVu: Statewide Geohazards Viewer;[5]
- The *McMinnville Addendum to the Yamhill County Natural Hazards Mitigation Plan* (McMinnville MHMP); and
- The *Yamhill County Community Wildfire Protection Plan* (CWPP). Wildfire risk information is available for Oregon regions by using the Oregon Wildfire Risk Explorer.[6]
- Winterbrook amended the natural hazards ranking system to incorporate social indicators found in the 2020 Oregon NHMP in April-May 2021.

The McMinnville Natural Hazards Study Area

Working with Senior Planner Tom Schauer in 2020, Winterbrook reviewed GIS data sources for the Natural Hazards Study Area, which included two subareas shown in Figure I-1: (a) land within the McMinnville 2019 UGB and (b) land within UGB expansion study areas – generally 1.5 miles from the 2019 UGB.[7]

Mappable Hazards

In this study, Winterbrook focused on natural hazards within the 2021 McMinnville UGB that are (a) mappable using GIS technology (i.e., flood plains, steep slopes, soils subject to earthquake liquefaction and shaking, landslide areas, and areas susceptible to wildfires) and (b) classified in the McMinnville NHMP (which in turn is based on DOGAMI and CWPP information) as having moderate and high risk. Such areas are potentially subject to natural hazards overlay zones that include development standards to mitigate impacts.

The draft McMinnville NHMP describes and ranks McMinnville's vulnerability to the following mappable natural hazards[8] and suggests hazard-specific mitigation measures for moderate and high-risk hazards:

- Earthquake hazards (crustal and Cascadia Subduction Zone);
- Landslide and erosion hazards (including steep slopes);
- Flood hazards; and
- Wildfire hazards.

Working with City staff, Winterbrook prepared GIS base maps for moderate and high-risk natural hazard areas. As noted above, this analysis relies primarily on statewide mapping information provided by DOGAMI for flood

[5] https://www.oregongeology.org/hazvu/
[6] https://tools.oregonexplorer.info/OE_HtmlViewer/index.html?viewer=wildfireplanning
[7] The 1.5 mile study area represents an area of mutual interest between the city and county and area that was under consideration by the City of McMinnville for potential UGB expansion in 2020.
[8] Since only mappable hazards are subject to overlay zoning overlay regulations, Winterbrook did not consider drought, severe weather and volcanic events in this inventory.

and geological hazards. To map wildfire hazards we used the Oregon Wildfire Risk Explorer to generate several wildfire risks maps.

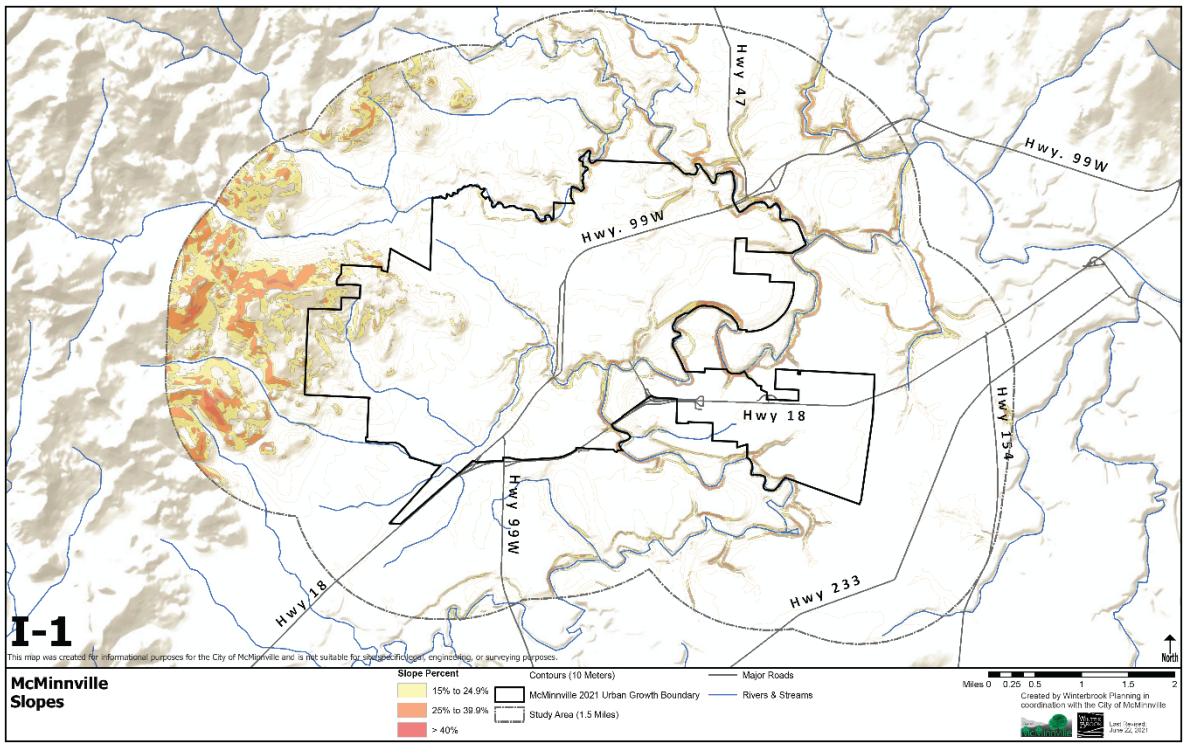
As discussed in Section V of this report, Winterbrook also prepared several composite hazard maps that show spatial relationships among geological, flooding and wildfire hazards. In 2021, Winterbrook worked with Associate Planner Jamie Fleckenstein to incorporate social indicators from the Oregon NHMP into this revised 2021 inventory.

Figure I-1 shows three slope categories within the McMinnville study area that are related to the location and severity of geological, flood (stream bank erosion) and wildfire hazards.

McMinnville Slope Hazards

Steep slopes are associated with wildfire hazards and geological hazards. Slope percentage is used by many jurisdictions to determine whether geological studies should be required prior to development. Slopes of 25% or greater are considered "unbuildable" when preparing buildable lands inventories under state housing rules. (OAR 660-008-005 Definitions) The City of McMinnville also requires sprinkler systems to reduce fire hazards on slopes of 15% or greater. For these reasons, slope percentage is considered in several of the composite maps found in the natural hazards inventory. Steep slopes are found mostly in McMinnville's West Hills and define the banks of the study area streams and rivers.

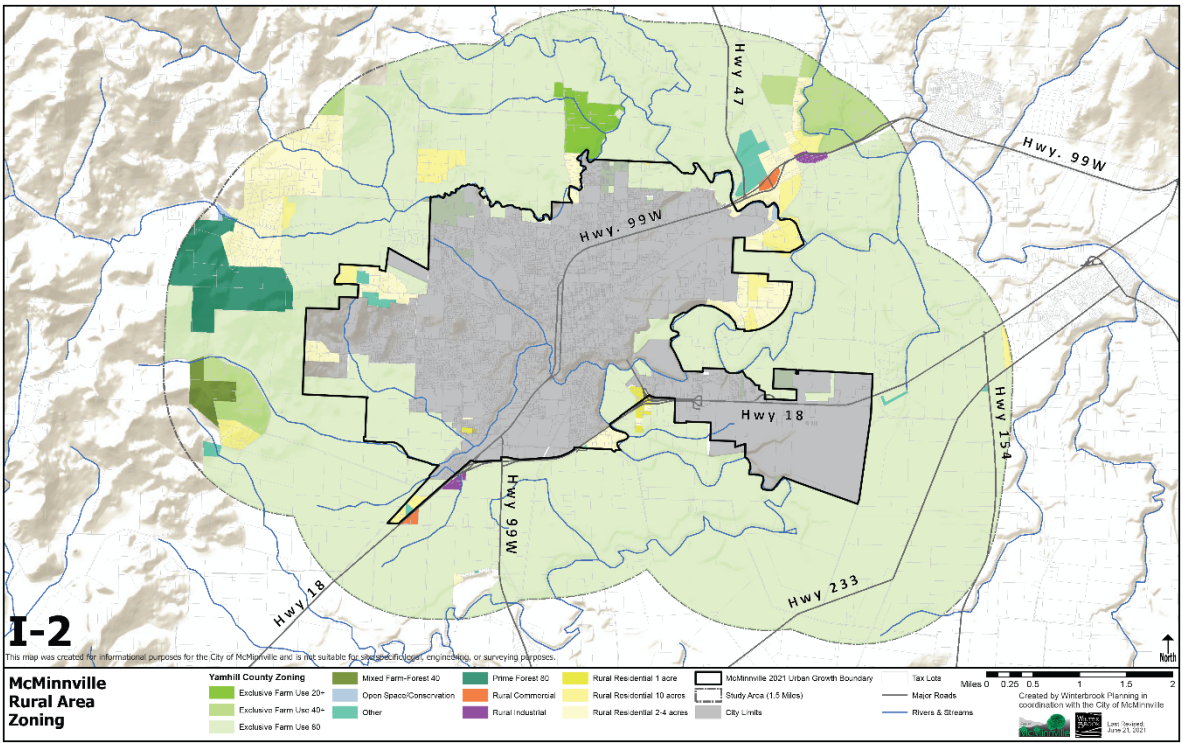
Figure I-1 McMinnville 2021 UGB and Study Areas Slopes



Yamhill County Zoning

Figure I-2 shows Yamhill County zoning outside the McMinnville City Limits. County zoning partially determines land use and density outside the 2021 McMinnville UGB – which in turn is related to hazard vulnerability to life and property. A larger scale and more readable zoning map is available in 11" X 17" format. In Yamhill County land that is zoned for forest use (the Agricultural Forest and Forestry Districts) in the forested West Hills is subject to specific wildfire protection (fuel reduction zones, fire suppression and access) standards for new structures.

Figure I-2 County Zoning within Study Area



II. Geological Hazards Inventory

Section II considers landslide, earthquake and steep slope hazards both individually and in combination.

Data Sources

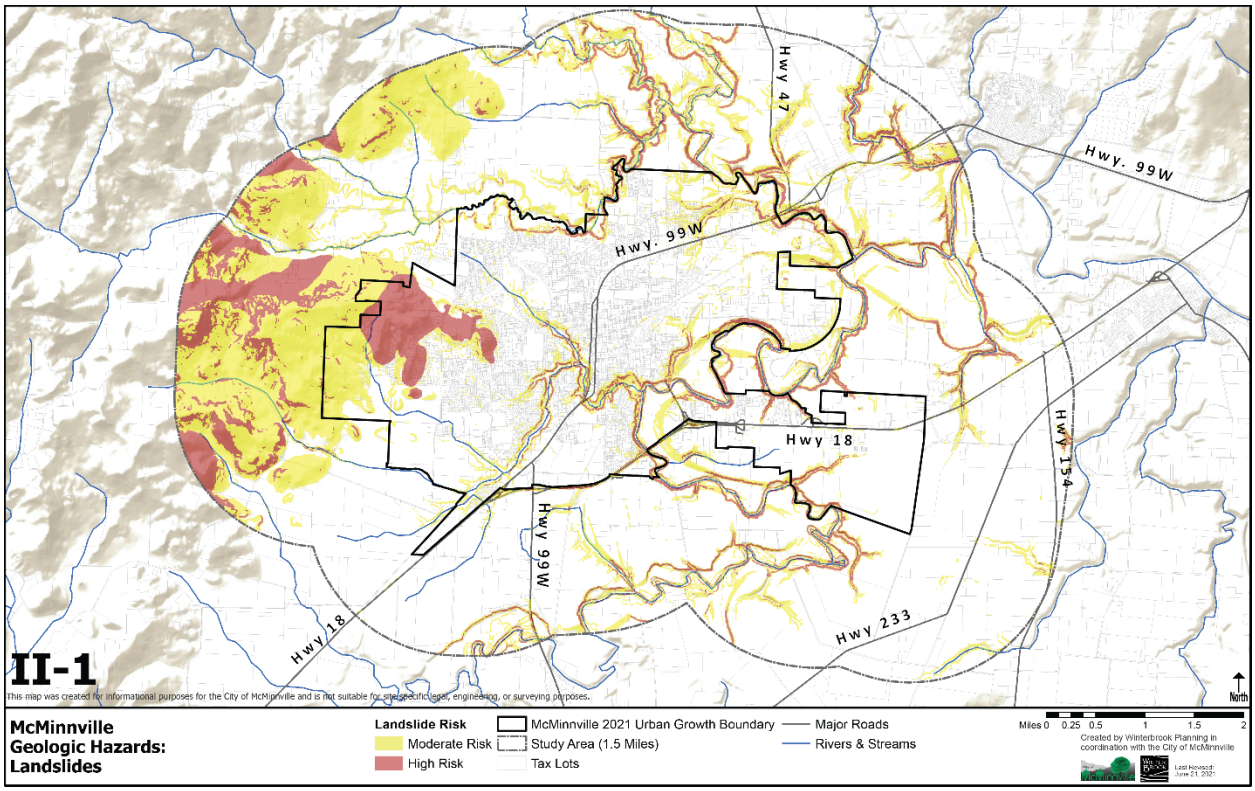
Winterbrook relied on landslide and slope hazard maps available on DOGAMI's Statewide Geohazards Viewer to identify potential landslide and slope hazards:

- DOGAMI: Landslide susceptibility
- DOGAMI: Landslide inventory - Statewide Landslide Information Database for Oregon (SLIDO)
- DOGAMI LIDAR: Hillshade and slope
- DOGAMI: Earthquake shaking and liquefaction risks

Landslide Hazard

The McMinnville NHMP describes and maps areas with moderate and high landslide hazard susceptibility based on the HazVu: Statewide Geohazards Viewer (DOGAMI). Figure II-1 shows moderate and high-risk landslide areas within the study area.

Figure II-1 Geological Hazards: Moderate and High Landslide Risk



Areas that are moderately and highly prone to landslides are found predominately in McMinnville's West Hills and secondarily along Baker Creek, Berry Creek, Cozine Creek and South Yamhill River embankments. Two high-risk landslide areas are located in McMinnville's West Hills: at lower elevation in the western extension of the UGB and at higher elevation in the western extension of the study area. Note that a large band of moderate landslide risk separates these two high-risk areas.

Earthquake Hazards

The McMinnville NHMP and this inventory consider and map the effects of two types of earthquakes:

1. Crustal earthquakes that could emanate from nearby faults and/or zones; and
2. The Cascade Subduction Zone Earthquake.

Potential earthquake hazards include two related and mappable effects: shaking from ground motion and liquefaction due to porous or "soft" soils can result from both types of earthquakes. Earthquakes can also trigger landslides in areas shown on Figure II-1.

Crustal and Cascadia Subduction Zone Earthquakes

The Yamhill County Multi-Jurisdictional NHMP describes the two types of earthquakes and explains their hazardous effects as follows (pp. 4-10 and 4-11):

> *"An earthquake is a sudden motion or trembling of the earth produced by the rupture of rocks due to stresses beyond the rocks' elastic limits. The effects of an earthquake can be felt far beyond the site of its occurrence. Earthquakes usually occur without warning and, after just a few seconds, can cause massive damage and extensive casualties. The most common effect of earthquakes is ground motion, or the vibration or shaking of the ground during an earthquake.*
>
> *The severity of ground motion generally increases with the amount of energy released and decreases with distance from the fault or epicenter of the earthquake. Ground motion causes waves in the earth's interior, also known as seismic waves, and along the earth's surface, known as surface waves. …*
>
> *In addition to ground motion, several secondary hazards can occur from earthquakes, such as surface faulting. Surface faulting is the differential movement of two sides of a fault at the earth's surface. Displacement along faults, both in terms of length and width, varies but can be significant (up to 20 feet), as can the length of the surface rupture (up to 200 miles). Surface faulting can cause severe damage to linear structures, such as railways, highways, pipelines and tunnels.*
>
> *Earthquake-related ground failure due to liquefaction is another secondary hazard. Liquefaction occurs when seismic waves pass through saturated granular soil, distorting its structure, and causing some of the empty spaces between granules to collapse. Porewater pressure may also increase sufficiently to cause the soil to briefly become fluid.*
>
> *Liquefaction causes lateral spreads (horizontal movements of commonly 10 to 15 feet, but up to 100 feet), flow failures (massive flows of soil, typically hundreds of feet, but up to 12 miles) and loss of bearing strength (soil deformations causing structures to settle or tip). Liquefaction can cause severe damage to property.*
>
> *The most common earthquakes that occur in Oregon are crustal, intraplate or great subduction earthquakes. Yamhill County is most susceptible to deep intraplate and subduction zone earthquakes. These are described as follows:*
>
> ***Crustal earthquakes**: These generally occur along shallow faults near the earth's surface. Crustal earthquakes make up the majority of earthquakes in the Cascadia area (western Washington, Oregon and northwestern California) and are a result of fault movement in the Earth's surface. These shallow earthquakes are usually less than 7.5 magnitude and strong shaking generally lasts 20 to 60 seconds. Aftershocks, as well as tsunamis and landslides, are anticipated after a crustal event. The Mount Angel Fault is located approximately 15 miles from Yamhill County, and is responsible for the 5.7 magnitude Spring Break Quake in 1993.*

> ***Great subduction earthquakes****: occur offshore of the Oregon and Washington Coasts along the Cascadia Subduction Zone. This zone is the result of the Juan de Fuca plate being pushed under the North American plate. Earthquakes centered along this zone can be as great as 9.0 magnitude. Geologic evidence demonstrates approximately 500 years between events with the last significant event on January 26, 1700. Aftershocks up to 7.0 magnitude are anticipated to cause additional damage. Liquefaction, tsunamis and landslides are expected as a result of a great subduction earthquake.*

Quoting from the DOGAMI website https://www.oregongeology.org/earthquakes/earthquakehome.htm

> *Earthquake hazards have been recognized as one of the major natural hazards in Oregon since the late 1980s, a result of the geologic research to identify and characterize the Cascadia subduction zone and crustal faults. The March 1993 Scotts Mills earthquake (M5.6) and the September 1993 Klamath Falls earthquakes (M5.9 and M6.0) demonstrated the potential hazards of crustal earthquakes in Oregon.*

According to the McMinnville NHMP (p. MA-37)

> *Within the Northern Willamette Valley that includes Yamhill County, two potential faults and/or zones can generate high-magnitude earthquakes. These include the Cascadia Subduction Zone and the Gales Creek-Newberg-Mt. Angel Structural Zone (including the Newberg Fault).*

Crustal earthquakes can cause serious local damage, as recognized in the Yamhill County Natural Hazard Mitigation Plan (2014):

> *Crustal earthquakes also occur in the Willamette valley although with smaller expected magnitudes (M 5.0-M 7.0). Although these earthquakes are expected to be much smaller than a Cascadia Subduction Zone earthquake, they are more likely to occur close to population centers and are capable of causing severe shaking and damage in localized areas.*

Although crustal earthquakes are more common than great subduction earthquakes (see https://pnsn.org/earthquakes/recent), the Cascadia Subduction Zone (CSZ or Cascadia) earthquake is certain to occur sometime in the future and could occur at any time.

Again, according to the McMinnville NHMP:

> ***Cascadia Subduction Zone***
>
> *The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year. Scientists have found evidence that 11 large, tsunami-producing earthquakes have occurred off the Pacific Northwest coast in the past 6,000 years. These earthquakes took place roughly between 300 and 5,400 years ago with an average occurrence interval of about 510 years. The most recent of these large earthquakes took place in approximately 1700 A.D.*

The city's proximity to the Cascadia Subduction Zone, potential slope instability, and the prevalence of certain soils subject to liquefaction, and amplification combine to give the City a high-risk profile. Due to the expected pattern of damage resulting from a CSZ event, the Oregon Resilience Plan divides the State into four distinct zones, and places McMinnville within the "Valley Zone" (Valley Zone, from the summit of the Coast Range to the summit of the Cascades). Within the Northwest Oregon region, damage, and shaking is expected to be strong, and widespread - an event will be disruptive to daily life, and commerce, and the main priority is expected to be restoring services to business and residents.

Quoting from the Cascadia Playbook (Oregon Office of Emergency Management, 2018):

> *A Cascadia event is based on the threat of a catastrophic magnitude 9.0 Subduction Zone earthquake and resultant tsunami. Coastal counties will experience a devastating tsunami on top of severe ground shaking (up to five minutes). Shaking intensity will be less in the I-5 Corridor and Southern, Central, and Eastern Oregon, but older buildings may incur extended damage. Expected Impacts*
>
> - *Ground shaking for 4-6 minutes causing massive critical infrastructure damage*
> - *Liquefaction and landslides causing disruption of transportation routes*
> - *Tsunami inundation to coastal areas with as little as 15 minutes warning*
> - *Up to 25,000 fatalities resulting from combined effects of earthquakes and tsunami*
> - *Tens of thousands of buildings and structures destroyed or damaged*
> - *Tens of thousands of people in need of shelter because of destroyed or damaged households*
> - *$30+ billion in economic loss*

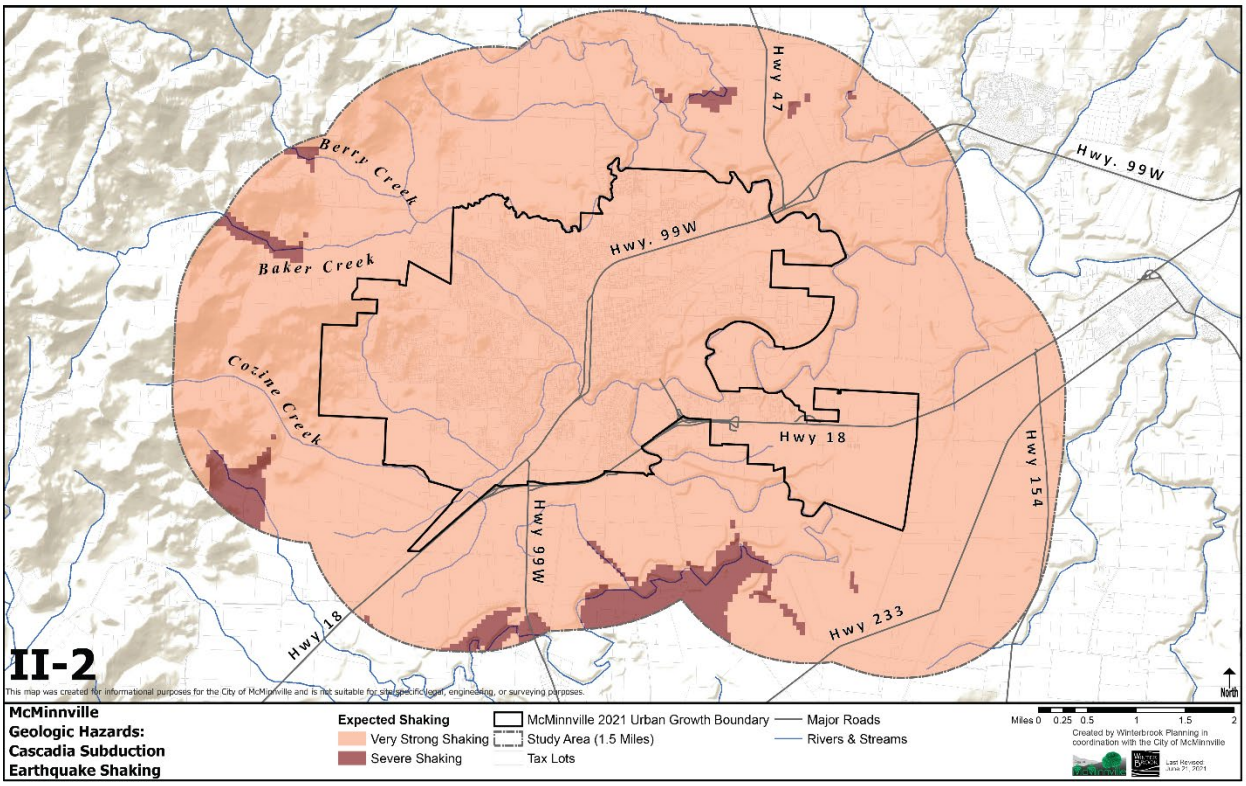
Although coastal communities will experience greater impacts than Willamette Valley communities, McMinnville's location at the base of the Coast Range makes it highly susceptible to Cascadia Subduction Zone earthquake damage. **Because the impacts from the Cascadia Subduction Zone earthquake would be so severe, Winterbrook's analysis and recommendations focus on impacts from the Cascadia event.**

Earthquake Shaking Hazard Areas

DOGAMI provides data and maps for both crustal and subduction earthquakes. Since great subduction earthquakes are more severe and has a high probability of occurring occur over the next 50 years, Winterbrook used DOGAMI subduction earthquake mapping for this analysis.

Figure II-2 shows areas susceptible to "very strong" and "severe" shaking that could result from the Cascadia Subduction Zone Earthquake. As with a crustal earthquake, most of the study area will experience strong shaking in the subduction earthquake. Severe shaking areas include the upper Baker Creek valley and south of Cozine Creek as well as a large area southwest of the airport. The amended UGB did not include severe shaking areas.

Figure II-2 Geological Hazards: Cascadia Subduction Earthquake Shaking Risk

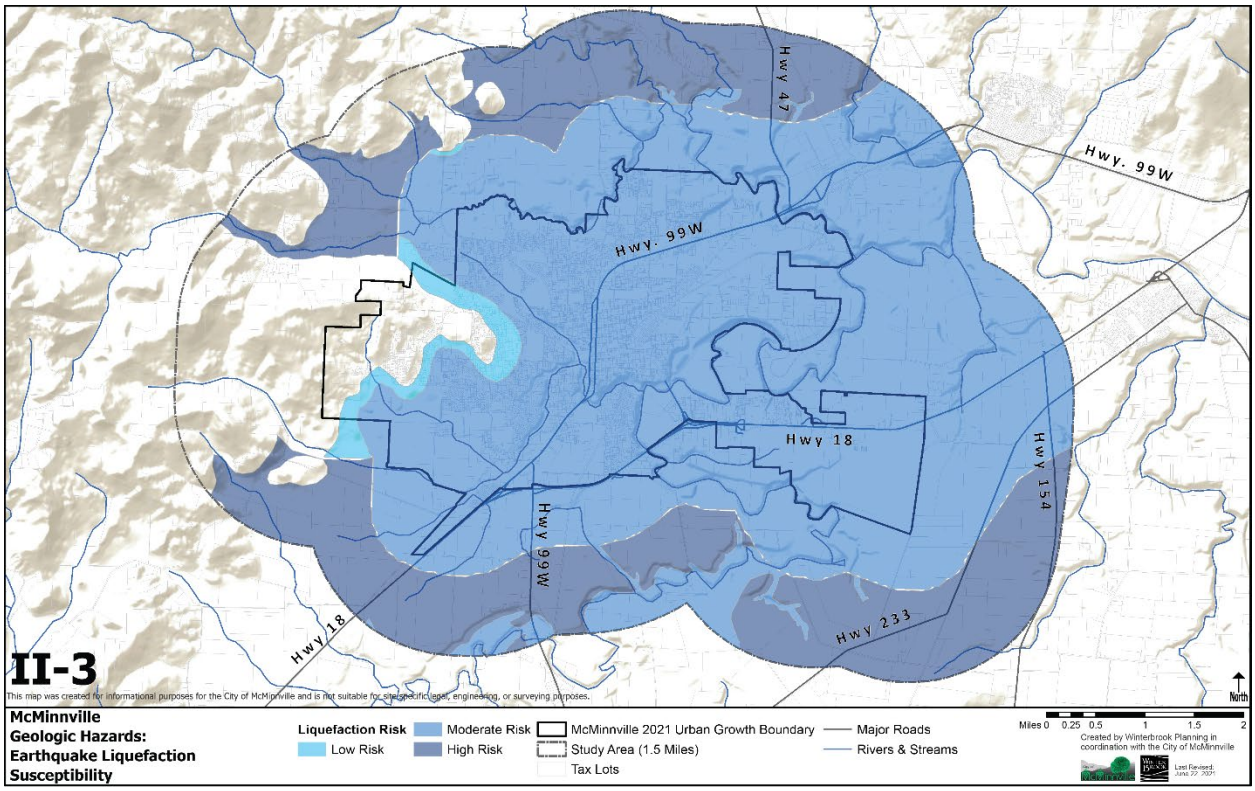


Earthquake Liquefaction Hazard Areas

Liquefaction occurs from both types of earthquakes and results from soft soils. All land within the existing UGB is subject to moderate liquefaction. Areas of moderate liquefaction extend about 0.5 miles north and south of the UGB, and much further beyond the study area boundary east of the UGB.

- Areas of high liquefaction susceptibility extend from 0.5 to 0.75 miles from the UGB to the north and south. The amended UGB did not include high liquefaction areas.
- The West Hills are characterized by high bedrock and less alluvial soil are not subject to liquefaction – except along stream corridors.
- Note the large moderate liquefaction area that extends into the high liquefaction areas southwest of the airport – at the bottom center of Figure II-4. This nodal extension is mapped as a severe shaking area on Figure II-3 which shows the relationship between moderate and high liquefaction and shaking areas.

Figure II-3 Geological Hazards: Earthquake Liquefaction Susceptibility

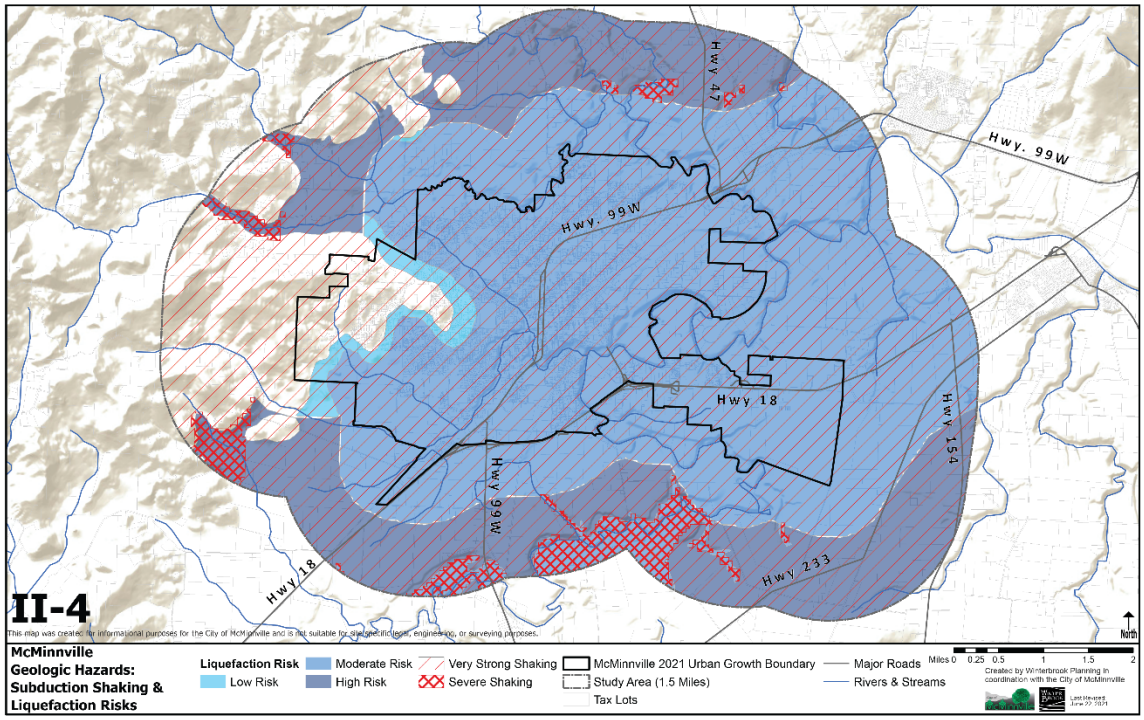


Combined Earthquake Liquefaction and Shaking Hazard Areas

Figure II-4 shows the relationship that exists among high and moderate liquefaction areas and "very strong" and "severe" earthquake shaking areas.

- Note that land within and extending outside the amended McMinnville UGB has moderate liquefaction risk and "very strong" shaking risk.
- However, a large band of high liquefaction risk and "severe" shaking risk is appears the northern and southern areas at a more or less uninform distance from the edge of the study area.
- Finally, note the severe shaking area southwest of the Airport (largely in the South Yamhill River floodplain) shown on Figure II-4 that corresponds roughly with the moderate liquefaction area shown on Figure II-3 above.
- The amended UGB did not include areas with severe shaking risk or high liquefaction risk.

Figure II-4 Geological Hazard: Cascadia Subduction Earthquake Liquefaction and Shaking Risk



Composite Geological Risk Maps

Figure II-5 is a composite map showing slopes of 15% or greater, landslide hazard and earthquake liquefaction hazard areas. We offer the following observations:

- Note the inverse relationship that exists between (a) steep slopes and the moderate to high-risk earthquake risks in the West Hills and (b) moderate to high risk earthquake liquefaction areas to the north, south and east of the UGB.
- Moderate risk geological hazard areas (relatively flat areas with moderate liquefaction hazards and low landslide hazards) are found to the north and south of the UGB. High risk earthquake liquefaction areas are located further to the northwest and south.
- In weighing geological hazard risks, it may be more advisable to direct future urban growth to areas that have areas with moderate geological hazard risk rather than higher risk areas.
- As shown more clearly on 11" by 17" maps accompanying this report, there is rough correlation between 15% and greater slopes and landslide hazard areas, indicating that slope percentage should not be the only threshold for requiring erosion control geotechnical studies.

Figure II-5 Geological Hazards Map: Landslide, Liquefaction, Subduction Shaking and Slopes

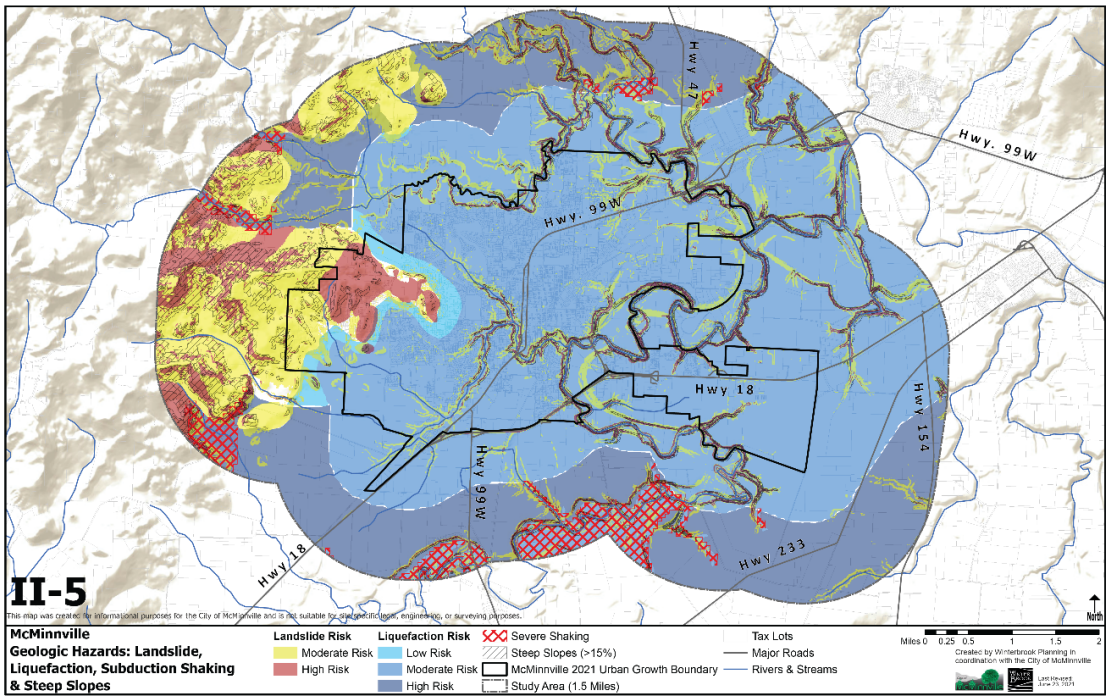
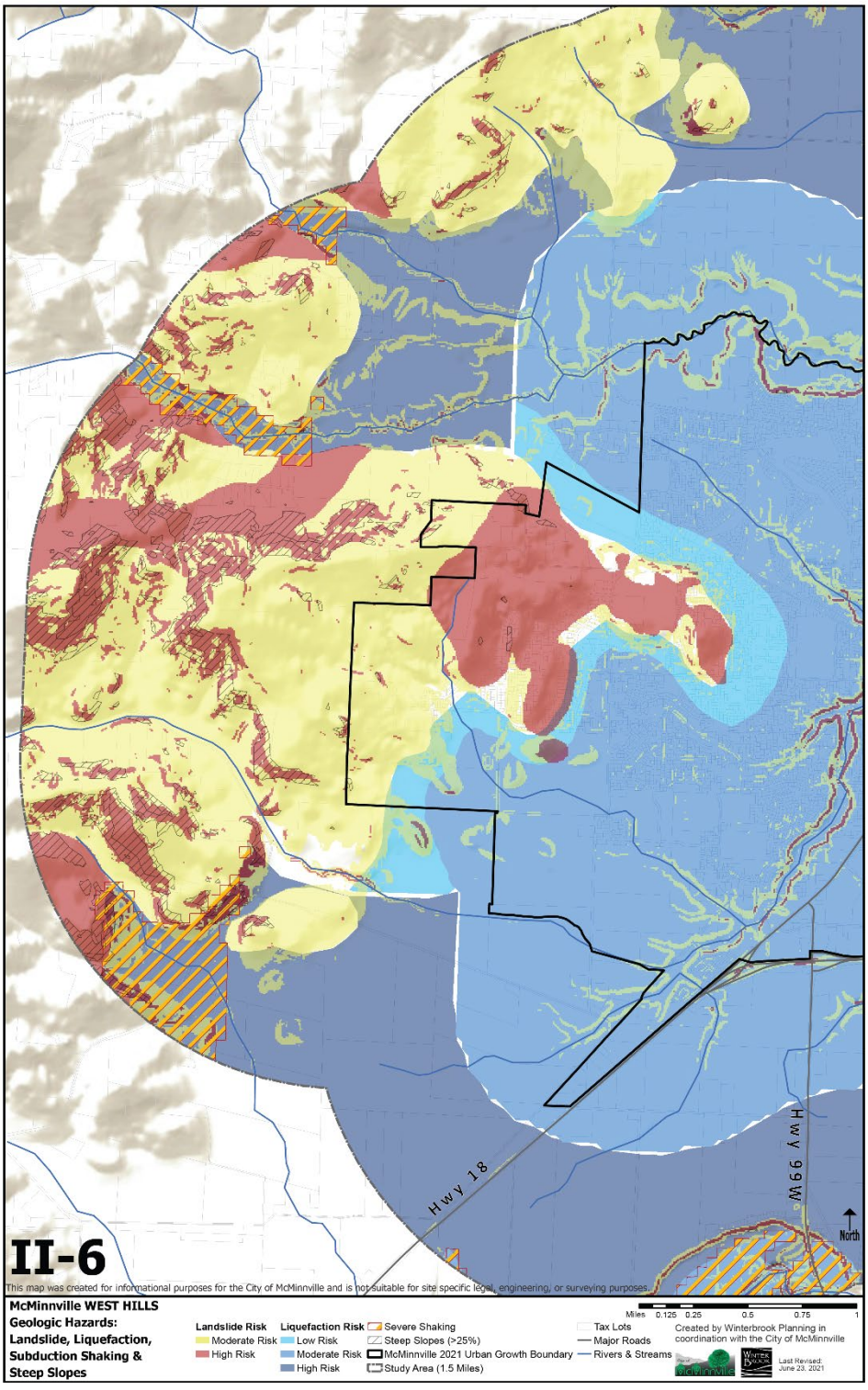


Figure II-6 zooms in on the West Hills to look more closely at the relationships among slopes of 25% and greater, moderate and high-risk landslide liquefactions areas, severe risk landslide shaking areas, and moderate to high risk landslide areas.

Please note the following:

- The high correlation between slopes of 25% or greater and high risk landslide areas.
- The inverse relationship between (a) moderate to high risk landslide areas and (b) high risk liquefaction areas and severe earthquake shaking areas north and south of the West Hills.

Figure II-6 West Hills Geological Map: Steep Slope, Severe Shaking, Landslide and Liquefaction Risk

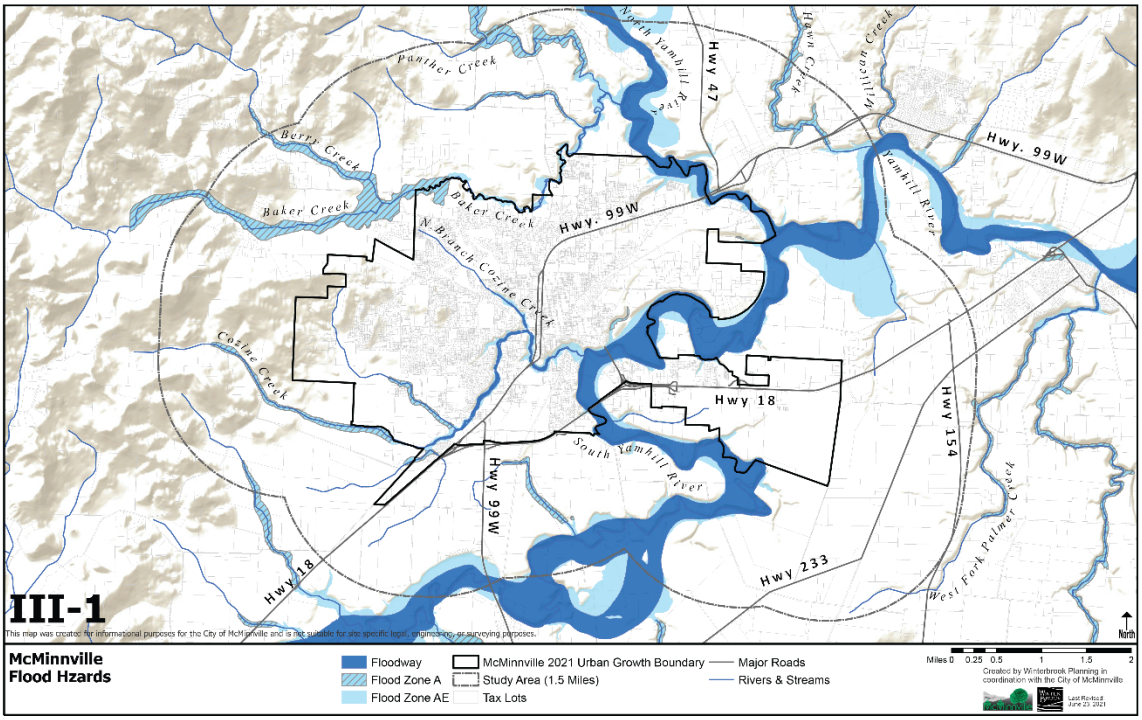


III. Flood Hazard Inventory

Flood Hazard GIS Data Sources and Analysis

Winterbrook relied on flood hazard maps available on DOGAMI's Statewide Geohazards Viewer found in the McMinnville NHMP. Flood hazards include: Zone A, Zone AE, and the Floodway.[9] As shown on Figure III-1, flood hazards within the study area are associated with Cozine Creek, Berry Creek, Baker Creek and the Yamhill River.

Figure III-1 Flood Hazard Map



[9] Winterbrook's understanding is FIRM maps were used as the basis for DOGAMI's statewide inventory.

FEMA Floodway Definition/Description:

A "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur or identify the need to adopt a floodway if adequate information is available.

About Flood Zones: Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs on Figure III-1 are labeled Floodway, Zone A and Zone AE. Zone A indicates areas where base flood elevations (BFE) have not been fully determined. Additional work is required to define the BFEs in in the upper reaches of the Baker, Cozine and Berry Creek floodplains.

IV. Wildfire Hazard Inventory

Wildfire GIS Data Sources

The **Yamhill County Community Wildfire Protection Plan** (CWPP, Revised 2015) identifies two Wildland Urban Interface Zones (WUI Zones). Zone I is comprised mostly of commercial forest land in West Yamhill County. Zone II includes agricultural land, urban areas and forested uplands in East Yamhill County. The McMinnville study area is mostly within Zone II which includes agricultural, forest and rural residential land within the McMinnville study area.

According to the CCWP, Zone II has a "high" county-wide wildfire hazard ranking. However, some Zone II areas are more at risk than others. For example, rural residential forested slopes near the Newberg and McMinnville urban areas are more at risk than unpopulated agricultural land.

The McMinnville NHMP (pp. MA 50-52) summarizes key findings in the Yamhill County CWPP:

> *The location, and extent of a wildland fire vary depending on fuel, topography, and weather conditions. Weather, and urbanization conditions are primarily at cause for the hazard level. McMinnville has not experienced a wildfire within City limits. The city is surrounded by developed land, rivers, and/or irrigated agricultural land. However, some wooded areas are a concern in the case of a wildfire event, particularly in the western part of the city.*

Oregon Wildfire Risk Explorer

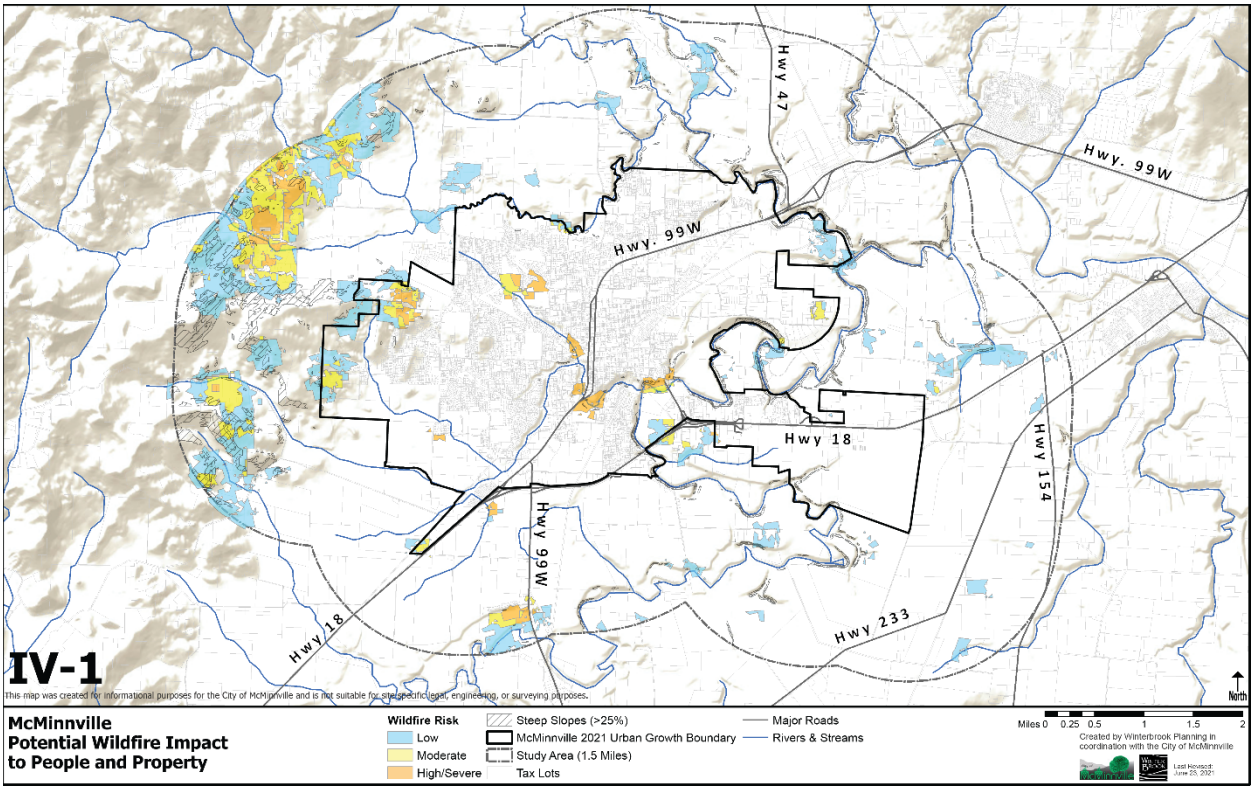
The OWRE Advanced Report provides wildfire risk information for a customized area of interest to support Community Wildfire Protection Plans (CWPPs), Natural Hazard Mitigation Plans (NHMPs), and fuels reduction and restoration treatments in wildfire-prone areas in Oregon. The OWRE Advanced Report provides landscape context of the current fire environment and fire history.

Using the *Oregon Wildfire Risk Explorer*, Winterbrook prepared an *Advanced Report* showing wildfire hazards to potential structures and the people who live and work in them. Figure IV-1 shows Wildfire Hazard to Potential Structures and the general location of McMinnville RFPD Risk Reduction Projects. According to the Risk Explorer:

> ***Hazard to Potential Structures:*** *Hazard to potential structures depicts the hazard to hypothetical structures in any area if a wildfire were to occur. This differs from Potential Impacts, as those estimates consider only where people and property currently exist. In contrast, this layer maps hazard to hypothetical structures across all directly exposed (burnable), and indirectly exposed (within 150 meters of burnable fuel) areas in Oregon. As with the Potential Impacts layers, the data layer does not take into account wildfire probability, it only shows exposure and susceptibility.*

As indicated in the description above, moderate and high risk areas shown on Figure IV-1 correlate highly with rural residential areas shown on Figure I-2. Moderate risk wildfire areas continue into the western extension of the McMinnville UGB. Please note that "Potential Impacts to People and Property" focuses on areas with structures. Thus, areas without structures (mainly in steeply sloped areas) have a lower risk to people and property. Finally, as discussed in Section V, hillsides denuded by recent wildfires are more susceptible to erosion and slide hazards due to loss of stabilizing vegetation.

Figure IV-1 Wildfire – Potential Impacts to People and Property with Steep Slopes



As a reminder, Figure I-2 in Section I of this report shows Yamhill County Zoning in the Natural Hazards Study Area. Yamhill County has effective fire prevention standards for structures in County Prime Forest and Mixed Forest zones.

V. Natural Hazards – Multi-Hazard Cumulative Impacts

Composite Geological Hazard Mapping Approach

The draft McMinnville NHMP mapped and evaluated a series of natural hazards more or less in isolation. The location and severity of each was mapped and assessed and potential community impacts and mitigation measures were identified.

As noted in Section I of this report, Winterbrook used GIS maps and information found in the McMinnville NHMP but focused on mappable natural hazards that exist within the McMinnville study area.

Section II went a step further than the McMinnville NHMP by evaluating relationships that exist among overlapping geological hazards. Figures II-3 through II-5 show overlapping geological hazard maps and a brief analysis of what these overlaps mean in terms of natural hazards planning.

The following composite natural hazards map (Figures V-1 through V-3) show relationships among hazards identified in Section II (Geological), Section III (Flooding) and Section IV (Wildfire).

Figure V-1 on the following page shows that land within the McMinnville UGB – with two notable exceptions – is relatively free of high risk areas. The two exceptions within the UGB include:

1. Flood hazards generally; and
2. High landslide risk hazard areas in the lower slopes of the West Hills and adjacent floodplains.

Most of the land within the amended UGB has moderate (as opposed to high) earthquake liquefaction susceptibility. Hazard conditions outside the UGB tell a different story. The moderate risk liquefaction area extends beyond the amended UGB to the north, northwest, southwest and south for about 0.5 to 0.75 miles before reaching high liquefaction risk areas.

Figure V-1 Composite Map: Landslide, Liquefaction and Flood Hazards

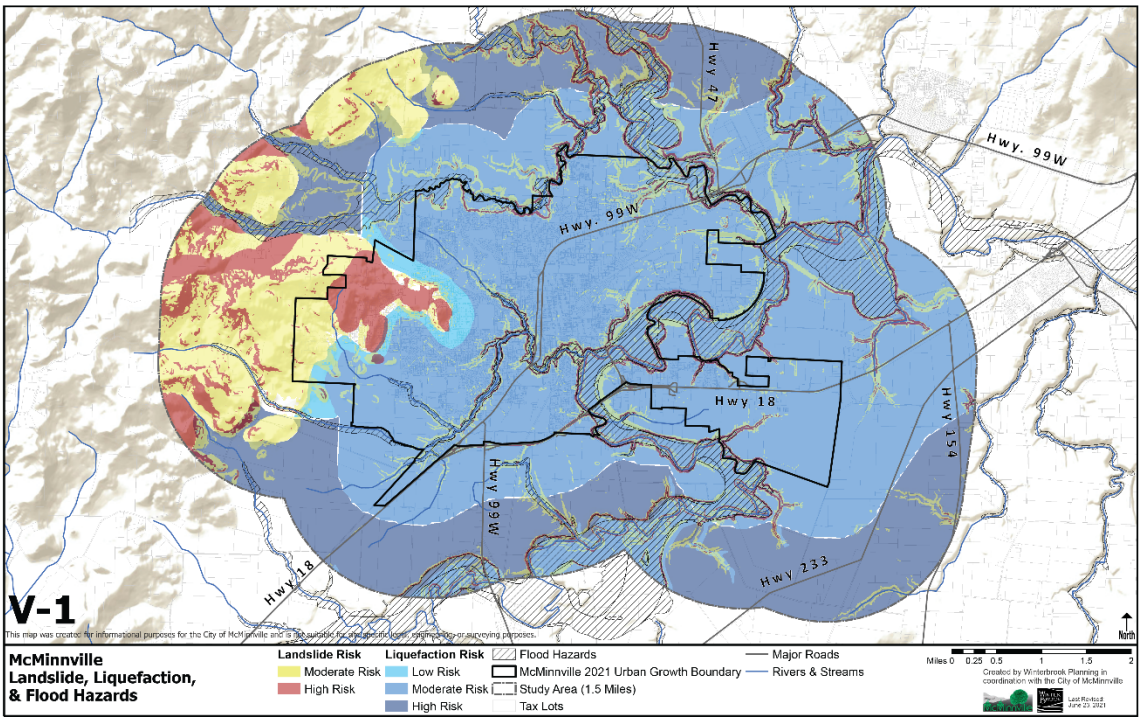


Figure V-1 shows the highest risk areas in the Natural Hazards Study Areas by mapping slopes of 25% and greater; high risk landslide, earthquake liquefaction; and the 100-year floodplain.

- This composite map makes it clear that land within the amended McMinnville UGB is relatively free of high-to-severe hazard risks.
- With the exception of the area served by Highway 18, the UGB has been largely defined by Baker and Cozine Creeks and the North and South Yamhill Rivers. Floodplains in these areas are protected from most types of development by City floodplain regulations.
- The primary high-to-severe hazards within the UGB include high risk landslide hazards in the West Hills and adjacent to protected floodplains.
- As discussed in Section II of this report (and shown on Figure II-4), high risk earthquake liquefaction and severe shaking areas are clearly defined to the west and south of the amended UGB.

To the west of the UGB, there is a moderate risk landslide area that extends to the West Hills' steeply sloped and high landslide risk areas.

Figure V-2 focuses on the West Hills in relation to lowlands west of Hwy 99W. Please note the following:

- The large high risk landslide area within the amended UGB is separated by a moderate risk landslide area just outside the UGB before reaching another band of high-risk landslide area.
- The West Hills are flanked to the north and south by high-risk earthquake liquefaction areas. As described earlier in Section II, Figure II-4 shows severe risk landslide shaking areas in Baker Creek and Cozine Creek alluvial plains.

Figure V-2 Composite Map: West Hill Slope, Landslide, High Earthquake Liquefaction Risk

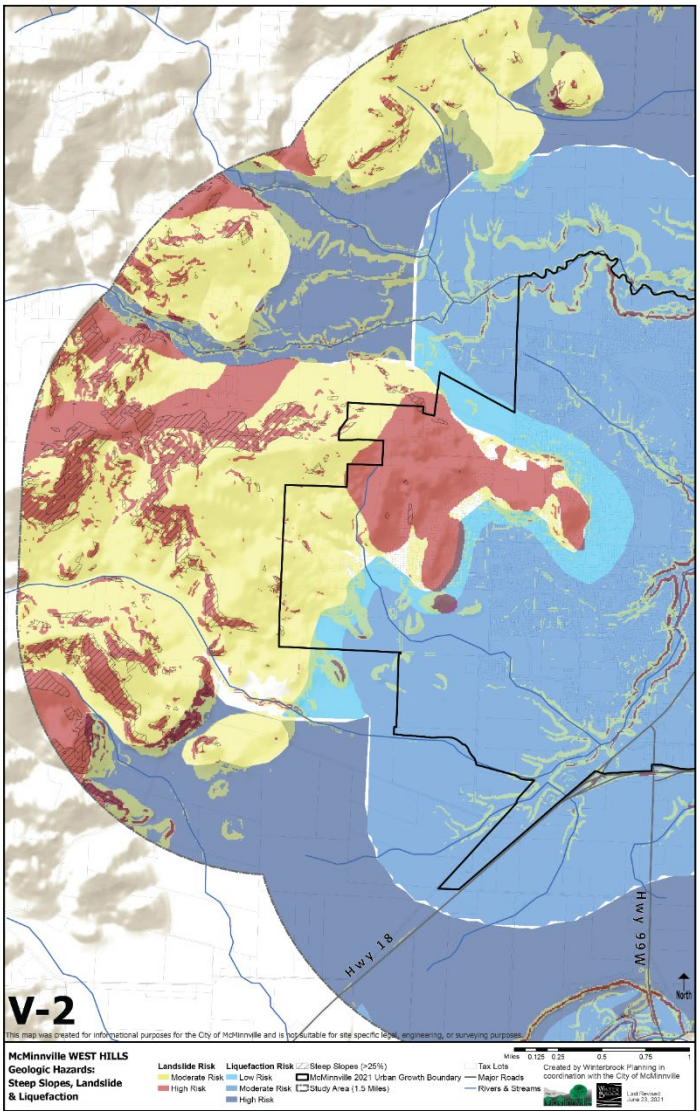


Figure V-3 shows the eastern (Valley) portion of McMinnville study area generally east of Highway 99W. The primary natural hazard in this area is flooding. Landslide hazard areas define the outer boundaries of floodplains that are subject to bank failure in high water conditions or in a major earthquake event. Note the areas of high-risk earthquake liquefaction hazards to the north and south of the UGB. In addition, the Yamhill River floodplain

southwest of the McMinnville Airport contains a severe earthquake shaking hazard area as shown in Section II on Figure II-4.

Figure V-3 Composite Map: East Valley Floodplain, Landslide and Liquefaction Risk

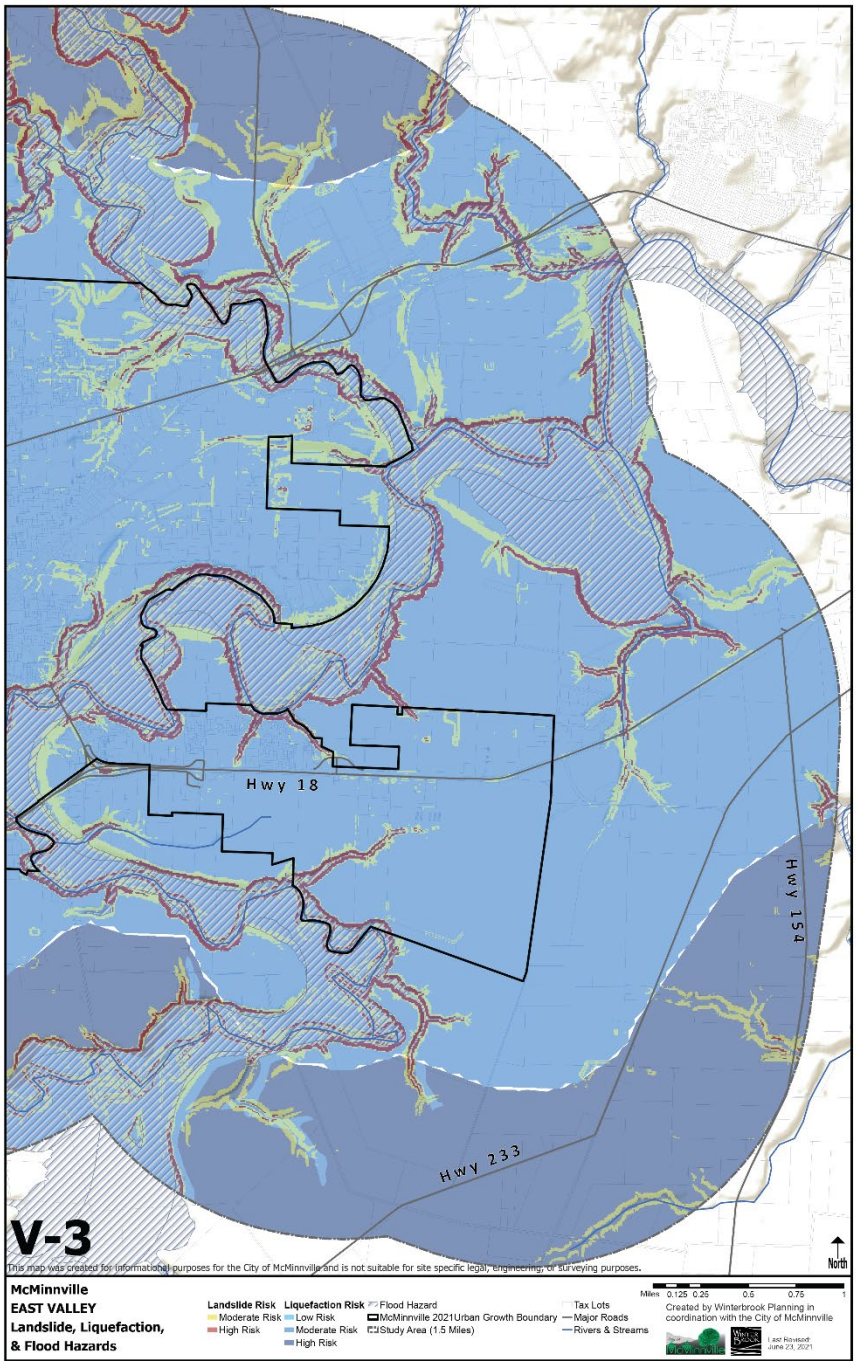


Figure V-4 combines wildfire, landslide and flood hazard risks and focuses on the West Hills and low-lying areas west of Highway 99W.

- Overall, there is some correlation between wildfire and landslide risk Higher wildfire risk areas correlate more with rural residential development in forested hillside areas with limited access.
- Note that low wildfire risk areas correlate with undeveloped areas because wildfire risk focus on impacts to people and structures. Thus, yellow areas shown on Figure V-4 still have wildfire risk – but are unlikely to damage structures; however, the danger still exists from larger scale wildfires.
- Note also that high wildfire risks occur near vegetated stream and river corridors.
- Finally, the CWPP and the McMinnville Fire Department has observed (6/24/20) that grasslands and grain crop areas are also susceptible to wildfire risk.

Figure V-4 Composite Map: West Hills Wildfire, Landslide, and Floodplain Risk

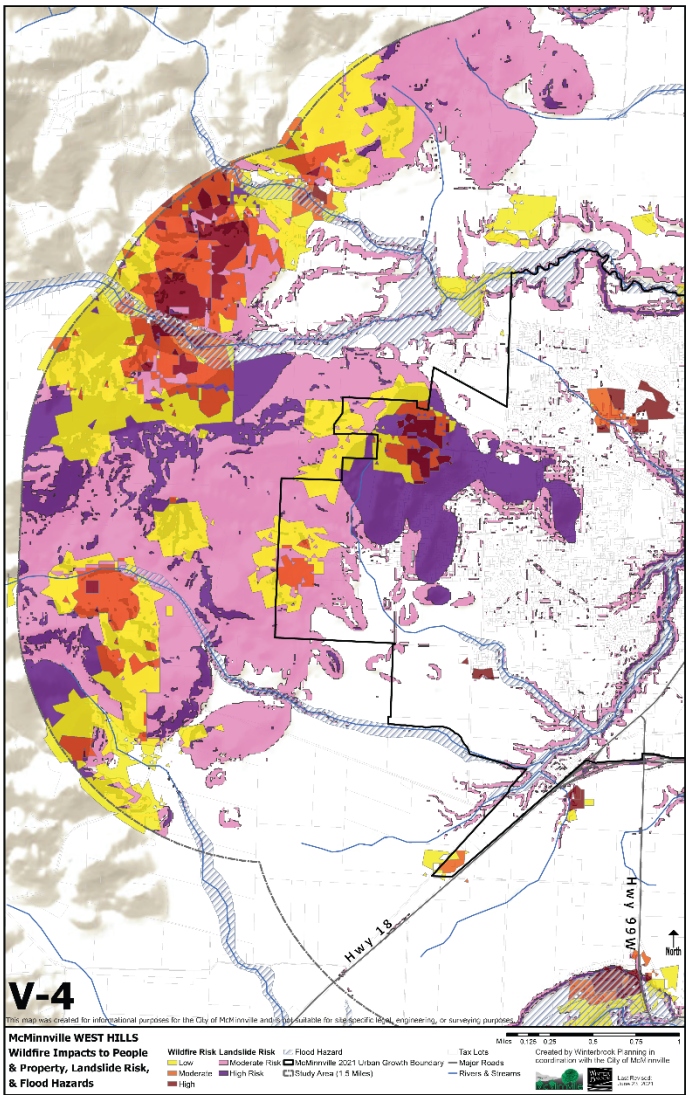
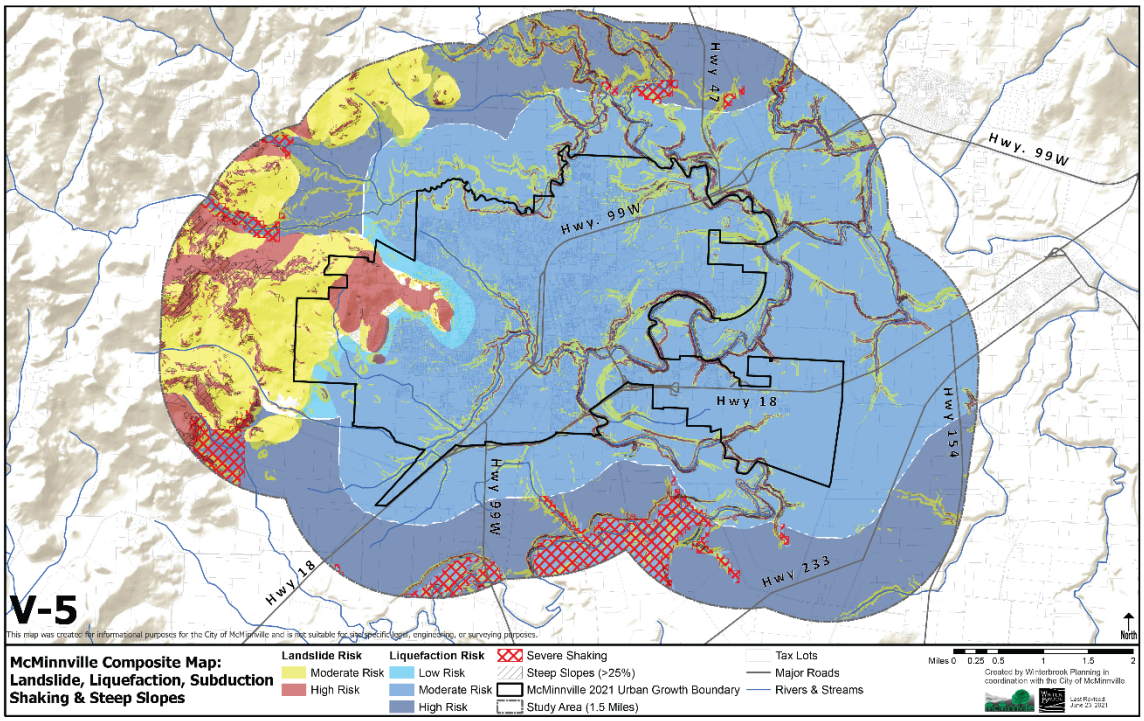


Figure V-5 combines geological hazard risks including landslides, earthquake shaking and liquefaction, and slopes of 25% or greater. As discussed in Section II of this report:

- The entire amended McMinnville UGB is subject to moderate earthquake liquefaction risk and (as shown on Figure II-4) very strong earthquake shaking risk.
- There is a band of moderate geological risk area that extends north, northwest, west, southeast, and south of the amended UGB for about a half to three-fourths of a mile.
- Beyond this relatively buildable band, there are:
    - High risk earthquake liquefaction hazard areas (to the north and south;
    - Severe risk earthquake shaking hazards to the south, southwest and northwest; and
    - High risk landslide areas with slopes of 25% or greater to the west.

Figure V-5 Composite Map: Landslide, Liquefaction, Subduction Shaking, and Steep Slopes



Combined Hazard Risk Summary

Figures II-4 through II-VI and Figures V-1 through V-5 show interrelationships among geological and flooding hazards. In summary:

- Although there is a correlation between slopes of 25% and greater and high landslide risk in the West Hills and therefore should be considered unbuildable – consistent with the findings of the 2020 Buildable Lands Inventory.
- Geological hazards (landslide and earthquake liquefaction / shaking) exist on slopes of 15% or less. Therefore, the composite geological maps are a better indicator than steep slopes to determine where geological studies and erosion control measures should be required.
- The composite geological and flooding maps show landslide hazards at the edge of most floodplains and the presence of high earthquake liquefaction and severe shaking hazards within all floodplain boundaries. Even relatively minor flood events can trigger bank failures in such areas. Since a major subduction

earthquake would undoubtedly trigger bank failures next to the 100-year floodplain, extending protection to adjacent landslide areas makes sense.

- The composite geological maps show an inverse relationship between earthquake risk on the one hand and landslide risk in the West Hills. Except for floodplain areas in the West Hills and Valley, earthquake liquefaction and shaking risk areas tend to end where landslide areas begin.
- Together, these high to severe geological hazards form a continuous ring located from 0.5 to 0.75 miles to the southeast, south, southwest, west, northwest and north of the amended McMinnville UGB.
- The composite wildfire, geological and flooding maps show that moderate and high wildfire hazards are associated with forested rural residential development in the West Hills. Wildfire hazard areas sometimes occur in moderate-to-steep slope hazard areas and vegetated floodplains throughout the study area.

The overlaps that exist among these types of hazards and supports the concept of a combined natural hazards overlay comprehensive plan map designation. As discussed in Section VII of this report, Winterbrook recommends the assignment of one of two natural hazard subdistricts based on combined natural hazard risk scores in specific geographic subareas. The methods for drawing subdistrict maps are discussed in Chapter VII.

VI. Natural Hazard Program Management Options

In Sections II-IV of this report, we inventoried three types of natural hazards:

- Geological Hazards (including landslides and subduction and crustal earthquakes)
- Flooding Hazards
- Wildfire Hazards

In Section V we analyzed the McMinnville NHMP and the Yamhill County CWPP and determined that substantial overlaps exist among these three general types of hazards.

In Section VI we analyze management options for each of these natural hazard categories based on:

1. Recommendations found in the draft 2020 McMinnville NHMP.
2. Management practices in six comparator cities described in Appendix 1.
3. Advanced natural hazards inventory work related to geological and wildfire hazards found in the draft McMinnville NHMP and Winterbrook's experience in preparing comprehensive natural hazard inventories and management programs for other Oregon jurisdictions.

McMinnville NHMP Multi-Hazard Action Items

The McMinnville NHMP includes five relevant "multi-hazard" recommendations that will be followed for each of the three natural hazard categories:

Table VI.1 McMinnville NHMP Recommended Natural Hazard Mitigation Measures

Policy Number	Policy Text	Evaluation
Multi-Hazard #2	Incorporate mitigation planning provisions into community planning processes such as comprehensive, capital improvement, land use, transportation plans, zoning ordinances, community development practices, etc.	**Section VII includes recommendations for amending the McMinnville Comprehensive Plan to include natural hazard inventory and management policies proposed to be implemented in the McMinnville Zoning Ordinance.**
Multi-Hazard #7	Develop and maintain GIS mapped hazard areas within the UGB.	**Sections II-V include a series of geological, flooding and wildfire hazards maps within the McMinnville UGB and within potential UGB expansion areas.**
Multi-Hazard #10	Establish a process to coordinate with state and Federal agencies to maintain up-to-date hazard data, maps and assessments.	**Section VII includes a policy to coordinate with state and federal agencies through periodic updates of the McMinnville NHMP and the Yamhill County CWPP.**

Policy Number	Policy Text	Evaluation
Multi-Hazard #11	Limit (e.g., reduced density, etc.) or prohibit development in high hazard areas.	**Section VI considers options to limit development in medium and high hazard areas – and to prohibit development in some high hazard areas. Section VII includes recommendations for a consolidated Natural Hazards Overlay District that limits or prohibits development depending on the hazard level and cumulative hazard impacts. As proposed, the NHOD would be applied to land within the McMinnville study area to guide future urban growth. Application of the NHOD outside the McMinnville City Limits would require an amendment to the Urban Growth Management Agreement (UGMA) between the City and Yamhill County.**
Multi-Hazard #12	Encourage mitigation practices in developments at risk to natural hazards.	**Section VI considers mitigation options and Section VII recommends specific mitigation measures.**

Geological Hazards

The text below considers (a) McMinnville NHMP geological hazards measures / action items and (b) geological hazards mitigation programs (comprehensive plan policies and development standards) in six comparator cities.

McMinnville NHMP – Recommended Measures

The draft McMinnville NHMP (Table MA-1 McMinnville Action Items) proposes specific mitigation measures / action items for each moderate-to-high risk geological hazards.

Table VI.2 McMinnville NHMP Recommended Geological Hazard Measures

Policy Number	Policy Text	Evaluation
Earthquake #5	Educate property owners about structural and non-structural retrofitting of vulnerable buildings and encourage retrofit.	**Section VII includes a policy recommendation to this effect.**
Earthquake #6	Develop an outreach program to educate and encourage homeowners and tenants to	**Section VII includes a policy recommendation to this effect.**

Policy Number	Policy Text	Evaluation
	secure furnishings, storage cabinets, and utilities to prevent injuries and damage.	
Landslide #1	Utilize technology, geologic resources and other available data (such as DOGAMI LIDAR data) to identify and map potential areas for landslides - high, moderate and low.	**Sections I -V of this report include available GIS data sources and tools to identify and map potential landslide areas – both singularly and in combination with earthquake, wildfire and flooding hazards.**
Landslide #2	Develop a process to limit future development in high landslide potential areas - permitting, geotechnical review, soil stabilization techniques, etc.	**Section VI considers procedural and substantive options to limit development in moderate and high hazard areas. Section VII includes recommendations for a consolidated Natural Hazards Overlay District that includes permitting, geotechnical review and stabilization measures for landslide and earthquake areas.**
Landslide #3	Development in steeply sloped areas (greater than 15%) should be subject to specific development requirements to control erosion.	**Sections II-V identify the importance of steep slopes in determining the location of severity of landslide and wildfire hazards. Section VI considers the use of a 15% slope threshold for triggering specific erosion control requirements. Section VII includes recommendations for a consolidated Natural Hazards Overlay District that includes slope and other geological triggers for erosion control review. This overlay could be applied within the Natural Hazards Study Area to evaluate risk when considering future UGB expansion areas.**
Landslide #4	Complete an inventory of locations where critical facilities, other buildings and infrastructure may be subject to landslides.	**Section VII includes a policy recommendation to this effect.**

Best Geological Hazard Mitigation Practices in Comparator Cities

Winterbrook has provided a detailed summary of comprehensive plan policies and mitigation practices for geological hazards (steep slopes, earthquakes, and landslides) in six comparator communities (Ashland, Grants Pass, Albany, Newberg, Redmond and Bend). **Please see Appendix 1 Best Natural Hazard Mitigation Practices in Comparator Cities.**

The cities of Albany, Ashland, Bend, Grants Pass and Newberg limit development in mapped steeply sloped areas.

- The threshold for application of hillside steep slope standards varies from 12 – 25% slope.
- Most of these cities require the implementation of recommendations from geological studies and erosion control measures prior to development.
- Some cities require reduced residential densities based on slope percentage (slope density ratio).
- Some cities allow for density transfer – often through the planned unit development process.

Table VI.3 summarizes geological hazard management practices by city.

Table VI.3 Summary of Geological Hazard Management Practices by City

City	Percent Slope Threshold	Geotechnical Report Required?	Slope Density Ratio?	Density Transfer Allowed?	Earthquake Impacts Regulated by Zoning?	Other Standards
Albany	12%	Yes	Yes	Yes	Not directly – may be addressed in geotechnical report	Yes – see below
Ashland	25%	Yes	Yes	Yes	Not directly – may be addressed in required geotechnical report	Yes – see below
Bend	10-20%	Maybe	No	Yes	Not directly – may be addressed if geotechnical report required	Yes – see below
Grants Pass	15%	Yes	No	No	Not directly – may be addressed in required geotechnical report	Yes- see below
Newberg	20%	Maybe	No	No	Not directly – may be addressed in required geotechnical report	Yes – see below
Redmond	N/A	Maybe	No	No	Not directly – may be addressed if geotechnical report required	Yes – see below
McMinnville	N/A	No	No	No	No	Yes – see Section VII of this report

- **Albany has several measures that guide implementation of hillside development policies:**
  - Measure 6. Require proposed hillside development to provide for the preservation and, if possible, enhancement of the site's natural features during all phases of the design and development process. This includes consideration of soils, vegetation, hydrology, wildlife habitat, views and visual orientation, both from the site and to the site, and unusual or unique natural features.
  - Measure 10. Require that all excavation and fill work and structural foundation work be approved by a registered engineer whenever the slope is greater than 30% or where there exists probability of geologic hazards such as perched water tables and/or landslide areas. Where appropriate, such approval shall include information from a soils engineer and engineering geologist.

- Measure 11. Increase minimum lot sizes (or minimum lot area per unit) on hillside areas, allowing higher densities for cluster developments approved through Planned Development as outlined in the following table:

Slope %	Standard Dev.	(RS 6.5 Lot)	PUD Devel.	(RS 6.5 Avg)
13 to 20	1.25	8125	1.00	6500
21 to 25	1.50	9750	1.15	7475
26 to 30	2.00	13000	1.40	9100
31 above	3.00	19500	2.00	13000

Albany's **Hillside Overlay District** applies to mapped areas of the city (primarily West Albany) with 12% or greater slope. Allowed density decreases as slope increases; however, density transfer is allowed through the PUD process when 20% of the site remains open space. Cut and fill activity should be minimized. A licensed engineer must approve excavation plans and foundation design.

- **Ashland's Physical and Environmental Constraints Overlay Zone** (Chapter 18.62) applies to mapped "Flood Plain Corridor Land, Hillside Land (slopes $\geq$ 25%, or Severe Constraint Land (including wildfire lands, floodways and slopes $\geq$ 35%)).
  - *"The above classifications are cumulative in their effect and, if a parcel of land falls under two or more classifications, it shall be subject to the regulations of each classification. Those restrictions applied shall pertain only to those portions of the land being developed and not necessarily to the whole parcel."*
  - Geotechnical engineering studies are required for development on slopes of 25% or greater.
  - Slopes $\geq$ 35% are considered unbuildable (maximum of 1 unit per acre provided geotechnical report recommendations are followed). No new lots may be created on such slopes. Hazardous or unstable areas of the site must be avoided.
  - The maximum cut slope height is 15 feet and the maximum fill slope height is 20 feet.
  - Trees must be protected based on an arborist report and must consider fire protection plan requirements in designated wildfire areas.

  On-site density transfer is allowed from non-buildable to buildable areas of the site (contiguous land under common ownership). The maximum allowable density on buildable areas of the site is twice the allowable density in the underlying zoning district.

- **Bend** maps and regulates development on "**sensitive lands"** which include both Goal 7 natural hazards and Goal 5 natural resources. Natural hazards included in the definition of "sensitive lands" include slopes of 10% or greater and land within the 100-year floodplain.
  - The Bend Comprehensive Plan includes policies to (a) coordinate with DOGAMI to identify fault lines in the community and (b) to review development "on slopes in excess of 10 percent shall give full consideration to the natural contours, drainage patterns, and vegetative features of the site to protect against temporary and long-term erosion." However, we could find no specific development standards to implement these policies.
  - Although the Bend Development Code defines steep slopes as 10% or greater (BDC 16.05.060), the threshold for requiring grading and erosion control permits (and possibly engineering reports) is slopes of 20% or greater. As part of grading permit review, the city "may" require an

engineering or geologist report if "the City determines that special circumstances warrant such information."
    - Minimum densities are determined after excluding "sensitive lands." (BDC 2.1.600) However, density transfer is allowed from land with slopes of 25% or greater to buildable areas on the same site if "sensitive lands" are protected by a conservation easement or dedication. There do not appear to be any restrictions on the amount of density that can be transferred.

- **Grants Pass** evaluated soil types for erosion and shrink-swell potential. The comprehensive plan identified slopes greater than 15 percent on the Slope Hazards map and found that development on slopes between 15 and 35 percent should be reviewed by a soils scientist and an engineer, while development on slopes over 35 percent should require geotechnical review.
    - The Grants Pass Slope Hazard District encompasses areas of at least 15 percent slope and contains two classes of slope: Class A (between 15 and 25 percent) and Class B (greater than 25 percent).
    - Development within the Slope Hazard District requires a Steep Slope Development Report and Grading and Erosion Plans. Class A documentation requires a licensed engineer stamp, while Class B requires a geotechnical engineer or engineering geologist stamp.
    - Restrictions on development within the Slope Hazard District include erosion control measures and retaining wall height is limited to 20 feet.

- **Newberg's Comprehensive Plan** identifies "hazardous areas" as areas with slopes 20 percent or greater, or with geological limitations. Development may be permitted in hazardous areas if consistent with sound engineering and planning criteria.
    - Comprehensive Plan Policy 5 states that "In other areas of potential or existing hazards, development shall be subject to special conditions. Reasonable development may be permitted in these areas when it can be shown, based on sound engineering and planning criteria, that adverse impacts can be mitigated and kept to a minimum. Hazardous areas shall be considered to be lands with slopes 20% or greater, potential and existing slide areas, fault areas, and areas with severe soil limitations."
    - **The Newberg Development Code** does not appear to have specific geological development regulations. However, sloped areas are regulated by Title 13 Public Utilities and Services, which "may require" additional erosion and sediment controls on slopes of 10 percent or more.

- **Redmond's Comprehensive Plan** includes several policies related to natural hazards:
    - Policy 4. Natural hazards that could result from new developments, such as runoff from paving projects and soil slippage due to weak foundation soils, shall be considered, evaluated and provided for.
    - Redmond's **Urbanization Study** indicates that "Redmond has no land that is unavailable for development due to physical constraints: steep slopes, wetlands, riparian areas, and floodplains. This is due to the city's location and the fact that the dry canyon is mostly in public ownership."
    - However, evaluation of hazards may be required during site and design review:

  The Redmond Development Code (RDC 8.3030) states that "Special Studies, Investigations and Reports. Special studies, investigations and reports may be required to ensure that the proposed development of a particular site does not adversely affect the surrounding community, does not create hazardous

conditions for persons or improvements on the site. These may include traffic impact studies impact of contaminated soils, soil conditions, flooding of waters and excessive storm water runoff, tree preservation, and other concerns of the development's impact on adjacent properties or public facilities."

Flood Hazards

The text below considers (a) McMinnville MHMP flood hazard measures / action items and (b) flood hazard mitigation programs (comprehensive plan policies and development standards) in six comparator cities.

McMinnville NHMP – Recommended Flood Hazard Measures

The draft McMinnville NHMP (Table MA-1 McMinnville Action Items) proposes specific mitigation measures / action items for flood hazards.

Table VI.4 McMinnville NHMP – Evaluation of Recommended Flood Hazard Mitigation Measures

Policy Number	Policy Text	Evaluation
Flood #1	Ensure continued compliance in the National Flood Insurance Program (NFIP) through enforcement of local floodplain management ordinances.	**The Comprehensive Plan already includes a policy to this effect.**
Flood #2	Work with FEMA to update FIRMs. Request DOGAMI debris flow and lidar data be included in FIRM updates. Use the updated FIRMS for land use and mitigation planning.	**Section III Flood Hazard Inventory relies on existing flood hazard information. Section VII includes a policy to update the flood hazard inventory in the future based on DOGAMI debris flow and lidar data.**
Flood #4	Develop and maintain GIS mapped critical facility inventory for all structures and residential and commercial buildings located within 100-year and 500-year floodplains.	**Section VII includes a policy recommendation to this effect.**

Best Flood Hazard Management Practices in Comparator Cities

As discussed below, the cities of Albany, Ashland, Bend, Grants Pass, Newberg and Redmond all limit development in mapped floodplain areas. **Please see Appendix 1 Best Natural Hazard Mitigation Practices in Comparator Cities** for a more detailed discussion of comprehensive plan policies and development regulations that limit development in flood hazard areas.

Table VI.5

City	Prohibit Development in Floodway	Limit Development in Flood Plain	Density Transfer Allowed?	Erosion Control Measures?	Other Standards
Albany	Yes	Yes	Yes	Yes	Yes – see below
Ashland	Yes	Yes	Yes	Yes	Yes – see below
Bend	Yes	Yes	No	Yes	Yes – see below
Grants Pass	Yes	Yes	No	No	Yes- see below
Newberg	Yes	Yes	No	No	Yes – see below
Redmond	Yes	Yes	No	No	Yes – see below
McMinnville	Yes	Yes	No	No	Yes – see Section VII of this report

Summary of Flood Hazard Management Practices by City

The Cities of Ashland, Albany, Bend, Grants Pass, Newberg and Redmond all have standard floodplain management programs consistent with FEMA standards. Development, if allowed within the 100-year floodplain, must be constructed one foot above flood level and meet other standards.

- Ashland's **Physical and Environmental Constraints Overlay Zone** regulates natural hazards as well as natural resources. Ashland integrates its floodplain management program with related natural resources (wetland and stream corridor) programs. In addition to designated floodplain areas, Ashland limits development in areas that have historically experienced flooding.
- Bend defines the 100-year floodplain as **"sensitive lands"** along with other natural hazards and natural resources (including wetlands and stream corridors).

Wildfire Hazards

Most comparator cities do not have reregulate wildfire hazards in their land use regulations. The text below considers (a) McMinnville NHMP wildfire hazard measures / action items and (b) wildfire hazard mitigation programs (comprehensive plan policies and development standards) in six comparator cities.

McMinnville NHMP – Recommended Measures

The draft McMinnville NHMP (Table MA-1 McMinnville Action Items) proposes specific mitigation measures / action items for wildfire hazards.

Table VI.5 McMinnville NHMP – Evaluation of Recommended Flood Hazard Mitigation Measures

Policy Number	Policy Text	Evaluation
Wildfire #1	Coordinate wildfire mitigation action items through the Yamhill County Community Wildfire Protection Plan.	**The CWPP was last revised in 2015. The revised version was considered in this report.**
Wildfire #3	Develop, implement, and enforce vegetation management codes/plans to reduce wildfire risk.	**Section V considers options for vegetation management measures – depending on the location of the wildfire hazard. Section VII includes recommendations for a consolidated Natural Hazards Overlay District that includes vegetation management provisions – again depending on the location of the hazard.**

Best Practices in Comparator Cities

Most comparator cities have participated in county community wildfire protection planning efforts. However, only Ashland has mapped and adopted zoning standards to protect life and property in designated wildlife hazard areas. **Please see Appendix 1 Best Natural Hazard Mitigation Practices in Comparator Cities** for a more detailed discussion of comprehensive plan policies and development regulations that limit development in wildfire hazard areas.

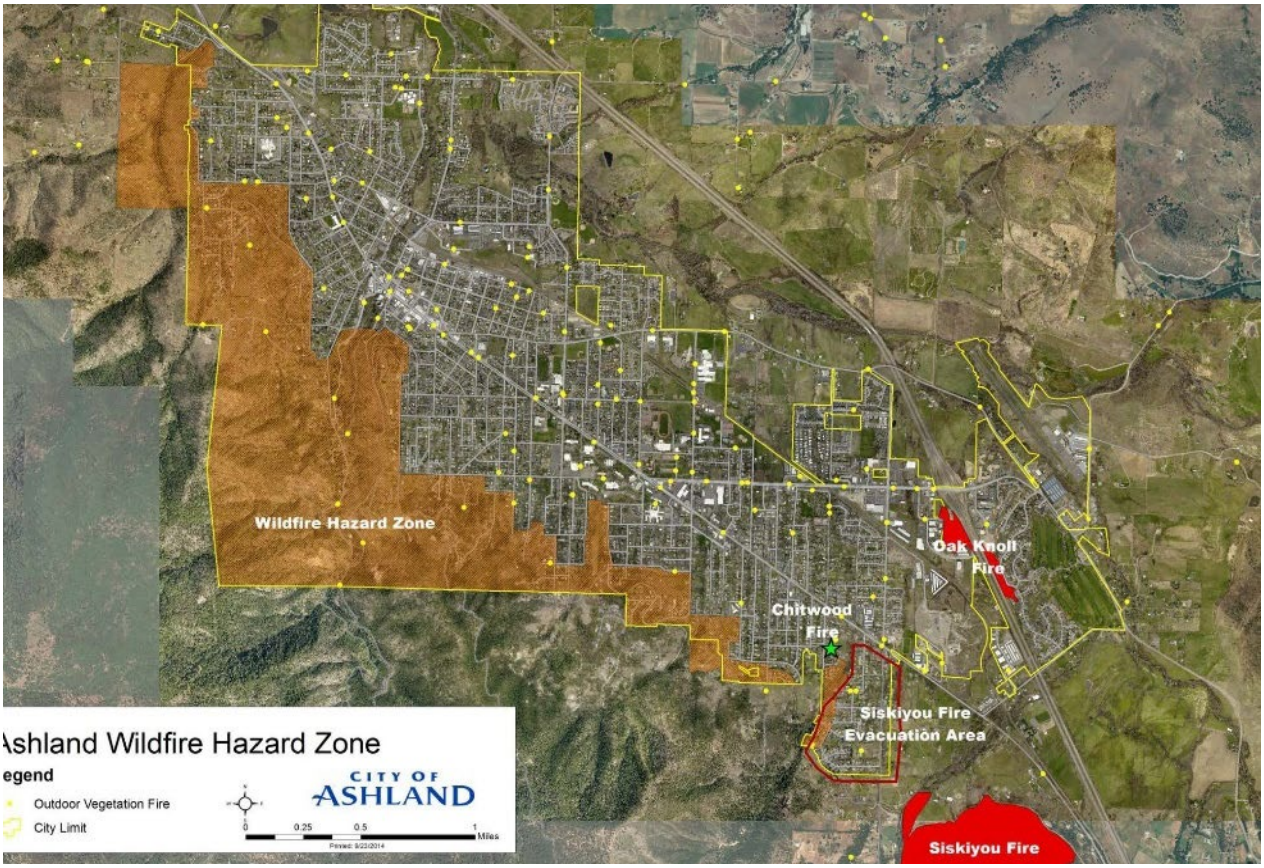
Ashland Wildfire Mitigation Program

Ashland's standards for wildfire mitigation mirror standards required by the Goal 4 administrative rule for structures in commercial forest zones. Ashland maps urban-wildland interface areas and has adopted several policies to protect life, property, and environmental resources:

- Policy 46. Require installation and maintenance of a 40-foot fuel break around each dwelling unit or structure.
- Policy 47. Require multi-dwelling unit developments to install and maintain a perimeter fuel break to prevent fire from entering the development, or to prevent a fire spreading from the development and threatening the Ashland Watershed. (Width of break is dependent on topography, aspect, vegetation, types and steepness of slopes.)
- Policy 48. Where vegetation needs to be maintained for slope stability in a fuel break area, require plantings of fire-resistant or slow-burning plants. The City shall make a list of such plants available to the public. (See "Wildfire Hazard Management in the Urban/Wildland Interface in Southern Oregon," by Claude Curran - May 1978.)
- Policy 49. Require more than one ingress/egress route or road widths wide enough to accommodate incoming fire apparatus and evacuating residents simultaneously in an emergency situation.
- Policy 50. Require roofs to be constructed of fire-resistant materials. Wood shake or shingle roofs are not allowed.

- Policy 51. Encourage road placement to function as fire breaks in urban/wildland interface developments.
- Policy 52. Require chimneys of wood-burning devices to be equipped with spark arrester caps and/or screens.
- Policy 53. Install all new electrical distribution circuits in the urban/wildland interface underground if technically feasible.
- Policy 54. The City shall encourage and support education/ information programs dealing with wildfire hazards in the urban/wildland interface. Information shall be made available through the City Building and Planning Departments to developers and builders wishing to build in the urban/wildland interface.

Figure VI-1 Ashland's Wildfire Hazard Overlay Zone



Ashland integrates natural resource, water quality, and hillside considerations with wildfire mitigation requirements:

- Any development or land division within these areas is required to prepare a Fire Prevention and Control Plan and establish and maintain a fuel modification area (generally crown separation, tall brush removal, tree trimming, etc.).
- "l. Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, performing functions considered beneficial in water resource protection, or aesthetic

purposes, existing vegetation may be allowed to be retained consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.

- m. Fuel modification in areas which are also classified as Hillside Lands or Water Resource Protection Zones shall be included in the erosion control measures outlined in section 18.3.10.090, Development Standards for Hillside Lands, and management plan for water resource protection zones in section 18.3.11.110.

Composite Approach – Cumulative Impacts

As discussed above, most comparator cities separately regulate flooding with geological hazards (to varying degrees).

- All flood maps and regulations are based on FEMA standards and restrict development within floodplains and floodways.
- Most cities have some variation on hillside development overlay zones triggered by minimum slopes – ranging from 10% to 20%.
- Ashland is unique among comparator cities in have a single multi-hazard overlay zone – supported by a series of hazard-specific maps – that includes development standards for geological, flooding and wildfire hazards.

VII. Natural Hazard Program Recommendations

McMinnville's Existing Natural Hazard Policy Framework

McMinnville Comprehensive Plan (2017)

Winterbrook was able to find two Comprehensive Plan policies directly related to natural hazards:

> ***2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.***
>
> ***9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate imits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.***

Policy 71.07 applies the relatively low density R-1 zoning designation to steeply sloped portions of the West Hills:

> ***71.07 The R-1 zoning designation shall be applied to limited areas within the McMinnville urban growth boundary. These include: 1. The steeply sloped portions of the West Hills.***

As noted in the Introduction to this report, McMinnville recently adopted Great Neighborhood Principles that call for consideration of natural features the long-range and land use application planning processes. This report helps to implement these policies.

In addition to these general policies described above, the McMinnville Residential Land Study (ECONorthwest, 2003) excludes slopes of 25% and greater and land within the 100-year floodplain from the buildable lands inventory. It is our understanding that the City requires sprinklers for homes constructed on slopes of 15% or greater.

Otherwise, there do not appear to be any other natural hazard policies in the McMinnville Comprehensive Plan.

McMinnville NHMP Plan Direction

From the McMinnville NHMP (p. MA-13):

> ***Incorporate mitigation planning provisions into community planning processes such as comprehensive, capital improvement, land use, transportation plans, zoning ordinances, community development practices, etc.***
>
> > *Rationale: Comprehensive plans provide the framework for the physical design of a community. They shape overall growth and development while addressing economic, environmental and social issues. Oregon's statewide goals are accomplished through local comprehensive plans. State Law requires local governments to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into action.*
> >
> > *Integration of NHMPs into comprehensive plans and other plans will help to reduce a community's vulnerability to natural hazards, support in mitigation activities, help to*

increase the speed in which action items are implemented and therefore the speed in which communities recover from natural disasters.

Integration of NHMPs into local plans gives the action items identified in the NHMP legal status for guiding local decision-making regarding land use and/ or capital expenditures.

Implementation: Integrate natural hazards information and policies into the comprehensive plan and other plans.

Engage in collaborative planning and integration.

Coordinate future NHMP and comprehensive plan reviews and updates.

Proposed Natural Hazards Comprehensive Plan Amendments

The proposed Comprehensive Plan amendment package would include:

- Natural Hazard Inventory Maps and Descriptions (Sections II-V of this report).
- Natural Hazard Management Policy Framework (a new Chapter XI: Natural Features)
- Natural Hazard Overlay shown on the Comprehensive Plan Map (shown on Figure VII-1)

Proposed McMinnville Zoning Ordinance Amendments

Proposed natural hazards policies call for the adoption of two natural hazards subdistricts (that would overlay the underlying base zones (Residential, Commercial, Industrial, Floodplain and Agricultural Holding). The proposed natural hazards subdistricts are based on a ranking system and policy framework set forth below and would include hazard-specific protection and mitigation standards. The two proposed subdistricts are shown on Map VII-1 and could be referenced in a new Chapter 17.50 Natural Hazard Subdistricts:

- The Natural Hazards Mitigation (NH-M) Subdistrict
- The Natural Hazards Protection (NH-P) Subdistrict

Natural Hazards Inventory

The Natural Hazards Inventory (including text and embedded maps) is included in Sections I-V and VII of this report. Copies of 11" X 17" GIS Inventory maps are provided separately.

Natural Hazards Composite Ranking System

The proposed Natural Hazard composite ranking system is based on two scored variables: the probability of a natural hazard event occurring at a specific location within the 2021 UGB and the vulnerability assessment of the natural hazard event happening. The probability variable is determined by combining the natural hazard inventory maps into a single overlay that describes the combined probability for individual "subareas" (GIS polygons). The vulnerability variable is informed by the 2020 *Oregon Natural Hazards Mitigation Plan* (Oregon NHMP). The terms "subarea" and "polygon" are used interchangeably to describe the composite ranking system. Appendix 2 contains a detailed methodology of the steps used to create the Natural Hazard Overlays.

Natural Hazard Probability

A combined natural hazard probability can be created by assigning a consistent number scoring system and by using a series of GIS manipulations. The number scoring system used in the rank of the probability score is displayed in Table VII.1. The scores were determined in coordination with McMinnville Associate Planner Jamie

Fleckenstein, and they are consistent with the ranking scale used in the Oregon NHMP. The scale runs from 0 to 5, with 0 being no or low probability of the natural hazard event happening at that spatial location and 5 being a high or severe probability of the natural hazard event happening.

- **Natural Hazard Type** shows the types of natural hazards that may be present in any given subarea.
- **Hazard Probability** shows the hazard levels that may be present for each hazard probability in any given subarea.
- **Hazard Probability Score** shows the hazard score for each type and level of hazard probability that may be present in any given subarea.

Table VII.1 Natural Hazard Risk Assessment (2021)

Natural Hazard Type	Hazard Risk Level	Individual Hazard Score
Landslide	Moderate	2
	High	5
Cascadia Subduction Zone Earthquake		
Liquefaction	Moderate	2
	High	5
Shaking	Very Strong	2
	Severe	5
Slope	25%	5
Flood	Floodplain	5
Wildfire	Moderate	2
	High/Severe	5

Natural Hazard Vulnerability – Oregon Natural Hazards Mitigation Plan

The Oregon NHMP was completed in the Fall of 2020. To remain consistent with the State's assessment, the plan was considered and incorporated as part of the natural hazard composite ranking system. The Oregon NHMP presents a series of natural hazard risk assessments for all Oregon counties. For simplification at the state level, these risk assessments were calculated county wide. The Oregon NHMP is broadly based on three variables:

1. The probability of the event happening.
2. The physical vulnerability of the event happening, and
3. The social vulnerability of the event happening.

These variables are summarized for Yamhill County in Table V11.2.

Table VII.2 Oregon NHMP Risk Assessment for Yamhill County

Hazards for Yamhill County	Probability	Physical Vulnerability				Social Vulnerability	Vulnerability (Social + Physical)		Risk (Prob. + Physical Social)	
		State Buildings	State Critical Facilities	Local Critical Facilities	Total Combined & Rescaled		Total Combined & Rescaled	Vulnerability	Total Combined & Rescaled	Risk
Earthquake	4	3	3	2	2.67	4	3.33	Very High	3.56	Very High
Flood	4	1	1	2	1.33	4	2.67	Moderate	3.11	High
Landslide	5	1	1	2	1.33	4	2.67	Moderate	3.44	Very High
Volcanic	1.5	1	1	1	1	4	2.5	Moderate	2.17	Low
Wildfire Hazard	2	1	1	1	1	4	2.5	Moderate	2.33	Moderate
County Total									**2.92**	**High**

Physical vulnerabilities were determined by assessing the concentration of state-owned or leased facilities and local critical facilities. Social vulnerabilities were based on Centers for Disease Control and Prevention (CDC) social vulnerability index. The Oregon NHMP uses 2016 data and aggregates at the County level, normalizing it with other Oregon Counties, grouping counties into quintiles, and then included state determined "sensitivity" and "adaptive capacity" rankings.

Because the state assessment is county wide, the probability of the natural hazard event occurring is based on the county-wide probability, regardless of spatial sensitivity to the event within the county. For example, wildfire hazards that are more probable in the west hills would be assigned the same probability in that location as if they were to occur in the City center or suburban areas. Since more detailed spatial probability of a natural hazard event occur is available – as detailed in the inventory maps of this report – the composite mapping relies only on the combined physical and social vulnerabilities determined by the Oregon NHMP. The probabilities of the natural hazard event occurring are replaced with the more spatially sensitive information contained in the inventories. The vulnerability index was only applied to a subarea when there was a moderate or high/severe probability of that natural hazard event occurring.

Combined (Cumulative) Ranking Applied Individually to Hazard Subareas

Using GIS, Winterbrook assigned a combined natural hazard risk score based on both the probability of the event happening and the state determined vulnerability of the event happening. This score was calculated for each spatial subarea (polygon) within the 2021 McMinnville UGB. Total probabilities and vulnerabilities were summed and averaged to produce a total risk score on a scale from 0 to 5, where 0 is low to no risk of the natural hazard event and 5 is high/severe risks of multiple hazard events. Each polygon now has 10 contributing variables. The combined natural hazard risk is detailed in Table V11.3.

Table VII.3 Combined Natural Hazard Risk by Natural Hazard Type in McMinnville

Natural Hazard Type	Probability of the Hazard in McMinnville		Social + Physical Vulnerability
Landslide	Moderate	2	2.67
	High	5	2.67
Cascadia Subduction Zone Earthquake			(Earthquake) 3.33
Liquefaction	Moderate	2	
	High	5	
Shaking	Very Strong	2	
	Severe	5	
Slope	➢25%	5	-
Wildfire	Moderate	2	2.50
	High/Severe	5	
Flood	Floodplain	5	2.67
	Floodway	5	

For discussion purposes, the McMinnville study area can be divided into two generalized areas in relation to hazard characteristics: low-lying (Valley) areas and higher-elevation areas (West Hills). Characteristics of Valley and West Hills areas in relation to combined hazard scores are summarized below. Note that the entire McMinnville 2021 UGB has a "very strong" probability of shaking. This hazard is included in the combined natural hazard risk calculations for consistency but does not affect subdistrict determination. Because of this, policies are recommended to address "very strong" shaking risks.

Valley Area Hazard Characteristics

The Cascadia Subduction Earthquake and flooding pose the greatest long-term threats to life and property in low-lying areas. Moderate earthquake liquefaction risk and "very strong" shaking hazards are present on most land within the UGB. These areas overlap with the 100-year flood plain and would trigger river and stream bank failures in the event of a major earthquake.

Valley area hazard scores have several inter-related characteristics:

- Due to the presence of moderate earthquake liquefaction and shaking hazards in most UGB subareas, the highest combined hazard risk score *outside* the 100-year floodplain is 2.75.
- Because floodplain polygons (score of 5) also have moderate earthquake liquefaction and very strong shaking hazards, the combined hazard score for most floodplain subareas is 3.571. Floodplain polygons are also likely to have also has moderate to severe wildfire risk (due to riparian vegetation) and moderate to high landslide risks (bank failure).
- Steep slopes in the valley are also more likely to correlate with floodplain and floodway areas. When outside of the floodplain and floodways, steep slopes occur with moderate to high landslide risks in most areas.

West Hills Area Hazard Characteristics

In the West Hills, landslide, steep slope, and wildfire hazards are common and often overlap. Earthquake liquefaction and shaking risk areas may also be located within the floodplains of Cozine and Baker Creeks.

- Subareas with moderate to severe wildfire risks have a combined score between 0.983 and 2.55. These wildfire risk areas often have moderate to high landslide risks.
- Subareas with steeps slopes always overlap with moderate to high landslide risk areas.
- Some moderate liquefaction areas are present along the tributaries of Cozine and Baker Creeks.

Natural Hazards – Combined Risk Categories and Related NH Subdistricts Map

There are three broad categories of natural hazards in the McMinnville 2021 UGB. These categories relate to proposed Natural Hazards Subdistricts (NH-M and NH-P) and are based on the subarea combined hazard risk score (probabilities and vulnerabilities). Table VII.4 summarizes how Winterbrook applied the cumulative hazard score for each of the 87 subareas in the Natural Hazards Study Area to determine the level of natural hazard protection.

Table VII.4 Designation of NH Subdistricts Based on Ranking of Natural Hazards Subareas

Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 0.99	No NH-Subdistrict
1 to 1.499	Natural Hazard Mitigation Subdistrict (NH-M)
1.5 to 3.517	Natural Hazard Protection Subdistrict (NH-P)

- **Subareas that have one or more high risk hazards areas with a combined hazard risk of 1.5 or more would be subject to the proposed Natural Hazard Protection (NH-P) Subdistrict** The NH-P prohibits most types of development; however, uses such as public utilities and resource enhancement are subject to hazard-specific development standards as well as building and fire codes. This category includes land within (a) floodplains and adjacent landslide and wildfire risk areas, and (b) some West Hills subareas with a combination of steep slopes, high landslide risk and moderate to high wildfire risk.
- **Subareas that have one or more moderate-to-high hazard risks with a combined hazard risk between 1 and 1.499 would be subject to the proposed Natural Hazards Mitigation (NH-M) Subdistrict**. Uses allowed by the underlying zoning district are allowed in the NH-M Subdistrict and are subject to hazard-specific development standards as well as building and fire codes. Much of the land within the West Hills falls within this category. Additional areas along creek tributaries, but outside of the floodplain, are included in this subdistrict. A larger mitigation area in the northeast is associated with dense tree groves and therefore severe wildfire hazards.
- **Subareas that are subject to moderate liquefaction or moderate wildfires only have a combined hazard risk of less than 1 and would not be subject to zoning regulation – but are subject to seismic building codes, fire codes and construction standards**. Most of the land within the UGB falls into this category.

Figure VII-1 shows the proposed Natural Hazards Overlay with Natural Hazards Mitigation (NH-M) and Protection (NH-P) Subdistricts that are derived from GIS data and based on Tables VII.1 and VII.2.

- The Natural Hazards Overlay would be shown on the comprehensive plan map.
- The subdistricts would be included in the McMinnville Zoning Ordinance and shown on the McMinnville Zoning Map.

As discussed in the Chapter XI Natural Features policy framework below, the McMinnville Urban Growth Management Agreement with Yamhill County could also be amended to apply Chapter XI policies and natural hazards overlay maps and regulations within the Natural Hazards Study Areas.

Figure VII-1 Proposed McMinnville Natural Hazards Overlay – Study Area

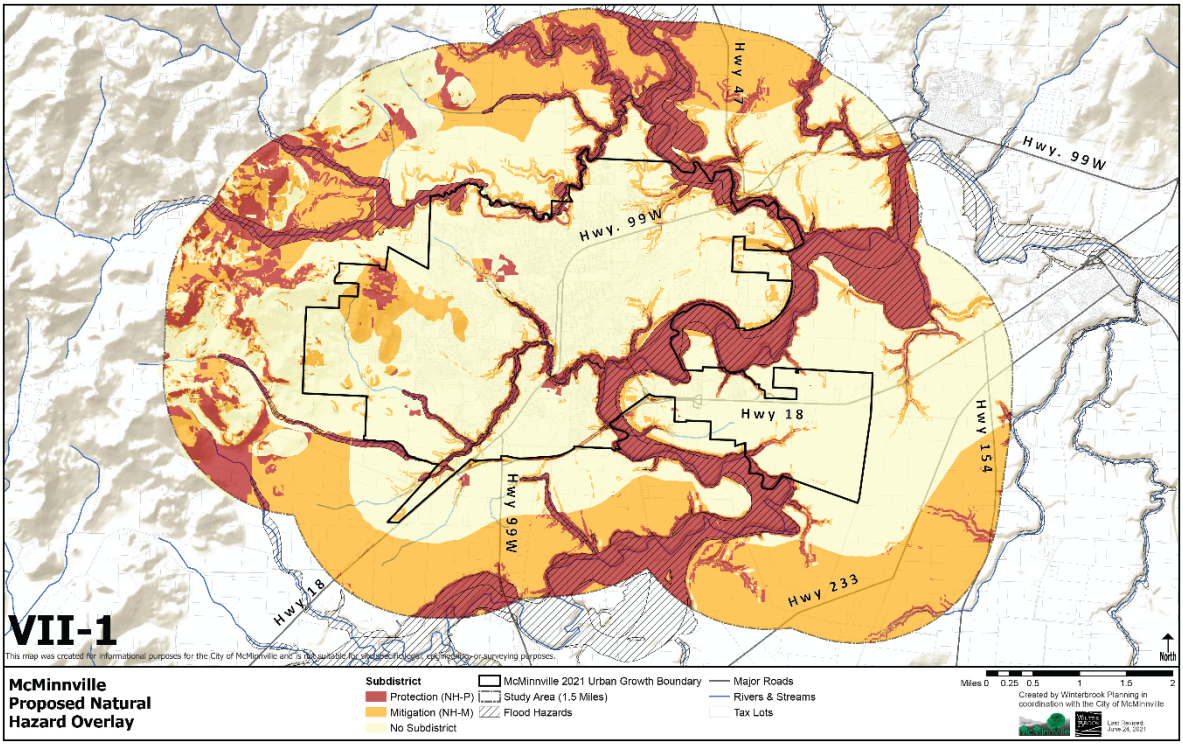
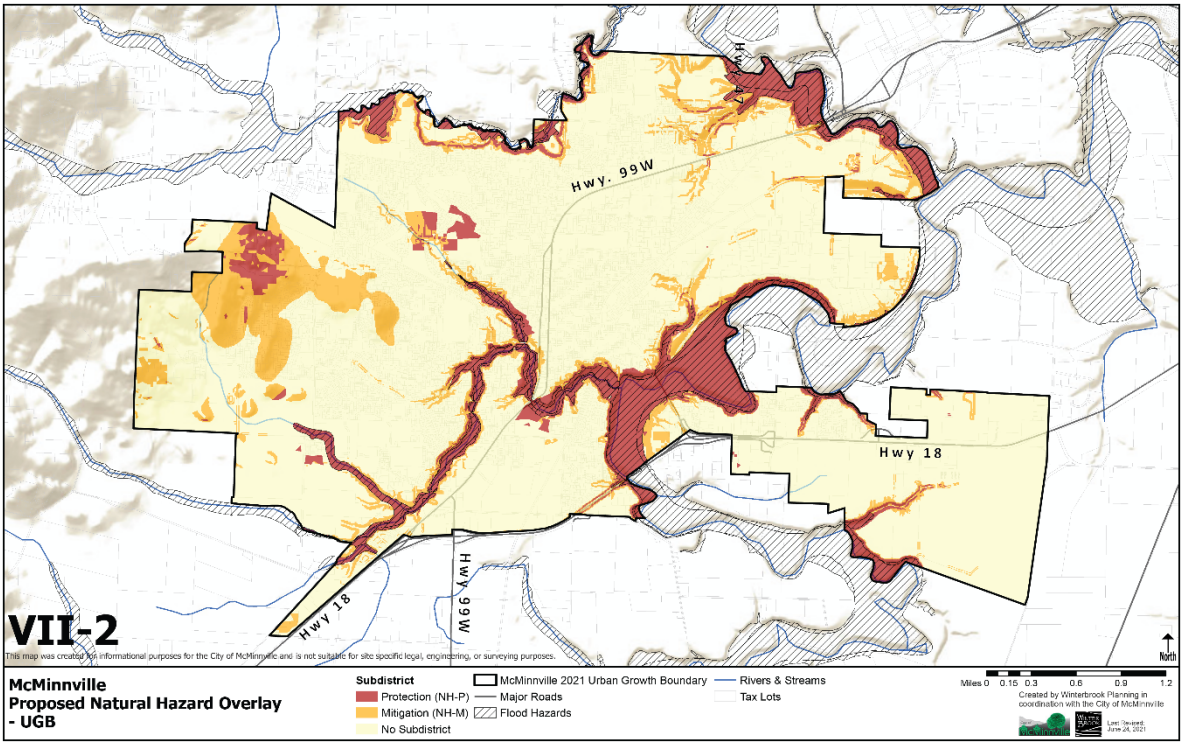


Figure VII-2 Proposed McMinnville Natural Hazards Overlay – 2021 Urban Growth Boundary



Recommended Natural Hazards Policy Framework

Winterbrook recommends that the following policy framework be added to the McMinnville Comprehensive Plan as a new Chapter XI: Natural Features.

Multi-Hazard Policies

Policy 197.00 The City of McMinnville shall adopt and maintain a Natural Hazards Inventory as part of the McMinnville Comprehensive Plan (Volume I). The inventory shall include maps and text that identify the location, type and risk level for three types of natural hazards: geological hazards (including steep slopes, earthquakes and landslides), flood hazards (land within the 100-year floodplain) and wildfire hazards within the study area (the UGB and the unincorporated outside the UGB).

Policy 197.00.010 The City of McMinnville shall apply public works construction standards, seismic building codes and fire and life safety codes wherever natural hazards are identified in the Natural Hazards Inventor – including limited, moderate and high combined risk subareas described in Table VII.1 of the Natural Hazards Inventory.

Policy 197.00.020 The City of McMinnville shall establish a **Natural Hazards (NH)** overlay zone to manage the cumulative effects of inventoried natural hazards in "moderate and high combined risk subareas" as described in Tables VII.1 and VII.2 of the Natural Hazards Inventory.

Policy 197.00.030 As shown on Figure VI-2, the NH overlay zone shall include two subdistricts based on cumulative ranking criteria found in Tables VII.1 and VII.2 of the Natural Hazards Inventory:

1. **The Natural Hazards Mitigation Subdistrict (NH-M)**. The NH-M is intended to mitigate hazard impacts based on objective development standards for each applicable hazard type and the recommendations of required site-specific hazard studies.
2. **The Natural Hazards Protection Subdistrict (NH-P).** The NH-P Subdistrict is intended to prohibit most types of development and may allow for residential density transfer. Where development is allowed it shall be subject to objective development standards for each applicable hazard type and the recommendations of required site-specific hazard studies.

Policy 197.00.040 The NH-M and NH-P Subdistricts shall include objective development standards for each type of natural hazard identified the Natural Hazards Inventory, including landslide, earthquake (liquefaction and shaking), floodplains and wildfire hazards. Floodplains shall be protected by the underlying F-P Flood Hazard zone and the NH-P Subdistrict.

1. Specific information regarding the location and severity for each type of hazard in each subdistrict are available in 11" X 17" format and in the City's GIS data base.
2. In cases where hazard-specific development standards overlap, the more restrictive standard shall apply.

Policy 197.00.060 Based on objective development standards and required hazard studies, the City of McMinnville may impose conditions of land use approval to protect life and property and mitigate natural hazard impacts in natural hazard subareas. Such conditions may include, but are not limited to, conservation easements or dedication of hazard areas to the City.

Policy 197.00.060 Land division applications shall not result in a lot that lacks sufficient buildable area to meet the minimum lot size and development standards applicable in the underlying zoning district.

Policy 197.00.070 New residential, commercial and industrial construction shall be prohibited within the NH-P Subdistrict with the following exceptions:

1. Public facilities and environmental restoration projects may be permitted under objective development standards.

2. Agricultural and forest uses are permitted within the NH-P Subdistrict in areas zoned for exclusive farm and commercial forest use.

3. Residential density transfer from land within the NH-P Subdistrict to contiguous property under the same ownership that is outside both the NH-M and NH-P Subdistricts may be allowed. The maximum density allowed in the transfer area shall be the maximum density allowed in the next higher residential zoning district. For example, density transfer from the NH-P land with an underlying R1 zone to land outside the Natural Hazards Overlay (NH-P and NH-M) shall be capped at the density allowed in the R2 zone.

4. In situations where density transfer is not feasible, one dwelling unit may be allowed on a vacant residential tract under common ownership that is outside the 100-year floodplain *if* consistent with the recommendations of a geotechnical engineering study and any conditions required by the review authority.

Policy 197.00.080 In cases where application of NH-P provisions would prohibit all reasonable economic use of an existing tract of land under common ownership, the City may grant an exception to allow a use permitted in

the underlying zoning district that is not permitted in the NH-P Subdistrict. In making this decision, the applicant and City must:

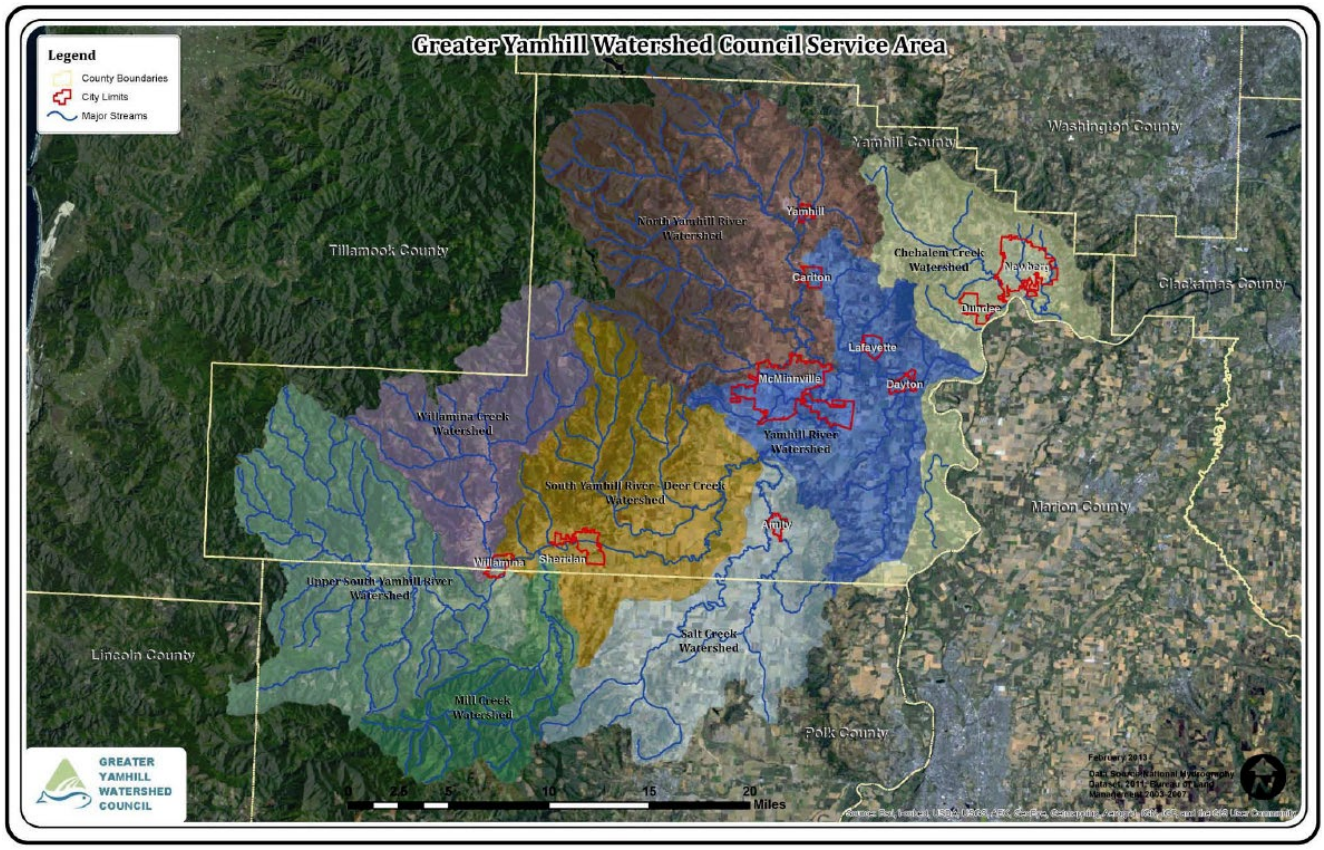
1. Consider first whether the exception provisions of Policy 197.00.070 would relieve the hardship;
2. Consider potential uses that are allowed in the NH-P Subdistrict that could provide reasonable economic value;
3. Consider alternative development layouts and land use intensity that minimize impacts from natural hazards on people and property and other values associated with natural hazard areas;
4. Limit the intensity of the allowed land use to the minimum necessary to retain reasonable economic value of the subject tract; and
5. Meet all applicable development standards that apply to natural hazards in the NH-P zone.

Policy 197.00.090 The City of McMinnville shall coordinate with Yamhill County to apply McMinnville Comprehensive Plan Chapter XI Natural Features Policies to unincorporated land within the Natural Hazards Study Area, including the application of the NH overlay zone (the NH-M and NH-S subdistricts) and related development standards. In cases of conflict with state law governing farm and forest land, state law will prevail over the NH overlay zone standards. For example, agricultural and forest uses allowed in Agricultural and Forest zones shall continue to be allowed; and the more restrictive fire mitigation standards in the County's forest zones will prevail over the less restrictive City fire mitigation standards.

Policy 197.00.100 The City of McMinnville shall coordinate with the Oregon Department of Geology and Mineral Industries (DOGAMI), the Department of Land Conservation and Development (DLCD), the McMinnville Fire Department, and Yamhill County in updates of the Yamhill County Multi-Jurisdictional Natural Hazards Mitigation Plan, the McMinnville Addendum to County NHMP, and the Yamhill County Community Wildfire Protection Plan. Updates to these plans will be considered in future updates to Chapter XI of the McMinnville Comprehensive Plan.

Policy 197.00.110 The City of McMinnville shall coordinate with the Greater Yamhill Watershed Council to facilitate watershed restoration and improvement projects in natural hazard areas such as floodplains and slide hazard areas. Shared natural hazard mitigation goals include: (1) removal of invasive vegetation species (that that increase fuel for wildfires and clog waterways) and replacement with native species that reduce erosion, are more fire resistant and are less likely to clog waterways; and (2) restoration and enhancement of wetlands that provide flood control.

Figure VII-3 Greater Yamhill Watershed Council Service Area



Policy 197.00.120 New development applications shall include a Tree Removal and Mitigation Plan within the NH-M and NH-P Subdistricts. To minimize erosion and landslide potential and to maintain water quality, removal of more than three trees over 6 inches dbh[10] in a calendar year shall require a Tree Removal and Mitigation Plan prepared by a certified arborist. The plan shall ensure replacement of lost trees with fire resistant native trees and vegetation. The following exceptions to this policy shall apply where:

1 Tree removal is permitted in the underlying Yamhill County farm or forest zone.
2 The proposal is part of a watershed restoration or enhancement project sponsored by a relevant Watershed Council that meets applicable City development standards.
3 The proposal is part of a fire protection program approved by the City of McMinnville Fire Department or RFPD. (See Wildfire Hazard Policies below.)
4 The proposal is necessary to meet fuel reduction standards in wildfire hazard areas pursuant to Wildfire Policies 200.050.00 and 200.060.00.

[10] Diameter at breast height – or 4'6" above ground.

Geological Hazard Policies

Policy 198.00 Geological hazards appear on the McMinnville Natural Hazards Inventory and include: (1) Slopes of 25% or more; (2) Moderate, high and severe risk earthquake (liquefaction and shaking) risk areas; and (3) Moderate and high-risk landslide hazard areas.

Policy 198.10 The NH-P and NH-M Subdistricts shall apply to subareas with geological hazards as shown on Map VII-2 of the Natural Hazards Inventory. Specific geological hazards found in each subdistrict are available in 11" X 17" format and in the City's GIS data base.

Policy 198.20 Residential and commercial construction in areas with moderate or high geological risk hazards – as indicated on the Natural Hazards Inventory – shall meet the seismic and slope stability provisions of the Oregon State Building Codes. The Building Official may require a geotechnical engineering study prior to approval of construction.

Policy 198.30 The City of McMinnville shall require erosion control measures prior to grading or construction in subareas with:

1. Slopes of 15% or greater, and
2. Landslide hazards in the NH-M and NH-P Subdistricts.

Policy 198.040.00 The City of McMinnville shall require geological reconnaissance studies with the submission of land development applications where geological hazards are present within the NH-M and NH-P Subdistricts. The recommendations of the geological reconnaissance study shall become conditions of land use approval unless specifically exempted or modified by the review authority.

Policy 198.50 Where recommended in a required geological reconnaissance study – or where determined necessary by the City Engineer or Building Official in moderate risk landslide hazard areas that are not included in the NH-M Subdistrict – a geotechnical engineering study may be required prior to grading, land development or construction.

Policy 198.60 The City of McMinnville shall retain the services of a qualified geologist or geological engineer to review geological studies prepared for land use applicants.

1. The City Engineer shall determine whether a second professional opinion is required.
2. The costs of peer review shall be borne by the applicant.

Policy 198.70 The City shall consider adopting standards for public street and utility construction to moderate or higher geological hazard areas.

Policy 198.80 Because trees contribute to slope stability and reduce erosion, tree removal shall be limited in the NH-M and NH-P Subdistricts pursuant to Policy 197.120.00.

Flood Hazard Policies

Policy 199.00 Flood hazards areas are located within the designated 100-year floodplain. The City of McMinnville will continue to prohibit most types of development within the 100-year floodplain consistent with the City's F-P Flood Hazard Zone.

Policy 199.10 Natural geological and wildfire hazards associated with the 100-year floodplain, including but not limited to overlapping landslide areas, will be addressed in NH-P Subdistrict development standards. Overlapping wildfire and geological hazards found in NH-P Subdistrict that overlay the F-P Flood Hazard Zone are available in 11" X 17" format and in the City's GIS data base.

Policy 199.20 The City of McMinnville is committed to continued participation in the National Flood Insurance Program (NFIP) through enforcement of local floodplain management regulations.

Policy 199.30 The City of McMinnville will work with the Federal Emergency Management Agency (FEMA) to update Flood Insurance Rate Maps (FIRM). The City will request Oregon Department of Geology and Mineral Industries (DOGAMI) debris flow and lidar data be included in FIRM updates.

Policy 199.40 The City of McMinnville will develop and maintain GIS maps of critical facilities identified in the McMinnville NHMP for all structures and residential development and commercial buildings within the 100-year and 500-year floodplains.

Policy 199.50 Because wetlands serve an important flood control function, wetland fill and removal shall not be permitted within the 100-year floodplain unless there is no reasonable alternative for a planned public works project.

Policy 199.60 The City of McMinnville will coordinate with the Greater Yamhill Watershed Council (or its affiliates) regarding stream and river restoration and enhancements projects to restore native vegetation, improve bank stability and improve water quality.

Policy 199.70 Because trees and vegetation reduce streambank failure and improve water quality, tree removal shall be limited in the NH-M and NH-P Subdistricts pursuant to Policy 197.120.00.

Wildfire Hazard Policies

Policy 200.00 Moderate, high, and severe wildfire hazard areas appear on the Natural Hazards Inventory and are generally associated with the West Hills and vegetated floodplains.

1. Where wildfire hazards subareas overlap with geological or floodplain hazards, they may be subject to NH-P or NH-M Subdistrict requirements, consistent with the ranking criteria found in the Natural Hazards Inventory and as shown on Natural Hazards Inventory Map VII-1.
2. Existing fire standards in Yamhill County forest zones shall continue to apply.

Policy 200.10 City staff shall coordinate with the McMinnville Fire Department and RFPD to encourage fire safety planning and education – especially in Wildfire Urban Interface zones and designated Fire Reduction Areas in the West Hills. The City of McMinnville shall continue to coordinate wildfire mitigation action items through the Yamhill County Community Wildfire Protection Plan.

Policy 200.20 Residential, commercial and industrial development shall not be permitted in wildfire risk subareas in the NH-P Subdistrict; However, exceptions may be permitted pursuant to Natural Hazard Policies 197.070.00 and 197.080.00.

Policy 200.30 Development density in wildfire risk areas in the NH-M Subdistrict may be limited where necessary to provide adequate space for fuel breaks in areas that are threatened by two or more natural hazards.

Policy 200.40 In the NH-P and NH-M Subdistricts with identified wildfire hazards, applicants for land divisions and new development (excluding home remodels or additions) shall prepare a Fire Prevention and Control Plan in coordination with the McMinnville Fire Department or RFPD. The plan shall be prepared by a certified arborist and shall consider necessary tree and vegetation removal, erosion control and replacement of lost trees and vegetation with native, fire-resistant trees and vegetation.

Policy 200.50 Based on the Fire Prevention and Control Plan, the following wildfire mitigation standards shall be met:

1. Installation and maintenance of at least a 40-foot fuel break around each new dwelling or structure.
2. Where vegetation needs to be maintained for slope stability in a fuel break area, require plantings of fire-resistant or slow-burning plants. The City shall make a list of such plants available to the public.
3. Provision of one or more than one ingress/egress route or road widths wide enough to accommodate incoming fire apparatus and evacuating residents simultaneously in an emergency situation.
4. Roofs and siding with fire-resistant materials. Wood shake or shingle roofs are not allowed.
5. Design road placement to function as fire breaks in urban wildland interface developments.
6. Chimneys of wood-burning devices to be equipped with spark arrester caps and/or screens.
7. Underground electrical distribution circuits if technically feasible.
8. Sprinkler systems in all dwelling units and occupied buildings.

Appendix 1

Best Natural Hazards Management Practices in Comparator Cities

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Introduction

The City of McMinnville has contracted with Winterbrook Planning to prepare a natural hazards inventory and related management program options consistent with Statewide Planning Goal 7 (Natural Hazards). The inventory and management program focuses on four natural hazards that are mapped in the McMinnville Addendum to the Yamhill County Natural Hazards Mitigation Plan:

- flooding,
- landslides,
- earthquakes, and
- wildfires.

McMinnville has identified a list of comparator Oregon cities: Albany, Ashland, Bend, Grants Pass, Newberg and Redmond.

As part of the Goal 7 Natural Hazards Program work scope, this memorandum reviews and summarizes comprehensive plan policies and land use regulations related to the identified Goal 7 natural hazards from the six comparator cities. Each city begins with a review of comprehensive plan policies, followed by a review of development code regulations.

The policy and code analysis and references are intended to summarize and inform for the purpose of high-level comparison of the comparator cities to each other and McMinnville, to the extent practicable within the project scope. This document is not, and is not intended to be, an exhaustive review of every aspect of each city's comprehensive plan, development code, building code, and local interpretation in relation to natural hazards.

Albany

Comprehensive Plan Policies and Measures

Albany's Comprehensive Plan, last amended in 2017, contains policies and measures related to the following hazards:

- Floodplain
- Slope (Hillside Development)

Comprehensive Plan Chapter 2: Special Areas contains Albany's Goal 7 policies. Albany's latest Plan update to Goal 7 policies, objectives or maps was adopted in 2010.

Wildfire hazards are not addressed. Geologic hazards beyond hillside development are not addressed.

Floodplain Policies and Measures

Albany's floodplain policies are aimed at consistency with federal (FEMA, NFIP) regulations. Development is restricted to a few specific uses (not including residential) within floodways, and requires a floodplain development permit for development within the Special Flood Hazard Area outside of the floodway (100-year floodplain) . Albany provides several floodplain-related policies:

- Policy 1. Continue to participate in the National Flood Insurance Program and comply with applicable standards.

- Policy 2. Review any development that could potentially affect the floodway or increase the area subject to the Special Flood Hazard Area (100-year floodplain), unless otherwise exempted. [Ord. 5746, 9/29/2010]
- Policy 3. Restrict new development (including fencing, grading, fill, excavation, and paving) from locating within floodways that would result in an increase in base-year flood levels. If it can be determined that there will be no increase in base-year flood levels, then the following uses may be considered: [Ord. 5746, 9/29/2010]
  a. Public and private parks and recreational uses.
  b. Other uses which would not involve the construction of permanent or habitable structures.
  c. Water-dependent structures such as docks, piers, bridges, and floating marinas.
- Policy 4. Concurrent with new development, and when appropriate, secure dedications and easements adequate for channel maintenance and conveyance of storm water along natural drainageways and where identified on adopted master plans, secure easements for public open space, and future recreation use along all floodways and natural permanent drainageways.
- Policy 5. Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed.
- Policy 6. Ensure that development proposals in the flood fringe and adjacent to drainageways are consistent with Federal Emergency Management Agency (FEMA) and other applicable local regulations in order to minimize potential flood damage. Development proposals in areas subject to flooding may be reviewed according to the following criteria:
  a. Proposed development activities shall not change the flow of surface water during flooding so as to endanger property in the area. Special engineering reports on the changes in water flow and potential damage which may be caused as a result of proposed activities may be required. If necessary, local drainage shall be improved to control increased runoff that might increase the danger of flooding to other property.
  b. Impacts on significant fish and wildlife habitat have been considered and appropriate protection measures included in project design.
  c. Problems of ponding, poor drainage, high water table, soil instability, or exposure to other flood hazards have been identified and mitigated. Evaluations and mitigating measures shall be based on a base year flood and wet season characteristics.
  d. If adjacent to a designated floodway, the development shall be designed to use the natural amenities of the floodway including open space, scenic views and vegetation in accordance with an approved site plan.
- Policy 7. Locate and construct all public utilities and facilities such as sewer, gas, electrical, and water systems to minimize or eliminate flood damage. Require that new or replacement water supply systems and/or sanitary sewer systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located to avoid impairment of them or contamination from them during flooding.
- Policy 8. Locate and construct critical facilities to minimize or eliminate flood damage and to facilitate emergency operations. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and other emergency responders, and installations that produce, use or store hazardous materials. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. New critical facilities must be

floodproofed to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 5746, 9/29/2010]

- Policy 9. Ensure that any filling or construction within the floodplain meets the following criteria:
- Require that a floodplain development permit is issued prior to any grading, fill, excavation, or paving activity, unless otherwise exempted, and that all grading, fill, excavation, or paving is engineered and compacted to applicable standards. Grading, fill, excavation, or paving areas for dwellings shall have engineering certification that loading rates are adequate for dwellings. [Ord. 5042, 4/14/1993; Ord. 5746, 9/29/2010]
  b. The lowest finished floor elevation shall be built at least one (1) foot above the base-year flood level. Special engineering reports or structural work may be required.
  c. Require property owners or developers to file a elevation certification approved by the local community permit official, registered professional engineer, architect, or surveyor indicating elevation of the surrounding grade or lowest habitable floor (including basement) of all new residential structures. This information shall be maintained to indicate compliance with Federal Emergency Management Agency (FEMA) regulations.
- Policy 10. For construction, remodeling, or major repairs to structures (including prefabricated and mobile homes) within the floodplain, review building permits to ensure that:
  a. Building location and grading are designed to protect the structure during a base year flood.
  b. Construction materials and utility equipment are resistant to flood damage.
  c. Construction methods and practices will minimize flood damage.
  d. Where appropriate, structures are designed or modified to prevent flotation, collapse, or lateral movement of the structure.
- Policy 11. Development approval within the flood fringe shall be reviewed to protect property and public safety and significant natural values.
- Policy 12. The City may provide density bonuses which encourage the protection and preservation of flood fringe areas.
- Policy 16. Encourage open space alternatives to urban level development in areas subject to flooding such as park and recreation areas, agriculture, natural areas and wildlife habitat.

Albany's comprehensive plan measures do not add notable substance to floodplain policies.

Hillside Development Policies and Measures

Albany's hillside development policies apply to slopes over 12% and provide for density reduction and cluster development in steep slope areas:

- Policy 13. Prior to annexation of hillside areas, adopt hillside development regulations for slope areas in excess of 12% in order to protect against geologic mass movement, excessive erosion and storm water runoff, and protection of important natural vegetation.
- Policy 14. Require land divisions and planned developments in slope areas to: [Ord 5042, 4/14/1993]
  a. Minimize cut and fill requirements.
  b. Ensure that the location and design of streets, structures, and other development give full consideration to natural contours, drainage patterns, and vegetation features of the site.
  c. Protect against temporary and long-term erosion.

d. Control storm drainage to minimize the amount and rate of storm water flowing onto adjacent property and city streets.

- Policy 15. The City may reduce standard densities (increases in minimum lot sizes and lot area per unit) and alternatively encourage cluster development through the PUD process, with greater slopes receiving the greater density reduction and cluster development incentive.

Albany has several measures that guide implementation of hillside development policies:

- Measure 6. Require proposed hillside development to provide for the preservation and, if possible, enhancement of the site's natural features during all phases of the design and development process. This includes consideration of soils, vegetation, hydrology, wildlife habitat, views and visual orientation, both from the site and to the site, and unusual or unique natural features.
- Measure 10. Require that all excavation and fill work and structural foundation work be approved by a registered engineer whenever the slope is greater than 30% or where there exists probability of geologic hazards such as perched water tables and/or landslide areas. Where appropriate, such approval shall include information from a soils engineer and engineering geologist.
- Measure 11. Increase minimum lot sizes (or minimum lot area per unit) on hillside areas, allowing higher densities for cluster developments approved through Planned Development as outlined in the following table:

Slope %	Standard Dev.	(RS 6.5 Lot)	PUD Devel.	(RS 6.5 Avg)
13 to 20	1.25	8125	1.00	6500
21 to 25	1.50	9750	1.15	7475
26 to 30	2.00	13000	1.40	9100
31 & above	3.00	19500	2.00	13000

Goal 7 Land Use Regulations

Albany's Development Code, Article 6 Natural Resource Districts, regulates development within the Floodplain Overlay District and Hillside Development Overlay District. Cluster Development regulations found in Article 11 allow on-site density transfer from natural resource districts defined in Article 6 and including mapped floodplain and hillside areas in exchange for a minimum of 20 percent site preservation as natural area.

Floodplain

Floodplain standards in Article 6 restrict development to specific uses within the floodway and require a Floodplain Development Permit for development within the Special Flood Hazard Area (100-year floodplain) or floodway. Development (including residential) and subdivisions are allowed or conditionally allowed within the Special Flood Hazard Area. A variance process is available to all floodplain standards as a safety valve. General floodplain development and land division standards are included below:

- 6.110 Site Improvement, Land Division and Manufactured Home Park Standards. Site improvements, land divisions, and manufactured home parks in the Special Flood Hazard Area (100-year floodplain) shall be reviewed by the Planning Division as a part of the land use review process. An application to develop property that has floodplain on it, but where no

development is proposed in that floodplain will be processed as otherwise required in this Code. In the case of a land division, "no actual development" means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way). [Ord. 5746, 9/29/10]

In addition to the general review criteria for site improvements, land divisions and manufactured home parks, applications that propose actual development within the Special Flood Hazard Area shall also be subject to the following standards: [Ord. 5338, 1/28/98; Ord. 5746, 9/29/10]

(1) All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

(2) All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

(4) All development proposals shall have adequate drainage provided to reduce exposure to flood damage.

(5) Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.

(6) Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.

(7) All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City." [Ord. 5338, 1/28/98]

Floodway has more restrictive standards for uses allowed and engineering requirements:

- 6.100 Floodway Restrictions. No development is allowed in any floodway except when the review body finds that the development will not result in any increase in flood levels during the occurrence of the 100-year flood. The finding shall be based upon applicant-supplied evidence prepared in accordance with standard engineering methodology approved by FEMA and certified by a registered professional engineer and upon documentation that one of the following criteria has been met: [Ord. 5875, 10/28/16]

  (1) The development does not involve the construction of permanent or habitable structures (including fences). [Ord. 5746, 9/29/10]

  (2) The development is a public or private park or recreational use or municipal utility use.

  (3) The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.

Hillside Development

Hillside Development standards in Article 6 apply to sloped areas over 12% as identified on Plate 7 of the Comprehensive Plan (unless the applicant's surveyor or engineer can show the property does not contain 12% or greater slopes). For all slopes over 12%, a geotechnical report is required. Article 6 does not refer to the table provided in Comprehensive Plan Chapter 2, Goal 7, Measure 11 (above).

Ashland

Comprehensive Plan Policies

The City of Ashland's Comprehensive Plan, last updated in 2019, contains policies related to the following hazards:

- Floodplain
- Hillside Development
- Wildfire

Ashland has mapped these hazards in its Physical and Environmental Constraints map set, including:

- Floodplain Corridor Lands Map
- Hillside Lands & Severe Constraints Map
- Wildfire Lands Map

Comprehensive Plan Chapter 4: Environmental Resources, contains Ashland's Goal 7 policies. Ashland's latest Plan update to Goal 7 policies is unclear; Chapter 4 indicates a print date of 2005.

Geologic hazards beyond hillside development (e.g., existing inactive fault lines) are identified in the plan but not addressed by specific plan policies.

Floodplain Policies

Ashland builds on federal floodplain regulations with additional self-identified and mapped floodplain areas.[1] Floodplain and downstream impact protections are emphasized in comprehensive plan policies:

- Policy 27. The City shall continue to participate in the National Flood Insurance Program, complying with all applicable standards.
- Policy 28. In flood prone areas, allow alternatives to urban development, such as agriculture, open space, parks, wildlife habitat, natural areas and recreational uses through the physical and environmental regulations in the City code.
- Policy 29. Development in any flood prone area is not a guaranteed right, but depends upon whether the benefits to the public outweigh problems which would be caused by development, especially problems which may occur upstream or downstream during flooding.

[1] "The Planning Commission and the Citizen Planning Advisory Commission met to review data from July to November 1988. The city planning staff, assisted by Rogue Council of Government staff Eric Dittmer and Wes Reynolds, gathered available data and photographs of floods, conducted field work, and established base maps for the new flood maps. Historian Kay Atwood compiled all journalistic records of flooding in historic times. After the last meeting, final maps and ordinance proposals were produced.
The study resulted in the definition of a floodplain corridor larger than the FEMA 100-year floodplain on Ashland and Clay Creeks. The ordinance prohibits division of land and restricts new construction and fill in all defined floodplains in the city." Ashland Comprehensive Plan p.23

- Policy 30. New development (including fill) shall be allowed in floodways only upon the finding that obstruction of flood waters is minimized. Non-structural solutions to flooding are preferable to structural solutions.
- Policy 31. Fill of flood fringe areas shall require a permit as specified in the physical and environmental constraints regulations and fill shall be engineered and compacted to City standards. Fills shall be kept to the minimum necessary to achieve project purposes.
- Policy 32. Apply special physical and environmental restrictions to all areas of Ashland which are identified as flood-prone, streams in the federal study, and other significant drainage ways.
- Policy 33. All existing natural drainage ways as identified on the physical and environmental constraints map shall be left in a natural state or modified only after City approval.
- Policy 34. As proposed with active streambeds, an analysis of potential runoff from upstream hard-surface areas shall be conducted, and streambed profiles shall be adapted to accommodate the flow to prevent flooding of adjacent residences. The City shall acquire easements to maintain the carrying capacity of said streambeds.

Hillside Development (Areas of Steep Slope) Policies

Ashland limits lot creation and development in areas of very steep slope. These policies include a density limit of 2 du/acre on areas of 30% or greater slope:

- Policy 39. Develop erosion control standards to ensure that development of these forested areas will not cause erosion problems.
- Policy 40. Restrict creation of new lots on land that is greater than 40% slope, unless a buildable area of less than 40% slope is available on each lot.
- Policy 41. Zone all lands which have a slope generally greater than 30% for development that will have no more than 2 dwelling units per acre or 20% lot coverage by impervious surfaces.

Wildfire Policies

Ashland takes a proactive approach to wildfire protection, identifying wildfire hazards related to the urban-wildland interface areas and proposing several policies to protect life, property, and environmental resources:

- Policy 46. Require installation and maintenance of a 40-foot fuel break around each dwelling unit or structure.
- Policy 47. Require multi-dwelling unit developments to install and maintain a perimeter fuel break to prevent fire from entering the development, or to prevent a fire spreading from the development and threatening the Ashland Watershed. (Width of break is dependent on topography, aspect, vegetation, types and steepness of slopes.)
- Policy 48. Where vegetation needs to be maintained for slope stability in a fuel break area, require plantings of fire-resistant or slow-burning plants. The City shall make a list of such plants available to the public. (See “Wildfire Hazard Management in the Urban/Wildland Interface in Southern Oregon,” by Claude Curran - May 1978.)
- Policy 49. Require more than one ingress/egress route or road widths wide enough to accommodate incoming fire apparatus and evacuating residents simultaneously in an emergency situation.
- Policy 50. Require roofs to be constructed of fire-resistant materials. Wood shake or shingle roofs would not be allowed.

- Policy 51. Encourage road placement to function as fire breaks in urban/wildland interface developments.
- Policy 52. Require chimneys of wood-burning devices to be equipped with spark arrester caps and/or screens.
- Policy 53. Install all new electrical distribution circuits in the urban/wildland interface underground if technically feasible.
- Policy 54. The City shall encourage and support education/ information programs dealing with wildfire hazards in the urban/wildland interface. Information shall be made available through the City Building and Planning Departments to developers and builders wishing to build in the urban/wildland interface.

Goal 7 Land Use Regulations

Ashland's natural hazards land use regulations are contained in the Ashland Land Use Ordinance, Chapter 18.3.10, Physical and Environmental Constraints Overlay. These areas have a blanket onsite density transfer option for sites with "unbuildable" areas, with a maximum density of no more than two times the permitted density of the underlying zone.[2]

Floodplain

Ashland has prepared a Flood Plain Corridor Lands Map. This map includes, as described in Section 18.3.10.060:

- 1. All land contained within the 100-year Flood Plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Map (FIRM) adopted by the City Council as provided for in AMC 15.10.
- 2. All land within the area defined as Flood Plain Corridor Land in maps adopted by the Council as provided for in section 18.3.10.070 Official Maps.
- 3. All lands which have physical or historical evidence of flooding in the historical past.
- 4. All areas within 20 feet (horizontal distance) of any stream identified as a Riparian Preservation Creek on the Physical and Environmental Constraints Floodplain Corridor Lands map adopted pursuant to section 18.3.10.070 Official Maps.
- 5. All areas within ten feet (horizontal distance) of any stream identified as a Land Drainage Corridor on the Physical and Environmental Constraints Floodplain Corridor Lands maps adopted pursuant to section 18.3.10.070 Official Maps.

Development and land division is limited in flood plain corridor lands, including standards for fill, residential and non-residential building elevation above flood levels (or floodproofing for non-residential development), structure placement, building envelopes, and local streets and utility connections. Residential development and land divisions are allowed but limited to minimize impact to the floodplain. Ashland also has a building code chapter (Chapter 15.10) dedicated to flood damage prevention.

Severe Constraint Lands – Floodplain

Ashland identifies areas within the floodway channels as having characteristics that "severely limit normal development." These areas are unbuildable to the extent possible while avoiding a taking on lots of record.

[2] See Section 18.3.10.120 Density Transfer

Hillside Development

Ashland has prepared a Physical and Environmental Constraints Hillside Lands map. Hillside Lands are lands that are subject to damage from erosion and slope failure, and which include areas that are highly visible from other portions of the city. Hillside areas include all lands defined as Hillside Lands and which have a slope of 25 percent or greater.

Hillside regulations require a geotechnical report for all development on Hillside Lands, and include requirements for terracing and revegetation, limits on fill slope height, tree protection, [3] and building envelope and design standards.[4]

Severe Constraint Lands – Slope

Ashland identifies areas with slope greater than 35 percent as having characteristics that "severely limit normal development." These areas are unbuildable to the extent possible while avoiding a taking on lots of record.

Wildfire

Wildfire Lands are identified on the Physical and Environmental Constraints Wildfire Lands map. The Wildfire Hazard Zone is shown below, with recent historical fire context:



[3] E.g., per Section 18.3.10.090.D.5 "Development shall be designed to preserve the maximum number of trees on a site."

[4] Including several "recommendations" intended to encourage visual integration of the development into the hillside and natural environment.

Any development or land division within these areas is required to prepare a Fire Prevention and Control Plan, and establish and maintain a fuel modification area (generally crown separation, tall brush removal, tree limbing, etc.).

Ashland integrates natural resource, water quality, and hillside considerations to wildfire requirements:

- l. Where necessary for erosion control, slope stability, riparian and wetland preservation and enhancement, performing functions considered beneficial in water resource protection, or aesthetic purposes, existing vegetation may be allowed to be retained consistent with an approved Fire Prevention and Control Plan, or upon written approval of the Staff Advisor in consultation with the Fire Code Official.
- m. Fuel modification in areas which are also classified as Hillside Lands or Water Resource Protection Zones shall be included in the erosion control measures outlined in section 18.3.10.090, Development Standards for Hillside Lands, and management plan for water resource protection zones in section 18.3.11.110.

Bend

Comprehensive Plan Policies

The City of Bend's Comprehensive Plan, last updated in 2018, contains general policies related to the following hazards:

- Floodplain
- Geologic
- Hillside Development
- Wildfire

Comprehensive Plan Chapter 10: Natural Forces, contains Bend's Goal 7 policies. Bend's latest Plan update to Goal 7 policies was completed with the 2016 Comprehensive Plan update.

Floodplain Policy

- Policy 10-12. The city shall continue to apply their Flood Plain zoning regulations along the Deschutes River and Tumalo Creek based on the best available data.

Geologic Policies

- Policy 10-13. The city shall encourage the Oregon Department of Geology and Mineral Industries to complete an assessment of faults in the Bend area.
- Policy 10-14. The city shall review the construction plans for buildings that are proposed to be built across or along identified fault lines.

Hillside Development (Steep Slope) Policies

Bend provides erosion control and slope stability policy direction for slopes greater than 10 percent, and policy options to reduce minimum density or require cluster development in areas with slopes over 20 percent as "Steep Slopes" policies:

- Policy 10-15. The city shall require development on slopes in excess of 10 percent to employ measures to minimize the hillside cuts and fills for streets and driveways.
- Policy 10-16. The location and design of streets, structures and other development features on slopes in excess of 10 percent shall give full consideration to the natural contours, drainage

patterns, and vegetative features of the site to protect against temporary and long-term erosion.

- Policy 10-17. In areas where the natural slope exceeds 20 percent, the city may reduce the minimum residential density (allow larger lots) or alternatively, may require cluster development through the PUD process to preserve the natural topography and vegetation, and improve fire protection.

Wildfire Policy

Bend is a signatory to the Greater Bend Community Wildfire Protection Plan, providing an education-based strategy for wildfire reduction.

Bend has a policy to adopt strategies to reduce wildfire hazard. Of note, this may include defensible space buffers to land included in the UGB and annexed:

- Policy 10-18. The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend.

Goal 7 Land Use Regulations

Bend's natural hazard land use regulations are contained in the Bend Development Code (Title 10) and Gradings, Excavation and Stormwater Management (Title 16). The development code contains specific floodplain regulations in the Floodplain Combining Zone overlay, and integrates both floodplain and steep slope into the "sensitive lands" (or "sensitive areas" in Title 16) definition.

Bend allows onsite density transfer from sensitive lands including the 100-year floodplain, but limits density transfers to areas exceeding 25 percent slope.[5] Development code interaction with "sensitive lands" is also discussed below.

Bend Code Title 16 provides additional engineering permitting requirements for grading and erosion control on steep slope.

Floodplain

Bend regulates floodplain through the Floodplain Combining Zone. The Floodplain Combining Zone applies to FIRM 100-year flood and floodway areas and requires a permit for any development in the zone. Regulation in floodplain areas includes elevation requirements for residential and non-residential development (or floodproofing for non-residential development), and requirements for subdivisions and development:

- BDC 2.7.640.J. Land Development Standards in a Flood Hazard Area.
  1. In addition to the terms of subsections (J) and (K) of this section, a subdivision or other land development, including all utility facilities, within an FP Zone shall be designed, located, and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.
  2. A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood carrying capacity of the watercourse.

[5] Bend Development Code Section 3.5.100

3. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

Within the floodway, development requires additional engineering analysis:

- BDC 2.7.640.M. Floodways. Located within areas of special flood hazard established in subsection (B)(1) of this section, Application of FP Zone, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Variances from zone standards are allowed as a safety valve:

- BDC 2.7.640.P. Technical Variances. A technical variance from the requirements of this section may be granted by the Hearings Body for new construction and for improvements to existing structures which could not otherwise be authorized, provided the construction or improvements are to be erected or installed on a parcel of land one-half acre or less in size, contiguous to or more or less surrounded by lots with existing structures constructed below the minimum floor elevation established for flood protection purposes. A parcel of land in excess of one-half acre in single ownership on the effective date of the ordinance codified in this code is not excluded from the granting of a technical variance, but the burden of proof required for issuing the variance increases as the size of the property under single ownership increases, and the variance shall be granted only if required to equalize circumstances, considering previously developed land adjacent to the parcel for which a variance is sought.

Floodplains are also included in sensitive lands, as discussed below.

Slope

Bend's regulation of steep slope areas has implications for lot and parcel size, and is included in grading and erosion control requirements.

- BDC 3.1.200.C. General Requirements for Lots and Parcels. […]
  2. On steep slopes, increased lot or parcel sizes may be required to avoid excessive cuts, fills and steep driveways.

Bend regulates development on steep slope through general construction requirements[6] for a clearing, grading, and erosion control permit if altering or creating a slope exceeding 20 percent. Steep slopes are included in sensitive lands, as discussed below.

Sensitive Lands

Sensitive lands include both floodplain and steep slope areas. Sensitive lands regulations impact minimum density and density transfer.

[6] Bend Code Title 16, Section 16.10.020 Clearing, Grading and Erosion Control on Construction Sites

- Section 1.2 Definitions: Sensitive lands means wetlands, significant trees, steep slopes, floodplains and other natural resource areas designated for protection or conservation by the Bend Comprehensive Plan or the State of Oregon. [emphasis added]

"Steep slope" is not defined in the Development Code, but is defined in Title 16:

- 16.05.060 Definitions and Acronyms: Steep slope means slopes that are greater than 10 percent.

As noted above, the "Steep Slopes" policies in the comprehensive plan apply to slopes over 10 percent.

Therefore, "sensitive lands" in the context of natural hazards would logically include areas of 10 percent or greater slope and floodplain.

- BDC 2.1.600 Residential Density C.2.Minimum housing densities are calculated as follows:
  a. The area subject to minimum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit; **sensitive lands**; fire breaks; and canals and their associated easements.
- BDC 3.5.100 Density Transfers C. Density Transfer Authorized. Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another contiguous property. The density transfer shall protect sensitive land areas as listed below either by dedication to the public or a land trust, or by a nonrevocable conservation easement. Sensitive land areas include:
  1. Land within the 100-year floodplain;
  2. Land or slopes exceeding 25 percent;
  3. Drainage ways;
  4. Wetlands;
  5. Identified Areas of Special Interest;
  6. Goal 5 Resources;
  7. A stand or grove of significant trees as defined in BDC Chapter 3.2.

Grants Pass

Comprehensive Plan Findings

The City of Grants Pass Comprehensive Plan, last amended in 2015, contains findings[7] related to the following hazards:

- Floodplain
- Geologic
- Hillside Development (Slope)
- Soils

Comprehensive Plan Chapter 5: Areas Subject to Natural Hazards Index, contains Grants Pass Goal 7 findings. Grants Pass latest Plan update to Goal 7 policies was completed with the 2009 Comprehensive Plan update.

Grants Pass participated in crafting the Rogue Valley Integrated Community Wildfire Protection Plan, which provides educational guidance for wildfire protection in the region.

[7] The Grants Pass Comprehensive Plan uses Findings instead of Policies.

Floodplain Findings

Grants Pass floodplain findings include soft guidance for designating floodplain areas as open space, encouraging stormwater solutions, and advocating for density transfer in floodplain areas. The City used federal guidelines to adopt a floodplain ordinance.

- Finding 6. Land use regulations can minimize the loss of life and property due to the flooding. Floodprone land that is designated as open space for parks, wildlife areas and floodways can enhance the livability of the community while reducing future potential losses of life and property from flooding. Land use regulations can also be used to set aside land areas for the detention of storm water. Storm water detention areas such as wetlands, grassed waterways and woodlands may reduce existing and future flooding conditions. Density transfer is a method to encourage the preservation of storm water detention areas without affecting the revenue potential of developments in such areas.
- Finding 7. The National Flood Insurance Program is intended to encourage local government to adopt and enforce land use practices within floodprone areas to the degree necessary to reduce the risk to acceptable levels as set forth in the program. The City of Grants Pass has adopted a floodplain ordinance that adopts by reference the federal engineering report entitled "The Flood Insurance Study for the City of Grants Pass." That ordinance specifies that development in the floodplain may not raise the elevation of the 100-year flood by more than one foot, and, therefore, all new development must construct the level of the first livable floor at least one foot above the 100-year flood elevation.

Geologic Findings

Grants Pass determined that the existing fault line is inactive and the region is geologically dormant.

- Finding 2. There are two geologic formations in the Grants Pass UGB area. The overlying formation is composed of recent stream deposits of sand, silt and gravel. The underlying formation is a large mass of igneous material that is composed of quartz diorite. There are several major faults in Josephine County but only one within the UGB area: a north-south fault that is parallel to McLean Drive, and a north-south fault east of Interstate 5 in the vicinity of Terrace Drive. No recent movement of any faults has been detected in Josephine County. There are no earthquake epicenters. The region is geologically dormant.

Hillside Development (Slope) Findings

Grants Pass identified slopes greater than 15 percent on the Slope Hazards map and found that development on slopes between 15 and 35 percent should be reviewed by a soils scientist and an engineer, while development on slopes over 35 percent should require geotechnical review.

- Finding 3. The slopes in the UGB area range from 0% to greater than 60%.
- Finding 4. There is a low potential for earthflows for slopes less than 15%. Moderate potential for earthflows exist between 15% to 35%, although areas of unusually wet or unstable soil can increase that potential. Slopes over 35% generally have a high to extreme potential for earthflows, especially when the integrity of the slope is disturbed by removal of vegetation, excavation and construction.
- Finding 5. The slopes greater than 15% are identified on the Slope Hazards map. Generally, these slopes are located at the edge of the UGB in the Northwest, Northeast and Harbeck-Fruitdale subareas.

- Finding 6. The most effective method for the city and county to minimize the hazards of development on steep slopes is to review the development process in these areas. Developments that are proposed on slopes between 15% and 35% should be reviewed by a soil scientist and an engineer in order to reduce the hazard potential. Developments that are proposed on slopes in excess of 35% should be required to have the development plans reviewed by a licensed engineering geologist in order to ensure that soil erosion and earth movement hazards are minimized.

Soil Hazard Findings

Grants Pass delved into soil characteristics and identified situations where soils analysis should be encouraged.

- Finding 7. Soils are composed of decomposed rock and organic material and are basically defined by the content of rock particles and organic matter, and structure. Soil types vary according to geographic area due to the diversity of weathering forces, topography, climate and vegetation. There are forty-one different soil types in the UGB area each with distinct characteristics which make them either more or less suitable for urban developments. Table 5.20.4 identifies the soils and their general characteristics related to urban development. These characteristics are erosion factor, road construction, buildings with or without basements, shrink-swell potential and corrosivity. The information in Table 5.20.4 is derived from the soil data of the U.S. Soils Conservation Service. The ratings for each soil should be considered general guidelines. Where necessary clarification is required, then a site specific soil analysis should be performed by a soil scientist.
- Finding 8. The single most important potential soil hazard is erosion. Preventive measures for soil stability on erodible soils is often the best safeguard. Such preventive measures are:
    - traps to keep top soil on the site
    - leave natural vegetation in place
    - reducing surface water run-off with vegetative planting and keeping natural water retention areas
- Finding 9. Other important soils-related hazards such as shrink-swell and road construction can be mitigated by forewarning builders and developers early in the development process. Site specific analysis of soils should be encouraged in all developments with slopes in excess of 35%.

Goal 7 Land Use Regulations

Grants Pass natural hazards land use regulations are contained in the Grants Pass Development Code, Article 13: Special Purpose Districts, which describes requirements for development within the Slope Hazard District and Flood Hazard District.

Floodplain

The Grants Pass Flood Hazard District includes FIRM 100-year floodplain and floodway areas, and requires a permit prior to any development within the District. Development is required to be anchored, elevated (or floodproofed for non-residential development), and use flood resistant materials. Development and land divisions are required to meet the following standards:

- 13.256 Subdivision and Development Proposals, Partitions, and Planned Unit Developments. No proposed subdivision or partition of land or planned unit development plan, or other development located within an area of special flood hazard shall be approved without meeting

the requirements of this article. All of the applicable mapping and certification requirements of this article shall be met at the Tentative Map, Plat or Plan stage of review for subdivisions, partitions, and planned unit developments (See also Article 17, Lots and Creation of Lots, and Article 18, Planned Unit Development.)
(1) All development proposals, including subdivision proposals, shall be consistent with the need to minimize flood damage;
(2) All development proposals, including subdivision proposals, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
(3) All development proposals, including subdivision proposals, shall have adequate drainage provided to reduce exposure to flood damage; and
(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for development proposals, including subdivision proposals, which have the potential for 5 dwelling units or more or contain 1 acre or more, whichever is less.

Variances are available as a safety valve but are held to a high standard of review (multiple pages of standards).[8]

Slope

The Grants Pass Slope Hazard District encompasses areas of at least 15 percent slope and contains two classes of slope: Class A (between 15 and 25 percent) and Class B (greater than 25 percent). Development within the Slope Hazard District requires a Steep Slope Development Report and Grading and Erosion Plans. Class A documentation requires a licensed engineer stamp, while Class B requires a geotechnical engineer or engineering geologist stamp.

Restrictions on development within the Slope Hazard District include erosion control measures and retaining wall height is limited to 20 feet.

Newberg

Comprehensive Plan Policies

The City of Newberg's Comprehensive Plan, last updated in 2020, contains policies related to the following hazards:

- Floodplain
- Hillside Development / Geological

Comprehensive Plan Chapter II.F: Areas Subject to Natural Hazards, contains Newberg's Goal 7 policies. Newberg's latest Plan update to Goal 7 policies was an update to floodplain policies in 2010.

Floodplain Policies

Newberg has straightforward policies to comply with federal and state floodplain and greenway protections.

- Policy 1. The City will coordinate with the Federal Emergency Management Agency to ensure continued compliance with federal flood plain regulations.

[8] See GPDC Section 13.246.

- Policy 2. The City will adopt the most current Federal Emergency Management Agency Flood Insurance Rate Maps, the Flood Insurance for Yamhill County to ensure that property owners may participate in the National Flood Insurance Program.
- Policy 3. The City will adopt floodplain development standards to:
    - minimize public and private losses,
    - protect human life and health,
    - minimize expenditure of public money and costly flood control projects,
    - minimize damage to public facilities, and
    - help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard,
    - to ensure property owners may participate in the National Flood Insurance Program. (Ordinance 2010-2719, March 1, 2010)
- Policy 4. The largest floodplain area within the Urban Growth Boundary is located within the Willamette Greenway. As such, this area will be subject to Greenway plans and regulations.

Hillside Development / Geological Policy

Newberg identifies "hazardous areas" as areas with slopes 20 percent or greater, or with geological limitations. Development may be permitted in hazardous areas if consistent with sound engineering and planning criteria.

- Policy 5. In other areas of potential or existing hazards, development shall be subject to special conditions. Reasonable development may be permitted in these areas when it can be shown, based on sound engineering and planning criteria, that adverse impacts can be mitigated and kept to a minimum. Hazardous areas shall be considered to be lands with slopes 20% or greater, potential and existing slide areas, fault areas, and areas with severe soil limitations.
- Policy 6. The City will discourage development on hazardous slope areas and natural resource areas in the Riverfront District. (Ordinance 2002-2564, April 15, 2002)

Goal 7 Land Use Regulations

Newberg natural hazards land use regulations contained in the Newberg Development Code are limited to floodplain, covered by Chapter 15.343, Areas of Special Flood Hazard Overlay.

Sloped areas are regulated by Title 13 Public Utilities and Services, which "may require" additional erosion and sediment controls on slope of 10 percent or more.

Floodplain

Newberg's Areas of Special Flood Hazard Overlay District applies to areas identified by FIRM maps as within the 100-year floodplain or floodway. Development within this District requires a Floodplain Development Permit. New development requires anchoring, flood resistant materials, and elevation (or floodproofing for non-residential development). Land divisions are required to minimize flood damage:

- NDC 15.343.040.A.4. Tentative Subdivision and Partition Plat Proposals.
  a. Where floodplain development is proposed or reasonably likely, all tentative subdivision and partition plat proposals shall be consistent with the need to minimize flood damage.
  b. All tentative subdivision and partition plat proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

c. All tentative subdivision and partition plat proposals shall have adequate drainage provided to reduce exposure to flood damage.

d. For any proposed affected structure, proposed subdivision or partition, and other proposed floodplain development which contains at least 50 lots or five acres (whichever is less), flood elevation data shall be provided.

Of note, there is significant overlap between the Flood Hazard overlay and other applicable layers of development restriction – notably the stream corridor district that protects riparian areas and associated wetlands, and the Willamette River Greenway.

Redmond

Comprehensive Plan Policies

The City of Redmond's Comprehensive Plan, last updated in 2020, contains general policies related to non-specific natural hazards, and does not identify floodplain, slope, or fire hazards.

Comprehensive Plan Chapter 7: Natural Hazards, contains Redmond's Goal 7 policies. Redmond does not appear to have updated its Goal 7 policies since plan acknowledgment in 1981.

Goal 7 Policies

- Policy 1. Areas subject to natural disasters shall be evaluated as to the degree of hazard present.
- Policy 2. Plans taking into account known areas of natural disasters and hazards shall be considered as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans shall not exceed the carrying capacity of the planning area.
- Policy 3. When locating developments in areas of known natural hazards, the density or intensity of the development shall be limited by the degree of the natural hazard.
- Policy 4. Natural hazards that could result from new developments, such as runoff from paving projects and soil slippage due to weak foundation soils, shall be considered, evaluated and provided for.

Goal 7 Land Use Regulations

Redmond's Development Code (City Code Chapter 8) contains relatively few specific regulations related to natural hazards. This is logical, as the Redmond Urbanization Study indicates:

"Redmond has no land that is unavailable for development due to physical constraints: steep slopes, wetlands, riparian areas, and floodways. This is due to the city's location and the fact that the dry canyon is mostly in public ownership."[9]

However, evaluation of hazards may be required during site and design review:

- RDC 8.3030 Special Studies, Investigations and Reports. Special studies, investigations and reports may be required to insure that the proposed development of a particular site does not adversely affect the surrounding community, does not create hazardous conditions for persons or improvements on the site. These may include traffic impact studies impact of contaminated

[9] P. 3-9 Redmond Urbanization Study (ECONorthwest, 2005)

soils, soil conditions, flooding of waters and excessive storm water runoff, tree preservation, and other concerns of the development's impact on adjacent properties or public facilities.

Redmond also has regulations related to Goal 7 hazards associated with Master Development Plans in Article I Section 8.0300. Grading regulations in Article III Section 8.2720 relate to slope. Flooding and floodplains are regulated through stormwater and building codes.

Floodplain

Redmond does not appear to have floodplain regulations adopted as part of the development code. Flooding, erosion control, and floodplain regulations are regulated through the city's stormwater regulations in the City Code, Chapter 4 – Utilities, and also regulated through the building code in Chapter 9 – Building and Fire Codes.

Slope

In Redmond, Master Development Plans are detailed development plans required for phased development, area plans within urban holding zones, and areas requesting annexation. Master Development Plans are required to map *and plan* for natural hazard areas as a submittal requirement:

- 8.0300.3.C.7. Natural Hazard Areas. Inventory areas subject to natural hazards, particularly steep slopes, and program urban development that is suitable for the identified hazard areas;

In addition, Master Development Plans are required to address and implement Great Neighborhood Principles, where open spaces and green design criteria may also interact with natural hazard areas:

- 8.0300.3.C.13.c. Open spaces, greenways, recreation. All new neighborhoods shall provide useable open spaces with recreation amenities that are integrated to the larger community. Central parks and plazas shall be used to create public gathering places where appropriate. Incorporate significant geological features such as rock outcroppings, stands of clustered native trees, etc. into the design of new neighborhoods. Neighborhood and community parks shall be developed in appropriate locations consistent with policies in Redmond's Parks Master Plan.
- 8.0300.3.C.13.l. Green Design. Environmentally friendly and energy efficient design is encouraged for public and private infrastructure, architecture and building orientation, open spaces and natural areas and transportation facilities. In addition, the planting of native, drought-resistant trees is encouraged to provide shade and to minimize water usage.

Redmond's grading requirements also require mitigation of steep slopes:

- 8.2720.1. Slopes shall be less than or equal to 3 to 1 (horizontal to vertical) unless slope reinforcement and low maintenance surfaces are provided. Cut slopes as steep as 1 to 1 are permitted in native rock material if that material is suitable to stand at the slope without raveling. Toe of full slopes steeper than 3 to 1 and top of cut slope shall be no closer than 2 feet from the property line.
- 8.2720.5. Foundations should be stepped or other measures used to minimize cuts and fills. Slopes steeper than 3:1 shall be landscaped, terraced, or receive other treatment to reduce the visual impact and minimize the need for maintenance.

Appendix 2: Natural Hazard Overlay Methodology

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COMMUNITY RESOURCE PLANNING

Winterbrook Planning | June 24, 2021 | *Revised Draft*

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Data and Sources

- DOGAMI: Landslide Susceptibility
- DOGAMI: Landslide Inventory - Statewide Landslide Information Database for Oregon (SLIDO)
- DOGAMI: LiDAR and Digital Elevation Model (10 Meters)
- DOGAMI: Earthquake Shaking and Liquefaction Risks
- DLCD and DOGAMI: Oregon Statewide Flood Hazard Database - FEMA Flood Insurance Studies – 2015
- Yamhill County Community Wildfire Protection Plan (CWPP, Revised 2015): Rural Fire Protection Districts
- USFS Pacific Northwest Region Wildfire Risk Assessment (PNRA) – 2018
- Date: April, 2018Geospatial Enterprise Office: Oregon Rivers
- Geographic Information Services Unit, ODOT: Oregon Transportation Network – 2017
- DLCD: McMinnville Urban Growth Boundary – 2018
- Yamhill County Tax Assessor: Yamhill County Tax Lots
- DLCD: Oregon Zoning
- DLCD: Oregon City Limits
- DLCD: Oregon Natural Hazards Mitigation Plan (Oregon NHMP) – 2020

I. Methods by Mapping Product

Inventory I-1: McMinnville Natural Hazards Study Area

1. Isolate McMinnville Urban Growth Boundary (UGB) from statewide 2018 Urban Growth Boundary file.

2. Modify UGB to reflect adopted 2020 amendments

Inventory I-2: McMinnville Study Area Slopes

1. Slice Digital Elevation Model (DEM) 10 Meters to SA
2. Use "Slope" tool to generate Slope raster by percent rise
3. Use "Reclassify" to reclassify raster by 0% to 14.9%, 15% to 24.9%, 25% to 39.9%, and 40% or greater
4. Use "Raster to Polygon" to convert Slope to polygons
5. Use "Contour" to convert DEM in SA to 10 Meter Contours. Contour interval: 10 meters. Contour type: contour.

Inventory I-3: McMinnville Rural Areas Zoning

1. Clip Oregon Zoning (OZ) to SA
2. Clip Tax Lots (TL) to SA
3. Display OZ based on field "orZDesc"

Inventory II-1: McMinnville Geologic Hazards: Landslides

1. Slice Landslide Susceptibility raster (LS) to SA
2. Use "Raster to Polygon" to convert LS to polygons
3. Dissolve LS on field "Description"
4. Display LS based on field "Description" for moderate and high risk areas

Inventory II-2: McMinnville Geologic Hazards: Cascadia Subduction Earthquake Shaking

1. Import TIF of Earthquake Shaking areas into ARC
2. Resize and align to SA
3. Create new polygon shapefile
4. Trace "Severe Shaking" areas
5. Union new Shaking polygon to SA
6. Define areas outside of "Severe Shaking" as "Very Strong Shaking" areas
7. Display Shaking polygon by "Severe Shaking" and "Very Strong Shaking"

Inventory II-3: McMinnville Geologic Hazards: Earthquake Liquefaction Susceptibility

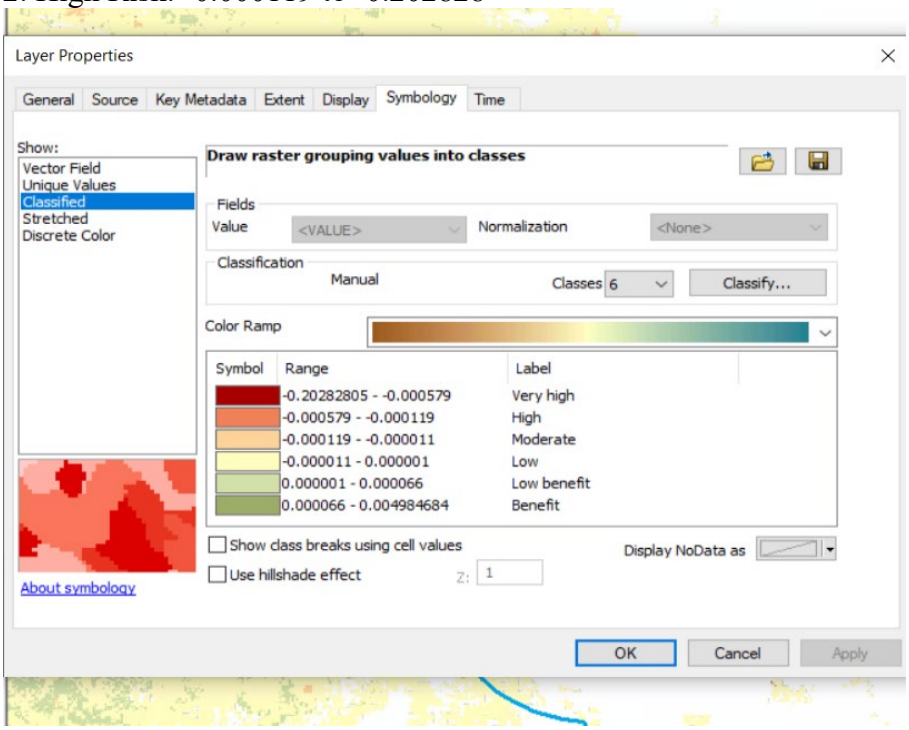
1. Dissolve by "Liquefaction Susceptibility Score"
2. Clip to SA
3. Classify and display by "Liquefaction Susceptibility Score"
    a. Low Risk: Susceptibility Sore 2
    b. Moderate Risk: Susceptibility Score 3
    c. High Risk: Susceptibility Score 4

Inventory III-1: McMinnville Flood Hazards

1. Clip Flood (FL) layer to SA
2. Dissolve by field "FLD_ZONE"
3. Classify and display by field "FLD_ZONE"

Inventory IV-2: McMinnville Potential Wildfire Impact to People and Property

1. Display "Potential Impact to People and Property" layer in wildfire geodatabase
2. Check projection to read: NAD_1983_Oregon_Statewide_Lambert_Feet_Intl
3. Use "Reclassify" to reclassify raster:

a. Delete: Fire Benefits: 0.004984684 to 0
b. 0: Low Risk: 0 to -0.000011
c. 1: Moderate Risk: -0.000011 to -0.000119
d. 2: High Risk: -0.000119 to -0.202828
e. 

4. Use “Raster to Polygon” to convert tif file to polygons
5. Dissolve by reclassified grid code
6. Clip to SA
7. Classify and display by grid code

Composite Hazards VII-1: McMinnville Proposed Natural Hazard Overlay

1. For each final shapefile clipped and displayed in the inventory maps, add a field “Prob_S” and assign the following individual hazard score to the hazard risk levels defined by natural hazard type (see table below).

Natural Hazard Type	Hazard Risk Level	Individual Hazard Score
Landslide	Moderate	2
	High	5
Cascadia Subduction Zone Earthquake		
Liquefaction	Moderate	2
	High	5
Shaking	Very Strong	2
	Severe	5
Slope	➢ 25%	5
Wildfire	Moderate	2
	Severe/High	5
Flood	Floodplain	5
	Floodway	5

2. Delete hazard risk levels that are not described in the table above from all of the natural hazard final shapefiles (i.e., "very low", "low", no flood risks, etc.).
3. Use "Union" to combine all modified hazard final shapefiles into a single shapefile: Natural Hazard Overlay (NHO)
4. Clip NHO to McMinnville UGB
5. Assign "0" to probabilities (Prob_S) with "null"
6. Add a field "Total_Prob" that sums all hazard probabilities (Prob_S)
7. Reference the Oregon Natural Hazards Mitigation Plan (ORNHMP) to determine vulnerability assessments for Yamhill County. Vulnerability assessments are displayed I the table below and are derived from the following tables within the ORNHMP report:
    a. Table 2-8. Earthquake Hazard, 2020 Risk Assessment
    b. Table 2-9. Flood Hazard, 2020 Risk Assessment
    c. Table 2-10. Landslide Hazard, 2020 Risk Assessment
    d. Table 2-12. Volcanic Hazard, 2020 Risk Assessment
    e. Table 2-13. Wildfire Hazard, 2020 Risk Assessment
    f. Table 2-14. Seven Hazards Combined, 2020 Risk Assessment

Hazards for Yamhill County	Probability	Physical Vulnerability				Social Vulnerability	Vulnerability (Social + Physical)		Risk (Prob. + Physical Social)	
		State Buildings	State Critical Facilities	Local Critical Facilities	Total Combined & Rescaled		Total Combined & Rescaled	Vulnerability	Total Combined & Rescaled	Risk
Earthquake	4.00	3.00	3.00	2.00	2.67	4.00	3.33	VH	3.56	VH
Flood	4.00	1.00	1.00	2.00	1.33	4.00	2.67	M	3.11	H
Landslide	5.00	1.00	1.00	2.00	1.33	4.00	2.67	M	3.44	VH
Volcanic	1.50	1.00	1.00	1.00	1.00	4.00	2.50	M	2.17	L
Wildfire Hazard	2.00	1.00	1.00	1.00	1.00	4.00	2.50	M	2.33	M
County Total									2.92	H

8. Add the following fields to represent hazard vulnerabilities: "Vul_Earth", "Vul_Flood", "Vul_Lands", and "Vul_WF"
9. Assign the following vulnerability score to each corresponding field <u>when that hazard is present</u> (see table below)

Natural Hazard Type	Probability of the Hazard in McMinnville		Social + Physical Vulnerability
Landslide	Moderate	2	2.67
	High	5	2.67
Cascadia Subduction Zone Earthquake			
Liquefaction	Moderate	2	(Earthquake) 3.33
	High	5	
Shaking	Very Strong	2	
	Severe	5	
Slope	➢ 25%	5	-
Wildfire	Moderate	2	2.50
	Severe/High	5	
Flood	Floodplain	5	2.67
	Floodway	5	

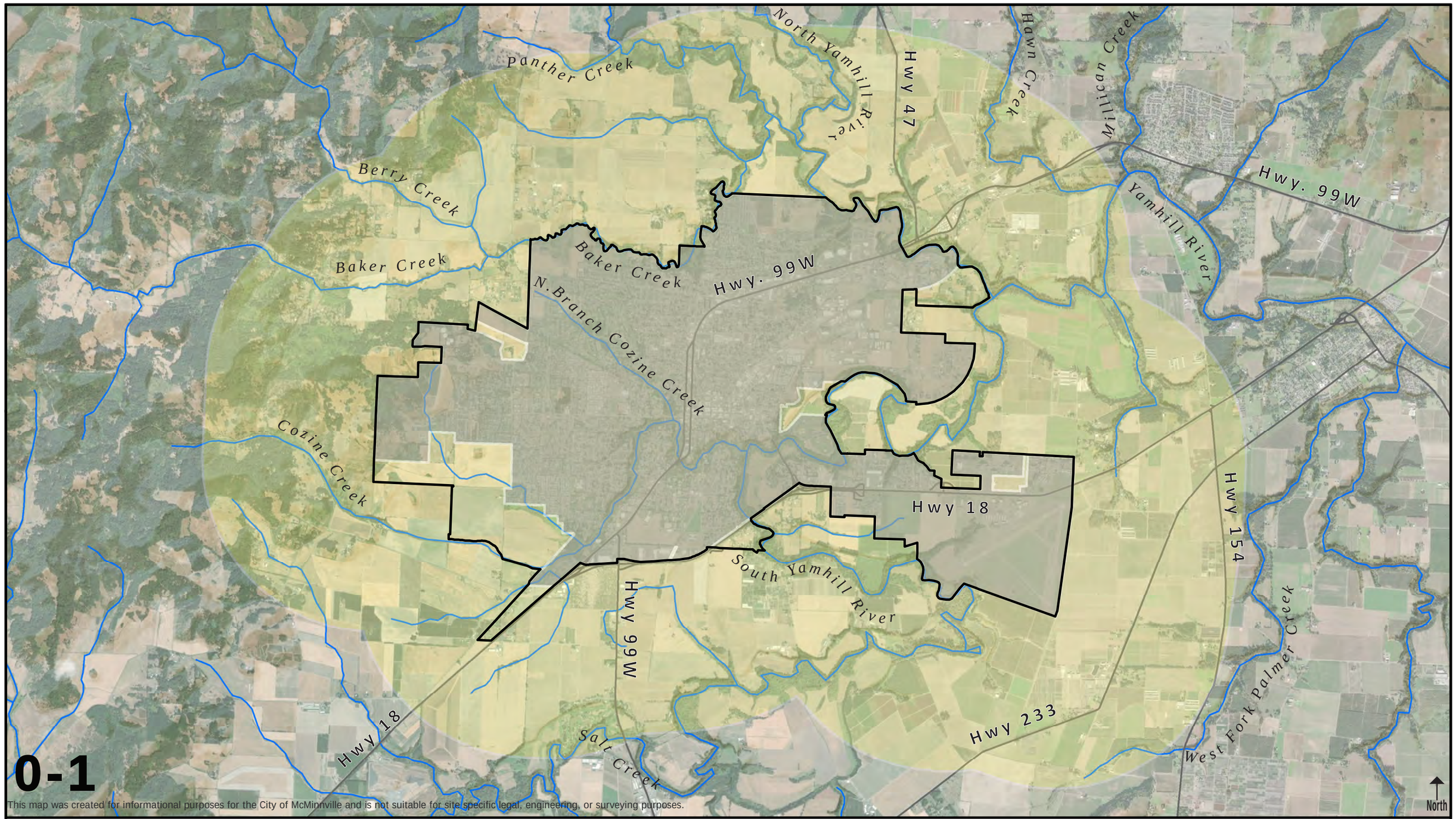
10. Add a field "New_Tot" and calculate based on the sum and average of the total probability and the vulnerability fields
11. Classify and display by "New_Tot" in the following breaks:
    a. No Subdistrict: 0.533 – 0.99
    b. Mitigation: 1 – 1.499
    c. Protection: 1.5 – 3.517
12. Refine Overly
    a. Identify polygons under 1,000 sq. ft. that are noncontiguous to other mitigation/protection areas
    b. Polygons under 1,000 sq. ft. and within riparian corridor categorized as either mitigation or no overlay and were touching a protection layer were reclassed as protected
    c. Mitigation polygons under 1,000 sq. ft. touching a protection layer and isolated from other mitigation areas were reclassed as protected
    d. Polygons with no overlay that are under 1,000 sq. ft. that are touching and surrounded by protection areas were reclassed as protected
    e. Polygons with no overlay that are under 1,000 sq. ft. that are touching and surrounded by both protection and mitigation layer were reclassed as mitigation
    f. Mitigation polygons under 1,000 sq. ft. that are surrounded by areas with no overlay – protection or mitigation – were reclassed without an overlay
    g. Repeat process for polygons between 1,000 and 2,000 sq. ft., where deemed appropriate.

ATTACHMENT 7

Appendix 3: Natural Hazard Inventory and Natural Hazard Overlay Maps

Prepared by:

WINTER BROOK
COMMUNITY RESOURCE PLANNING



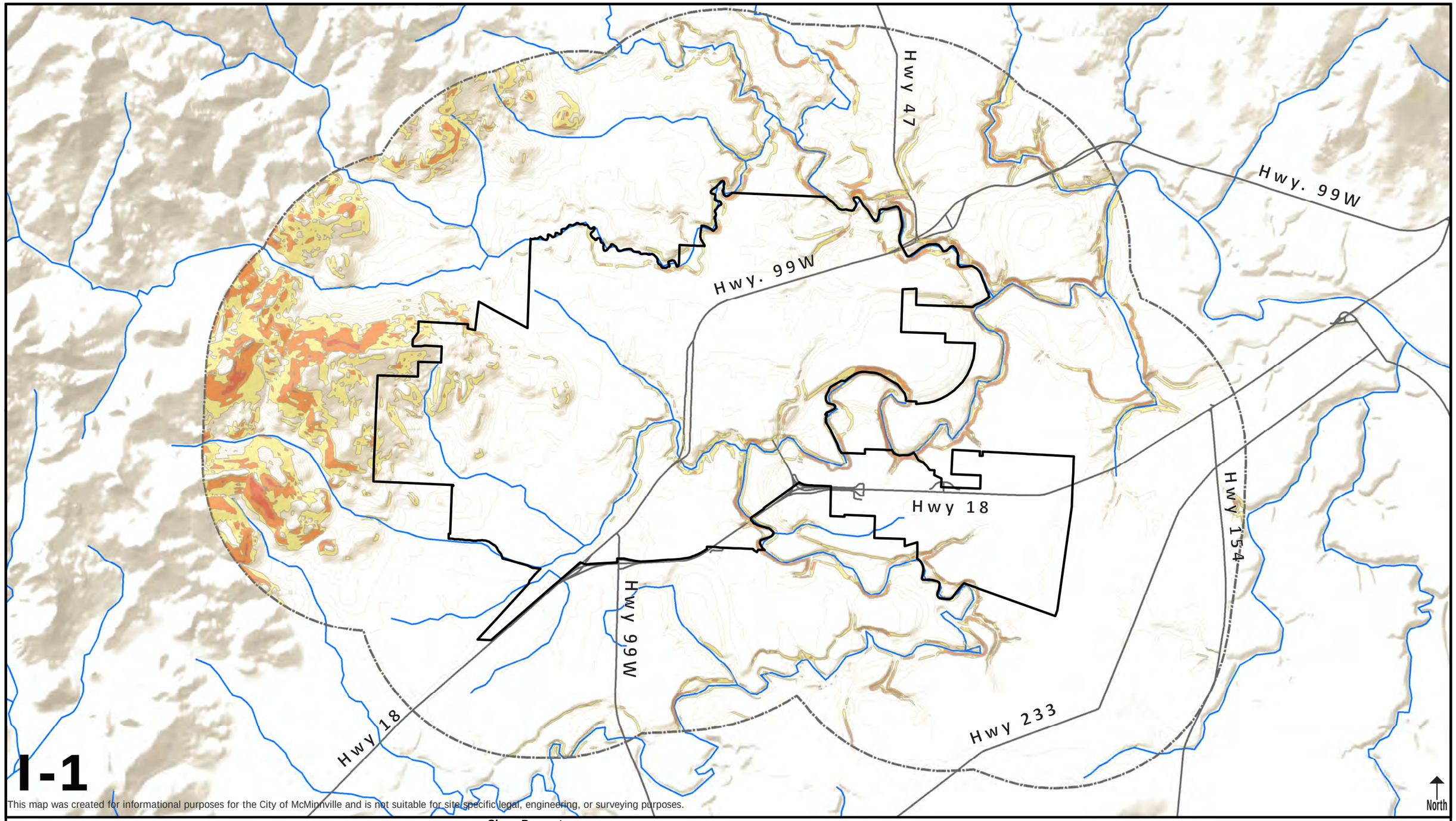
McMinnville Natural Hazards Study Area

- McMinnville 2021 Urban Growth Boundary
- McMinnville 2019 Urban Growth Boundary
- Study Area (1.5 Miles from 2019 UGB)
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

Created by Winterbrook Planning in coordination with the City of McMinnville

Last Revised: June 22, 2021



This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Slopes

Slope Percent

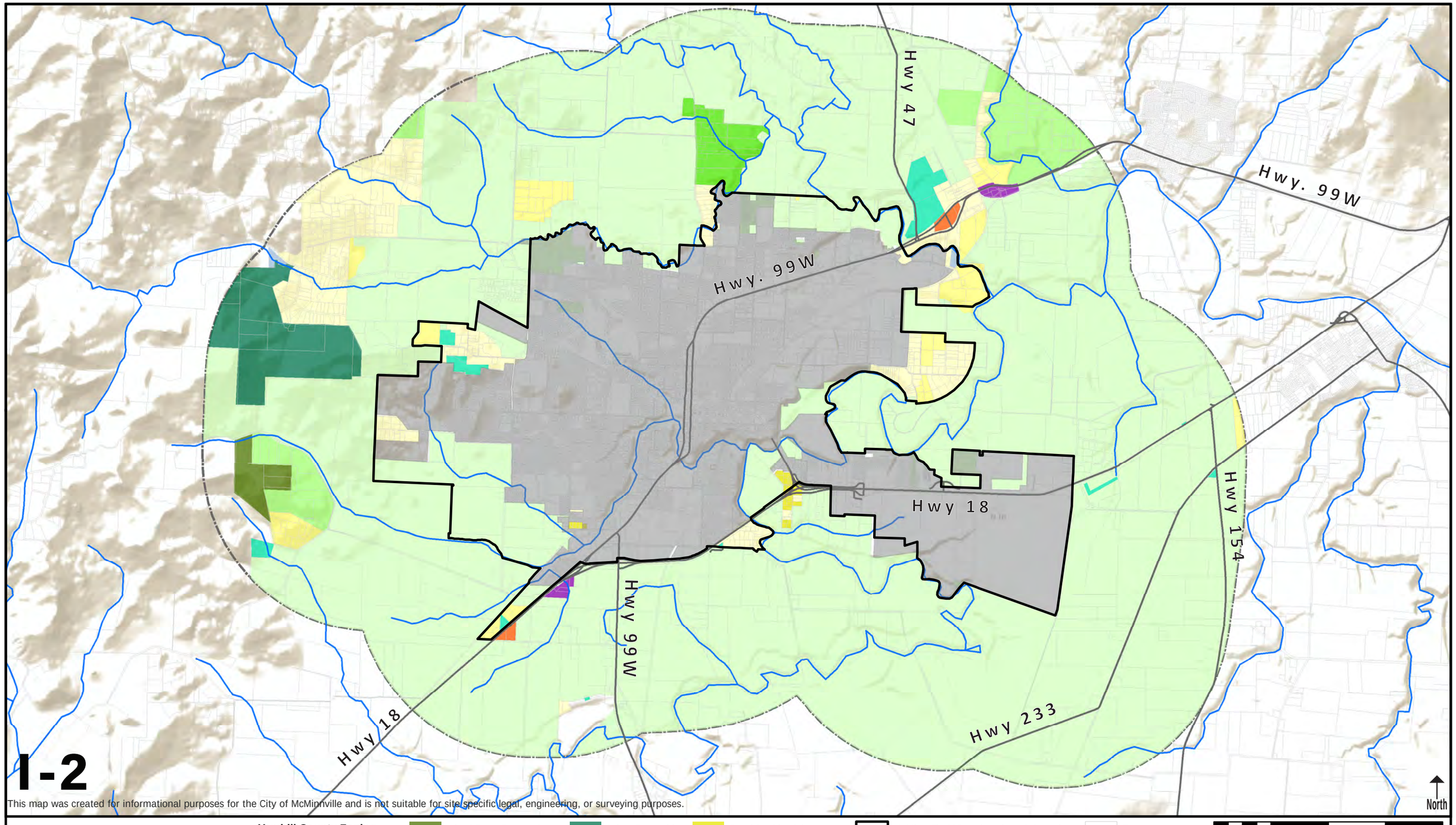
- 15% to 24.9%
- 25% to 39.9%
- > 40%

- Contours (10 Meters)
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 22, 2021



I-2

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McMinnville Rural Area Zoning

Yamhill County Zoning

- Exclusive Farm Use 20+
- Exclusive Farm Use 40+
- Exclusive Farm Use 80
- Mixed Farm-Forest 40
- Open Space/Conservation
- Other
- Prime Forest 80
- Rural Commercial
- Rural Industrial
- Rural Residential 1 acre
- Rural Residential 10 acres
- Rural Residential 2-4 acres
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- City Limits
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 21, 2021

Hwy 47

Hwy. 99W

Hwy. 99W

Hwy 18

Hwy 154

Hwy 99W

Hwy 18

Hwy 233

North

II-1

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Geologic Hazards: Landslides

Landslide Risk

- Moderate Risk
- High Risk

- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 21, 2021

Berry Creek
Baker Creek
Cozine Creek
Hwy 47
Hwy. 99W
Hwy. 99W
Hwy 18
Hwy 99W
Hwy 18
Hwy 233
Hwy 154

II-2

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

North

McMinnville
Geologic Hazards:
Cascadia Subduction
Earthquake Shaking

Expected Shaking
- Very Strong Shaking
- Severe Shaking

- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Hwy 47
Hwy. 99W
Hwy. 99W
Hwy 18
Hwy 99W
Hwy 154
Hwy 18
Hwy 233

II-3

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North

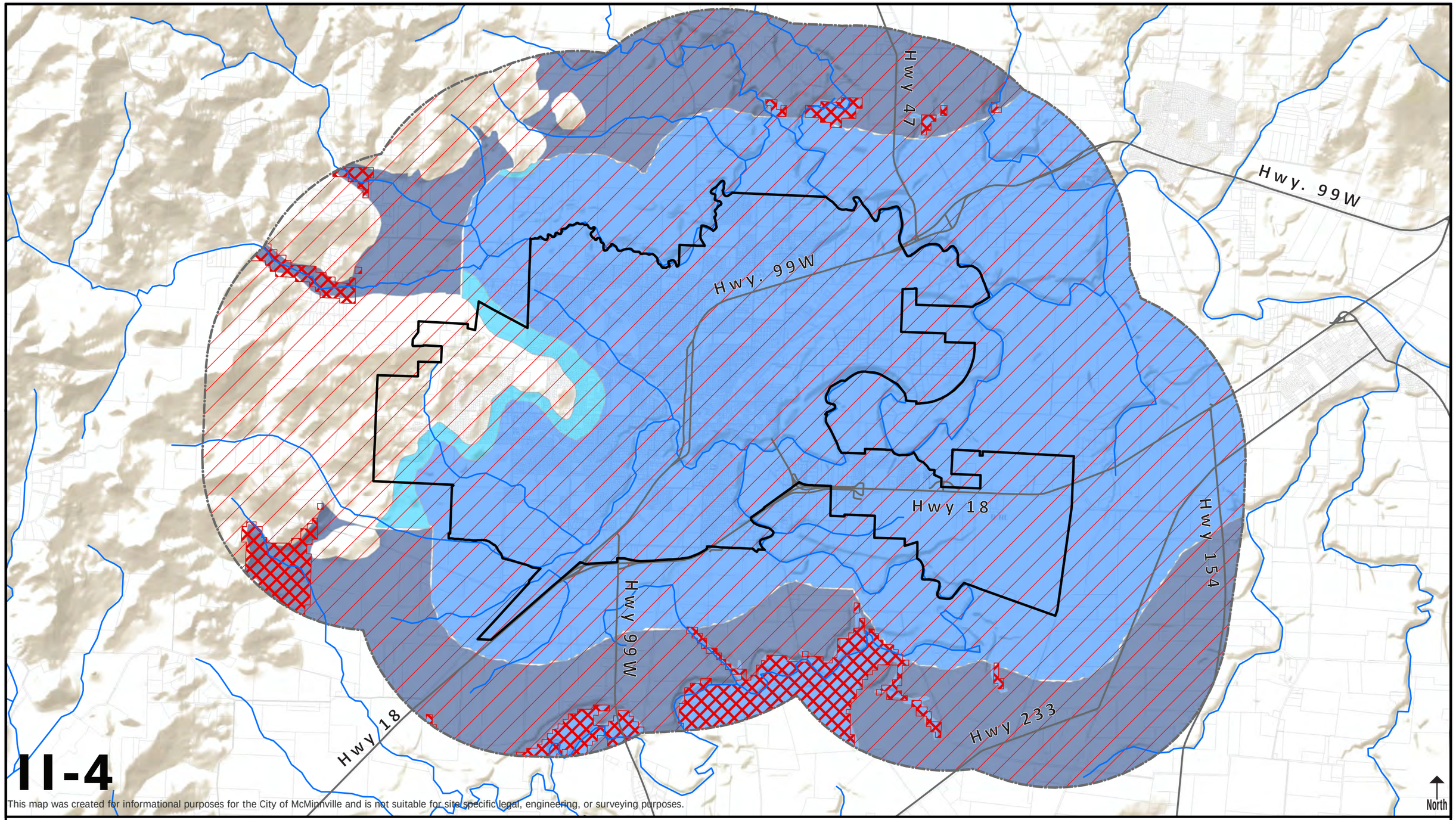
McMinnville Geologic Hazards: Earthquake Liquefaction Susceptibility

Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 22, 2021



II-4

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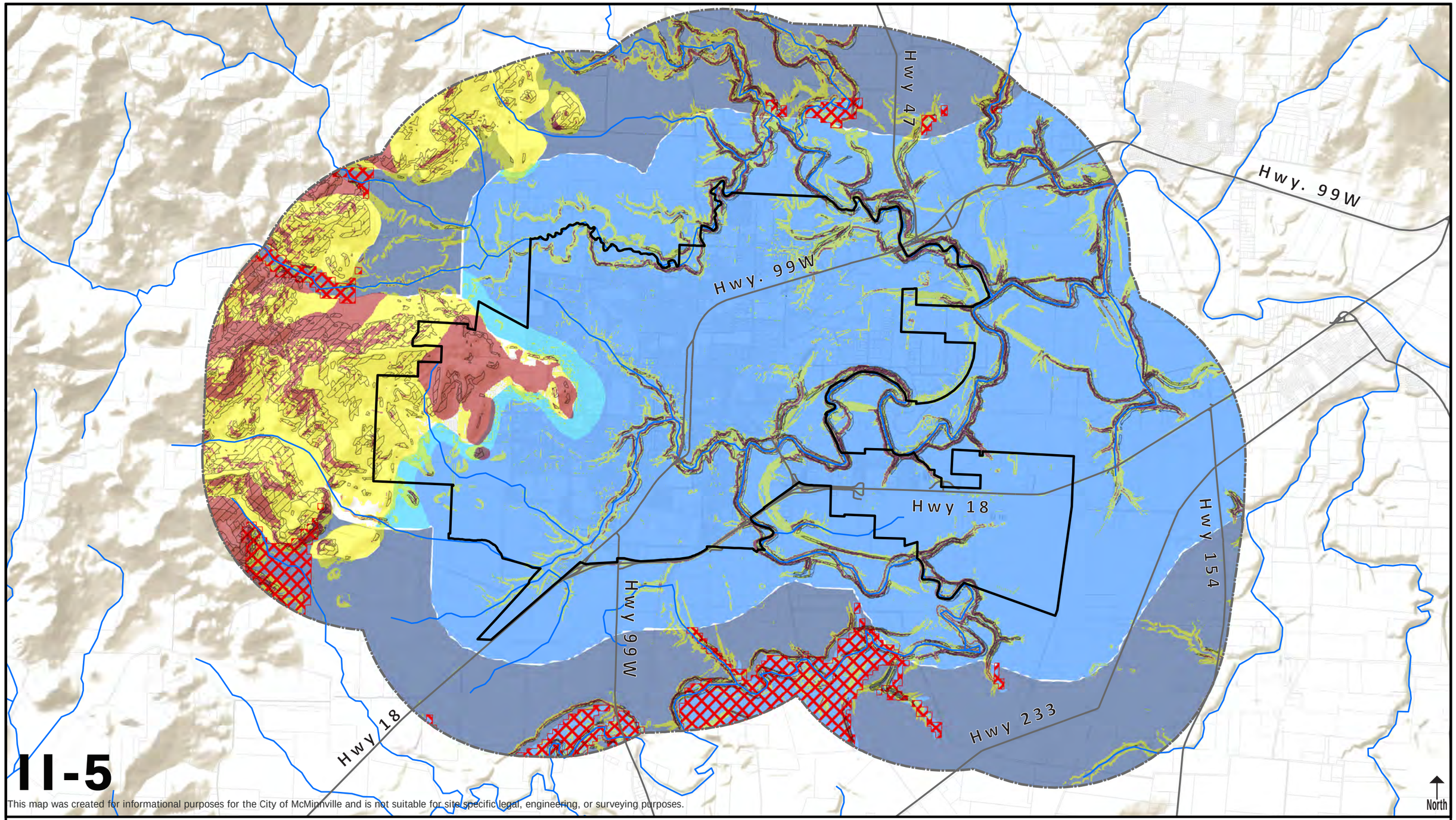
McMinnville Geologic Hazards: Subduction Shaking & Liquefaction Risks

Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk
- Very Strong Shaking
- Severe Shaking
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

Created by Winterbrook Planning in coordination with the City of McMinnville

Last Revised: June 22, 2021



II-5

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville
Geologic Hazards: Landslide, Liquefaction, Subduction Shaking & Steep Slopes

Landslide Risk
- Moderate Risk
- High Risk

Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk

- Severe Shaking
- Steep Slopes (>15%)
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 23, 2021

Hwy 18

Hwy 99W

North

II-6

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville WEST HILLS
Geologic Hazards:
Landslide, Liquefaction, Subduction Shaking & Steep Slopes

Landslide Risk
- Moderate Risk
- High Risk

Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk

- Severe Shaking
- Steep Slopes (>25%)
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0.125 0.25 0.5 0.75 1

Created by Winterbrook Planning in coordination with the City of McMinnville

Last Revised: June 23, 2021

Panther Creek
Berry Creek
Baker Creek
Baker Creek
N.Branch Cozine Creek
Cozine Creek
North Yamhill River
Hawn Creek
Millican Creek
Yamhill River
Hwy 47
Hwy. 99W
Hwy. 99W
Hwy 18
South Yamhill River
Hwy 99W
Hwy 18
Hwy 233
Hwy 154
West Fork Palmer Creek

III-1

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

North

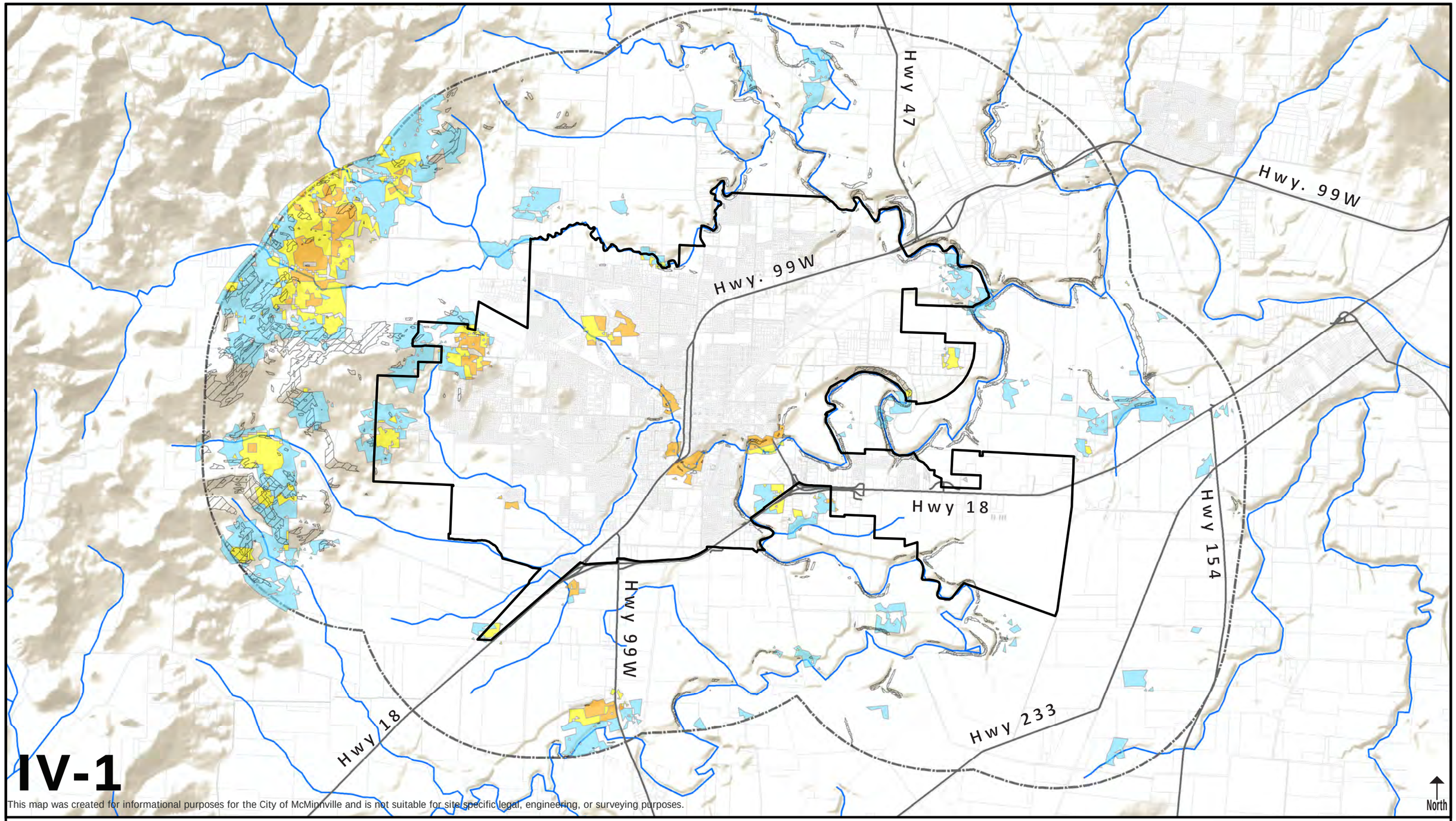
McMinnville Flood Hzards

- Floodway
- Flood Zone A
- Flood Zone AE
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

Created by Winterbrook Planning in coordination with the City of McMinnville

Last Revised: June 23, 2021



IV-1

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Potential Wildfire Impact to People and Property

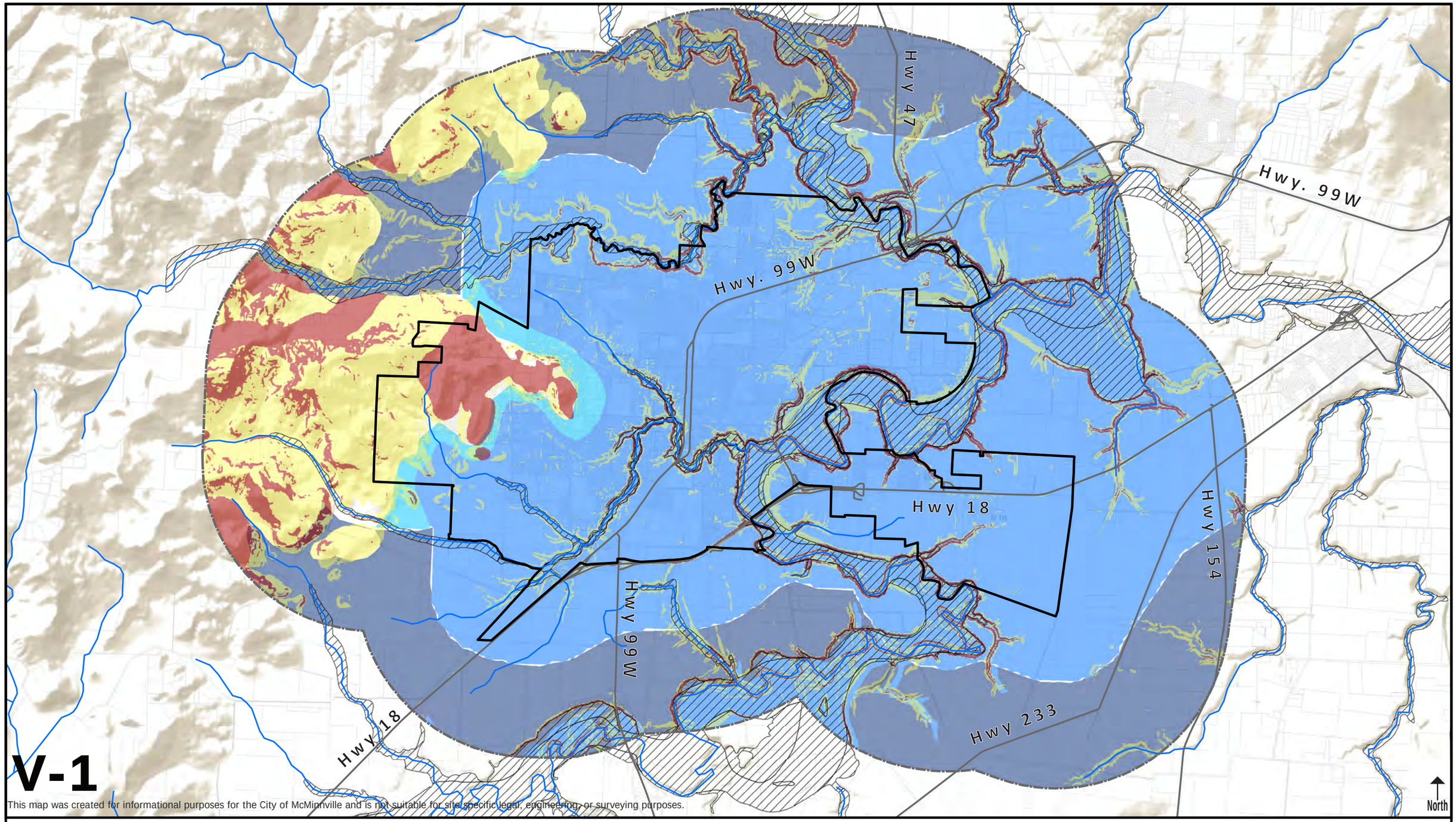
Wildfire Risk
- Low
- Moderate
- High/Severe

- Steep Slopes (>25%)
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 23, 2021



V-1

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Landslide, Liquefaction, & Flood Hazards

Landslide Risk
- Moderate Risk
- High Risk

Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk

- Flood Hazards
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 23, 2021

V-2

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville WEST HILLS
Geologic Hazards:
Steep Slopes, Landslide & Liquefaction

Landslide Risk
- Moderate Risk
- High Risk

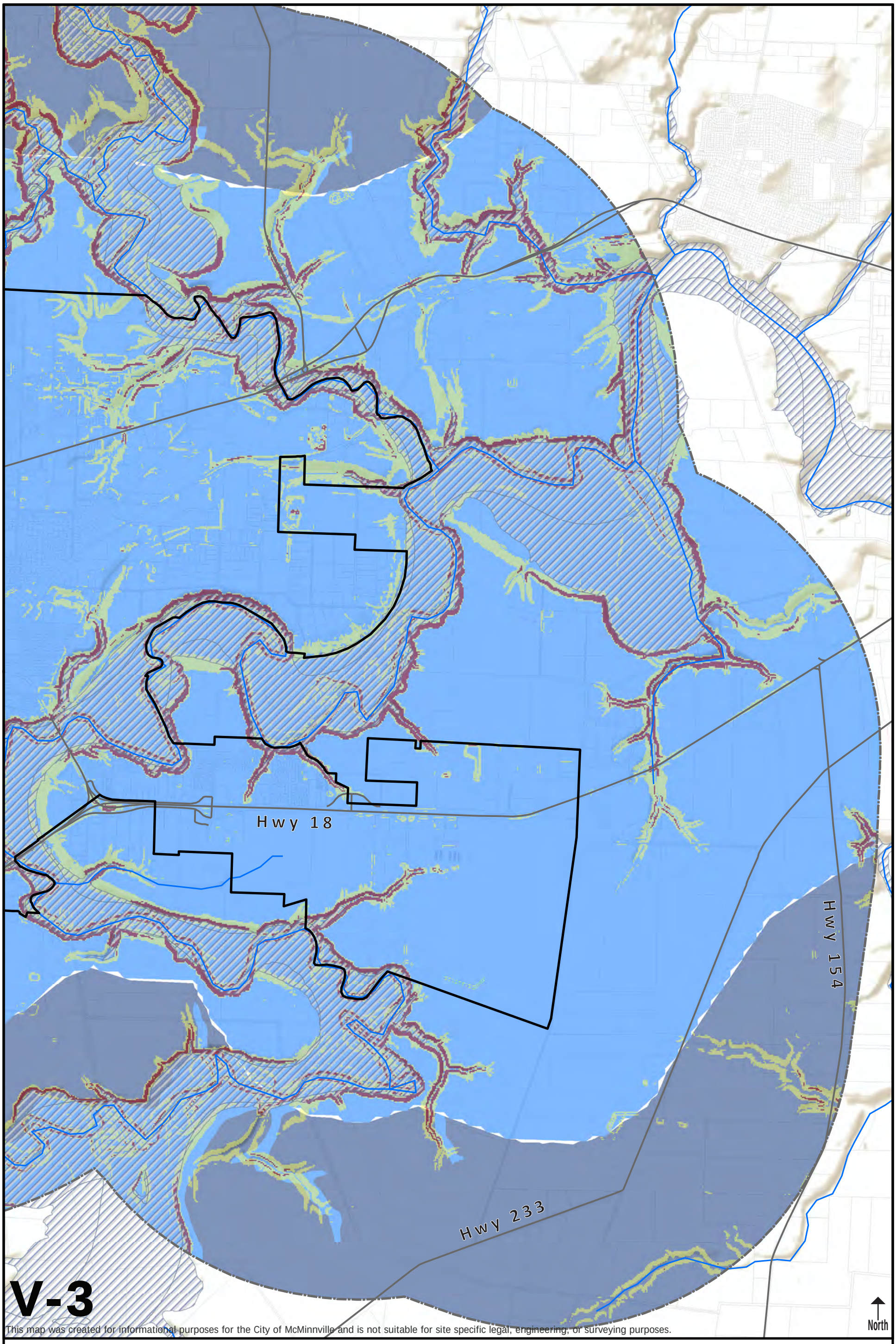
Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk

- Steep Slopes (>25%)
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0.125 0.25 0.5 0.75 1

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Last Revised: June 23, 2021



V-3

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville
EAST VALLEY
Landslide, Liquefaction, & Flood Hazards

Landslide Risk
- Moderate Risk
- High Risk

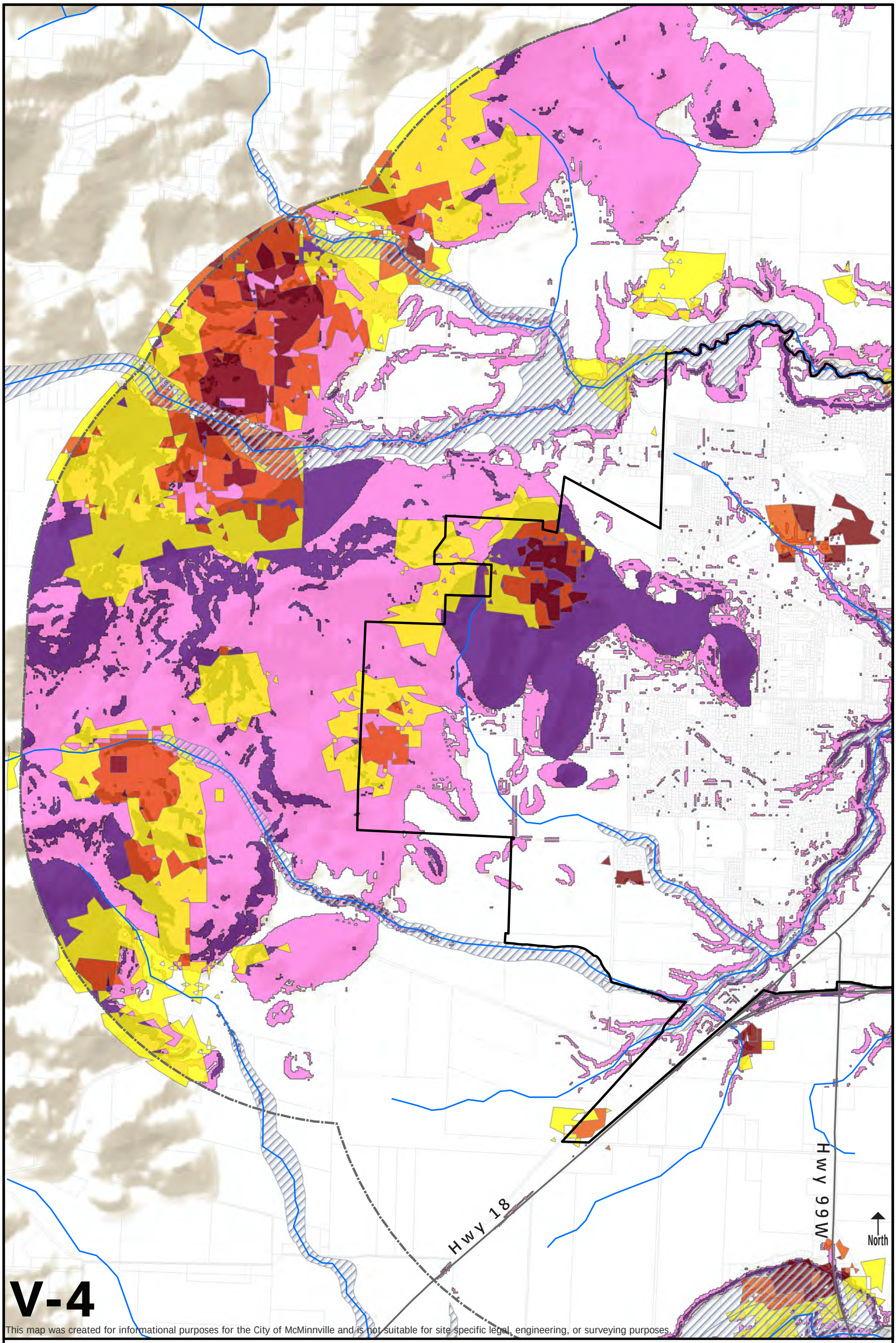
Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk

- Flood Hazard
- McMinnville 2021Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0.125 0.25 0.5 0.75 1

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Last Revised: June 23, 2021



V-4

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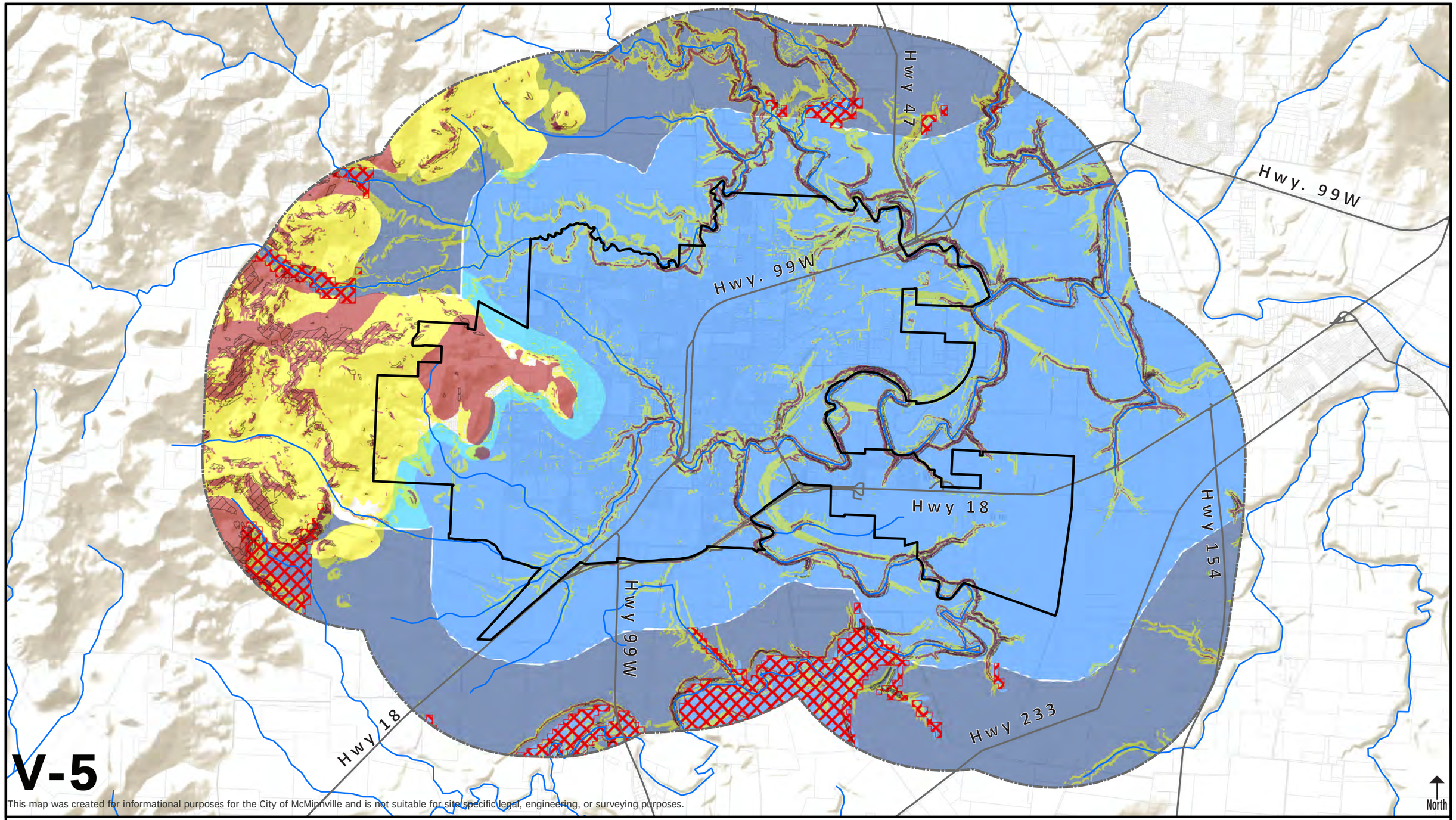
McMinnville WEST HILLS
Wildfire Impacts to People & Property, Landslide Risk, & Flood Hazards

Wildfire Risk Landslide Risk
- Low
- Moderate
- High
- Moderate Risk
- High Risk
- Flood Hazard
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0.125 0.25 0.5 0.75 1

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Last Revised: June 23, 2021



V-5

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Composite Map: Landslide, Liquefaction, Subduction Shaking & Steep Slopes

Landslide Risk
- Moderate Risk
- High Risk

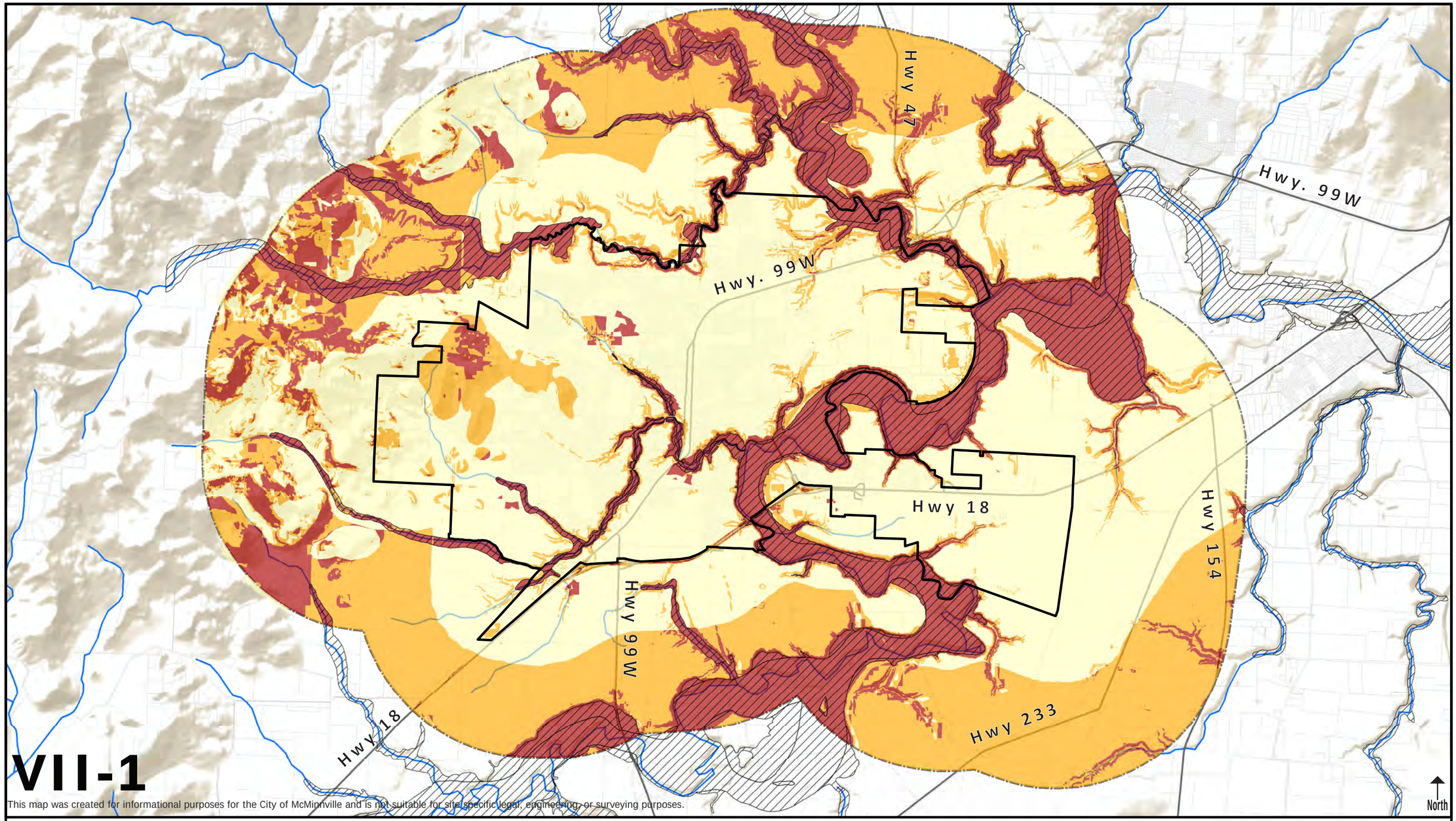
Liquefaction Risk
- Low Risk
- Moderate Risk
- High Risk

- Severe Shaking
- Steep Slopes (>25%)
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.25 0.5 1 1.5 2

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Last Revised: June 23, 2021



VII-1

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Proposed Natural Hazard Overlay

Subdistrict
- Protection (NH-P)
- Mitigation (NH-M)
- No Subdistrict

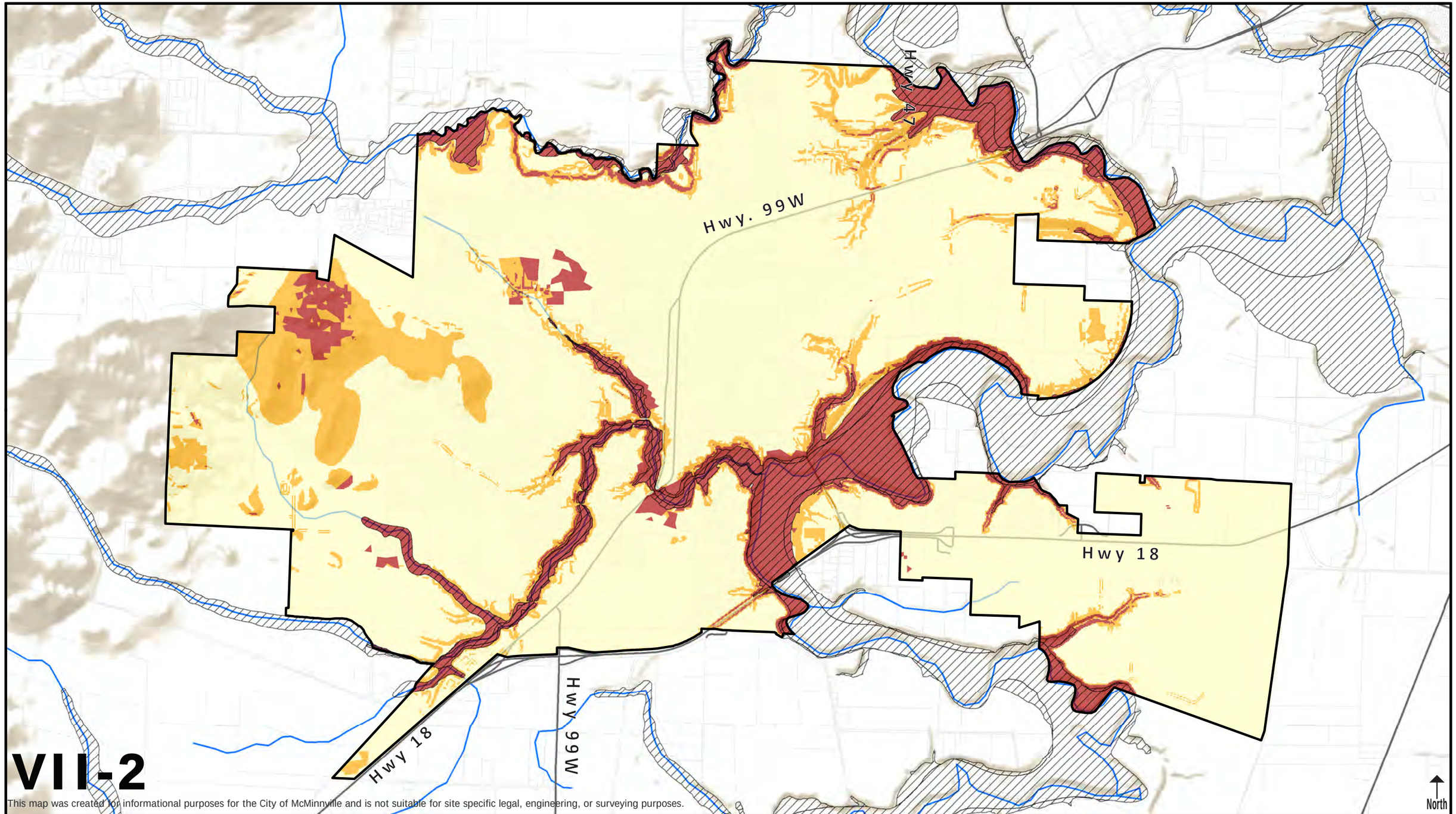
- McMinnville 2021 Urban Growth Boundary
- Study Area (1.5 Miles)
- Flood Hazards

- Major Roads
- Rivers & Streams
- Tax Lots

Miles 0 0.25 0.5 1 1.5 2

Created by Winterbrook Planning in coordination with the City of McMinnville

Last Revised: June 24, 2021



VII-2

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville
Proposed Natural Hazard Overlay
- UGB

Subdistrict
- Protection (NH-P)
- Mitigation (NH-M)
- No Subdistrict

- McMinnville 2021 Urban Growth Boundary
- Major Roads
- Flood Hazards
- Rivers & Streams
- Tax Lots

Miles 0 0.15 0.3 0.6 0.9 1.2

Created by Winterbrook Planning in coordination with the City of McMinnville

Last Revised: June 24, 2021

Exhibit B to Ordinance No. 5178

PROPOSED AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN, VOLUME II

(This is a new proposed Chapter)

CHAPTER XI
NATURAL FEATURES

GOAL XI 1: PROTECT LIFE AND PROPERTY FROM INVENTORIED NATURAL HAZARDS, INCLUDING FLOODING, GEOLOGICAL, AND WILDFIRE HAZARDS.

NATURAL HAZARDS

Multi Hazards

Policies:

197.00 ***The City of McMinnville shall adopt and maintain a Natural Hazards Inventory as part of the McMinnville Comprehensive Plan (Volume I). The inventory shall include maps and text that identify the location, type and risk level for three types of natural hazards: geological hazards (including steep slopes, earthquakes and landslides), flood hazards (land within the 100-year floodplain), and wildfire hazards within the UGB).***

197.10 ***The City of McMinnville shall apply public works construction standards, seismic building codes, the Oregon Public Utility Commission Safety Rules, and fire and life safety codes wherever natural hazards are identified in the Natural Hazards Inventory – including limited, moderate, and high combined risk subareas described the Natural Hazards Inventory.***

197.20 ***The City of McMinnville shall establish a natural hazards overlay zone (Managed Development Overlay) to manage the cumulative effects of inventoried natural hazards in "moderate and high combined risk subareas" as described in Tables VII.1 and VII.2 of the Natural Hazards Inventory.***

197.30 ***The Managed Development overlay zone designation shall be implemented by two subdistricts based on cumulative ranking criteria found in Tables VII.1 and VII.2 of the Natural Hazards Inventory:***

1. ***The Managed Development Area Subdistrict (MDA). The MDA is intended to mitigate hazard impacts based on objective***

development standards for each applicable hazard type and the recommendations of required site-specific hazard studies.

2. The Limited Development Area Subdistrict (LDA). The LDA Subdistrict is intended to prohibit most types of development and may allow for residential density transfer. Where development is allowed it shall be subject to objective development standards for each applicable hazard type and the recommendations of required site-specific hazard studies.

197.40 The MDA and LDA Subdistricts shall include objective development standards for each type of natural hazard identified in the Natural Hazards Inventory, including landslides, earthquakes (liquefaction and shaking), floodplains, and wildfire hazards. Floodplains shall be protected by the underlying F-P Flood Hazard zone and the LDA Subdistrict.

197.50 Maps showing the location and severity of each type of hazard in each subdistrict are available for public review and impacts on individual properties can be determined by city staff via the City's GIS database.In cases where hazard-specific development standards overlap, the more restrictive standard shall apply.

197.60 Based on objective development standards and required hazard studies, the City of McMinnville may impose conditions of land use approval to protect life and property and mitigate natural hazard impacts in natural hazard subareas. Such conditions may include but are not limited to, conservation easements or dedication of hazard areas to the City.

197.70 Land division applications shall not create a lot that lacks sufficient buildable area to meet the minimum lot size and development standards applicable in the underlying zoning district.

197.80 New residential, commercial, and industrial construction shall be limited within the LDA Subdistrict with the following exceptions:

1. ***Public facilities and environmental restoration projects may be permitted under objective development standards.***

2. ***Residential density transfer from land within the LDA Subdistrict to contiguous property under the same ownership that is outside both the floodplain and any applicable Natural Resource or Managed Development Subdistrict may be allowed.***

3. ***The maximum density allowed in the transfer area shall be the maximum density allowed in the next higher residential zoning district. For example, density transfer from the LDA land with an underlying R1 zone to land outside the Managed Development Overlay (LDA and MDA) shall be capped at the***

density allowed in the R2 zone.

4. *In situations where density transfer is not feasible, a maximum of one dwelling unit per 2.5 acres may be allowed on land zoned for residential use, consistent with the recommendations of a geotechnical engineering study and any conditions required by the review authority.*

197.90 *In cases where the application of LDA provisions would prohibit all reasonable economic use of an existing tract of land under common ownership, the City may grant an exception to allow a use permitted in the underlying zoning district that is not permitted in the LDA Subdistrict. In making this decision, the applicant and City must:*

1. *Consider first whether the exception provisions of Policy 197.70 would relieve the hardship;*
2. *Consider potential uses that are allowed in the LDA Subdistrict that could provide reasonable economic value;*
3. *Consider alternative development layouts and land use intensity that minimize impacts from natural hazards on people and property and other values associated with natural hazard areas;*
4. *Limit the intensity of the allowed land use to the minimum necessary to retain reasonable economic value of the subject tract; and*
5. *Meet all applicable development standards that apply to natural hazards in the LDA zone.*

197.95 *The City of McMinnville shall coordinate with Yamhill County to apply McMinnville Comprehensive Plan Chapter XI Natural Features Policies to unincorporated land within the Urban Growth Boundary, including the application of the Managed Development Overlay zone (the MDA and LDA subdistricts) and related development standards. In cases of conflict with state law governing farm and forest land, state law will prevail over the MD overlay zone standards. For example, agricultural and forest uses allowed in Agricultural and Forest zones shall continue to be allowed; and the more restrictive fire mitigation standards in the County's Forest zones will prevail over the less restrictive City fire mitigation standards.*

197.100 *The City of McMinnville shall coordinate with the Oregon Department of Geology and Mineral Industries (DOGAMI), the Department of Land Conservation and Development (DLCD), the McMinnville Fire Department, the McMinnville Water and Light Department, and Yamhill County in updates of the Yamhill County Multi-Jurisdictional Natural Hazards Mitigation Plan, the McMinnville Addendum to County NHMP, and the Yamhill County Community Wildfire Protection Plan. Updates to these plans will be considered in future updates to Chapter XI of the McMinnville Comprehensive Plan.*

197.110 *The City of McMinnville shall coordinate with the Greater Yamhill Watershed Council to facilitate watershed restoration and improvement projects in natural hazard areas such as floodplains*

and slide hazard areas. Shared natural hazard mitigation goals include: (1) removal of invasive vegetation species (that increase fuel for wildfires and clog waterways) and replacement with native species that reduce erosion, are more fire resistant and are less likely to clog waterways; and (2) restoration and enhancement of wetlands that provide flood control.

197.120 Tree removal and major pruning within the Floodplain Zone, the MDA and LDA Subdistricts shall be limited to minimize erosion and landslide potential and to maintain water quality

Geological Hazards

Geological hazards appear on the McMinnville Natural Hazards Inventory and include:

1. *Slopes of 25% or more;*
2. *Moderate, high and severe risk earthquake (liquefaction and shaking) risk areas; and*
3. *Moderate and high-risk landslide hazard areas.*

Policies:

198.10 The LDA and MDA Subdistricts shall apply to subareas with geological hazards as shown on the Natural Hazards Inventory. Specific geological hazards found in each subdistrict are determined by referencing the McMinnville Natural Hazards Inventory and may be determined for individual properties by referencing the City's GIS database.

198.20 Residential and commercial construction in areas with moderate or high geological risk hazards – as indicated on the Natural Hazards Inventory – shall meet the seismic and slope stability provisions of the Oregon State Building Codes. The Building Official may require a geotechnical engineering study prior to approval of construction.

198.30 The City of McMinnville shall require erosion control measures prior to grading or construction in subareas with:

1. *Slopes of 15% or greater, and*
2. *Landslide hazards in the MDA and LDA Subdistricts.*

198.40 The City of McMinnville shall require geological reconnaissance studies with the submission of land development applications where geological hazards are present within the MDA and LDA Subdistricts. The recommendations of the geological reconnaissance study shall become conditions of land use approval unless specifically exempted or modified by the review authority.

198.50 Where recommended in a required geological reconnaissance study – or where determined necessary by the City Engineer or Building Official in moderate risk landslide hazard areas that are not included in the MDA Subdistrict – a geotechnical engineering

study may be required prior to grading, land development or construction.

198.60 ***The City of McMinnville shall retain the services of a qualified geologist or geological engineer to review geological studies prepared for land use applicants.***

1. ***The City Engineer shall determine whether a second professional opinion is required.***
2. ***The costs of peer review shall be borne by the applicant.***

198.70 ***The City shall consider adopting standards for public street and utility construction to moderate or higher geological hazard areas.***

Flood Hazards

Policies

199.00 ***Flood hazards areas are located within the designated 100-year floodplain. The City of McMinnville will continue to prohibit most types of development within the 100-year floodplain consistent with the City's F-P Flood Area Zone. Most significant riparian corridors are also located in the F-P Zone.***

199.10 ***Land within the F-P Zone is protected by applicable LDA Subdistrict standards. Natural geological and wildfire hazards associated with the 100-year floodplain, including but not limited to landslide and wildfire hazard areas, are addressed in LDA Subdistrict development standards.***

199.20 ***The City of McMinnville is committed to continued participation in the National Flood Insurance Program (NFIP) through the enforcement of local floodplain management regulations.***

199.30 ***The City of McMinnville will work with the Federal Emergency Management Agency (FEMA) to update Flood Insurance Rate Maps (FIRM). The City will request Oregon Department of Geology and Mineral Industries (DOGAMI) debris flow and lidar data be included in FIRM updates.***

199.40 ***The City of McMinnville will develop and maintain GIS maps of critical facilities identified in the McMinnville NHMP for all structures and residential development and commercial buildings within the 100-year and 500-year floodplains.***

199.50 ***Because wetlands serve an important flood control function, wetland fill and removal shall not be permitted within the 100-year floodplain unless there is no reasonable alternative for a planned public works project.***

199.60 ***The City of McMinnville will coordinate with the Greater***

Yamhill Watershed Council (or its affiliates) regarding stream and river restoration and enhancements projects to restore native vegetation, improve bank stability and improve water quality.

199.70 Because trees and vegetation reduce streambank failure and improve water quality, tree removal shall be limited in F-P Zone.

Wildfire Hazards

Policies

200.00 Moderate, high and severe wildfire hazard areas appear on the Natural Hazards Inventory and are generally associated with the West Hills and vegetated floodplains. Where wildfire hazards subareas overlap with geological or floodplain hazards, they may be subject to LDA or MDA Subdistrict requirements, consistent with the ranking criteria found in the Natural Hazards Inventory and as shown on Natural Hazards Inventory Map VII-1.

200.10 City staff shall coordinate with the McMinnville Fire Department and RFPD to encourage fire safety planning and education – especially in Wildfire Urban Interface zones and designated Fire Reduction Areas in the West Hills. The City of McMinnville shall continue to coordinate wildfire mitigation action items through the Yamhill County Community Wildfire Protection Plan.

200.15 The City of McMinnville shall coordinate with its Water and Light Department (MW&L) to apply the McMinnville Comprehensive Plan, Chapter XI Natural Features Policies, and City Ordinances with the MW&L Electric Wildfire Mitigation Plan and the Oregon Public Utilities Commission Division 24 (Oregon Administrative Rules) Safety Standards. In cases of conflict with state law, the state law will prevail over the local standard.

200.20 Residential, commercial, and industrial development shall be limited in wildfire risk subareas in the LDA Subdistrict; However, exceptions may be permitted pursuant to Natural Hazard Policies 197.80 and 197.90.

200.30 Development density in moderate to high wildfire risk areas in the MDA Subdistrict may be limited where necessary to provide adequate space for fuel breaks in areas that are threatened by two or more natural hazards.

200.40 In the LDA and MDA Subdistricts with identified wildfire hazards, applicants for land divisions and new development (excluding home remodels or additions) shall prepare a Fire Prevention and Control Plan in coordination with the McMinnville Fire Department or RFPD. The plan shall be prepared by a certified arborist and shall consider necessary tree and vegetation removal, erosion control, and

replacement of lost trees and vegetation with native, fire-resistant trees and vegetation.

200.50 The maximum density allowed within the LDA Subdistrict shall be one unit per 2.5 acres or shall be subject to the density transfer provisions of Policy 197.80.

200.60 Based on the Fire Prevention and Control Plan, the following wildfire mitigation standards shall be met:

1. *Installation and maintenance of at least a 40-foot fuel break around each new dwelling or structure.*
2. *Where vegetation needs to be maintained for slope stability in a fuel break area, require plantings of fire-resistant or slow-burning plants. The City shall make a list of such plants available to the public.*
3. *Provision of one or more than one ingress/egress route or road widths wide enough to accommodate incoming fire apparatus and evacuating residents simultaneously in an emergency situation.*
4. *Roofs and siding with fire-resistant materials. Wood shake or shingle roofs are not allowed.*
5. *Design road placement to function as fire breaks in urban wildland interface developments.*
6. *Chimneys of wood-burning devices to be equipped with spark arrester caps and/or screens.*
7. *The electrical distribution and transmission system to be built consistent with the fire mitigation strategies described in the Electric Wildfire Mitigation Plan adopted by MW&L pursuant to ORS 757.966, which includes but is not limited to underground lines where feasible.*
8. *Sprinkler systems in all dwelling units and occupied buildings.*

Exhibit C to Ordinance No. 5178

PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE – TITLE 17, ZONING ORDINANCE

New proposed language is represented by **red, bold font**, deleted language is represented by ~~strikethrough font.~~

ZONING*

Chapters:

17.03	General Provisions
17.06	Definitions
17.09	Zone Classifications, Boundaries, and Maps
17.10	Area and Master Planning Process
17.11	Residential Design and Development Standards
17.12	R-1 Low-Density, 9000 SF Lot Residential Zone
17.15	R-2 Low-Density, 7000 SF Lot Residential Zone
17.18	R-3 Medium-Density, 6000 SF Lot Residential Zone
17.21	R-4 Medium, High-Density, 5000 SF Lot Residential Zone
17.22	R-5 High-Density, Multiple-Dwelling Residential Zone
17.24	O-R Office/Residential Zone
17.27	C-1 Neighborhood Business Zone
17.30	C-2 Travel Commercial Zone
17.33	C-3 General Commercial Zone
17.36	M-L Limited Light Industrial Zone
17.39	M-1 Light Industrial Zone
17.42	M-2 General Industrial Zone
17.45	AH Agricultural Holding
17.48	F-P Flood Plain Zone
17.49	**Managed Development Overlay Zone**
17.50	Neighborhood Activity Center Overlay District
17.51	Planned Development Overlay
17.52	Airport Overlay Zone
17.53	Land Division Standards
17.54	General Regulations
17.55	Wireless Communication Facilities

* Prior ordinance history: Ord. 3380 as amended by Ords. 3392, 3441, 3497, 3557, 3565, 3603, 3614, 3633, 3677, 3694, 3707, 3742, 3764, 3803, 3817, 3888, 3898, 3925, 3933, 3966, 3967, 3968, 3983, 3995, 4001, 4011, 4017, 4025, 4043, 4046, and 4066.

17.56 Large Format Commercial Development
17.57 Landscaping
17.58 Trees
17.59 Downtown Design Standards and Guidelines
17.60 Off-Street Parking and Loading
17.61 Solid Waste and Recycling Enclosure Plan
17.62 Signs
17.63 Nonconforming Uses
17.64 Marijuana Related Activities
17.65 Historic Preservation
17.66 City Center Housing Overlay Zone
17.67 Home Occupations
17.72 Applications and Review Process
17.74 Review Criteria

Chapter 17.06

DEFINITIONS

17.06.015 General Definitions.

Buildable Land – buildable land is land within the city limits that is vacant and developed land likely to be redeveloped, that is suitable and available for development. Land is generally considered "suitable and available" unless it:

A. Is severely constrained by natural hazards as determined by Chapter 17.49 of the McMinnville Municipal Code;
B. Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6 or 15;
C. Has slopes of 25 percent or greater;
D. Is within the Flood Plain Zone; or
E. Cannot be provided with public facilities.

Natural Features (Significant) – distinctive or unique natural features including, but not limited to, watercourses, riparian corridors, wetlands, wildlife habitats documented for rare animal species (those that are proposed for listing or are listed under State or Federal law), rare plants (those that are proposed for listing or are listed under State or Federal law) and native plant communities, steep slopes, prominent topographic features, such as ridgelines and rock outcrops wooded areas identified for protection in McMinnville's adopted tree grove inventory, significant and landmark trees.

17.06.045 Tree Related Definitions. For the purpose of Trees (Chapter 17.58), the following definitions shall apply.

Hazardous Tree – A tree or part thereof growing on private or public property which endangers, obstructs or impairs the free and full use of a public area, including **but not limited to use by** utilities **(including electric conductors and facilities)** within these areas **whether or not the tree** is afflicted with or weakened by a disease or injury.

~~**Historic Tree** – Selected trees placed on an inventory based on the age, species, location, and historic significance.~~

Landmark Tree – Selected trees placed on an inventory based on the age, species, location, and historic significance.

Major Pruning – Removal of over 20 percent of the tree's canopy, any tree topping, or disturbances of over 10 percent of the root system.

Public Tree – A tree located within a public right-of-way or on public land, such as a city park.

Repeated or Excessive – Two incidents within any three-year period requiring removal or repair of a public sidewalk.

Significant Tree – ~~Selected trees placed on an inventory based on the age, species, and location.~~ **Trees located on public and private land within the McMinnville city limits that are either (1) 36 inches or greater dbh, or (2) Oregon white oak trees 10 inches dbh or greater. Significant trees do not include hazardous, diseased, dead, or nuisance trees as determined by the Planning Director in consultation with a Certified Arborist, or to the extent necessary to comply with the Oregon Public Utilities Commission Safety Rules (OAR Chapter 860, Division 24) or the City's Water and Light Department Electric Wildfire Mitigation Plan.**

Tree – Any woody plant having a trunk ~~five~~**six** inches or more in diameter 4.5 feet above ground level at the base of the trunk. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Chapter 17.48

F-P FLOOD AREA ZONE

Sections:

17.48.005 Purpose.
17.48.010 Established - Area Included.
17.48.020 Boundaries Indicated on Map.
17.48.025 Definitions.
17.48.030 Permitted Uses.
17.48.040 Conditional Uses.
17.48.045 Conditional Use Factors.
17.48.060 Use Limitations.
17.48.070 Use of Other Base Flood Data.
17.48.080 Endangered Species Act Requirements

17.48.005 Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels, **wetland water quality or flood control values, tree canopy, native vegetation and water quality.** Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.010 Established—Area Included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter. (Ord. 4921 §4A, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.020 Boundaries Indicated on Map. The boundaries for the zone established by Section 17.48.010 shall be indicated on the McMinnville Zoning Map. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.025 Definitions. For the purpose of this section refer to Section 17.06.030 for Flood Area related definitions. (Ord. 4952 §1, 2012).

17.48.030 Permitted Uses. In an F-P zone, the following uses and their accessory uses are permitted (subject to the provisions of Section 17.48.060 **and Chapter 17.49 Managed Development Overlay Zone**):

A. Farming;
B. ~~Public~~ Park and recreation facility, not requiring the use of any structure;
C. Sewage pump station. (Ord. 4684 §1, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.040 Conditional Uses. In an F-P zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 17.47, Section 17.48.045, Section 17.4and Chapters **17.49**, 17.72 and 17.74:

A. Boat landing and launching facility;
B. **Park and** ~~open land~~ recreation facility requiring the use of any structure;
C. Removal of sand, gravel, topsoil, or rock;
D. Landfill or diked land, including culvert and bridge installations, subject to the following procedures:
    1. Preliminary submittal of the proposal shall be made to the Planning Department, which shall check the proposal to ensure its compliance to the ordinance. Said proposal shall then be submitted to the Planning Commission.
    2. The City shall provide written notice to the City Recorder's office in adjacent communities, Yamhill County, and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse (i.e., stream channel), and shall submit a copy of that notification to the Federal Insurance Administration.
    3. The Planning Department shall prescribe the form and information required for applications made for any conditional use listed in this subsection. No application shall be accepted unless it complies with such requirements and is verified as to the correctness thereto. There shall be included, as a part of the application, an accurate map. Such plans shall be in triplicate, drawn at a scale of not larger than one inch equals fifty feet nor smaller than one inch equals five hundred feet, and shall show:
        a. 100-year flood projection elevation on the subject site. State source of information.
        b. Property boundaries and dimensions.
        c. Ground elevations shown by contour lines of not less than two-foot vertical intervals. State source of information.
        d. Existing and proposed structures.
        e. Dimensions and elevations of existing and/or proposed fill.
        f. Location of stream channel in relationship to items "a" through "e" above.
        g. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed fill and high-water information.
        h. Profile showing the slope of the bottom of the channel or flow line of the stream, and the slope line of the proposed fill.
        i. Specifications of fill material, grading, channel improvement or maintenance plans, dimensions, and restoration of completed project.

j. **The location of applicable natural hazard on or adjacent to the subject site.**

E. Weapons Training Facility subject to the following conditions:
   1. The property on which the facility is located must be owned or leased by a Federal, State, or local government agency for the exclusive use of public safety personnel engaged in firearms or other related training;
   2. The facility must be located no closer than 2,640 feet (one-half mile) to any land planned and zoned for residential use; and
   3. Only those firearms or weapons authorized by a government agency and utilized for law enforcement related purposes shall be allowed within the area approved for a weapon training facility. Possession of other firearms or weapons at a weapon training facility site shall be considered a violation of this ordinance.

F. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities). (Ord. 4921 §4C, 2010; Ord. 4732, 2000; Ord. 4684 §2, 1998; Ord. 4559 §1, 1994; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.045 Conditional Use Factors. The Planning Commission shall consider the following factors and special conditions when making a decision regarding a conditional use in the floodplain zone:

A. Factors to be Considered:
   1. The danger to life and property due to increased flood heights or velocities caused by any proposed fill.
   2. The danger that materials may be swept onto other lands or downstream to the injury of others.
   3. The importance to the community of the service provided by the proposed facility.
   4. The availability of alternative locations not subject to flooding.
   5. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
   6. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
   7. The compatibility of the proposed use with the potential of the site and the surrounding floodplain area for open space, natural habitats, and recreational places.
   8. The impact of the proposed use on fish, wildlife habitat**.**
   9. **The danger to life and property from landslides, wildfire or earthquakes due to excavation, vegetation, vegetation removal and construction of the proposed use.**
   10. Such other factors which are relevant to the purposes of this section.

B. Special Conditions. Upon consideration of the factors listed above and the purposes of this section, the Planning Commission may attach such conditions to the granting of a conditional use permit as it deems necessary to further the

purposes of this portion of the zoning ordinance. The following such conditions, but not exclusively limited thereto, may be included:

1. Limitations on periods of use and operation, and upon the area to be filled and the elevation of the fill as well as to the kinds of material which may be so emplaced.
2. Imposition of operational controls, sureties, and deed restrictions.
3. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
4. Limitations on the removal or destruction of critical fish and wildlife habitat including any area of riparian vegetation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
5. **Limitations imposed by applicable managed development overlay zones per Chapter 17.49.**

[17.48.050 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

17.48.060 Use Limitations. In an F-P zone, the following limitations shall apply:

A. No residence shall be constructed;
B. A lot shall not be less than one acre in area;
C. Within the floodway and flood fringe, no encroachment will be allowed which causes any increase in the flood height or which would result in hazardous velocities (see floodway schematic). To demonstrate compliance with this requirement, the applicant shall submit an engineering certification stating the proposed development will not impact the pre-project base floodway and flood fringe elevations. The certification shall be signed and sealed by a professional engineer and be supported by the appropriate technical data and studies, which are typically based upon the standard step-backwater computer model utilized to develop the 100-year floodway and flood fringe shown on the appropriate Federal Insurance Rate Map (FIRM) and tabulated in the adopted Flood Insurance Study. (Ord. 4921 §4D, 2010; Ord. 4684 §3, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.070 Use of Other Base Flood Data. When base flood elevation data has not been provided (FIRM zones A), the applicant shall provide alternative base flood elevation as available from a Federal, State, or other source in order to comply with this chapter. (Ord. 4921 §4E, 2010)

17.48.080 Endangered Species Act Requirements. Certain fish, wildlife and plant species within the city may be protected by the federal Endangered Species Act (ESA) and therefore:

A. Before granting any development or building permit within the F-P zone, the applicant shall submit a Flood Habitat Assessment Report from a qualified expert indicating that the applicable requirements of the Endangered Species Act are satisfied;

B. All mitigation recommendations contained within the qualified report shall be included as permit conditions of approval; and

C. No authorization granted through this section shall be constructed to guarantee compliance with Endangered Species Act.

This whole chapter is new to the McMinnville Municipal Code

Chapter 17.49

MANAGED DEVELOPMENT OVERLAY ZONE

Sections:

17.49.000 Managed Development Overlay Generally.
17.49.010 Definitions
17.49.020 Purpose and Intent of the Managed Development Subdistricts.
17.49.030 Applicability and General Provisions.
17.49.040 Permitted and Conditional Uses.
17.49.050 Review Procedures.
17.49.060 Managed Development Overlay Application Requirements.
17.49.070 Required Natural Hazard Mitigation Reports.
17.49.080 Decision Options and Conditions
17.49.090 Land Divisions.
17.49.095 Appeals

Managed Development Area (MDA) Subdistrict

17.49.100 Managed Development Area (MDA) Subdistrict
17.49.110 Earthquake Mitigation Standards.
17.49.120 Steep Slope and Landside Mitigation Standards
17.49.130 Wildfire Assessment and Mitigation Standards.
17.49.140 Reserved for Future Use.

Limited Development Area (LDA) Subdistrict

17.49.150 Limited Development Area (LDA) Subdistrict
17.49.160 Use Limitations
17.49.170 Residential Density Transfer
17.49.180 Earthquake Mitigation Standards
17.49.190 Steep Slope and Landside Mitigation Standards
17.49.200 Wildfire Assessment and Mitigation Standards

17.49.000 Managed Development Overlay Zone Generally. The Managed Development Overlay Zone is comprised of Managed Development Subdistricts (MD Subdistricts) to implement the Natural Hazard Policies of the McMinnville Comprehensive Plan. The MD Subdistricts are intended to protect life and property from inventoried natural hazard areas pursuant to Statewide Planning Goal 7 – Natural Hazards.

- **A. MD Subdistricts are based on adopted natural hazard inventories – which include maps showing significant resource sites and supporting reports documenting the criteria and methods used to determine local resource site significance.**
- **B. MD Subdistricts implement McMinnville Comprehensive Plan Chapter XI Natural Features policies related to Natural Hazards.**
- **C. MD Subdistrict boundaries appear on the official City Zoning Map.**
- **D. MD Subdistrict standards apply in addition to standards of the underlying base zone. In cases of conflict, the more restrictive MD Subdistrict standards control.**

17.49.010 Definitions. The following definitions apply within the Managed Development Area Subdistrict (MDA) and the Limited Development Area Subdistrict (LDA).

- **A. Landmark and Significant Trees. Please see definitions in Chapter 17.06.045, Definitions.**
- **B. Native Plants. "Native plant species" are those listed on the Portland Plant List, which is incorporated by reference into this chapter.**
- **C. Fire Resistant Plants. Fire-resistant plants burn at a relatively low intensity, slow rates of spread and with short flame lengths.[1] In addition to listed species, fire-resistant tree and plant species may be determined based on the professional opinions of licensed landscape architects, certified arborists or foresters. Fire-resistant vegetation has the following characteristics:**
  1. **Growth with little or no accumulation of dead vegetation (either on the ground or standing upright).**
  2. **Non-resinous plants.**
  3. **Low volume of total vegetation (for example, a grass area as opposed to a forest or shrub-covered land).**
  4. **Plants with high live fuel moisture (plants that contain a large amount of water in comparison to their dry weight).**
  5. **Drought-tolerant plants (deeply rooted plants with thick, heavy leaves).**
  6. **Stands without ladder fuels (plants without small, fine branches and limbs between the ground and the canopy of overtopping shrubs and trees).**

[1] A handbook entitled *Fire-resistant Landscape Plants for the Willamette Valley* (OSU Extension Service, 2015) provides a list of fire-resistant shrubs and plants applicable to the McMinnville area.

7. **Plants requiring little maintenance (slow-growing plants that, when maintained, require little care).**
8. **Plants with woody stems and branches that require prolonged heating to ignite.**

Note: This list may be modified based on the professional opinions of licensed landscape architects, certified arborists, or foresters.

D. Fuel Reduction Area. An area where vegetation or material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations. Establishment of a fuel reduction area does not include stripping the ground of all native vegetation.

E. Highly Flammable Trees and Plants. Plant species that have characteristics which make them more volatile by encouraging easy ignition and the spread of fire through their foliage due to low moisture content, dense dry leaves, needles, grass-like leaves, or volatile resins and oils. Highly flammable trees and plants generally include coniferous and resinous trees and shrubs.[2] In addition to listed species, highly flammable tree and plant species may be determined based on the professional opinions of licensed landscape architects, certified arborists, or foresters.

F. The McMinnville Natural Hazards Map. A map that identifies earthquake, steep slope, landslide, wildfire, and flood hazard areas within the McMinnville Urban Growth Boundary. This generalized, composite map is based on the McMinnville Natural Hazards Inventory – adopted _____ 2026, by Ordinance No. _____.

G. Certified Engineering Geologist. A registered geologist who is certified in the specialty of engineering geology under provisions of ORS 672.505 to 672.705.

H. Geotechnical Engineer. A professional engineer, registered in the State as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical and soils engineering practices.

I. Routine Maintenance. Regular upkeep of physical properties (i.e. trees, vegetation, right-of-way improvements, land, buildings, and equipment, including recurring, preventive and on-going maintenance necessary to delay or prevent the failure of physical properties including but not

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[2] Highly flammable trees and plants include at least the following:

A. Trees (including but not limited to):Acacia (*Acacia* sp.); Arborvitae (*Thuja* sp.); Cedar (*Cedrus* sp.); Cedar/Cypress (*Chamaecyparis* sp.); Cypress (Cupressus sp.); Douglas fir (*Pseudotsuga menziesi*); Fir (Abies sp.); Hemlock (Tsuga sp.); Juniper (*Juniperus* sp.); Pine (*Pinus* sp.); Sequoia (*Sequoia* sp.); Spruce (*Picea* sp.); and Yew (*Taxus* sp.).

B. Shrubs (including but not limited to): Blackberry (*Rubus armeniacus*); Juniper (*Juniperus* sp.)' Laurel sumac (*Malosma laurina*); Oregon grape (*Mahonia aquifolium*); Rosemary (*Rosmarinus* sp.); Scotch broom (*Cytisus scoparius*); and Wild Lilac (*Ceanothus* sp.).

C. Grasses and Ground Cover (including but not limited to): Dry annual grasses; Large bark mulch; and Pampas grass (*Cortaderia selloana*).

limited to the removal and or replacement of such properties with like (size, form) materials.

17.49.020 Purpose and Intent of the Managed Development Subdistricts.

The purpose and intent of this chapter are to comply with the McMinnville Comprehensive Plan, minimize the cumulative risks associated with inventoried natural hazards, while allowing reasonable economic use of land within the McMinnville city limits.

A. Comprehensive Plan. This chapter is designed to implement the Natural Hazard Policies found in Chapter XI Natural Features of the McMinnville Comprehensive Plan.

B. Reasonable Economic Use. This chapter is intended to allow reasonable economic use of property while establishing standards to avoid or mitigate cumulative risks related to earthquake liquefaction and shaking hazards, steep slope and landslide hazards, wildfire hazards and flood hazards. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. Exceptions to this Chapter for reasonable economic use purposes shall be allowed by the City pursuant to the review criteria below:

1. **The application of this chapter would deny all reasonable economic use of the property;**
2. **No other reasonable economic use of the property has less impact on the landslide hazard area;**
3. **The proposed impact to the landslide hazard area is the minimum necessary to allow for reasonable economic use of the property;**
4. **The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or is predecessor; and**
5. **The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.**

C. Disclaimer. The degree of natural hazard protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger hazard events can and will occur on rare occasions. Landslide risks may be increased by man-made or natural causes.

1. **Areas impacted by other natural hazards may differ from those shown on the McMinnville Natural Hazards Map.**
2. **This Chapter does not imply that land outside the managed development subdistrict areas or that uses permitted within such areas will be free from earthquake, steep slope, landslide, wildfire or flooding hazards. Nor does it imply that land outside of mapped hazard areas will be free from damage in a hazard event.**
3. **This Chapter shall not create liability on the part of the City of McMinnville, any officer or employee thereof, or the Federal Insurance Administration, for any hazard damages that result from reliance on**

this chapter, or any administrative decision lawfully made based on the provisions of this chapter.

4. Compliance with the minimum standards established by this chapter is not intended to relieve any private party from liability for the design or construction of development which causes damage or injury by aggravating an existing and known hazard.

17.49.030 Applicability and General Provisions. The Managed Development Subdistricts apply to the mapped Managed Development Overlay Zone within the city limits and the Managed Development Area and Limited Development Area Subdistricts within that zone. The provisions of this chapter apply to public and private development proposed within these overlays:

A. The following standards apply to public facilities, planned developments, land divisions, and new construction within the city limits:
   1. Oregon Structural Specialty Code Seismic Standards. All land within the McMinnville UGB is subject to moderate to severe earthquake shaking and liquefaction hazards. Oregon Structural Specialty Code and Residential Specialty Code seismic requirements shall apply to new construction in all city zones.
   2. City Erosion Control Standards. Any Storm Drainage Design and Construction Standards, including Erosion Control Standards as adopted or utilized by the City of McMinnville shall apply to all development in all city zones. The erosion control plan shall be prepared by an engineer registered in the State of Oregon. The City Engineer may require special erosion control standards for development:
      a. On slopes of 15% or greater; or
      b. Within the Flood Area Zone; or
      c. Within the MDA and LDA Subdistricts.

B. The Managed Development Area Subdistrict (MDA). The MDA Subdistrict includes land with cumulative earthquake, landslide and/or wildfire hazard risk that can be mitigated on-site based on the recommendations of required studies. The MDA Subdistrict therefore, requires geological site assessments, geotechnical studies and/or wildfire impact studies that include recommendations to mitigate earthquake, landslide and/or wildfire risks on development sites.

C. The Limited Development Area Subdistrict (LDA). The LDA Subdistrict generally applies to the 100-year floodplain and areas with high cumulative earthquake, landslide, wildfire and/or flooding risks (1) that are more difficult to or cannot be effectively mitigated on-site, and/or (2) where the location and density of development may be limited. Where development is permitted, it shall occur consistent with the recommendations of geological, geotechnical and/or wildfire impact studies. The Flood Area (F-P) Zone includes additional standards to avoid and/or mitigate flood hazards.

D. **Determination of Site-Specific Natural Hazards and Mitigation Standards.**

1. **Determination. The potential presence and severity of natural hazard types (earthquake liquefaction, earthquake shaking, slide hazards and wildfire hazards) on specific properties is determined by referencing the McMinnville Natural Hazard Inventory GIS database.**
    - **A. The McMinnville Natural Hazard Inventory GIS database will be updated based on the best data available, provided either by the state or individual property owner analysis per the provisions of this chapter of the McMinnville Municipal Code.**
    - **B. All new data will be reviewed by the Planning Director prior to updating the McMinnville Natural Hazard Inventory GIS database.**
    - **C. Impacted property owners will be notified in writing if any updates to the McMinnville Natural Hazard Inventory GIS database impacts their property. If the change has been initiated by the property owner, the database and resulting overlay will be changed administratively. If the change to the database is initiated by the City due to new state or federal data, it will be treated as a legislative zoning map amendment following all of the appropriate noticing and decision-making processes outlined in Chapter 17.72 of the McMinnville Municipal Code,**
2. **Mitigation. Specific mitigation standards in this chapter depend on the presence (or absence) of specific natural hazards on a development site., and the appropriate mitigation standard associated with that natural hazard. For example:**
    - **A. If a dwelling is proposed within a moderate-to-severe wildfire hazard area, the fuel reduction area standards required to mitigate wildfire hazards will apply; or**
    - **B. If a dwelling is proposed within the MDA subdistrict and the underlying hazards identified for that property are soil conditions, a geological site assessment will be required to ascertain construction, erosion control, and related design requirements for that dwelling.**

E. **Overlap with Natural Resource Subdistricts. Managed Development Subdistricts may overlap with Natural Resource Subdistricts, especially near riparian corridors and tree groves. Generally, the review authority shall seek to harmonize subdistrict standards that appear to conflict. However, where standards cannot be read together to achieve a consistent outcome:**

1. **The more restrictive standards apply, except that,**
2. **LDA and MDA Subdistrict fuel reduction area standards shall prevail in cases of unavoidable conflict with the significant tree and vegetation standards of this chapter.**

F. **Significant and Landmark Trees. Significant and landmark trees stabilize landslide prone areas and reduce erosion.**

1. **Significant and landmark trees as defined in Chapter 17.06.045, "Definitions, Trees", shall not be removed from land within Managed Development Subdistricts, except as provided in this chapter and Chapter 17.48 Trees.**
2. **Removal of significant and landmark trees within MDA and LDA Subdistricts may be permitted when authorized as part of a land use application subject to the provisions of this chapter, and Chapter 17.48, "Trees".**

17.49.040 Permitted and Conditional Uses. The underlying zoning determines permitted and conditional uses, subject to additional development limitations and standards required in the MDA or LDA Subdistricts.

A. Conforming Uses. Existing development within the MDA or LDA Subdistrict shall be considered conforming with respect to the development standards of the Subdistrict and may be expanded without meeting the substantive or procedural requirements of Chapter 17.63 Nonconforming Uses.

B. Exempt Uses. When performed per the direction of the City (including the Water and Light Department as applicable), and in compliance with the provisions of the City of McMinnville Construction Standards on file in the Engineering Division, or Water and Light Department with regard to 2 and 7 below for water and electricity, the following shall be exempt from the provisions of this chapter:

1. **Farming activities permitted in the underlying zone.**
2. **Public emergencies, including emergency repairs to public facilities.**
3. **Stream restoration and enhancement programs outside of wildfire hazard areas.**
4. **Invasive vegetation removal.**
5. **Additions of up to 50% of the habitable floor area of building(s) constructed before the effective date of this ordinance, or date of annexation within the city limits whichever is later, subject to applicable building safety code standards, including applicable seismic and wildfire safety standards.**
6. **Accessory structures that are used for storage of goods.**
7. **Routine maintenance, repair, or replacement of existing public facilities projects.**

17.49.050 Review Procedures. The managed development and limited development area standards in this chapter usually are applied in conjunction with a development application. Where a use is proposed within, or partially within, the LDA or MDA Subdistrict, the following procedures shall apply pursuant to Chapter 17.72 (Applications and Review Process).

A. Permitted Uses. Where a use is permitted outright in the applicable base zone (for example, residential, commercial, industrial or public uses), compliance with the standards of this chapter is determined by the Community Development or Planning Director, based on required natural

hazard studies, as part of the site plan review process (if applicable), and prior to issuance of a building or construction permits.

B. Land Divisions. When land divisions are proposed pursuant to Chapter 17.53 Land Division Standards, compliance with the standards of this chapter is determined by the Planning Director, based on required natural hazard studies.

C. Planned Developments. When planned developments are proposed pursuant to Chapter 17.51 (Planned Development Overlay), compliance with the standards of this chapter is determined by the Planning Commission, based on required natural hazard studies.

D. Density Transfer. The Planning Commission shall review density transfer from land within the LDA Subdistrict to buildable land, pursuant to Section 17.49.170 Density Transfer.

E. Conditional Uses and Variances.

1. Where a conditional use is proposed, compliance with the standards of this chapter is determined by the Planning Commission, based on required natural hazard studies, prior to issuance of building or construction permits.
2. Where a variance is requested, compliance with the variance criteria in this chapter is determined by the Planning Commission, based in part on required natural hazard studies, prior to issuance of building or construction permits.
3. Public Facilities. Construction of public facilities within Managed Development Subdistricts must follow the recommendations of required natural hazard studies.

17.49.060 Managed Development Subdistrict Application Requirements.

Development applications for all properties within the MDA or LDA Subdistricts shall accurately indicate the site-specific locations of specific types of natural hazard areas based on City GIS maps in relation to the proposed development. City planning staff will assist the applicant by providing GIS maps showing city information sources listed below. Development applications within or partially within Managed Development Subdistricts shall include:

A. A site plan showing the proposed development on the site, drawn to a standard scale and including an illustrated scale for use in reductions.

B. Topography showing 2-foot contour intervals and slopes of:

1. 15 to 24.9 percent; and
2. 25 percent and greater.

C. The location of existing and proposed infrastructure necessary to serve the proposed development. Such infrastructure includes streets, driveways, water, sanitary sewer, and storm drainage.

D. The potential hazard impact area showing land uses and tree cover within 200 feet of the subject property.

E. A title block, north arrow, and bar scale.

F. Date(s) of field check(s).

G. A grading plan, if grading is to occur, showing existing and finished contours on the site, at two-foot contour intervals. Grading plans can be accepted with greater contour intervals with the approval of the City Engineer or the Building Official, per their appropriate authorities, if the size of the site or elevation changes across the site are such that two-foot contours do not clearly demonstrate the intent of the grading plan.
H. Information sources, such as soil survey maps and applicable McMinnville Natural Hazard and Natural Resource inventory maps.
I. Relevant City maps applicable to the site and impact area including the Zoning Map, Managed Development, and Natural Resource Subdistrict maps.
J. Aerial photos, including their date and scale.
K. Depending on the type of natural hazard or natural resource identified on a proposed development site, the applicant shall be responsible for:
    1. Showing the precise location of each type of inventoried natural hazard or natural resource present on the development site;
    2. Submitting required flooding, seismic, geological and/or wildfire hazard mitigation studies as prescribed in Section 17.49.060; and
    3. Demonstrating compliance with recommended mitigation measures pursuant to required hazard studies.
L. The location and size of significant and landmark trees within 25 feet of any proposed disturbance area. If development is proposed within a wildfire area, the location and size of significant and landmark trees must be shown within 50 feet of the outer limits of above-ground construction.
M. Any other submittal requirements identified for development in areas with specific types of natural hazards, as specified in this chapter.

17.49.070 Required Natural Hazard Mitigation Reports. Depending on the natural hazards present on a particular property, the applicant for land development shall be responsible for preparing one or more of the following studies within the MDA and LDA Subdistricts.

A. Geological Site Assessment (also known as an Engineering Geologic Report) is an overview of existing geological conditions that includes recommendations for mitigation measures. The Site Assessment shall be completed and stamped by a Certified Engineering Geologist, licensed by the Oregon Board of Geologic Examiners. At a minimum, the Geological Site Assessment shall follow Oregon State Board of Geologic Examiners (OSBGE)'s guideline for preparing Engineering Geologic Reports and include the following elements:
    1. Relevant landslide and earthquake hazard information from the McMinnville Natural Hazards Inventory;
    2. A field investigation of the site and vicinity including a description of geologic hazards that may be present on the site;
    3. An analysis of the geological suitability of the site for proposed development – this analysis shall include the potential hazard impact

of property within 200 feet of the subject property measured from the property boundaries;

4. **A description of any unusual or extreme geologic processes at work on the site, such as rapid erosion, landslide hazard, flood hazard, rockfall, subsidence, debris run-out, or other features;**
5. **A description of any geologic hazards that may affect the proposed land use, including but not limited to slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, springs, expansive soils, subsidence, fault rupture, landslide hazard, rockfall, debris run out, or any other geologic hazard discovered by the investigation;**
6. **Identification of any areas of the site that should be avoided for human-occupied structures;**
7. **An analysis of the feasibility of developing the site for the proposed land use(s);**
8. **Identification of any mitigation measures needed to address any anticipated geologic problems; and**
9. **Recommendations regarding the need for follow-up studies, such as a Geotechnical Engineering Report.**

B. Geotechnical (Soils Engineering) Report is prepared and stamped by a Licensed Civil Engineer, licensed in the Specialty of Geotechnical Engineering by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The Geotechnical Report usually makes specific recommendations to avoid or mitigate geological hazards. At a minimum, the Geotechnical Report shall include the following elements:

1. **Data regarding the nature, distribution and strength of existing soils on the site.**
2. **Analysis, conclusions, and recommendations for grading procedures and associated drainage requirements.**
3. **Design standards for corrective measures, including buttress fill, when necessary.**
4. **A professional opinion on the adequacy of the development site for the intended use considering the proposed grading in relation to soils engineering factors, such as slope stability, and the impact to property within 200 feet of the subject site measured from the property boundary.**
5. **The location of proposed development and public facilities; and**
6. **Relevant information from the McMinnville Natural Hazards Inventory.**

C. Wildfire Hazard Assessment and Mitigation Plan is prepared, in consultation with the McMinnville Fire Department, by a certified arborist or professional forester with experience in wildfire management. This plan must address wildfire mitigation standards in this chapter and may recommend additional fire safety standards. At a minimum, in addition to site plan requirements, the plan shall include:

1. **The location and dimensions of all existing and proposed structures, parking areas and driveways on the property.**

2. **The location, dimension, and grade of fire apparatus access roads and driveways serving all structures on the property. Grading plans can be accepted with greater contour intervals with the approval of the City Engineer or the Building Official, per their appropriate authorities, if the size of the site or elevation changes across the site are such that two-foot contours do not clearly demonstrate the intent of the grading plan.**
3. **The location and dimensions of all structures on adjoining properties located within 30 feet of a shared property line.**
4. **The location of all existing and proposed fire hydrants.**
5. **Site contours showing two foot intervals detailing elevation and slope.**
6. **A tree and vegetation management plan showing:**
   a. **The location, species and size of existing significant trees and landmark trees, including those to be removed and those to be retained, and whether they qualify as "fire-resistant" or "highly flammable" as defined in this chapter.**
   b. **The location, species and size of shrubs, including those to be removed and those to be retained, and whether they qualify as "fire-resistant" or "highly flammable" as defined in this chapter.**
   c. **Areas where trees will be removed to reduce overlapping tree canopies including a description of the tree species and diameter at breast height (DBH).**
   d. **New trees, shrubs and bushes to be planted including the species, location and size at maturity, and whether they qualify as "fire-resistant" or "highly flammable" as defined in this chapter.**
   e. **The location, species and size of all invasive plants (including trees) to be removed and replaced with native plants.**
7. **The location of and information addressing required fuel reduction area standards as described in Section 17.49.130.**
8. **A schedule and timetable for vegetation removal and thinning to meet fuel reduction area standards.**

D. An Electric Wildfire Mitigation Plan is prepared by the City of McMinnville's Water and Light Department for the electric system as required by state law, ORS 757.966. The Electric Wildfire Mitigation Plan describes the wildfire risk assessment process, mitigation strategies, and response protocols used to minimize the probability of wildfire ignition from the electric system.

17.49.080 Decision Options and Conditions. The Approval Authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The Approval Authority may require conditions necessary to comply with the intent and provisions of this chapter.

A. Approval Criteria.

1. **In the MDA subdistrict, new development, redevelopment, or intensification of land use activities shall be sited and designed to minimize site instability and flooding/fire risk on or adjacent to the**

subject site, consistent with the recommendations of a Geologic Engineering Report and other technical hazard reports/assessments required by this section.

2. **In the LDA subdistrict, new development, redevelopment, or intensification of land use activities shall be avoided, and where this is infeasible, mitigation shall be required to lessen or minimize risks. Specifically, the development, as designed and mitigated through the recommendations of a Geologic Engineering Report or other technical hazard reports/assessments, will neither be subject to nor increase known site instability and flooding/fire risk on or adjacent to the subject site, due to project design, location on the site, or other reasons.**

B. Conditions. The required reports shall include design standards and recommendations necessary for the geologist or geotechnical engineer to provide reasonable assurance that the standards of this section can be met with appropriate mitigation measures. These measures, along with staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.

C. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion control plans required under this section shall be as stated in Chapter 17.03 General Provisions.

17.49.090 Land Divisions. No land division or property line adjustment shall be approved that would result in an unbuildable lot or parcel (*i.e.*, a lot or parcel where a permitted or conditional use could not be allowed because it would be unable to meet the standards of this chapter).

17.49.095 Verification of Natural Hazards Boundaries. A property owner may want to verify the Natural Hazards boundaries to determine the true location of a hazard area and its functional values on a site. This may be through a site-specific survey or a simple site visit in those cases where existing information demonstrates that the Natural Hazard significance rating does not apply to a site-specific area. Applications for development on a site located in a Natural Hazard area may request a determination that the subject site is not subject to the standards of Chapter 17.49. Verifications shall be processed as either a Type I or Type II process as outlined below.

A. Type I Verification.

1. **Applicants for a determination under this section shall submit a site plan meeting the requirements of Chapter 17.72, as applicable.**
2. **An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:**
   a. No natural features have been disturbed.

b. No natural features have been changed.
c. The property does not contain a natural hazard area as identified by the city's local natural hazards area maps.
d. Evidence of prior land use approvals that conform to the natural hazards overlay districts, or which conformed to the natural hazard area overlay district that was in effect prior to the Natural Hazards code adoption date _____.

B. Type II Verification. Verifications of the Natural Hazards areas which cannot be determined pursuant to the standards of Chapter 17.49.95(A)(1) may be processed under the Type II permit procedure.
1. Applicants for a determination under this section shall submit a site plan as applicable.
2. Such requests may be approved provided that there is evidence that demonstrates in a report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.
3. Verification to remove a recently developed area from the Natural Hazards shall show that all of the following have been met:
a. All approved development in the Natural Hazards area has been completed
b. All mitigation required for the approved development has been successful.
c. The previously identified Natural Hazards area on the developed site no longer exist or have been subject to a significant detrimental impact.

Managed Development Area (MDA) Subdistrict

17.49.100 Managed Development Area (MDA) Subdistrict. The MDA is intended to mitigate natural hazard impacts based on objective development standards for each applicable hazard type (earthquakes, steep slopes, landslides and wildfires) and the recommendations of required site-specific hazard studies.

17.49.110 Earthquake Mitigation Standards. Buildings and on-site construction projects must meet the seismic standards of the applicable Oregon Structural Specialty Code and Residential Specialty Code seismic requirements per Section 17.49.30.A.

17.49.120 Steep Slope and Landside Mitigation Standards. The following plans and development standards apply to steeply sloped land (15% or greater) within mapped landslide hazard areas on any proposed development site, as determined by the McMinnville Natural Hazards Inventory.

A. Required Plans.

1. **If slopes of 15% or greater exist on the development site, the applicant shall submit an Erosion Control Plan per Section 17.49.30.A.**
2. **If moderate to high landslide hazard areas exist on the development site, the applicant shall submit a Geological Site Assessment per Section 17.49.60.A.**
3. **The City may contract with an independent geologist or geotechnical engineer to review the Geological Site Assessment at the developer's expense.**

B. Development Standards. The applicant's site and building plans shall be consistent with the recommendations of the required Geological Site Assessment, including any changes and conditions required by the review authority after considering the recommendations of the independent peer reviewer.

1. **If the Geological Site Assessment recommends a Geotechnical Engineering Study, building and construction plans shall be consistent with the recommendations of this study.**
2. **Generally, development should avoid lots with an average slope of 25% and greater, except where consistent with the recommendations of the Geological Site Assessment.**
3. **Removal of landmark trees shall be prohibited – except where the review authority determines that there is no reasonable alternative available to achieve project objectives.**
4. **Removal of significant trees shall be the minimum necessary to meet project objectives or to comply with an approved wildfire mitigation plan.**
5. **Drainage shall not be altered such that potential for damage or risk to the proposed project or the natural hazard area is increased. Development shall provide adequate drainage and erosion control**

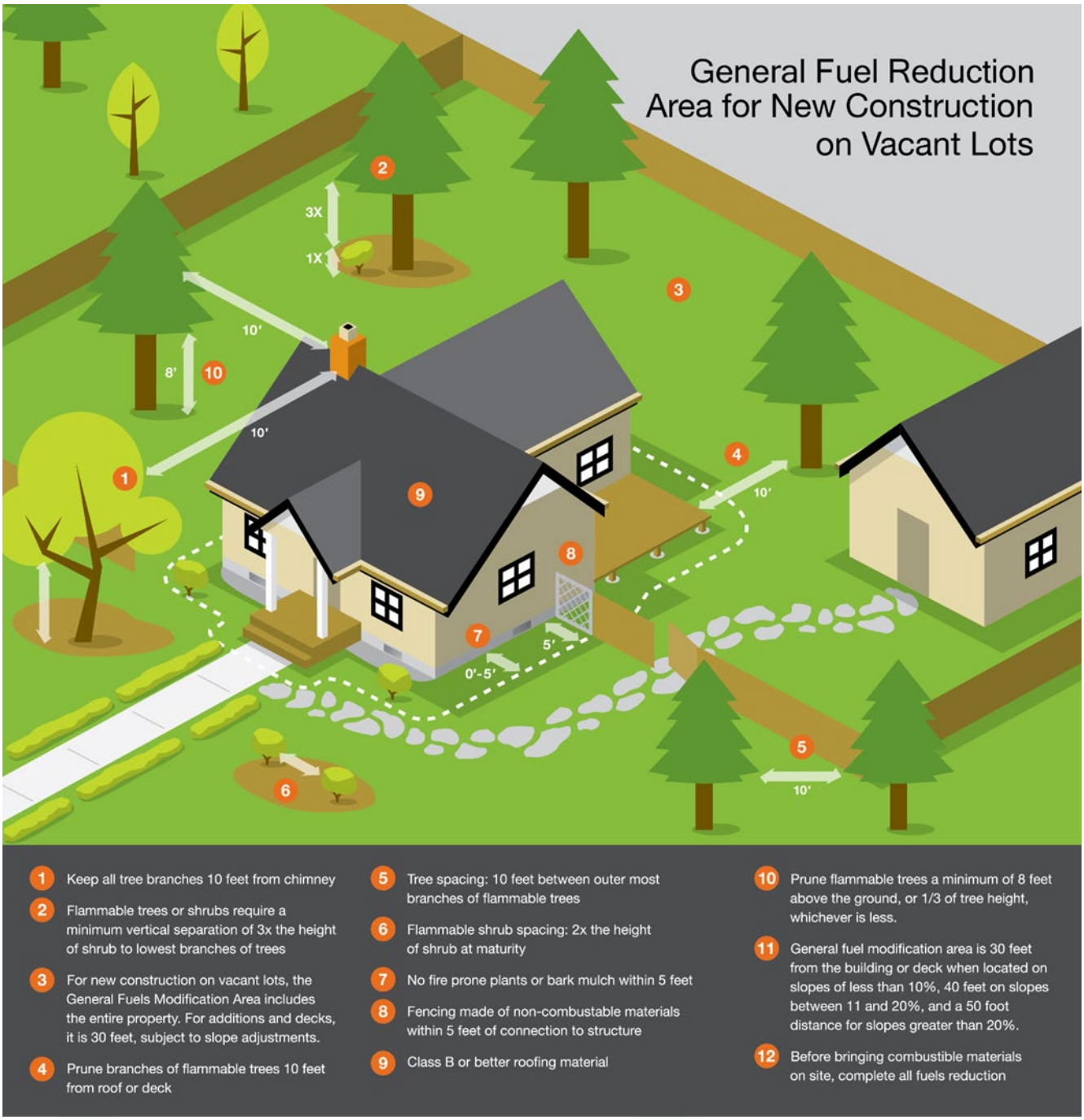
facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from runoff, erosion, and other hydrologic impacts to streams, and riparian areas. Such drainage shall not impact adjacent property owners or public areas and shall comply with all building code requirements.

17.49.130 Wildfire Assessment and Mitigation Standards. This section supplements base zone development regulations to mitigate potential impacts of wildfire on land with moderate to severe wildlife areas shown on the McMinnville Natural Hazards Inventory Map.

A. Purpose. These standards balance the need to protect riparian corridors, and landmark and significant trees, while reducing fuel loads and facilitating firefighter access to structures in the event of a wildfire.
   1. The following studies and development standards apply to moderate, high and severe wildfire hazard areas on any proposed development site, as determined by the McMinnville Natural Hazards Inventory.
   2. In limited situations, removal or major pruning of significant trees may be required to meet the standards of this section. Removal of landmark trees shall only be considered as a last resort.

B. Required Wildfire Mitigation Plan. If moderate to severe wildfire hazards exist on or adjacent to a development site, or when a development site abuts a significant tree grove, the applicant shall prepare a Wildfire Mitigation Plan as prescribed by Section 17.49.070.C. The plan shall apply for the following land use applications:
   1. When a new habitable building, or an addition to an existing habitable building is proposed.
   2. Applications for Planned Developments and/or Land Divisions.

C. Fuel Reduction Area. To reduce fire spread both from and to structures on the property, and to adjoining properties, the establishment and maintenance of a fuel reduction area shall be required.
   1. The general fuel reduction area shall be measured thirty feet from the exterior walls of habitable structures on development sites with slopes of 10% or less.
   2. In steeply sloped areas, an additional ten feet of fuel reduction area shall be added for each 10% increase in slope. Thus, a 40-foot fuel reduction area would be required for a site with an average slope of 11-20%, and a 50-foot fuel reduction area would be required for a lot with a site with an average slope of 21-30%.



D. Vegetation and combustible materials within the fuel reduction area shall meet the following standards:

1. All standing dead and dying vegetation shall be removed from the property, except when considered ecologically beneficial (*e.g.*, a snag located in a riparian corridor).

2. Newly planted vegetation within 30 feet of any building or deck shall not include highly flammable species. The setback shall be increased by ten feet for each ten percent increase in the average slope of the

property (measured from the proposed building or buildings) over ten percent.

3. Within five feet of a new building, addition, or deck, existing highly flammable vegetation shall be removed. However,
   a. Land divisions and planned developments shall be designed to save landmark trees and minimize impacts on significant trees; and
   b. The placement and design of new buildings on an existing lot shall avoid landmark trees if possible and minimize impacts on significant trees.
4. Within five feet of a new building, addition, or deck, combustible man-made and natural materials are prohibited, including but not limited to bark mulch, stored wood, and accumulation of dry leaves and needles. Exception: Combustible materials may be permitted within five feet of a structure by the Planning Director in consultation with the Fire Marshall, if the portion of the structure adjoining the combustible material is constructed with ignition resistant building materials sufficient to reduce the spread of fire.
5. Tree crowns or limbs shall not extend into the vertical plane of a chimney outlet.
6. Highly flammable significant and landmark trees shall be maintained to provide at least a 10-foot clearance from new structures (and any subsequent additions thereto) measured as follows:
   a. Horizontally from a chimney outlet;
   b. From above the roof of a new building, or addition; and
   c. From the furthest extension of a new building, or addition or deck.
   d. If pruning a tree to meet the above requirements would compromise the health and survival of an existing tree(s), the standards a-c above may be modified by the Community Development or Planning Director in consultation with the Fire Marshall, but at a minimum, the trees shall be pruned to maintain at least eight feet of ground clearance.
7. Canopy spacing of the outermost limbs of highly flammable trees shall be separated by at least 10 feet at mature size within the fuel reduction area.
   a. Groups of trees that form a continuous canopy may be considered as one tree canopy.
   b. Canopy spacing requirements do not apply landmark trees, as defined in Chapter 17.58 Trees, or to fire-resistant trees.
8. Fire-resistant trees (i.e., trees that are not highly flammable) shall be maintained to provide clearance from structures as follows:
   a. 10 feet horizontal clearance from a chimney outlet.
   b. At no time shall tree crowns or limbs extend into the vertical plane of a chimney outlet.
   c. Tree limbs shall be pruned to ensure they do not touch any part of a structure including but not limited to roofs, eaves, and decks.

9. Existing highly flammable trees shall be pruned to provide a ground clearance of a minimum eight feet above the ground, or one-third of the tree height, whichever is less.
10. Existing highly flammable shrubs shall be maintained to provide a clearance from new structures and other flammable vegetation as follows:
    a. Five feet clearance from the furthest extension of a new building, addition, or deck.
    b. Separation from other highly flammable shrubs within the fuel reduction area shall be a minimum of two times the shrub's height at maturity.
11. Newly planted highly flammable shrubs shall be:
    a. A minimum of 30 feet from the furthest extension of any building addition or deck.
    b. Separated from other listed flammable shrubs by a minimum of two times the shrub's height at maturity.
    c. Located outside of the drip line of a highly flammable tree.
12. Where either the tree or vegetation is highly flammable: the vertical clearance between the top of understory vegetation (within the drip line of a tree) and the lowest tree limbs, shall be at least three times the height of vegetation.
13. Existing vegetation may be allowed to be retained consistent with an approved Wildfire Mitigation Plan, or upon written approval of the Planning Director in consultation with the Fire Marshall:
    a. To maintain slope stability;
    b. To preserve or enhance riparian functions and values;
    c. To protect or ensure the health of landmark or significant trees; or
    d. For aesthetic purposes.

E. Fuel reduction in areas steep slope / slide hazard areas, or significant riparian corridors, shall be included in the erosion control measures outlined in Section 17.49.060.

F. The Fuel Reduction Area may be reduced or waived when approved by the Planning Director in consultation with the Fire Marshall, based on a finding that fire risk has been reasonably reduced such as in cases where ignition resistant materials and construction methods, or vegetation type and separation, function to enhance the structure's protection from exterior wildfire exposure.

17.49.140 Reserved for Future Use

Limited Development Area (LDA) Subdistrict

17.49.150 Limited Development Area (LDA) Subdistrict

The LDA is intended to avoid, and where avoidance is not feasible, to mitigate natural hazard impacts to life and property from each applicable natural hazard type (earthquakes, steep slopes, landslides and wildfires).

- **A. Use Limitations and Development Standards. The LDA Subdistrict includes use limitations and development standards to reduce composite risks to life and property associated with earthquakes, steep slopes, landslides, wildfires and flooding within its boundaries.**
- **B. Mitigation Based on Required Studies. To mitigate for unavoidable impacts, proposed development must follow the recommendations of required site-specific hazard studies.**

17.49.160 Use Limitations. The underlying zoning determines permitted and conditional uses within the LDA Subdistrict, subject to additional development limitations and standards required by the LDA Subdistrict. Residential density transfer may be permitted as prescribed in Section 17.49.170. The following use limitations apply to land within the LDA Subdistrict.

- **A. Creation of New Lots. Creation of new lots on land within the LDA Subdistrict shall be prohibited, except when based on site-specific natural hazard impact studies and approved through the Chapter 17.48 Planned Development Overlay, or when a new lot or tract will be used solely for conservation of the natural hazard area and the owner agrees to record a deed restriction curtailing development on the conservation lot or tract.**
- **B. Residential Zones. In residential zones, one dwelling unit shall be permitted for each lot-of-record, provided that:**
  1. **There is inadequate space to place a residence with a footprint of 2,000 square feet or less on the lot outside of the LDA Subdistrict.**
  2. **The recommendations of required natural hazard impact studies are followed.**
  3. **Landmark trees are protected except where there is no reasonable alternative to allow a home with a 2,000 square foot footprint (or less) on a lot-of-record.**
  4. **Impacts on significant trees shall be minimized, recognizing that tree removal may be required to meet Section 17.49.130 Wildfire Assessment and Mitigation requirements and fuel reduction requirements.**
- **C. Large-Format Commercial Development. Large format commercial development as defined in Chapter 17.56 shall not be permitted within the LDA Subdistrict.**
- **D. Commercial and Industrial Zones. In commercial and industrial zones, existing habitable structures and surface parking areas may be expanded by up to 50% within the LDA Subdistrict, provided that:**

1. There is inadequate space to expand the structure by 50% outside of the LDA Subdistrict.
2. The proposed expansion is located outside mapped high risk landslide and wildfire areas and is designed to minimize the building footprint and loss of significant and landmark trees on land within the LDA Subdistricts.
3. Outdoor storage areas are prohibited within the LDA Subdistrict.
4. The recommendations of required natural hazard impact studies are followed.

17.49.170 Residential Density Transfer. A transfer of development density from undeveloped buildable land within the LDA to other property within the city limits is encouraged. Density transfer may occur through the planned development process, as indicated below. The transferring property does not need to be owned by the property owner of the receiving property, but both property owners need to sign the density transfer application to memorialize the transfer.

A. Development Density to Transfer from the Limited Development Area (LDA). The land area from which density can be transferred excludes developed and unbuildable areas, such as riparian corridors, slopes 15% or greater, and easements. 100% of the development density of identified qualifying land within the LDA zone may be transferred to any other residential zone.

B. Development Density in Receiving Area. Up to a maximum 20% reduction in average minimum lot size or lot area per unit requirements is allowed in order to accommodate the density transfer. Developments utilizing a transfer of density will need to apply for a Planned Development pursuant to Chapter 17.51. The receiving area needs to be one parcel prior to subdivision.

C. If Density Transfer is Not Feasible. In situations where density transfer is not feasible, a maximum of one dwelling unit per 2.5 acres may be allowed on land zoned for residential use within the LDA Subdistrict, consistent with the recommendations of a geotechnical engineering study and any conditions required by the review authority.

D. Recording of Density Transfer. In all cases where a residential density transfer is used, covenants or other legally binding agreements that run with the land shall preclude the further development of the land from which the density is transferred. The covenants or other legally binding agreements shall be recorded before the transferred density may be used.

17.49.180 Earthquake Mitigation Standards. Buildings and on-site construction projects must meet the seismic standards of the applicable Oregon Structural Specialty Code and Residential Specialty Code seismic requirements per Section 17.49.30.A.

17.49.190 Steep Slope and Landside Mitigation Standards. The following plans and development standards apply to when development is authorized pursuant to Section 17.49.160 on steeply sloped land (15% or greater) and to mapped landslide hazard areas on any proposed development site, as determined by the McMinnville Natural Hazards Inventory.

A. Required Plans.
   1. If slopes of 15% or greater exist on the development site, the applicant shall submit an Erosion Control Plan per Section 17.49.30.A.
   2. If moderate to high landslide hazard areas existing on the development site, the applicant shall submit a Geological Site Assessment per Section 17.49.60.A.
   3. The City may contract with an independent geologist or geotechnical engineer to review the Geological Site Assessment.

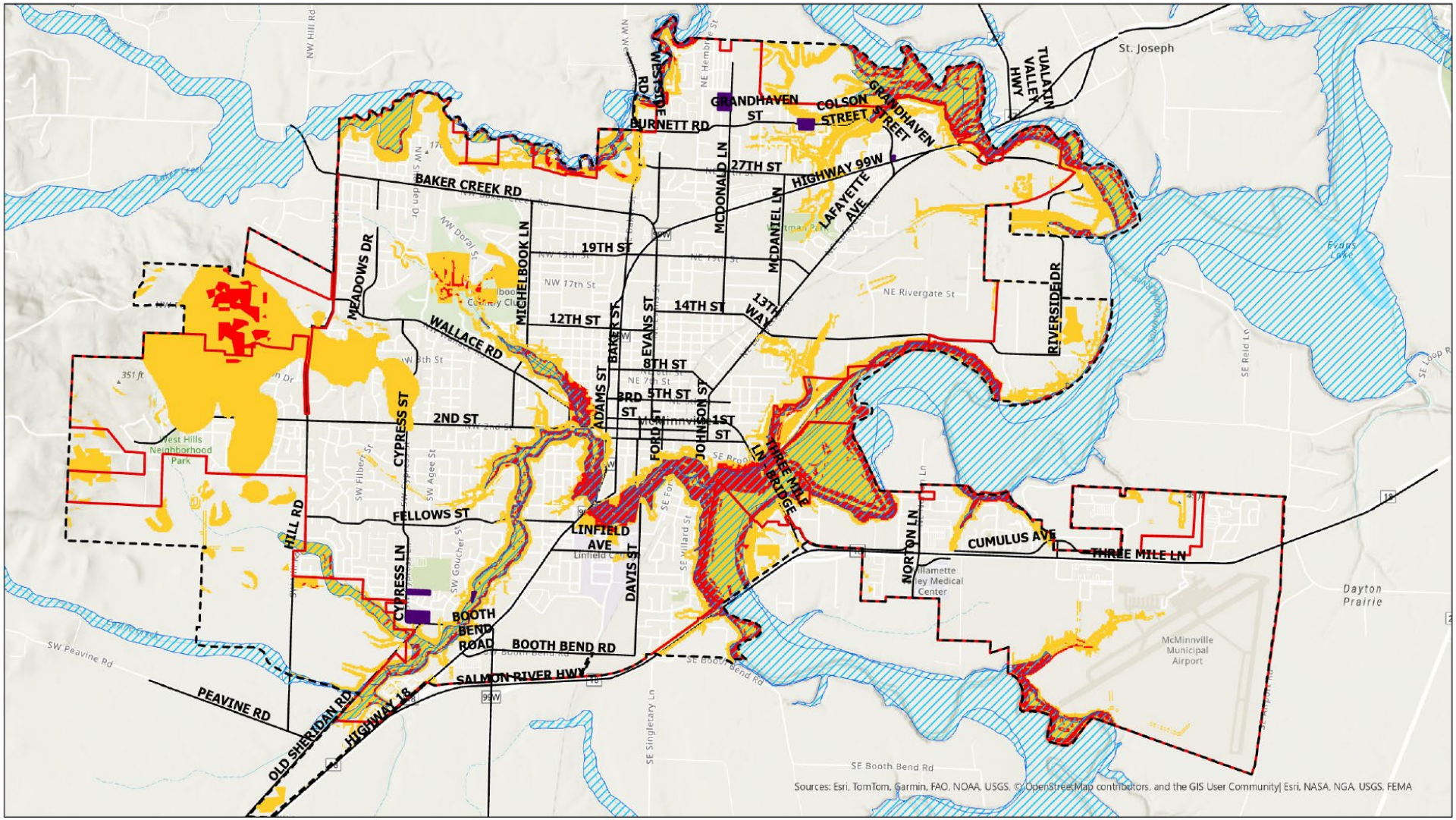
B. Development Standards. Where development is authorized pursuant to Section 17.49.160 (Use Limitations), the applicant's site and building plans shall be consistent with the recommendations of the required Geological Site Assessment, including any changes and conditions required by the review authority after considering the recommendations of the independent peer reviewer.
   1. If the Geological Site Assessment recommends a Geotechnical Engineering Study, building and construction plans shall be consistent with the recommendations of this study.
   2. Generally, development should avoid slopes of 25% and greater, except where consistent with the recommendations of the Geological Site Assessment.
   3. Removal of landmark trees shall be prohibited – except where the review authority determines that there is no reasonable alternative available to achieve project objectives.
   4. Removal of significant trees shall be the minimum necessary to meet project objectives or to comply with an approved wildfire mitigation plan.
   5. Drainage shall not be altered such that potential for damage or risk to the proposed project or the natural hazard area is increased. Development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from runoff, erosion, and other hydrologic impacts to streams, and riparian areas. Such drainage shall not impact adjacent property owners or public areas and shall comply with all building code requirements.

17.49.200 Wildfire Assessment and Mitigation Standards. Where development is permitted pursuant to Section 17.49.160 (Use Limitations), proposed development within mapped moderate to severe wildfire areas within the LDA Subdistrict shall be subject to the Wildfire Assessment and Mitigation Standards

Exhibit D to Ordinance No. 5178

City of McMinnville
Managed Development Overlay Zone

City of McMinnville
PLANNING



City of McMinnville
PLANNING

CITY OF MCMINNVILLE
PLANNING DEPARTMENT
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 COMPREHENSIVE PLAN, VOLUME I, VOLUME II AND VOLUME III TO SUPPORT THE 2026 NATURAL HAZARDS MITIGATION PLANNING

DOCKETS:	G 3 - 22
REQUEST:	The City of McMinnville is proposing amendments to the McMinnville Comprehensive Plan, Volume I, Volume II and Volume III to support the 2026 Natural Hazards Mitigation Planning.
LOCATION:	N/A. The proposal is a legislative comprehensive plan amendment.
ZONING:	N/A. The proposal is a legislative comprehensive plan amendment.
APPLICANT:	City of McMinnville
STAFF:	Heather Richards, Community Development Director
HEARINGS BODY:	McMinnville Planning Commission
DATE & TIME:	April 6, 2023, May 4, 2023, June 15, 2023, July 20, 2023, August 17, 2023, September 21, 2023, November 16, 2023, February 19, 2026, and March 19, 2026, 200 NE Second Street, Kent Taylor Civic Hall, 7:00 PM, all meetings were conducted as a hybrid meeting with the opportunity to participate in person or via Zoom.
DECISION-MAKING BODY:	McMinnville City Council
DATE & TIME:	April 28, 2026, 200 NE Second Street, Kent Taylor Civic Hall, 7:00 PM. In person and via Zoom.
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 Comprehensive Plan must be consistent with Oregon State Regulations (ORS) governing Oregon land use goals, the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.
APPEAL:	The City Council's decision on this legislative amendment will be submitted to the Department of Land Conservation and Development for consideration pursuant to the post-acknowledgment plan amendment process in ORS 197.610 et seq. 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 conclusions, the McMinnville City Council **APPROVES** the proposed amendments to Volume I, II, and III of the McMinnville Comprehensive Plan to support the 2026 Natural Hazards Mitigation Planning, Docket G 3-22.

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DECISION: APPROVAL

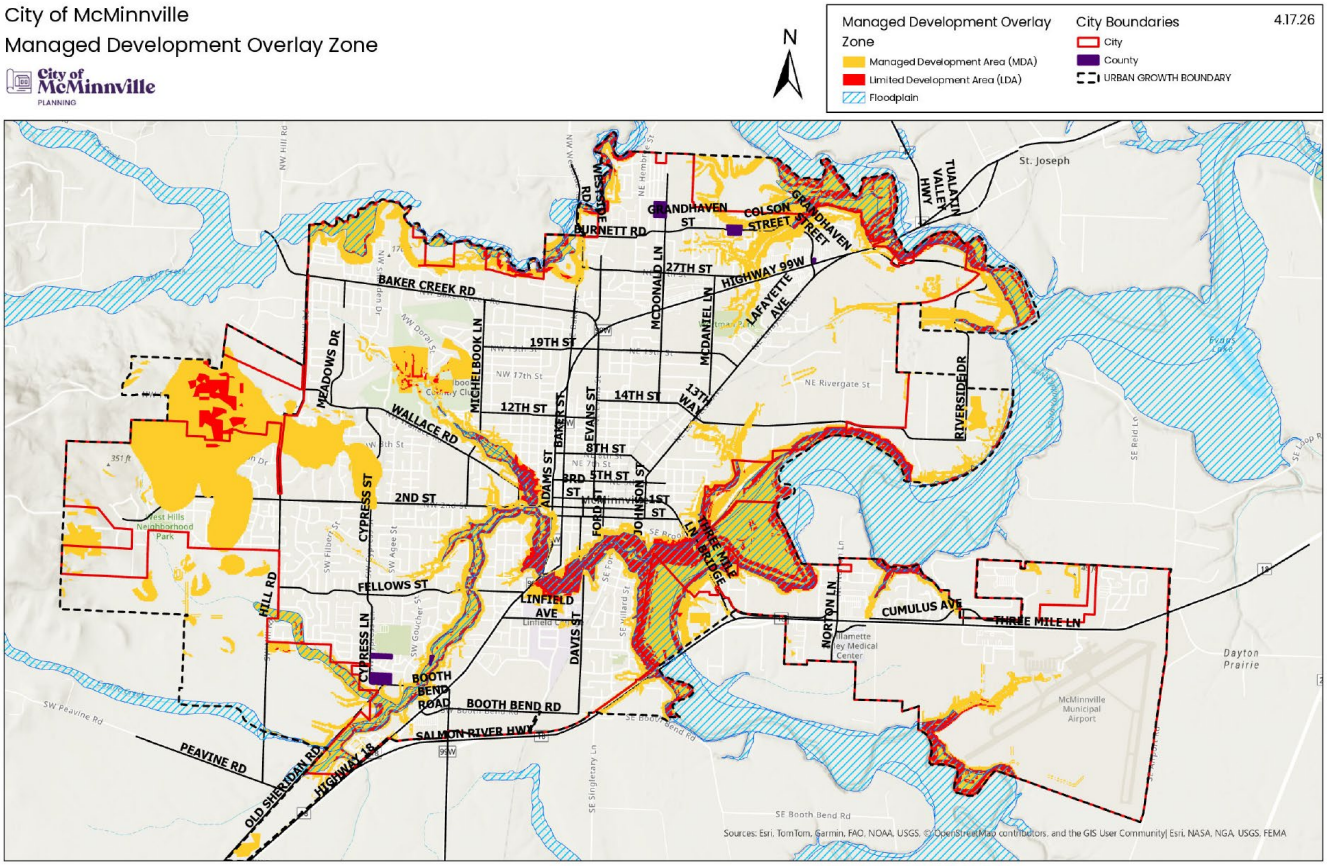
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City Council:_____ Date:_____
Kim Morris, Mayor of McMinnville

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

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

I. Application Summary:



The City of McMinnville is proposing to amend the McMinnville Comprehensive Plan per Oregon Land Use Goal #7, Natural Hazards, after amending the City's urban growth boundary in December, 2020.

The City's Comprehensive Plan is divided into three volumes per the following:

Volume I – Background Information: (Both the narrative of and supporting documentation for the goals and policies developed by the community. It is a reference resource that can be used to interpret the intent of the goal and policy statements.)

Volume II – Goals and Policies: (These goals and policies are the culmination of the research, inventories and projections of Volume I and reflect the directives expressed through the citizen involvement process in adopting the plan. All future land use decisions must conform to the applicable goals and policies of this volume.

Volume III – Implementing Ordinances: (Measures to carry out the goals and policies of the plan, including the comprehensive plan and zoning map, annexation, zoning and land division ordinances, and the planned development overlays placed on areas of special significance.

This docket is comprised of proposed amendments to the McMinnville Comprehensive Plan per the following:

- Amendment to the McMinnville Comprehensive Plan, Volume I – Background Elements, adopting the *2021 Natural Hazards Inventory and Management Program Options and Recommendations* and its Appendices.

- Amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled *Natural Features*.

- Amendments to the McMinnville Municipal Code, Chapters 17.48, *Flood Area Zone*, and Chapter 17.49, *Managed Development Overlay Zone and Subdistricts*.

- Amendment to the McMinnville Zone Map, adding the Managed Development Overlay Zone and the Managed Development Area Subdistrict (MDA) and the Limited Development Area Subdistrict (LDA).

The City of McMinnville's Natural Hazards planning was a multi-year effort with extensive community engagement, and public meetings with the Planning Commission, and City Council. McMinnville's existing comprehensive plan and zoning ordinance addresses flood hazards only – consistent with Federal Emergency Management Agency (FEMA) regulations related to the National Flood Insurance Program (NFIP). The comprehensive plan does not have a separate natural hazards element. The McMinnville Zoning Ordinance has a separate F-P Flood Hazard Zone that applies to land within the 100-year floodplain. However, the City currently lacks development standards for geological and wildfire hazards.

In 2020, the City hired Winterbrook Community Resource Planning to prepare the initial draft of the McMinnville Natural Hazards Inventory, Management Program Options and Recommendations study. The study area at that time included (a) the McMinnville Urban Growth Boundary (UGB) as it existed in June 2020 and (b) the UGB expansion study area within 1.5 miles of the existing UGB.

When the City initiated a UGB amendment process in 2020 simultaneously with the Natural Hazards Inventory and Review, the City considered the natural hazard inventory information provided in the initial draft report as part of the UGB analysis.

In December 2020, the City Council amended its UGB to include approximately 1,280 acres of land (of which 921 acres were considered "buildable"). The County subsequently adopted, and the Land Conservation and Development acknowledged, the UGB amendment in April 2021.

In April 2021, the City contracted with Winterbrook Planning to revise the 2020 natural hazards study to (a) focus on the expanded 2021 UGB, (b) include social vulnerabilities described in the *Oregon Natural Hazards Mitigation Plan* (Oregon NHMP) in the natural hazards composite ranking system, (c) amend the proposed Natural Hazard Mitigation and Protection maps accordingly, and (d) prepare draft amendments to the McMinnville Zoning Ordinance to include natural hazard mitigation and protection subdistrict maps and text.

The revised study includes an inventory of natural hazards based on available mapping sources, considers alternative management options, and suggests policy and mapping amendments to the McMinnville Comprehensive Plan to systematically address McMinnville's mappable natural hazards within the 2021 UGB.[1]

The revised natural hazards inventory includes a series of GIS (geographic information system) overlay maps showing moderate, high and severe hazard areas within the 2021 UGB and study area. The inventory also includes a description of the following natural hazards and how they may adversely affect life and property:

- **Geological Hazards** (areas subject to landslide, steep slope and earthquake liquefaction and shaking impacts)

[1] Winterbrook addresses relationships among natural hazards and natural resources (such as riparian and upland wildlife habitat and scenic views and viewpoints) in a separate white paper.

- **Flood Hazards** (areas within the 100-year floodplain including the floodway)
- **Wildfire Hazards** (areas that are particularly susceptible to wildfires due to topography, fuel and settlement patterns)
- **Composite Hazards** (areas with one or more overlapping natural hazard categories)

This work resulted in proposed amendments to the McMinnville Comprehensive Plan both in terms of new inventory and recommended programs and new policies for natural hazards. It also resulted in proposed amendments to the McMinnville Municipal Code and McMinnville Zone Map, introducing two new overlay districts, the Natural Hazard – Mitigation Zone (NH-M) (now called the Managed Development Area or MDA) and the Natural Hazard Protection Zone (NH-P) (now called the Limited Development Area or LDA). Regulations for the administration of both overlay zones is proposed as a new chapter 17.49, "Managed Development Overlay Zone and Subdistricts".

II. GENERAL FINDINGS

The City Council finds, that based on the findings of fact and the conclusionary findings contained in this findings report, that the proposed Natural Hazards planning program is consistent with all of the applicable state and local regulations.

Generally, these findings summarize the more detailed analysis found in the 2021 Natural Hazards Inventory and Management Program Options and Recommendations and its Appendices that address the relevant legal standards.

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

III. FINDINGS OF FACT

The fact base includes the data referenced in the *2021 Natural Hazards Inventory and Management Program Options and Recommendations* and its Appendices, as well as the information provided in the record.

1 The City of McMinnville initiated an Oregon Land Use Goal #7 analysis in 2020, when it started evaluating land in a study area for an expansion of the City's urban growth boundary (UGB). DOGAMI had just release new hazard data for Yamhill County in 2018, the City had partnered with Yamhill County on a Yamhill County Natural Hazard Mitigation Plan in 2019, and the State of Oregon had recently adopted a State Natural Hazard Mitigation Plan in 2020.

2 With the successful acknowledgment of a UGB in April, 2021, the City engaged a consulting firm to assist the City in developing an inventory of natural hazards within the UGB, a methodology for evaluating the hazards discovered and mitigation program to protect people and property from the identified hazards.

3 The City's Planning Commission met 5 times in work session between 2021 – 2026 with city staff and consultants to review and provide feedback to the city staff and consultants.

4 The City's City Council met 4 times between 2021 – 2026 in work session with city staff and consultants to review and provide feedback to the city staff and consultants.

5 On March 1, 2023 the City notified the Department of Land Conservation and Development of their intent to adopt the natural hazards planning program as amendments to the McMinnville Comprehensive Plan, Volume 1, Volume II and Volume III with a first evidentiary public hearing scheduled for April 6, 2023. (DLCD File #: 003-23).

6 On March 17, 2023, the City sent out a Measure 56 notice to all impacted property owners in the Managed Development Overlay zone (previously called the Natural Hazard Mitigation Overlay Zone).

7 On March 31, 2023, the City published a public hearing notice in the News Register.

8 On April 6, 2023, the McMinnville Planning Commission opened the public hearing.

9 The McMinnville Planning Commission kept the public hearing open and met on the following dates: April 6, 2023, May 4, 2023, June 15, 2023, July 20, 2023, August 17, 2023, September 21, 2023, November 16, 2023, and February 19, 2026, closing the public hearing on February 19, 2026.

10 On January 29, 2026, the City of McMinnville sent out a letter to all impacted property owners to let them know that the Planning Commission would host the continued public hearing on February 19, 2026, due to the amount of time that transpired between the November 16, 2023, public hearing and the February 19, 2026, public hearing.

11 On February 12, 2026, the City updated the DLCD online PAPA notice.

12 On February 13, 2026, the City published a public hearing notice in the News Register.

13 On March 19, 2026, the McMinnville Planning Commission deliberated and voted to recommend adoption of the proposed comprehensive plan amendments to the City Council.

14 On April 28, 2026, staff presented the Planning Commission's recommendation to the McMinnville City Council.

15 On April 28, 2026, the McMinnville City Council considered the public record and voted to approve the proposed Comprehensive Plan Amendments to support the Natural Hazards planning program, by adopting Ordinance No. 5178.

IV. COMMENTS RECEIVED

The following testimony was received by the Planning Commission and provided at the Planning Commission public hearing and are on file with the City of McMinnville Planning Department.

Written Testimony Received:

- Email from David Koch, dated March 1, 2023
- Email from Glenn Westlund, dated March 14, 2023
- Email from David Koch dated March 15, 2023
- Email and Letter from Mark Davis, dated April 5, 2023
- Email from David Koch, dated April 6, 2023
- Email from Randy Johnson, dated April 7, 2023
- Email and Letter from AKS Engineering, dated June 15, 2023
- Email and Letter from Stoel Rives, dated June 15, 2023
- Email from David Koch, dated December 17, 2025
- Letter from H.G. Schlicker & Associated, dated January 21, 2026
- Email from Randy Johnson, dated February 15, 2026

Oral Testimony at Public Hearings:

- Mark Davis, April 6, 2023
- David Koch, April 6, 2023
- Earl Anderson, April 6, 2023
- Cheryl Lambright, April 6, 2023
- Kim Palacios, April 6, 2023
- Allan Larsen, April 6, 2023
- Mark Davis, May 4, 2023
- Bill Burns, DOGAMI, June 15, 2023
- Marian Lahav, Natural Hazards Mitigation Planning Program Coordinator DLCD, June 15, 2023
- Mark Davis, June 15, 2023
- Alison Reynols, Stoel Rives, June 15, 2023
- Eric Abrams, February 19, 2026
- Mark Davis, February 19, 2026
- Lonnie Watne, February 19, 2026
- Randy Johnson, February 19, 2026
- Christine Garrison, February 19, 2026

Comments were received from the following partner agencies:

- McMinnville Public Works
- McMinnville Engineering
- McMinnville Parks and Recreation Department
- McMinnville Water and Light
- McMinnville Fire Department
- Oregon Department of Land Conservation and Development

V. CONCLUSIONARY FINDINGS: COMPLIANCE WITH STATE AND LOCAL REGULATIONS:

Following are the findings regarding consistency with the applicable criteria for the application.

These findings explain how the City finds that the adoption of the proposed amendments to the McMinnville Comprehensive Plan, Volume I, II and III satisfy applicable state and local land use regulations.

Alignment with Oregon's Statewide Planning Goals and Administrative Rules:

The applicable state land use laws are those identified in either the Oregon Revised Statutes (ORS) or the Oregon Administrative Rules (OARs),

Oregon Land Use Goal #1 (Citizen Involvement, OAR 660-015-0000(1))

Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. Over the five year process to develop the plan, the public was involved in the following ways:

- The City developed a project website
- Public information sessions were held online
- The City's Planning Commission met 5 times in work session between 2021 – 2026.
- The City's City Council met 4 times between 2021 – 2026.
- The City sent out a Measure 56 notice to all impacted property owners and met with property owners one-on-one to discuss their concerns.
- The Planning Commission hosted four public hearing dates where public testimony was heard.

The City provided multiple opportunities for public involvement in the development of the Natural Hazards Planning Program, including public information sessions, work sessions with the Planning Commission and City Council, and Planning Commission public hearings. Notice was provided consistent with local code and state law. Stakeholders, including property owners, partner agencies, and affected service providers, were invited to participate.

The Program reflects community input regarding risk tolerance, mitigation priorities, and implementation strategies.

FINDING - SATISFIED: The City finds the opportunities for public engagement outlined above provided meaningful opportunities for public comment and incorporated feedback into the final program satisfying Goal 1.

Oregon Land Use Goal #2 (Land Use Planning, OAR 660-015-0000(2))

Goal 2 outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that effective implementation ordinances must be adopted. The factual basis for the legislative decision of the City can be found in the *2021 Natural Hazards Inventory and Management Program Options and Recommendations* and its Appendices. The data, inventory and methodology for identifying impacted hazard areas

The Program is supported by a robust factual base, including hazard mapping from sources such as:

- FEMA Flood Insurance Rate Maps (FIRMs)
- DOGAMI landslide and seismic hazard data
- Oregon Department of Forestry wildfire risk assessments

The City coordinated with:

- Oregon Department of Land Conservation and Development
- Oregon Department of Geology and Mineral Industries
- Federal Emergency Management Agency
- Yamhill County
- Local service providers and special districts

FINDING - SATISFIED: The City finds that this information constitutes a reasonably complete and accurate inventory of hazard areas sufficient for planning purposes, consistent with Goal 2. And the Program establishes clear policies and implementation measures consistent with acknowledged comprehensive plan provisions. The City finds the requirements of Goal 2 satisfied.

Oregon Land Use Goal #3 (Agricultural Lands, OAR 660-015-0000(3))

Goal 3 requires the City to "preserve and maintain agricultural land." The Natural Hazard planning program provides policies and implementing ordinances for the City and it only becomes applicable to properties after they are included within the City's urban growth boundary. Thus, the adoption of the proposed amendments will have no effect on the preservation and maintenance of designated agricultural land.

FINDING – NOT APPLICABLE: No further analysis is required.

Oregon Land Use Goal #4 (Forest Lands, OAR 660-015-0000(4))

Goal 4 requires the City to conserve forest lands. The Natural Hazard planning program provides policies and implementing ordinances for the City and it only becomes applicable to properties after they are included within the City's urban growth boundary. Thus, the adoption of the proposed amendments will have no effect on the preservation and maintenance of designated forest lands.

FINDING – NOT APPLICABLE: No further analysis is required.

Oregon Land Use Goal #5 (Natural Resources, Scenic and Historic Areas, and Open Spaces, OAR 660-015-0000(5))

Goal 5 requires the City to "protect natural resources and conserve scenic and historic areas and open spaces."

Many hazard areas, such as floodplains, riparian corridors, and steep slopes, overlap with Goal 5 resources. The Program is designed to complement, not conflict with, existing Goal 5 protections by:

- Encouraging preservation of natural floodplain functions
- Limiting development in environmentally sensitive hazard areas
- Supporting habitat and water quality protection

Where conflicts may arise, the Program prioritizes both hazard mitigation and resource protection through performance-based standards.

FINDING – SATISFIED: The City finds that the Program is complementary to existing Goal 5 protections and does not authorize conflicting uses. The City finds the requirements of Goal 5 satisfied.

Oregon Land Use Goal #6 (Air, Water and Land Resources Quality, OAR 660-015-0000(6))

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. By complying with applicable air, water and land resource quality policies in the McMinnville Comprehensive Plan, Goal 6 will be properly addressed. No further analysis is required.

FINDING – SATISFIED: The City finds the requirements of Goal 6 satisfied. No further analysis is required.

Oregon Land Use Goal #7 (Areas Subject to Natural Disasters and Hazards, OAR 660-015-0000(7))

Goal 7 requires local governments to adopt comprehensive plans and implementing measures to reduce risk to people and property from natural hazards.

The applicable administrative rule provides:

"Developments subject to damage or that could result in loss of life shall not be planned or located in known areas of natural disasters without appropriate safeguards." (OAR 660-015-0000(7))

The Program directly implements Goal 7 by:

1. Identification of Hazard Areas. The Program identifies and maps areas subject to:
- Flood hazards (including FEMA-mapped floodplains)
- Landslide hazards (DOGAMI data)
- Wildfire risk
- Seismic hazards

This satisfies the requirement to inventory hazard areas.

2. Risk Assessment. The Program evaluates the relative degree of risk to life and property, distinguishing between higher and lower hazard areas where data allows.

3. Policy Framework. The Program adopts Comprehensive Plan policies that:
- Prioritize protection of life safety
- Direct development away from high hazard areas where practicable
- Require mitigation where avoidance is not feasible

4. Implementing Measures. The City adopts implementing measures including hazard overlay districts (e.g., mitigation and protection areas), which:
- Limit or prohibit certain uses in high hazard areas
- Require site-specific studies where appropriate
- Establish clear and objective standards where feasible
- Require mitigation measures such as setbacks, engineering solutions, or building design standards

5. Balance of Uses (Reasonable Economic Use). The Program allows reasonable use of property consistent with Goal 7 by:
- Allowing development with mitigation where risks can be reduced
- Avoiding overly broad prohibitions except where necessary for life safety

6. Consistency with DLCD Guidance. The Program is consistent with DLCD guidance for Goal 7 implementation by emphasizing:
- Avoidance as the preferred strategy
- Mitigation where avoidance is not possible
- Use of best available science

The Program is consistent with Oregon Administrative Rules implementing Goal 7, including requirements for:
- Avoidance where practicable
- Mitigation where development cannot be avoided
- Protection of life safety as a primary objective

FINDING – SATISFIED: The City finds the requirements of Goal 7 satisfied.

Oregon Land Use Goal #8 (Recreational Needs, OAR 660-015-0000(8))

Goal 8 requires local governments to plan for recreation needs, prioritize accessible and low-cost recreation, and coordinate recreation planning to protect resources and meet demand.

The City finds that lands designated within the *Limited Development Overlay Zone* are generally constrained for urban development due to identified natural hazards (e.g., flood, landslide, wildfire interface). These same constraints make such lands appropriate for low-intensity recreational uses, including trails, open space, habitat corridors, and passive recreation.

The City further finds that designation of these areas for limited development is consistent with Goal 8's directive to proactively plan for recreation areas and coordinate use of land to protect recreational resources.

By limiting development intensity in high hazard areas, the City:

- Prevents overuse or degradation of sensitive lands;
- Reduces risk to life and property in areas unsuitable for urbanization; and
- Ensures long-term availability of these lands for recreational use.

FINDING – SATISFIED: This approach aligns with Goal 8's emphasis on planning "when, where, how, and how often" recreation occurs to avoid degradation of resources. The City finds the requirements of Goal 8 satisfied.

Oregon Land Use Goal #9 (Economy of the State – OAR 660-015-0000(9))

The purpose of Goal 9 is to provide adequate opportunities for economic growth and development opportunities for commercial and industrial development.

The City finds that the *Managed Development Hazard Overlay Zone* applies to lands that:

- Are already designated for commercial and industrial use; and
- Are included within the City's acknowledged inventory of employment lands.

The overlay does not remove these lands from the buildable land inventory and therefore does not reduce the City's ability to meet its 20-year employment land need under Goal 9.

The Managed Development Overlay allows:

- Continuation of all existing lawful commercial and industrial uses; and
- Expansion of existing development up to 50% of the existing building footprint without additional hazard mitigation requirements.

The City finds that this provision:

- Maintains operational flexibility for existing businesses;
- Reduces regulatory barriers to reinvestment; and
- Supports economic vitality and job retention.

The City finds that strict hazard mitigation requirements on already-developed employment lands could:

- Discourage reinvestment;
- Constrain economic activity; and
- Undermine the City's economic development objectives.

By allowing limited expansion without mitigation, while still regulating new development intensity, the overlay strikes a balance between:

- Reducing exposure to natural hazards; and
- Preserving economic productivity of employment lands.

The Limited Development Overlay is applied only to lands with significant hazard constraints and does not include lands identified in the Economic Opportunities Analysis as necessary for employment growth.

Therefore, the City finds that:

- The proposal does not reduce the supply of needed employment land;
- Does not conflict with the City's Economic Opportunities Analysis; and
- Does not result in a deficiency of commercial or industrial land.

FINDING – SATISFIED: The City concludes that the Managed Development Overlay Zone: preserves and supports existing employment uses; allows reasonable expansion of businesses; and maintains an adequate supply of employment land. The City finds the requirements of Goal 9 satisfied.

Oregon Land Use Goal #10 (Housing – OAR 660-015-0000(10))

Goal 10 requires local jurisdictions to provide for the housing needs of its citizens and provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas developed or undergoing development or redevelopment.

The Program imposes additional standards in hazard areas but:

- Does not categorically prohibit residential development in most areas
- Allows development in the Managed Development Area subject to mitigation
- Allows for a Transfer of Density Rights in the Limited Development Area
- Does not significantly reduce buildable lands inventory as the high hazard areas had already been identified as unbuildable.

FINDING – SATISFIED: The City has considered the effect on housing capacity and finds that adequate land remains available to meet identified housing needs. The City finds the requirements of Goal 10 satisfied.

Oregon Land Use Goal #11 (Public Facilities and Services – OAR 660-015-0000(11))

Goal 11 requires cities to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The Program:

- Discourages siting of essential facilities in high hazard areas
- Encourages resilient design of infrastructure
- Is coordinated with the City's Public Facilities Plan

FINDING – SATISFIED. The City finds the requirements of Goal 11 satisfied.

Oregon Land Use Goal #12 (Transportation -OAR 660-015-0000(12))

Goal 12 encourages the provision of a safe, convenient and economic transportation system. This goal also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in coordination with urban and rural development (OAR 660-012-0000(1)).

McMinnville updated its Transportation System Plan in 2010. The plan assumes need to serve 46,220 people and 19,600 employees. As part of its ongoing public facility master planning updates, the City of McMinnville will initiate an update to the Transportation System Plan in 2024, with a goal to adopt an updated plan by the end of 2026 to account for service needs to accommodate land brought into the UGB in 2020.

The Program supports transportation system resilience by:

- Identifying hazard risks to transportation infrastructure
- Encouraging hazard-aware siting and design

The Program does not conflict with the Transportation System Plan.

FINDING – SATISFIED. The City finds the requirements of Goal 12 satisfied.

Oregon Land Use Goal #13 (Energy Conservation – OAR 660-015-0000(13))

Goal 13 requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

FINDING – SATISFIED. By reducing hazard-related damage and reconstruction, the Program supports efficient energy use and long-term sustainability. The City finds the requirements of Goal 13 satisfied.

Oregon Land Use Goal #14 (Urbanization- OAR 660-015-0000(14))

Goal 14 requires the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The Program:

- Applies within the existing UGB
- Does not require UGB expansion
- Maintains adequate land supply

Hazard constraints have been considered in land use planning and do not undermine urbanization policies.

FINDING – SATISFIED: The City finds the requirements of Goal 14 satisfied.

Oregon Land Use Goal #15 - #19 (Willamette River Greenway and Coastal Goals)

Goals 15 – 19 are location specific and are applicable only to the Willamette River Greenway and to coastal areas. Since the City is not located on the Willamette, nor is it a coastal city, these Goals do not apply to the adoption of the PROS Plan.

FINDING – NOT APPLICABLE.

Overall Conclusion:

Based on the foregoing findings, the City of McMinnville concludes that the adoption of the Natural Hazards Planning Program is consistent with the applicable Oregon Statewide Planning Goals, particularly Goal 7, and is supported by an adequate factual base.

The Program represents a balanced approach that protects public health, safety, and welfare while allowing for reasonable development consistent with statewide planning requirements.

McMinnville 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 II. NATURAL RESOURCES

GOAL II 1 TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policies:

2.00. The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.

9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Proposals:

0.50 The City should develop, adopt and maintain a Natural Hazards Inventory as part of the McMinnville Comprehensive Plan (Volume I). The inventory shall include maps and text that identify the location, type and risk level for three types of natural hazards: geological hazards (including steep slopes, earthquakes and landslides), flood hazards (land within the 100-year floodplain) and wildfire hazards within the urban growth boundary and the unincorporated land outside of the urban growth boundary.

0.75 The City should develop and adopt a Natural Hazards (NH) overlay zone to manage the cumulative effects of inventoried natural hazards within the urban growth boundary on people and property.

CHAPTER IX. URBANIZATION

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

Policies:

181.10 When evaluating areas for future urbanization, the City shall consider the "7 Guiding Principles for Future Land Use" contained in the MGMUP:

1. ***Principle 1: Land Use Law.*** *Comply with state planning requirements*
2. ***Principle 2: Historical Development Patterns.*** *Respect existing land use and development patterns and build from them.*
3. ***Principle 3: Hazards and Natural Resources.*** *Avoid development in areas of known hazards or natural resources*

4. ***Principle 4: Cost of Urban Services.*** *Consider the availability and cost of providing urban services to new development.*

5. ***Principle 5: Density.*** *Adopt policies that allow the market to increase densities, and push it to do so in some instances.*

6. ***Principle 6: Traditional Development.*** *Consistent with principles 4 and 5, allow and encourage development that meets the principles of "smart growth."*

7. ***Principle 7: UGB Expansions.*** *Contain urban expansion within natural and physical boundaries, to the extent possible. (Ord 5098, December 8, 2020)*

181.70 Where there is significant potential for harm to people and property due to hazards, the City should apply precautionary principles in evaluating whether land should remain outside the UGB, or whether there are sufficient opportunities to enable inclusion of land in the UGB subject to mitigation measures accompanying the increased intensity of population and development that would occur as the result of urbanization.. (Ord 5098, December 8, 2020)

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

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

Service Providers:
- *McMinnville Water and Light: Water Distribution System Master Plan*
- *Yamhill County Transit: Transit System Master Plan. (Ord. 5098, December 8, 2020)*

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. Over the five year process to develop the plan, the public was involved in the following ways:
- The City developed a project website
- Public information sessions were held online
- The City's Planning Commission met 5 times in work session between 2021 – 2026.
- The City's City Council met 4 times between 2021 – 2026.
- The City sent out a Measure 56 notice to all impacted property owners and met with property owners one-on-one to discuss their concerns.
- The Planning Commission hosted four public hearing dates where public testimony was heard.

The City provided multiple opportunities for public involvement in the development of the Natural Hazards Planning Program, including public information sessions, work sessions with the Planning Commission and City Council, and Planning Commission public hearings. Notice was provided consistent with local code and state law. Stakeholders, including property owners, partner agencies, and affected service providers, were invited to participate.

The Program reflects community input regarding risk tolerance, mitigation priorities, and implementation strategies.

VI. CONCLUSIONARY FINDINGS – GENERAL CONCLUSIONS:

ECONOMIC USE OF PROPERTY

FINDINGS: The Program does not deprive property owners of all economically viable use of their land because:

- Development is allowed in most hazard areas subject to mitigation
- Only the highest-risk areas may be subject to more restrictive limitations, and even in those areas:
    - Low-intensity uses may be permitted
    - Existing uses may continue
- The Program does not render property valueless or unusable

The City further finds that:

- A wide range of economically viable uses remain available across affected properties
- The regulations are proportional to the level of hazard risk

RESPONSE TO TESTIMONY REGARDING ACCURACY AND RELIABILITY OF HAZARD DATA

Issue Raised

During the public process, some commenters questioned the accuracy, resolution, and reliability of the hazard data underlying the Natural Hazards Planning Program, including concerns that mapped hazard areas may overstate or understate risk on individual properties.

Applicable Legal Standard – “Best Available Information”

FINDINGS:

The City’s obligation under Goal 2 (OAR 660-015-0000(2)) and Goal 7 (OAR 660-015-0000(7)) is to base its planning decisions on an adequate factual base, not perfect or site-specific certainty.

Oregon land use law does not require:

- Parcel-level precision for legislative mapping; or
- Elimination of all uncertainty in hazard identification

Rather, the City must rely on the best available information at the time of adoption, consistent with:

- State agency guidance
- Accepted scientific and technical sources
- Reasonable planning-level analysis

Use of Best Available Scientific and Technical Data

FINDINGS

The Natural Hazards Planning Program relies on data developed and maintained by recognized expert agencies, including:

- Oregon Department of Geology and Mineral Industries (landslide and seismic hazard mapping)
- Federal Emergency Management Agency (flood hazard mapping)
- Oregon Department of Land Conservation and Development (Goal 7 guidance and coordination)

These datasets represent:

- The most current, peer-reviewed, and regionally consistent information available
- Data specifically intended for planning and regulatory use at the local government level

The City finds that reliance on these sources is both reasonable and necessary to meet statewide planning requirements.

Testimony from State Agency Experts

FINDINGS:

The record includes testimony from representatives of:

- Oregon Department of Geology and Mineral Industries
- Oregon Department of Land Conservation and Development

Indicating that:

- The mapped hazard data used by the City constitutes the best available information for planning purposes;
- The data is appropriate for use in comprehensive planning and implementing regulations; and
- Local governments are expected to rely on such data when addressing Goal 7 requirements.

The City gives substantial weight to this expert testimony, as these agencies are charged by the State of Oregon with developing and interpreting hazard data and implementing statewide planning goals.

Legislative Mapping vs. Site-Specific Conditions

FINDINGS:

The City acknowledges that:

- Hazard maps are planning-level tools that may not reflect precise conditions on every individual property; and
- Some properties within mapped areas may experience lower or higher risk than generally indicated.

However, the City finds that:

- Legislative adoption of hazard overlays is appropriately based on area-wide data;
- The Program includes mechanisms for site-specific analysis, where warranted, such as:
    - Geotechnical reports
    - Floodplain studies
    - Other professional evaluations

These provisions ensure that the regulations are both scientifically grounded and flexible enough to address site-specific conditions.

Risk of Inaction

FINDINGS:

The City further finds that declining to act due to perceived data limitations would:

- Be inconsistent with Goal 7 requirements to reduce risk to life and property;
- Increase the likelihood of damage, loss, and public safety impacts; and
- Shift foreseeable risks to future property owners, residents, and public agencies.

Where uncertainty exists, it is reasonable and appropriate for the City to act conservatively to protect public health and safety.

Ongoing Data Refinement

FINDINGS:

The Program allows for:

- Future updates as improved data becomes available;
- Amendments to mapped hazard areas through legislative or quasi-judicial processes;

This ensures that the City's regulatory framework can evolve with advances in scientific understanding.

BURDEN OF PROOF AND SUBSTANTIAL EVIDENCE

Applicable Legal Standard

FINDNGS: Under Oregon land use law, a legislative land use decision must be supported by substantial evidence in the whole record and accompanied by findings that explain the basis for the decision.

"Substantial evidence" means evidence that a reasonable person would rely upon to reach a conclusion. The standard does not require that the evidence be:

- Uncontested;
- Free from uncertainty; or
- The only possible interpretation of the facts.

Rather, where the record contains conflicting evidence, the City, as the decision-maker, is responsible for:

1. Weighing that evidence; and
2. Explaining why it finds certain evidence more persuasive.

BURDEN OF PROOF IN LEGISLATIVE DECISIONS

FINDINGS:

In a legislative proceeding such as this, the City is not required to disprove every assertion raised in opposition. Instead:

- The City must demonstrate that its decision is supported by an adequate factual base and reasoned analysis;
- Opponents bear the burden of showing that the City's findings are not supported by substantial evidence or fail to address applicable approval criteria.

Generalized disagreement with adopted data sources or policy choices does not, by itself, invalidate a legislative decision.

EVALUATION OF CONFLICTING EVIDENCE IN THE RECORD

FINDINGS:

The record includes testimony both supporting and questioning the hazard data and mapping.
The City finds that:

- Evidence provided by recognized expert agencies, including
    - Oregon Department of Geology and Mineral Industries and
    - Oregon Department of Land Conservation and Development,
      is more persuasive and entitled to greater weight than generalized or anecdotal testimony;
- The expert testimony confirms that the data used by the City represents the best available information for planning purposes;
- Testimony asserting that maps are imperfect or should be refined does not undermine their validity for legislative adoption, particularly where the Program allows for site-specific analysis.

RATIONAL CONNECTION BETWEEN EVIDENCE AND DECISION

FINDINGS:

The City has established a clear and rational connection between:

1. The evidence in the record, including hazard datasets, technical materials, and expert testimony; and
2. The conclusions reached, including:
    - Adoption of hazard overlay areas
    - Application of mitigation and protection standards
    - Allowance for site-specific refinement

The City's approach reflects a reasoned balancing of:

- Scientific uncertainty;
- Statewide planning requirements; and
- The need to protect public health, safety, and welfare.

SUFFICIENCY OF THE RECORD

FINDINGS:

The City finds that the record, taken as a whole, contains substantial evidence supporting the decision, including:

- Hazard mapping and technical data from state and federal agencies
- Testimony from subject matter experts
- Public input and local knowledge
- Planning analysis applying the Statewide Planning Goals

This body of evidence is sufficient for a reasonable decision-maker to conclude that the Program complies with applicable legal standards.

VII. CONCLUSION:

FINDINGS: The City finds that:

- The Natural Hazards Planning Program is based on an adequate factual base as required by Goal 2;

- The City has relied on the best available scientific and technical information, including data and testimony from DOGAMI and DLCD;

- The use of planning-level hazard mapping is appropriate and legally sufficient for legislative adoption; and

- The Program appropriately balances scientific uncertainty with the need to protect public health, safety, and welfare.

Pence CONTRACTORS

LAKE OSWEGO 5400 Meadows Road, Suite 410, Lake Oswego, OR 97035
BEND 1051 NW Bond Street, Suite 310, Bend, OR 97701

pence.net, CCB: OR 239463

April 27, 2026

Adam D. Garvin
City Manager
City of McMinnville

RE: McMinnville Aquatic Center Restoration – Opinion of Cost Estimate

Dear Adam,

Based on the design plans and the clarifications outlined below, Pence Contractors is pleased to present our Opinion of Cost Estimate for restoration of the McMinnville Aquatic Center to make the facility last 40 plus years.

Description	Area	Unit	Unit Cost	Total
Renovation of the main pool building	28,000	gfa	$953.57	$26,700,000
Addition of 10, 000 sqft office space	10,000	gfa	$460.00	$4,600,000
100 stall parking addition	1	lsum	$1,000,000.00	$1,000,000
Total Cost				**$32,300,000**

01 – General

1. The estimate has been prepared using the following documents:
    a. Design Plans provided by Kramer Chin & Mayo Inc dated 01/26/ 1985
    b. City of McMinnville Facilities & Recreation Master Plan & Feasibility Study dated 01/06/2020
    c. Pence Narrative and Clarifications (this document)
2. The estimate assumes a preliminary construction duration of approximately Sixteen (16) months from Notice to Proceed and issuance of the primary building permit through substantial completion. **Please note that the initial remodel is 12 months and the added 10,000 sqft is an additional 4 months for a total of 16.**

Contingencies:

    a. Design and estimating contingency: 25% of cost of work
    b. Pence recommends Owner carry 32% for soft costs

3. Builder's risk insurance is excluded and will be provided by the Owner.
4. The estimate includes escalation to Spring of 2028.
5. Work is based on standard daytime construction hours; no night work is assumed.
6. Prevailing wage rates are included.
7. Costs associated with tariffs are not included.

Roof Replacement

1. Demolition of the existing roof and replacement with a new standing-seam metal roofing assembly with rigid insulation (approximately 38,000 sq ft).
2. Repair of existing sheathing for approximately 25% of the roof area.
3. New gutters, downspouts, and roof-related flashings.
4. New skylights at existing skylight locations.

Remove and Replace Metal Siding (Except EIFS)

1. Scope includes removal and replacement of all exterior metal siding down to the weather barrier. New prefinished metal siding to match existing (e.g., AEP Span ribbed siding).
2. Patch weather barrier as needed.
3. No replacement of existing structure or insulation behind the metal siding is included.
4. Replacement of existing EIFS is not included.

Painting All Walls (Interior and Exterior)

1. Estimate includes painting of all interior walls and ceilings, as well as hollow metal (HM) doors and frames.
2. Exterior scope includes painting of all new and existing EIFS, columns, and canopies.

Treat All Exposed Wood

1. Scope includes cleaning and staining all exposed wood at columns, the pool ceiling, and exterior soffits only.

Remove, Replace, and Upgrade All HVAC, Plumbing, and Pool Mechanical Systems

1. Demolition and replacement of all units, condensers, grilles, registers, and ductwork with new mechanical equipment, ducting, and controls.
2. Demolition and patch-back of concrete for new plumbing and pool piping, excluding work at the pool base.
3. Complete demolition and replacement of pool equipment and piping from the pool to the mechanical room.
4. Below-pool piping scope assumes abandoning existing piping in place and installing new drainage piping, including slab demolition and replacement for approximately 40% of the slab area.
5. All new plumbing piping below and above grade, including all new fixtures.

Remove and Replace All Window and Door Systems

1. Remove and replace all interior and exterior hollow metal and storefront doors, frames, and hardware.
2. Remove and replace the exterior storefront window system in-kind.
3. Interior window replacement is not included.

Plaster the Pools, Add Tile Lane Markings, and Restore Existing Tile

1. Patch concrete walls and pool floor; install new plaster on floors and walls.

2. Install new tile at pool perimeter and lane markings.
3. Remove and replace 100% of pool decking.

Add Elevator to Bleachers

1. New two-stop elevator addition comprising of a machine-room-less (MRL) elevator.
2. CMU structure with EIFS finish.
3. New lobby enclosure and storefront doors to separate the elevator from the pool climate.

Demolish and Rebuild Complete East Section of the Building

1. Demolish the east section of the building including foundation, mechanical, weight rooms, storage, jet pool, and associated restrooms.
2. New addition (approximately 5,600 sq ft) with new wood-framed structure with EIFS finish, new metal roofing, skylights, new interior finishes, jet pool, and new MEP systems.
3. Estimate includes restoring landscaping along the street and restoring paved surfaces as required.
4. Street improvements are not included; this estimate assumes the renovation will not disturb existing streets.

Construct a Separation of the Pool Space from Staff Space

1. Add new CMU wall with footings to enclose the pool space, including new glazing overlooking the pool area.
2. Provide new reception casework.

Remodel the Locker Spaces to Provide Family Changing Rooms and Private Showers

1. Each locker room (men's and women's) to receive three new changing rooms and three single-use showers with doors, new wall tile, and shower pans.
2. No modifications to existing shower areas unless walls are relocated to accommodate new changing rooms and showers.
3. Provide 70 new lockers (35 per locker room).
4. New epoxy flooring throughout the locker rooms.
3. New storefront pair of doors at locker room entries from the pool to provide a separation barrier from the pool environment.
5. All new plumbing fixtures.

Provide Security Upgrades

1. The estimate includes an allowance of $12/sf for building light fixtures.
2. New PA system and upgrades to the existing fire alarm and telecom systems.
3. Estimate includes access control for staff-only areas and new video surveillance (10 cameras).
1. Wi-Fi devices (active equipment to be provided by others).
2. Access control system allowance is based on six (6) door locations.

Proposed 100-Stall Parking

1. The estimate includes construction of a new parking area on the west side of the property, adjacent to the primary building entrance, consisting of 100 parking stalls and a bus loop.
2. The scope includes demolition and removal of existing landscaping and parking improvements.

3. Cut-and-fill operations are included to achieve finished grade, together with construction of a new retaining wall along the south property line.
4. Work includes new 3.5-inch asphalt-concrete paving, base aggregate, landscaping, sidewalks, curbs, and stormwater connections to existing infrastructure.
5. This estimate does not include a stormwater detention system.

Proposed 10,000-SF Building Addition

1. Construct a new, two-story addition on the west side of the property.
2. The scope includes a wood-framed structure, foundations, EIFS exterior finish, storefront glazing, and new metal roofing.
3. Associated demolition of existing structures and site work required to tie into the new addition is included.
4. Work includes new interior finishes, two restrooms, and building openings to accommodate the proposed office space.
5. Provide a new ductless split system to serve the addition, along with upgrades to the existing electrical service, new lighting, and extensions of plumbing and fire-suppression services to the addition.
6. This estimate does not include FF&E, equipment, furnishings, or casework.
7. This estimate assumes the proposed new elevator will serve the addition.
8. Included is demolition of existing landscaping, together with associated earthwork and utility extensions required for the revised layout.
9. This estimate does not include demolition or relocation of existing play structures.

Standard Clarifications

1. System development charges; permit, plan-review, and utility engineering fees; utility aid-to-construction charges; city utility connection and improvement fees; franchise utility and development fees; and utility bills are excluded, as these are to be provided by the Owner.
2. Special inspection costs, geotechnical observation costs, other inspection costs, and any job-specific bonds are excluded; these are to be provided by the Owner.
3. Utility company fees and charges associated with relocating telephone, cable, and power services underground are excluded; these are to be provided by the Owner.
4. Site security, if required, is to be provided by the Owner. Pence will provide standard jobsite fencing, site lighting, and a job-site progress camera as part of general site management.
5. Testing, demolition, removal, transportation, and/or disposal of hazardous materials or contaminated soils are excluded. If encountered, removal is to be provided by the Owner.
6. Over-excavation of soils, or replacement thereof, is excluded. Soil remediation or stabilization is not included; if required, it will be an additional project cost incurred by the Owner.
7. Costs associated with access to adjacent properties, including any costs for leasing adjacent property for construction use and/or staging, are excluded.
8. LEED-related provisions and associated costs of any kind are excluded.
9. Deferred submittals and associated costs are excluded.

Pence CONTRACTORS

LAKE OSWEGO 5400 Meadows Road, Suite 410, Lake Oswego, OR 97035
BEND 1051 NW Bond Street, Suite 310, Bend, OR 97701

pence.net, CCB: OR 239463

Thank you for the opportunity to provide this Opinion of Cost Estimate. Please do not hesitate to contact us should you have any questions.

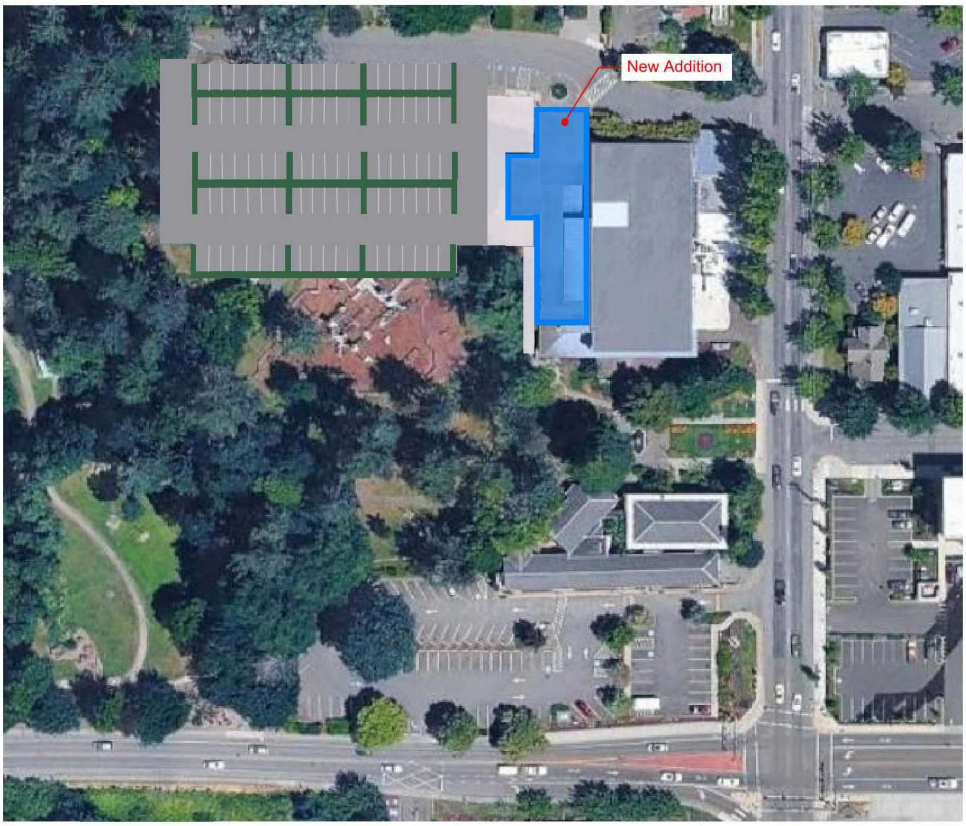
Sincerely,

Ruchi Yadav
Director of Preconstruction
Pence Contractors, LLC

Aquatic Center Renovation Concept Study
Site Plan

PROS
- Increased parking to 100 stalls
- Bus drop-off

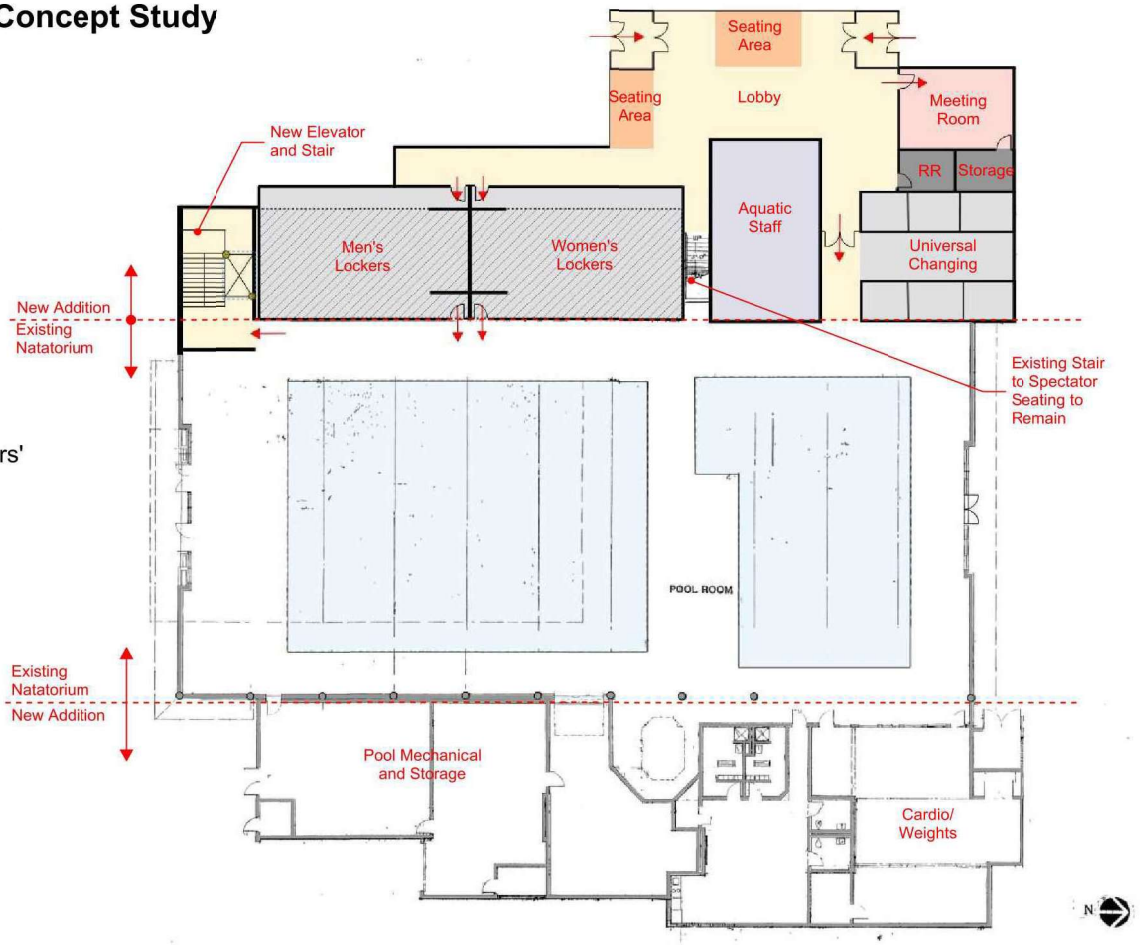
CONS
- Loss of community park space



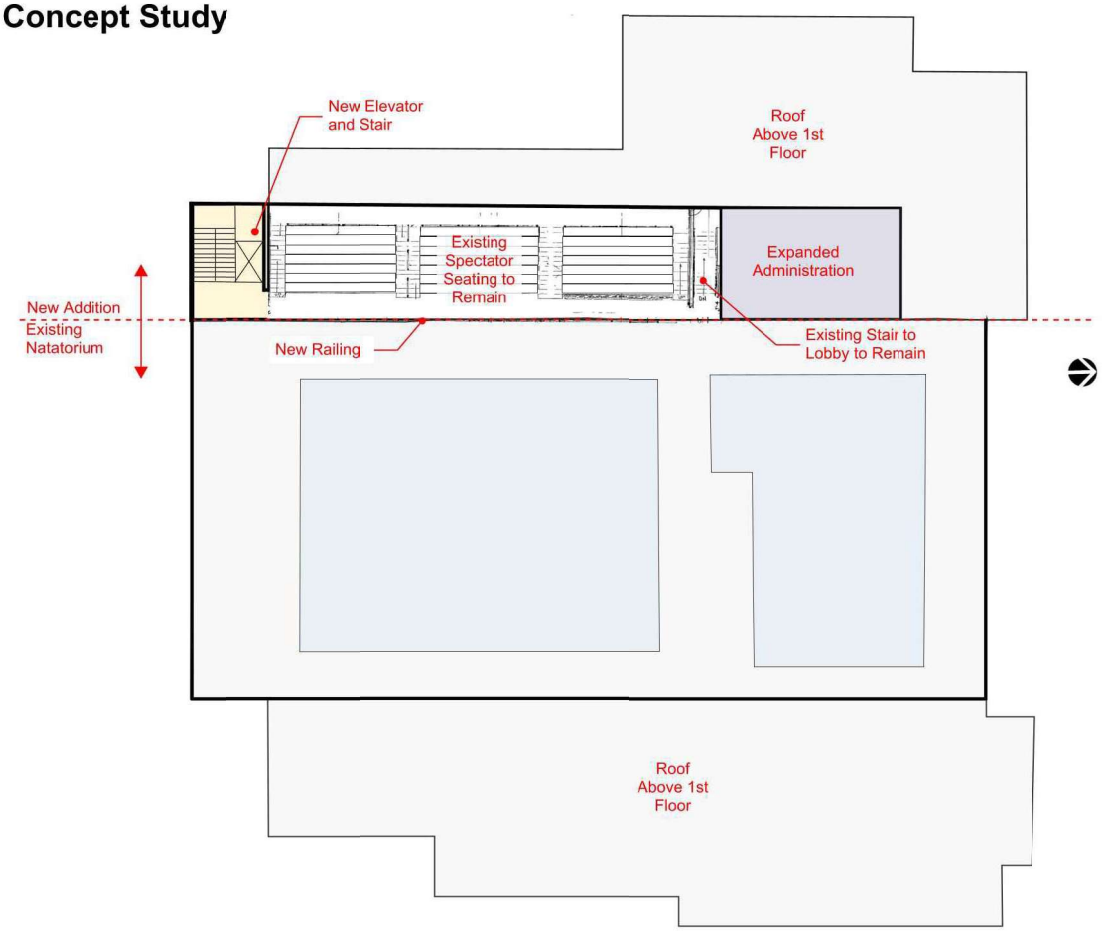
Aquatic Center Renovation Concept Study
1st Floor with Addition

PROS
- Improved pool access
- Improved stair/elevator access
- Expanded administrative/staff space
- Improved locker room flow
- Added Universal changing rooms
- Improved HVAC

CONS
- Pool closure displaces local swimmers' access for 16 months with addition
- No zero-depth entry to Rec Pool
- Minimal "dry-side" amenities impact operational budget
  - No childcare
  - No party rooms with views to pool
  - No gymnasium
  - No gymnastics space
  - Minimal Cardio/Weight area



Aquatic Center Renovation Concept Study
Mezzanine with Addition



APPRAISAL REPORT

Parks & Recreation Property (Former Armory)
600 NE Evans Street
McMinnville, Oregon 97128
As of February 10, 2026 (DOV)

PREPARED FOR

City of McMinnville
Attn: Mr. Adam Garvin, Interim City Manager
231 NE 5th Street
McMinnville, Oregon 97128

PREPARED BY

RSP & Associates LLC
Ryan S. Prusse, MAI
email - ryan@rspa-pdx.com
PO Box 365
Wilsonville, Oregon 97070
(503) 805-4059

AF #26011

RSP & Associates LLC
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(503) 805-4059
www.rspa-pdx.com

March 13, 2026

City of McMinnville
Attn: Mr. Adam Garvin, Interim City Manager
231 NE 5th Street
McMinnville, Oregon 97128

Subject: Appraisal Report
Parks & Recreation Property (Former Armory)
600 NE Evans Street
McMinnville, Oregon 97128

Dear Mr. Winebrenner:

At your request, we have prepared an appraisal report valuing the McMinnville Parks & Recreation property in McMinnville, Oregon. Legal description of the property is furnished in the Addenda of the attached appraisal report. Additionally, abbreviated descriptions of the subject site and improvements are included in the body of the attached report.

The purpose of this appraisal is to estimate the **market value** of the subject property, in **fee simple** as of **February 10, 2026**. The property is appraised on an "as is" basis with specific consideration assigned to existing site/building conditions, occupancy agreements for which the market would view as persistent, and most probable buyer analyses. The report will function as a basis of market value for use in portfolio valuation (intended use) by the owner and its designated assignees (intended users).

This report is prepared in compliance with current Uniform Standards of Professional Appraisal Practice (USPAP), as formulated by the Appraisal Foundation. Reference to the Assumptions and Limiting Conditions section of the attached report is recommended for a complete understanding of the basis on which the value conclusion is predicated. In this appraisal we relied upon client/owner disclosure of operating data, historic costs/maintenance and current occupancy/rents.

A copy of the client authorization is included in the Addenda of the attached appraisal report. The signatories of this report have sufficient education and experience in valuing similar properties to satisfy the competency rule of the Uniform Standards. The reported value was not based upon a requested valuation or on specific loan approval.

The appraisal scope included on-site inspection of the building/site, review of historic documents, photography, and collection of pertinent legal documentation such as assessor information and zoning ordinance(s). Further, market research was conducted to ascertain current pricing parameters employed by prospective buyers of the subject property. In this regard multiple specific market

surveys were undertaken to yield an ample/sufficient volume of lease/rental and sale data mirroring location, physical and economic attributes of the subject property.

It is our opinion the **market value** of the subject property, in **fee simple**, estimated as of **February 10, 2026,** was **$5,730,000**.

The basis for these conclusions is explained in detail in the contents of the attached appraisal report. If additional clarification is needed, please do not hesitate to contact our office.

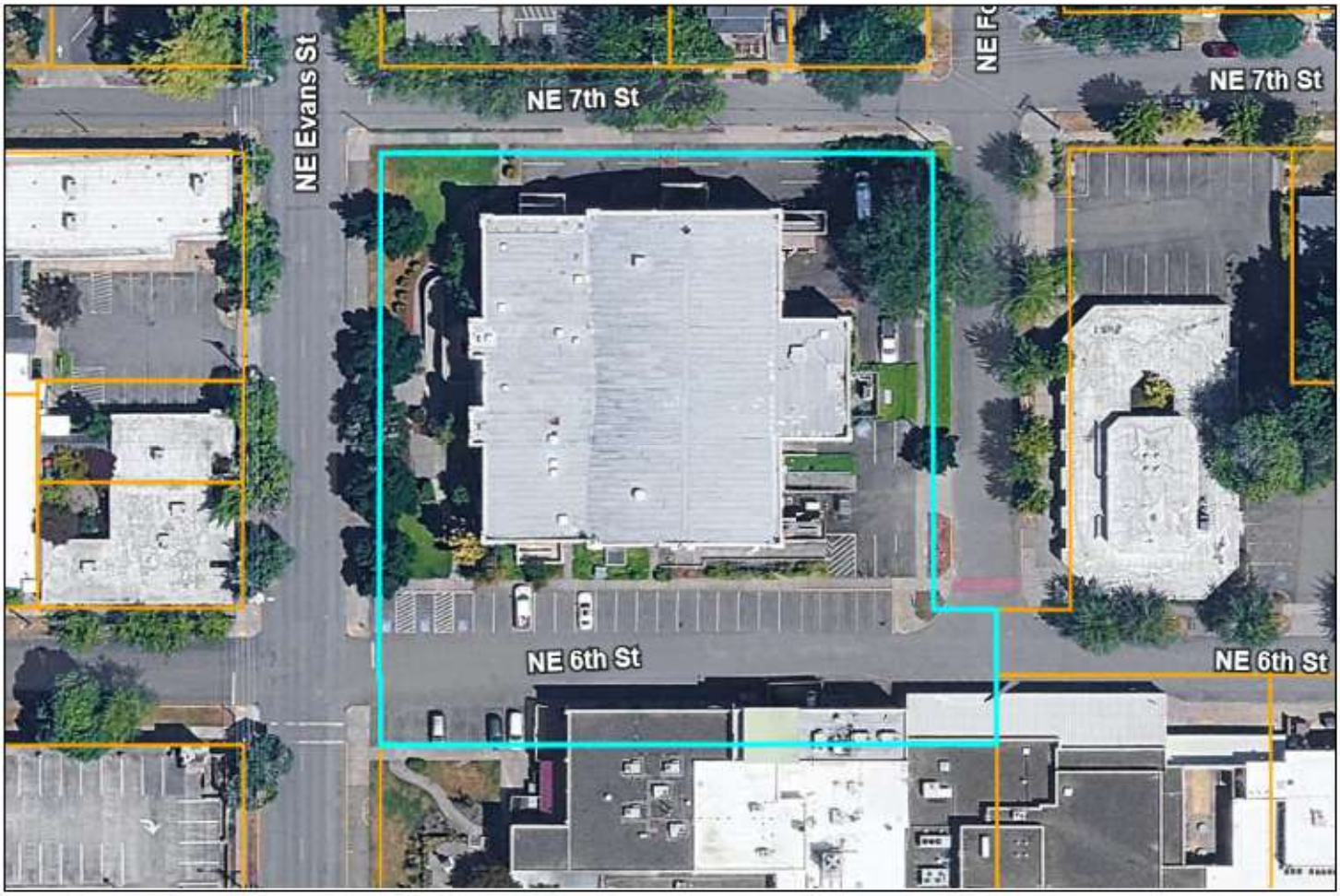
Sincerely,

RSP & ASSOCIATES LLC



Ryan S. Prusse, MAI
Oregon Appraiser Certification No. C000498

EXECUTIVE SUMMARY



Location:	600 NE Evans Street McMinnville, Oregon 97128
Property Type:	Institutional - Community Center
Assessor's Map & Parcel(s):	4S-4W-21BB Tax Lot 16700
Reference Account(s):	162200 Yamhill County, Oregon
Area in Site(s):	64,035 SF (1.47 gross acres)
Zone:	C3 (General Commercial) City of McMinnville, Oregon
Flood Zone Designation:	Zone X (outside flood plain) FIRM #41071C 0404D, eff. March 2, 2010

Added on 04.29.2026

Amended on 04.29.2026

Special Hazards: No known hazards

Site: Located just three blocks east of Highway 99W and immediately north of McMinnville's downtown core, subject is an entire city block bounded by NE 6th, 7th, Evans, and Ford Streets. The site is accessible via each of the abutting streets, with the main building entrance facing Evans Street (west) and several surface parking lots with space for 53 vehicles. Topography is level and vehicular/pedestrian access is at street grade, and all public utilities are available.

Improvements: The subject property was originally constructed in the early-1920s as an armory for the National Guard and measures approximately **54,592 SF (GBA).** The facility was converted to civic/recreation facility usage during the 1980s, with significant structural, life/safety, ADA-accessibility and utility upgrades from the mid-1990s to present day. The elevator-served building accommodates a range of community recreation programs, youth activities, fitness uses, and public gatherings.

The facility includes two stories plus a full daylight basement. Building materials consist of original multi-wythe brick masonry walls atop concrete foundations, with wood/timber-framed floor and roof systems over original straight sheathing (and plywood). The exterior is predominantly original brick masonry with decorative façade(s) and parapet walls, with modified CMU infill at former window/door openings. Exterior walls have been significantly steel-reinforced since the 1990s for protection against seismic events; including both cross-bracing and embedded posts/girders. The lower-level is a concrete slab-on-grade, mixed concrete/stone/brick walls, timber structural columns, and mixed drywall or lath/plaster interior finishes with updated wood/vinyl/metal trim materials.

The main floor features a central reception desk and open staircase. The original drill/assembly hall has been converted to a gymnasium with hardwood flooring (like new) and an elevated stage opposite retractable bleachers. There is a fully-enclosed racquetball/handball court along the east side of the building. Off of the main entry/reception lobby are administrative offices, classrooms, ADA-sized rest rooms, a kitchen, storage areas, and multipurpose rooms. The second floor includes a perimeter mezzanine running/walking track overlooking the gym floor. There is also a sound and light control room, assembly/dining rooms (Rooms 201 and 203, each accommodating over 120 occupants), smaller meeting rooms, a kitchenette, storage, and rest rooms. The lower level includes multiple classrooms/multipurpose rooms of varying capacities, men's and women's locker rooms, maintenance and mechanical rooms, an HVAC (boiler) area, and several storage areas.

Please reference the Subject Photographs of this report for detailed descriptions and imagery of the building. No significant deferred maintenance was noted at time of inspection.

Occupancy: Public/institutional – cultural, recreational, educational, administrative

Highest & Best Use (vacant):	Medium-density, mixed-use commercial development (urban)
Highest & Best Use (improved):	Existing institutional/community occupancy or conversion to church/school specific use
Estimated Marketing Period:	Three to six months

Added on 04.29.2026
13 of 14
Amended on 04.29.2026
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EXECUTIVE SUMMARY (Cont.)

Market Value Indications	
Cost Approach:	Not developed
Income Capitalization Approach:	Not developed
Sales Comparison Approach:	$5,730,000
Market Value Conclusion:	**$5,730,000**
Interest Appraised:	Fee simple
Date of Inspection:	February 10, 2026
Date of Value:	February 10, 2026
Appraiser(s):	Ryan S. Prusse, MAI

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