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

# City Council Meeting Agenda
## Tuesday, May 12, 2026
## 7:00 p.m. – City Council Regular Meeting
## REVISED 05/07/2026

*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.*

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

***CITY COUNCIL REGULAR MEETING:***
*You may join online via Zoom Webinar Meeting:*
*https://mcminnvilleoregon.zoom.us/j/82607179691?pwd=QCEyyFd3UY0hwyaAnB6AHQdzNYEKI6.1*
*Or you can call in and listen via Zoom: 1-253- 215- 8782*
*Webinar ID: 826 0717 9691*

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

1. CALL TO ORDER & ROLL CALL

2. PLEDGE OF ALLEGIANCE

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

4. NEW BUSINESS (Action Item)
   a. McMinnville Water and Light Commission Appointment.

5. PUBLIC HEARING
   a. Public Hearing regarding **Ordinance No. 5180**: An Ordinance annexing to the City of McMinnville Tax Lot R4430AD00100.

b. Public Hearing regarding **Resolution No. 2026-20**: A Resolution Adopting a Planning and Engineering Fee Schedule for the City of McMinnville and Repealing Prior Resolutions Establishing Such Fees.

6. CONSENT AGENDA
   a. Consider the Draft Minutes of the December 17, 2025 Joint City Council & Planning Commission Work Session Meeting.
   b. Consider the Draft Minutes of the December 17, 2025 Special Called City Council Meeting.
   c. Consider the Draft Minutes of the January 13, 2026 City Council Work Session & Regular Meeting.
   d. Consider the request from Hundred Suns Wine LLC for Winery – Non-Consumption, OLCC Liquor License located at 1445 NE Miller Street, Unit D#1.
   e. Consider **Resolution No. 2026-26:** A Resolution accepting Federal Aviation Administration and State of Oregon Department of Aviation grant awards and authorizing the City Manager to execute the grant agreements.
   f. Consider **Resolution No. 2026-27:** A Resolution awarding the Airport Perimeter Fence and Supplemental Wind Cone construction project contract to Dallum Build Company.
   g. Consider the request from Mano Cornuto LLC for Winery – Non-Consumption, OLCC Liquor License located at 760 NW 11th Street, Suite A. **(Added on 05.07.2026)**
   h. Consider the request from Winderlea, LLC for Winery – Non-Consumption, OLCC Liquor License located at 829 NE 5th Street, Suite 700. **(Added on 05.07.2026)**

7. RESOLUTIONS
   a. Consider **Resolution No. 2026-20:** A Resolution Adopting a Planning and Engineering Fee Schedule for the City of McMinnville and Repealing Prior Resolutions Establishing Such Fees.
   b. Consider **Resolution No. 2026-28:** A Resolution authorizing the City Manager to execute a contract amendment to the 2024 Goods and Services Contract (Project 2024-2) with City Sweepers, LLC, to provide downtown sweeping services.

8. ORDINANCES
   a. Consider the second reading of **Ordinance No. 5174:** An Ordinance memorializing the City Council's decision for the McMinnville Industrial Promotions appeal of the Planning Commission's approval of MP 6-25.
   b. Consider the 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.
   c. Consider the first reading with a possible second reading of **Ordinance No. 5179:** An Ordinance approving a Zone Change to the R-3 Medium-Density, 6000 SF Lot Residential Zone (Docket ZC 2-24) and approving a Tentative Subdivision Plan (Docket S 2-24) for Tax Lots R4430AD 00100 and R4430AD 00201 upon annexation of Tax Lot R4430AD 00100 into the City limits, with both tax lots totaling approximately 2.7 acres, located at 1465 and 1525 SW Cypress Ln.
   d. Consider the first reading with a possible second reading of **Ordinance No. 5180:** An Ordinance annexing to the City of McMinnville Tax Lot R4430AD00100.

9. ADVICE/ INFORMATION ITEMS
   a. Reports from Councilors on Committee & Board Assignments
   b. Department Head Reports

**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.

c. March 2026 Cash and Investment Report (in packet)
d. 3rd Quarter Financial Report (in packet)
e. 3rd Quarter ARPA Report (in packet)

10. 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.

| | |
|---|---|
| **From:** | Matthew Bertrand |
| **To:** | Noelle Amaya; Suzanda Branson; Evan Hietpas; James Howe; Jody Christensen; Katie Land; Matthew Deppe; Randy Rathert; Stuart Ramsing; Tom Schauer; Cord Wood; Dan O"Loughlin; Scott Fessler; David Renshaw; Geoffrey Hunsaker; Claudia Cisneros; Vicki Hedges; News Register; City Recorder Team; Sal Peralta; Daniel Tucholsky; Zack Geary; Scott Cunningham |
| **Subject:** | Re: Nuisance Trees That The City Planted And Somehow We Are Responsible For Your Mistake |
| **Date:** | Tuesday, April 28, 2026 2:07:29 PM |

This message originated outside of the City of McMinnville.

A few more words…Class Action Lawsuit! The city doesn't have immunity when your actions have caused real property damage. I bet there are more than a few people in this city who'd like to join as a class to sue for damages and against idiocy.

On Apr 28, 2026, at 2:01 PM, Matthew Bertrand [redacted] wrote:

Since I have not received a reply, I'll assume that you the city don't care. Imagine if this were your property. You'd be incensed. You the city messed up, and instead of acting like a responsible public agency and owning your error, you're pushing this problem onto a citizen who had literally no part in any of the process. If we had been involved in the process we'dve certainly caught the problem and wouldn't have planted nuisance trees. Aside from it not being our fault or responsibility on any conceivable level, your trees are damaging our property. They have invaded my grass and irrigation, even across the sidewalk into our yard. They over hang our property, we own our property lol, we didn't ask for your garbage trees to hang over our yard and cause issues. If you were a neighbor, we'd cut back any over hang, and cut back any roots on our side of the property. As it stands, I'm done caring for these trees. I will take 20% of the canopy off this summer, and again next summer. I'm done watering them, I'm done with any maintenance of any kind. You the city put us the property owner in an untenable position, you planted trees that are a known problem. This is inequitable. Again, our neighbors with appropriate trees are not going to have to incur any additional costs to maintain or manage the trees adjacent to their homes. We will absolutely have to spend money to deal with this bs. How is that equitable? You the city are just shrugging at us. Perhaps I'll start a landscape business, get a contract with the city and plant nuisance trees, then I'll be all like "well, they're not on my property so they're not my problem," or "I guess it's your responsibility to maintain and manage them now, oops." Lmfao you guys are about as smart as a box of rocks. I know that any single one of you would be pissed if this happened to you. You the city are smirking whilst telling us that it's our responsibility to manage your mistake with our own money. This is reason number one why this city is a joke, other reasons are appointing Adam Garvin to City Manager lol, while he's a nice guy, cmon, seriously? There are immensely more qualified people. Zack Geary is another, talk about a conceited douche knocker, this guy thinks his last name is McMinnville lmfao. But Public Works is the biggest joke. What a dysfunctional out of touch agency, just wasting tax dollars. It's really no wonder we are being forced to pay for the city's mistakes, especially with idiots managing idiots. Also, hi Dan O, you're still always the bridesmaid and will never be the bride. Lmfao. I'll be on pins and needles waiting for a reply, lol, I'm sure the first thing I'll hear is "how unprofessional my email is." Uhhh…I don't work for you, am not writing this from a business who has contracted with you, or in any other conceivable way writing this from a "profession."

Cheersies,

Matt Bertrand

PS We are close with Patty Sorensen, she was previously on the landscape review committee, and has and is advising us, as well as advisement from our attorney. The city is being a bully. I get it, it's embarrassing to be wrong. However, we're not going to be bullied. We are not going to let this go. I will if necessary make appointments at every city council meeting, publish ads in the News Register showing the city's malfeasance, and if it becomes necessary we will move forward with our attorney and sue the city. It should never come to any of this. The city, like any agency, contractor, etc., should just own your error and make it right. We are not asking for extra benefits, just for you to fix your own mess.
Hi,

You, the city, approved through inspection trees that are a known nuisance and were not on the approved tree list at

the time of planting. You the city along with Ruden Construction were ignorant to what trees were delivered and planted, so much so that unapproved nuisance trees passed the city's inspections. You the city approved trees that Oregon State University Extension Services has listed as nuisance trees. You the city erroneously approved Silver Maples, whilst most of our neighbors received October Glory Maples, a much more appropriate street tree. These trees are messy, and invasive. We are constantly cleaning up seeds and litter, as well as monitoring and cutting as necessary invasive roots that have over taken our irrigation, other plants, and are working their way up the plumbing from the city owned infrastructure to our homes sewer and drain lines. We have previously asked about this issue. You the city deflected, deferred, and tried to wash your hands of us. Matt Deppe came out and took pictures, documented your error and then succinctly told us it's not the city's problem. We didn't choose these trees. We didn't plant these trees. The trees are not on our property, yet they're our responsibility. The trees being our responsibility as homeowners is justifiable civically, if they weren't nuisance trees that are causing a problem on our property, that aren't a function of literally anything we had any actual control over. Our neighbors who had appropriate trees planted aren't going to incur any extra expenses for their care. We have neighbors who figured this issue out immediately as they're from Ohio where the nuisance trees are prevalent and notoriously destructive. They had their trees replaced at zero cost to themselves by the city and Ruden Construction. While we wish they had notified us of the issue, it wasn't their responsibility to play arborist for the neighborhood. The responsibility should fall on the city who owns the property and erroneously approved the nuisance trees through inspection, and Ruden Construction who subbed out the landscape work and were responsible for the development. It's ridiculous to push the responsibility to us who had zero control over any of it. Do we back bill the city for the extra work, time, and money involved in maintaining these trees and keeping our property safe? We have offered solutions and would like to revisit that here. If the city came and removed the trees we'd gladly pay for their replacement at the wholesale cost the city purchases trees at. That is really the only equitable solution for an inequitable government policy and an inept city department. The alternative solution is to abide by the no permit requirement for pruning less than 20% of the canopy. This directive is vague and doesn't state anything more specific about per year, or season, etc. So our plan if this is left for us to deal with is to cut 20% of the canopy every year, bringing the canopy down to stump level. I mean if the city wants to boof us, then we can play the game too. This city is run by a bunch of wannabe big timers who couldn't get employed with any other city, but had to take the job in Mac since this town operates like an Oregon trail outpost. We feel like an amicable solution can be found. We won't accept the city's error becoming our problem. All we're asking for is the city to take responsibility for their idiocy in both erroneously approving nuisance trees and failing to provide adequate oversight of Ruden Construction. We look forward to your response. If you push this back on us, we are prepared for the long haul. Additionally, whatever your options of me may be, we are still due fair and unbiased assistance as any other taxpayer would receive. How is any of this fair. It's not. It's not equitable in the slightest. Cheers.

Matt Bertrand
Hayley Hook

[redacted]
McMinnville, OR 97128
[redacted]

ENTERED INTO THE RECORD
DATE RECEIVED: 05.11.2026
SUBMITTED BY: Sarah McBride
SUBJECT: 3. Public Comment

**From:** Zack Geary
**To:** Claudia Cisneros
**Subject:** Fw: Support for Continued Aquatic Center Staffing – Impact on Our Children
**Date:** Monday, May 11, 2026 3:46:11 PM

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**From:** Sarah McBride [redacted]
**Sent:** Monday, May 11, 2026 11:13 AM
**To:** Mayor Kim Morris <Kim.Morris@mcminnvilleoregon.gov>; Sal Peralta <Sal.Peralta@mcminnvilleoregon.gov>; Chris Chenoweth <Chris.Chenoweth@mcminnvilleoregon.gov>; Daniel Tucholsky <Daniel.Tucholsky@mcminnvilleoregon.gov>; Zack Geary <Zack.Geary@mcminnvilleoregon.gov>; Scott Cunningham <Scott.Cunningham@mcminnvilleoregon.gov>; Carson Benner <Carson.Benner@mcminnvilleoregon.gov>
**Subject:** Support for Continued Aquatic Center Staffing – Impact on Our Children

**This message originated outside of the City of McMinnville.**

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Dear City Council Members,
As a mom of a child who participates in McMinnville Swim Club (MSC) , I wanted to share just how meaningful our aquatic programs have been for our family.
My son struggles with anxiety, and finding activities where he feels safe, confident, and successful has not always been easy. Being part of MSC has been life-changing for him. The consistency, routine, and structure of swim practice (Mondays, Wednesdays and Fridays) have given him something dependable to count on each week, and that has made an incredible difference in his mental health and overall well-being.
In the pool, he has found not only physical strength, but confidence, friendships, and a sense of belonging. He is thriving in ways we honestly hadn't seen before. For children like my son, this is so much more than swimming—it is therapy, community, routine, and growth.
Any reduction in pool access would directly impact families like ours who rely on these programs for far more than recreation. I strongly encourage you to support the staffing needed to keep the aquatic center operating at its current schedule so children in our community can continue to benefit from these life-changing opportunities.
Thank you for your time, consideration, and for investing in the health and well-being of McMinnville's children and families.
Sincerely,
Ryan & Sarah McBride

City of McMinnville
Office of the Mayor

Water and Light Commission Appointment

On May 12, 2026, the City Council of the City of McMinnville approved my recommendation to appoint **Andrew Anderson** to the McMinnville Water and Light Commission.

I, Mayor Kim Morris, do hereby appoint **Andrew Anderson** . Mr. Anderson's term will begin on May 12, 2026, and expire on December 31, 2027.

_____ _____

Kim Morris, Mayor
City of McMinnville

Date

City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

# STAFF REPORT

**DATE:** **May 12, 2026**
**TO:** **Adam Garvin, City Manager**
**SUBMITTED BY:** **Heather Richards, Community Development Director**
**SUBJECT:** **Ordinance 5180, Annexation of Tax Lot R4430AD00100 (ANX 1-24)**

1. *An Ordinance annexing to the City of McMinnville Tax Lot R4430AD00100*

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**Report in Brief:**

This is the consideration of Ordinance No. 5180 to annex tax lot R4430AD00100 into the McMinnville city limits.

The property owners, Bruce and Nila Cook would like to add this parcel to tax lot R4430AD00201 that they also own and build a 10-lot housing subdivision.

**Background:**

Annexation is the process by which a municipality, upon meeting certain requirements, expands its corporate limits.

Oregon statewide planning goals require that each city be surrounded by a boundary which is called an urban growth boundary (UGB). The UGB defines the area that the city has identified as being eligible to be included within the city limits during a 20-year planning period to accommodate growth. Annexation is the process for lands within the UGB to become part of the city limits, and thus developed to an urban intensity in compliance with the city's comprehensive plan. Lands within the UGB may be considered for annexation into the city limits consistent with ORS 222 and local ordinances. Annexations are governed by state laws (Oregon Revised Statute, Title 21, Chapter 222), City Charters, and local ordinances.

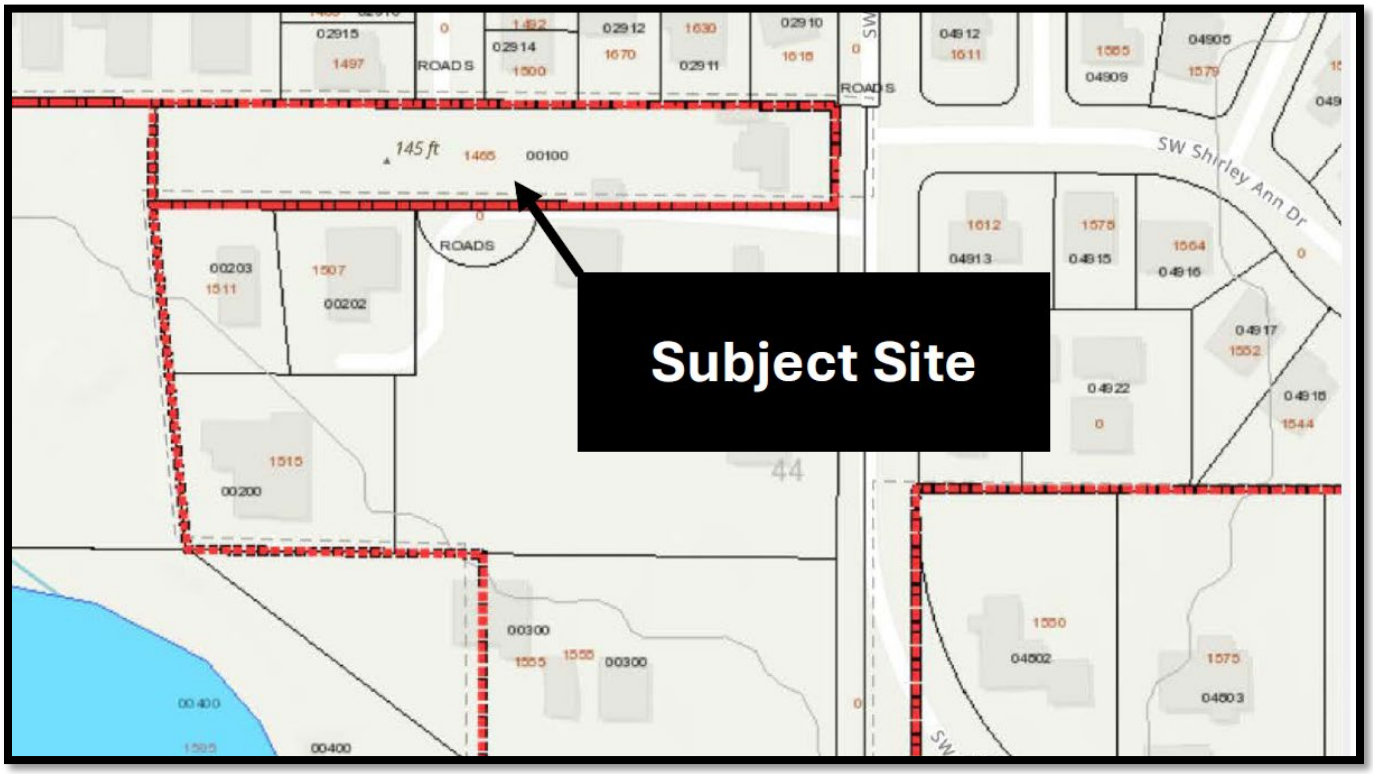
A proposal for annexation of territory to a city may be Initiated by the legislative body of the city, on Its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. The boundaries of a city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake of other body of water, if the proposal for annexation is approved in the manner provided by the city charter or by ORS 222.111.

When the city approved Ordinance No. 5098 adopting the McMinnville Growth Management and Urbanization Plan, on December 8, 2020, the City adopted a new program for annexations in McMinnville dependent upon annexation agreements as a precursor to annexation.

That new program was codified on October 26, 2021, with the adoption of Ordinance No. 5106, establishing Chapters 16.10.00, 16.20.00, 16.30.00, and 16.40.00 of the McMinnville Municipal Code, outlining the requirements of an annexation application and the process for annexation.

**Discussion:**

On April 22, 2025, the City Council adopted Resolution No. 2025-13, approving an annexation agreement between the City of McMinnville, and Stanley Bruce Cook and Nila Denise Cook Revocable Trust,, property owner of the tax lot to be annexed into the city limits.




This annexation is fairly simple. It already has a residential comprehensive plan designation and does not need to be part of an area plan or master planning process.

The annexation agreement identifies all that needs to occur to annex the property into the city limits, including a land-use approval for a zone map amendment to apply city zoning to the property upon annexation. The property owner has initiated this land-use process, and the City Council will be approving Ordinance No. 5179 to consider the application and findings prior to this annexation ordinance.

The annexation and annexation agreement has been reviewed by the City's executive team for conformity with local plans and regulations.

Section 4 of the Annexation Agreement, (Exhibit B of Ordinance No. 5180) describes all of the components of the project that need to be addressed prior to annexation, including but not limited to:

- Bicycle and Pedestrian Connectivity from the subdivision development to Cypress Lane to meet McMinnville's Great Neighborhood Principles.
- Provide legal access to Tax Lot R4430AD00300 to the west for future development.

- Dedicate the necessary right-of-way for the continuation of Emily Drive and vacate the unnecessary right-of-way created by Instrument #200110830, as part of Partition Plan No. 2017-10 (City Docket Minor Partition #4-16)

**Attachments:**

1. Ordinance No. 5180
    a. Exhibit A: Legal Description
    b. Exhibit B: Annexation Agreement

**Fiscal Impact:**

The property owner has paid for his application fee which is a full cost recovery fee for the review and implementation of the application.

**Alternatives:**

**Alternative 1 [Staff Recommendation]**: **Approve** Ordinance No. 5180, declaring the property annexed into the city limits and directing the City Recorder to send notice to the appropriate county and state agencies

**Alternative 2**: **Request** more information.

**Alternative 3**: Choose **not to approve** Ordinance No. 5180.

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

**Suggested Motion:**

I MOVE TO APPROVE ORDINANCE NO. 5180.

# ORDINANCE NO. 5180

An Ordinance annexing to the City of McMinnville Tax Lot R4430AD00100.

**RECITALS:**

**WHEREAS,** Stanley Bruce Cook and Nila Denise Cook, the owners of the tract of land described in Exhibit "A", which is attached hereto and by this reference incorporated herein has either petitioned or consented to the annexation of said territory to the City of McMinnville (ANX 1-24); and

**WHEREAS,** Per ORS 222.120(2), the City of McMinnville conducted a public hearing on May 12, 2026 to consider the annexation of the subject property described in Exhibit A of this ordinance; and

**WHEREAS,** Per ORS 222.120(3) notice of the hearing was published once each week for two successive weeks in the News Register; and

**WHEREAS,** Per ORS 222.120(4)(b), the electors and landowners of the subject property consented in writing to the annexation and the consent is on file in the Planning Division of the City of McMinnville, Oregon, and there has been no objection to the proposed annexation by residents within said area and territory; and

**WHEREAS,** Per ORS 222.180(1), the effective date of annexation shall be the date of filing with the Secretary of State as provided in ORS 222.177 and ORS 222.900; and

**WHEREAS,** Per McMinnville Municipal Code 16.30.030, the landowner entered into an Annexation Agreement by Resolution 2025-13 with the City of McMinnville on July 14, 2025 and recorded it on the property on July 17, 2025, as demonstrated by Exhibit B to this ordinance; and

**WHEREAS,** Per the Annexation Agreement Section 2(a)(3) and Section 3, the owner has applied for a Zone Map Amendment for the property; and

**WHEREAS** the City Council approved Ordinance No. 5179 adopting findings for Dockets ZC 2-24 and S 2-24 demonstrating compliance with state regulations, the McMinnville Comprehensive Plan, and the McMinnville Municipal Code.

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

1. That the subject area and territory as described in Exhibit A of this ordinance is annexed to the city; and

2. That this Ordinance shall take effect 30 days after its passage by the City Council.

3. That when this ordinance takes effect, the Recorder of the City of McMinnville, Yamhill County, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of the State of Oregon, the Assessor of Yamhill County, State of Oregon and the County Clerk of Yamhill County, State of Oregon, a certified copy of the following documents:

    a. A copy of this ordinance.

    b. A copy of written consent of landowners and electors of said area and territory.

Passed by the McMinnville City Council this 12th day of May, 2026 by the following votes:

Ayes: _____

Nays: _____

_____

MAYOR

Approved as to form:

_____

City Attorney

Attest:

_____

City Recorder

EXHIBITS:

A. Legal Description and Annexation Map
B. Annexation Agreement

**Legal Description of the Property to Be Annexed:**

Part of Section 30, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

Beginning 3.995 chains North of the Southwest corner of the S.F. Stagg Donation Land Claim No. 55 in said Township and Range; thence North 5 chains to the true Place of Beginning: thence West 10 chains; thence South 75 feet; thence East 10 chains; thence North 75 feet to the true Place of Beginning.

Save and Except 20 feet off the East end reserved for a roadway. Also Excepting Therefrom that certain tract of land conveyed to Walter L. Peavy et lux. By Deed recorded July 13, 1960 in Film Volume 11, Page 943, Deed and Mortgage Records.

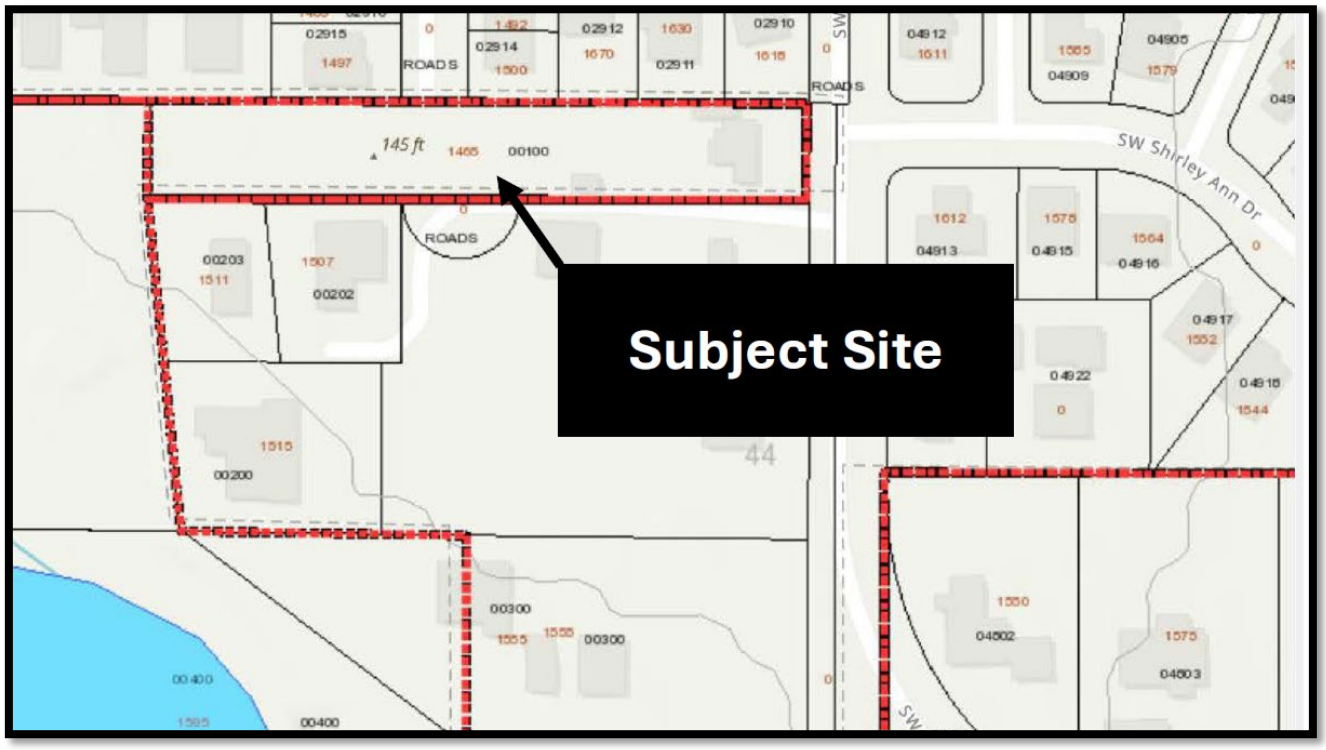


**Exhibit B to Ordinance 5180**

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK
202506840

$152.00

00692074202500068400100109

07/17/2025 09:03:34 AM

DMR-CONDMR Cnt=1 Stn=1036 MORRISONK
$51.00 $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 14 day of July, 2025 by and between the City of McMinnville, Oregon, an Oregon municipal corporation (hereinafter "City") and Stanley Bruce Cook and Nila Denise Cook Revocable Trust (hereinafter "Owner").

## 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**, 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 April 22, 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 and tentative subdivision plan 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. Owner agrees to vacate the existing public right-of-way located within the cul-de-sac described as Tract "A" on Partition Plat No. 2017-10 (City Docket MP 4-16) instrument #200110830, to the extent that it is no longer required due to the new alignment of the public right-of-way serving the development. Such a vacation will need to be completed prior to the issuance of any building permits associated with Phase 1 of the tentative subdivision plan.

e. Owner agrees to provide legal access to Tax Lot R4430AD00300 for at least two buildable lots prior to the platting of Phase 1 of the tentative subdivision plan. Access easement will need to meet all of the provisions of the McMinnville Municipal Code.

f. Owner agrees to provide bicycle and pedestrian connectivity from the development to Cypress Lane to meet McMinnville's Great Neighborhood Principles and minimum block length standards. This will be reviewed as part of the land-use process.

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. If the property is developed in phases, the waiver may be removed on a phase-by-phase basis provided that all utility service and all required infrastructure that will service or benefit the Property is completed and accepted by City.

**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

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

Jeff Towery, City Manager

OWNER

Stanley Bruce Cook

Nila Denise Cook

ATTEST:

Claudia Cisneros

Claudia Cisneros, City Recorder

SEE ATTACHED NOTARIAL CERTIFICATE

STATE OF OREGON )
) ss.
County of Yamhill )

This instrument was acknowledged before me this 15 day of July, 2025 by Jeff Towery, 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.

Claudia Cisneros
Notary Public for Oregon

OFFICIAL STAMP
CLAUDIA CISNEROS
NOTARY PUBLIC - OREGON
COMMISSION NO. 1031977
MY COMMISSION EXPIRES JANUARY 5, 2027

STATE OF OREGON )
) ss.
County of Yamhill )

This instrument was acknowledged before me this 14 day of July, 2025 by Stanley Bruce Cook, owner of the property at R4430AD00100 and R4430AD00201, who acknowledged this instrument to be his/her voluntary act and deed.

Notary Public for Oregon

OFFICIAL STAMP
JANELLE MARIE BRAME
NOTARY PUBLIC - OREGON
COMMISSION NO. 1033848
MY COMMISSION EXPIRES FEBRUARY 7, 2027

STATE OF OREGON )
) ss.
County of Yamhill )

This instrument was acknowledged before me this 14 day of July, 2025 by Nila Denise Cook, owner of the property at R4430AD00100 and R4430AD00201, who acknowledged this instrument to be his/her voluntary act and deed.

Notary Public for Oregon

OFFICIAL STAMP
JANELLE MARIE BRAME
NOTARY PUBLIC - OREGON
COMMISSION NO. 1033848
MY COMMISSION EXPIRES FEBRUARY 7, 2027

**EXHIBIT 1:**

**Legal Description of the Property to Be Annexed:**

Part of Section 30, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

Beginning 3.995 chains North of the Southwest corner of the S.F. Stagg Donation Land Claim No. 55 in said Township and Range; thence North 5 chains to the true Place of Beginning: thence West 10 chains; thence South 75 feet; thence East 10 chains; thence North 75 feet to the true Place of Beginning.

Save and Except 20 feet off the East end reserved for a roadway. Also Excepting Therefrom that certain tract of land conveyed to Walter L. Peavy et lux. By Deed recorded July 13, 1960 in Film Volume 11, Page 943, Deed and Mortgage Records.

**EXHIBIT 2:**

**Maps of Subject Site:**

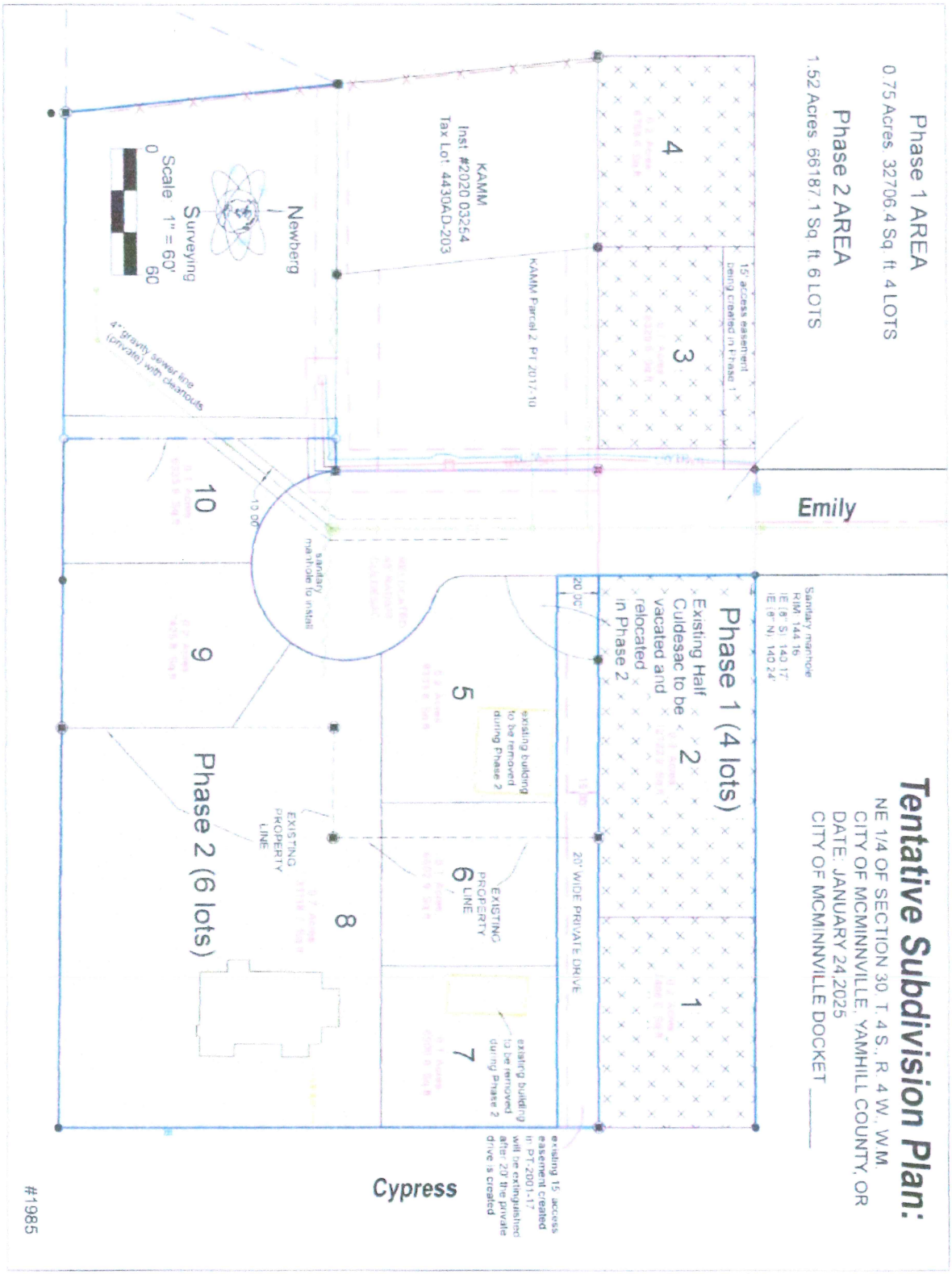
Aerial of Subject Site:

Comprehensive Plan Designation of Subject Site:

Existing Conditions of Subject Site:

**EXHIBIT 3:**

Proposed Development Plan of Subject Site:



City of McMinnville

# STAFF REPORT

**DATE:** **May 12, 2026**
**TO:** **Adam Garvin, City Manager**
**SUBMITTED BY:** **Heather Richards, Community Development Director**
**Geoff Hunsaker, Public Works Director**
**SUBJECT:** **Planning and Engineering Fee Schedule**

1. Resolution No. 2026-20, A Resolution Adopting a Planning and Engineering Fee Schedule Effective July 1, 2026

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**Report in Brief:**

This is the consideration of Resolution No. 2026-20, adopting an updated Planning and Engineering Fee Schedule for the City of McMinnville. This Resolution repeals all previous resolutions adopting planning and engineering fee schedules and establishes the updated fees effective July 1, 2026.

A public hearing will be conducted to solicit public comments per ORS 294.160. Notice of the proposed fee schedule and public hearing was advertised in the News Register.

**Background:**

The City of McMinnville's MAC Town 2032 Strategic Plan includes a goal to strengthen the City's ability to deliver core services in a financially sustainable manner. A key component of this approach is aligning development-related services with a cost recovery model.

City Council policy, established through Resolution No. 2003-35, affirms that applicants for planning and engineering services should pay a proportionate share of the costs associated with those services.

In 2018, a planning fee study identified that only a small portion of development review costs were being recovered through fees. In response, the City Council directed staff to move toward a full cost recovery model, resulting in the adoption of an updated Planning Fee Schedule through

Resolution No. 2018-63 and a phased approach to increasing cost recovery over time.

In 2023, the City completed a similar effort for Engineering services, followed by adoption of an Engineering Fee Schedule in 2024. Both programs are now structured to support full cost recovery for development review, while maintaining targeted fee reductions for qualifying affordable housing projects and select permits that primarily benefit existing residents.

The City has continued to implement annual fee updates to reflect inflation and maintain alignment with the adopted cost recovery framework. The proposed 2026 fee schedule continues this approach through routine CPI-based adjustments and no substantive changes to the underlying methodology.

**Discussion:**

The proposed fee schedule continues to be based on a cost-of-service methodology, where fees are calculated using the estimated time required to process each permit or application, the staff classifications involved, and the associated direct and indirect costs of providing those services.

The proposed update includes an annual adjustment based on the Portland CPI-West index to account for inflationary increases in personnel and operating costs. This ensures that fees remain aligned with the actual cost of delivering services and avoids larger, less predictable adjustments in future years.

All fees were raised by the CPI-West index from January 2025 – January 2026, which equated to 2.9%.

**Attachments:**

1. Public Hearing Notice
2. Resolution No. 2026-20
    a. Exhibit A: Proposed Planning Fee Schedule
    b. Exhibit B: Proposed Engineering Fee Schedule

**Fiscal Impact:**

The proposed fee schedule is intended to maintain alignment with the City Council's direction to achieve and sustain full cost recovery for development review services. The annual CPI-based adjustments are expected to offset increases in personnel and operating costs, helping to

ensure that the cost of providing these services is borne by the applicants who directly benefit from them rather than the General Fund.

For fee categories where the City Council has established policy-based reductions—such as permits that primarily benefit existing residents and qualifying affordable housing projects—there will continue to be a level of General Fund subsidy. These subsidies are intentional and reflect Council's policy priorities related to housing affordability and community access.

Overall, adoption of the updated fee schedule is expected to maintain the current cost recovery position for Planning and Engineering services, while minimizing additional financial impacts to the City's General Fund.

**Alternatives:**

**Alternative 1 [Staff Recommendation]**: Adopt the attached resolution to update the Planning and Engineering fee schedules.

**Alternative 2**: Reject the attached resolution. Current fee schedules will remain in effect.

**Alternative 3**: The Council may consider any other alternative not presented by staff.

City of McMinnville

**COMMUNITY DEVELOPMENT DEPARTMENT**, 231 NE Fifth Street,
McMinnville, Oregon 97128 www.mcminnvilleoregon.gov

# CITY COUNCIL PUBLIC HEARING NOTICE:

NOTICE IS HEREBY GIVEN that the City of McMinnville will hold a public hearing on the 12th day of May, 2026, at the hour of 7:00 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

**PROPOSED UPDATES TO THE PLANNING, ENGINEERING AND BUILDING FEE SCHEDULES**

The City Council will conduct a hearing and make a decision to approve, amend or deny the proposed amendments to the Planning and Engineering fee schedules. The fees are proposed to take effect on July 1, 2026. Persons are hereby invited to attend the McMinnville City Council meeting to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville City Council in making a decision.

Copies of the proposed Planning and Engineering Fees can be found on the City of McMinnville website at www.mcminnvilleoregon.gov, or by calling the Planning Department at 503-434-7311.

Testimony can be provided at the meeting in person or via teleconference, or submitted in writing prior to the meeting.

**Written Testimony In Advance of the Public Hearing**: Email Heather.Richards@mcminnvilleoregon.gov before 12:00 pm on Monday, May 11th to provide written testimony or mail to Community Development Director, 231 NE 5th St. McMinnville, OR 97128. Written testimony must be received by 12:00 pm on Monday, May 11th.

**Testimony at the Public Hearing:** You can testify in person at the public hearing, or virtually via Zoom. If you would like to pre-register to testify please provide your name and phone number, or Zoom name, to the Community Development Director's Office before 4:00 pm on Tuesday, May 12th. You can also sign up to testify at the meeting.

For additional information contact Heather Richards, Planning Director, at Heather.Richards@mcminnvilleoregon.gov or 503-474-5107.

If anyone needs assistance in accessing the meeting via Zoom or phone, please contact the Planning Department, 24 hours in advance of the meeting, at 503-434-7311 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

Heather Richards
Community Development Director

**Publish in the Wednesday, May 6, 2026 *News Register***

# RESOLUTION NO. 2026-20

A Resolution Adopting a Planning and Engineering Fee Schedule for the City of McMinnville and Repealing Prior Resolutions Establishing Such Fees.

**RECITALS:**

**WHEREAS**, the City of McMinnville provides planning and engineering services related to development review and permitting; and

**WHEREAS**, the City Council has established a policy that applicants for such services should pay a proportionate share of the costs associated with providing those services, as set forth in Resolution No. 2003-35; and

**WHEREAS**, the City has undertaken prior efforts to align its Planning and Engineering Fee Schedules with a cost-of-service model, including updates adopted in 2018 and 2024; and

**WHEREAS**, the City has continued to implement annual adjustments to its fee schedules to reflect inflationary impacts and maintain alignment with the adopted cost recovery framework; and

**WHEREAS**, the proposed Planning and Engineering Fee Schedules incorporate a 2.9% adjustment based on the CPI-West index increase from January 2025 to January 2026; and

**WHEREAS,** the City has elected to reduce the engineering and planning fees for qualifying affordable housing as defined by Section 3.10.060 of the McMinnville Municipal Code without a maximum cap in the annual fiscal year; and

**WHEREAS**, a public hearing was held in accordance with ORS 294.160 to receive public testimony on the proposed fee schedules.

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

1. The Planning and Engineering Fee Schedules attached hereto as Exhibit A and Exhibit B are hereby adopted.
2. All prior resolutions adopting Planning and Engineering Fee Schedules are hereby repealed as of the effective date of this Resolution.
3. The fee schedules adopted by this Resolution shall take effect on July 1, 2026.

Adopted by the Council of the City of McMinnville at a regular meeting held the 12th day of May, 2026 by the following votes:

Ayes: _____

Nays: _____

Approved this ___th day of _____ 2026.

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

EXHIBITS:

A. Planning Fee Schedule
B. Engineering Fee Schedule

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

www.mcminnvilleoregon.gov

# PLANNING FEE SCHEDULE (Effective 7/1/2026):

| TYPE OF APPLICATION | FEE |
|---|---|
| Annexation | **$16,625.00** |
| Appeal – First Appeal to a Hearings Body | **$250.00** |
| Appeal – Hearings Body Decision | **$1,395.00** |
| Area Plan Review – Property Owner Initiated | **$33,195.00** |
| Classification of an Unlisted Use* | **$2,884.00** |
| Comprehensive Plan Map Amendment | **$8,447.00** |
| Comprehensive Plan Map Amendment / Zone Map Amendment | **$12,455.00** |
| Comprehensive Plan Text Amendment / Zoning Text Amendment | **$10,478.00** |
| Conditional Use Permit | **$3,525.00** |
| Downtown Design Standards and Guidelines – Administrative Approval* | **$ 675.00** |
| Downtown Design Standards and Guidelines – Historic Landmarks Committee Approval | **$1,992.00** |
| DMV Certificates | **$ 316.00** |
| Expedited Land Use Division Application (Middle Housing Land Division) | |
| Partition | **$2,203.00** |
| Subdivision ≤ 10 Lots | **$4,951.00** |
| Subdivision (more than 10 lots) | **$8,639.00** |
| Appeal Deposit | **$ 522.00** |
| Plus Per Lot Fees | **$ 42.25** |
| Fee – In Lieu of Tree Mitigation | **$650.00** |
| Final Plat Review (Required for filing final plats) | **$1,426.00** |
| Historic Landmarks – Certificate of Approval, Alteration | **$1,992.00** |
| Historic Landmarks – Certificate of Approval, Demolition, Move | **$4,186.00** |
| Historic Resources Inventory Amendment | **$2,666.00** |
| Home Occupation | **$ 366.00** |
| Annual Renewal Fee | **$ 110.00** |
| Interpretation of Code by Director | **$1,377.00** |
| Landscape Plan Review | **$2,176.00** |
| Land Use Compatibility Statement – Regular | **$ 672.00** |
| Land Use Compatibility Statement – Marijuana Change in Business Name | **$ 640.00** |
| Land Use Compatibility Statement – Marijuana Dispensary | **$1,227.00** |
| Land Use Compatibility Statement – Marijuana Producer / Wholesaler | **$ 896.00** |
| Land Use Extension | **$1,051.00** |
| Large Format Commercial Development Design Review | **$4,705.00** |
| Large Format Commercial Development Design Review and Waiver | **$7,598.00** |
| Manufactured Home Park | **$4,179.00** |
| Manufactured Home Park Per Lot Fee | **$ 38.00** |
| Master Plan | **$19,454.00** |

| | |
|---|---|
| Minor Modification (or 50% of the application fee, whichever is lesser) | **$2,324.00** |
| Model Home Permit | **$2,029.00** |
| NE Gateway Design Standards and Guidelines – Administrative Approval* | **$ 735.00** |
| NE Gateway Design Standards and Guidelines – Waiver Request | **$1,081.00** |
| Parking Lot Review | **$1,983.00** |
| Parking Variance for Historic Structure – Administrative Approval* | **$2,511.00** |
| Parking Variance for Historic Structure – Planning Commission Approval | **$2,592.00** |
| Partition of Land (Tentative)* | **$2,073.00** |
| Planned Development (In addition to any applicable zone change fee): | **$7,516.00** |
| Residential Rate (per dwelling unit) | **$ 65.00** |
| Commercial Rate (per 1000 sf of building) | **$ 65.00** |
| Industrial Rate (per 1000 sf of building) | **$ 65.00** |
| Planned Development Amendment –Major Amendment (Planning Commission) | **$7,712.00** |
| Planned Development Amendment – Minor Amendment (Administrative) | **$4,348.00** |
| Property Line Adjustment* | **$2,005.00** |
| Public Hearing Request | **$ 515.00** |
| Recreational Vehicle Park Permit* | **$4,179.00** |
| Resident Occupied Short Term Rental* | **$1,833.00** |
| Annual Renewal Fee | **$ 259.00** |
| Short Term Rental* | **$1,833.00** |
| Annual Renewal Fee | **$ 259.00** |
| Sign Permit – Temporary | **$ 88.00** |
| Sign Permit – Permanent | **$ 204.00** |
| Sign Standards Exception (Variance) | **$2,587.00** |
| Site and Design Review – Commercial | **$3,909.00** |
| Site and Design Review – Multi-Family | **$3,909.00** |
| Solar Collection System Variance | **$2,587.00** |
| Street Tree Removal | **$ 176.00** |
| Street Vacation | **$3,188.00** |
| Subdivision (less than or equal to 10 lots)* | **$5,121.00** |
| Plus per lot fee | **$ 38.00** |
| Subdivision (more than 10 lots) | **$9,462.00** |
| Plus per lot fee | **$ 38.00** |
| Temporary Living Unit Permit | **$1,535.00** |
| Semi-Annual Renewal Fee | **$1,167.00** |
| Three Mile Lane Design Overlay – Administrative Approval* | **$3,965.00** |
| Traffic Impact Analysis Review | **$1,589.00** |
| Transitional Parking Permit | **$2,247.00** |
| Urban Growth Boundary Amendment | **$33,195.00** |
| Variance (Administrative)* | **$2,135.00** |
| Variance (Land Division) | **$3,525.00** |
| Variance (Zoning) | **$3,830.00** |
| Wireless Communication Facility Review | **$5,365.00** |
| Zone Map Amendment | **$7,742.00** |
| Zoning/Compliance Letters | **$ 149.00** |

*Applications are subject to Director's decision. If a public hearing is requested, the fee for the public hearing request will be applied.

# LAND-USE APPLICATIONS NOT SPECIFIED

| TYPE OF APPLICATION | FEE |
|---|---|
| TYPE I: Administrative Decision w/out Notification (permits) not on fee schedule | **$653.00** |
| TYPE II: Administrative Decision w/Notification (land-use) not on fee schedule | **$2,258.00** |
| TYPE III: Planning Commission Decision - not on fee schedule | **$3,722.00** |
| TYPE IV: City Council Decision – not on fee schedule | **$8,447.00** |

# WIRELESS – SMALL CELL FACILITIES

| TYPE OF APPLICATION | FEE |
|---|---|
| Wireless – Small Cell (Initial Fee for Five Small Wireless Facilities | **$617.00** |
| Wireless – Small Cell (Initial Fee – Each Greater than Five) | **$125.00** |
| Wireless – Small Cell (Annual Recurring Fee for Each Facility) | **$309.00** |
| Wireless – Small Cell "Make Ready" Cost Recovery. (Recovery of any specific costs incurred by the City by the attacher for work within the right-of-way and/or to enable the siting of a Small Wireless Facility on a municipally-owned structure in the right-of-way. | **Full Cost Recovery Plus Administrative Fees** |

*Per Resolution No. 2019-24*

# BUILDING PERMIT REVIEW*

*Can be requested prior to submitting for building permits.

| TYPE OF APPLICATION | FEE |
|---|---|
| Commercial/Industrial Building Permit Review | |
| Value < $100,000 | **$675.00** |
| Value $100,000 - $500,000 | **$1,750.00** |
| Value > $500,000 | **$3,500.00** |
| Residential Building Permit Review | |
| Value < $100,000 | **$250.00** |
| Value > $100,000 | **$450.00** |
| Multifamily > $100,000 | **$1,750.00** |
| Residential Design Standards Review* | |
| Single, Duplex, Triplex, Quadplex, Townhome, ADU* | **$1,450.00** |
| Cottage Cluster,<br>Single Room Occupancy – Small Housing* | **$1,650.00** |
| Apartments,<br>Single Room Occupancy – Large Housing+ | **$2,700.00** |
| Revision Review | **50% of original fee** |

+In addition to Residential Building Permit Review fees.

**Planning permit fees for qualifying affordable housing projects as defined in McMinnville Municipal Code, Section 3.10.060, are reduced by 50%.**

# ADMINISTRATIVE FEES

| TYPE OF APPLICATION | FEE |
|---|---|
| Copy fees | **$0.10 per copy** |
| Comprehensive Plan Map (24” x 36”) | **$10.00** |
| Development Inspection for Conformance with Approval,<br>Each Inspection after First Inspection | **$85.00** |
| General Records Request | **$85.00/hour** |
| Hourly Rate | **$85.00/hour** |
| Neighborhood Meeting Mailing List | **$85.00** |
| Notarization Fee | **$35.00** |
| Pre-Development / Pre-Application Meeting | **$350.00** |
| Recording Fee | **YC Fees + $100.00** |
| Refund Processing Fee | **$90.00** |
| Research / Staff Time | **$85.00/hour** |
| Return Check Fee (NSF) | **$40.00** |
| Withdrawn Application (Prior to Complete) | **Reimburse 75% of Fee** |
| Withdrawn Application (Prior to Notice) | **Reimburse 50% of Fee** |
| Withdrawn Application (After Noticed) | **No Refund** |
| Zone Map (24” x 36”) | **$10.00** |

# DOCUMENT REVIEW

| TYPE OF APPLICATION | FEE |
|---|---|
| Private Development Agreement | **$850.00** |
| Deferment Agreement | **$850.00** |
| Public Facility Improvement Agreement | **$850.00** |
| Easement Agreement | **$850.00** |
| Stormwater Maintenance Agreement | **$850.00** |
| Waiver of Remonstrance | **$850.00** |
| Maintenance Agreement | **$850.00** |
| Quitclaim / Bargain Sale and Deed | **$850.00** |
| Reimbursement District | **$1,200.00** |

# CODE COMPLIANCE

| TYPE OF APPLICATION | FEE |
|---|---|
| Appeal to City Manager | **$250.00** |
| Appeal to Hearings Officer | **$1,500.00** |

# CODE VIOLATION CIVIL PENALTY FEES

| TYPE OF APPLICATION | FEE |
|---|---|
| Class 1 Code Violation | **$5,000.00** |
| Class 2 Code Violation | **$2,000.00** |
| Class 3 Code Violation | **$1,000.00** |
| Class 4 Code Violation | **$500.00** |
| Class 5 Code Violation | **$250.00** |
| Class 6 Code Violation | **$100.00** |
| Class 7 Code Violation | **$50.00** |
| Class 8 Code Violation | **$25.00** |

*(Adopted by Resolution 2019-54)*

City of McMinnville
ENGINEERING

# ENGINEERING FEE SCHEDULE (EFFECTIVE 7/1/2026)

Updated: April 15, 2025

| DESCRIPTION | FEE |
|---|---|
| **Public Improvements - Construction Permit Agreement (CPA)** *1 | |
| First $100,000 Eng Cost Estimate | 5% |
| > 100,000 | 3% |
| | |
| **Right-of-Way Excavation / Work Review and Permitting** | |
| Utility Permit - Plan Review and Permit | $ 579.93 |
| ROW Minor (50 Ft lot frontage and local street classification) - Plan Review and Permit | $ 1,077.01 |
| ROW Major (more than one lot frontage or higher than local street classification) - Plan Review and Permit | $ 3,298.50 |
| Sidewalk and Driveway Permit (per 50 LF of sidewalk and/or per of driveways) - Plan Review and Permit *3 | $ 828.47 |
| | $ - |
| **Early Grading Plan Review and Permitting** | $ - |
| Early Grading and Drainage Plan Review | $ 5,184.35 |
| Early Grading and Drainage Permit - less than one acre | $ 828.47 |
| Early Grading and Drainage Permit -more than one acre | $ 1,628.83 |
| | $ - |
| **Erosion Control Permit** | $ - |
| Less than One Acre - Plan Review and Permit | $ 900.57 |
| More than One Acre - Plan Review and Permit | $ 1,700.94 |
| Simplified Single Family Residential - Plan Review and Permit *3 | $ 382.00 |
| | $ - |
| **On-Site Development Review and Permitting** | $ - |
| On-Site Plan Review - Based on Size of Project | $ - |
| Adds 10,000sf or more of impervious surface | $ 5,973.82 |
| Adds less than 10,000sf of impervious surface | $ 2,417.56 |
| On-Site Development Permit - Less than One Acre | $ 1,656.94 |
| On-Site Development Permit - More than One Acre | $ 3,313.88 |
| | $ - |
| **Misc. Engineering Fees** | $ - |
| Traffic Control Permit *3 | $ 1,642.02 |
| Revocable Agreement | $ 668.96 |
| Private Development agreements | $ 2,914.92 |
| Public Facility Improvement Agreement | $ 1,067.18 |
| Easement Agreement | $ 2,455.96 |
| Stormwater Maintenance Agreement | $ 1,111.07 |
| Waiver of Remonstrance | $ 1,094.68 |
| Maintenance Agreement | $ 1,923.15 |
| Quitclaim/Bargain and Sale Deed | $ 945.38 |
| Reimbursement District | $ 5,517.29 |
| System Development Charge/Reimbursement Agreement | $ 4,603.06 |
| System Impact Analysis - City Consultant Fee Plus 25% for Admin | Calculated |
| Completeness Check | $ 1,456.64 |
| Supplemental Review (more than 3 reviews - per sheet) | $ 334.48 |
| Addition Inspections or Permits for which No Fee is Indicated | Actual Hr. Rate |
| Miscellaneous Engineering Fees | Actual Hr. Rate |
| | $ - |
| **Planning Fees Supported by Engineering** | $ - |
| Area Plan Review – Property Owner Initiated | $ 6,689.58 |
| Annexation | $ 3,641.61 |
| Comprehensive Plan Map Amendment | $ 2,189.36 |
| Comprehensive Plan Map Amendment / Zone Map Amendment | $ 2,189.36 |

| | |
|---|---|
| Comprehensive Plan Text Amendment / Zoning Text Amendment | $ 2,189.36 |
| Conditional Use Permit | $ 1,456.64 |
| Land Division Application: | $ - |
| Partition | $ 2,804.77 |
| Subdivision ≤ 10 lots | $ 2,804.77 |
| Subdivision (more than 10 lots) | $ 4,994.13 |
| Expedited Land Division Application - 50% additional Over Published Fee | Calculated |
| Landscape Review Plan *2 | $ 1,035.32 |
| | |
| | |
| Large Format Commercial Development Design Review | Actual Hr. Rate |
| Partition of Land (Tentative) | $ 641.19 |
| Property Line Adjustment | $ 641.19 |
| Traffic Impact Analysis Review | Actual Hr. Rate |
| Revision Review 50% of Original Fee | Calculated |
| | |

***1** CPA Fee is an existing fee. It covers management of the CPA and does include some cost recovery for public improvement plan review and inspection.

***2** Engineering only adds fee to Landscape review when reviewing landscaping for engineered stromwater facilities

***3** 75% fee reduction to fees that have direct impact on residents. Language on how to administratively apply this potential reduction will be incorporated into the Engineering Design Standards and managed by administrative rule at the discretion of the City Engineer. The following language to be utilized till the Engineering Design Standards are developed and adopted:
*The Sidewalk and Driveway Permit is eligible for a 75% reduction if the applicant can show the proposed improvement will be installed at their residence. If the permit applicant is a licensed professional applying on behalf of the resident where the proposed improvement will be installed, this discount can also be applied.
*The Sidewalk and Driveway Permit fee can be waived at the discretion of the City Engineer under the circumstance where it is determined that installed public improvements have contributed to the need for the sidewalk or driveway to be replaced to meet current standards.

***4** All Fees are potentially eligible for a 50% reduction if affordable housing criteria are met as defined in Resolution 2016-81.

CITY OF McMINNVILLE
MINUTES OF JOINT CITY COUNCIL &
PLANNING COMMISSION WORK SESSION
Held via Zoom Video Conference and at
the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, December 17, 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 | |

| Planning Commissioners: | Present | Absent |
|---|---|---|
| | Sidonie Winfield, Chair | Brian Everest |
| | Elena Mudrak, Vice Chair | Meg Murray |
| | Brian Randall | Matthew Jones |
| | Sylla McClellan | |
| | Rachel Flores | |
| | Abigail Neilan | |

Also present were Interim City Manager Adam Garvin, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Community Development Director Heather Richards, Chief of Police Cord Wood, Human Resources Director Vicki Hedges, Public Works Director Geoff Hunsaker, Planning Manager David Bernicker, and Senior Planner Tom Schauer, *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. SOUTHWEST AREA PLAN

Tom Schauer, Senior Planner, presented on the Southwest Area Plan. He explained that the team has developed three draft concepts for the plan that will be shared with the public in January. The purpose of this meeting was to gather feedback from the City Council and Planning Commission before finalizing the concepts for public review.

Mr. Schauer introduced the consulting team led by Harper Houf Peterson Righellis Inc. (HHPR)(Land Use Planning and Project Management), including Brad Kilby and Thuy Cao, along with Saumya Kini and Drishti

Gandhi (via Zoom) from Walker Macy (Urban Design), Chris Zahas (via Zoom) and Daria Pugacheva (via Zoom) from Leland Consulting Group (Economic Analysis), and DKS Associates (Traffic Analysis) and JLA Public Involvement (Public Involvement) who weren't present this evening.

Mr. Schauer provided background on the planning process, noting they are currently in Phase 2, having completed the startup phase where they gathered information about the planning area and conducted initial public outreach. The next step after tonight's meeting will be to take the concepts to the public for feedback in January.

The Southwest Area Plan is intended to guide McMinnville's next big neighborhoods. He explained that in 2020, with the adoption of the urban growth boundary expansion and growth management plan, a three-step process was established for planning areas before annexation: (1) framework plan, (2) area plan, and (3) master plan when property owners seek development. This is the second area plan being developed, after the Fox Ridge Road area plan.

The planning area covers approximately 650 acres, or about one square mile, which represents roughly one-tenth of McMinnville's current city limits. The area is irregularly shaped and extends about 2 miles from Redmond Hill Road to Highway 18.

Mr. Kilby from HHPR discussed the context and existing conditions of the area. He highlighted key features including stands of large oak trees in the northwest corner, viewpoints, creeks that could serve as greenway opportunities, and hydric soils. He noted major roadways framing the area include Hill Road, Old Sheridan Road, and Highway 18, with Fellows Street serving as an east-west corridor.

Mr. Kilby also addressed economic considerations, mentioning the area currently lacks commercial space. The plan calls for approximately 2,500 housing units within the 640 acres, which would average 5.7 dwelling units per acre. He emphasized that while housing would likely be developed first, the neighborhood commercial areas need to be attractive destinations to be successful.

Ms. Kini from Walker Macy described the public engagement process to date, which included community design workshops, Project Advisory Committee meetings, and online surveys. She then presented the three draft concepts:

Concept 1: "Central Destinations" - Focuses density and activity around the Hill Road corridor, with neighborhood commercial areas concentrated along this main road. The northern neighborhood activity center could accommodate a larger commercial area, possibly including a grocery store, while the southern center would be smaller. Parks are strategically placed to provide views and access.

Concept 2: "Greenway Activation" - Orients activity centers toward creek greenways, with neighborhood commercial areas lining the greenway corridors. This includes opportunities for creek-side dining and amenities. It features a primary loop street connecting the activity centers with higher-density housing along this loop.

Concept 3: "Distributed Activity" - Creates three nodes of activity throughout the area rather than just the two required neighborhood activity centers. This includes a third node centered around a community park and early learning center, with some small-scale commercial and medium-density housing. Parks are positioned along rural edges to provide buffers to agricultural land and offer views.

During the discussion, Councilor Chenoweth expressed concerns about traffic, particularly the impact on Fellows Street, which is already congested. He also emphasized the importance of creating adequate buffers between new development and existing farmland.

Chair Winfield stressed the importance of ensuring the Greenway/Ridge Trail would connect with the Fox Ridge plan and expressed concerns about the isolated "thumb" area between Old Sheridan Road and Highway 18, suggesting it might be better suited for commercial rather than residential use due to walkability challenges and proximity to major roads.

Councilor Peralta asked about density goals and whether the 5.7 units per acre target would provide adequate affordable housing. Heather, Planning Manager, clarified that the density aligns with the housing needs analysis, but the city could choose to plan for higher density if desired. Councilor Peralta also raised concerns about traffic impacts on Fellows Street and protecting a wooded open space near Old Sheridan Road.

Commissioner Mudrak supported incorporating green spaces near higher-density housing to ensure outdoor access for residents without yards and for incorporating comments from the PAC. Councilor Cunningham also favored Concept 2, citing its organic loop design, and highlighted the need to plan for Peavine as a future major arterial, ensure commercial areas include adequate service access, and provide comparable development examples for reference.

Tom Schauer invited additional comments to be submitted directly to him as the team refines the concepts for public presentation in January.

3. ADJOURNMENT: Mayor Morris adjourned the meeting at 7:00 p.m.

_____

Claudia Cisneros, City Recorder

DRAFT

CITY OF McMINNVILLE
MINUTES OF SPECIAL CALLED CITY COUNCIL MEETING
Held via Zoom Video Conference and at
the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, December 09, 2025, at 7:00 p.m.

Presiding: Kim Morris, Mayor

Recording Secretary: Claudia Cisneros

| Councilors: | Present | Absent |
|---|---|---|
| | Sal Peralta, Council President | Jessica Payne |
| | Zack Geary | |
| | Chris Chenoweth | |
| | Scott Cunningham | |
| | Dan Tucholsky | |

Also present were Interim City Manager Adam Garvin, City Recorder Claudia Cisneros, City Attorney David Ligtenberg, Community Development Director Heather Richards, Chief of Police Cord Wood, Human Resources Director Vicki Hedges, Public Works Director Geoff Hunsaker, Planning Manager David Bernicker, and Senior Planner Tom Schauer, *members of the News Media – Kyle Dauterman McMinnville Community Media*

1. CALL TO ORDER: Mayor Morris called the meeting to order at 7:06 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.

Tod Butterfield (via Zoom), McMinnville Community Member, spoke about Christmas decorations throughout the city, highlighting the various colors and decorations on city buildings and their traditional meanings.

Michael Quillen, McMinnville Community Member, thanked the council for their leadership and invited them to join "Oregon 250," a statewide initiative celebrating America's 250th birthday in 2026. He requested that council members sign the Oregon 250 petition and consider issuing a proclamation in support of the celebration.

Eva Hales, McMinnville Community Member, expressed disappointment with the council's response to ICE activities on November 21st. She criticized

the mayor for lack of action and open communication, as well as Councilor Tucholsky for recording high school students during a walkout protest. She also questioned Police Chief Cord Wood about why officers were not dispatched when calls were made about masked people.

Alyson Larkin, McMinnville Community Member, discussed how surrounding cities and counties have responded more proactively to ICE activities by issuing emergency declarations, allocating funds to community organizations, and taking other measures to support Latino communities. She thanked the council for meeting with Unidos but encouraged ongoing partnership with community-based organizations.

Perla Mendoza Morfin, Lafayette Community Member, a senior at McMinnville High School, described the fear among students following the detention of a high school student by ICE. She explained how students are experiencing stress and anxiety, with some afraid for their parents' safety. She urged the council to declare a state of emergency to support the immigrant community.

Andrew Larkin, McMinnville Community Member, expressed disappointment with the city's response to ICE activities, stating that citizens in the community are being detained and that volunteers are acting as first responders rather than trained law enforcement.

Lauren Sinclair, McMinnville Community Member, requested clear answers about how law enforcement will respond when individuals are confronted by unmarked vehicles and unidentified officers. She asked whether law enforcement would verify if such activity were lawful when reported through 911 calls, noting that her question was not about immigration enforcement but about public safety.

Ukiah Halloran-Steiner, McMinnville Community Member, urged city leaders to take a more active stance against what she described as "attacks on our immigrant neighbors," stating that basic human rights are being threatened when people are detained.

4. ADVICE/ INFORMATION ITEMS

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

Councilor Geary had nothing to report.

Councilor Tucholsky reported on the YCOM Executive Board meeting, noting that emergency services costs continue to rise. He mentioned that YCOM needs to purchase new memory at a cost of approximately $5,000 to McMinnville. He also reported that the 911 telecommunications tax is set to sunset in December 2029, which could result in increased dues of about $56,000 per agency annually if not renewed. Additionally, he mentioned a

$900,000 grant for the biennium approved for the deflection program, which will include software to share information between YCOM, Yamhill County, McMinnville Police Department, and county deflection services.

Mayor Morris reported on a BPA ceremony where water and light commissioners signed a $600,000,000 contract to keep rates low for ratepayers. She also noted that Commissioner Tom Tankersley retired after 35 years on the Water and Light Commission. She also provided a follow-up statement regarding immigration concerns, reporting that the city had reached out to state representatives to discuss the Promise Act, met with Unidos, communicated with federal legislators including Representatives Salinas, Wyden, and Merkley about notification procedures and agent conduct, and plans to continue advocacy efforts.

Council President Peralta reported that the Council of Governments met and set new rates tied to the consumer price index of 2.9 percent. He mentioned regular contact with Unidos, attending a training at Linfield with Unidos, and meeting with local businesses about impacts on their staff and customers. He added that a letter would be sent to the attorney general requesting clarification, and offered to speak with anyone after the meeting who wished to discuss their concerns.

Councilor Chenoweth had nothing to report.

Councilor Cunningham reported on the severe rent burden meeting held at Stratus Village, which included participation from partner agencies. He also mentioned the Historic Landmarks Committee meeting regarding the demolition of historic resources and provided an update on the economic state of the community, listing numerous business closures and vacancies throughout town. He also discussed his meeting with Unidos and explained limitations on city actions regarding federal immigration enforcement due to its civil nature and federal supremacy. He expressed support for an emergency declaration to pressure the state to help struggling businesses and study economic impacts, emphasizing his desire for a community where children don't live in fear.

Finance Director Katie Henty reported that finance and court departments have been focused on software implementation. She anticipated bringing a contract for court software to the November 12th Council meeting. She also noted progress on the Questica/Euna budget book development, with mock budget books expected by late December or early January.

5. CONSENT AGENDA

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

DRAFT

*Councilor Chenoweth MOVED to adopt the consent agenda as presented; SECONDED by Councilor Cunningham.*

*AYE: Councilor Tucholsky, Chenoweth, Geary, Cunningham, Peralta*
*NAY: NONE*

*Motion **PASSED** unanimously by a vote of **5-0**.*

6. RESOLUTION

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

Interim City Manager Garvin explained that the matter had been handled under a litigation lens since the fourth quarter of 2024, with only attorney-to-attorney communication taking place when he arrived. He noted that he had worked since September on a forward-looking approach focused on reducing the city's exposure to future liability while operating within financial parameters provided by council in executive session.

He explained that he had reached a verbal agreement with Alexandra (YCAP) the previous month, but it took time for legal teams to prepare the draft agreement, which was received the previous week. He reported that YCAP had signed the final version, which is why the item appeared on the agenda for action that evening. The purpose of the resolution was to formally conclude a lengthy process, allow the city to move into 2026 with the project behind them, and ensure the city is fully protected. The settlement provides indemnity to the city and no ongoing exposure beyond responding to public records requests.

Attorney Ligtenberg outlined the main terms of the settlement: payment by the city to YCAP of $98,000, assignment of the city's rights against Fackler Construction for issues arising from construction of the navigation center, YCAP's agreement to defend and indemnify the city for any claims, and mutual release of all claims between the city and YCAP regarding the navigation center's construction.

*Councilor Tucholsky MOVED to approve Resolution No. 2025-69; authorizing the City Manager to enter into a Settlement Agreement with YCAP with regard to the AnyDoor Place Navigation Center; SECONDED by Council President Peralta.*

*AYE: Councilor Tucholsky, Chenoweth, Geary, Cunningham, Peralta*
*NAY: None*

*Resolution No. 2025-69 **PASSED** unanimously by a vote of **5-0**.*

DRAFT

7. ORDINANCES

7.a. Consider the second reading of **Ordinance No. 5165**: An Ordinance Amending Title 17 (Zoning) of the McMinnville Municipal Code Chapter 17.57 "Landscaping" and Chapter 17.58 "Trees" and Approving the Decision, Findings, and Conclusionary Findings for Docket G 2-24.

Attorney David Ligtenberg read the ordinance by title only, noting it was the second reading after the ordinance did not receive unanimous support at the December 9th meeting.

*Council President Peralta MOVED to **Adopt** Ordinance No. 5165, 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; SECONDED by Councilor Tucholsky. Motion **PASSED** 4-1 by the following vote:*

*AYE: Councilors Tucholsky, Chenoweth, Cunningham, Peralta*
*NAY: Councilor Geary*

8. ADJOURNMENT: Mayor Morris adjourned the meeting at 8:03 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

Tuesday, January 13, 2026 at 5:30 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, Community Development Director Heather Richards, Finance Director Katie Henry, Police Captain Scott Fesler, Police Captain Dan O'Loughlin 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. CPR BOND PROJECTION DIRECTION

Interim City Manager (ICM) Adam Garvin presented information on the Community Pool and Recreation (CPR) bond project that was narrowly defeated in the recent election. He outlined key discussion questions for the Council to address, including:

1. Whether to pursue replacement or renovation of facilities
2. How to right-size the project's cost
3. Timeline considerations for a potential future ballot measure
4. What to do with the city's current facilities if replacement is chosen
5. Whether to secure the Miller property from McMinnville Water and Light

ICM Garvin presented a historical timeline of how the project developed since 2013, noting that the most recent bond measure of $98.5 million failed by only 13 votes in a special election with 40% voter turnout. He provided a breakdown of the proposed costs:

- $72.5 million for the new pool and recreation center
- $4.5 million for the senior center
- $4.5 million for the library

- $9 million for park improvements
- $2 million for the old pool site
- $6 million for outdoor recreation facilities

Mr. Garvin also included renovation cost estimates for the current facilities, showing that renovating the aquatic center would cost $24.5 million and the community center would cost $59.2 million, nearly equivalent to their replacement costs. He emphasized that the current buildings have significant deferred maintenance costs totaling over $5.5 million combined.

Council discussion was centered on several key points:

- **Project Scope:** Multiple councilors suggested removing the senior center and library components from the bond to reduce costs, though Councilor Chenoweth noted that polling data had shown removing the senior center would reduce the likelihood of passage.
- **Cost Reduction:** Several councilors suggested targeting a bond in the range of $75-80 million, compared to the previous $98.5 million. Councilor Tucholsky suggested a target range of $60-70 million.
- **Timeline:** The Council was split on whether to aim for the May 2026 ballot (requiring a ballot title by February 27) or the November 2026 election. Those favoring May cited momentum from the recent election and already-budgeted election costs, while those preferring November emphasized the need for more detailed information and planning.
- **Miller Property:** Most councilors supported pursuing the acquisition of the Miller property from McMinnville Water and Light regardless of the bond timeline, with only Councilor Payne expressing opposition to the site.
- **Additional Information Needed:** Council requested several additional items before proceeding, including:
- Conceptual site plans for the facility
- Updated operating cost models
- Fee schedules for public use
- Appraisals of current facilities (especially the community center for potential sale)
- A visit to the Redmond, Washington facility (scheduled to be completed in July)

Councilor Geary proposed working with project consultants who had offered pro bono services to develop updated plans, cost estimates, and operating models that could potentially allow for a May ballot measure.

No formal decisions were made during the work session. Mr. Garvin indicated he would pursue more information on the operations budget, fee schedule, and community center valuation, and would continue exploring options for securing the Miller property.

3. ADJOURNMENT: Mayor Morris adjourned the meeting at 6:39 p.m.

Claudia Cisneros, City Recorder

DRAFT

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, January 13, 2026, 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, Community Development Director Heather Richards, Finance Director Katie Henry, Police Captain Scott Fesler, Police Captain Dan O'Loughlinand *members of the News Media – Kyle Dauterman 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 seven additional emails for public comment already emailed to the City Council and will be made part of the amended packet posted tomorrow.

Perla Mendoza Morfin, Lafayette Community Member, a senior at McMinnville High School and Student Body Senator, described the fear experienced by immigrant families, particularly children. She shared her 11-year-old cousin's experience of hiding and worrying about sounds outside their home, comparing it to the isolation felt during COVID-19. Mendoza called for the council to declare a state of emergency.

Zio Borja, McMinnville Community Member, spoke about youth being scared due to ICE activities. She described friends being unable to participate in normal activities like volleyball due to fear, and families needing escort to safe locations on New Year's Eve.

Julin Stephens, McMinnville Community Member, a senior at McMinnville High School, studying political science, quoted Anne Frank and drew parallels between current ICE activities and historical persecution. She emphasized the importance of upholding the Pledge of Allegiance's promise of "liberty and justice for all."

Ben MacKay, McMinnville Community Member, a senior at McMinnville High School and co-president, represented 2,200 students, noting that nearly 40% are of Hispanic heritage. He expressed concern about students' fear of going to school and being taken by ICE.

Abraham Romo, McMinnville Community Member, a senior at McMinnville High School and soccer program member, spoke as a first-generation Mexican American about the constant fear affecting Hispanic students' mental health and ability to focus on school. He noted that families are among immigrants who contribute $299 billion annually to the US economy.

Tod Butterfield (via Zoom), McMinnville Community Member, opposed declaring a state of emergency, arguing that ICE agents are performing lawful duties. He cited biblical principles about submitting to governing authorities and emphasized that violating immigration laws constitutes rebellion against God-ordained authority

Hal Wagner, Yamhill Community Member, who lives and works on a Yamhill vineyard, argued for a local state of emergency declaration, noting that families are afraid to call for help and that public safety depends on trust between residents and local government. He referenced similar declarations by Hillsboro, Forest Grove, and Salem.

Joseph Polivka, McMinnville Community Member, criticized the council for not taking action during these ICE activities. He called for raising money for affected families, declaring a state of emergency, and standing with the Latino community.

Kourtney Wessels, McMinnville Community Member, a McMinnville educator, read a letter from an anonymous MHS student describing the climate of fear in AP Government class and asking for a state of emergency declaration to show that basic human necessities of safety and dignity are priorities.

Emily Kerrigan, McMinnville Community Member and Diaper Bank volunteer, noted that ICE agents are not acting lawfully as they don't identify themselves and conduct illegal searches. She quoted Matthew 25.

DRAFT

4. ADVICE/ INFORMATION ITEMS

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

Finance Director Katie Henry reported that the city is in full budget mode with a joint work session with the budget committee scheduled. She noted delays with municipal court software implementation, with a potential three to six-month wait for project manager assignment, though budget software implementation is proceeding smoothly with $120,000 in savings from bringing the paid leave Oregon program in-house.

Community Development Director Heather Richards announced community-wide mailers for accessibility project surveys and a community design workshop for the Southwest area planning covering 600 acres for 2,500 new homes. She reported concerning building permit levels, with only 26 housing permits issued in 2024 - the lowest since 1975.

Interim City Manager Adam Garvin noted new staff memo and agenda formats launching at the start of the year, acknowledging some initial cumbersomeness but believing it's the right long-term move.

Councilor Tucholsky reported on airport commission activities including $500,000 added to runway rehab, plans for Black Hawk helicopters for fire suppression with potential for 10 high-paying jobs, and election of commission chair and vice chair.

Councilor Payne mentioned the upcoming audit committee meeting and various other committee activities, including heritage wall damage questions.

Councilor Geary reported on Visit McMinnville meeting and ongoing work on MACPAC assessments for potential pro bono design and construction work.

Mayor Morris described attending aquatic center programs, the Piquette Hotel groundbreaking, Officer Height's retirement, and a Washington DC trip seeking $410 million for the Newburgh-Dundee bypass. She also mentioned meeting with Superintendent Kourtney Ferrua about youth programs.

Council President Peralta noted the upcoming Martin Luther King Day event at the Chehalem Cultural Center.

Councilor Chenoweth had nothing to report.

Councilor Cunningham had nothing to report.

City Recorded Claudia Cisneros noted City Offices closed on Monday, January 19th in observance of MLK Day.

DRAFT

Scott Burke Information Technology Director report they are in high budget gear meeting with every department in the city. Also assisting with launching the Court software project and continuing with the implementation of the RMS project.

Public Works Director Geoff Hunsaker mentioned working on a holistic facilities CIP plan as part of this budget. For the Northeast Gateway Storm and Sewer Project they have selected a consultant that was a qualifications-based selection, so now we're negotiating the scope, and we expect to bring a contract to Council for approval in February. On January 9th the Wastewater Treatment Plant had its 30th birthday.

Human Resources Director Vicki Hedges reported continuing to roll out performance evaluations for all employees at the city. Are working on bringing the Paid Leave Oregon program in-house instead of working with a third party and have successfully done that.

Library Director / Parks & Recreation Director Jenny Berg reported being pleased that Public Works is meeting with departments regarding CIP plans for various facilities but it has tripled her meetings as she covers the Library, the Senior Center, the Aquatic Center, and the Community Center. But it has provided insight to those facilities.

Police Chief Cord Wood as mentioned on the 31st said goodbye to Officer Tim Heidt after 33 years of service to the City and the McMinnville Police Department. The following Monday on the 5th, Officer Hayden Hampton started working for the Police Department as a police officer and that same day, Officer Jeffrey Freeman started his training at the Department of Public Safety Standards and Training at the Academy in Salem.

4.c. Council Meetings Days and Times Continued Discussion

Interim City Manager Garvin presented options for moving council meetings from Tuesday to Wednesday and eliminating the U-shaped seating format to improve operational efficiency. After discussion, the council reached consensus to move meetings to Wednesday starting in February, with regular seating arrangements except during budget season, when the U-shape would be maintained for space needs.

4.d. City role and response regarding local ICE activity

Mayor Morris and Council President Peralta presented a list of potential actions the city could consider regarding local ICE activity. The items were developed based on requests from councilors and community members since November.

Council President Peralta explained that the proposals focus on constitutional rights, due process, and humanitarian concerns rather than interfering with federal immigration law. He noted concerns about performative actions and emphasized meaningful steps to protect people's rights.

The proposed items included:

- Identification of person(s) detained, and confirmation that an immigration arrest has occurred (as opposed to kidnapping or other criminal activity), and notification of next of kin, as consistent with Oregon law, if possible.
- Consideration of notice requirements at City buildings regarding the need for judicial warrants for enforcement actions. (DOJ Model Policy #5)
- Updating the City website with clear information for residents on:
    - What to do if a detention is witnessed
    - How to report abandoned vehicles or hazards
- Request data from the federal government on individuals arrested in McMinnville and the stated basis for arrest, where legally permissible.
- Whether the city should participate in an economic impact survey related to workforce, housing, and service disruptions resulting from enforcement activity. This means signing on as a cosponsor of the survey but would not obligate the city to use financial resources, but it may involve staff to help review the work done by the firm doing the survey, which would be a cost to the city.
- Whether the city should consider banning the use of drones within a certain proximity of public schools.
- Continue to reach out to Federal and State Delegations to request rapid and accurate reporting.

Each council member provided statements on the proposals:

Council President Peralta supported all of these with a caveat with the item related to banning the use of drones in certain proximities of public schools. He had more legal analysis provided by the Chief of Police and City Attorney and the effect would not be what he had hoped. So that one item would suggest not to move forward and the remaining six items should be considered.

Councilor Cunningham supported most items but requested clarification on emergency declarations and how police could identify legitimate ICE operations without interfering.

Councilor Geary supported the proposals with some modifications, particularly adding specificity on tracking information and records.

Councilor Tucholsky opposed all items except continuing federal delegation discussions, citing legal concerns, potential federal funding risks including a $26 million downtown infrastructure grant, and arguing the proposals exceed city authority and could expose the city to liability.

Councilor Payne supported the proposals, arguing that ICE is not acting lawfully and that constitutional protections apply to all people. She emphasized that due process and equal protection must apply regardless of documentation status.

DRAFT

Councilor Chenoweth opposed most proposals citing the need to stay within city purview, avoid political wars, and protect federal funding opportunities. He supported only continuing discussions with federal delegations.

Mayor Morris supported most items with reservations about the economic impact survey, preferring broader business surveys rather than immigration-specific ones. She emphasized the need for accurate information and protecting youth while working within city authority.

Interim City Manager Garvin summarized the consensus direction, noting items that would be brought back for further consideration including website updates, abandoned vehicle procedures, building notices, and development of policies for law enforcement interaction with federal agencies.

5. CONSENT AGENDA

a. Consider **Resolution No. 2026-01:** A Resolution authorizing the City Manager to waive the past due balances and remove the liens on properties within the Defective Private Sewer Lateral (DPSL) Program prior to the Chapter 13 code amendment updates approved by Council on November 12, 2024, in lieu of the reimbursement available during the 180-day grace period.
b. Consider the request from Hangrys Burgers LLC for Full On-Premises, Commercial Liquor License located at 1947 NE Hwy 99W.
c. Consider the request from K2 Uncorked LLC for Limited On-Premises Sales, OLCC Liquor License located at 300 NE 3rd Street.

*Councilor Tucholsky MOVED to adopt the consent agenda as presented; SECONDED by Councilor Payne*

*AYE: Councilors Chenoweth, Payne, Geary, Cunningham, Tucholsky, Peralta*
*NAY: NONE*

*Motion **PASSED** unanimously by a vote of **6-0**.*

6. ORDINANCES

6.a. Consider the first reading with a possible second reading of **Ordinance No. 5168**: An Ordinance approving the McMinnville Landing Planned Development Overlay (Docket G 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. 5168.

Community Development Director Heather Richards presented the ordinance, explaining that it covers 190 acres on three tax lots for a mixed-use

development including employment, commercial, and community aspects. The planning commission unanimously recommended approval. The overlay allows commercial uses as accessory uses not exceeding 25% of the site area.

Mayor Morris raised concerns about McMinnville Water and Light's utility easement needs, noting that General Manager John Dietz had expressed concerns about needing 15 feet rather than the proposed 10 feet for underground infrastructure. Ms. Richards clarified that Water and Light's written comments requested 10 feet, and that variance procedures exist if additional space is needed during development.

*Councilor Chenoweth MOVED to **pass** Ordinance No. 5168 to a second reading; SECONDED by Councilor Cunningham. Motion **PASSED** 6-0 by the following vote:*

*AYE: Councilors Chenoweth, Payne, Geary, Cunningham, Tucholsky, Peralta*
*NAY: NONE*

City Attorney David Ligtenberg read by title only for a second time Ordinance No. 5168.

*Councilor Chenoweth MOVED to **adopt** Ordinance No. 5168, approving the McMinnville Landing Planned Development Overlay (Docket G 1-25); SECONDED by Councilor Cunningham. Motion PASSED 6-0 by the following vote:*

*AYE: Councilors Chenoweth, Payne, Geary, Cunningham, Tucholsky, Peralta*
*NAY: NONE*

7. ADJOURNMENT: Mayor Morris adjourned the meeting at 10:12 p.m.

_____
Claudia Cisneros, City Recorder

DRAFT

City of McMinnville
POLICE

City Recorder Use

Final Action:
Approved ☐ Disapproved ☐

# Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: **Hundred Suns Wine LLC**
BUSINESS LOCATION ADDRESS: **1445 NE Miller ST, Unit #D1, McMinnville**
LIQUOR LICENSE TYPE: **Winery – Non-Consumption**
*** New License Application - Additional Location for an Existing License ***

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:

Manufacturing / Production
Retail Off-Premises Sales

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): Hundred Suns Wine LLC

Proposed Trade Name: Hundred Suns Wine

Premises Address: 1445 NE Miller St. Unit: D1

City: McMinnville County: Yamhill Zip: 97128

Application Type: (•) New License Application ( ) Change of Ownership ( ) Change of Location

License Type: Winery-Non-Consumption [■] Additional Location for an Existing License

### Application Contact Information

Contact Name: Renee Saint-Amour Phone: [redacted]

Mailing Address: [redacted]

City: Amity State: OR Zip: 97101

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): Hundred Suns Wine LLC

Proposed Trade Name: Hundred Suns Wine

**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: 04/20/2026

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.

City of McMinnville
MUNICIPAL AIRPORT

# STAFF REPORT

**DATE:** **May 12, 2026**
**TO:** **Adam Garvin, City Manager**
**SUBMITTED BY:** **Geoff Hunsaker, Public Works Director**
**WRITTEN BY:** **John Paskell, Airport Manager**
**SUBJECT:** **Federal and State Grant Awards**

1. Resolution 2026-26, accepting Federal Aviation Administration and State of Oregon Department of Aviation grant awards and authorizing the City Manager to execute the grant agreements.

---

## Report in Brief:

Resolution 2026-26 authorizes the City Manager to accept and execute a Federal Aviation Administration (FAA) and a State Department of Aviation (ODAV) grant to fund the Perimeter Security Fencing project at the McMinnville Municipal Airport. **The City of McMinnville must accept the FAA grant offer on or before May 29, 2026 to retain funding.**

## Background:

The City of McMinnville owns and operates the McMinnville Municipal Airport, and the FAA and ODAV make grant funding available for approved capital improvement projects at the airport. The Airport's 2026 capital improvement project will include installation of new perimeter security fencing and a supplemental wind cone on the Runway 4 end. Both the FAA and ODAV require the City of McMinnville, as the grant sponsor, to authorize the acceptance of grants, and both FAA and State grants come with certain grant assurances which the City agrees to remain in compliance with for 20 years after the grant is awarded.

## Discussion:

In September 2025, the City executed separate FAA and ODAV grant agreements to provide funding for the project design and construction administration services for the upcoming construction project. Design efforts continued through the winter months, and an Invitation to Bid was published on March 3, 2026. Bids were opened on March 31, 2026 with five bids received. Dallum Build Company was the lowest responsive bidder, and FAA concurrence of such was received on April 3, 2026. (A separate Resolution to award the contract to Dallum Build Company is also on the agenda for this City Council meeting.) Staff submitted a grant application on April 7, 2026 and the grant award was received by FAA on April 28, 2026. The final step is to execute the federal grant agreement.

The ODAV grant application window opened in October 2025 for 2026 construction projects. Staff submitted a grant application requesting $57,363 in matching funds, which is significantly more than what will be required. (See Fiscal Impact section below.) Given that the ODAV grant application window opens before design and bidding are complete, requests for funds are typically higher than what is likely to be needed, and in this case more than double the required amount. Unused funds will go back into the aviation grant pool for the next round of funding in 2027.

## Attachments:

1. Resolution 2026-26
2. FAA Grant Agreement MMV-NMG-3-41-0036-026-2026
3. ODAV Grant Award Notification COAR-2026-MMV-00033

## Fiscal Impact:

Project total is anticipated to be $543,640, funded as follows:

| | |
|---|---|
| FAA grant: | **$516,458 (95%)** |
| ODAV grant: | **$20,386 (3.75%)** |
| Airport Fund: | **$6,796 (1.25%)** |

The airport's FY25 budget assumed a $19,121 required local match, and with only $6,796 needed the Airport Fund will retain the additional $12,325.

## Alternatives:

**Alternative 1 [Staff Recommendation]**: Adopt the attached Resolution authorizing the City Manager to accept and execute the FAA and ODAV grants.

**Alternative 2**: Reject the attached Resolution, which would cancel the project and forfeit all grant funding and require reimbursement of funds already expended for environmental and design.

**Alternative 3**: The Council may consider any other alternative not presented by staff.

# RESOLUTION NO. 2026-26

A Resolution accepting Federal Aviation Administration and State of Oregon Department of Aviation grant awards and authorizing the City Manager to execute the grant agreements.

**RECITALS:**

**WHEREAS**, the City of McMinnville owns and operates the McMinnville Municipal Airport and is responsible for the maintenance and development thereof; and

**WHEREAS**, the Federal Aviation Administration and State of Oregon Department of Aviation provide grant funding to support airport maintenance and development projects; and

**WHEREAS**, a capital improvement project to install perimeter security fencing and a supplement wind cone was authorized and funded by FAA; and

**WHEREAS**, the State of Oregon's Critical Oregon Airport Relief program provides companion grants matching FAA grants; and

**WHEREAS,** it benefits the McMinnville Municipal Airport to leverage federal and state grant programs for the improvement of the airport.

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

1. The City Council authorizes the City Manager to accept and execute agreements for the following:
    - FAA Grant MMV-NMG-3-41-0036-026-2026
    - State of Oregon Grant COAR-2026-MMV-00033
2. This resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Council of the City of McMinnville at a regular meeting held the 12th day of May 2026 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of May, 2026.

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

**U.S. Department of Transportation Federal Aviation Administration**

**Airports Division Northwest Mountain Region Oregon**

**Seattle Airports District Office: 2200 S 216th St Des Moines, WA 98198**

April 28, 2026

Adam Garvin
City Manager
City of McMinnville
230 NE Second St
McMinnville, OR 97128-4831

Dear Mr. Garvin:

The Grant Offer for Infrastructure Investment and Jobs Act (IIJA) Project No. 3-41-0036-026-2026 at McMinnville Municipal Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the Grant Offer carefully.

**You may not make any modification to the text, terms or conditions of the Grant Offer.**

***Steps You Must Take to Enter Into Agreement.***

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **May 29, 2026**.
6. The fully executed grant will then be automatically sent to all parties as an email attachment.

***Payment.*** Subject to the requirements in 2 CFR § 200.305 (federal payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this system.

***Project Timing.*** The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date four (4) years from the grant execution date). We will be monitoring your progress to ensure proper stewardship of these federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in "inactive" status if you do not make draws on a regular basis, which will affect your ability to receive future Grant Offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

***Reporting.*** Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
  1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
  2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit FAA Form 5100-140, Performance Report within 30 days of the end of the federal fiscal year.
- For construction projects, you must submit FAA Form 5370-1, Construction Progress and Inspection Report, within 30 days of the end of each federal fiscal quarter.

***Audit Requirements.*** As a condition of receiving federal assistance under this award, you must comply with audit requirements as established under 2 CFR Part 200. Subpart F requires non-federal entities that expend $1,000,000 or more in federal awards to conduct a single or program specific audit for that year. Note that this includes federal expenditures made under other federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

***Closeout.*** Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

***FAA Contact Information.*** Chelsea Branchcomb, (206) 231-4231, chelsea.l.branchcomb@faa.gov, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

Ryan C. Zulauf
Acting Manager, Seattle Airports District Office

U.S. Department
of Transportation
Federal Aviation
Administration

**FEDERAL AVIATION ADMINISTRATION**

**FY 2026**

**AIRPORT INFRASTRUCTURE GRANT (AIG) GRANT AGREEMENT**

**Part I - Offer**

| | |
|---|---|
| Federal Award Offer Date | April 28, 2026 |
| Airport/Planning Area | McMinnville Municipal Airport |
| Airport Grant Number | 3-41-0036-026-2026, (Contract number: DOT-FA26NM-027) |
| Unique Entity Identifier | L4TTZMFBD3H7 |

TO: City of McMinnville, Oregon
**(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)**

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

**WHEREAS**, the sponsor has submitted to the FAA a Project Application dated April 7, 2026, for a grant of federal funds for a project at or associated with the McMinnville Municipal Airport, which is included as part of this Grant Agreement; and

**WHEREAS**, the FAA has approved a project for the McMinnville Municipal Airport (herein called the "Project") consisting of the following:

Construct Perimeter Fence and gates (phase 2-construction); Install supplemental wind cone (phase 2-construction);

which is more fully described in the Project Application.

**NOW THEREFORE**, Pursuant to and for the purpose of carrying out Title 49, United States Code (USC), Chapters 471 and 475; 49 USC §§ 40101 et seq. and 48103; Consolidated Appropriations Act, 2024 (Public Law Number (P.L.) 118-42); Consolidated Appropriations Act, 2025 (P.L. 119-4); Consolidated Appropriations Act, 2026 (P.L. 119-75); FAA Reauthorization Act of 2024 (P.L. 118-63); Infrastructure Investment and Jobs Act of 2021 (IIJA) (P.L. 117-58) (as applicable); and the representations contained in the Project Application; and in consideration of: (a) the sponsor's adoption and ratification of the most recently published Grant Assurances; (b) the sponsor's acceptance of this offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the project, and compliance with the Grant Assurance and conditions as herein provided;

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay (95) % of the allowable costs incurred accomplishing the Project as the United States' share of the Project.**

**Assistance Listings Number(s):** 20.117.

**This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

**CONDITIONS**

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is $516,457.

   The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 USC § 47108(b):
   $0 for planning
   $516,457 for airport development or noise program implementation; and,
   $0 for land acquisition.

2. **Grant Performance.** This agreement is subject to the following federal award requirements:

   a. Period of Performance:

      i. Start Date: The date the recipient formally accepts this agreement and the date signed by the last signatory to the agreement.

      ii. End Date: Four (4) years to the calendar day from the date of acceptance.

      iii. Extension of the Period of Performance (PoP): The recipient may request a one-time extension of up to one year after the PoP end date by submitting a request to the FAA. The request must include, at a minimum, supporting justification for the request and the amount of additional time requested. The request must be submitted at least 10 calendar days before the PoP end date. This one-time extension may not be exercised for the sole purpose of using unobligated balances.

      The PoP end date, or any extension as approved by FAA, shall not affect, relieve, or reduce recipient obligations and assurances that extend beyond the closeout of this agreement.

   b. Budget Period:

      i. For a single year grant offer, the budget period follows the same start and end date as the PoP provided in paragraph 2(a), and any extension of the PoP end date.

ii. For a multi-year grant offer, per the authority provided in 49 USC § 47108 and § 47114, the budget period is from the initial PoP start date through the end of the final fiscal year identified on a multi-year grant offer (See Multi-Year Grant Special Condition, if applicable).

c. Appropriation Period of Availability and Expenditure:

i. The FAA must obligate appropriated funds within the period of availability identified in the appropriation.

ii. In accordance with 31 USC § 1552, by September 30th of the fifth fiscal year after the period of availability, FAA must liquidate and close expired appropriations, and any remaining balance (whether obligated or unobligated) must be canceled and thereafter shall not be available for obligation or expenditure for any purpose.

iii. IIJA and Supplemental AIP funding are subject to this condition.

d. Close Out:

Recipients shall begin the closeout process upon physical completion of the project(s) identified in this agreement. Closeout shall proceed expeditiously and without delay, even if the PoP end date has not been reached. In accordance with 2 Code of Federal Regulations (CFR) 200, unless the FAA authorizes a written extension, the recipient must submit all grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the PoP end date. If the recipient does not submit all required closeout documentation within this period, the FAA will proceed to close out the grant within one year of the PoP end date with the information available at the end of 120 days.

e. Termination:

The FAA may terminate this agreement and all of its obligations under this agreement if any of the following occur:

i. The recipient fails to comply with the terms and conditions of this agreement;

ii. The recipient fails to obtain or provide any recipient grant contribution as required by the agreement;

iii. There is a material failure to comply with the Project Schedule even if it is beyond the reasonable control of the recipient;

iv. Any project changes that the FAA determines are inconsistent with the FAA's basis for selecting the project to receive a grant;

v. Continued grant payment inactivity, generally defined as no drawdowns over a 12-month period;

vi. The recipient requests that the FAA terminate the agreement under this section; or

vii. The FAA determines that termination of this agreement is in the public interest.

In terminating this agreement under this section, the FAA may elect to consider only the interests of the FAA.

3. **Ineligible or Unallowable Costs.** In accordance with 49 USC § 47110, the sponsor is prohibited from including any costs in the grant funded portions of the project that the FAA has determined to be ineligible or unallowable, including costs incurred to carry out airport development implementing

policies and initiatives repealed by Executive Order 14148, provided such costs are not otherwise permitted by statute.

4. **Indirect Costs - Sponsor.** The sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application, as accepted by the FAA, to allowable costs for sponsor direct salaries and wages.

5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 USC § 47109, the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"), and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs, and settlement will be made for any upward or downward adjustments to the federal share of costs.

6. **Completing the Project Without Delay and in Conformance with Requirements.** The sponsor must carry out and complete the project without undue delay, and in accordance with this agreement, 49 USC Chapters 471 and 475, IIJA (P.L. 117-58) (as appropriate), and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months, or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The sponsor also agrees to comply with the grant assurances, which are part of this agreement.

7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.

8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project(s) unless this offer has been accepted by the sponsor on or before May 29, 2026, or such subsequent date as may be prescribed in writing by the FAA.

9. **Improper Use of Federal Funds and Mandatory Disclosure.**

   a. The sponsor must take all steps, including litigation, if necessary, to recover federal funds spent fraudulently, wastefully, or in violation of federal antitrust statutes, or misused in any other manner for any project upon which federal funds have been expended. For the purposes of this grant agreement, the term "federal funds" means funds however used or dispersed by the sponsor, that were originally paid pursuant to this or any other federal grant agreement. The sponsor must obtain the approval of the Secretary as to any determination of the amount of the federal share of such funds. The sponsor must return the recovered federal share, including funds recovered by settlement, order, or judgment, to the Secretary. Upon request, the sponsor must furnish to the Secretary all documents and records pertaining to the determination of the amount of the federal share, or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the sponsor, in court or otherwise, involving the recovery of such federal share require advance approval by the Secretary.

   b. The sponsor, a recipient, and a subrecipient under this federal grant must promptly comply with the mandatory disclosure requirements as established under 2 CFR § 200.113, including reporting requirements related to recipient integrity and performance in accordance with Appendix XII to 2 CFR Part 200.

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this agreement.

11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**

    a. Requirement for System for Award Management (SAM): Unless the sponsor is exempted from this requirement under 2 CFR § 25.110, the sponsor must maintain the currency of its information in the SAM until the sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at http://www.sam.gov).

    b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit, or governmental entity. A UEI may be obtained from SAM.gov at https://sam.gov/content/entity-registration.

12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. **Informal Letter Amendment of Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the sponsor by $25,000 or five percent, whichever is greater, the FAA can issue a letter amendment to the sponsor unilaterally reducing the maximum obligation.

    The FAA can also issue a letter to the sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun, provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1, Maximum Obligation.

    The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous, and in the best interests of the United States.

    An informal letter amendment has the same force and effect as a formal grant amendment.

14. **Environmental Standards.** The sponsor is required to comply with all applicable environmental standards, as further defined in the Grant Assurances, for all projects in this grant. If the sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.

15. **Financial Reporting and Payment Requirements.** The sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 USC § 50101, the sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this grant.

17. **Build America, Buy America.** The sponsor must comply with the requirements under the Build America, Buy America Act (P.L. 117-58).

18. **Maximum Obligation Increase.** In accordance with 49 USC § 47108(b)(2), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this grant:

    a. May not be increased for a planning project;

    b. May be increased by not more than 15 percent for development projects, if funds are available;

    c. May be increased by not more than the greater of the following for a land project, if funds are available:

        i. 15 percent; or

        ii. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

    If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 USC § 47109, or IIJA (P.L. 17-58), or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the federal share as applicable through an informal letter of amendment.

19. **Audits for Sponsors.**

    PUBLIC SPONSORS. The sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at http://harvester.census.gov/facweb/. Upon request of the FAA, the sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than $1,000,000 in federal awards and are exempt from federal audit requirements must make records available for review or audit by the appropriate federal agency officials, state, and Government Accountability Office. The FAA and other appropriate federal agencies may request additional information to meet all federal audit requirements.

20. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the sponsor must:

    a. Verify the non-federal entity is eligible to participate in this federal program by:

        i. Checking the System for Award Management (SAM.gov) exclusions to determine if the non-federal entity is excluded or disqualified; or

        ii. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or

        iii. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.

    b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions with their contractors and sub-contractors.

c. Immediately disclose in writing to the FAA whenever (1) the sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the public sponsor suspends or debars a contractor, person, or entity.

**21. Ban on Texting While Driving.**

a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the sponsor is encouraged to:

i. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal Government, including work relating to a grant or subgrant.

ii. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:

a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

f. The sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this grant.

**22. Trafficking in Persons.**

a. *Posting of contact information.*

i. The sponsor must post the contact information of the national human trafficking hotline (including options to reach out to the hotline such as through phone, text, or TTY) in all public airport restrooms.

b. *Provisions applicable to a sponsor that is a private entity.*

i. Under this grant, the sponsor, its employees, subrecipients under this grant, and subrecipient's employees must not engage in:

a) Severe forms of trafficking in persons;

b) The procurement of a commercial sex act during the period of time that the grant or cooperative agreement is in effect;

c) The use of forced labor in the performance of this grant; or any subaward; or

d) Acts that directly support or advance trafficking in persons, including the following acts:

1. Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;

2. Failing to provide return transportation of pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:

a. Exempted from the requirement to provide or pay for such return transportation by the federal department or agency providing or entering into the grant; or

b. The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or witness in a human trafficking enforcement action;

3. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;

4. Charging recruited employees a placement or recruitment fee; or

5. Providing or arranging housing that fails to meet the host country's housing and safety standards.

ii. The FAA may unilaterally terminate this grant or take any remedial actions authorized by 22 USC § 7104b(c), without penalty, if any private entity under this grant:

a) is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant; or

b) has an employee that is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant through conduct that is either:

1. Associated with the performance under this grant; or
2. Imputed to the recipient or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.

c. *Provisions applicable to a sponsor other than a private entity.*

i. The FAA may unilaterally terminate this award or take any remedial actions authorized by 22 USC § 7104b(c), without penalty, if subrecipient is a private entity under this grant:

a) is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant or

b) has an employee that is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant through conduct that is either:

1. Associated with the performance under this grant; or

2. Imputed to the sponsor or subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.

d. *Provisions applicable to any sponsor or subrecipient.*

i. The sponsor or subrecipient must inform the FAA and the DOT Inspector General immediately of any information you receive from any source alleging a violation of a prohibition in paragraph 2.a. (PoP) of this grant.

ii. The FAA's right to unilaterally terminate this grant as described in paragraphs 2.b. (Budget Period) or 3.a. (Close Out and Termination) of this grant, implements the requirements of 22 USC Chapter 78, and is in addition to all other remedies for noncompliance that are available to the FAA under this grant.

iii. The sponsor must include the requirements of paragraph 2.a. (PoP) of this grant award term in any subaward it makes to a private entity.

iv. If applicable, the sponsor must also comply with the compliance plan and certification requirements in 2 CFR § 175.105(b).

e. *Definitions. For purposes of this grant award, term:*

i. "Employee" means either:

a) An individual employed by the sponsor or a subrecipient who is engaged in the performance of the project or program under this grant; or

b) Another person engaged in the performance of the project or program under this grant and not compensated by the sponsor or a subrecipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements.

ii. "Private Entity" means:

a) Any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR § 200.1.

b) The terms "severe forms of trafficking in persons," "commercial sex act," "sex trafficking," "abuse or threatened abuse of law or legal process," "coercion," "debt bondage," and "involuntary servitude" have the meanings given at section 103 of the Victims of Trafficking and Violence Protection Act of 2000, as amended (22 USC § 7102).

**23. Grant Funded Work Included in a PFC Application.** Within 120 days of acceptance of this Grant Agreement, the sponsor must submit to the FAA an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this Grant Agreement as described in the project application. The sponsor may not make any expenditure under this Grant Agreement until project work addressed under this Grant Agreement is removed from an approved PFC application by amendment.

**24. Exhibit "A" Property Map.** The Exhibit "A" Property Map dated February 13, 1990, is incorporated herein by reference, or is submitted with the project application and made part of this Grant Agreement.

**25. Employee Protection from Reprisal.** In accordance with 2 CFR § 200.217 and 41 USC § 4701, an employee of a grantee, subgrantee contractor, recipient, or subrecipient must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in 41 USC § 4712(a)(2) information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant. The grantee, subgrantee, contractor, recipient, or subrecipient must inform their employees in writing of employee whistleblower rights and protections under 41 USC § 4712. See statutory requirements for whistleblower protections at 10 USC § 4701, 41 USC § 4712, 41 USC § 4304, and 10 USC § 4310.

26. **Prohibited Telecommunications and Video Surveillance Services and Equipment.** The sponsor agrees to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [P.L. 115-232 § 889] and 2 CFR § 200.216.

27. **Critical Infrastructure Security and Resilience.** The sponsor acknowledges that it has considered and addressed physical and cybersecurity and resilience in its project planning, design, and oversight, as determined by the DOT and the Department of Homeland Security (DHS). For airports that do not have specific DOT or DHS cybersecurity requirements, the FAA encourages the voluntary adoption of the cybersecurity requirements from the Transportation Security Administration and Federal Security Director identified for security risk Category X airports.

28. **Title VI of the Civil Rights Act.** As a condition of a grant award, the sponsor shall demonstrate that it complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d et seq.) and implementing regulations (49 CFR Part 21), the Airport and Airway Improvement Act of 1982 (49 USC § 47123), the Age Discrimination Act of 1975 (42 USC § 6101 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 et seq.), the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq.), U.S. Department of Transportation and Federal Aviation Administration (FAA) Assurances, and other relevant civil rights statutes, regulations, or authorities, including any amendments or updates thereto. This may include, as applicable, providing a current Title VI Program Plan to the FAA for approval, in the format and according to the timeline required by the FAA, and other information about the communities that will be benefited and impacted by the project. The sponsor shall affirmatively ensure that when carrying out any project supported by this grant that it complies with all federal nondiscrimination and civil rights laws based on race, color, national origin, sex, creed, age, disability, and genetic information, in consideration for federal financial assistance. The Department's and FAA's Office of Civil Rights may provide resources and technical assistance to recipients to ensure full and sustainable compliance with federal civil rights requirements. Failure to comply with civil rights requirements will be considered a violation of the agreement or contract and be subject to any enforcement action as authorized by law.

29. **Applicable Federal Anti-Discrimination Laws.** The sponsor agrees:

    a. That its compliance in all respects with all applicable federal anti-discrimination laws is material to the government's payment decisions for purposes of 31 USC § 3729(b)(4) and

    b. To certify that it does not operate any programs promoting Diversity, Equity, and Inclusion (DEI) that violate any applicable federal anti-discrimination laws.

30. **National Airspace System Requirements.**

    a. The sponsor shall cooperate with FAA activities installing, maintaining, replacing, improving, or operating equipment and facilities in or supporting the National Airspace System, including waiving permitting requirements and other restrictions affecting those activities to the maximum extent possible, and assisting the FAA in securing waivers of permitting or other restrictions from other authorities. The sponsor shall not take actions that frustrate or prevent the FAA from installing, maintaining, replacing, improving, or operating equipment and facilities in or supporting the National Airspace System.

    b. If FAA determines that the sponsor has violated subsection a., the FAA may impose a remedy, including:

        i. Additional conditions on the award;

ii. Consistent with 49 USC Chapter 471, any remedy permitted under 2 CFR §§ 200.339–200.340, including withholding of payments; disallowance of previously reimbursed costs, requiring refunds from the recipient to the DOT; suspension or termination of the award; or suspension and debarment under 2 CFR part 180; or

iii. Any other remedy legally available.

c. In imposing a remedy under this condition, the FAA may elect to consider the interests of only the FAA.

d. The sponsor acknowledges that amounts that the FAA requires the sponsor to refund to the FAA due to a remedy under this condition constitute a debt to the Federal Government that the FAA may collect under 2 CFR 200.346 and the Federal Claims Collection Standards (31 CFR Parts 900–904).

**31. Signage Costs for Construction Projects.** The sponsor agrees that it will require the prime contractor of a federally-assisted airport improvement project to post signs consistent with a DOT/FAA-prescribed format, as may be requested by the DOT/FAA, and further agrees to remove any signs posted in response to requests received prior to February 1, 2025.

## SPECIAL CONDITIONS

**32. Airport - Owned Visual or Electronic Navigation Aids in Project.** The sponsor agrees that it will:

a. Provide for the continuous operation and maintenance of any navigational aid funded under this Grant Agreement during the useful life of the equipment unless the equipment is transferred by agreement to the FAA in accordance with 49 USC § 44502(e);

b. Prior to commissioning, assure the equipment meets the FAA's standards; and

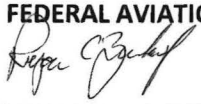
c. Remove, relocate, lower, mark, or light each obstruction to obtain a clear approach as indicated in the 14 CFR Part 77 aeronautical survey.

The sponsor's acceptance of this offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the sponsor, as hereinafter provided, and this offer and acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the sponsor with respect to the accomplishment of the project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the sponsor's acceptance of this offer.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.[1]

**UNITED STATES OF AMERICA**
**FEDERAL AVIATION ADMINISTRATION**



*(Signature)*

Ryan C. Zulauf

*Ryan C. Zulauf*

Manager (A)

*Acting Manager, Seattle ADO*

[1] Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

**Part II - Acceptance**

The sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing offer, and does hereby accept this offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this offer and in the Project Application.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.[2]

Dated _____

City of McMinnville
*(Name of Sponsor)*

_____
*(Signature of Sponsor's Authorized Official)*

**By:** _____
*(Typed Name of Sponsor's Authorized Official)*

**Title:** _____
*(Title of Sponsor's Authorized Official)*

[2] Knowingly and willfully providing false information to the Federal Government is a violation of 18 USC § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

## CERTIFICATE OF SPONSOR'S ATTORNEY

I, , acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Oregon. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (USC), Chapters 471 and 475; 49 USC §§ 40101 et seq., and 48103; Consolidated Appropriations Act, 2024 (P.L. 118-42); Consolidated Appropriations Act, 2025 (P.L. 119-4); Consolidated Appropriations Act, 2026 (P.L. 119-75); FAA Reauthorization Act of 2024 (P.L. 118-63); and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

**Please read the following information:** By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.[3]

Dated at _____

**By:** _____
*(Signature of Sponsor's Attorney)*

[3] Knowingly and willfully providing false information to the Federal Government is a violation of 18 USC § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

## ASSURANCES
### AIRPORT SPONSORS

**A. General.**

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, USC, subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this Grant Offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

**B. Duration and Applicability.**

**1. Airport Development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a Grant Offer of federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of federal aid for the project.

3. **Airport Planning Undertaken by a Sponsor.**

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, 37, and 40 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

## C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

### 1. General Federal Requirements

It will comply with all applicable federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of federal funds for this grant. Performance under this agreement shall be governed by and in compliance with the following requirements, as applicable, to the type of organization of the Sponsor and any applicable sub-recipients. The applicable provisions to this agreement include, but are not limited to, the following:

**FEDERAL LEGISLATION**

a. 49 USC subtitle VII, as amended.

b. Davis-Bacon Act, as amended — 40 USC §§ 3141-3144, 3146, and 3147, et seq.[1]

c. Federal Fair Labor Standards Act – 29 USC § 201, et seq.

d. Hatch Act – 5 USC § 1501, et seq.[2]

e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC § 4601, et seq.[1, 2]

f. National Historic Preservation Act of 1966 – Section 106 – 54 USC § 306108.[1]

g. Archeological and Historic Preservation Act of 1974 – 54 USC § 312501, et seq.[1]

h. Native Americans Grave Repatriation Act – 25 USC § 3001, et seq.

i. Clean Air Act, P.L. 90-148, as amended – 42 USC § 7401, et seq.

j. Coastal Zone Management Act, P.L. 92-583, as amended – 16 USC § 1451, et seq.

k. Flood Disaster Protection Act of 1973 – Section 102(a) - 42 USC § 4012a.[1]

l. 49 USC § 303, (formerly known as Section 4(f)).

m. Rehabilitation Act of 1973 – 29 USC § 794.

n. Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq.) (prohibits discrimination on the basis of race, color, national origin).

o. Americans with Disabilities Act of 1990, as amended, (42 USC § 12101 et seq.) (prohibits discrimination on the basis of disability).

p. Age Discrimination Act of 1975 – 42 USC § 6101, et seq.

q. American Indian Religious Freedom Act, P.L. 95-341, as amended.

r. Architectural Barriers Act of 1968, as amended – 42 USC § 4151, et seq.[1]

s. Powerplant and Industrial Fuel Use Act of 1978 – Section 403 – 42 USC § 8373.[1]

t. Contract Work Hours and Safety Standards Act – 40 USC § 3701, et seq.[1]

u. Copeland Anti-kickback Act – 18 USC § 874.[1]

v. National Environmental Policy Act of 1969 – 42 USC § 4321, et seq.[1]

w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 USC § 1271, et seq.

x. Single Audit Act of 1984 – 31 USC § 7501, et seq.[2]

y. Drug-Free Workplace Act of 1988 – 41 USC §§ 8101 through 8105.

z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).

aa. Civil Rights Restoration Act of 1987, P.L. 100-259.

bb. Infrastructure Investment and Jobs Act, P.L. 117-58, Title VIII.

cc. Build America, Buy America Act, P.L. 117-58, Title IX.

dd. Endangered Species Act – 16 USC 1531, et seq.

ee. Title IX of the Education Amendments of 1972, as amended – 20 USC 1681–1683 and 1685–1687.

ff. Drug Abuse Office and Treatment Act of 1972, as amended – 21 USC 1101, et seq.

gg. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 USC § 4541, et seq.

hh. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 USC § 4541, et seq.

ii. Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions – 31 USC § 1352.

**EXECUTIVE ORDERS**

a. Executive Order 11990 – Protection of Wetlands

b. Executive Order 11988 – Floodplain Management

c. Executive Order 12372 – Intergovernmental Review of Federal Programs

d. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction[1]

e. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America's Workers

f. Executive Order 14149 – Restoring Freedom of Speech and Ending Federal Censorship

g. Executive Order 14151 – Ending Radical and Wasteful Government DEI Programs and Preferencing

h. Executive Order 14154 – Unleashing American Energy

i. Executive Order 14168 – Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government

j. Executive Order 14173 – Ending Illegal Discrimination and Restoring Merit-Based Opportunity

**FEDERAL REGULATIONS**

a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).

b. 2 CFR Part 200 and 1201 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [3, 4, 5]

c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.

d. 14 CFR Part 13 – Investigative and Enforcement Procedures.

e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.

f. 14 CFR Part 150 – Airport Noise Compatibility Planning.

g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.

h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.

i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.[1]

j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.[1]

k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).[1]

l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).[1]

m. 49 CFR Part 20 – New Restrictions on Lobbying.

n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.

o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.

p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.[1, 2]

q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.[1]

s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.

t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.

u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).

w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.

x. 49 CFR Part 41 – Seismic Safety.

***FOOTNOTES TO ASSURANCE (C)(1)***

[1] These laws do not apply to airport planning sponsors.
[2] These laws do not apply to private sponsors.
[3] 2 CFR Part 200 contains requirements for state and local governments receiving federal assistance. Any requirement levied upon state and local governments by this regulation shall apply where applicable to private sponsors receiving federal assistance under Title 49, United States Code.
[4] Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
[5] Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

**SPECIFIC ASSURANCES**

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

**2. Responsibility and Authority of the Sponsor.**

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

**3. Sponsor Fund Availability.**

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

**4. Good Title.**

a. It, a public agency or the Federal Government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

**5. Preserving Rights and Powers.**

a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. Subject to 49 USC § 47107(a)(16) and (x), it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.

c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.

e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.

f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.

g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors

of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. **Consistency with Local Plans.**

   The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the state in which the project is located to plan for the development of the area surrounding the airport.

7. **Consideration of Local Interest.**

   It has given fair consideration to the interest of communities in or near where the project may be located.

8. **Consultation with Users.**

   In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. **Public Hearings.**

   In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. **Metropolitan Planning Organization.**

    In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. **Pavement Preventive Maintenance-Management.**

    With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. **Terminal Development Prerequisites.**

    For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 USC § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

**13. Accounting System, Audit, and Record Keeping Requirements.**

a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**14. Minimum Wage Rates.**

It shall include, in all contracts in excess of $2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 USC §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

**15. Veteran's Preference.**

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 USC § 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

**16. Conformity to Plans and Specifications.**

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this Grant Agreement.

**17. Construction Inspection and Approval.**

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in

accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

**18. Planning Projects.**

In carrying out planning projects:

a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.

b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.

c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.

d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.

g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.

h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a federal airport grant.

**19. Operation and Maintenance.**

a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:

1. Operating the airport's aeronautical facilities whenever required;

2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and

3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions

interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which federal funds have been expended.

**20. Hazard Removal and Mitigation.**

It will take appropriate action to ensure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

**21. Compatible Land Use.**

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which federal funds have been expended.

**22. Economic Nondiscrimination.**

a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.

b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:

   1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and

   2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.

d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.

e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers

which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.

g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

**23. Exclusive Rights.**

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and

b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

**24. Fee and Rental Structure.**

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the federal share of an airport development, airport planning or noise compatibility project for

which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

**25. Airport Revenues.**

a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:

   1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

   2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.

   3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 USC § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.

b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 USC § 47107.

**26. Reports and Inspections.**

It will:

a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the

public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;

c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:

   1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and

   2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

**27. Use by Government Aircraft.**

It will make available all of the facilities of the airport developed with federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or

b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

**28. Land for Federal Facilities.**

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

**29. Airport Layout Plan.**

a. The airport owner or operator will maintain a current airport layout plan of the airport showing:

1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.

b. Subject to subsection 49 USC § 47107(x), the Secretary will review and approve or disapprove the plan and any revision or modification of the plan before the plan, revision, or modification takes effect.

c. The owner or operator will not make or allow any alteration in the airport or any of its facilities unless the alteration—

1. is outside the scope of the Secretary's review and approval authority as set forth in subsection (x); or

2. complies with the portions of the plan approved by the Secretary.

d. When the airport owner or operator makes a change or alteration in the airport or the facilities which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:

1. eliminate such adverse effect in a manner approved by the Secretary; or
2. bear all costs of relocating such property or its replacement to a site acceptable to the Secretary and of restoring the property or its replacement to the level of safety, utility, efficiency, and cost of operation that existed before the alteration was made, except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

**30. Civil Rights.**

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d to 2000d-4); creed and sex per 49 USC § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this grant.

a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.

b. Applicability

   1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.

   2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

   3. Real Property. Where the sponsor receives a grant or other federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

   The sponsor agrees that it is obligated to this assurance for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

   1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or

   2. So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

   "The (**City of McMinnville**), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 ( 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, all businesses will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex , age, or disability in consideration for an award."

e. Required Contract Provisions.

   1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in federally-assisted programs of the DOT acts and regulations.

   2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.

3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.

4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex, age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

   a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

   b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

**31. Disposal of Land.**

a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:

   1. Reinvestment in an approved noise compatibility project;

   2. Reinvestment in an approved project that is eligible for grant funding under 49 USC § 47117(e);

   3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 USC §§ 47114, 47115, or 47117;

   4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or

   5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

   If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United

States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:

1. Reinvestment in an approved noise compatibility project;
2. Reinvestment in an approved project that is eligible for grant funding under 49 USC § 47117(e);
3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 USC §§ 47114, 47115, or 47117;
4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

**32. Engineering and Design Services.**

If any phase of such project has received federal funds under Chapter 471 subchapter 1 of Title 49 USC, it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

**33. Foreign Market Restrictions.**

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

**34. Policies, Standards, and Specifications.**

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (https://www.faa.gov/airports/aip/aip_pfc_checklist) for AIP projects as of April 07, 2026.

**35. Relocation and Real Property Acquisition.**

a. It will be guided in acquiring real property, to the greatest extent practicable under state law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.

b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.

c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

**36. Access By Intercity Buses.**

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

**37. Disadvantaged Business Enterprises (DBE)/Airport Concessions Disadvantage Business Enterprise (ACDBE) Program.**

The sponsor shall not discriminate on the basis of race, color, national origin, or sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 USC § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC §§ 3801-3809, 3812).

**38. Hangar Construction.**

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

**39. Competitive Access.**

a. If the airport owner or operator of a medium or large hub airport (as defined in 49 USC § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:

1. Describes the requests;

2. Provides an explanation as to why the requests could not be accommodated; and
3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.

b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

**40. Access to Leaded Aviation Gasoline**

a. If 100-octane low lead aviation gasoline (100LL) was made available at an airport, at any time during calendar year 2022, an airport owner or operator may not restrict or prohibit the sale of, or self-fueling with, 100-octane low lead aviation gasoline.

b. This requirement remains until the earlier of December 31, 2030, or the date on which the airport or any retail fuel seller at the airport makes available an unleaded aviation gasoline that has been authorized for use by the FAA as a replacement for 100-octane low lead aviation gasoline for use in nearly all piston-engine aircraft and engine models; and meets either an industry consensus standard or other standard that facilitates the safe use, production, and distribution of such unleaded aviation gasoline, as determined appropriate by the FAA.

c. An airport owner or operator understands and agrees, that any violation of this grant assurance is subject to civil penalties as provided for in 49 USC § 46301(a)(8).

Oregon
Tina Kotek, Governor

**Oregon Department of Aviation**
3040 25th Street SE
Salem, OR 97302-1125
Office: 503-378-4880
Fax: 503-373-1688

February 17, 2026

OREGON
Department of Aviation

John Paskell
City of McMinnville/McMinnville Municipal Airport

Dear John Paskell,

Congratulations! Your project application COAR-2026-MMV-00033, Fencing & Wind Cone Project - Construction Phase, has been selected by the State Aviation Board to receive a 2025-26 COAR grant. The maximum grant award for this application is $57,363.

Throughout the grant process, you will be using the same www.odae-grants.com software that you used to submit your grant application. This will make it easier to you and for us to track the grant progress and reports and to get reimbursements to you in a timely manner.

If you log in now, you may see your grant status set to "pre-agreement preparation." This will remain until you contact ODAV Program Coordinators stating that you are ready to execute your grant agreement. Review the steps below to confirm you have the appropriate documentation to execute your COAR grant.

Once ODAV receives notification from you, you may login to IGX to complete the next steps in the software:

a. Upload a copy of your fully executed Agreement with any parties providing match funding (federal, city, county, other) and a copy of your contract with the parties completing the project into the "Miscellaneous Uploads" form of the grant application if you have not already provided these documents during the application process.
b. Determine the remaining project costs and project milestones of the project. Enter the total project costs and milestones into the "Grant Agreement/Amendment" form. **Update grant status to forward to Program Coordinators for review.**
c. Once reviewed you will receive notification signatures are required. Program Coordinators will send the grant agreement electronically. Visit the "Grant Agreement/Amendment" form and complete the following steps:
    - The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
    - You may not make any modification to the text, terms or conditions of the grant offer.
    - After you properly sign the grant agreement, upload a signed copy into IGX.
    - ODAV Program Staff will upload the fully executed agreement. Retain a copy for your records.

Until the grant is completed and closed you are responsible for submitting monthly Milestone Progress Reports (MPRs), as well as submitting Requests for Reimbursement (RFRs) in accordance with the grant agreement.

Once the project is completed and all costs are determined, we ask that you close the project without delay and submit the final closeout report documentation as required by ODAV.

Congratulations on your grant award. We look forward to working with you.

Sincerely,

ODAV COAR Program Coordinators

City of McMinnville
MUNICIPAL AIRPORT

# STAFF REPORT

**DATE:** **May 12, 2026**
**TO:** **Adam Garvin, City Manager**
**SUBMITTED BY:** **Geoff Hunsaker, Public Works Director**
**WRITTEN BY:** **John Paskell, Airport Manager**
**SUBJECT:** **Award of Perimeter Fence Construction Contract**

1. Resolution 2026-27, awarding the Airport Perimeter Fence and Supplemental Wind Cone construction project contract to Dallum Build Company.

---

## Report in Brief:

Resolution 2026-27 awards a public improvement contract in the amount of $543,639.65 to Dallum Build Company to construct the perimeter fence and wind cone project at the McMinnville Municipal Airport, Project 2026-06.

## Background:

The Airport Fence and Wind Cone project consists of installing ~10,000 LF of new 6’ tall chain link fence, removal and replacement of ~4,000 LF of existing 3’ tall fence with 6’ chain link fence, removal and replacement of two vehicular and three pedestrian gates with new 6’ tall gates, and installation of two new 6’ tall gates. Separately, the project installs a secondary wind cone on the Runway 4 end, providing an additional safety feature for pilots. Construction is scheduled to begin in July and be completed by end of September, 2026.

**Discussion:**

On March 31, 2026 five bids were received, opened, and publicly read for the construction of the fence and wind cone project, Project 2026-06. The bid results are as follows:

| | |
|---|---|
| Dallum Build Company: | $543,639.65 |
| Hero Fencing: | $599,096.25 |
| F & W Fence Company: | $660,812.25 |
| Town & Country Fence: | $715,482.00 |
| ATK Construction: | $905,060.00 |

The engineer's estimate for construction was $1,412,700.74, so the low bid represents 40% of the estimated cost. Unused funds will be carried over to future airport improvement projects, and potentially an expanded scope of the current project

The bids were reviewed by City staff and Century West Engineering, the City's design and engineering consultant for the project. The disparity between the engineer's estimate and final bid price is based on expected unit prices for fencing, gates, and earthwork. Engineer's estimates are materially conservative in nature and account for uncertainty and worst-case conditions in the marketplace and given that all five bids were below the engineer's estimate, it suggests there exists strong marketplace competition.

The bid from Dallum Build Company was deemed to be the lowest responsible and responsive bid and staff and consultants are confident that it is a responsible and responsive bid. A Recommendation of Award was forwarded to the FAA, and their Concurrence of Award is included as Attachment 2.

**Attachments:**

1. Resolution 2026-27
2. FAA Concurrence of Award Letter

**Fiscal Impact:**

95% ($516,458) of the project cost will be funded by an FAA infrastructure grant, 3.75% ($20,386) by a State of Oregon matching grant, and the final 1.25% ($6,796) from the Airport Fund.

Staff budgeted $19,121 for the required local match, so the ~$12,325 savings will remain in the Airport Fund for future projects. The unused FAA funds will remain available for McMinnville Airport's future projects, and/or an expanded scope of the current project, if approved by FAA.

**Alternatives:**

**Alternative 1 [Staff Recommendation]**: Adopt the attached Resolution awarding the project to Dallum Build Company.

**Alternative 2**: Reject the attached Resolution. Staff would notify FAA with an explanation as to the reason for rejection of the low bidder.

**Alternative 3**: The Council may consider any other alternative not presented by staff.

# RESOLUTION NO. 2026-27

A Resolution awarding the Airport Perimeter Fence and Supplemental Wind Cone construction project contract to Dallum Build Company.

**RECITALS:**

**WHEREAS**, the City of McMinnville owns and operates the McMinnville Municipal Airport and is responsible for the maintenance and development thereof; and

**WHEREAS**, a capital improvement project to install perimeter security fencing and a supplement wind cone was authorized and funded by Federal Aviation Administration; and

**WHEREAS**, five bids were received and Dallum Build Company was the lowest responsible and responsive bidder; and

**WHEREAS,** the Federal Aviation Administration concurs with the City's Recommendation of Award to Dallum Build Company.

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

1. The City Council authorizes the City Manager to award the project to Dallum Build Company and execute the contract.
2. This resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Council of the City of McMinnville at a regular meeting held the 12th day of May 2026 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of May, 2026.

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Seattle Airports District Office
2200 S. 216th Street, Room 1W-420
Des Moines, WA 98198

April 3, 2026

McMinnville Municipal Airport
McMinnville, OR
AIP: 3-41-00036-026-2026
Concurrence in Award

Dear John Paskell:

We have reviewed the bid documents and concur with your recommendation to award to **Dallum Build Company, in the amount of $543,639.65**. Furthermore, we accept your statement that the cost is reasonable based on the cost analysis performed by you or your consultant. Please maintain a copy of your cost analysis for future audit purposes.

FAA regulations require the sponsor certify that adequate construction supervision and inspection have been arranged. Also, the sponsor ensures that construction conforms to the approved plans and specifications.

Please provide us with the following documents:

1. One copy of the executed contract.
2. A copy of the Notice to Proceed so we will be aware of the beginning construction date. This should be provided only after the sponsor determines that all necessary contracts, bonds, certificates of insurance, etc., are satisfactory, so that a Notice to Proceed may be issued to the contractor.

A preconstruction conference should be scheduled after the contract is awarded. Please inform us of the time and place of this meeting. The contractor's construction schedule and the overall project should be discussed. We will attempt to attend this meeting, however, in the event that we cannot attend the meeting, please include the FAA preconstruction guidance package, in the agenda for your preconstruction meeting. This information can be found in Advisory Circular 150/5370-12. Please provide us with a copy of the minutes of the meeting and a list of those in attendance.

Federal participation is contingent upon construction conforming to the approved plans and specifications. To accomplish this, your resident engineer and inspectors must be familiar with the specification requirements and perform testing as required.

Copies of all test results should be available, during construction, at the job site for our review. In addition, Construction Progress and Inspection Reports, using FAA Form 5370-1 must be submitted on a weekly basis during construction.

Changes to the plans and specifications should be made by change order or supplemental agreement. Approval by the FAA should be obtained prior to performing the work to be eligible for participation.

U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Seattle Airports District Office
2200 S. 216th Street, Room 1W-420
Des Moines, WA 98198

Complete a *Strategic Events Submission Form* and forward to appropriate FAA Air Traffic Organization (ATO) Planning & Requirements office for any project that requires temporary shutdown of a facility.

If you have questions regarding your responsibilities during construction, please call me at (206) 231-4231.

Sincerely,

CHELSEA LYNN BRANCHCOMB

Digitally signed by CHELSEA LYNN BRANCHCOMB
Date: 2026.04.03 14:01:38 -07'00'

**Chelsea Branchcomb, PE**
Lead Engineer, Seattle Airports District Office
Office of Airports | Federal Aviation Administration
U.S. Department of Transportation

City of McMinnville
POLICE

City Recorder Use

Final Action:
Approved ☐ Disapproved ☐

# Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: **Mano Cornuto LLC**
BUSINESS LOCATION ADDRESS: **760 NW 11th ST, suite A, McMinnville**
LIQUOR LICENSE TYPE: **Winery – Non-consumption**

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:

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): Mano Cornuto, LLC / Aaron Kirschnick

Proposed Trade Name: Mano Cornuto

Premises Address: 760 NW 11th St. Unit: Suite A

City: McMinnville County: Yamhill Zip: 9128

Application Type: (●) New License Application ( ) Change of Ownership ( ) Change of Location

License Type: Winery Non-Consumption [ ] Additional Location for an Existing License

### Application Contact Information

Contact Name: Aaron Kirschnick 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): Mano Cornuto, LLC / Aaron Kirschnick

Proposed Trade Name: Mano Cornuto

**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: 05/05/2026

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.



Added on 05.07.2026
4 of 4
Amended on 05.13.2026
109 of 566

City of McMinnville
POLICE

City Recorder Use

Final Action:
Approved ☐ Disapproved ☐

# Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: **Winderlea, LLC**
BUSINESS LOCATION ADDRESS: **829 NE 5th ST, suite 700, McMinnville**
LIQUOR LICENSE TYPE: **Winery – Non-consumption**

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:

Manufacturing / Production

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):** Winderlea, LLC

**Proposed Trade Name:** Winderlea, LLC

**Premises Address:** 829 NE 5TH St. **Unit:** Suite 700

**City:** McMinnville **County:** Yamhill **Zip:** 97128

**Application Type:** (●) New License Application ( ) Change of Ownership ( ) Change of Location

**License Type:** Winery Non-Consumption ☐ Additional Location for an Existing License

### Application Contact Information

**Contact Name:** Jonathan Ricci **Phone:** [redacted]

**Mailing Address:** [redacted]

**City:** Portland **State:** OR **Zip:** 97225

**Email Address:** [redacted]

### Business Details

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

☒ Manufacturing/Production

☐ Retail Off-Premises Sales

☐ Retail On-Premises Sales & Consumption

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

☐ Indoor Consumption ☐ Outdoor Consumption

☐ Proposing to Allow Minors

**Section 1 continued on next page**

# Local Government Recommendation – Liquor License

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

Legal Entity/Individual Applicant Name(s): Winderlea, LLC

Proposed Trade Name: Winderlea, 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: 04/28/2026

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.



Added on 05.07.2026
4 of 4
Amended on 05.13.2026
113 of 566

City of McMinnville
ENGINEERING

# STAFF REPORT

**DATE:** **May 12, 2025**
**TO:** **Adam Garvin, City Manager**
**SUBMITTED BY:** **Geoffrey Hunsaker, Public Works Director**
**WRITTEN BY:** **Logan Adams, Engineering Technician**
**SUBJECT:** **Second Amendment to the 2024 Downtown Sweeping Project**

1. Resolution No. 2026-28, authorizing the City Manager to execute a contract amendment to the 2024 Goods and Services Contract (Project 2024-2) with City Sweepers, LLC, to provide downtown sweeping services

---

**Report in Brief:**

This action is the consideration of a resolution to accept a contract amendment extending the 2024 Downtown Sweeping Project, project 2024-2, to June 30th, 2027 and accepting the updated 2026-2027 Pricing Sheet from City Sweepers, LLC.

**Background:**

As part of maintaining the City-owned public parking lots, and to minimize the impact of maintenance work on downtown businesses, this project directs the Contractor to use sweeping equipment with specialized noise reduction features in the historic downtown area and at the Airport. The Contractor also performs additional manual cleaning of parking lots to ensure that the parking provided by the City is both clean and inviting to both residents and tourists.

**Discussion:**

On April 27th, 2024 City Sweepers, LLC was selected as the qualified low bidder for the 2024 Downtown Sweeping Project (2024-2). On July 1st, 2024 the City entered into a Goods and Services Contract with City Sweepers, LLC to perform Downtown Sweeping Services. The Contract allows for two one-year extensions. On June 30th, 2025 the City executed the first amendment to the contract, extending the contract to June 30th, 2026 with no change to

the pricing of the work. The pricing sheet provided for 2026-2027 represents a 2.5% increase from the original 2024 pricing sheet and was found to be an acceptable increase when reviewed by City staff.

**Attachments:**

1. Resolution No. 2026-28
    a. Exhibit A: 2026-2027 Pricing Sheet

**Fiscal Impact:**

Project funding is included in the proposed FY26-27 Street Fund (20) budget for the project work.

**Alternatives:**

**Alternative 1 [Staff Recommendation]**: Adopt the attached resolution authorizing a contract amendment with City Sweepers, LLC. Downtown sweeping services will continue to be provided by an experienced and qualified contractor for another year.

**Alternative 2**: Reject the attached resolution. Direct staff to advertise for a new Downtown Sweeping Project or discontinue Downtown Sweeping Services.

**Alternative 3**: The Council may consider any other alternative not presented by staff.

# RESOLUTION NO. 2026-28

A Resolution authorizing the City Manager to execute a contract amendment to the 2024 Goods and Services Contract (Project 2024-2) with City Sweepers, LLC, to provide downtown sweeping services.

**RECITALS:**

**WHEREAS**, the City entered into a Goods and Services Contract ("Contract") with City Sweepers, LLC ("Contractor") on July 1, 2024 relating to the Downtown Sweeping Services Project ("Project") for a one-year term with two possible one-year extensions and a one-year cost of $45,080; and

**WHEREAS**, the City entered into a First Amendment to Goods and Services contract ("First Amendment") with Contractor on June 30, 2025, exercising the first one-year extension for the one-year cost of $45,080; and

**WHEREAS**, the City seeks to exercise the second and final one-year extension for a one-year cost of $46,208, totaling $136,368 for the life of the contract and requiring Council approval; and

**WHEREAS**, Contractor represents that Contractor is qualified to perform the Services described herein on the basis of specialized experience and technical expertise; and

**WHEREAS**, Contractor is prepared to provide such Services as the City does hereinafter require;

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

1. That the City Manager is authorized to execute an amendment of the 2024 Goods and Services Contract with City Sweepers, LLC for an additional year in the amount of $46,208.00 for the Downtown Sweeping Services through June 30, 2027.
2. The 2026-2027 Pricing Sheet is attached hereto as Exhibit A.
3. This resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Council of the City of McMinnville at a regular meeting held the 12th day of May, 2026 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of May 2026.

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

EXHIBITS:

A. 2026-2027 Pricing Sheet

**EXHIBIT A to Resolution No. 2026-28**

BID AMOUNTS:

## Parking Lots

| Lot Number | Description | Cost per Month | Cost per Year |
|---|---|---|---|
| Lot 1 | 2nd Street, between Evans and Davis | 66.00 | 792.00 |
| Lot 2 | 2nd and Evans, SE corner | 55.00 | 660.00 |
| Lot 3 | 2nd and Cowls across from City Hall | 55.00 | 660.00 |
| Lot 4 | Chamber of Commerce lot | 55.00 | 660.00 |
| Lot 5 | Aquatic Center lot | 55.00 | 660.00 |
| Lot 6 | 5th and Evans, Lower deck of parking structure | 83.00 | 996.00 |
| Lot 7 | 5th and Evans, Upper deck of parking structure | 66.00 | 792.00 |
| Lot 8 | 1st and Baker, Civic Hall | 50.00 | 600.00 |
| Lot 9 | 4th and Baker, southeast corner | 66.00 | 792.00 |
| Lot 10 | City Library Parking lot | 94.00 | 1128.00 |
| Lot 11 | Airport parking lots (quarterly) | 105.00 | 420.00 |
| Lot 12 | 2nd and Cowls, NE lot | 50.00 | 600.00 |
| Lot 13 | 2nd and Cowls, SE lot | 50.00 | 600.00 |
| Lot 14 | 5th and Baker, NE corner | 50.00 | 600.00 |
| Lot 15 | 5th and Cowls, NW corner | 50.00 | 600.00 |
| Lot 16a | 1st and Adams, Public Safety Building | 50.00 | 600.00 |
| | **Parking Lot Totals** | 1000.00 | 11160.00 |
| | | | |

| Lot Number | Description | Cost per Hour |
|---|---|---|
| Lot 16a | 1st and Adams, Public Safety Building | 125.00 |
| | | |

## Streets & Alleys

| Item | Description | Freq | Unit Cost | Cost Per Year |
|---|---|---|---|---|
| Streets | Bid items B 1-16, inclusive | Weekly | **660.00** | **34320.00** |
| Alleys | Bid items C 1-2, inclusive | quarterly | **182.00** | **728.00** |
| | **Streets and Alleys Total** | | **842.00** | **35048.00** |

## Project Totals

| Item | Cost Per Year |
|---|---|
| Parking Lots | **11,160.00** |
| Downtown Streets | **34,320.00** |
| Alleys | **728.00** |
| **Project Total** | **46,208.00** |

| Item | Cost Per Hour |
|---|---|
| Emergency call out rate per hour | **165.00** |

City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

# STAFF REPORT

**DATE:** **May 12, 2026**
**TO:** **Adam Garvin, Interim City Manager**
**SUBMITTED BY:** **Heather Richards, Community Development Director**
**WRITTEN BY:** **Heather Richards, Community Development Director**
**SUBJECT:** **Ordinance No. 5174 – AP 3-26**

1. *Ordinance No. 5174,* An Ordinance memorializing the City Council's decision for the McMinnville Industrial Promotions appeal of the Planning Commission's approval of MP 6-25.

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**Report in Brief:**

This is the second reading of Ordinance No. 5174 approving McMinnville Industrial Promotions' (MIP) appeal (AP 3-26) of the Planning Commission decision for MP (6-25).

The City Council conducted a public hearing on April 8, 2026, and then closed the record and deliberated. The City Council decided in favor with MIP, finding that Section 17.53.153, "Improvement Requirements" only applied to subdivisions and not minor partitions. That finding then removed all requirements for improvements from the conditions of approval of the land-use decision.

Ordinance No. 5174 passed on its first reading with a vote of 4 – 1. Since the first reading did not pass unanimously, the vote for the second reading of the ordinance must happen at a later meeting than the first reading.

This will represent the final decision of the City of McMinnville.

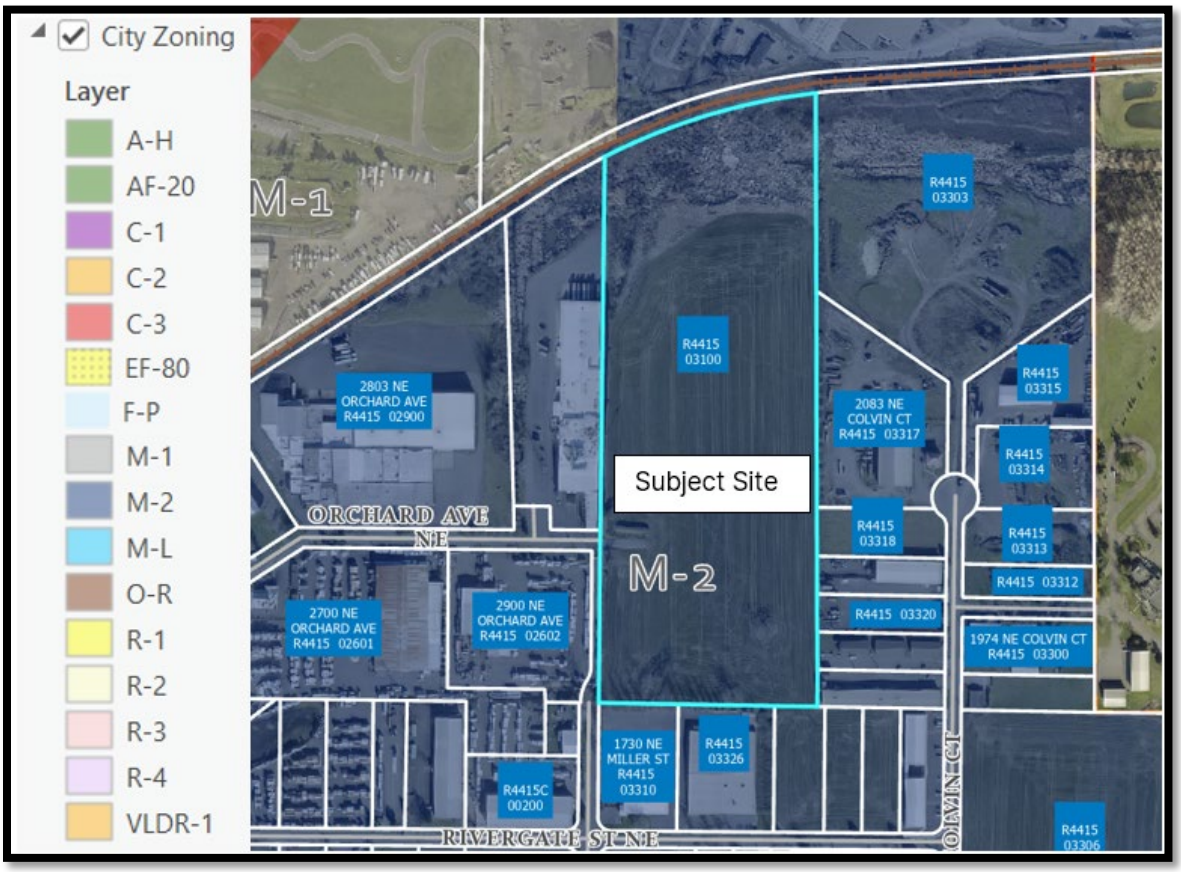
The City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

**Background:**

The Tentative Partition (MP 6-25) was an application to partition an approximately 26-acre parcel of land into two (2) parcels: Parcel 1 (6.89 acres) and Parcel 2 (19.11 acres).

The subject site is zoned M-2 (General Industrial), is vacant, and contains a wetland in the northern portion. Surrounding uses are commercial and industrial. See **Figure 1** below.

**Figure1. Subject Site Location and Zoning**




The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and deemed complete on November 12, 2025. The Planning Director issued a decision on December 23, 2025. Written notification of the decision of the Planning Director was provided to the applicant and property owner's representative on December 23, 2025.

An appeal to the decision was received from the Applicant on January 7, 2026. On January 27, 2026, the applicant submitted a request for a 30-day extension to the 120-day processing

deadline in ORS 227.178 and Section 17.72.050 of the McMinnville Zoning Ordinance. The 120-day decision deadline is now May 15, 2026.

The applicant requested the following from the Planning Commission in their appeal application:

> The property owner/applicant is submitting this appeal of the Planning Director's Decision for City File MP 6-25. This appeal is submitted on January 7, 2026, within 15 days of the date of the City's Decision, and is therefore timely. The appeal concerns Condition of Approval No. 5 (including Condition of Approval No. 5.a.), listed on Page 2 and included on Page 7 of the Decision. Condition of Approval No. 5 requires construction of NE Miller Street along the western boundary of the site. The comments on Page 9 and findings included on Pages 19, 20, 21, 25, 26, 29, and 36 reference the City Transportation System Plan and a variety of provisions from the City Zoning Ordinance [e.g., MCC 17.53.060(C) and MCC 17.53.101(B)] as providing the basis for the condition. However, these citations and findings are insufficient to support Condition of Approval No. 5 as written. As evidenced in its application, the property owner is not opposed to constructing NE Miller Street. However, the property owner objects to building NE Miller Street in the manner required by Condition of Approval No. 5. Therefore, this appeal is filed.
>
> The Applicant has no legal authority to invoke the terms of the non remonstrance agreement on the adjacent property owner. It is the City's responsibility to do so since they are a party to the agreement.

Below is the original Condition of Approval #5 from the Decision Document dated December 23, 2025:

5. Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

    a. Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28',
    b. Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32',

c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

Staff agreed with the applicant's request and recommended amended condition of approval language:

5. Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
    b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
    c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
    d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

And Condition #10 was added as well to clarify the process for invoking the terms of the non-remonstrance on the adjacent property owner.

10. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

At the Planning Commission public hearing, the applicant provided testimony objecting to the condition of approval language, essentially objecting to all language requiring sidewalk improvements associated with the land-division decision, and requesting deferral of all sidewalk improvements to the time of building permits per McMinnville Municipal Code, Section 12.12, which provides three different scenarios when the City of McMinnville can require sidewalks improvements.

After hearing from legal counsel and planning staff that Section 17.53.153 of the McMinnville Municipal Code requires that the City condition all land-division applications with sidewalk requirements prior to filing of a final plat, while allowing the applicant the opportunity to defer improvements per 17.53.075(D) and (E) with an agreement and (a) a surety bond, (b) an escrow agreement to withhold funds, (c) cash, or (d) a letter of credit. The Planning Commission voted to approve the original condition of approval language amendment requested by the applicant in the appeal application, and not to approve the requested amendments made by the applicant during the Planning Commission public hearing on March 19, 2026.

**Discussion:**

MIP appealed the Planning Commission decision to the City Council arguing that they should not be required to install sidewalks as a condition of approval of the minor partition land-use application. Their argument centered on the basis that Section 17.53.153, "Improvement Requirements" only applied to subdivisions and not minor partitions as the plain language of that section of the code used the term "subdivider" and not "partitioner".

The Planning Commission's decision found that Section 17.53.153, "Improvement Requirements" applied to all land division within Section 17.53, as it was not part of the subdivision portion of the code, and the other two land division components of the code. "Minor Partition" and Expedited Land Division" did not address improvements required

separately, but the one component of the code that was not a land division, a property line adjustment, did address improvements required separately in that section of the code.

The City Council found in favor of MIP, and the decision document reflects the finding that the City Council finds that Section 17.53.153, "Improvements Required" only applies to subdivisions, and thus not the other types of division in Section 17.53, including minor partitions.

Since the improvements in Section 17.53.153 include: water supply system; electrical system; sewer system; drainage; streets; pedestrian ways; private way/drive; and street trees; all conditions of approval requiring any of these public improvements were removed from the land-use decision per below.

1. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

2. That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

3. The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

4. The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

~~5. Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:~~

~~a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.~~

~~b. Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',~~

~~c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.~~

~~d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).~~

6. That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

7. That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

8. That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

9. Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

10. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415 02601 and R4415 02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415 020601 and R4415 02602 shall be responsible for all matters west of such center line.

11. Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right of Way Accessibility Guidelines (PROWAG) prior to plat.

12. ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

13. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

14. The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

~~15. Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.~~

~~16. If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.~~

This left conditions of approval that referenced performance metrics for timeliness of the land-use decision, and any dedication of right-of way and easements that could be required per Section 17.53.060(C).

**Attachments:**

1. Ordinance No. 5174
    a. Exhibit A to Ordinance No. 5174 – Docket AP 3-26 Decision Document

The following documents are on file with the Planning Division and provided in the April 8, 2026 City Council meeting materials:

1. Appeal of Planning Commission's Decision by McMinnville Industrial Promotions
2. March 20, 2026 Notice of Decision
3. March 19, 2026 AP 1-26 Decision Document of Planning Commission
4. March 19, 2026 Draft Planning Commission Minutes
5. Katherine Gowell, Public Testimony on behalf of MIP, March 19, 2026
6. Appeal of Planning Director's Decision by McMinnville Industrial Promotions
7. Email from MIP requesting extension of the land-use decision deadline
8. December 23, 2025 MP 6-25 Decision Document of Planning Director
9. Original Minor Partition Application
10. Minor Partition Approval Letter with Conditions of Approval, MP 5-19

**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 $3,000 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**: **CONDUCT THE SECOND READING AND APPROVE ORDINANCE NO. 5174, APPROVING MIP'S APPEAL AND CREATING A FINDING THAT SECTION 17.53.153 OF THE MCMINNVILLE MUNICIPAL CODE ONLY APPLIES TO SUBDIVISIONS,** adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.

**Alternative 2**: **DO NOT SUPPORT THE SECOND READING OF THE ORDINANCE AS PRESENTED IN THE MAY 12 CITY COUNCIL MEETING PACKET** thus not approving Ordinance 5174 with Exhibit A as presented in the May 12 City Council meeting packet.

**Alternative 3**: **MOVE TO AFFIRM THE PLANNING COMMISSION DECISION AND APPROVE ORDINANCE NO 5174** with the Planning Commission decision document as Exhibit A that was presented in the April 8, 2026, City Council meeting packet.

# ORDINANCE NO. 5174

An Ordinance memorializing the City Council's decision for the McMinnville Industrial Promotions appeal of the Planning Commission's approval of MP 6-25.

**RECITALS:**

**WHEREAS**, on October 13, 2025, McMinnville Industrial Promotions, Inc. (MIP) applied for a minor partition of tax lot R4415 03100, an approximately 26-acre parcel of land into two parcels with the approximate size of 6.89 acres and 19.11 acres; and

**WHEREAS**, on December 23, 2025, the Planning Director issued an approval with conditions of the minor partition application (Docket MP 6-25); and

**WHEREAS,** on January 7, 2026, the City received an appeal of the Planning Director's decision from MIP, requesting amendment of some conditions of approval; and

**WHEREAS,** on March 19, 2026, MIP submitted a letter to the Planning Commission that took the position that certain sections of the McMinnville Municipal Code (MMC) apply to subdivisions and not to its minor partition application; and

**WHEREAS,** after conducting a public hearing, the Planning Commission voted to approve one of the condition of approval language amendments requested by the applicant in the appeal application and a new condition of approval #10, and rejected the requested amendments made by MIP during the Planning Commission public hearing on March 19, 2026 that would remove any requirement for public improvements at the time of minor partition; and

**WHEREAS**, on April 1, 2026, the City received an appeal of the Planning Commission's decision from McMinnville Industrial Promotions; and

**WHEREAS**, after conducting a public hearing on April 8, 2026, the McMinnville City Council considered all of the information in the public record and voted to support the Appellant's application by finding that Section 17.53.153 of the McMinnville Municipal Code only applies to subdivisions and not minor partitions.

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

1. That the appeal in Docket AP 3-26 is approved, and that the McMinnville City Council finds that Section 17.53.153 of the McMinnville Municipal Code only applies to subdivisions and not minor partitions, amending the decision and conditions of approval for AP 3-26 as the final decision of the City of McMinnville for MP 6-25.

2. That the Council votes to adopt the decision document for the City Council's decision on AP 3-26 as provided in Exhibit A; and

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

Passed by the McMinnville City Council this 12th day of May, 2026 by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form: Attest:

_____ _____
City Attorney City Recorder

EXHIBITS:

A. Decision Document for Docket AP 3-26

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 1-26, APPEAL OF THE DIRECTOR'S DECISION OF DOCKET MP 6-25.**

| | |
|---|---|
| **DOCKET:** | AP 3-26 |
| **REQUEST:** | An appeal of the Planning Commission's decision on the appeal of a Planning Director's decision for a Tentative Partition application (MP 6-25). The applicant is appealing the language of some of the conditions of approval of that land-use decision. |
| **LOCATION:** | Tax Lot R4415 03100 |
| **ZONING:** | M-2 (General Industrial) |
| **APPLICANT:** | Doug Hurl |
| **PROPERTY OWNER:** | McMinnville Industrial Promotions |
| **STAFF:** | Heather Richards, Community Development Director |
| **DATE DEEMED COMPLETE:** | November 12, 2025. (120-day decision deadline extended by the applicant via email on 1.27.26 to April 11, 2026, and again via email to May 15, 2026) |
| **HEARINGS BODY:** | McMinnville City Council |
| **DATE & TIME:** | April 8, 2026 and May 12, 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 Tentative Partition are specified in Chapter 17.53, "Land Division Standards" of the Zoning Ordinance. 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.

## I. DECISION

Based on the findings and conclusionary findings, the City Council finds in favor of the Appellant and **REVISES THE APPROVAL WITH CONDITIONS FOR** Docket MP 6-25.

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

**DECISION: APPROVAL WITH CONDITIONS**

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

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

## II. APPLICATION SUMMARY:

This is an appeal of the Planning Commission's decision for a Tentative Partition (MP 6-25) at a property with no address located at Tax Lot R4415 03100.

### *Background*

The Tentative Partition (MP 6-25) was an application to partition an approximately 26-acre parcel of land into two (2) parcels: Parcel 1 (6.89 acres) and Parcel 2 (19.11 acres). The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and deemed complete on November 12, 2025. On November 13, 2025, notice of the application was referred to public agencies for review, and on November 14, 2025, notice of the application and a public comment period were noticed to surrounding property owners in accordance with Section 17.72.110. The Planning Director issued a decision on December 23, 2025. Written notification of the decision of the Planning Director was provided to the applicant and property owner's representative on December 23, 2025.

An appeal to the decision was received from the Applicant on January 7, 2026. On January 27, 2026, the applicant submitted a request for a 30-day extension to the 120-day processing deadline in ORS 227.178 and Section 17.72.050 of the McMinnville Zoning Ordinance. The 120-day decision deadline is now April 11, 2026.

The applicant requested the following from the Planning Commission in their appeal application:

> The property owner/applicant is submitting this appeal of the Planning Director's Decision for City File MP 6-25. This appeal is submitted on January 7, 2026, within 15 days of the date of the City's Decision, and is therefore timely. The appeal concerns Condition of Approval No. 5 (including Condition of Approval No. 5.a.), listed on Page 2 and included on Page 7 of the Decision. Condition of Approval No. 5 requires construction of NE Miller Street along the western boundary of the site. The comments on Page 9 and findings included on Pages 19, 20, 21, 25, 26, 29, and 36 reference the City Transportation System Plan and a variety of provisions from the City Zoning Ordinance [e.g., MCC 17.53.060(C) and MCC 17.53.101(B)] as providing the basis for the condition. However, these citations and findings are insufficient to support Condition of Approval No. 5 as written. As evidenced in its application, the property owner is not opposed to constructing NE Miller Street. However, the property owner objects to building NE Miller Street in the manner required by Condition of Approval No. 5. Therefore, this appeal is filed.
>
> The Applicant has no legal authority to invoke the terms of the non remonstrance agreement on the adjacent property owner. It is the City's responsibility to do so since they are a party to the agreement.

Below is the original Condition of Approval #5 from the Decision Document dated December 23, 2025:

5. Per MMC 17.53.060(C), MMC 17.53.101(B), the City's Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

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c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

Staff agreed with the applicant's request and recommended amended condition of approval language per the following:

5. Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    a. Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catch basins on west side but would not require sidewalks on the west side.
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    c. Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.
    d. Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

And #10 was added as well to clarify the process for invoking the terms of the non-remonstrance on the adjacent property owner.

10. At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and

tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

At the Planning Commission public hearing, the applicant provided testimony requesting more changes to the condition of approval language, essentially removing all language requiring sidewalk improvements associated with the land-division decision, and deferring all sidewalk improvements for review at the time of building permits per McMinnville Municipal Code, Section 12.12, which provides three different scenarios when the City of McMinnville can require sidewalks improvements.

After hearing from legal counsel and planning staff that Section 17.53.153 of the McMinnville Municipal Code requires that the City condition all land-division applications with sidewalk requirements prior to filing of a final plat with the opportunity to defer improvements per 17.53.075(D) and (E) with an agreement and surety, the Planning Commission voted to approve the original condition of approval language amendment requested by the applicant in the appeal application, and not the requested amendments made during the Planning Commission public hearing on March 19, 2026.

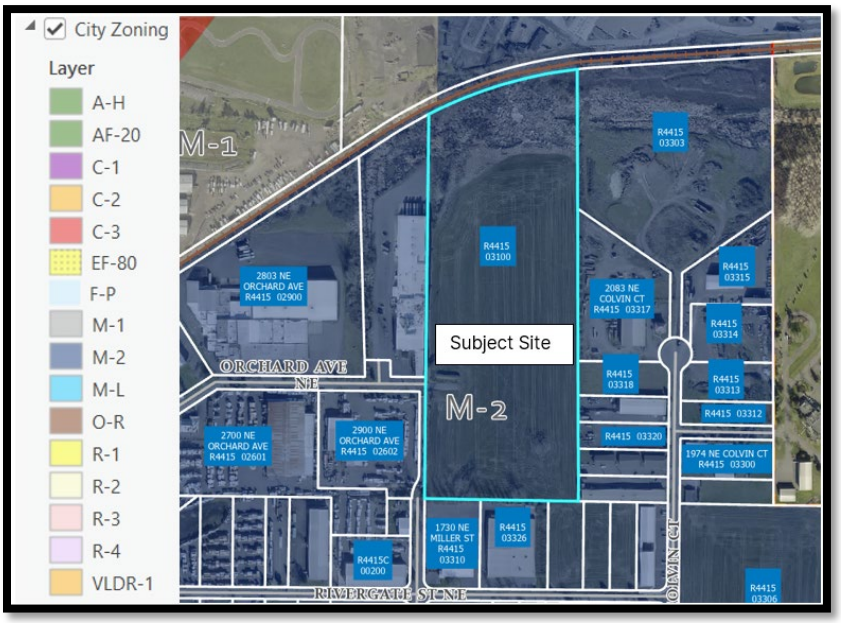
When the City Council conducted a public hearing on April 8, 2026, and considered all of the facts and basis of the public record, they voted to approve MIP's application by finding that Section 17.53.153 of the McMinnville Municipal Code only applies to subdivisions and thus does not apply to minor partitions. This finding then removed all of the conditions of approval related to public improvements required of the minor partition, including utility improvements, street improvements, sidewalks and street trees that were a condition of approval per Section 17.53.153.

*Subject Property*

The subject site is zoned M-2 (General Industrial), is vacant, and contains a wetland in the northern portion. Surrounding uses are commercial and industrial. See the *Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.*

**Figure 1. Vicinity Map**

**Figure 2. Zoning Map**




*Summary of Criteria & Issues*

The application is subject to the standards and procedures established in Chapter 17.53 (Land Division Standards) of the Zoning Ordinance, which are intended to "[...] provide uniform procedures and standards for the subdivision and partitioning of land, and adjustment of property lines; to assure adequate width and arrangement of streets; to coordinate proposed development with plans for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to secure safety from fire, flood, slides, pollution, drainage or other dangers; to provide adequate light and air, recreation, education, and adequate transportation; to promote energy conservation; to protect in other ways the public health, safety, and welfare; and to promote the goals and policies of the McMinnville Comprehensive Plan." The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific criteria for reviewing tentative partition plans is Chapter 17.53, "Land Division" of Title 17, "Zoning Ordinance", of the McMinnville Municipal Code. In particular, section 17.53.060 of the McMinnville Municipal Code (MMC),.per below.

As a Type II land-use application, the criteria are clear and objective, and if the criteria are met the application needs to be approved.

> 17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:
>
> A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a

tentative partition plan drawn to scale with sufficient information to show the following:

1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
5. Outline and location of existing buildings to remain in place;
6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;
7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.
9. Contour lines related to City datum and having minimum intervals of two (2) feet.
10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.
13. Such additional information as required by the Planning Director.

B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.

C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.

1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.

2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.

D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

Additionally, as required by the Land Division Standards, lots created by partition are required to conform to the zoning requirements of the area.

## III. CONDITIONS

1. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

2. That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

3. The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

4. The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate

50’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

5. That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

6. That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

7. That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

**IV. <u>FUTURE DEVELOPMENT NOTES:</u>** The following notes are not a condition of approval for the recording of the minor partition plat but are provided as a courtesy to the applicant relative to future development requirements of development of the site.

1. Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

2. Per MMC Title 12 the developer may need to enter into a Construction Permit Agreement (CPA) with the City’s Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City’s Engineering Department.

3. At the time of application for the Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. In the absence of a separate agreement, the developer will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such centerline.

4. Per MMC Title 12 any future needed street grades and profiles should be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG).

5. ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as

shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/.

6. That final development plans for the subject site should include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan should be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City.

7. The final development plans for the subject site should include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan should be submitted to, and approved by, the City Engineering Department prior to building permits to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

8. Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the developer shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

9. If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

## V. ATTACHMENTS

1. Appeal Application (on file with the Planning Department)

## VI. COMMENTS

### *Agency Comments*

The original application was referred to the following public agencies for comment: 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. The following comments were received:

- McMinnville Building Division
    - No building division concerns or comments
- McMinnville Engineering Department

- The applicant shall dedicate 41.5’ of Right-of-Way and 10’ Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

- The applicant shall dedicate 50’ of Right-of-Way and 10’ Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50’ of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City’s Transportation System Plan.

- Per MMC 17.53.060(C), the City’s Transportation System Plan, the practical reconfiguration of the road to fall almost entirely on the subject property, and waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602, the applicant shall construct the full width improvements prior to plat.

    - Improvements of NE Miller Street to include: sidewalk on the east side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 28’,
    - Improvements of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street, and a crowned street section with curb face to curb face of 32’,
    - Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

- Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City’s Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City’s Engineering Department.

- Per the City’s Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City’s TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

- ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

- Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

- The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

Following the receipt of the Appeal by the Applicant of the Planning Director's decision, the following revised comment was received from the **Engineering Division**:

- The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

- The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

- Per MMC 17.53.060(C), the City's Transportation System Plan, and the practical reconfiguration of the road to fall almost entirely on the subject property, the applicant shall construct or secure the following improvements prior to the recording of the plat subject to the review and approval of the City Engineer:
    - Improvements on NE Miller Street to include: curb-tight sidewalk on the east side of the street, curb and gutter on east side of the street, a crowned street section with paved width of 24', and an interim stormwater drainage system to collect and covey stormwater appropriately till the ultimate designed street improvements can be

made. Interim improvements shall be designed in a manner that accommodates ultimate design configuration which would consist of increasing the pavement width of 28' and installation of standard curb and gutter with catchbasins on west side but would not require sidewalks on the west side.

- Improvements on of NE Orchard Avenue to include: sidewalk on the north and south side of the street, Curb and Gutter on both sides of the street for the boundary of the partition and as needed to make appropriate connections to existing improvements, and a crowned street section with curb face to curb face of 32',
- Improvements at intersection of NE Orchard Avenue and NE Miller Street to include: curb ramps and full improvements to meet fire turn-around requirements.

- Sidewalks and street trees will be required for the street frontages in the partition per MMC 17.53, including the east side of NE Miller Street and the north side of NE Orchard Street. No sidewalk is required on the west side of NE Miller Street due to topography. Per MMC 17.53, Sidewalks and street trees can be deferred with appropriate security till the time of building permits for each lot in the partition, sidewalks shall be constructed along the applicable lot's associated street frontage(s).

- At the time of application for Construction Improvement Agreement, the City will prepare a report in accordance with MMC 3.14 and initiate the process to accommodate reimbursement of advance funding of the public improvements proportioned to the respective property owners in accordance with the waiver of rights to remonstrance recorded date 7/24/2012 against tax lots R4415-02601 and R4415-02602 unless an alternate agreement exists that will accommodate the design and construction of the ultimate street configuration. Absence a separate agreement, Applicant will be allocated and is responsible for permanent improvements east of the centerline of the road, and tax lots R4415-020601 and R4415-02602 shall be responsible for all matters west of such center line.

- Per MMC Title 12 the applicant will enter into a Construction Permit Agreement (CPA) with the City's Engineering Department prior to issuance of a public works permit. The CPA will be based on approved engineered plans and engineering estimate. Plans and estimate to be reviewed and approved by the City's Engineering Department.

- Per the City's Mercury TMDL appendix A Minimum Control Measure #4 BMP# CS-8 the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required prior to the issuance of a public works permit. The City's TMDL Implementation Plan can be found here https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl.

- ADA Sidewalk and Driveway Standards are applied to all new construction, remodels, and land divisions. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/prowag/ prior to final Plat, the applicant shall construct new driveways and sidewalks in the right-

of way that conform to these standards. In lieu of constructing these improvements, a deferral agreement can be considered by the City Engineer.

- Per MMC Title 12 street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG) prior to plat.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City prior to recording.

- The final development plans for the subject site include a detailed sanitary sewer collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to plat to meet MMC 12.04.120 and MMC 13.04.090. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

- <u>McMinnville Fire District</u>

  Any future development on the subject property will need to meet all applicable firefighting apparatus access and water supply standards as required by the Oregon Fire Code.

- <u>McMinnville Water and Light</u>

  Power: McMinnville Water & Light has existing easements and power facilities located in the future buildout and ROW. Coordinate with McMinnville Water and Light for pole relocation and easement conflicts with future buildout of proposed parcels.

  Water: Although a 12" water main exists in the future Miller Street ROW extension to Orchard Avenue, water service does not currently exist to Tax Lot R4415 03100 and thus would not exist to the future partition without addition of water services.

- Yamhill Soil and Water Conservation District

  ***Staff Note:*** *The Yamhill Soil and Water Conservation District has provided comments to inform the applicant of recommendations for the property owner. These recommendations are not required as a condition of approval for the partition request.*

  - Noxious weeds have a negative economic impact on agricultural and forestry working lands and degrade wildlife habitat and public rights-of-way. The noxious weeds identified by the District as priorities for control can be found at: Yamhill County Priority Noxious Weed List 2024/2025.

  - Urban areas are prone to low biodiversity and often lack native vegetation to support wildlife. Creating "microhabitats" by planting native vegetation in urban areas can contribute to increasing biodiversity and habitat connectivity. The District owns and operates a native plant nursery at Miller Woods and offers free technical site visits to any resident in the county. More information on native vegetation can be found on the District's website at: https://yamhillswcd.org/services/plant-database/.

    These landowner management recommendations help protect and conserve natural resources for current and future residents of Yamhill County. Thank you for considering the District's recommendations.

*Public Comments*

Public notice was mailed to owners of properties within 300 feet of the subject site, as required by Section 17.72.120 of the McMinnville City Code. The Planning Division did not receive any public testimony prior to the public hearing.

*Oral Testimony at the Public Hearing, April 8, 2026*

- Kate Gowell, Haugeberg, Rueter, Gowell, Fredricks & Higgins, P.C.
- Mike Morris
- Doug Hurl, Chair, McMinnville Industrial Promotions

## VII. FINDINGS OF FACT – PROCEDURAL FINDINGS

1. On March 19, 2026, the Planning Commission voted to approve AP 1-26 with conditions.

2. On March 20, 2026, the Notice of Decision and Decision Document was issued.

3. On March 20, 2026, a Precautionary 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.

4. On April 3, 2026, a Precautionary Notice of City Council Public Hearing for an appeal fo the Planning Commission decision was published in the newspaper in accordance with Section 17.72.120 of the McMinnville Municipal Code.

5. The appeal application was submitted on April 1, 2026.

6. On April 8, 2026, the McMinnville City Council conducted a public hearing, closed the public hearing and deliberated. The City Council voted to remove the need for compliance with Section 17.53.153, finding that a minor partition is not subject to this provision of the code.

7. On May 12, 2026, the McMinnville City Council approved Ordinance No. 5174, ruling in favor of McMinnville Industrial Promotions and amending the decision document for MP 6 – 25, removing any improvements required per Section 17.53.153..

## VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** R4415 03100

2. **Size:** 26 acres

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

4. **Zoning:**
    a. **Subject Property:** M-2
    b. Surrounding Properties
        1. North: M-2
        2. South: M-2
        3. East: M-2
        4. West: M-2

5. **Overlay Zones/Special Districts:** Northeast Industrial Area (Ordinance No. 4135), Airport Overlay Zone (Conical Zone)

6. **Current Use:** Vacant

7. **Inventoried Significant Resources:**
    a. **Historic Resources:** None
    b. **Other:** Wetland on northern portion of the site.

8. **Other Features:**
    a. **Slopes:** The property is relatively flat.
    b. **Easements:** Power Easement (Film Vol. 134, Page 101), Water Easement (Film Vol. 186, Page 390)

9. **Utilities:**
    a. **Water:** Water service is located in Miller Street and Orchard Avenue.
    b. **Sewer:** Sewer service is located in Miller Street and Orchard Avenue.
    c. **Stormwater:** Stormwater service is available in Miller Street.
    d. **Other Services**: None.

10. **Transportation:** NE Mill Street and NE Orchard Avenue abut the project site; both streets are identified as local residential in the Transportation System Plan (TSP). The TSP Future Local Street Connections (Exhibit 2-1) identifies the extension of Local Streets through the subject site.

## VIII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Minor Partition are specified in Chapter 17.53 of the Zoning Ordinance.

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.

*Comprehensive Plan Volume II:*

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.

The following additional findings are made relating to specific Goals and Policies:

**GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.**

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE:** None.

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Miller Street and NE Orchard Avenue as Local Residential. The project is subject to the McMinnville TSP.

*Policy 132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision-makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT'S RESPONSE: None.**

**FINDING: APPLICABLE.** The Transportation System Plan implements Goal VI 1 of the Comprehensive Plan and is considered and applied as part of Land Use actions. The Transportation System Plan has identified NE Doran Drive and NE Hidden Meadow Drive as Local Residential. The project is subject to the McMinnville TSP.

**GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.**

*Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The McMinnville Fire District was provided the opportunity to review and comment on the application. The Fire District provided comment, as is included under "Future Development Notes".

**CHAPTER IX URBANIZATION**

*Great Neighborhood Principles*

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The application is a current land-use application for a Minor Partition of the subject site, and Great Neighborhood Principles policies are applicable.

*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.*

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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 & 2.** The subject site contains potential wetlands and two trees. The project proposes a stormwater system that may impact the wetland, and the applicant will be responsible for obtaining any necessary permits from the Department of State Lands. In addition, two trees are identified on site. The City of McMinnville does not currently have adopted inventories of significant natural features, including riparian corridors, tree groves, tree species, or landmark trees. However, per Section 17.58 of the McMinnville Municipal Code, a condition of approval has been drafted to inventory and strive to preserve trees five inches or greater at a height of 4.5 feet above the ground (DBH).

**CONDITION OF APPROVAL #1:** The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code, and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

**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.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response to this Comprehensive Plan Goal and Policy.

**FINDING: SATISFIED.** The process for a Minor Partition provides an opportunity for citizen involvement through the public notice and comment period. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials, and the completed staff report prior to the McMinnville Planning Director's review of the request. All members of the public have access to provide testimony and ask questions during the public review process.

The process for an appeal of a Planning Director's decision includes a duly noticed public hearing with the Planning Commission.

*McMinnville Municipal Code:*

The following Sections of the McMinnville Municipal Code provide criteria applicable to the request:

*Chapter 17.42 M-2 General Industrial Zone*

*17.42.010 Permitted Uses. In an M-2 zone, the following uses and their accessory uses are permitted:*

- *A. A use permitted in the M-1 zone (except for Child Care Center and Day Care Facility (Adult));*
- *B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance, or any court of competent jurisdiction;*
- *C. Manufacture, processing, and storage of grains or fertilizer;*
- *D. Airport. (Ord. 5104 §2, 2021; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

*17.42.020 Conditional Uses. In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:*

- *A. Automobile wrecking yard;*
- *B. Child Care Center, under the following provisions:*
  1. *Operator must have the appropriate licenses required by state regulations, if applicable.*
- *C. Day Care Facility (Adult), under the following provisions:*
  1. *The structure is not a residence.*
  2. *Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.*
  3. *Operator must have the appropriate licenses required by state regulations.*
- *D. Disposal or reduction of waste materials, garbage, offal, or dead animals to include composting subject to the provisions of Oregon Revised Statute (ORS) 227.600;*
- *E. Junkyard;*
- *F. Manufacture, use or storage of explosives;*
- *G. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall*

*be enumerated at the time of application. (Ord. 5104 §2, 2021; Ord. 4977 §1, 2014; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new uses.

**FINDING: SATISFIED.** No new uses are proposed or approved with this application.

***17.42.030 Yard Requirements**. Except as required in "A" and "B" below, there shall be no required yards in an M-2 zone:*

*A. Side yard shall not be less than fifty feet when adjacent to a residential zone;*
*B. Rear yard shall not be less than fifty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

***17.42.040 Building Height**. In an M-2 zone, a building shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** This application does not include new buildings, and no structures exist on the project site. As described previously, abutting properties are zoned M-2; therefore, there are no required yards for either parcel.

**FINDING: SATISFIED.** No new structures are proposed or approved with this application.

*Chapter 17.53 Land Division Standards*

*Land Division Standards - Partition*

***17.53.060 Submission of Tentative Partition Plan.** An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:*

***17.53.060(A):** There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:*

1. *The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;*
2. *Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;*
3. *Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;*
4. *For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;*
5. *Outline and location of existing buildings to remain in place;*
6. *Parcel layout showing size and relationship to existing or proposed streets and utility easements;*
7. *Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)*

8. *A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.*
9. *Contour lines related to City datum and having minimum intervals of two (2) feet.*
10. *Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.*
11. *Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.*
12. *Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.*
13. *Such additional information as required by the Planning Director.*

**APPLICANT'S RESPONSE:** The information required above is provided within this narrative and by additional application materials included as Exhibits A through E.

**FINDING: SATISFIED.** The application was received on October 13, 2025, and deemed incomplete on October 29, 2025. Additional materials were received on November 11, 2025, and were deemed complete on November 11, 2025.

***17.53.060(B).*** *Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS.** The application for a partition of the subject site was deemed complete on November 11, 2025. Notification was mailed to property owners within 100 feet of the subject site on November 14, 2025 No public comment was received during the notification period. Findings have been provided for applicable criteria and standards of this Chapter, and it was found that the tentative plan substantially conforms to the requirements of this chapter with the provided conditions. This criterion has been met.

***17.53.060(C).*** *The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.*

1. *If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.*
2. *Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.*
3. *For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).*
4. *The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.*

**APPLICANT'S RESPONSE:** These provisions are understood and are to be carried out by the City review authority.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS #3 AND #4.** The subject site has not been partitioned within the past calendar year. The subject site is greater than one acre in size, and the applicant has submitted a future development plan in compliance with Section 17.53.080. The project is subject to the standards of the McMinnville Transportation System Plan. The applicant is responsible for the dedication of the right-of-way to conform to the plan.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

***17.53.060(D).*** *Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.*

**APPLICANT'S RESPONSE:** This provision is understood.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision consistent with this code requirement.

**CONDITION OF APPROVAL #6:** That approval of this tentative plan will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plan, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plan for further consideration and comply with regulations and conditions applicable at that time. (MMC 17.53.060(D))

***17.53.061 Submission of Final Partition Plat.*** *Within 12 (twelve) months after approval of the tentative plan, the partitioner shall prepare a final plat in conformance with the tentative plan as approved and submit the final plat to the City Engineering Department. Information required on the final plat shall be consistent with the requirements listed in ORS 92.050 and ORS 209.250. The partitioner shall submit the original drawing and two (2) exact copies thereof, and any supplementary information to the City Engineer.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #7:** A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of the decision.

**CONDITION OF APPROVAL #7:** That within twelve (12) months after the tentative plan is approved, the partitioner shall prepare a final plat and submit two (2) copies to the Community Development Center in care of the Planning Division, 231 NE Fifth Street, for the appropriate City signatures. The information required on the final plat shall be consistent with the requirements listed in ORS 92.050, ORS 209.250 and McMinnville Municipal Code Chapter 17.53.

*17.53.063 Filing of Final Partition Plat. The partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.*

**APPLICANT'S RESPONSE:** A final plat for this partition will be prepared, submitted, and filed in accordance with the provisions listed above, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #8:** A condition of approval has been included to confirm that the final plat shall be null and void if the plant is not recorded within 30 days after the last required signature has been obtained.

**CONDITION OF APPROVAL #8:** That within thirty (30) days after the date the last required signature has been obtained, the final plat shall be recorded or the final plat shall be considered null and void. (MMC 17.53.063)

*Land Division Standards – Future Development Plan*

*17.53.080 Submission of Future Development Plan. A future development plan is required when it is evident that the property to be subdivided or partitioned can be further divided. The future development plan shall be submitted at the same time that the tentative plan for either subdivision or partition is submitted and shall contain the following information:*

*A. Any potential future lots (lot size shall be depicted).*

*B. Existing and proposed utilities including water, sewer and storm drains.*

*C. Streets and access points for potential future lots.*

*It shall be the responsibility of the Engineering Department and Planning Department to review a future plan to ensure that it substantially conforms to the requirements of this chapter. The review body will ensure that infrastructure for the future plan is consistent with the current development requirements. The Planning Director may reject a future plan if it is found that it does not substantially conform to the requirements of this chapter. The review body may make any of the following recommendations:*

*A. The construction of streets and utilities or the dedication of right-of-way for future improvements.*

*B. Any easements as deemed necessary for the extension of utility services.*

**APPLICANT'S RESPONSE:** The Preliminary Partition Plat (Exhibit A) reflects planned right-of-way dedication and easements planned under this application. Additionally, the Future Development Plan (Exhibit A, Sheet 07) reflects street and utility improvements necessary to provide access and services to planned parcels. Also shown on the Future Development Plan are future improvements to be made by others (identified with blue hashed lines and as noted); as previously determined by City Staff. Those westerly

improvements that the City has already determined as required to be built by others, i.e. by owner of Tax Lot 2603, not by the Applicant, are shown solely to demonstrate that a full buildout of NE Miller Street and NE Orchard Avenue can ultimately be achieved. Conceptual full street buildouts are illustrated on the Future Street Cross Sections (Exhibit A, Sheet 08). That sheet is provided for illustrative purposes and to satisfy the requirements of 17.53.080.

For specific details of improvements included with this application, please refer to the Future Development Plan (Exhibit A, Sheet 07) and responses provided elsewhere in this narrative. Construction permits will be obtained for those improvements included with this application, as required. It is not anticipated that the parcels will be further divided in the future.

Should any future construction of streets and utilities not shown in Exhibit A (i.e. unanticipated infrastructure extension) occur, the alignment of the common boundary line between Parcel 1 and Parcel 2 and the centerline of NE Orchard Avenue will provide for the orderly extension of NE Orchard Avenue. These requirements are met.

**FINDING: SATISFIED.** The narrative and future development plan provided by the applicant adequately demonstrate compliance with this standard.

### *Land Division Standards – Approval of Streets and Ways*

#### *17.53.100 Creation of Streets.*

*A. The creation of streets shall be in conformance with requirements for a subdivision except, however, the City Council shall recommend the creation of a street to be established by deed if any of the following conditions exist:*

*1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street;*

*2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less;*

*3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three (3) lots.*

*B. In those cases where approval of a street is to be established by deed, a copy of the proposed deed shall be submitted to the City Engineer at least 15 (fifteen) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 17.53.060 to 17.53.079 and Section 17.53.101 of these regulations, shall be recommended for approval with such conditions as are necessary to preserve these standards.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the planned dedication of right-of-way for NE Miller Street and NE Orchard Avenue. The area of preliminarily planned right-of- way dedication is shown on the Preliminary Partition Plat (Exhibit A), and the same information required above is provided within Exhibit A. Ultimately, right-of-way dedication associated with this partition will be reflected on and created with the final partition plat. Street standards of Section 17.53.101 are addressed below.

**FINDING: NOT APPLICABLE.** The creation of streets and dedication of right-of-way associated with this partition will be reflected on the final partition plat, not by deed.

*17.53.101 Streets.*

*17.53.101(A) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:*

1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
2. *Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or*
3. *Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the planned extensions of NE Orchard Avenue and NE Miller Street align with the existing roadway system to the greatest practical extent, given those obstructions within the unimproved segment of NE Miller Street previously described. While topographical constraints and existing obstructions within that segment of NE Miller Street present challenges, the planned alignment of streets has been thoughtfully designed around those obstructions. As shown in Exhibit A, planned roadway extensions prioritize accessibility for pedestrians and vehicles, and ensure efficient traffic flow in the immediate area. These provisions are met.

**FINDING: SATISIFIED.** The applicant has adequately demonstrated compliance with this standard.

*17.53.101(B) Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Street & Utility Plan & Profile provided in Exhibit A, the width of preliminarily planned right-of-way dedication is adequate for the extension and improvement of NE Miller Street and NE Orchard Avenue in accordance with Section 17.53.151 and City design standards. These requirements are met.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVALS # 3 AND 4.** The applicant shall dedicate appropriate right-of-way to meet the standards of a local residential street for NE Miller Street and NE Orchard Avenue, in compliance with both streets' McMinnville Transportation System Plan designation. In addition, the applicant shall make improvements as identified below to comply with Section 17.53.151 of this Chapter.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

*17.53.101(C) Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.*

**APPLICANT'S RESPONSE:** Reserve strips or street plugs are not requested with this Partition application. This requirement does not apply.

**FINDING: NOT APPLICABLE.** Reserve strips or street plugs are not requested or required.

*17.53.101(D) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), planned extensions of NE Orchard Avenue and NE Miller Street are aligned with existing centerlines as far as is practicable. As previously described and as shown in Exhibit A, the planned extension of NE Miller Street necessarily includes an easterly curve before straightening out to intersect with NE Orchard Avenue at a right angle, as required. This minor realignment to meet on and off site constraints does not result in a "T" intersection. This application does not include "T" intersections. These requirements are met.

**FINDING: SATISFIED.** Site constraints make alignment with the existing street centerlines impractical. The intersection of NE Miller Street and NE Orchard Avenue exceeds the minimum 100-foot distance requirement between the centerlines of streets with approximately the same direction, with the nearest intersection (NE Orchard Avenue and Alpha Drive) at 1,750 feet.

*17.53.101(E). Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

**APPLICANT'S RESPONSE:** The preliminary planned northerly extension of NE Miller Street shown on the Preliminary Plans (Exhibit A) is identified as a Future Street Connection on Exhibit 2-1 of the McMinnville Transportation System Plan, providing the connectivity required here. As previously described, the preliminarily planned extension of NE Orchard Avenue is designed to provide serviceability and access for future improvements on the planned parcels; and while it is not anticipated, a future further extension of NE Orchard Avenue could occur, given that it is designed to be centered on a common parcel boundary. The design of both extensions was discussed with City staff

at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E). This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 AND #4.** Exhibit 2-1 of the McMinnville Transportation System Plan identifies connectivity through the project site. The applicant has proposed extending NE Miller Street to NE Orchard Avenue to meet this requirement. Subject to the conditions of approval related to the dedication of the right-of-way and the required improvements, the proposal complies with this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

***17.53.101(F) Intersection angles**. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 (eighty) degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the extensions of NE Orchard Avenue and NE Miller Street are planned to intersect at a right angle. This requirement is met.

**FINDING: SATISFIED.** The proposed intersection is at a right angle.

***17.53.101(G) Existing streets**. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.*

**APPLICANT'S RESPONSE:** As described previously, this application includes the preliminarily planned dedication of right-of-way for extensions of NE Miller Street and NE Orchard Avenue, as required here. This requirement is met.

**FINDING: SATISFIED WITH CONDITIONS #3 AND #4.** Subject to the conditions requiring the dedication of right-of-way, the applicant meets this criterion.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

***17.53.101(H) Half streets.*** *Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.*

**APPLICANT'S RESPONSE:** As evidenced by the Preliminary Plans (Exhibit A), improvements to NE Orchard Avenue and NW Miller Street are planned on and off the subject site. As shown in Exhibit A, the NE Orchard Avenue extension is preliminarily planned to be improved within a 50-foot- wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalks, a 24-foot-wide paved roadway, and ADA ramps; and the NE Miller Street extension is preliminarily planned to be improved within an up to ±66-foot-wide right of way, and includes street tree planting areas, curb, 5-foot-wide sidewalk, a 28-foot-wide paved roadway, and an ADA ramp.

Improvements to both roadways not included with this application (i.e. improvements the City has determined are required to be completed by the owner of Tax Lot 2603) include additional roadway paving and curb along the north side of NE Miller Street, as well as additional roadway paving, curb, an ADA ramp, and 5-foot-wide sidewalk on the south side of NE Orchard Avenue, just west of NE Miller Street. Those future pedestrian improvements to be built by others on the south side of NE Orchard Avenue are designed to align with those planned to be provided by the Applicant under this application, as shown on the Future Development Plan (Exhibit A, Sheet 07). Therefore, this application does not include half streets, though half streets may be approved.

**FINDING: NOT APPLICABLE.** No half streets are proposed or approved.

***17.53.101(I)Cul-de-sacs.*** *A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.*

***17.53.101(J) Eyebrows.*** *Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication.*

**APPLICANT'S RESPONSE:** The application does not include cul-de-sacs or eyebrows. These requirements do not apply.

**FINDING: NOT APPLICABLE.** No cul-de-sacs or eyebrows are proposed or required.

***17.53.101(K) Street names.*** *Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.*

**APPLICANT'S RESPONSE:** This application does not include new streets. This requirement does not apply.

**FINDING: NOT APPLICABLE.** No new streets are proposed, extensions will maintain the existing name.

***17.53.101(L) Grades and curves.*** *Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:*

1. *A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.*
2. *Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).*

*Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.*

**APPLICANT'S RESPONSE:** As shown on the Future Street Cross Sections provided in Exhibit A, grades of NE Miller Street and NE Orchard Avenue do not exceed 12 percent and meet the centerline curve radii standard described above. These requirements are met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard.

***17.53.101 (M) Streets adjacent to a railroad right-of-way.*** *Wherever the subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel with and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), NE Orchard Avenue, which runs parallel to the railroad right-of-way, provides adequate separation from the railroad. This requirement is met.

**FINDING: SATISFIED.** The applicant has demonstrated compliance with this standard. The railroad is located along the northern portion of the site, adjacent to the wetland any street extension would require removal of the wetland. It is not necessary for a street to be installed parallel to the roadway.

***17.53.101(N) Frontage roads/streets****. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

***17.53.101(O) Alleys****. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.*

***17.53.101(P) Private way/drive****. This type of street will be allowed when the conditions of Section 17.53.100(D) are met. A private drive shall be constructed to the same structural standards that would apply to a public street. Storm runoff will be controlled to prevent damage to adjacent properties. A storm drainage plan shall be approved by the City Engineer. The right-of-way width will be determined based on-site conditions and proposed use and will be approved by the Planning Commission.*

***17.53.101(Q) Bikeways****. Provisions shall be made for bikeways planned along arterial and collector streets and where shown on the Transportation System Plan. Arterial streets shall be designed to be wide enough to accommodate a six (6) foot wide bike lane adjacent to each outside traffic lane. All major collector and some minor collector streets (dependent upon available right-of-way) shall be designed with five-foot wide bike lanes. Where a proposed development abuts a collector street less than 40 feet (Minor Collector) or 44 feet (Major Collector) in width, the Planning Commission may require that on-street parking be restricted to one side of the street only or that the deed(s) of the lot(s) adjacent to the street show that on-street parking will be eliminated in the future for bikeway development. (Amended 11/8/94 by Ordinance 4573.)*

***17.53.101(R) Residential Collector Spacing****. Generally, residential collector or arterial streets should be spaced no more than 1,800 feet from each other unless it is determined otherwise after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and the relation of the site to developments already present or proposed in the area. (Amended 11/8/94 by Ordinance 4573.)*

**APPLICANT'S RESPONSE:** This application does not include frontage roads, alleys, private ways, collectors, or arterial streets.

**FINDING: NOT APPLICABLE.** The applicant has demonstrated compliance with this standard. No frontage roads, alleys, private ways, or bikeways are proposed or required as the project site does not abut an arterial, collector street, or has identified bikeway improvements in the Transportation System Plan.

***17.53.101(S) Sidewalks**. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.*

**APPLICANT'S RESPONSE:** As previously described, the design of planned street extensions was discussed with City staff at a pre-application conference held on August 18th, 2025. The preliminary street improvement design shown on the Preliminary Plans (Exhibit A) was informed by comments received by City staff during that conference and substantially reflect the Pre-Application Plans (Exhibit E), which included curb-tight sidewalk. As discussed at that conference, the 5-foot-wide curb-tight sidewalk included in this project is appropriate for the conditions of the site. Though very few street segments in the general vicinity of the subject site provide sidewalk, where they are provided, sidewalks are curb tight. Therefore, this requirement is met as practicable.

**FINDING: NOT APPLICABLE.** Sidewalks are not required at this time with the Minor Partition.

***17.53.101(T) Park strips**. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.*

**APPLICANT'S RESPONSE:** This requirement is intended to ensure street-tree planting areas. As previously described, this application includes curb-tight sidewalks. Park strips cannot be accommodated by curb-tight sidewalks. Requirements for park strips and street trees were discussed at the pre-application conference, where it was determined that street trees can be planted on the planned parcels, and will be allowed within the planned 10- foot-wide public utility easements.

Street tree planting plans are not required to be submitted with this Partition application; however, it is anticipated that a street tree plan will be required to be submitted prior to the filing of a final plat application. Accordingly, street tree standards are not required to be addressed by the Applicant in this narrative, though the Applicant notes that 17.58.90.D provides that "...where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk". Therefore, as shown on the Preliminary Plans (Exhibit A), street tree planting area is planned to be provided in accordance with this code and insofar as it applies to this application, this requirement will be met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated that park strips are not required as part of this project.

***17.53.101(U) Gates**. Gates are prohibited within or across public rights-of-way. Gates are also prohibited across private streets that serve single-detached residential development of four or more lots or parcels, multi-dwelling housing complexes, manufactured home parks, or commercial or industrial subdivisions. The City may permit gates of limited duration for the purpose of facilitating public events, construction of public infrastructure, or other similar activities having a public interest or benefit at the discretion of the City Manager.*

**APPLICANT'S RESPONSE:** This application does not include gates.

**FINDING: NOT APPLICABLE.** No gates within the right-of-way are proposed or approved.

*17.53.103 Blocks.*

*A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The applicant has adequately identified how topographic limitations and surrounding street infrastructure limit the proposed block development.

*B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT'S RESPONSE:** *[STAFF NOTE – THE FOLLOWING RESPONSE WAS PROVIDED FOR 17.53.103(A) & (B)]* As previously described, this project will connect NE Miller Street and NE Orchard Avenue. As shown on the Preliminary Plans (Exhibit A), planned street extensions follow the existing roadway pattern in an area where block length and perimeter are already established. These established blocks do not conform to block size requirements. Additionally, most properties in the immediate area are improved. Therefore, in this industrial-zoned area, desired block sizes are not likely to be achieved. As shown on the Existing Conditions Plan included in Exhibit A, there is a significant difference in grade difference between the subject property and the adjacent unimproved segment of NE Miller Street. This difference in grade prohibits the provision of mid-block pedestrian connection along NE Miller Street where it runs along the project site. However, as shown on the Preliminary Plans (Exhibit A), in addition to those ADA ramps planned to provide pedestrian connections across NE Orchard Avenue, this project includes preliminary planned construction of a west-facing ADA ramp at the intersection

of NE Miller Street and NE Orchard Avenue. Therefore, although the existing non-conforming block sizes in the area cannot be brought into conformance under this two-parcel partition, the planned improvements will improve vehicle and pedestrian connectivity in the area. These requirements are met as practicable.

**FINDING: SATISFIED.** The proposed plans do not meet the length requirements identified within this Section. However, the applicant has justified an exception to this standard on the basis of topographic constraints and the location of adjoining streets.

*C. Easements.*

1. *Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*
2. *Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.*
3. *Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)*

**APPLICANT'S RESPONSE:** :As shown on the Preliminary Plans (Exhibit A), the application includes utility easements designed pursuant to applicable City standards, as well as a planned 50-foot-wide reciprocal access easement centered on both parcels where they abut NE Orchard Avenue. This application does not include alteration to drainage ways and does not require pedestrian access tracts. These requirements are met, as applicable.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #3 AND 4.** The applicant is required to provide utility easements as part of this project to comply with subsection (1). No water courses are to be traversed by the project, and no pedestrian way is required.

**CONDITION OF APPROVAL #3:** The applicant shall dedicate 41.5' of Right-of-Way and 10' Public Utility Easement along the east property frontage of NE Miller Street prior to plat. This will be to accommodate 66.5' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

**CONDITION OF APPROVAL #4:** The applicant shall dedicate 50' of Right-of-Way and 10' Public Utility Easement along the property frontage of NE Orchard Avenue prior to plat. This will be to accommodate 50' of Right-of-Way for local residential streets per MMC 17.53.060(C) and the City's Transportation System Plan.

*17.53.105 Lots.*

***17.53.105(A) Size and shape.*** *Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.*

1. *Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Plans (Exhibit A), parcels are dimensioned appropriately for future industrial use. The MMZO does not establish minimum or maximum sizes for lots or parcels in the M-2 zoning district. These requirements are met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criterion.

***17.53.105(B) Access.*** *Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcels are planned to abut streets other than an alley for at least 25 feet. This requirement is met.

**FINDING: SATISFIED**. The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(C) Through Lots.*** *Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.*

**APPLICANT'S RESPONSE:** This application does not include through lots.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(D) Lot side lines.*** *The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), parcel lines are planned to run at right angles to abutting streets. This requirement is met.

**FINDING: SATISFIED.** The applicant has adequately demonstrated compliance with this criteria.

***17.53.105(E) Flag lots.*** *The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing. [...]*

**APPLICANT'S RESPONSE:** This application does not include flag lots.

**FINDING: NOT APPLICABLE.** A flag lot is not proposed. Not applicable.

***17.53.110 Lot Grading.*** *Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:*

*A. Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.*
*B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*
*C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.*
*D. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns, and other pertinent data shall be established by the City Building Official.*
*E. The City Engineer shall determine whether a storm drainage system is necessary to control, manage, and dispose of water lying on or running over a subdivision. In addition, the subdivider shall be required to meet other standards and conditions imposed by state laws and city ordinances.*

**APPLICANT'S RESPONSE:** As demonstrated by the Preliminary Grading & Utilities Plan included in Exhibit A, these requirements are met as applicable.

**FINDING: SATISFIED.** No grading is approved as part of this application. Future development is subject to lot grading standards found within MMC 17.53.110.

***17.53.120 Building Lines.*** *If special building setback lines are to be established in the subdivision or partition, they shall be shown on the plat or included in the deed restrictions.*

**APPLICANT'S RESPONSE:** This application does not include special building setback li

**FINDING: NOT APPLICABLE.** No special building setback lines are proposed as part of this partition application.

***17.53.130 Large Lot Subdivision.*** *In subdividing tracts into large lots which at some future time are likely to be re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.*

**APPLICANT'S RESPONSE:** Please refer to the response previously provided to Section 17.53.080.

**FINDING: NOT APPLICABLE.** The proposal is not under review by the Planning Commission.

*17.53.140 Left-over Land. Islands, strips, or parcel of property unsuited for subdividing and not accepted by the City for appropriate use shall not be left unsubdivided but shall be identified as required in Section 17.53.075(A)(10).*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), the existing wetland on the project site is wholly located on planned Parcel 2, and that area has been specifically identified on the Preliminary Partition Plat. This requirement is met.

**FINDING: NOT APPLICABLE.** The proposed partition doesn't include left-over land. Parcel 2 contains sufficient area for development outside of the existing wetland.

*Improvements*

*17.53.150 Improvement Procedures. In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards, or specifications adopted by the City, and shall be installed in accordance with the following procedure:*

*A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans shall be required before approval of the final plat. All plans shall be prepared in accordance with requirements of the City;*

*B. Work shall not be commenced until the City has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City has been notified;*

*C. Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest;*

*D. Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements and utilities when service connections are made;*

*E. Plans showing public improvements as built shall be filed with the City Engineer within 30 (thirty) days after acceptance of the improvements by the Engineer.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: NOT APPLICABLE.** The City Council finds that no improvements are required with this application, as explained below.

*17.53.151 Specifications for Improvements. The City Engineer has submitted, and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:*

*A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;*

*B. Drainage facilities;*

*C. Sidewalks in pedestrian ways;*

*D. Sewers and sewage disposal facilities.*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: NOT APPLICABLE.** The City Council finds that no improvements are required with this application, as explained below.

***17.53.153 Improvement Requirements.*** *The following improvements shall be installed at the expense of the subdivider:*

*A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*

*B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*

*C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*

*D. Drainage. Such grading shall be performed, and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*

*E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*

*F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*

*G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*

*H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

**APPLICANT'S RESPONSE:** The applicant provided a written response that took the position that Section 17.53.153 does not apply to a minor partition application.

**FINDING: NOT APPLICABLE.** The City Council finds that Section 17.53.153 only applies to subdivisions and not minor partitions. The plain language of Section 17.53.153 includes many instances of the use of the words "subdivision" and "subdivider" throughout and does not use the work "partition" and "partitioner" at all. The City Council therefore finds that Section 17.53.153 only applies to a subdivision application and not to a minor partition application. Further context is provided in Section 17.53.060 to .063, which is the section of Section 17.53 that addresses partitions and uses the word "partitioner" when discussing the applicant, and Section 17.53.070 to .079, which is the section of Section 17.53 addressing subdivision applications and uses the word "subdivider" when discussing the applicant. Because Section 17.53.153 applies only to subdivisions and not to minor partitions, the improvements listed in Section 17.53.153 are not required to be installed with a minor partition.

*Chapter 17.58 Trees*

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

*A. Individual significant or historic trees as defined in this ordinance.*

*B. All trees with trunks located completely or partially within any public area or right-of-way;*

*C. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; [....]*

**APPLICANT'S RESPONSE:** The applicant did not provide a written response.

**FINDING: SATISFIED.** The subject site is undergoing partition review to create new parcels with developable land and is subject to the standards of the Chapter.

*17.58.040. Tree Removal/Replacement*

*A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the City. [...] Applications shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. [...] The Landscape Review Committee or Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. [...]*

**APPLICANT'S RESPONSE:** As shown on the Preliminary Plans (Exhibit A), two trees exist partially within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application seeks the removal of those two trees, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace those trees that are removed to accommodate this project. As demonstrated by the Preliminary Plans (Exhibit A), other trees on the subject site will be preserved.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*B. Trees subject to this ordinance which are approved for removal or pruning shall be removed or pruned following accepted arboricultural pruning practices, such as those published by the International Society of Arboriculture (ISA) and any standards adopted by the City. The Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.*

C. *The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.*

D. *Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.*

E. *The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

F. *Other conditions may be attached to the permit approval by the Manager or Landscape Review Committee as deemed necessary.*

G. *The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications*

*such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** As described previously, this application seeks the removal of two trees located in existing and planned future right-of-way, as necessary for the preliminarily planned construction of streets and installation of public utilities. New street trees will serve to replace trees that are removed to accommodate this project. These requirements are understood and can be met as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

H. *The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** This provision is understood. Planting of street trees will be in accordance with applicable City standards, as required.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5)

inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*17.58.050 Application Review and Criteria.*

*A. Application for Simple Tree Removal Permit.*

*1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:*

*a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.*

*b. The tree is dead or in an advanced state of decline.*

*c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.*

*d. Tree is infested with pests or disease.*

*e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.*

*f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.*

*g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.*

*h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list the decision shall also meet any applicable requirements related to the protection of such trees.*

*3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal

as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

4. *At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** As described previously, a few small trees exist within existing and planned future right-of-way, making their preservation infeasible if the other requirements of this code are to be met. Therefore, this application includes tree-removal as necessary for the preliminarily planned construction of streets and installation of public utilities. Upon approval of this application, at least one of the criteria above will be met.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the

subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

*B. Application for Tree Major Pruning Permit.*

*1. Review. Applications for major pruning of trees shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.*

*2. Criteria. Each tree proposed for major pruning shall meet all of the following criteria:*

*a. The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.*

*b. The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.*

*c. The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).*

*d. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.*

*3. Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.*

*4. At the Manager's discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.*

**APPLICANT'S RESPONSE:** This application does not include a Complex Tree Removal Permit and such a permit is not anticipated to be required for this partition.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** Any tree removal or major pruning on the subject site or within the adjacent undeveloped right-of-way is applicable under 17.58.020 and would require City approval. No trees are approved for removal as part of this application. A separate tree protection plan must be submitted as detailed below.

**CONDITION OF APPROVAL #2:** That existing trees with trunks partially or wholly within Parcels 1 and 2 are subject to the provisions of Chapter 17.58 – Trees of the McMinnville Municipal Code and shall not be removed by the applicant without prior review and written approval by the Planning Director, pursuant to Chapter 17.58. Trees greater than five (5) inches DBH will not be approved for removal unless a certified arborist determines that they are diseased, dying, or dead, or the developer demonstrates that practical development of an approved lot, or required public improvements (i.e. streets, sidewalks, and public utilities), will adversely impact the survival of such tree or trees. In addition, all trees that are not to be removed shall be protected during the construction of all public improvements and residential development in the approved partition. A plan for such tree protection approved by the Planning Director shall be submitted with construction and/or building permit applications prior to release of construction or building permits within the subject site. This applies to any improvements necessitated by this land-use action and future development of the site.

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

**APPLICANT'S RESPONSE:** It is anticipated that street tree installation will be conditionally required to be installed. As described previously in this narrative, this partition and associated improvements are designed to accommodate future street tree planting, as required.

**FINDING: NOT APPLICABLE.** NE Miller Street and NE Orchard Avenue are not to be improved with a designated curb-site planting strip or planting island and therefore is not subject to the requirements of street tree planting, including the requirement for a Street Tree Plan.

City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

# STAFF REPORT

**DATE:** **May 12, 2026**
**TO:** **Adam Garvin, Interim 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.*

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**Report in Brief:**

This is the second reading of Ordinance No. 5175, affirming the Planning Commission's denial of SE 1-25, and denying EMPWR's appeal of that decision (AP 2-26) for a Sign Standards Exception Application for property located at 750 SW Booth Bend Rd, Tax Lot R4429 02600.

The City Council conducted a public hearing on April 28, 2026, and then closed the record and deliberated. Ordinance No. 5175 passed on its first reading with a vote of 5 – 1. Since the first reading did not pass unanimously, the vote for the second reading of the ordinance must happen at a later meeting than the first reading.

This will represent the final decision of the City of McMinnville.

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.

**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.

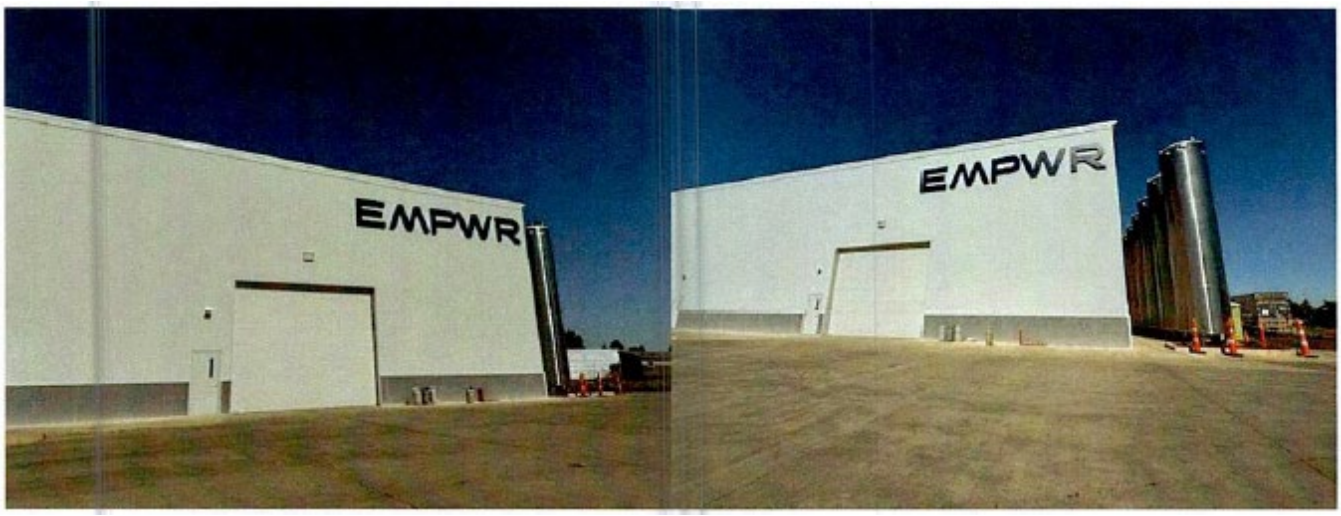
Section 17.62.070(E)(1) of the McMinnville Zoning Ordinance provides that one electronic changeable copy sign is permitted per site, provided that it does not meet the definition of a video sign, and shall only be allowed as "part" of a permanent sign. The electronic changeable copy portion of the sign 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:**

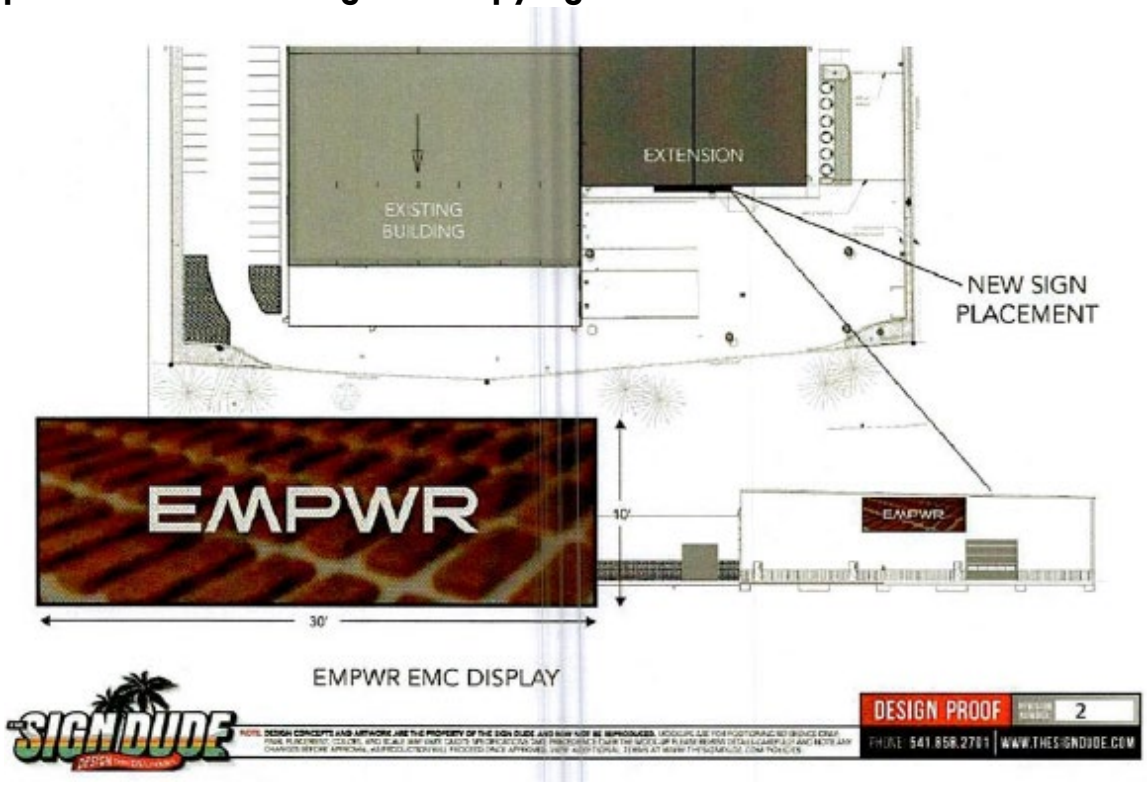


**Figure 1: Vicinity Map (Property lines approximate)**

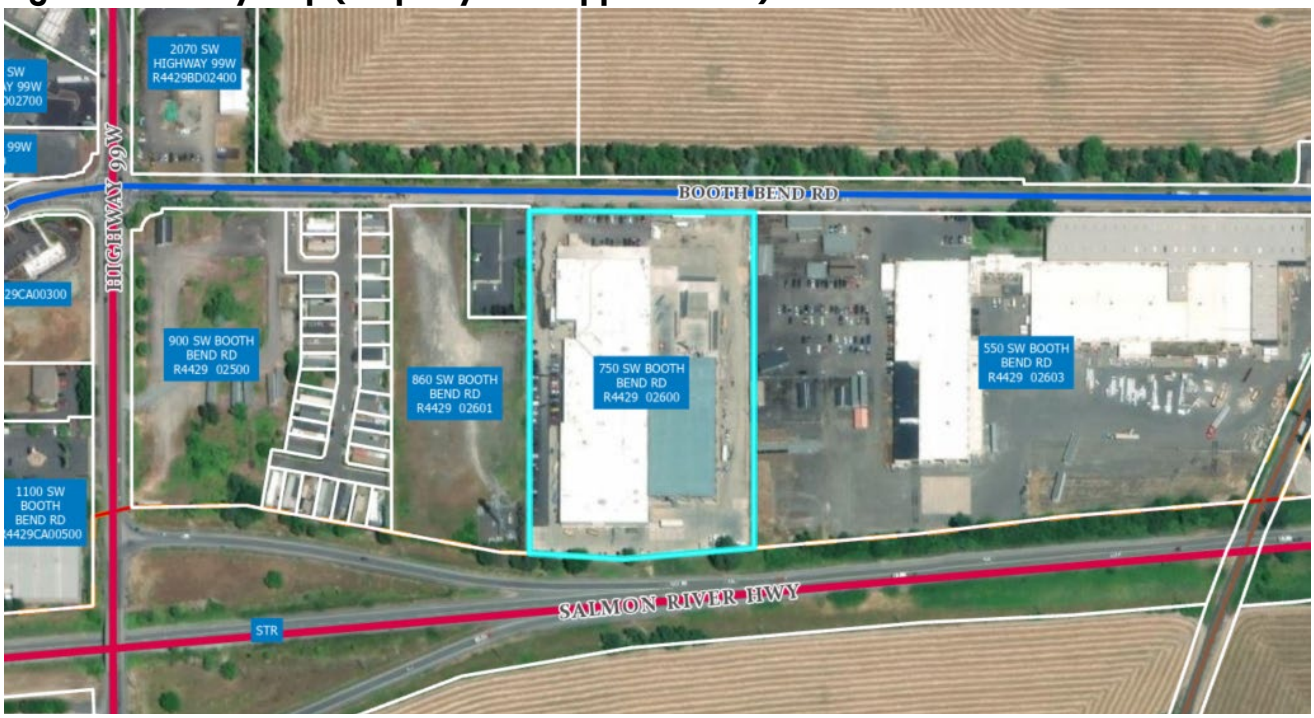



**Figure 2: Zoning Map**

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:<br><br>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***<br><br>2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; ***and***<br><br>3. The request will not be detrimental to community standards and the appearance of the city.<br><br>***OR***<br><br>17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:<br><br>1. Deny the owner of all economically viable use of the property on which the sign is located; **or**<br><br>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:<br><br>1. Deny the owner of all economically viable use of the property on which the sign is located; **or**<br><br>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)*

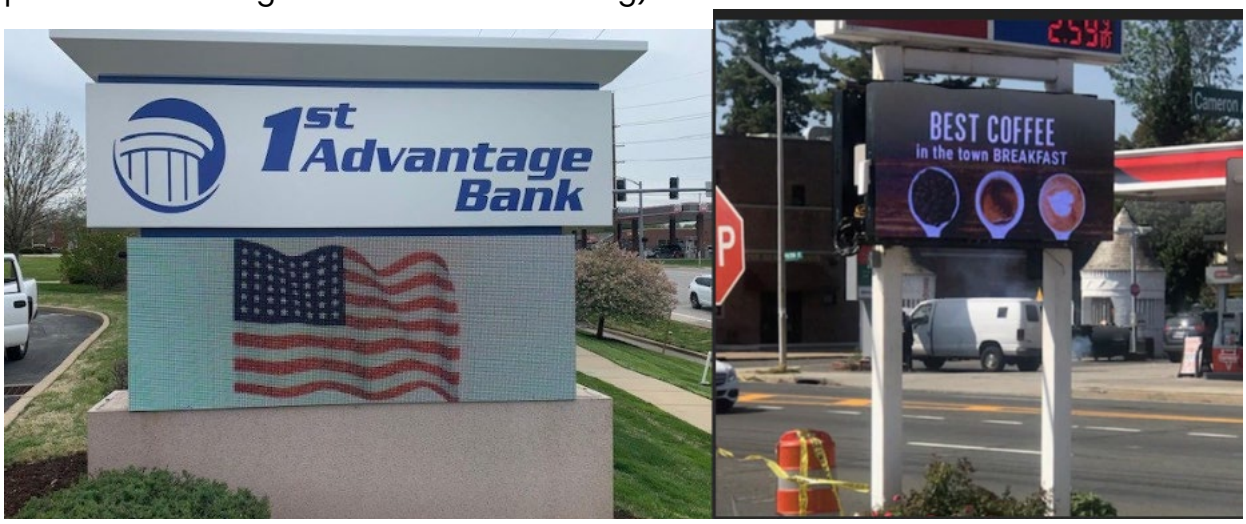
The Planning Commission found that the proposed sign was a video sign as it was not part of another permanent sign (wall or free-standing), had both vertical (10 feet tall) and horizontal (30 feet long) formatting, and has the capacity to create continuously changing sign copy in a wide spectrum of colors,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

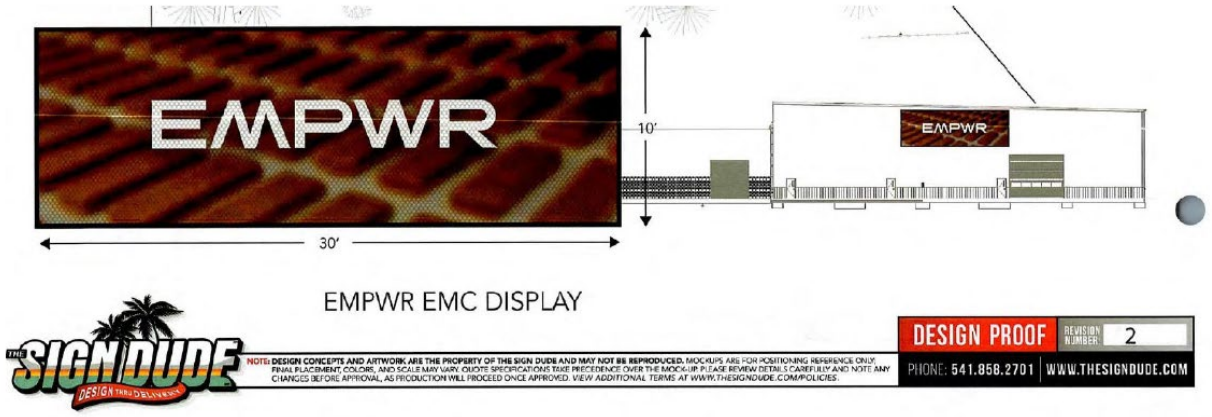
Below are photos illustrating the difference of the types of electronic changeable copy signs that the MMC allows and does not allow:

**Allowed Electronic Changeable Copy Sign**s – 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 unviable, 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. Ordinance No. 5175
    a. Exhibit A to Ordinance No. 5175 – Docket AP 2-26 Decision Document

On file with the Planning Division and provided in the April 28, 2026 City Council meeting materials:

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)

**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]**: **APPROVE ORDINANCE NO. 5175 AFFIRMING THE PLANNING COMMISSION DENIAL OF SE 1-25** adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.

**Alternative 2**: **AMEND THE PLANNING COMMISSION DECISION BY APPROVING ORDINANCE NO. 5175 DENYING SE 1-25 WITH AMENDED FINDINGS BY** adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided with amendments.

**Alternative 3**: **APPROVE THE APPELLANT'S REQUEST BY APPROVING ORDINANCE NO. 5175** and provide findings for the approval.

# 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, with a second reading of Ordinance No. 5175 occurring on May 12, 2026.

**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 12th day of May, 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 and May 12, 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.

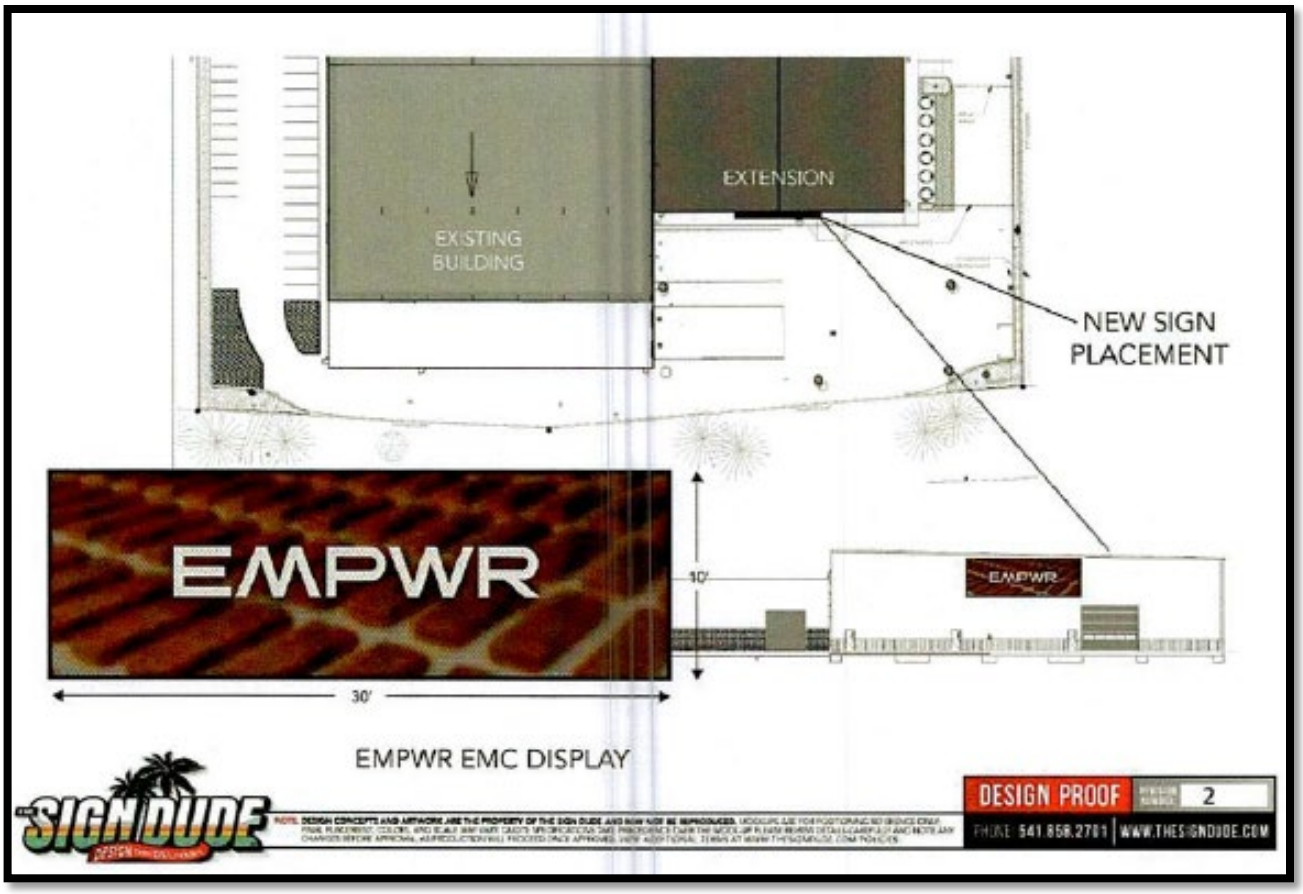
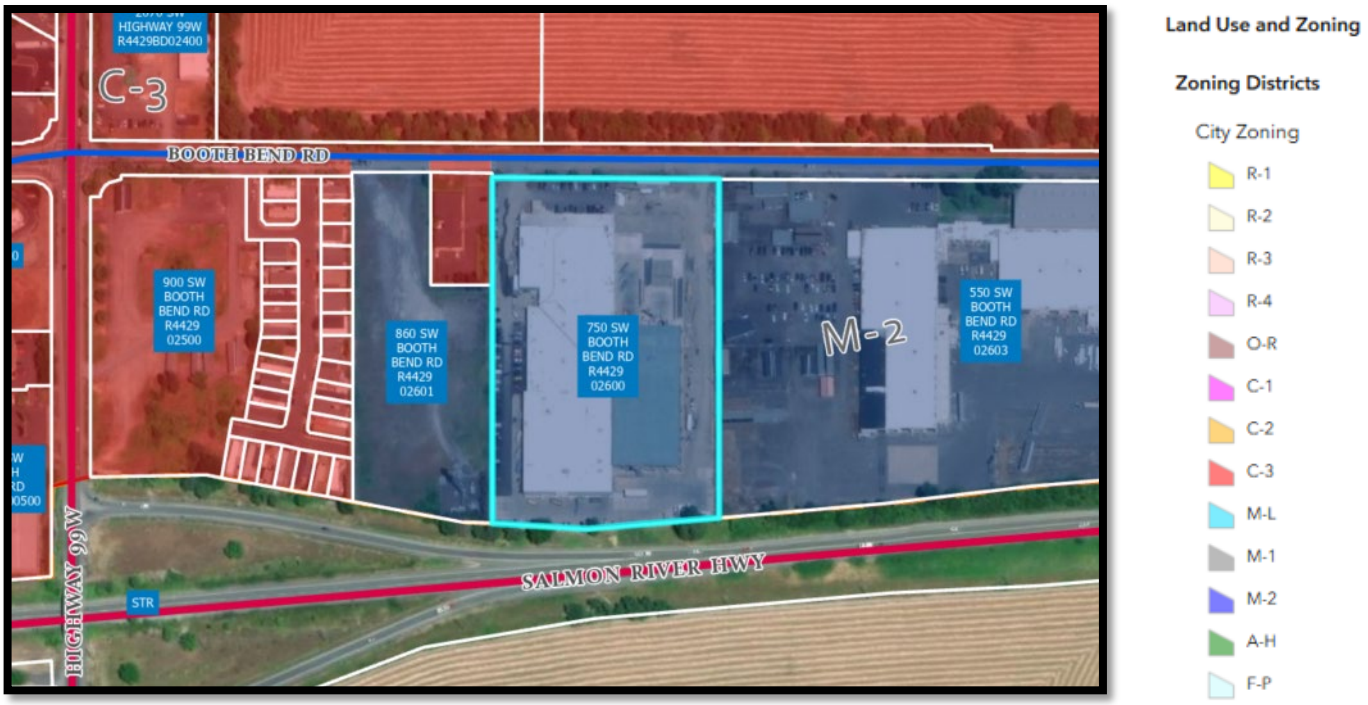



**Figure 1: Vicinity Map (Property lines approximate)**

**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:<br><br>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***<br><br>2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; ***and***<br><br>3. The request will not be detrimental to community standards and the appearance of the city.<br><br>***OR***<br><br>17.62.120(C): An exception may be granted if the property owner establishes that the strict enforcement of the ordinance will either:<br><br>1. Deny the owner of all economically viable use of the property on which the sign is located; **or**<br><br>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:<br><br>1. Deny the owner of all economically viable use of the property on which the sign is located; **or**<br><br>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 conducted the first reading of Ordinance No. 5175 affirming the Planning Commission decision.

14. On May 12, 2026, the City Council conducted a second reading of Ordinance No. 5165, voting to affirm the Planning Commission 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.

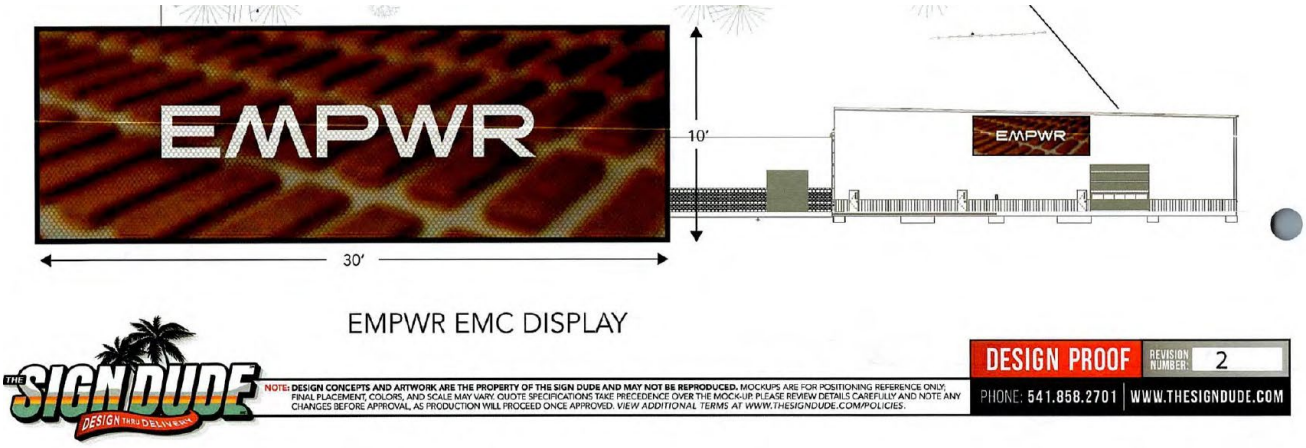
**Video Sign** – An electronic changeable copy sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy in a wide spectrum of colors, shades, and light intensities.

**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.

City of McMinnville

COMMUNITY DEVELOPMENT DEPARTMENT

# STAFF REPORT

**DATE:** **May 12, 2026**
**TO:** **Adam Garvin, City Manager**
**SUBMITTED BY:** **Heather Richards, Community Development Director**
**WRITTEN BY:** **Tom Schauer, Senior Planner**
**SUBJECT:** **Ordinance No. 5179, Approving Dockets ZC 2-24 and S 2-24 with Conditions**

1. *Ordinance No. 5179. An Ordinance approving a Zone Change to the R-3 Medium-Density, 6000 SF Lot Residential Zone (Docket ZC 2-24) and approving a Tentative Subdivision Plan (Docket S 2-24) for Tax Lots R4430AD 00100 and R4430AD 00201 upon annexation of Tax Lot R4430AD 00100 into the City limits, with both tax lots totaling approximately 2.7 acres, located at 1465 and 1525 SW Cypress Ln.*

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**Report in Brief:**

This is the consideration of Ordinance No. 5179 approving a Zone Change (ZC 2-24) and a Tentative Subdivision Plan (S 2-24) with conditions, contingent upon approval of annexation of Tax Lot R4430AD 00100. The Planning Commission unanimously recommended approval of the Zone Change and Subdivision Tentative Plan, subject to the conditions in the Decision Document.

Per Section 17.72.130 of the Zoning Ordinance, the Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.

a. If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council, a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the Planning Commission, and any other materials deemed necessary for decision by the City Council.

b. If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.

Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:

a. Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;

b. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D)-(F).

The applicable criteria and standards are identified and addressed in the decision document for each application.

The applicant previously provided extensions to the 120-day processing timeline, and the 120-day deadline for issuing a final decision is July 25, 2026.

**Background:**

The subject property includes two tax lots, R4430AD 00100 and 00201, totaling 2.7 acres. Tax Lot 100 (0.9 acres) is within the UGB but outside City limits, with County EF-80 zoning. Tax Lot 201 (1.8 acres) is within the UGB and within City limits, with R-1 zoning.

The applicant requested concurrent review of a zone change (ZC 2-24) and a subdivision tentative plan (S 2-24) for properties located at 1465 & 1525 SW Cypress Ln., Tax Lots: R4430AD 00100 & 00201***. See Vicinity Map (Figure 1).***

- **ZC 2-24.** Rezone of Tax Lot 100 from EF-80 to R-3, and rezone of Tax Lot 201 from R-1 to R-3, so both properties will be zoned R-3. ***See Existing and Proposed Zoning Map (Figure 2),***

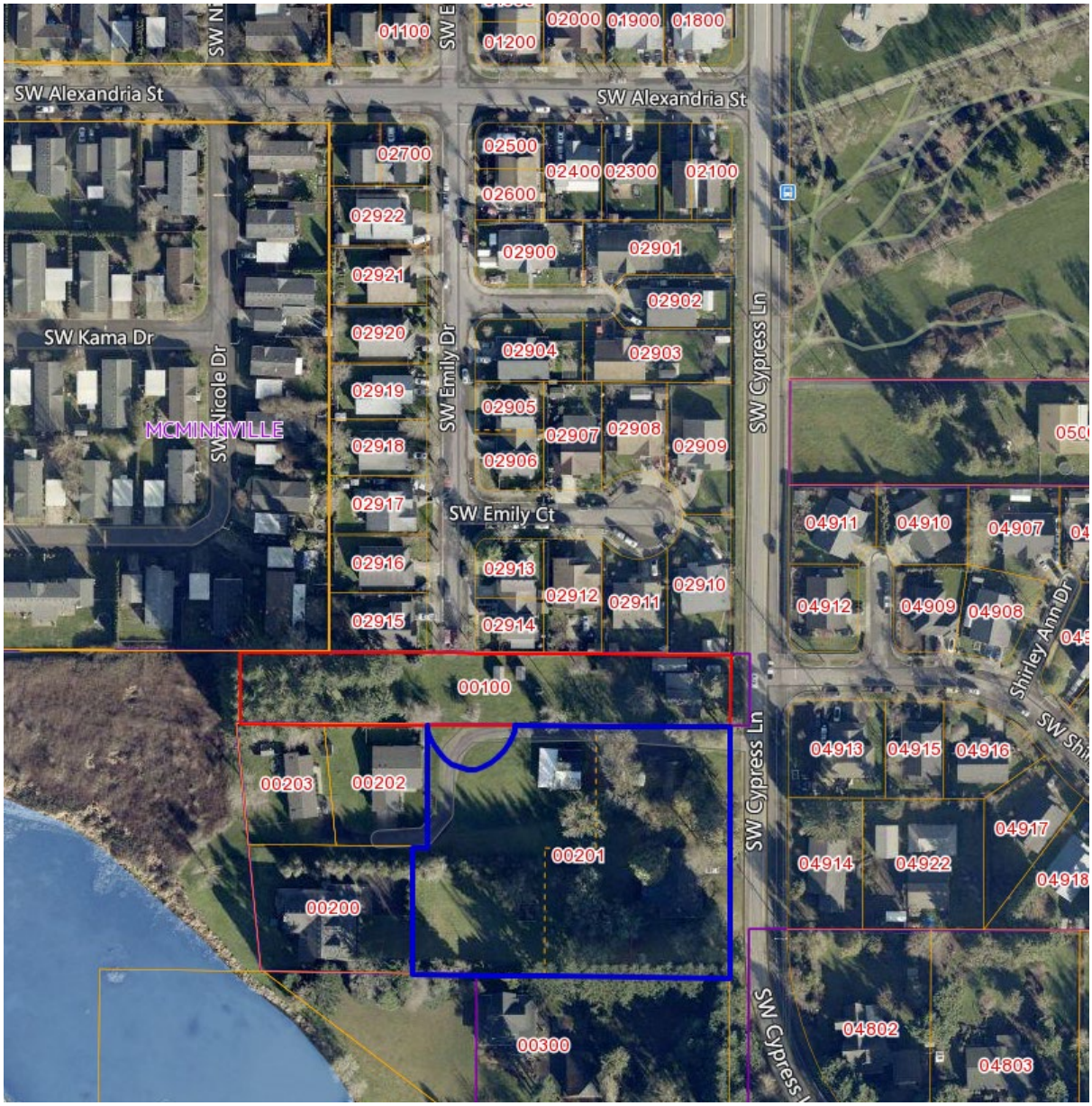
- **S 2-24.** Tentative plan for a 2-phase subdivision to subdivide Tax Lots 100 and 201 into 9 lots (4 lots in Phase 1 and 5 lots in Phase 2). Note: The tentative plan application also indicates a future development plan that would result in a future "middle housing land divisions" of Lots 2 and 5 each into two lots, and a future division of Lot 7 into 2 lots,

which are not part of the current application. ***See Applicant's Proposed Tentative Plan Map (Figure 3).***

The applicant has previously applied for annexation, ANX 1-24 for Tax Lot 00100. An annexation agreement was authorized by City Council and signed by the City Manager and Property Owner. Final annexation approval is subject to completion of the land use decisions.

The decisions would become effective upon annexation of Tax Lot 00100 into the City. The annexation agreement also includes conditions of approval. The Zone Change and Subdivision Tentative Plan applications were submitted at the same time as the Annexation application. Through that review and the subsequent application completeness review, some changes were made to the subdivision application to address conditions of the annexation agreement and applicable decision-making criteria. Some portions of the applicant's narrative describe the subdivision application as originally submitted. Where there are conflicting provisions, the revised tentative plan reflects the current proposal.
The Planning Commission held a quasi-judicial public hearing on March 19, 2026, which was continued to April 2, 2026. The Planning Commission unanimously voted 7-0 to recommend City Council approve the applications with conditions provided in the Decision Document.

**Figure 1. Vicinity Map/Aerial Photo**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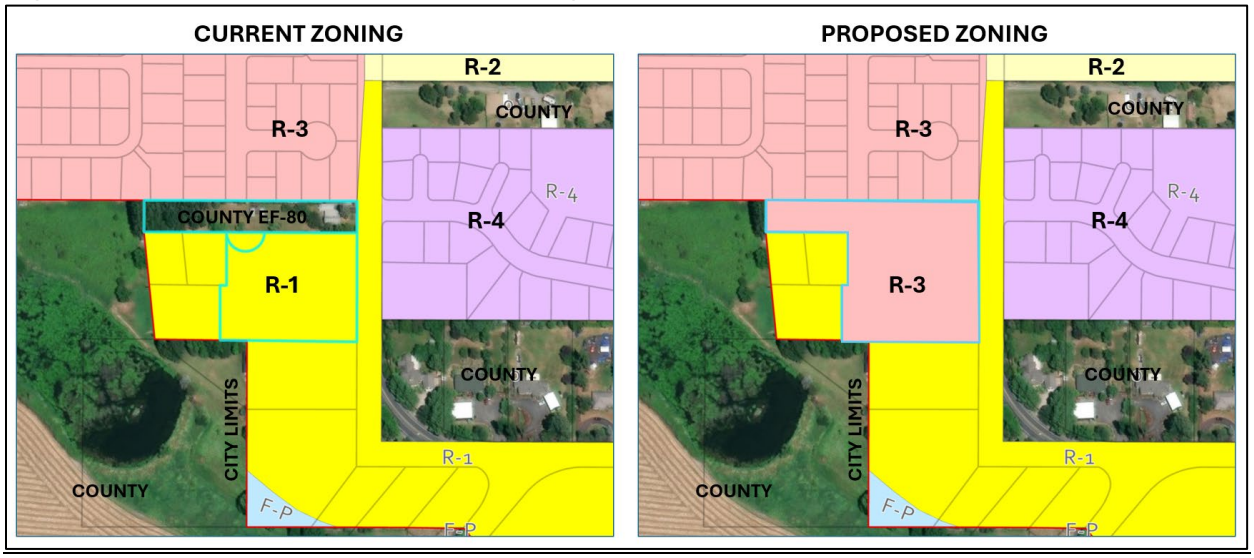
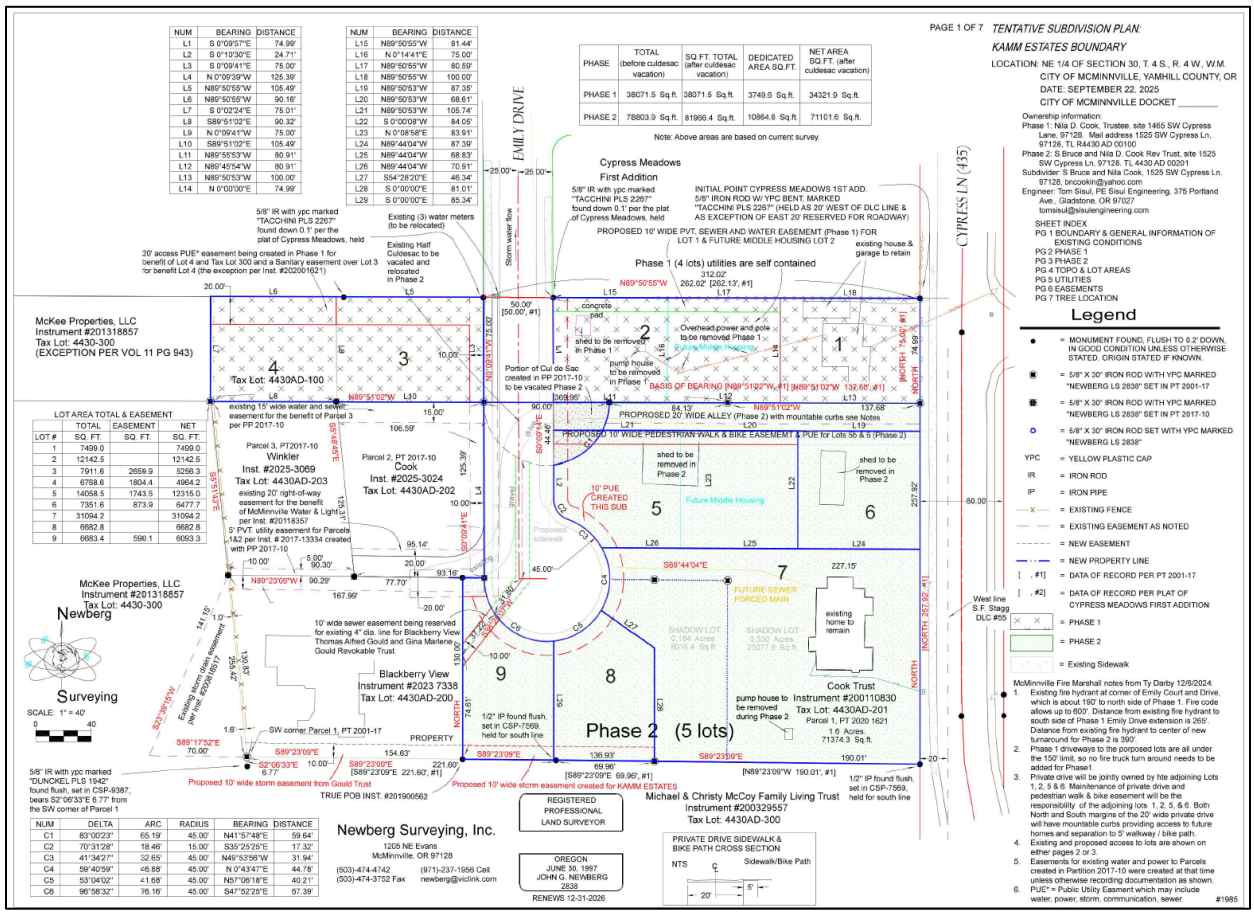
## Figure 2. Current and Proposed Zoning (ZC 2-24)




## Figure 3. Applicant's Proposed Subdivision Tentative Plan and Future Development Plan (S 2-24)



**Discussion:**

On March 19, 2026, the Planning Commission held a public hearing and heard a staff report, testimony from the applicant, and public testimony. The hearing was continued to April 2, 2026, and additional testimony was received.

Testimony predominantly addressed concerns about ingress and egress, which is via SW Emily Drive to via SW Alexandria Street. Residents north of the subject property provided testimony regarding the recent house fire and concerns regarding emergency vehicle ingress and resident egress during that event, without secondary access south of SW Alexandria Street.

SW Emily Drive currently terminates as a dead-end street at the north property line of Tax Lot 100. The proposed development will extend SW Emily Drive further south, providing a cul-de-sac turnaround at the south end. The proposed development will also provide a private alley access between the extension of SW Emily Drive and SW Cypress Lane, next to a bicycle/pedestrian access also to be provided between SW Emily Drive and SW Cypress Lane. The McMinnville Fire District Fire Marshal was also present at the April 2, 2026, continued public hearing and provided testimony and responded to questions from Planning Commissioners regarding fire access and fire code requirements.

The Planning Commission found the applicable criteria were satisfied, subject to the conditions of approval.

The annexation agreement authorized by City Council also included conditions of approval for the proposed development, which in part included the following:

- Vacation of a previously dedicated portion of the right-of-way intended for a cul-de-sac bulb, since the cul-de-sac will be extended further south.
- Provision of legal access for at least two buildable lots, to a portion of a property to the west, Tax Lot R4430AD 00300, which is constrained by floodplain and existing development.
- Bicycle and pedestrian connectivity from the development to Cypress Lane.

The applications, together with the conditions of approval, also satisfy these requirements of the annexation agreement.

**Attachments:**

1. Ordinance No. 5179 with Attachments
    a. Decision Document with Attachments

**Fiscal Impact:**

There is no direct fiscal impact to the City of McMinnville associated with this quasi-judicial land use decision.

**Alternatives:**

1. **Alternative 1 [Staff Recommendation]**: **ADOPT THE ORDINANCE** approving dockets ZC 2-24 and S 2-24 with conditions, and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided, as recommended by the Planning Commission.

2. **Alternative 2**: **ADOPT THE ORDINANCE** approving dockets SC 2-24 and S 2-24 with conditions, and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided, **with revisions.**

3. **Alternative 3: CALL FOR A PUBLIC HEARING,** date specific to a future City Council meeting.

4. **Alternative 4**: **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5179. If the application is not approved, the Applicant will be required to wait at least one year before making a similar application.

**Recommendation:**

The Planning Commissison reviewed the proposals for consistency with the applicable criteria. The Planning Commission found that the applicable criteria were satisfied with conditions, as provided in the decision document, and **RECOMMENDED APPROVAL of the applications, subject to the conditions in the Decision Document.**

**Suggested Motion:**

**"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5179."**

# ORDINANCE NO. 5179

An Ordinance approving a Zone Change to the R-3 Medium-Density, 6000 SF Lot Residential Zone (Docket ZC 2-24) and approving a Tentative Subdivision Plan (Docket S 2-24) for Tax Lots R4430AD 00100 and R4430AD 00201 upon annexation of Tax Lot R4430AD 00100 into the City limits, with both tax lots totaling approximately 2.7 acres, located at 1465 and 1525 SW Cypress Ln.

**RECITALS:**

**WHEREAS,** the property owner owns two adjacent tax lots, Tax Lot R4430AD 00100 located within the Urban Growth Boundary but outside City limits and Tax Lot R4430AD 00201 located within the City limits; and

**WHEREAS,** the property owner has submitted an application to annex Tax Lot 00100 into City limits (Docket ANX 1-24), and applications to rezone Tax Lots 00100 and 00201 to R-3 zoning (Docket ZC 2-24) and to subdivide Tax Lots 00100 and 00201 (Docket S 2-24), to be effective upon annexation of Tax Lot 00100 into City limits; and

**WHEREAS,** the McMinnville Municipal Code, Section 16.30.030 requires that all applicants for annexation must enter into an annexation agreement with the City of McMinnville; and

**WHEREAS,** on April 22, 2025, the McMinnville City Council approved Resolution No. 2025-13, authorizing the City Manager to sign an annexation agreement with the property owner for the future annexation of Tax Lot R4430AD 00100; and

**WHEREAS,** the annexation agreement was entered into by the City and Property Owner on July 14, 2025 and recorded with the County on July 17, 2025; and

**WHEREAS,** the Annexation Agreement stipulates in Section 2(a)(3) that the property owner will receive final unappealed land use approvals for the proposed zone change and tentative subdivision plan for the property prior to annexation of Tax Lot 00100; and

**WHEREAS,** upon execution of the Annexation Agreement, the Planning Division processed the applications for the Zone Change and the Tentative Subdivision Plan for Tax Lots 00100 and 00201, to be effective upon annexation of Tax Lot 00100 into the city limits.

**WHEREAS,** a duly noticed public hearing before the McMinnville Planning Commission was held on March 19, 2026, after due notice had been provided to the Department of Land Conservation and Development on February 12, 2026, written notice had been mailed to property owners within 300 feet of the affected property on February 24, 2026, and due notice was published in the local newspaper on March 13, 2026; and

**WHEREAS,** at said public hearing, a staff report, the application materials, findings and the decision document were presented, and applicant testimony was received; and

**WHEREAS,** the public hearing was continued to a date certain of April 2, 2026; and

**WHEREAS,** the Planning Commission, being fully informed about said requests, found that, with conditions, the requested Zone Change and Subdivision Tentative Plan conformed to the applicable Comprehensive Plan goals and policies and review criteria based on material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

**WHEREAS**, on April 2, 2026, the Planning Commission, by a vote of 7-0, recommended approval with conditions of ZC 2-24 and S 2-24 to the McMinnville City Council; and

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

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

1. That the Council approves the Zone Change (Docket ZC 2-24) and the Subdivision Tentative Plan (Docket S 2-24) subject to the Conditions in the Decision Document attached as Exhibit A, upon annexation of Tax Lot R4430AD 00100 into City limits,

2. The City Council adopts the Decision, Conditions, Findings of Fact, and Conclusionary Findings as documented in Exhibit A;

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

Passed by the McMinnville City Council this 12th day of May, 2026 by the following votes:

Ayes: _____

Nays: _____

_____
MAYOR

Approved as to form:

_____
City Attorney

Attest:

_____
City Recorder

EXHIBITS:

A. Decision Document for Dockets ZC 2-24 and S 2-24

City of McMinnville
PLANNING

**Community Development**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR CONCURRENT APPLICATIONS FOR A REZONE OF TAX LOT R4430AD-00100 FROM COUNTY EF-80 TO R-3 AND REZONE OF TAX LOT R4430AD-00201 FROM R-1 TO R-3, AND A 9-LOT, 2-PHASE SUBDIVISION TENTATIVE PLAN UPON ANNEXATION OF TAX LOT R4430AD-00100 INTO CITY LIMITS**

**DOCKET:** ZC 2-24 (Zone Change)
S 2-24 (Subdivision Tentative Plan)

**REQUEST:** This is an application for concurrent review of a zone change (ZC 2-24) and a subdivision tentative plan (S 2-24).

The property includes two tax lots, R4430AD 100 and 201, totaling 2.7 acres. Tax Lot 100 (0.9 acres) is within the UGB but outside City limits, with County EF-80 zoning. Tax Lot 201 (1.8 acres) is within the UGB and within City limits, with R-1 zoning.

The applicant has previously applied for annexation, ANX 1-24. An annexation agreement was authorized by City Council and approved by the City Manager. Final annexation approval is subject to completion of the land use decisions. The decisions would become effective upon annexation of Tax Lot 100 into the City.

- **ZC 2-24.** Rezone of Tax Lot 100 from EF-80 to R-3, and rezone of Tax Lot 201 from R-1 to R-3, so both properties will be zoned R-3.

- **S 2-24.** Tentative plan for a 2-phase subdivision to subdivide Tax Lots 100 and 201 into 9 lots (4 lots in Phase 1 and 5 lots in Phase 2). Note: The tentative plan application also indicates a future development plan that would result in a future "middle housing land divisions" of Lots 2 and 5 each into two lots, and a future division of Lot 7 into 2 lots.

**LOCATION:** Site Address: 1465 & 1525 SW Cypress Ln.
Map & Tax Lots: R4430AD 100 & 201

**CURRENT ZONING:** Tax Lot 100: County EF-80
Tax Lot 201: R-1

**APPLICANT:** Bruce Cook

**PROPERTY OWNER:** Stanley Bruce Cook and Nila Denise Cook Trustee of the Stanley Bruce Cook and Nila Denise Cook Revocable Trust

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED COMPLETE:** On November 7, 2025, the applicant provided an e-mail that met one of the requirements under ORS 227.178(2) to deem the applications complete. The applications were deemed complete on November 7, 2025.

On November 21, 2025, the applicant requested a 60-day extension request to the 120-day processing timeline. On January 13, 2026, the applicant requested an additional 80-day extension to the 120-day processing timeline. That provides for a decision within 260 days of November 7, 2025, which is July 25, 2026. The applicant submitted additional information on January 28, 2026.

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission recommendation/decision of denial becomes the final decision unless that decision is appealed to the City Council.

Per MMC 17.72.070, for concurrent applications, when a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

**PLANNING COMMISSION HEARING DATE & LOCATION:** Initial hearing:
March 19, 2026 at 6:30 P.M., 200 NE 2nd Street, McMinnville, OR 97128. Zoom meeting ID: 831 2090 5124, Passcode: 288880

The hearing was continued to:
April 2, 2026 at 6:30 P.M., 200 NE 2nd Street, McMinnville, OR 97128. Zoom meeting ID: 847 5600 6380, Passcode: 455691

**DECISION-MAKING BODY:** The McMinnville City Council makes the final decision, unless the Planning Commission recommendation/decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

**CITY COUNCIL MEETING DATE & LOCATION:** May 12, 2026 at 7:00 P.M., 200 NE 2nd Street, McMinnville, OR 97128. Zoom Meeting ID: 826 0717 9691, https://mcminnvilleoregon.zoom.us/j/82607179691?pwd=QCEyyFd3UY0hwyaAnB6AHQdzNYEKI6.1

**PROCEDURE:** For concurrent application review per Section 17.72.070 of the Zoning Ordinance, the applications are processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance.

The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. The Planning Commission makes a recommendation to City Council. A decision/recommendation of denial is final unless appealed to City Council. A recommendation of approval is considered by the City Council, and the City Council shall take one of the actions specified in Section 17.72.130.

**CRITERIA:** The applicable criteria for the Zone Change ZC 2-24 are specified in Section 17.74.020 of the Zoning Ordinance.

The applicable criteria for the Subdivision Tentative Plan S 2-24 are provided in Section 17.53.073 of the Zoning Ordinance, the applicable requirements of Chapter 17.53 and the applicable standards of the proposed R-3 zoning district.

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. The proposal must also be consistent with applicable provisions of state law.

The applications are also subject to the terms specified in the approved Annexation Agreement for Tax Lot 100.

**APPEAL:** The Planning Commission makes a recommendation to the City Council. If the Planning Commission recommendation is approval, the recommendation is forwarded to City Council to make the final decision. If the Planning Commission recommendation/decision is denial, then that is the final decision unless the Planning Commission's decision is appealed to the City Council per Section 17.72.180 of the McMinnville Municipal Code.

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:** This matter was referred to the following public agencies for comment: McMinnville Fire District, Engineering Division, Building Division, Public Works Department, Waste Water Services, McMinnville Airport Manager, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Recology; Northwest Natural Gas; the Oregon Department of Transportation, Yamhill County Transit, Yamhill SWCD, and Oregon Department of Aviation. Comments received are provided in Section IV of this document.

**DECISION**

Based on the findings and conclusionary findings, the City Council finds that the applicable criteria are satisfied with conditions in Section II and **APPROVES** the Zone Change (ZC 2-24) with the conditions in Section II.

Based on the findings and conclusionary findings, the City Council finds that the applicable criteria are satisfied with conditions in Section II and **APPROVES** the Subdivision Tentative Plan (S 2-24) with the conditions in Section II.

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

**ZC 2-24: DECISION: APPROVAL WITH CONDITIONS**

**S 2-24: DECISION: APPROVAL WITH CONDITIONS**

////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

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

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

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

## I. APPLICATION SUMMARY:

### *Subject Property & Request*

This is an application for concurrent review of a zone change (ZC 2-24) and a subdivision tentative plan (S 2-24) for properties located at 1465 & 1525 SW Cypress Ln., Tax Lots: R4430AD 100 & 201*. See Vicinity Map (Figure 1).*

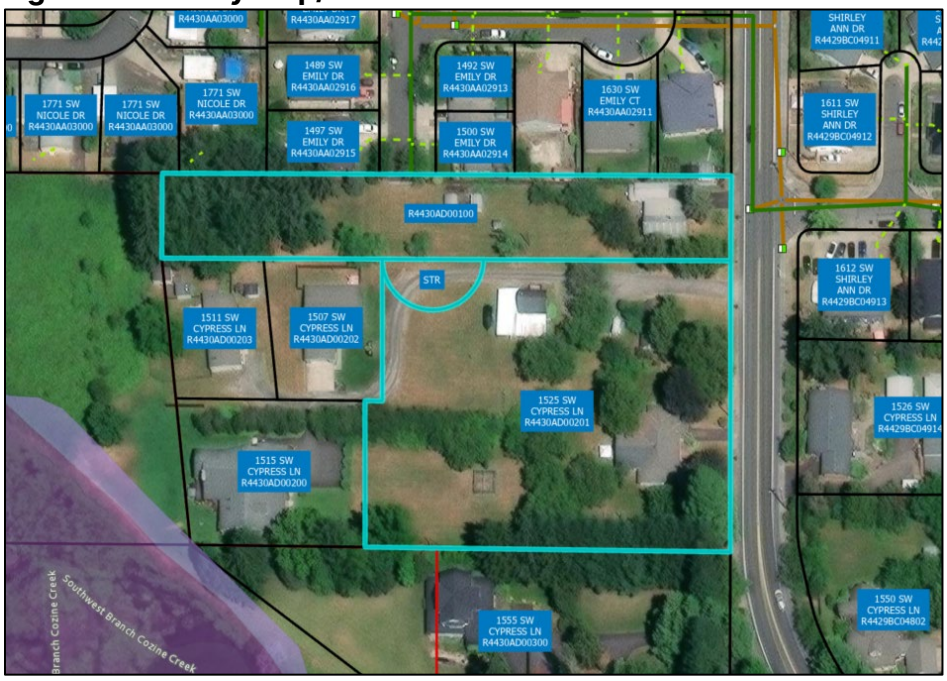
The property includes two tax lots, R4430AD 100 and 201, totaling 2.7 acres. Tax Lot 100 (0.9 acres) is within the UGB but outside City limits, with County EF-80 zoning. Tax Lot 201 (1.8 acres) is within the UGB and within City limits, with R-1 zoning.

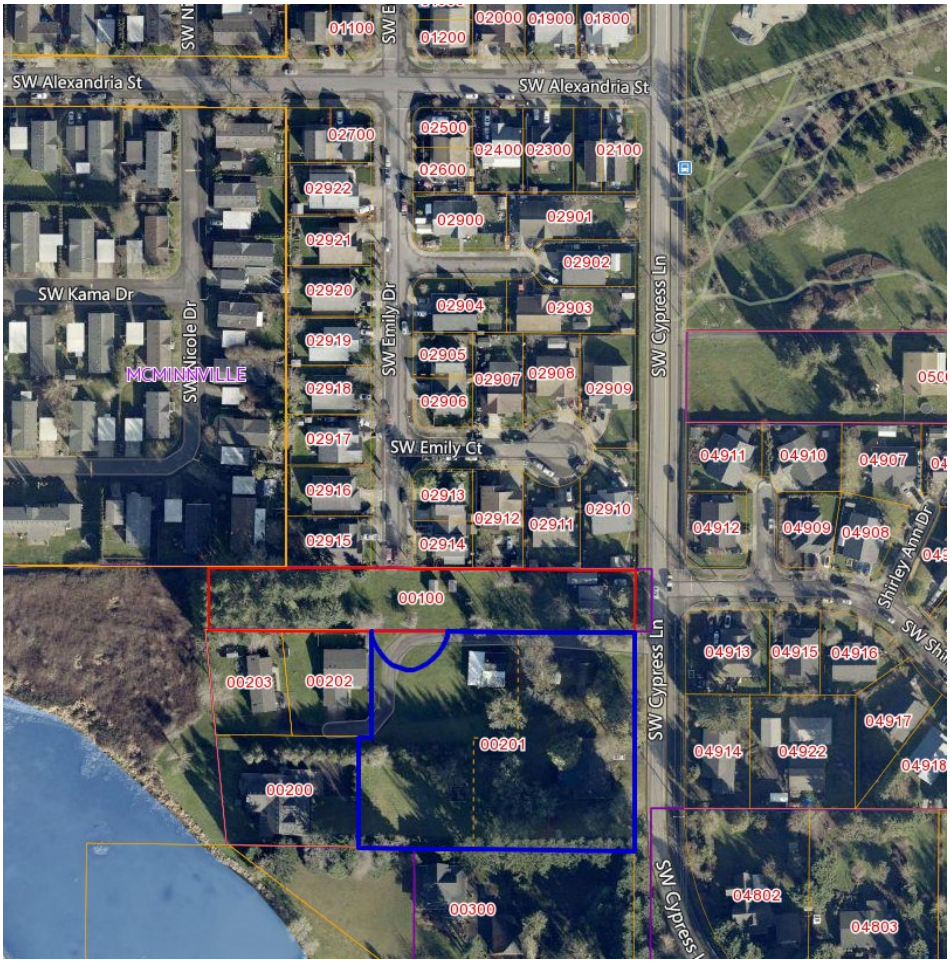
The applicant has previously applied for annexation, ANX 1-24. An annexation agreement was authorized by City Council by Resolution 2025-13 on April 22, 2025 and the agreement was approved by the City Manager (Instrument 202506840). Final annexation approval is subject to completion of the land use decisions. The decisions would become effective upon annexation of Tax Lot 100 into the City. The annexation agreement also includes conditions of approval. The Zone Change and Subdivision Tentative Plan applications were submitted at the same time as the Annexation application. Through that review and the subsequent application completeness review, some changes were made to the subdivision application to address conditions of the annexation agreement and applicable decision-making criteria. Some portions of the applicant's narrative describe the subdivision application as originally submitted. Where there are conflicting provisions, the revised tentative plan reflects the current proposal.

- **ZC 2-24.** Rezone of Tax Lot 100 from EF-80 to R-3, and rezone of Tax Lot 201 from R-1 to R-3, so both properties will be zoned R-3. *See Existing and Proposed Zoning Map (Figure 2),*

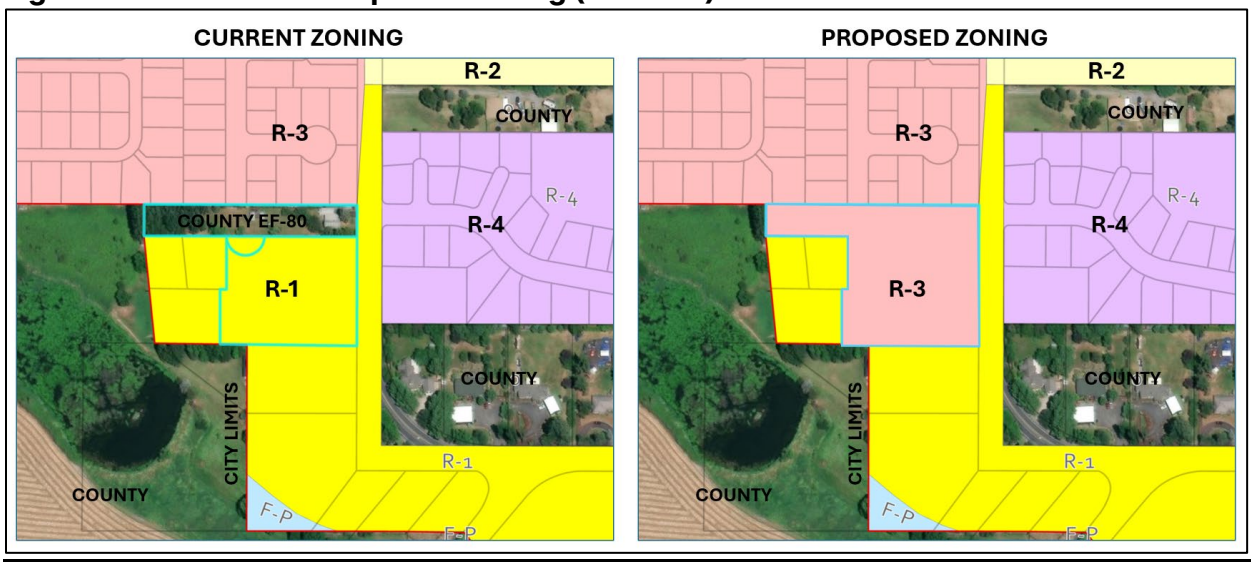
- **S 2-24.** Tentative plan for a 2-phase subdivision to subdivide Tax Lots 100 and 201 into 9 lots (4 lots in Phase 1 and 5 lots in Phase 2). Note: The tentative plan application also indicates a future development plan that would result in a future "middle housing land divisions" of Lots 2 and 5 each into two lots, and a future division of Lot 7 into 2 lots. *See Applicant's Proposed Tentative Plan Map (Figure 3).*

## Figure 1. Vicinity Map/Aerial Photo

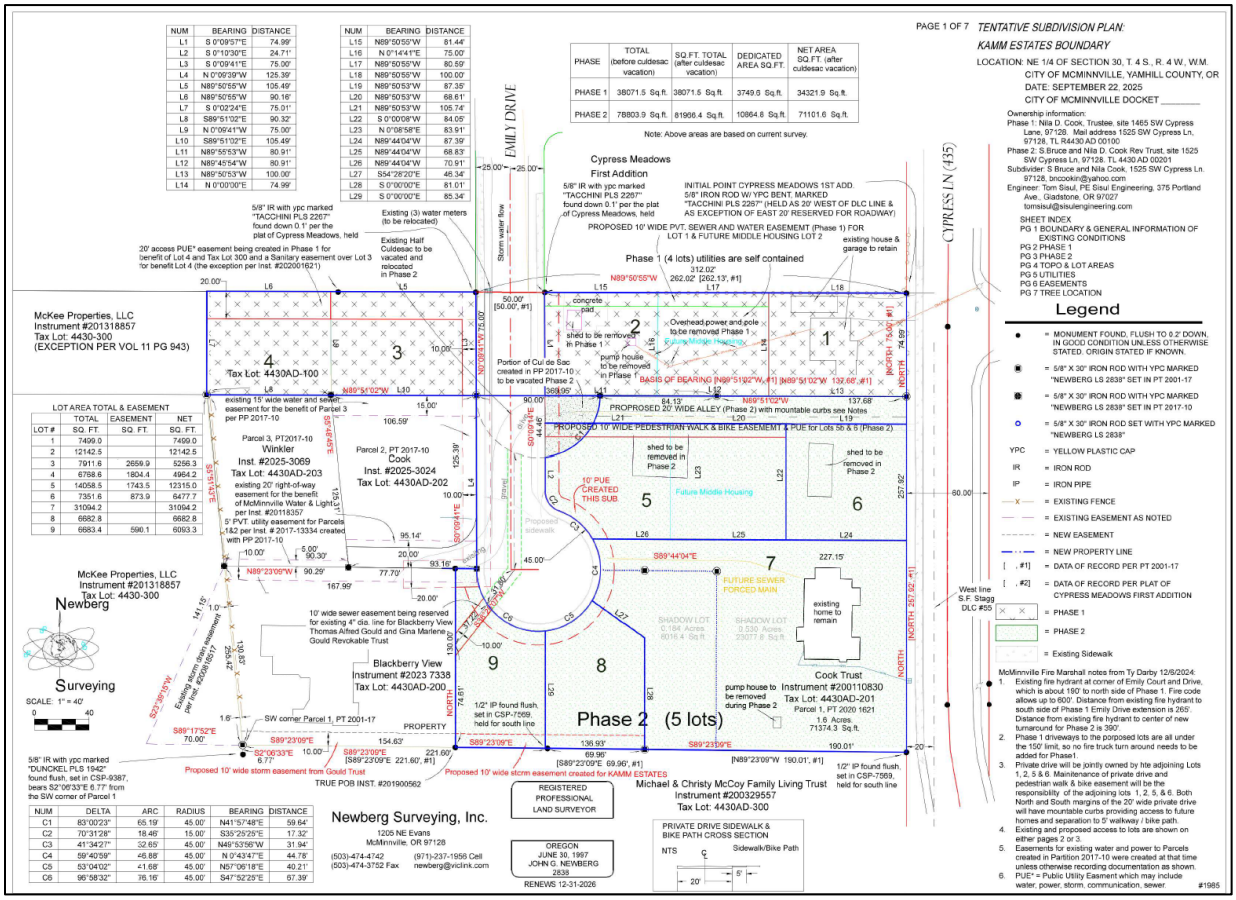


## Figure 2. Current and Proposed Zoning (ZC 2-24)




## Figure 3. Applicant's Proposed Subdivision Tentative Plan and Future Development Plan (S 2-24)



## II. CONDITIONS:

### Zone Change ZC 2-24

1. This land-use approval will not be in effect until any appeals have been resolved and the subject site has been annexed into the McMinnville city limits, at which time, the R-3 zone will be applied to the subject site.

2. Per the annexation agreement, the agreement is void if the property is not annexed within 5 years of the effective date of the annexation agreement.

3. The applicant shall comply with all terms of the annexation agreement (Instrument #202506840)

### Subdivision Tentative Plan S 2-24

1. This land-use approval will not be in effect until the subject properties have been rezoned to R-3, until any appeals have been resolved, and until the subject site has been annexed into the McMinnville city limits, at which time the tentative plan approval will be effective.

2. Per the annexation agreement, the agreement is void if the property is not annexed within 5 years of the effective date of the annexation agreement.

3. The applicant shall comply with all terms of annexation agreement. (Instrument #202506840)

4. This approval does not include approval of the middle housing land divisions of Lots 2 and 5, or further division of Lot 7, as shown on the applicant's tentative plan. Those will require separate applications.

5. Per the comments from the Fire District, each lot shall have access that will meet the requirements of the Fire Code, with access defined to within 150 feet of all portions of any future proposed structures on the new lots.

6. A public fire hydrant will be required within 600 feet of all future proposed structures.

7. The applicant shall comply with any Fire Direct requirements for any applicable fire lane marking and signage.

8. Per the annexation agreement, the applicant shall vacate the existing public right-of-way within the cul-de-sac described as "Tract A" on partition plat 2017-10 (City Docket MP 4-16), instrument #200110830, to the extent it is no longer required due to the new alignment of the public right-of-way serving the development. Such vacation will need to be completed prior to the issuance of any building permits associated with Phase 1 of the tentative subdivision plan.

9. Per the annexation agreement, the applicant shall provide legal access to Tax Lot R4430AD 00300 for at least two buildable lots prior to the platting of Phase 1 of the tentative subdivision plan. Access easement will need to meet all of the provisions of the McMinnville Municipal Code.

10. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the approved plan. Minor changes to the details of the approved plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

11. MMC 17.53 doesn't explicitly address expiration relative to phasing and the applicant hasn't identified a phasing schedule.

    a. For Phase 1, within 12 (twelve) months after approval of the tentative plan, the subdivider shall prepare a final plat in conformance with the tentative plan as approved. The supplemental information specified in Section 17.53.075(B) of the Zoning Ordinance shall be submitted with the plat. The subdivider shall submit the original drawing and two exact copies and any supplementary information to the City Engineer. Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

    b. For Phase 2, within 2 years of final plat of Phase 1, the subdivider shall prepare a final plat in conformance with the tentative plan as approved. The supplemental information specified in Section 17.53.075(B) of the Zoning Ordinance shall be submitted with the plat. The subdivider shall submit the original drawing and two exact copies and any supplementary information to the City Engineer. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

12. The application includes a private alley within a separate tract and a bike and pedestrian path within a separate tract. These shall be privately owned and maintained. The applicant shall address in the CCRs rights to use and responsibilities for maintenance for specific lots or an HOA. The bike/pedestrian path shall be for public access.

13. With privately owned common tracts, the subdivision may be subject to the Oregon Planned Community Act, ORS 94.550-94.783. The applicant shall be responsible for compliance with these provisions.

14. The applicant shall submit a revised tentative plan incorporating additional information and any revisions necessary as a result of these conditions of approval.

    a. Clearly differentiate “existing” vs. “proposed” utilities, easements, and other features. Some existing features are labeled as proposed rather than existing. Some existing features are not shown.

    b. Show the existing 50’ and 10’ easements across tax lot 100 that are referenced on Partition Plat 2017-10 as dedicated per instrument 200106749.

    c. Reconcile any conflicting information regarding whether there is an existing 8” sanitary sewer main that extends south from the manhole at the south end of Emily Drive to the south property line of Tax Lot 100, terminating in a cleanout. across TL 100. Sheets 5.1 and 5.2 currently show a proposed 8” sanitary extension extending south from the manhole approximately 40 feet.

    d. Identify where the laterals serving the three homes to the west are located on the subject property and where they connect to the public main.

    e. Identify location of group mailboxes. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.

15. The applicant shall obtain appropriate plumbing and/or engineering permits for work that modifies sewer laterals currently on private property, within easements, and/or future right-of-way.

16. The applicant shall submit civil plans to the Engineering Division for construction of the subdivision improvements for review and approval.

17. Per MMC Chapter 12, ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the “PROWAG” Design Guidelines. These standards can be found on the following webpage: https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-1013.pdf. Prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of-way that conform to these standards.

18. Per MMC Chapter 12, street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG).

19. SW Emily Dr. shall be designed and improved to Local Street standard per the Transportation System Plan and have the City’s typical crowned section.

20. Per MMC 12.04.120, the final development plans for the subject site shall include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Division prior to issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved for them. If phasing the subdivision then the storm plan will need to incorporate the phases appropriately.

21. Per MMC 12.04.120, the final development plans for the subject site shall include a detailed sanitary sewerage collection plan which incorporates the requirements of the City's Collection System Facilities Plan. The plan must be submitted to, and approved by, the City Engineering Division prior to issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the on the final plat. The structures located within the subject site are required to connect to the sanitary sewer as soon as service is available. If phasing the subdivision, then the sanitary sewer plan will need to incorporate the phases appropriately.

22. The applicant shall submit an application for a Street Tree Plan at such time as will allow for review and approval to occur in coordination with the civil plans to ensure distances between utilities, access, and street tree locations are consistent with applicable standards.

23. Street trees and irrigation locations shall be identified with the civil plan submittal to allow for coordination with utility and access layout.

24. If final approved civil plans conflict with previously approved landscape plans and irrigation plans, the landscape and irrigation plans will need to be revised to reflect the final civil design.

25. Any landscape and irrigation required for any stormwater detention facilities shall be reviewed with the civil engineering design submittal.

26. Prior to the City issuing permits, the applicant shall provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.

27. The applicant shall secure all required state and federal permits, including if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Act, and those required by the Oregon Department of State Lands, US Army Corps of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

28. For the public water system, the applicant's engineer shall design the system to MW&L specifications. MW&L will review/approve this design. An Extension Agreement will be required for developers contractor to install the future public water system improvements.

29. For power, MW&L will require a subdivision design application along with the applicable fees. This project will also require a Line Extension Agreement between MW&L and the Owner/Developer. MW&L will coordinate with the developer's engineer to design the power for the development onto 60% plans or a composite utility plan. After completion of the power design, MW&L may require additional easements.

30. Per MMC 12.04.010, the applicant shall enter into a Construction Permit Agreement with the City's Engineering Division prior to the construction of any public infrastructure.

31. Per MMC Chapter 13, a sewer capacity study may need to be provided to the City of McMinnville Engineering Division. The capacity study will be done through a reimbursement agreement with the Engineering Division prior to the issuance of any development permits.

32. Per MMC Chapter 13, for any private sanitary sewer to remain, the applicant shall evaluate the existing sanitary sewer system onsite for defects that allow inflow and infiltration (I&I) of rainwater into the sanitary sewer system. The City has an aggressive I&I program that specifically targets aging sewer infrastructure. Prior to issuance of a building permit, sewer to remain shall be video inspected and any defects found in the sewer infrastructure shall be repaired or replaced. Contact the City Engineering Division for further information and assistance.

33. The existing homes on TL 100 and TL 201 are currently served by septic systems. Three homes on lots to the west are served by sanitary sewer that is currently within easements on the subject property, where right-of-way will be dedicated and public facilities installed. Those homes will be connected to the public sewer main which will be in right-of-way with the new street extension. Any sanitary sewer inspections and repair or replacement shall be addressed prior to any revised connections to the sewer main extension and prior to construction of the new street extension).

34. Prior to final plat, the applicant shall submit evidence that all fill placed in the areas where building sites or streets are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.

35. Prior to final plat, Restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development and must meet with the approval of the Planning Director prior to final plat approval.

36. Prior to final plat for Phase 1, the existing home on Tax Lot 100 shall be disconnected from the septic system and connected to municipal sewer. The

applicant shall provide evidence that the septic system has been decommissioned in accordance with applicable regulations.

37. Prior to final plat for Phase 1, the existing home on Tax Lot 100 shall be disconnected from the well and connected to municipal water. The applicant shall provide evidence that the well has been decommissioned in accordance with applicable regulations.

38. Prior to final plat for Phase 2, the existing home on Tax Lot 201 shall be disconnected from the septic system and connected to municipal sewer. The applicant shall provide evidence that the septic system has been decommissioned in accordance with applicable regulations.

39. Prior to final plat for the respective phase, all street trees shall be installed or security in place in accordance with the approved street tree plan. All trees shall be a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants.

40. Prior to final plat, documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director in writing. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

41. If street trees are not installed prior to final plat, the subdivider shall provide security for their installation prior to final plat.

42. If security was provided prior to final plat for installation of street trees, the applicant shall complete installation of street trees, per the timing described below. The applicant shall plant street trees within curbside planting strips in accordance with the approved street tree plan and the City's street tree standards and specifications. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
    **a.** Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.

**b.** Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.

**c.** It shall be the applicant's responsibility to obtain approval for any relocation of trees as may be necessary to accommodate individual building plans, consistent with applicable standards. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die, for one year from the date of planting.

43. All required improvements shall be installed or secured prior to final plat. Any improvements which were secured prior to final plat approval shall be completed in accordance with the construction permit agreement.

44. At the completion of Phase 1 of the development, the applicant shall install a barricade consistent with City standards at the terminus of Emily Ln., unless the Fire District requires an emergency vehicle turnaround. The barricade shall include a sign with text stating: "This street is planned for extension to serve future development."

45. Sheet 7 of the applicant's plan set shows existing trees proposed for retention and removal. Prior to removal of trees, the applicant shall obtain written approval by the Planning Director based on the criteria in Chapter 17.58.

46. The final plat shall include 10-foot utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities. If there are any conflicts with any existing exclusive MWL easements, the applicant shall be responsible for obtaining any required consent.

47. Subject to final approval of the utility plans, additional easements may be required, including necessary public or private easements to allow for provision of utilities to serve Tax Lot R4430AD 00300 to the west.

48. Except when surety is provided in conjunction with deferral of improvements when authorized consistent with McMinnville Municipal Code, including Chapter 17.53, Conditions 17, 18, 20, 21, 30, 31, 32, and 33 shall be completed prior to final plat as provided in MMC Chapter 17.53.

## III. ATTACHMENTS:

1. ZC 2-24 & S 2-24 Application and Attachments
    a. 1. Original application submittal for all applications
    b. 2. HOA and CCRs Outline
    c. 3. Memo
    d. 4. 7-page tentative plan revised 11-7-2025
    e. 5. New Supplemental Sheets 5.1 (Utilities Phase 1) and 5.2 (Utilities Phase 2) added to previous (11-7-2025) 7-page tentative plan submittal.

f. 6. 1-25-2026 Letter from Applicant's Engineer re: Sanitary and Storm
2. Annexation Agreement
3. Letter from Yamhill SWCD
4. Minutes of March 19, 2026 Planning Commission Meeting
5. Minutes of April 2, 2026 Planning Commission Meeting

## IV. COMMENTS:

### Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire District, Engineering Division, Building Division, Public Works Department, Waste Water Services, McMinnville Airport Manager, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Recology; Northwest Natural Gas; the Oregon Department of Transportation, Yamhill County Transit, Yamhill SWCD, and Oregon Department of Aviation. Comments received are provided in Section IV of this document.

Responses were received from the following agencies, provided below or attached:

- McMinnville Engineering
- McMinnville Water & Light
- McMinnville Fire District
- Yamhill Soil & Water Conservation District

- **McMinnville Engineering Division**

  **Suggested Conditions of Approval:**

  - Per MMC 12.04.010 The applicant will enter into a Construction Permit Agreement with the City's Engineering Department prior to the commencement of construction of any public infrastructure.

  - Provide the City with an approved 1200C Permit from DEQ or provide the City with written documentation from DEQ that a 1200C permit is not required.

  - Per MMC Chapter 12 - ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. prior to the commencement of construction of any public infrastructure. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.

  - Per MMC Chapter 12 Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG).

- SW Emily Ct shall be improved to Local Street standard per the Transportation System Plan and have the City's typical crowned section.

- The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.

- That the applicant submit evidence that all fill placed in the areas where building sites or streets are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.

- Per MMC 12.04.120 that final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City for them. If phasing the subdivision then the storm plan will need to incorporate the phases appropriately.

- Per MMC 12.04.120 the final development plans for the subject site include a detailed sanitary sewerage collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available. If phasing the subdivision then the sanitary sewer plan will need to incorporate the phases appropriately.

- If final approved civil plans conflict with previously approved landscape and irrigation plans, the landscape and irrigation plans will need to be revised to reflect final civil design.

- Any landscape and irrigation required for any stormwater detention facilities will be reviewed with the civil engineering design submittal.

- Per MMC Chapter 13, for any private sanitary sewer to remain the applicant shall evaluate the existing sanitary sewer system onsite for defects that allow inflow and infiltration (I&I) of rain water into the sanitary sewer system. The City has an aggressive I&I program that specifically targets aging sewer infrastructure. Prior to the issuance of a building permit, sewer to remain will be

video inspected and any defects found in the sewer infrastructure, will be repaired or replaced. Contact the City Engineering Department for further information and assistance.

- Per Chapter 13 of the MMC a sewer capacity study may need to be provided to the City of McMinnville Engineering Department. The capacity study will be done through a reimbursement agreement with the Engineering department prior to the issuance of any development permits.

- Per the annexation agreement applicant shall vacate the existing public right-of-way within the cul-de-sac described as Tract "A" on partition plat No. 2017-10 (City Docket MP 4-16) instrument #200110830, to the extent that it is no longer required due to the new alignment of the public right-of-way serving the development. Such a vacation will need to be completed prior to the issuance of any building permits associated with phase 1 of the tentative subdivision plan.

- Per the annexation agreement the applicant shall provide legal access to Tax Lot R4430AD 00300 for at least two buildable lots prior to the platting of phase 1 of the tentative subdivision plan. Access easement will need to meet all of the provisions of the McMinnville Municipal Code.

- Note: The tentative utility/public infrastructure layout is for project feasibility, and these conditions of approval are not meant to be an approval of those facilities. These approvals will come during the review of Civil Engineered plans and the execution of a construction permit agreement.

- **<u>McMinnville Water & Light</u>**

  **Water comments:**
  *Re: Attachment 3 (Applicant's November 7, 2025 Completion Clarification Memo for Kamm Estates):* Items 1 & 6: Indicate the public water system will be designed by MW&L. The design will come from the developer's engineer and will be designed to MW&L specifications. MW&L will review/approve this design. An Extension Agreement will be required for developer's contractor to install the future public water system improvements.

  **Power comments:**
  MW&L will require a subdivision design application along with the applicable fees. This project will also require a Line Extension Agreement between MW&L and the Owner/Developer. MW&L will coordinate with the developer's engineer to design the power for the development onto 60% plans or a composite utility plan . After completion of the power design, MW&L may require additional easements.

- **McMinnville Fire District**
  The Fire District will require access to within 150 feet of all portions of any future proposed structures on the new lots. In addition, a public fire hydrant will be required within 600 feet of all future proposed structures.

- **Yamhill Soil & Water Conservation District**
  Please see attached letter.

**Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. No written public testimony was submitted. Oral testimony was provided at the March 19, 2026 Planning Commission public hearing and the continued April 2, 2026 Planning Commission hearing, as reflected in the meeting minutes.

Oral Testimony provided on March 19, 2026
- Vanessa Hawkins
- David Poe
- Jose Huerta

Oral Testimony Provided on April 2, 2026:
- Vanessa Hawkins
- Nicole Amuzu
- Monika Chroust-Masin

## V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applications for the Annexation (ANX 1-24), Zone Change (ZC 2-24), and Subdivision Tentative Plan (S 2-24) were submitted with the appropriate fees on June 20, 2024 as part of the annexation application. The applicant submitted the necessary documentation to demonstrate a neighborhood meeting was noticed and held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.

2. The City Council approved Resolution 2025-13 on April 22, 2025 authorizing the City Manager to sign an Annexation Agreement for the future annexation of Tax Lot R4430AD-00100. The Annexation Agreement was executed on July 14, 2025.

3. The completeness review period for applications ZC 2-24 & S 2-24 was commenced upon approval of resolution authorizing the annexation agreement. The concurrent applications were initially deemed incomplete on May 15, 2025.

4. On November 7, 2025, the applicant provided an email that met one of the requirements under ORS 227.178(2) to deem the application complete. The applications were deemed complete on November 7, 2025.

5. On November 21, 2025, the applicant requested a 60-day extension request to the 120-day processing timeline. On January 13, 2026, the applicant requested an

additional 80-day extension to the 120-day processing timeline. That provides for a decision within 260 days of November 7, 2025, which is July 25, 2026.

6. Additional information was submitted by the applicant on January 28, 2026.

7. On February 12, 2026, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).

8. On February 11, 2026, 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, Engineering Division, Building Division, Public Works Department, Waste Water Services, McMinnville Airport Manager, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Recology; Northwest Natural Gas; the Oregon Department of Transportation, Yamhill County Transit, Yamhill SWCD, and Oregon Department of Aviation.

   Comments received from agencies are addressed in Section IV of this Decision Document.

9. On February 24, 2026 notice of the application and the March 19, 2026 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

10. On March 13, 2026, notice of the application and the March 19, 2026 Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.

11. The Planning Commission held a public hearing on March 19, 2026 to consider the requests. Testimony was received, and a request was made to continue the hearing. The Planning Commission continued the public hearing to April 2, 2026.

12. The Planning Commission held a continued public hearing on April 2, 2026 to consider the requests. The Planning Commission recommended approval with conditions of Dockets ZC 2-24 and S 2-24.

13. The City Council considered the Planning Commission recommendation on May 12, 2026 and voted to adopt Ordinance No. 5179 approving ZC 2-24 and S 2-24 with conditions, and approving the decision document.

## VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
   - **Site Address:** 1465 & 1525 SW Cypress Ln.
   - **Map & Tax Lot:** R4430AD 00100 & 00201

2. **Size:** 2.7 acres (TL 100 is 0.9 acres, TL 201 is 1.8 acres)

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

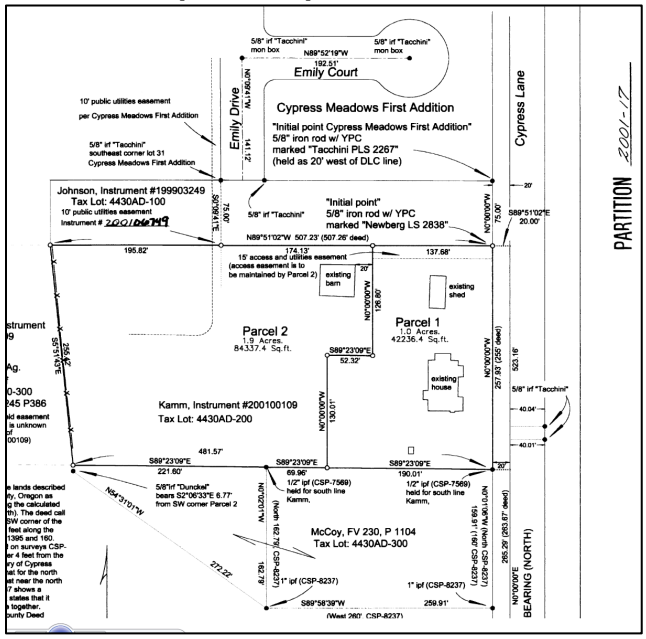
4. **Zoning:**

    a. **Subject Property:** TL 100: County EF-80; TL 201: R-1
    b. **Surrounding Property:** R-3 to the north, R-4 and unincorporated County islands/zoning to the east, R-1 and unincorporated County land/zoning to the south and west

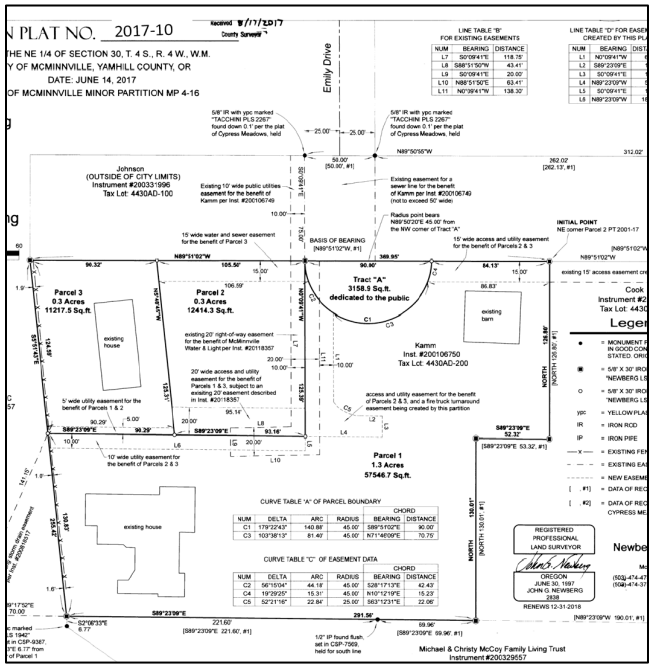
5. **Current Use/Development:**

    a. **Subject Property:** The subject property includes two tax lots. Tax lot 201 was created in its current configuration following a series of partition and property line adjustments. Some of these resulted in easements and utilities serving subject properties and adjacent properties.

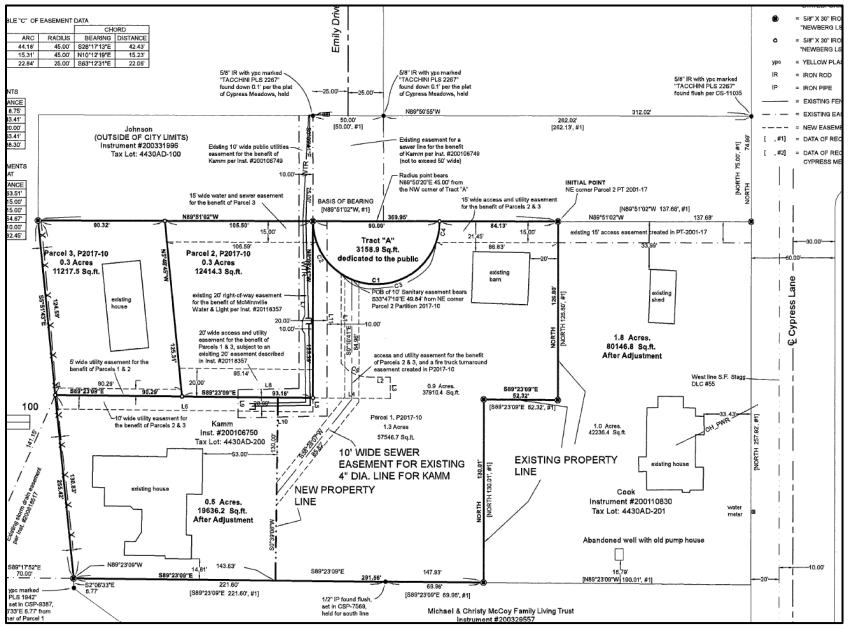
**PP 2001-17 (MP 2-01)**



## PP 2017-10 (MP 4-16)




## BLA 4-18




There is  an existing home (to remain) and outbuildings on TL 201.  There is an existing home (to remain) and outbuildings on TL 100.  Some outbuildings have since been removed.  There are several existing access and utility easements, and an emergency vehicle access easement, across portions of the subject property, and a previously dedicated “half-circle” of tract of land dedicated to the public,  currently located between TLs 100 and 201, which isn’t contiguous to right-of-way.  There is an access and

utility easement across the property with a gravel surface which serves existing homes to the west. There are additional easements on TLs 100 and 201 related to prior partitions and property line adjustments.

The existing home on TL 100 is currently served by a well and septic system. The existing home on TL 201 is currently served by a septic system and with public water in Cypress Ln.

b. **Surrounding Property:** Detached housing on R-1 property to west and south, detached housing to east and southwest of Discovery Meadows Park), detached and attached housing to north, and vacant on EF-80 to west (area between floodplain and subject property).

6. **Inventoried Significant Resources:**
   a. **Historic Resources:** None Identified
   b. **Other:** None Identified

7. **Natural Features:**
   a. The property is generally level
   b. The property contains several mature trees, as shown on the applicant's tentative plan. Sheet 7 of the applicant's plans set identifies trees on the property, and those proposed to be removed or retained. Trees on the westerly portion of unincorporated Tax Lot 100 referenced in the applicant's narrative were on unincorporated Tax Lot 100 and were since removed prior to the annexation agreement.

8. **Transportation and Access:**
   The subject properties would be accessed from Emily Drive via Alexandria Street. Emily Drive would be extended into the property, terminating with a cul-de-sac. Some lots are proposed to retain direct access onto Cypress Ln. There is also a proposed pedestrian access and a proposed private alley between the extension of Emily Drive and Cypress Ln. There is a small portion of the property to the west that is north of the floodplain with no other access on other sides. The proposed subdivision would provide a private access easement and a utility easement across the subject property to that property. Just south of tax Lot 100 is a small "half-circle" of right-of-way that was originally dedicated intended to be the south half of a cul-de-sac bulb. The cul-de-sac will be further south, so a portion of the current half-circle will need to be vacated.

   a. **Cypress Ln.** Cypress Ln. is classified as a Minor Collector. It has a 60-foot wide right-of-way. Along the frontage, it is 36' wide from face of curb to face of curb. It is improved with 2 travel lanes, bike lanes on both sides, and curb/gutter/sidewalk on both sides, with curb-tight sidewalk, with no on-street parking. It is posted for 25mph speed and has a double-yellow centerline.

      Tax lots 100 and 201 both have frontage on Cypress Ln. There are currently three accesses onto Cypress Lane: The driveway serving the

existing home on Tax Lot 201, an access easement serving the existing homes to the west, and the driveway serving the existing home on Tax Lot 100.

b. **Emily Dr.** Emily Drive is classified as a local street. It has a 50-foot wide right-of-way. It is 26' wide from face of curb to face of curb. It has on-street parking on both sides, and curb/gutter/planter strip/sidewalk on both sides. It terminates at the north property line of Tax Lot 100, where there is an existing barrier.

c. **Unimproved ROW.** There is a small area of right-of-way that was previously dedicated. A portion will need to be vacated with the proposed tentative plan. Additional right-of-way will be dedicated consistent with the proposed cul-de-sac extension.

d. **Other.** Existing easements, including the access and utility easements across the property which serve the residential lots to the west will need to be vacated or the disposition otherwise addressed where they will overlap with proposed right-of-way and other public easements.

9. **Public Facilities:**

a. **Sanitary Sewer.** The three homes to the west are served with sanitary sewer via easements across Tax Lots 100 and 201. There is an 8" sanitary sewer main in Emily Drive that terminates in a manhole at the end of the right-of-way. ***Figure A.*** In conjunction with MP 4-17, it appears the 8-inch main was extended approximately 75 feet south to approximately the southerly property line of Tax Lot 100, terminating in a clean-out. From there, it appears a 4-inch lateral was extended westerly in an easement to serve Tax Lots 202 and 203.. ***Figure B.*** At the time of property line adjustment BLA 4-18, an easement was also established for an existing sewer lateral that appears to extend southerly from the end of the 8-inch main to serve Tax Lot 200 to the west. ***Figure C.***

The subject property is at a high point, and the southern terminus of the sewer extending south from Emily Drive is shallow, so it can't be extended south to serve all lots in both phases. Attachments 5 and 6 of the application from the applicant's engineer describe the proposed sewer extensions. However, the plans show a proposed extension of the 8" sewer main from the manhole at the south side of Emily Drive to extend 40' south. There appears to be a conflict, and this doesn't appear to reflect the existing main that appears to have been extended approximately 75 feet south from the manhole, terminating in a cleanout, in conjunction with MP 4-17.

The Lots in Phase 1 are proposed to be served with gravity sewer flowing north to Emily Drive. Some lots, generally Phase 2, are proposed to be served via extension of the sanitary sewer currently located in Cypress Ln. near the NE corner of the property near Shirley Ann Dr. which is deeper. It

would be extended down Cypress Ln., through the proposed private alley in Phase 2, and south on the new extension of Emily Dr.

Portions of existing private sewer laterals within the proposed right-of-way would need to be abandoned and laterals serving existing homes would need to be connected to the new sewer mains to be installed as part of the subdivision.

The applicant's proposal to serve the existing home on TL 201 (future Lot 7) is with a lateral to the sewer main extension in Emily Dr. Depending on adequacy of depth, a private pump may be required.

**Figure A**

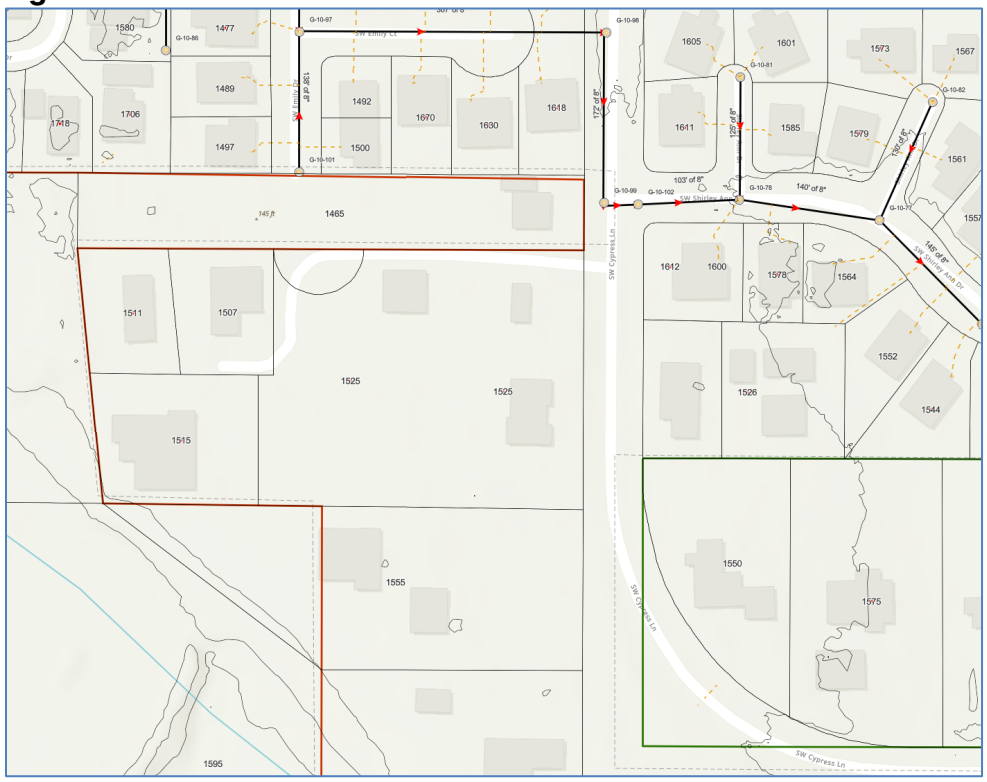
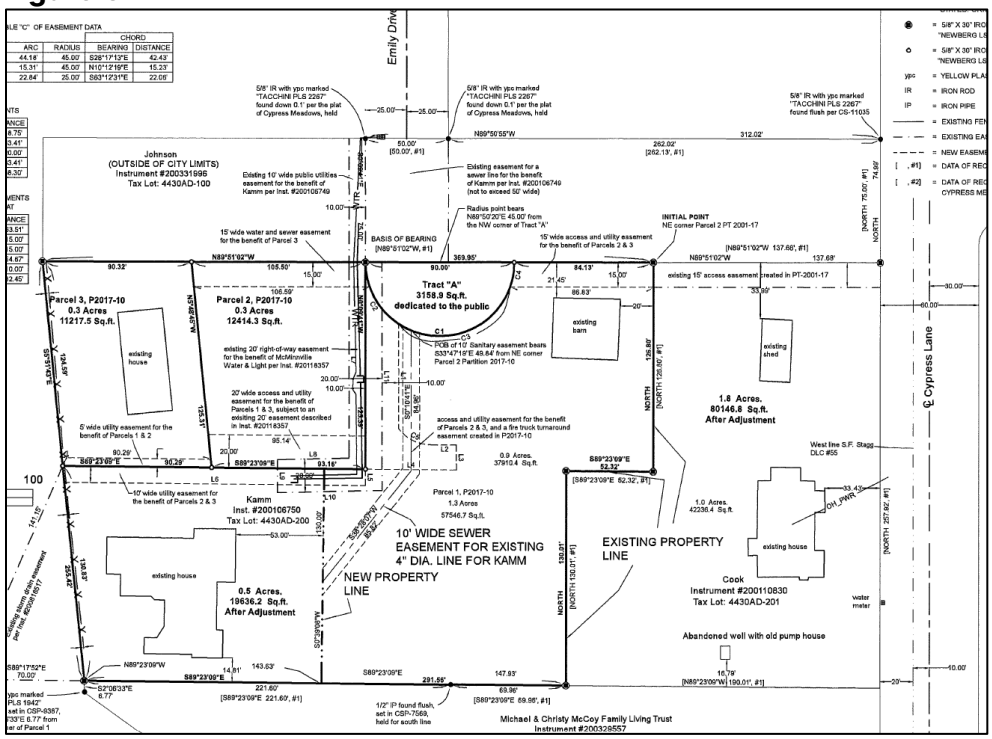


**Figure B**

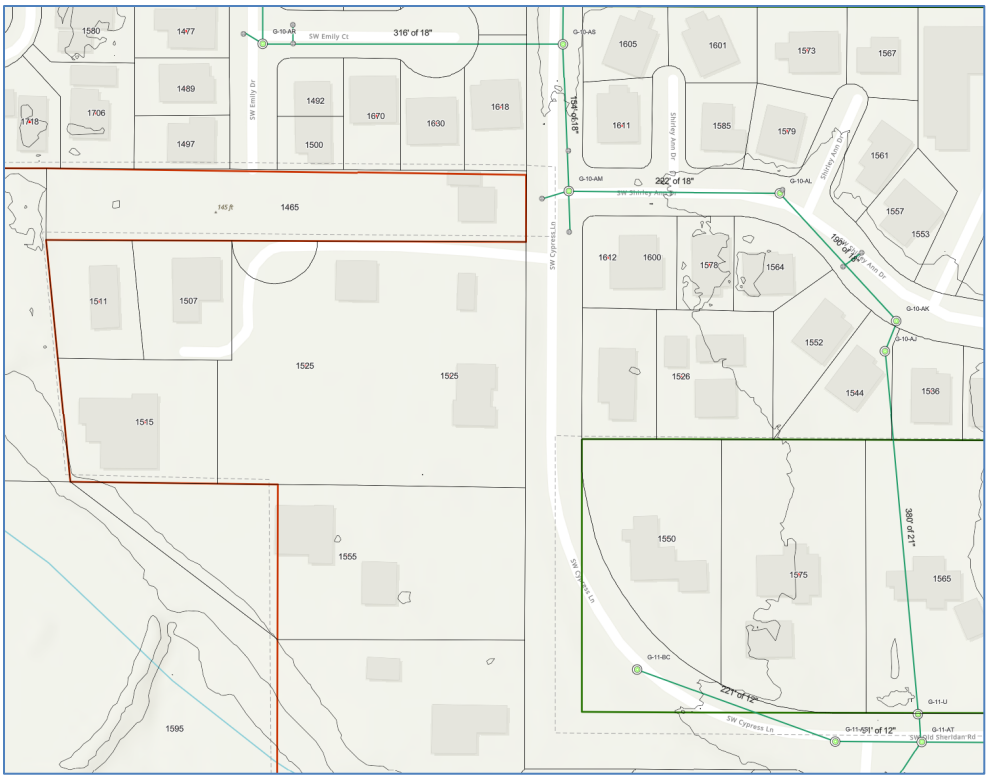
**Figure C**




b. **Stormwater.** Storm lines are present to the northeast in Cypress Ln. near Shirley Ann Dr. and to the southeast near the curve in Cypress Ln. Storm lines are present to the north In Emily Dr. near Emily Ct. ***Attachment 6*** of the application discusses options and the proposed storm drainage for Phases 1 and 2. Again, due to the high point and flatness of the area, the

applicant notes that options for flow are challenging. In part, the applicant is proposing an approach that is not currently part of McMinnville's standard specifications, and has provided an example of a design standard from the City of Newberg. As proposed, as part of Phase 1, this would convey runoff to a "V" swale south of the proposed private alley, and would be converted to a stormwater planter between the private alley and pedestrian way as part of Phase 2. ***Attachments 5 and 6.***

The tentative plan also shows proposed storm drainage easements along the south side of the property and the property to the west, and an existing storm drainage easement, to drain to Peavey reservoir. This was discussed in the Engineer's letter Attachment 6, but was not identified as their preferred option.




c. **Water and Power.** 10" water is present in Cypress Ln. and 8" water is present in Emily Dr. Water and power would need to be extended to serve the lots consistent with McMinnville Water & Light standards and requirements. (See MWL comments provided).

## VII. CONCLUSIONARY FINDINGS:

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

In addition to any criteria specified in the Zoning Ordinance, 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 a 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.

Amendments to the City's adopted and acknowledged planning documents, including amendments to the Comprehensive Plan Map and Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

***Zone Change (ZC 2-24)***

The criteria for the Zone Change are addressed in the order below, which is different than presented in the application submittal:

- Zoning Ordinance 17.74.020. Comprehensive Plan Map Amendment and Zone Change – Review Criteria
- Zoning Ordinance - Other Provisions Addressed by Applicant
    - Chapter 17.18. R-3 Zone
- Comprehensive Plan. (includes locational policies for proposed zoning, consistency with adopted/identified land needs, public facilities policies, and great neighborhood principles).
- Annexation Agreement.
- State Law.
    - OAR 660-012-0060. Transportation Planning Rule, Plan and Land Use Regulation Amendments.

***McMinnville Zoning Ordinance***

***Chapter 17.74. Review Criteria***

*17.74.020 Comprehensive Plan Map Amendment and Zone Change – Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:*

*A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.*

*B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.*

*C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

*When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.*

*In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.*

**APPLICANT'S RESPONSE:** Section 17.74.020 (A-C) is satisfied by this proposed rezoning request in that the proposed zone change is consistent with the goals and policies of the McMinnville Comprehensive Plan as described in more detail above in the specific findings for each applicable Comprehensive Plan goal and policy.

This Section exempts the current zone change proposal from addressing sub (B) above since this submitted set of land use applications proposes to residentially develop the two subject parcels with needed housing. As demonstrated in Exhibit 85 of the McMinnville Housing Needs Analysis (2023), McMinnville is in need of additional housing of all types including those dwelling unit types permitted by the R-3 zone to meet projected dwelling unit needs through the year 2041. Table 85 is reproduced here for your reference.

**Exhibit 85. Forecast of Demand for New Dwelling Units by Type, McMinnville UGB, 2021 to 2041**
Source: Calculations by ECONorthwest. Note: DU is dwelling unit.

| Variable | Needed Mix |
|---|---|
| **Needed new dwelling units (2021-2041)** | 4,657 |
| Dwelling units by structure type | |
| Single-family detached | |
| Percent single-family detached DU | **55%** |
| *equals* Total new single-family detached DU | 2,561 |
| Single-family attached | |
| Percent single-family attached DU | **12%** |
| *equals* Total new single-family attached DU | 559 |
| Multifamily | |
| Percent multifamily | **33%** |
| *equals* total new multifamily | 1,537 |
| **Total new dwelling units (2021-2041)** | **4,657** |

An understanding of how those needed dwelling units are proposed to be allocated through the application of McMinnville's local land use program is informative and goes to the question of whether more R-3 zoned land is needed within the McMinnville city limits. Exhibits 113 and 114 of the McMinnville Housing Needs Analysis (2023) demonstrate that, yes, in fact, additional R-3 land, such as that proposed by this rezoning request, is needed to meet projected housing needs within McMinnville. Exhibits 113 and 114 of the McMinnville Housing Needs Analysis (2023) demonstrate this and are provided here for your convenience.

**Exhibit 113. Scenario Model: Comparison of Capacity of Existing Residential Land with Need for New Dwelling Units and Land Surplus or Deficit, Existing Mix, McMinnville UGB, 2021 to 2041**
Source: Buildable Lands Inventory; Calculations by ECONorthwest. Note: DU is dwelling unit.

| Zoning Districts | Capacity (Dwelling Units) | Demand (Dwelling Units) | Capacity minus Demand (Dwelling Units) | Approx. Land Surplus or (Deficit) -Gross Acres- |
|---|---|---|---|---|
| R-1 Single Family Residential | 449 | 687 | (238) | (77) |
| R-2 Single Family Residential | 561 | 1984 | (1,423) | (331) |
| R-3 Two Family Residential | 28 | 247 | (219) | (46) |
| R-4 Multiple-Family Residential | 127 | 1506 | (1,379) | (226) |
| O-R Office/Residential | 3 | 0 | 3 | 0 |
| C-3 General Commercial | - | 0 | 0 | 0 |
| County Zoning | 1,753 | 0 | 1,753 | 358 |
| **Total** | **2,921** | **4,424** | **(1,503)** | **(321)** |

**Exhibit 114. Scenario Model, Comparison of Capacity of Existing Residential Land with Need for New Dwelling Units and Land Surplus or Deficit, Historical Mix, McMinnville UGB, 2021 to 2041**
Source: Buildable Lands Inventory; Calculations by ECONorthwest. Note: DU is dwelling unit.

| Zoning Districts | Capacity (Dwelling Units) | Demand (Dwelling Units) | Capacity minus Demand (Dwelling Units) | Approx. Land Surplus or (Deficit) -Gross Acres- |
|---|---|---|---|---|
| R-1 Single Family Residential | 449 | 687 | (238) | (77) |
| R-2 Single Family Residential | 561 | 1968 | (1,407) | (327) |
| R-3 Two Family Residential | 28 | 247 | (219) | (46) |
| R-4 Multiple-Family Residential | 127 | 1522 | (1,395) | (229) |
| O-R Office/Residential | 3 | 0 | 3 | 0 |
| C-3 General Commercial | - | 0 | 0 | 0 |
| County Zoning | 1,753 | 0 | 1,753 | 358 |
| **Total** | **2,921** | **4,424** | **(1,503)** | **(320)** |

Through realization of R-3 development opportunities on this site, additional dwelling units will be added to McMinnville's housing supply and will help meet the residential needs shown in Exhibit 85. Although these rezoning requests are not subject to sub (B) it is yet instructive to note that the proposed zone changes are orderly and timely based on the pattern of development in the surrounding area and McMinnville's stated land use need. The development pattern in the surrounding area is varied. Specifically, adjacent land to the north is developed with the R-3 PD zoned Cypress Meadows First Addition residential subdivision and the southeastern corner of the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood. Adjacent to the site's eastern edge is SW Cypress Lane beyond which is the R-4 zoned Harmony Fields Addition residential subdivision as well as other residentially developed unannexed land. Adjacent R-1 zoned rural residential development exists to the west and along most of the site's southern edge. This requested rezoning proposes to continue the adjacent R-3 base zoning further to the south to enable greater and compatible urban residential density than would otherwise be achievable.

This area is well served by the established, existing sanitary and storm sewer systems as well as other public utilities which are available at the north and east edges of the project area and can be readily extended, as required by the City, to sufficiently serve the

proposed residential development. Please refer to graphic representations of existing adjacent public utility locations provided earlier in these findings.

**FINDING (17.74.020(A)-(C)): SATISFIED WITH CONDITIONS.**

**A. SATISFIED WITH CONDITIONS.** Please see the respective section of these findings that addresses the Goals and Policies of the Comprehensive Plan. For specific findings and conditions.

B. **NOT APPLICABLE.** The land use designated for residential use on the plan map, and the proposed amendment concerns needed housing.

C. **SATISFIED WITH CONDITIONS.** Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district. As a condition of approval, a sewer capacity analysis may be required.

In addition, a condition of approval requires the annexation to be finalized before the rezone is effective.

*Chapter 17.18. R-3 Medium-Density, 6,000 SF Lot Residential Zone*

*17.18.010 Permitted Uses. In an R-3 zone, the following uses and their accessory uses are permitted:*

*A. Tiny Houses, Single detached dwelling;*

*B. Middle Housing*
*1. Plexes: Duplex Dwelling, Triplex Dwelling, Quadplex Dwelling (minimum lot size of seven thousand square feet)*
*2. Cottage Clusters*
*3. Townhouses*

*C. Single Room Occupancy – Small Housing*

*D. Accessory Dwelling Unit (ADU)*

**APPLICANT'S RESPONSE:** Section 17.18.010 (A-D) is satisfied by this zone change request in that each of the two subject parcels are greater than the 6,000 square foot minimum lot size required by the R-3 zone and could each accommodate all of the dwelling unit types listed by this Section. Additionally, the development aim of this combined application submittal is to provide additional housing opportunities serving the broader community through development of the proposed subdivision. While the specific dwelling unit types and designs for each of the proposed lots have not been determined at this time, the lot size and dimensional standards of the R-3 zone make possible a range of dwelling unit types provided by 17.18.010 (A-D), most of which can be realized on each of the proposed R-3 lots.

*17.18.030 Lot Size. In an R-3 zone the lot size shall not be less than six thousand square feet except as provided in Section 17.11.070(C), Table 1(C), Townhouses.*

*17.18.040 Yard Requirements. In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:*

*A. A front yard shall not be less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.*

*B. A rear yard shall not be less than twenty feet, except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.*

*C. A side yard shall not be less than seven and one-half feet. An exterior side yard on the street side of a corner lot shall be not less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.*

*17.18.050 Building Height. In an R-3 zone, a building shall not exceed a height of thirty-five feet.*

*17.18.060 Density Requirements. In an R-3 zone, the maximum density for single attached dwellings may not exceed four dwelling units per 6,000 square feet, whichever is less. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.*

**APPLICANT'S RESPONSE:** Sections 17.18.030, 17.18.040 (A-C), 17.18.050 and 17.18.060 are satisfied by this rezoning request in that each of the two subject parcels are greater than the 6,000 square foot minimum lot size required by the R-3 zone.

Both of the existing single-family residences that are to remain on this development site are less than the maximum allowed building height of 35 feet. All other current on-site structures, except for incidental, zoning compliant garden shed type structures, will be removed prior to platting. The two residences and all remaining structures will comply with the setback requirements of the R-3 zone with one exception which pertains to the existing garage on the northern, annexation parcel. This garage currently sits approximately 3.5 feet from the parcel's north property line (an interior side lot line). Section 17.18.040 (C) of the McMinnville Zoning Ordinance requires a minimum side yard setback of 7.5 feet. With approval of this parcel's attendant zone change application or subdivision application, the current garage placement immediately becomes a setback encroachment (a zoning non-conformity) and would violate the R-3 side yard setback requirements. The Comprehensive Plan prohibits approval of land use actions that create new zoning violations. To remedy this situation, this subject garage will be removed so as to not create a zoning violation and we welcome application of a condition of approval to this effect.

These rezoning requests comply with the R-3 density requirements in that each of the two parcels to be rezoned are currently improved with only one residence each and are therefore not in excess of the residential density which the R-3 zone allows. Therefore, the requirements of these policies have been satisfied.

**FINDING (CHAPTER 17.18): SATISFIED/NOT APPLICABLE.** The permitted uses and development standards of the R-3 zone are not criteria for a zone change. However, the information provided by the applicant relative to these provisions of the R-3 zone is supporting information which helps demonstrate the Comprehensive Plan goals and policies are met for the rezone, that the proposed rezone addresses needed housing, and that the proposed rezone to R-3 won't (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) require special conditions which would have the effect of discouraging needed housing through unreasonable cost or delay.

***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 many of the goals, policies, and proposals as they apply to quasi-judicial land use applications 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 certain applications, and are not addressed below

The following findings are made relating to specific Goals and Policies:

***Chapter V. Housing and Residential Development***

*GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.*

*Policy:*

*60.00 Attached single dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.*

*GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.*

*Policy:*

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

**APPLICANT'S RESPONSE:** Goals V 1 and V 2 and Policies 60.00 and 68.00 are satisfied by this zone change request in that its approval would make possible the review and approval of the companion subdivision application to provide the opportunity for additional housing stock to be added to the City. Upon development approval, the application of the Uniform Building Code guarantees the quality of the new, resultant housing. An urban level of services can be made available to adequately serve development on the site which is located within the urban growth boundary and adjacent to established residential development thereby promoting a compact urban form. Medium density residential development is also consistent with the adjacent and nearby development pattern as there are numerous R-3 and R-3 PD zoned residential neighborhoods located directly north of the subject site.

*Policies:*

*58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

*71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

*71.09 Medium and Medium-High Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments.*

1. *Areas that are not committed to low density development;*
2. *Areas that have direct access from collector or arterial streets;*
3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter mile of existing or planned public transportation; and,*
6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

*71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:*

1. *The density of development in areas historically zoned for medium and high density development;*

2. *The topography and natural features of the area and the degree of possible buffering from established low density residential areas;*

3. *The capacity of the services;*

4. *The distance to existing or planned public transit;*

5. *The distance to neighborhood or general commercial centers; and*

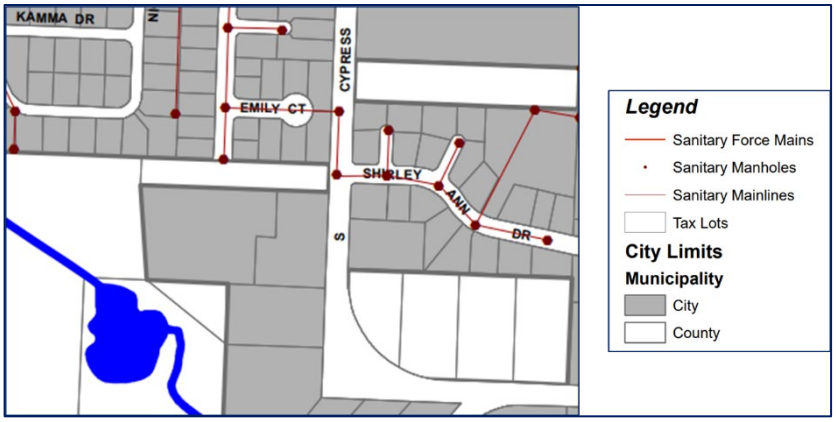
6. *The distance from public open space.*

**APPLICANT'S RESPONSE:** Policies 58.00, 71.00, 71.09 (1-5) and 71.10 (1-6) are satisfied by this zone change request in that McMinnville's land development ordinance provides opportunities for development of a variety of housing types and densities; most of which are permitted within the requested R-3 zoning designation including single dwellings and common property ownership arrangements. The subject site is designated R (Residential) on the McMinnville Comprehensive Plan Map and R-3 is a supported zoning designation within the Residential Plan designation.

Permitted uses within the R-3 zone include small lot single-family detached uses, single family attached units, duplexes, triplexes, and townhouses. While, at the time of this application submittal, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots, most of the dwelling types permitted by the R-3 zone can be accommodated on many of the proposed lots which provides a wide range of potential dwelling type options in order to be responsive to market needs and realities at the time of development.

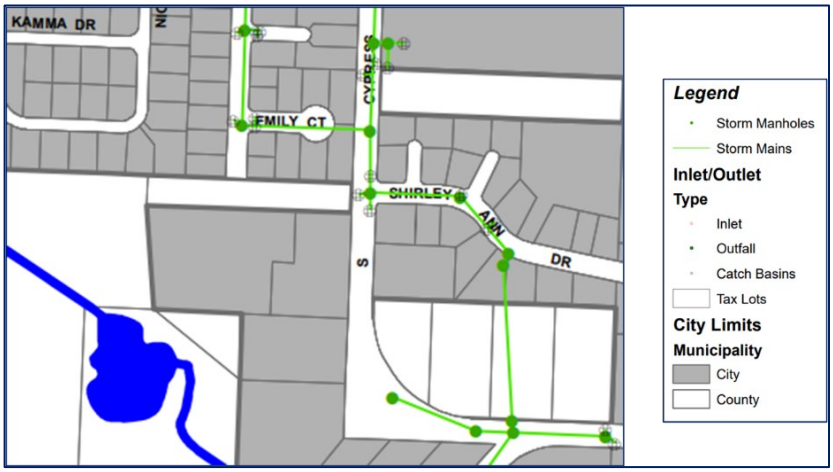
While this site is not located close to the city center, it is located in an urbanizing area where public utilities are already available; all of which are stubbed at the northern edge of the site within the SW Emily Drive right-of-way and/or within the SW Cypress Lane right-of-way as shown below.

Sanitary Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/sanitary.pdf

Storm Sewer

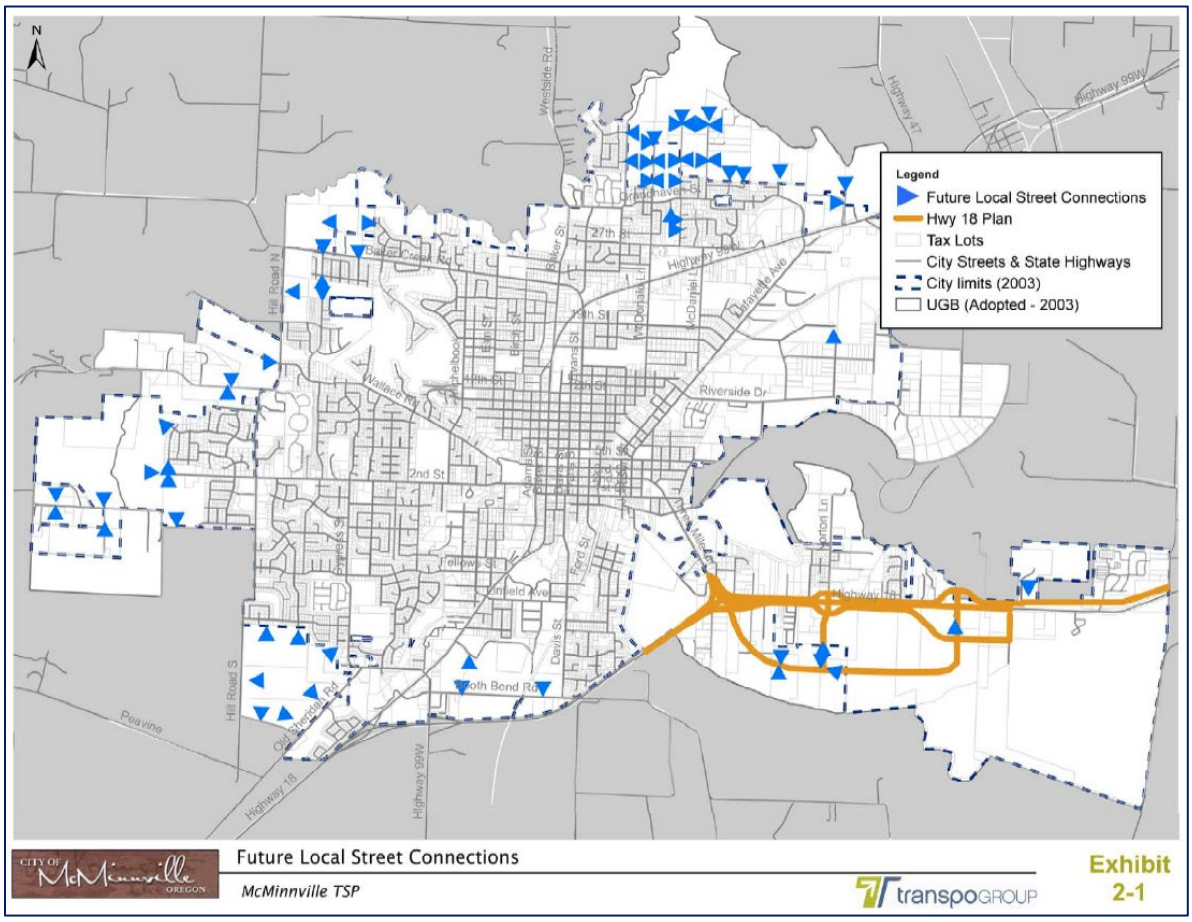



https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/storm.pdf

The surrounding area is not committed to low density development as can be seen on the City's zoning map depicting adjacent R-3 PD zoned residential developments to the north and R-4 zoned residential development located across SW Cypress Lane to the east; the few R-1 zoned parcels within the city limits to the west and south of the site are currently developed in more of a rural residential style and are not generally fully committed to urban low density use at this time.

Although Policy 71.09 (2) directs R-3 (and R-4) zoned lands to be in locations having direct access from collector or arterial streets (or within 600 feet of a collector street), McMinnville's adopted TSP (Transportation System Plan) Exhibit 2-1 (provided below for graphic reference) designates the Future Local Street Connection to serve this site as being the southerly extension of the current temporary terminus of SW Emily Drive (a local street), with no direct public right-of-way connection to the adjacent SW Cypress Lane (a minor collector street).

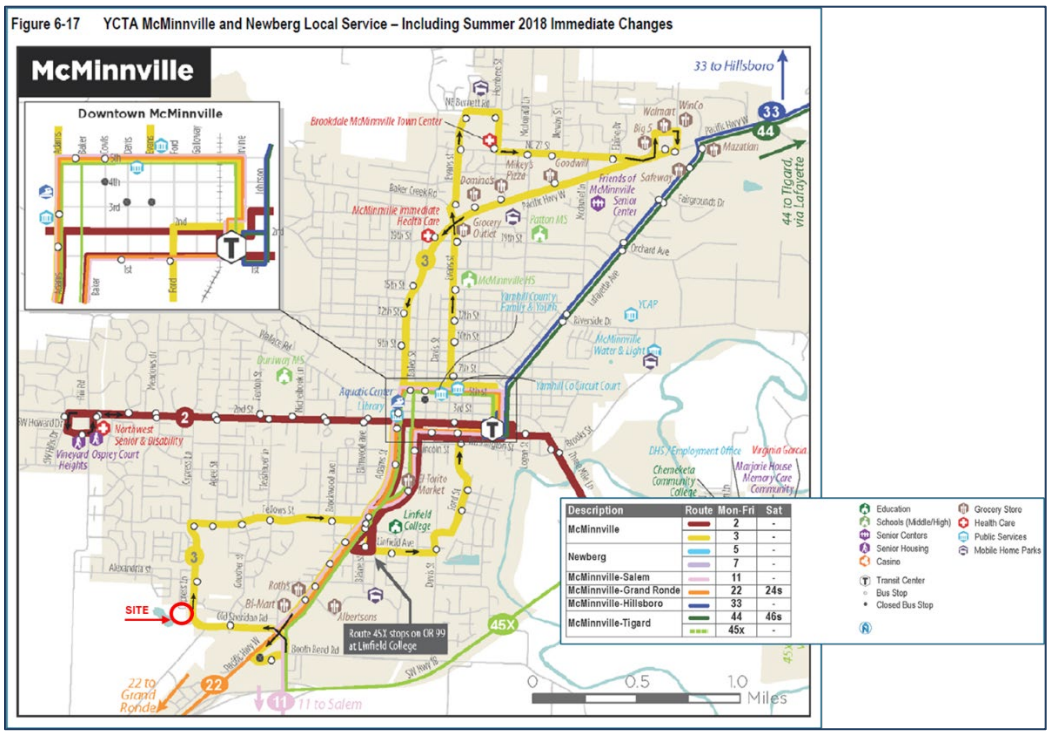
This development proposal complies with the local street connection identified in McMinnville's adopted TSP.




Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.

This site is virtually flat and there are no onsite flooding or poor drainage issues, and therefore no development limitations on this site. As will be shown in findings provided with the companion subdivision application (and incorporated here by this reference), existing adjacent facilities have the capacity to accommodate future residential development of this site.

Being located adjacent to SW Cypress Lane, this site is located less than one-quarter mile from existing or planned public transportation as shown on Figure 3-4 of the Yamhill County Transit Development Plan (2018) Figure 6-17; additional numerous Figures within this Transit Plan also identify SW Cypress Lane as an existing public transit route. Further, this plan also identifies a public transit stop along the east side of SW Cypress Lane at the corner of SW Cypress Lane and SW Alexandria Street located some 500 feet north of the northeast corner of the site. Figure 6-17 is provided below for ease of reference.




Commercial shopping opportunities exist located along Highway 99W located some ½ mile distance from the development site such that commercial walking opportunities exist within a reasonable distance and owning a vehicle can be optional. Community recreation opportunities are also readily available nearby this site since the established Discovery Meadows Park is located approximately 300 feet north of the site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive.

Low density adjacent residential land is comprised of a handful of R-1 zoned parcels to the immediate west and south; only four of which abut the site. Five of the proposed subdivision lots (Lots 3, 4, and 8-10) will abut these four adjacent parcels. One of the proposed lots (Lot 8) is currently developed with a single-family residence and maintains an existing setback of approximately sixty feet (60-feet) from the adjacent offsite R-1 zoned parcel to the immediate

south. Additionally, the context of Policy 71.10 (2) speaks to the buffering of medium density development from *established* low density areas. Since some of the nearby R-1 zoned residential lots are fairly large and have developed in a more rural residential style, it is understood that this is not an *established* low density area, rather an area where some infill or partitioning opportunity may yet remain (however, it is not within the scope nor obligation of this proposal to shadow plat potential offsite partitioning opportunities). Rather It is our position that the lot setbacks (buffers) required of residential development on lots zoned R-3 are sufficient so as to not negatively impact the four adjacent R-1 zoned parcels.

*Policy*

*99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development. Services shall include, but not be limited to:*

*1. Sanitary sewer collection and disposal lines. Adequate Municipal waste treatment plant capacities must be available.*

*2. Storm sewer and drainage facilities (as required).*

*3. Streets within the development and providing access to the development, improved to city standards (as required).*

*4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).*

*5. Energy distribution facilities and adequate energy resource supplies.*

**APPLICANT'S RESPONSE:** Policy 99.00 (1-5) is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supplies either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Required street improvements shall be provided prior to platting. Graphics demonstrating storm and sanitary sewer locations adjacent to this site have been provided in findings above for the annexation request and are incorporated here by this reference.

**FINDING (CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT): SATISFIED WITH CONDITIONS.** The proposed zoning is R-3, described in this chapter and the Zoning Ordinance as "Medium Density." The applicant has provided findings that demonstrate the property is designated for residential use, and the proposed R-3 zoning of the subject property meets the locational policies for medium density zoning and timeliness policies provided in this chapter. As a condition of approval to address Policy 99.00(1), the applicant may be required to conduct a sewer capacity analysis.

*Chapter VI. Transportation System*

*GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.*

*Policy:*

*117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*

*119.00 The City shall encourage utilization of existing transportation corridors, whenever possible, before committing new lands.*

*122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]*

*3. Local Streets*

- *Designs should minimize through-traffic and serve local areas only.*
- *Street widths should be appropriate for the existing and future needs of the area.*
- *Off-street parking should be encouraged wherever possible.*
- *Landscaping should be encouraged along public rights-of-way.*

**APPLICANT'S RESPONSE:** Goal VI 1 and Policies 117.00, 119.00 and 122.00 are satisfied by this proposal in that, consistent with the McMinnville TSP, the submitted subdivision plan proposes to connect to the existing public street network by way of a southerly extension of SW Emily Drive (a local street) to serve the development site. Through using SW Emily Drive and having convenient access to SW Alexandria Street and SW Cypress Lane, this proposed development will be utilizing existing established transportation corridors. In line with the McMinnville TSP, direct access to SW Cypress Lane (a minor collector) will be limited to the two currently existing onsite residences and their existing driveways which currently connect directly to SW Cypress Lane. While the street design of the proposed SW Emily Drive extension will be addressed in more detail in findings provided for the subdivision application below, it is sufficient here to state that all City requirements for right-of-way improvement and street tree planting will be adhered to prior to the time of platting and development.

*Policy*

*126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*

*127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.*

**APPLICANT'S RESPONSE:** Policies 126.00 and 127.00 are satisfied by these zone change proposals in that off-street parking will be provided equal to or in excess of the minimum number required to serve each residence at the time of residential construction.

*Policy*

*130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.*

Finding:

Policy 130.00 is satisfied by this zone change proposal in that designated exclusive bicycle facilities are not required by the Bicycle System Plan for this development. The TSP directs that local public streets are shared streets where vehicles and bicycles share the curb-to-curb dimension of the right-of-way. Additionally, public sidewalks will be required to be installed inclusive of Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of subdivision approval which will provide pedestrian connections between the site and the surrounding area.

**FINDING (CHAPTER VI. TRANSPORTATION SYSTEM): SATISFIED.** Construction of transportation facilities consistent with these policies occurs in conjunction with development, not a zone change.

## *Chapter VII. Community Facilities*

*GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.*

*Policy:*

*136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*

*139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:*

1. *Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*

2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*

3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary services are to be utilized.*

4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

*142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*

*143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

*144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

*145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

1. *Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*

2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*

3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*

4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue*

*to coordinate with McMinnville Water and Light in making land use decisions.*

*151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*

3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*

4. *Federal, state, and local water and waste water quality standards can be adhered to.*

5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT'S RESPONSE:** Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as, based on comments received from staff during our pre development meeting along with subsequent conversations regarding utility extension and facility capacity, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve residential development of this site. Additionally, the Water Reclamation Facility has the capacity to adequately accommodate flow resulting from development of this site. Additional findings relative to these policies are found in those provided relative to the companion subdivision application below and are incorporated here by this reference. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

*Policy*

*155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

**APPLICANT'S RESPONSE:** Policy 155.00 is satisfied in that emergency services departments presently and adequately serve the two existing residences on the existing development site in addition to adjacent residential development to the north, east and south of this site. Providing the same services to this site when developed to an R-3 density will not overburden or diminish the ability of local emergency service departments to meet the needs of adjacent sites or McMinnville's urban area.

*GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.*

*Policy*

*163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.*

**APPLICANT'S RESPONSE:** Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each dwelling unit at the time of building permit application as required by McMinnville Ordinance 4282.

*GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.*

*Policy*

*173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.*

*177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

**APPLICANT'S RESPONSE:** Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided an opportunity to review and comment on this zone change proposal during this review process. In addition, no concerns have currently been raised by these service providers.

*Policy*

*178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.*

**APPLICANT'S RESPONSE:** Policy 178.00 is satisfied in that we are proposing to amend the current zoning designations of this site from EF-80 and R-1 to R-3 to allow for increased urban residential density and opportunities for a wider choice of housing type thereby achieving a more compact form of urban development and energy conservation than would otherwise be possible.

**FINDING (CHAPTER VII. COMMUNITY FACILITIES AND SERVICES): SATISFIED WITH CONDITIONS.** As a condition of approval, the applicant may be required to conduct a sewer capacity analysis. The applicant will be required to provide a final design for public facilities at the time of subdivision development.

## *Chapter IX. Urbanization*

*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.*

**APPLICANT'S RESPONSE:** Policy 187.40 specifies that McMinnville's Great Neighborhood Principles shall guide, in part, applicable current land use and development applications. While Great Neighborhood Principles are not explicitly required by this policy to be addressed as part of a zone change request, it is prudent and greater public transparency is achieved to proceed as though they do. It is noted that most of these principles are more widely suited to be addressed in the findings provided with the companion subdivision application and are so provided.

**APPLICANT'S ADDITIONAL RESPONSE:** With the substitution of the phrase "zone change" for the word "annexation," findings relative to McMinnville's Great Neighborhood Principles to be provided here for the zone change request are essentially identical to the findings addressing the Great Neighborhood Principles (subsections 1 – 10) already provided specific to the companion annexation request above. Rather than duplicating those policies and findings at this location, they are incorporated and applicable here by this reference; this action is specific to Policy 187.50 (1-10) and its findings previously provided. These findings also incorporate Great Neighborhood Principle findings offered as part of the findings provided for the companion subdivision application below and are by this reference also incorporated here.

*[Excerpted Below]:*

*Policy:*

*187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.*

*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.*

*2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*

*a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT'S RESPONSE:** There are no watercourses, sensitive lands, steep slopes or wetlands located within this annexation site. Peavey Reservoir and the southwest branch of Cozine Creek to the southwest are not located within the annexation area; nor are any portions located within the area represented by the companion zone change or subdivision applications. There are also no significant onsite natural features or landscapes since this site is virtually flat and has been used as a rural residential "yard" for over 100 years. Regarding vistas or skylines, the territorial view from this property is to the west over adjacent rural land which recently burned as the result of a local brush fire. Views to the north, east and south are, or will be, that of urban residential neighborhoods. While there are no landmark trees identified on this site, there is a stand of fir trees located in the westernmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence. Preservation of this stand of trees would result in the loss of about 1.5 building lots from the proposed subdivision. Given the location of the southerly extension of SW Emily Drive that is proposed and would be required by the City, preservation of this tree stand would eliminate residential development from the west side of the SW Emily Drive extension on this annexation site. In light of this policy however, the applicant proposes to work with the City on potential individual tree retention without the loss of these proposed building lots which would equate to a loss of one-fifth (1/5$^{th}$) of the proposed subdivision's buildable lots. Policy 187.50 (1) and (2) has been satisfied.

*Policy:*

*187.50*

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*

    a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*

    b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*

    c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*

    a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*

    b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*

    a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*

    b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*

    a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic*

*management techniques, traffic calming, and safety enhancements.*

*b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

*7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

*a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*

*b. Design practices should strive for best practices and not minimum practices.*

*8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

*a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

*b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*

*c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

*9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*

*a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*

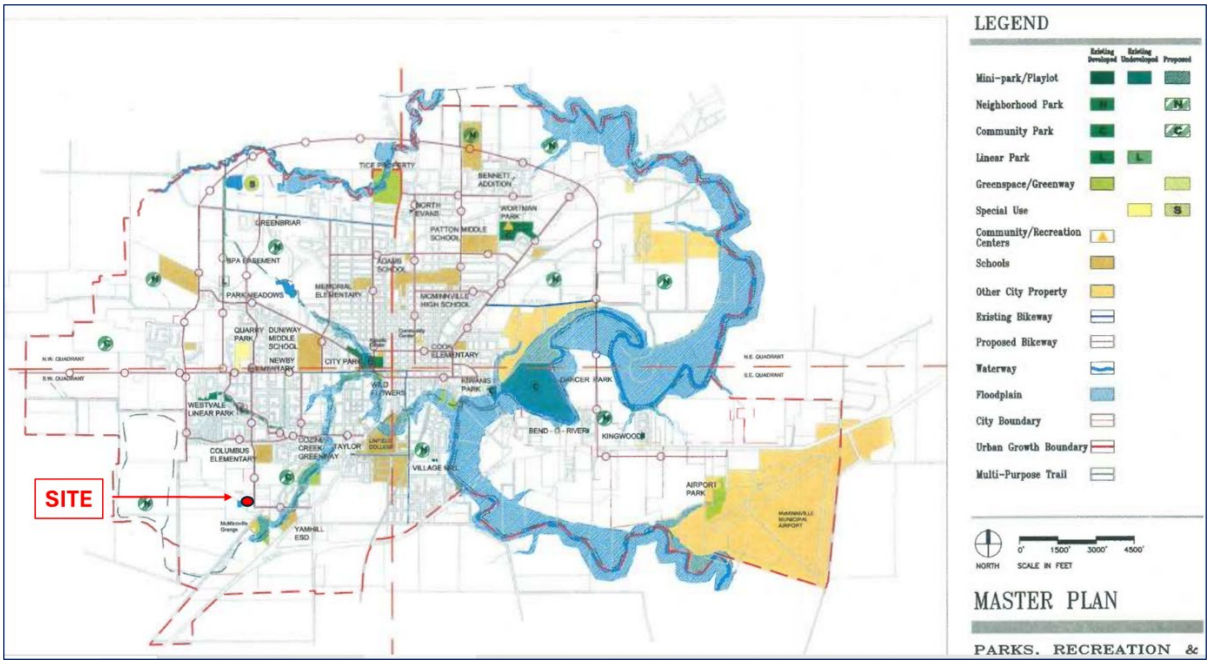
*b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*

*c. Neighborhoods are designed such that owning a vehicle can be optional.*

10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*

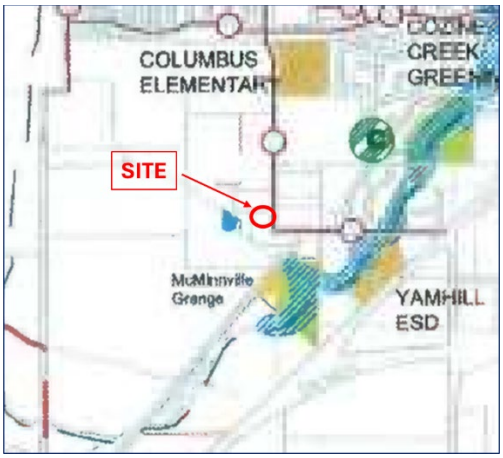
    a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT'S RESPONSE:** While the topic of parkland dedication or a fee-in-lieu payment will be addressed further in findings provided as part of the subdivision application submittal, it is important to note here that the current McMinnville Parks, Recreation, and Open Space Master Plan (1999) does not call for the development of a Community or Neighborhood Park in this location. Moreover, this site is well served by utilization of the recreational space provided by the established Discovery Meadows Park located approximately 300 feet north of the annexation site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive. The current Parks Master Plan Projected Park Needs map is reproduced here for your convenience.




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1303/1999_mac_parks_master_plan.pdf

An enlargement of a portion of that park plan map is provided below demonstrating that there are no projected parkland needs that directly impact the subject site.




As is detailed in the companion subdivision application submitted as part of this application package, the proposed residential development will see the extension of SW Emily Drive from its current temporary southerly terminus to serve the undeveloped portion of the project site. This public street extension will be designed and constructed to city standards resulting in an extension of the public street network that will be pedestrian, bike and other transit friendly to provide ease of use for people of all ages and abilities. Additionally, as part of Phase 2, a 10-foot wide pedestrian access tract with a hard surface five-feet in width will be provided adjacent to the south side of Lots 1 and 2 leading eastward from the southerly extension of SW Emily Drive to the eastern edge of the subdivision connecting SW Emily Drive with SW Cypress Lane with a pedestrian safe – pedestrian only walkway.

The requested zoning designation for the 2.7 acre site is R-3. The lot sizes and dwelling types allowable within the R-3 zone, by design, elicit a human scale to neighborhood design. The location of this annexation site, as well as the entire subdivision site, provide easy and convenient access to nearby activities (Discovery Meadows Park), education opportunities (Columbus Elementary School) and convenient access to the city's broader transportation network leading to commercial and professional areas (Highway 99W located some ½ mile distance from the development area) such that owning a vehicle can be optional.

The requested zoning designation for the subdivision site is that of the base zone of the adjacent residential neighborhood to the north thereby eliminating the need for additional residential buffers beyond that of the City's traditional R-3 zoned residential yard requirements. The urban-rural interface that exists along the western edge of the annexation area and the rural land beyond is limited to a distance of approximately 75-feet. The rural land beyond the annexation site's western edge is a small, captured area located between the annexation site, Peavey Reservoir and the Kathleen Manor Manufactured Home neighborhood. As the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood abuts this captured rural piece of land for a distance of some 450 feet, and no additional buffer or design requirements were assessed to that development along this edge, it is our position that no such additional buffers or design requirements would be required of this annexation and development proposal and therefore achieve and maintain a cohesive and consistent residential design and pattern with the existing adjacent residential development.

It is prudent to mention the City's current, ongoing public review of the draft McMinnville Parks, Recreation and Open Space Plan (2024). At the time of the preparation of this application submittal, it is unclear if this new draft parks plan will have already been adopted by the City and therefore applicable to this application. In the interest of transparency and potential compliance obligations, we address the relationship between that draft plan and this development site here.

The development area that is the subject of these combined applications is shown on Map 4-1 (Developed Parks Service Area) of the Draft McMinnville Parks, Recreation and Open Space Plan to be located within a ¼ Mile Walk and also within a ½ Mile Walk from the Developed Park Service Area of Discovery Meadows Park. This signifies that the public park recreation needs of the entire subject development site is well served by Discovery Meadows Park. Regarding future park locations that might directly impact this development site, Map 5-1 (Future Parks & Recreation System) of the draft plan do not identify any portion of this site as being needed for any identified future park type.

The requirements of Policy 187.50 (3-10) as applicable to this annexation application have been satisfied.

*Policy:*

*187.50*

*11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*

*a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

*12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

*a. Neighborhoods shall have several different housing types.*

*b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

*13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

*a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*

*b. Opportunities for public art provided in private and public spaces.*

c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**APPLICANT'S RESPONSE:** Policy 187.50 (11-13) is satisfied by this request since the area proposed to be rezoned to R-3 would afford the opportunity for a variety of housing types to be constructed on this site upon subdivision approval and subsequent platting. The permitted residential dwelling unit types allowed by the R-3 zone, by design, provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life. Upon approval of the companion annexation and subdivision applications, development of this residential land will demonstrate residential construction exhibiting variety in building form and design employing environmentally friendly construction techniques and energy efficiency consistent with Great Neighborhood Design Principles as required by the City. Upon final approval of this combined application, we endeavor to work with the City regarding Great Neighborhood Design elements as appropriate.

*GOAL X1: 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.*

**APPLICANT'S RESPONSE:** Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing processes. Additionally, a public neighborhood meeting was held on June 6, 2024 to share the intent of these combined applications and to listen to attendee's ideas and concerns and to answer questions regarding this proposal. Detailed information regarding the neighborhood meeting is found in findings provided as part of the companion subdivision application and its findings and are incorporated here by this reference.

**FINDING (CHAPTER IX. URBANIZATION) SATISFIED.** The proposed location, timing, and scale of the proposed rezone meet the urbanization criteria. Great Neighborhood Principles will be addressed in conjunction with subdivision development, although the size and scale of the infill nature of the development limits the scope of their applicability.

*Annexation Agreement (Instrument #202506840)*
*https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/community_development/page/26596/7_annexation_agreement_b._cook_city_of_mcm_-_final_recorded_agreement.pdf*

**APPLICANT'S REPSONSE: N/A/**

**FINDING: SATISFIED WITH CONDITIONS**. The applicant shall comply with all provisions of the annexation agreement.

*State Law*

*OAR 660-012-0060. Transportation Planning Rule, Plan and Land Use Regulation Amendments*
*https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=292996*

**APPLICANT'S RESPONSE:** For the same reasons articulated in the annexation findings provided above, this proposed rezoning request must be found to be in compliance with the Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR is to ensure that future land use and traffic growth is consistent with local transportation system planning and does not create a "significant effect" on the surrounding transportation network; should a "significant effect" be identified, various action(s) would be required to sufficiently mitigate the "effect."

Utilizing the same type of analysis and comparison, it is helpful to note again that current conditions on the two subject parcels to be rezoned are that they are each currently developed with one single-family detached residence. The ITE manual identifies 9.43 daily trips for each single-family residence which brings the current total daily trips being generated from this two-parcel development site to 19 daily trips.

To establish the current-condition maximum potential daily vehicle trips from the 1.8 acre R-1 zoned parcel, we use the adopted maximum density standard provided by Section 17.11.070 (C) Table 1 (c) of the McMinnville Zoning Ordinance. This standard provides that Townhouse subdivision development allows a minimum lot size of 1,500 square feet. For this traffic calculation, we use Townhouse development since that is the most intensive residential land use allowed in the R-1 zone. At 1.8 acres in size, this parcel would theoretically be able to accommodate 55 Townhouse dwellings (78,408 square feet (1.8 acres) / 6,000 square feet X four townhouse dwellings = 55 dwellings).

Using the ITE average daily trip rate for single-family attached homes of 7.2 trips per unit yields a projected maximum of 396 daily trips from this site based on 55 theoretical Townhouse units. Adding this total to the maximum potential trip generation under current conditions on the annexation parcel (one single family residence) yields a total potential number of daily vehicle trips from the 2.7 acre development site under its two current zoning designations of 415 theoretical trips. This establishes the maximum number of potential trips from this development site based on current zoning conditions.

The other "bookend" of the TPR test is to calculate maximum transportation impact based on the requested rezoning of the site. With the entire 2.7 acre site being rezoned to R-3, the number of Townhouse dwellings that could theoretically be located on this site is 78 Townhouse dwellings (117,612 square feet (2.7 acres) / 6,000 square feet X four dwellings = 78 dwellings). Using the ITE average daily trip rate for single-family attached homes of 7.2 trips per unit yields a projected maximum of 561 daily trips from this entire site based on 78 theoretically potential Townhouse units.

The difference between the maximum existing conditions potential traffic generation (415 trips) and the 561 trip post-rezoning total is 146 daily trips. These 146 trips are less than the 400 allowed by the TPR for identifying a "significant effect" on the transportation system and this rezoning request is therefore within the compliance threshold provided by the TPR.

**FINDING (OAR 660-012-0060): SATISFIED.** A City's Transportation System Plan generally looks at the land use plan over a planning period of approximately 20 years, the transportation system needed to support development by the end of the planning horizon, performance standards for the transportation system, and capital projects needed to serve the development and achieve the performance standards over the planning horizon. This is often addressed by standards for "level of service" or "volume to capacity ratio" of intersections during a peak hour. OAR 660-012-0060 provides that for a plan amendment or change to a land use regulation, there is analysis to determine if the transportation system is still adequate to meet the performance standards to serve the land use plan as amended based on the land use and capital projects in the TSP at the end of the planning horizon.

The analysis considers the "reasonable worst case scenario" for use and development under existing and proposed zoning, and compares the net difference. The first step is to determine if there would be a "significant effect", usually meaning the net change would cause a performance standard to longer be met by the end of the planning period for one or more transportation facilities, typically intersections. If there would be a significant effect, then a City must take one of a series of actions. Most common is a requirement for mitigation to offset the significant effect. ODOT and DLCD have established guidance for thresholds that would be considered de minimum regarding determination of "significant effect," as applied to state facilities. If below the threshold, there is a presumption that there would not be a "significant effect." The City has established a similar policy for when traffic analysis is required. Except in certain safety-related circumstances, the threshold is 20 peak hour trips or 200 average daily trips. The applicant's analysis shows a net increase of approximately 146 average daily weekday trips. Peak hour trips can also be calculated, and a rule of thumb for estimates is that peak hour trips are approximately 10 percent of daily trips, in this case approximately 14.6 peak hour trips. This is below the City's threshold for transportation analysis.

## *Subdivision Tentative Plan (S 2-24)*

The criteria for the Subdivision Tentative Plan are addressed in the order below, which is different than presented in the application submittal:

- Zoning Ordinance 17.53.073. Preliminary Approval of Tentative Subdivision Plan. This section requires conformance with the requirements of Chapter 17.53. The standards in Chapter 17.53 are provided in several subsections.
    - 17.53. Subsections - Subdivision/Land Division Standards
- Zoning Ordinance - Other Provisions
    - Chapter 17.03. General Provisions
    - Chapter 17.11. Residential Design and Development Standards
    - Chapter 17.18. R-3 Zone
    - Chapter 17.58. Trees
    - Chapter 17.60. Off-Street Parking and Loading
    - Chapter 17.65. Historic Preservation
    - Chapter 17.72. Applications and Review Process
- Comprehensive Plan.
- Annexation Agreement.
- State Law.
    - OAR 660-012-0060. Transportation Planning Rule, Plan and Land Use Regulation Amendments.

***McMinnville Zoning Ordinance***

***Chapter 17.53. Land Division Standards***

***17.53.073 Preliminary Approval of Tentative Subdivision Plan.***

*A. It shall be the responsibility of the Engineering Department and Planning Department to review a tentative plan to ensure that it substantially conforms to the requirements of this chapter prior to the submittal of the plan to the Commission. The Planning Director may refuse to submit a tentative plan to the Commission if it is found that it does not substantially conform to the chapter requirements.*

*B. Upon finding that a tentative plan substantially conforms to the requirements of this chapter, the Planning Director shall either approve the plan or approve the plan with conditions (for subdivisions with up to 10 lots). When the plan is for a subdivision with more than 10 (ten) lots, the plan along with the reports of appropriate officials and agencies shall be submitted to the Commission for review at its earliest practicable meeting.*

*C. The decision of the Planning Director may be appealed to the Planning Commission as provided in Section 17.72.170. The decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180. Approval of the tentative plan shall indicate approval for preparation of the final plat if there is no substantial change in the plan of the subdivision and if the subdivider complies with the requirements of this chapter.*

**APPLICANT'S RESPONSE: N/A.**

**FINDING (17.53.073): SATISFIED WITH CONDITIONS.** Subject to conditions of approval, the applicant's narrative and submitted plans demonstrate that the tentative plan

substantially conforms to the requirements of Chapter 17.53. The applicant's original application was submitted concurrently with the annexation application. To address requirements for the annexation agreement and application completeness review, some modifications were made to the plans. Where there are conflicts in what is described in the narrative vs. the revised plans, the revised plans are the applicable documents. Conformance with the requirements of Chapter 17.53 is addressed below relative to the specific standards and requirements, together with any conditions of approval necessary for conformance with the requirements of this Chapter and other applicable criteria.

## *Chapter 17.53. Land Division Standards*

### *Approval of Street and Ways (17.53.100-140)*

*Section*
*17.53.100 Creation of Streets*

*C. An easement providing access to property, and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:*

*1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;*

*2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.*

*3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.*

**APPLICANT'S REPSONSE:** The criteria of 17.53.100(C) of this Section is satisfied in that, a private fifteen-foot wide access easement is proposed to cross the northern portion of Lot 3, beginning at its right-of-way edge and extending to its western edge, for the benefit of Lot 4. This proposed access easement is a result of the subject site's shape and dimensions in combination with the need to align a proposed local street extension in a

manner that provides access through the site from the temporary southerly barricade on SW Emily Drive. This alignment also provides for the opportunity for a residence(s) to be constructed in the far northwest corner of this proposed subdivision. The 15-foot wide private access easement is proposed to be improved with a minimum hard surfaced drive of 10 (ten) feet in width for the full length of the easement.

Due to the site's shape, size and the TSP directed public street extension obligation, it is necessary and within zoning ordinance allowance that Lots 6 and 7 will be provided vehicular access by way of a twenty-foot wide private access tract as part of Phase 2. This tract will extend eastward from the dedicated right-of-way edge to the western edge of Lot 7 and be located along the northern edges of Lots 5 and 6 and be held in common.

*Section*
*17.53.101 Streets*

*A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:*

*1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*

*2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or*

*3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.*

*B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:*

*Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.*

C. *Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.*

D. *Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.*

**APPLICANT'S REPSONSE:** The requirements of Section 17.53.101 (A-D) are satisfied as follows. The planned street layout provides for the southerly continuation of SW Emily Drive to serve the site. Due to existing adjacent development south of the site which is currently served by a private joint paved access intersecting SW Cypress Lane, SW Emily Drive is designed to terminate in a cul-de-sac in the southern portion of the subject site. There are no fully undeveloped adjacent lands for this site to provide street stubs to or to otherwise connect to. As stated previously in findings submitted as part of the subdivision's companion applications, McMinnville's adopted TSP (Transportation System Plan) Exhibit 2-1 (provided in findings above for graphic reference) designates the Future Local Street Connection to serve this site as being the southerly extension of the current temporary terminus of SW Emily Drive (a local street), with no direct public right-of-way connection to the adjacent SW Cypress Lane (a minor collector street). This proposed street plan complies with the local street connection identified in McMinnville's adopted TSP. There are no topographical or other constraints to make compatibility or conformance of the proposed street design impractical relative to required standards. The proposed extension of SW Emily Drive is identified as a local residential street and, upon permitting, will be constructed to full City standards for this type of street within a 50-foot public right-of-way (excepting requirements of the larger cul-de-sac bulb right-of-way dimension) according to the City's Complete Street Design Standards for local streets.

Regarding solar access, and as provided above in findings submitted as part of the subdivision's companion applications, this plan proposes to align the site's new internal local public street with the current temporary terminus of SW Emily Drive which is located at the northern edge of the annexation parcel. Due to the location and configuration of the site, a predesignated future street location (Exhibit 2-1 of McMinnville's adopted Transportation System Plan as provided elsewhere in these findings) and the existing street pattern of the adjacent development to the north, SW Emily Drive will be extended

southward to served future lots on this site which will suffice and satisfy Volume I's encouragement of solar access for this proposed subdivision as far as is practicable. Opportunities for an alternative east-west street layout are not viable or possible on this site. The proposed street layout promotes a municipally compliant street alignment and increased local street connectivity to currently underserved land and the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

We are not proposing the creation of a reserve strip on land adjacent to the southern edge of Phase I commensurate with the partial extension of SW Emily Drive. The recording of such instrument would be very quickly eliminated as soon as the construction of Phase 2 begins. However, we also do not object to the City requiring this reserve strip as a condition of approval for this subdivision if the City determines that it is warranted.

The submitted tentative subdivision plan shows that the proposed extension of SW Emily Drive is correctly aligned with the current temporary terminus of SW Emily Drive by continuation of the center line of the established SW Emily Drive. And, as there are no proposed street intersections in this plan, there are no proposed staggered or improperly aligned street intersections.

*Section*
*17.53.101 Streets*

*I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and sere not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.*

**APPLICANT'S RESPONSE:** The proposed cul-de-sac length measures approximately 125 feet in length from the site's northern boundary to the top of the cul-de-sac bulb along the extension's east side. This length, when measured to the back of the cul-de-sac bulb is approximately 215 feet. If the measurement of the cul-de-sac length is to include the existing portion of SW Emily Drive northward to its intersection with SW Emily Court, the maximum length of the proposed cul-de-sac would be approximately 355 feet which is shorter than the allowable 400-foot maximum cul-de-sac length. Additionally, 9 of the 10 lots are proposed to be served solely by SW Emily Drive (Lot 8 will have dual access onto Emily Drive and Cypress Lane). This Section limits the total number of dwelling units taking access from this cul-de-sac street to only 18 dwelling units. An assumption that single-family detached dwellings would result on each of these 10 lots leaves an opportunity for only eight additional dwelling units to be accommodated within this subdivision. Should the City determine to include the four existing dwelling units presently located on Emily Drive south of its intersection with Emily Court as part of the 18 allowable "cul-de-sac" units, this would leave the applicant an ability to a capacity of only four additional dwelling units that could be located on these subdivision lots before the maximum of 18 dwelling units is reached. [The maximum number of detached dwelling units may actually be higher than 18 as the McMinnville TSP states in Table 2-1 – Cul-de-sac, that a cul-de-sac street shall serve a "maximum of 20 single-family houses."] On this matter, we welcome and support the City's determination and direction as to how many total dwelling units will be

allowed to be constructed within this subdivision. Section 17.53.202 (I) is satisfied by this proposal.

*Section*
*17.53.101 Streets*

*K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.*

**APPLICANT'S RESPONSE:** Section 17.53.101(K) is satisfied in that the extension of SW Emily Drive is proposed to continue with the name of SW Emily Drive. We will support the City's decision should the City determine that the name of this proposed extension should become SW Emily Court.

*Section*
*17.53.101 Streets*

*S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.*

**APPLICANT'S RESPONSE:** Section 17.53.101(S) is satisfied in that, as shown on the submitted tentative subdivision plan, sidewalks along the throat of the cul-de-sac will be separated from the curb by a five-foot wide park strip, be located one-foot from the right-of-way line and be five-feet in width. Sidewalks within the cul-de-sac bulb are to be curb-tight and also five-feet in width.

*Section*
*17.53.101 Streets*

*T. Park Strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park*

*strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance*

**APPLICANT'S RESPONSE:** Section 17.53.101(T) is satisfied in that the submitted subdivision plans 5-foot wide park strips located between the curb and sidewalk along the throat of the cul-de-sac and that sidewalks within the cul-de-sac bulb are to be curb-tight. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees).

Criteria not Applicable: The following subsections of Section 17.53.101 are not applicable to this request as these circumstances do not exist within or adjacent to this proposal:

E. Future extension of streets
F. Intersection angles
G. Existing streets
H. Half streets
J. Eyebrows
L. Grades and curves
M. Streets adjacent to a railroad right-of-way
N. Frontage roads/streets
O. Alleys
P. Private way/drive
Q. Bikeways
R. Residential Collector Spacing
U. Gates

*Section 17.53.103 Blocks*

*A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.*

*B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.*

**APPLICANT'S RESPONSE:** As shown on the submitted tentative subdivision plan, Section 17.53.103(A-B) is satisfied in that planned street alignment and extension proposes only one cul-de-sac extension. As previously mentioned, at its longest possible dimension, this cul-de-sac block is less than 400-feet in length even when measured from the intersection of SW Emily Drive and SW Emily Court and measured to the back of the cul-de-sac bulb. The maximum block perimeter measurement does not apply to this proposal.

*Section*
*17.53.103 Easements*

*C. Easements.*

*1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.*

**APPLICANT'S RESPONSE:** Section 17.53.103 (C)(1) is satisfied in that ten-foot wide public utility easements will be provided adjacent to the proposed public right of way to accommodate the installation of utilities as necessary. Other easements necessary to meet utility and service provision needs will also be recorded to adequately serve each lot.

*Section*
*17.53.103 Easements*

*C. Easements.*

*2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.*

**APPLICANT'S RESPONSE:** This proposal complies with and satisfies Section 17.53.103(C)(2) as this site is not traversed by water courses such as a drainage way, channel or stream.

*Section*
*17.53.103 Easements*

*3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways.*

**APPLICANT'S RESPONSE:** As shown on the proposed tentative subdivision plan, Section 17.53.103(C)(3) is satisfied in that a pedestrian way in the form of a Tract, in addition to those provided by the construction of public sidewalks to City standards, is proposed to connect otherwise disconnected streets. While there is no opportunity to provide a pedestrian way connection to a recreation or public area such as a school or to connect to either existing or other proposed pedestrian ways, the nonvehicular transportation in McMinnville will yet be enhanced by this connection. Additional pedestrian connections due to overly long block length is not a concern in this proposal for reasons previously mentioned. Continuous public sidewalks constructed within the public right-of-way to City specifications shall be provided along both sides of the proposed right-of-way and shall connect to the existing public sidewalks adjacent to this site to the north thereby providing additional opportunities for continuous pedestrian circulation both within the proposed neighborhood and the surrounding street system. Therefore, this criterion is met.

*Section 17.53.105 Lots*

*A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.*

*1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.*

**APPLICANT'S RESPONSE:** As shown on the submitted tentative plan the proposed lots are generally rectangular in shape and are all buildable as per the requirements of the requested zoning designation. All lots comply with Subsection 1 above in that the depth of each lot does not ordinarily exceed two times its average width with one exception. Lot 2 exceeds this standard by approximately 15 percent with a lot width of approximately 75 feet and a lot depth of approximately 161 feet (or an "excess" depth of about 11 feet).

At this point, it is important to note the precise wording of this subject portion of 17.50.105(A)(1) which is that "the depth of lot shall not *ordinarily* exceed two times the average width." [emphasis added] The word "ordinarily" is meaningful in this context and this word was placed in this standard for a reason which is to provide relief to the desired dimensional lot ratio when atypical site considerations prevail. To look closely, the word "ordinarily" evokes a standard or practice of something being rather common and routine. In fact, for something to be ordinary, it evokes the majority and not the exception.

In the proposed subdivision, one lot out of ten slightly exceeding this recommended standard is by no means *ordinary* as the widths of lots in this proposed subdivision do not *ordinarily* exceed two times the average width and all proposed lots remain buildable. This dimensional standard has been satisfied.

*Section*
*17.53.105 Lots*

*B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.*

**APPLICANT'S RESPONSE:** As shown on the submitted subdivision plan each lot will abut a public street for a width of at least 25 (twenty-five) feet with the exception of Lots 4 and 6 and which will be provided compliant means of alternative access as described previously in these findings and incorporated here. There will be no direct access onto a major collector or arterial street as no such designated street is within or adjacent to the subject site. Therefore, Section 17.53.105 (B) is satisfied.

*Section*
*17.53.105 Lots*

*C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen and at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.*

**APPLICANT'S RESPONSE:** As demonstrated on the submitted tentative subdivision plan, there are no through streets proposed as part of this request. Section 17.53.105(C) has been satisfied.

*Section*

*17.53.105 Lots*

*D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.*

**APPLICANT'S RESPONSE:** As shown on the submitted tentative subdivision plan, all side lines of lots run at right angles to the street upon which the lots face as far as practicable. Due to the size and configuration of the site and the necessary street design, Lots 5 and 8 located on the east side of the cul-de-sac bulb will necessarily each have one side lot line not set at a right angle with the street (this one lot line is shared in common by Lots 5 and 8). Section 17.53.105 (D) is satisfied by this proposal.

*Section*

*17.53.105 Lots*

*E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.*

**APPLICANT'S RESPONSE:** A flag lot is defined in Chapter 17.06 of the McMinnville Zoning Ordinance as "A lot by which access to the nearest public or private street is gained by means of a narrow strip of land not less than 25-feet in width." It is important to note that Lot 4 is not a flag lot as its access is to be provided by way of a 15-foot wide private access easement recorded across the northern edge of Lot 3 for the benefit of Lot 4. Therefore, there are no flag lots proposed as part of this subdivision development plan. Therefore, Section 17.53.105 (E) is satisfied.

## *Improvements (17.53.150-153)*

*Sections*

*17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:*

*A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;*

*B. Drainage facilities;*

*C. Sidewalks in pedestrian ways;*

*D. Sewers and sewage disposal facilities.*

*17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:*

*A. Water supply system. All lots within a subdivision shall be served by the City water supply system.*

*B. Electrical system. All lots within a subdivision shall be served by the City electrical system.*

*C. Sewer system. All lots within a subdivision shall be served by the City sewer system.*

*D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide*

*proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.*

*E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.*

*F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.*

*G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.*

*H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.*

**APPLICANT'S RESPONSE:** Sections 17.53.151 (A)-(D) and 17.53.153 (A)-(H) are satisfied in that the City Council has adopted the specifications referenced in these Sections as being applicable to and to be administered by the City of McMinnville. As shown on the submitted tentative subdivision plan all lots shall be served by municipal facilities which will also generally connect to such existing systems currently located adjacent to subdivision to the north. If accepted by the City it is desired that: 1) storm water from Lot 4 drain westward to the Peavey basin similar to current storm water drainage from the existing residences west of and outside of the proposed subdivision which will continue their westward flow toward the Peavey Reservoir; and, 2) storm water from Lots 6 and 7 are proposed to drain eastward to SW Cypress Street which is the current flow direction of Lots 1 and 8 now. No private ways or drives are proposed within the subject site; the private tracts (pedestrian and vehicular) to be constructed in Phase 2 are not classified as a private way or drive.

Dedication and improvement of the public street shall occur as required by City standards inclusive of curbs and gutters, five-foot wide sidewalks and curbside planter strips in the throat of the cul-de-sac, with the public sidewalk within the bulb portion of the cul-de-sac being curb-tight. Upon approval of this request, a street tree planting plan shall be required as a condition of its approval which will require submittal of a plan to be reviewed for approval by the Landscape Review Committee. Additional findings relative to site drainage are found at 17.53.103(C)(2) above and are incorporated here by this reference.

**FINDING (CHAPTER 17.53 – TENTATIVE PLAN): SATISFIED WITH CONDITIONS.** Subject to the conditions of approval, the proposed tentative plan complies with the standards of Chapter 17.53. Approval of civil plans and construction of the required improvements will achieve compliance with the "Improvements" provisions of the chapter.

*17.53.075 Submission of Final Subdivision Plat.*

*Within 12 (twelve) months after approval of the tentative plan, the subdivider shall prepare a final plat in conformance with the tentative plan as approved. The subdivider shall submit the original drawing and two exact copies and any supplementary information to the City Engineer. Approval of the tentative subdivision plan shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions*

**APPLICANT'S RESPONSE: N/A**

**FINDING (CHAPTER 17.53 – SUBMISSION OF FINAL PLAT): SATISFIED WITH CONDITIONS.** The applicant is proposing a 2-phase subdivision. Chapter 17.53 doesn't address phasing relative to expiration. The applicant shall complete the phases consistent with the phasing schedule specified in the conditions of approval.

## *Chapter 17.03. General Provisions*

*Section*

*17.03.020 Purpose*

*The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.*

**APPLICANT'S RESPONSE:** Section 17.03.020 is satisfied by this request for the reasons enumerated in the conclusionary findings for approval of this subdivision request.

**FINDING (CHAPTER 17.03): SATISIFIED.** This is achieved through compliance with the applicable standards and Comprehensive Plan provisions.

## *17.11. Residential Design and Development Standards*

*Sections*

*17.11.010 Purpose*

> *This chapter provides residential development and design standards for all housing types permitted in McMinnville's residential and commercial zones.*

*17.11.011 Applicability.*

> *The residential design and development standards in this chapter are applicable to all new housing construction, residential conversions, and new additions that comprise 50% or more of the structure.*

**APPLICANT'S RESPONSE:** Sections 17.11.010 and 17.11.011 are applicable to this subdivision proposal in that the end goal of this proposed development is for the provision of new residential dwelling units. The type of dwellings, size and configuration of lots and design of the dwelling units will comply with these Residential Design and Development Standards through review and approval of this subdivision request and subsequent building permit applications for future dwellings.

*Sections*

*17.11.020 Tiny Houses – Table 1*

*17.11.030 Cottage Cluster – Table 1*

*17.11.040 Accessory Dwelling Units – Table 1*

*17.11.050 Single Detached Houses – Table 1*

*17.11.060 Plexes – Table 1*

*17.11.070 Townhouses – Table 1*

**APPLICANT'S RESPONSE:** Rather than reproducing the afore referenced six (6) Tables here, they are incorporated into these findings by this reference and can be viewed by reviewing the McMinnville Zoning Ordinance. A review of the proposed tentative subdivision plan and these Tables (along with other requirements of the R-3 zone) demonstrate that these proposed subdivision lots make possible the siting of each of these referenced dwelling unit types on many of the proposed lots. However the opportunity to site Quadplex development would be limited to Lot 1, 2, 5, 8 and 9 due to lot size; it is noted that for the time being the applicant intends to remain in the existing Lot 8 residence without modification to an alternative dwelling style. All of these listed housing types are possible to be provided within the proposed ten lot subdivision which demonstrates an endorsement of the varied housing types made possible by the R-3 zone and satisfies Sections 17.11.020, 17.11.030, 17.11.040, 17.11.050, 17.11.060 and 17.11.070.

Subsequent building permit reviews inclusive of site plan reviews for each platted lot will further verify compliance with these standards.

*Section 17.11.100 (A-F) Residential Universal Design Standards*

*The Universal Design Standards are standards that apply to the following housing types: Tiny Houses, Cottage Clusters, Plexes, Single Dwellings, Townhouses and ADUs. These standards are related to site design, street frontage, architectural design, parking, compatibility with neighboring homes, open space, and private space requirements.*

| Universal Design Standard | Tiny House | Cottage Cluster | Plex | Single Dwelling | Town-house | ADU |
|---|---|---|---|---|---|---|
| Façade | X | X | X | X | X | X |
| Street Frontage | X | X | X | X | X | X |
| Front Yard | X | X | X | X | X | X |
| Alleys | X | X | X | X | X | X |
| Garages | X | X | X | X | X | X |
| Compatibility | X | X | X | X | X | X |

**APPLICANT'S RESPONSE:** Similar to the previous finding, rather than reproducing the lengthy Section 17.11.100 (A-F) standards here, they are incorporated with this finding by this reference and viewable within the McMinnville Zoning Ordinance. It is clear by reviewing these standards, and as shown in that Section's Table which is provided above, that the Residential Universal Design Standards apply to every type of residence that could be constructed on the proposed lots as well as to their street frontages, yards and garages. As previously stated in findings provided above, and at the time of this application submittal, we have not yet determined the specific dwelling type(s) intended for each of the proposed vacant subdivision lots. Even so, full compliance with the Residential Universal Design Standards will be pursued and achieved as part of the building permit application and review process for each dwelling unit to be constructed within this subdivision. Such compliance and achievement is not only sought by the applicant, it is also required by the City in order to move forward with building permit issuance for each dwelling unit. The requirements of Section 17.11.100 (A-F) are satisfied by this finding and such adherence is guaranteed by the City's building permit review and approval process.

**FINDING (CHAPTER 17.11): SATISFIED/NOT APPLICABLE.** The residential design and development standards are not criteria for approval of a subdivision tentative plan. There are some lot standards specific to certain housing types. In addition, some provisions of Chapter 17.11 apply to residential planned developments, and are not applicable to the subdivision.

## *17.18. R-3 Medium-Density, 6000 SF Lot Residential Zone*

*Sections*

*17.18 R-3 Medium-Density 6000 SF Lot Residential Zone*

*17.18.010 Permitted uses.*

*In an R-3 zone, the following uses and their accessory uses are permitted:*

*A. Tiny Houses, Single detached dwelling;*
*B. Middle Housing*
*1. Plexes: Duplex Dwelling, Triplex Dwelling, Quadplex Dwelling (minimum lot size of seven thousand square feet)*
*2. Cottage Clusters*
*3. Townhouses*
*C. Single Room Occupancy – Small Housing*
*D. Accessory Dwelling Unit (ADU)*

**APPLICANT'S RESPONSE:** Section 17.18.010(A-D) is satisfied by this subdivision proposal in that it is the stated intent of this proposal to construct residential dwelling units on each newly platted vacant residential lot. We appreciate the opportunity to consider the construction of a number of different types of housing in this neighborhood as listed and provided under Section 17.18.010 Permitted Uses. The current economic market for home construction and sales is arguably not quite as bullish as it has been at other times, and longer term residential economic forecasting is, by most measures, not as clear or certain as it could be relative to the time when these residences are likely to be financed and under construction. Understanding that reality, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots at this time. There are, however, a number of the dwelling types permitted by the R-3 zone that can be accommodated on many of the proposed lots which provides a potential wide range of dwelling type options responsive to market needs at the time of development.

*Sections*

*17.18.030 Lot size.*

*In an R-3 zone, the lot size shall not be less than six thousand square feet except as provided in Section 17.11.070 (C), Table 1 (C), Townhouses.*

*17.18.040 Yard requirements.*

*In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:*

*A. A front yard shall not be less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.*

*B. A rear yard shall not be less than twenty feet, except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.*

*C. A side yard shall not be less than seven and one-half feet. An exterior side yard on the street side of a corner lot shall be not less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.*

*17.18.050 Building height.*

*In an R-3 zone, a building shall not exceed a height of thirty-five feet.*

**APPLICANT'S RESPONSE:** Sections 17.18.030, 17.18.040 (A-C) and 17.18.050 are satisfied in that each of the proposed subdivision lots is greater than 6,000 square feet in size; this takes into account the 1,583 square foot subtraction of the access easement area to be recorded across Lot 3 for the benefit of Lot 4. The table below provides the proposed square footage of each of the ten lots; access easements do not count toward the minimum lot size of any lot as per the Lot Area definition provided in Section 17.06 – Definitions).

| Proposed Subdivision Lots | | | |
|---|---|---|---|
| **Lot #** | **Square Feet** | **Sq. Ft. Subtraction for Lot 3 Access Easement** | **Amended Total Square Footage** |
| 1 | 7,486 | | 7,486 |
| 2 | 12,122 | | 12,122 |
| 3 | 7,913 | 1,583 | 6,330 |
| 4 | 6,769 | | 6,769 |
| 5 | 7,204 | | 7,204 |
| 6 | 6,575 | | 6,575 |
| 7 | 6,153 | | 6,153 |
| 8 | 31,119 | | 31,119 |
| 9 | 7,426 | | 7,426 |
| 10 | 6,336 | | 6,336 |
| **Total Sq. Ft.** | **99,102** | | **97,520** |
| **Average Sq. Ft.** | **9,910** | | **9,752** |

As part of the building permit review submittal process, a site plan will be provided to the City indicating, among other things, the proposed building(s) height and the minimum required setbacks for the lot showing that the building(s) location is in compliance with the standards prescribed by the R-3 zone. As part of that review process, and prior to building permit issuance, the City will verify that all minimum setbacks have been maintained; this is further verified through the onsite footing/foundation inspection and framing inspection as part of the building construction process.

*Section*

*17.18.060 Density requirements*

*In an R-3 zone, the maximum density for single attached dwellings may not exceed four dwelling units per 6,000 square feet, whichever is less. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.*

**APPLICANT'S RESPONSE:** Section 17.18.060 is satisfied in that the tentative subdivision plan submitted with this application proposes that each lot is designed for residential use and exceeds the minimum required lot size of 6,000 square feet. Relative to density, while this zone allows up to four single attached dwellings (Townhouses) for a 6,000 square foot lot, the proposed size of the lots will not accommodate Quadplex density on every lot since Quadplex development requires a 9,000 square foot minimum lot size. While Townhouses would be allowed on each of the 10 proposed lots, Quadplexes could only be accommodated on Lots 2 and 8 (see Sections 17.11.060 (C) Table 1 (c) and 17.11.070 (C) Table 1 (c)).

**FINDING (CHAPTER 17.18): SATISFIED.** The proposed lots are consistent with the requirements of the R-3 zone.

## *Chapter 17.58. Trees*

*Sections*

*17.58.020 Trees - Applicability*

*D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review.*

*17.58.040 Tree Removal/Replacement*

*A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon*

*as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.*

*B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [..]*

*C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.*

*D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. [..]*

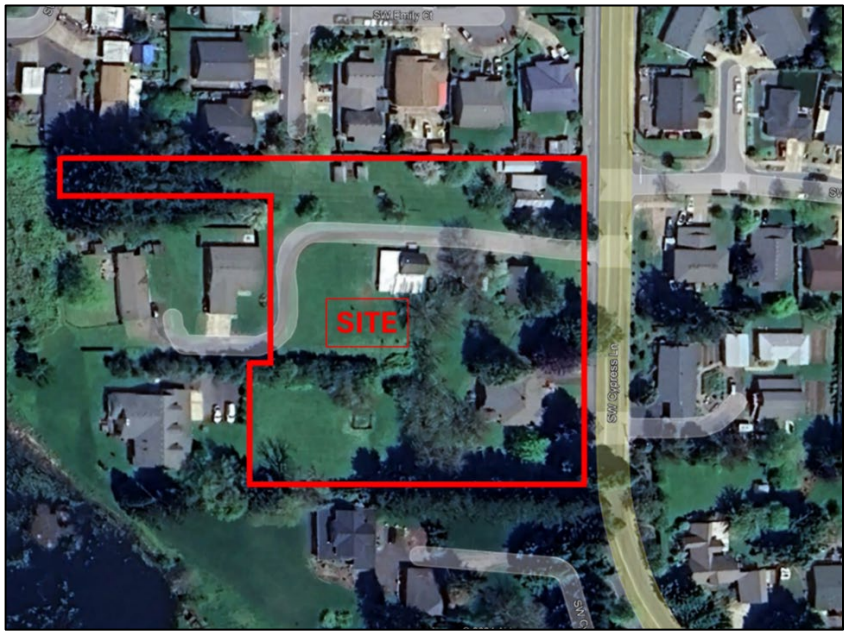
*E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.*

*F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.*

*G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.*

*H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.*

**APPLICANT'S RESPONSE:** As this request is for a land use decision regarding a residential tentative subdivision plan, Sections 17.58.020 and 17.58.040(A-H) are applicable to this request. As can be seen on the aerial graphic provided below, there are established trees located in various locations throughout this subdivision site and one concentrated area of trees located in the site's northwestern corner.




We recognize the economic and intrinsic value of trees to homeowners, the neighborhood and the city at large and propose to retain as many of these existing trees as is practicable. As stated previously in this combined application submittal, there are no landmark trees identified on this site, however there is a stand of fir trees located in the westernmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence. We propose to work with the City on potential individual tree retention throughout the site without the loss of building lots or identified needed dwelling units.

Many of the elements of Section 17.58.040 are applicable to the removal and replacement of required street trees or required landscape trees and are not applicable to this request; this subdivision request does require a landscape plan relative to future street tree planting

and placement. No street trees will be removed since the extension of SW Emily Drive will be newly constructed with initial street tree planting to occur prior to subdivision platting. We propose to work with the City in identifying other trees to be removed and those to be retained as per the City's process, review and approval.

*Sections*
*17.58.090 Street Tree Planting – When Required*

*All new multi-dwelling development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.*

*17.58.100 Street Tree Plans*

*A. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.*

*17.58.110 Street Tree Planting*

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

**APPLICANT'S RESPONSE:** Sections 17.58.090, 17.58.100(A) and 17.58.110(A) are satisfied in that the subdivision application is subject to the requirements for the planting of street trees in accordance with adopted standards. Following approval of these combined applications, a street tree planting plan shall be submitted to the Landscape Review Committee for review and approval prior to the filing of the final subdivision plat. Additionally, such trees as identified on the approved street tree planting plan shall either be installed or sufficiently bonded prior to recording of the final residential subdivision plat; this is equally applicable to both Phase 1 and Phase 2.

**FINDING (CHAPTER 17.58): SATISFIED WITH CONDITIONS.**

- The application references trees on the west side of Tax Lot 100. These were on property outside City limits and were removed prior to the annexation agreement.
- Page 7 of 7 of the tentative plan shows the remaining existing trees and whether they are proposed to be retained or removed. As a condition of approval, trees shall not be removed without prior written approval by the Planning Director. The applicant shall demonstrate that trees proposed for removal meet criteria in 17.58.050.

- Prior to final plat, and submitted to allow coordination with the design of the utility plans, the applicant shall submit a street tree plan for review and approval that meets the requirements of 17.58.100.

## *Chapter 17.60. Off-Street Parking and Loading*

*Section*

*17.60.060 Parking – Spaces Required*

*A. Residential Land Use Category:*

*4. Single detached*

*Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.*

*6. Middle Housing - Duplexes, Triplexes, Quadplexes, Cottage Clusters, Townhomes, Tiny Homes.*

*One space per dwelling unit.*

*8. Affordable Housing – Two-bedroom or less, serving households of 80% Area Median Income (AMI) or less (AMI is calculated PER Yamhill County as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.) Income levels will need to be certified.*

*0.5 spaces per dwelling unit. Property owner must agree to have the units identified that are serving households of 80% AMI or less to be deed restricted for that type of housing for at least 20 years. The deed restriction must be recorded on the property at the expense of the property owner. Language of the recorded document to be approved by the Planning Director.*

**APPLICANT'S RESPONSE:** Section 17.60.060(A) (4, 6 and 8) are satisfied in that it is our intent to provide on-site vehicle parking in excess of these stated minimum requirements for each dwelling unit and, as such, the number of such spaces provided would exceed the number required in all cases. All parking spaces shall meet or exceed the City's minimum dimensional requirements for on-site residential parking. This shall be verified by the City as part of the standard required building plan review and approval process prior to the issuance of building permits for any lot.

**FINDING (CHAPTER 17.60): SATISFIED/NOT APPLICABLE.** Off-street parking standards are not a criterion for approval of the subdivision.

## *Chapter 17.65. Historic Preservation*

*Sections*

*17.65.010 Purpose. Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary [..].*

*17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiles in 1983/84 and as subsequently updated, is hereby adopted, and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance [..].*

**APPLICANT'S RESPONSE:** Sections 17.65.010 and 17.65.030 are satisfied as follows. According to Yamhill County Assessor data, the existing residence that sits at the northeast corner of the subject site was constructed circa 1909. The other house located on the southern parent parcel was constructed in 1946. Neither of these residences or their properties appear in the City's adopted Historic Resources Inventory in any of the four identified resource subcategories; "A" Distinctive, "B" Significant, "C" Contributory or "D" Environmental. Neither are these residences and/or properties found on the US Department of the Interior's National Register of Historic Places. Therefore, in an historic regulatory sense, neither of these parcels nor their improvements are historically, culturally, architecturally, or archeologically significant to the City of McMinnville and the requirements and obligations of Chapter 17.65 of the McMinnville zoning ordinance do not apply in this instance.

**FINDING (CHAPTER 17.65): NOT APPLICABLE.** There are no historic resources subject to Chapter 17.65 on the property.

## *Chapter 17.72. Applications and Review Process*

*Section*

*17.72.095 Neighborhood Meetings*

*A. A neighborhood meeting shall be required for:*

*1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:*

*a. Comprehensive plan text amendment; or*

*b. Zoning ordinance text amendment; or*

*c. Appeal of a Planning Director's decision; or*

*a. Application with Director's decision for which a public hearing is requested.*

*2. Tentative Subdivisions (up to 10 lots)*

*3. Short Term Rental*

**APPLICANT'S RESPONSE:** As the proposed applications are not exempted by this Section, a neighborhood meeting is required and has been held as evidenced by the materials provided in this application submittal. Section 17.72.095 has been satisfied.

*Section*

*17.72.095 Neighborhood Meetings*

*B. Schedule of Meeting.*

*1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.*

*2. Land use applications shall by submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.*

**APPLICANT'S RESPONSE:** One neighborhood meeting was held prior to the submittal of this combined land use application for the subject site. The neighborhood meeting was held on Thursday, June 6, 2024, and this land use submittal has been received by the City within 180 days of June 6, 2024. The requirements of Section 17.72.095(B) are satisfied.

*Section*

*17.72.095 Neighborhood Meetings*

*C. Meeting Location and Time.*

*1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.*

*2. The meeting shall be held at a location that is open to the public and must be ADA accessible.*

*3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.*

4. *The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p.m. and 8 p.m. or Saturdays between the hours of 10 a.m. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.*

**APPLICANT'S RESPONSE:** The neighborhood meeting was held at 6:00 p.m. on Thursday, June 6, 2024, which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in the Fellowship Hall of the Praise Assembly Church which is located within the city limits of the City of McMinnville at 930 NE 3rd Street, McMinnville, Oregon. Both the Praise Assembly Church and its Fellowship Hall are ADA accessible. Two identical 8 ½" x 11" signs were posted at the exterior entry door of the Fellowship Hall (one on each side of the door) before the meeting announcing the meeting, stating the date and time of the meeting, and stating that the meeting is open to the public and that interested persons are invited to attend. The criteria of Section 17.72.095(C) are satisfied.

*Section*

*17.72.095 Neighborhood Meetings*

*D. Mailed Notice.*

1. *The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.*

2. *Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.*

3. *An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.*

4. *The mailed notice shall:*

    a. *State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.*

*b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)*

*c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.*

*d. Include a conceptual site plan.*

*5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.*

*6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.*

**APPLICANT'S RESPONSE:** The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the two-parcel subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on May 16, 2024 which was not fewer than 20 calendar days nor more than 30 calendar days prior to the June 6, 2024 date of the neighborhood meeting. The official mailing list for the mailed notice was obtained from First American Title in McMinnville on May 7, 2024 which was then relied upon to mail the neighborhood meeting notice within the 45-day window of validity for utilization of the official mailing list. [It is instructive to note that a separate mailing list was generated by First American Title for each of the two subject parcels resulting in duplication of intended letter recipients. A neighborhood meeting notice was mailed to each unique address on these lists and no address received duplicate notices.] The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in the notice was a brief description of the proposal including the three companion applications to be simultaneously submitted. The mailed neighborhood meeting notice also included a copy of a Google Map vicinity map that clearly identified the location of the proposed annexation, zone change and development site in addition to the provision of a tentative subdivision plan showing the proposed lot layout and subdivision phasing plan. Therefore, the requirements of Section 17.72.095(D) have been satisfied.

*Section*

*17.72.095 Neighborhood Meetings*

*E. Posted Notice.*

*1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.*

2. *The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.*

3. *It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.*

4. *If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.*

**APPLICANT'S RESPONSE:** Two 18 x 24" waterproof signs notifying individuals of the June 6, 2024 neighborhood meeting were posted in easily viewable and readable locations within 20 feet of the two adjacent rights-of-way (one sign per right-of-way edge). Specifically, one sign was posted at the northern edge of the site and attached to the temporary terminus barricade at the current southern edge of NW Emily Drive, and the other sign was posted at the site's northeast corner on a wooden fence located adjacent to the site's SW Cypress Lane right-of-way frontage. These signs were posted on May 16, 2024 which is not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. We have made every effort to ensure that the signs remained posted until the neighborhood meeting which ensured that these two signs did, in fact, remain continuously posted. The requirements of Section 17.72.095(E) are satisfied.

*Section*

*17.72.095 Neighborhood Meetings*

*F. Meeting Agenda.*

1. *The overall format of the neighborhood meeting shall be at the discretion of the applicant.*

2. *At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:*

    a. *An opportunity for attendees to view the conceptual site plan;*

    b. *A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;*

    c. *An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.*

**APPLICANT'S RESPONSE:** An agenda for the neighborhood meeting was prepared and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the proposed development and phasing plan for the site. The agenda also indicated that a description of the proposal would be presented including the major elements of the plan, and that there would be opportunity for attendees to speak at the meeting and ask questions and to communicate any issues that they believe should be addressed. This Neighborhood Meeting started at 6:00 p.m. and, after a presentation followed by questions and comments from the attendees and general discussion, concluded at 7:00 p.m.; a summary of this discussion is provided in the attachments below. The requirements of Section 17.72.095(F) have been met.

*Section*

*17.72.095 Neighborhood Meetings*

*G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:*

*1. A copy of the meeting notice mailed to surrounding property owners;*

*2. A copy of the mailing list used to send the meeting notices;*

*3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;*

*4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and*

*5. Notes of the meeting, which shall include:*

*a. Meeting date;*

*b. Meeting time and location;*

*c. The names and addresses of those attending;*

*d. A summary of oral and written comments received; and*

*e. A summary of any revisions made to the proposal based on comments received at the meeting.*

**APPLICANT'S RESPONSE:** Evidence of compliance with Section 17.72.095 (G(1-5(a-e))) above is provided by the attachments to this submittal inclusive of copies of the graphic display at the June 6, 2024, Neighborhood Meeting. Also provided as evidence of compliance with these requirements are the names and contact information as shared by those in attendance at the Neighborhood Meeting and a summary of oral comments

received at the Neighborhood Meeting; there were no revisions made to the proposed plan based on comments received at the meeting.

**FINDING (CHAPTER 17.72): SATISFIED/NOT APPLICABLE.** This section provides a procedural requirement, and not a substantive criterion for the subdivision. The applicant submitted the required documentation of the neighborhood meeting with the application.

*Comprehensive Plan*

**APPLICANT'S REPSONSE:**
The following citation from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

> Chapter V. Housing and Residential Development – Additional Design Considerations:
>
> Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.
>
> The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.
>
> Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs. Close attention to maintenance costs to the public will, however, have to be monitored.
>
> Based on the information presented on residential development design considerations, the City finds that:
>
> 1. A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.
>
> 2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. [..]

3. Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of money in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.

5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

**APPLICANT'S RESPONSE:** This proposal meets the intent of this portion of Volume I of the Comprehensive Plan. This is evident in that all requisite public facilities and services can and shall be sufficiently provided to adequately serve this site and the proposed development as articulated further in additional Findings provided below. The standards for these facilities and services are periodically examined and amended by the City.

As described by the Chapter V, criterion 2 above, the open space provided by this proposed tentative subdivision plan is comprised of the "traditional zoning setbacks" which "reserve a large portion of each individual lot for potential open space." Additionally, and as addressed by criterion 3 above, commensurate fee-in-lieu-of park fees shall be assessed to the developer by the City as deemed appropriate.

Regarding criterion 4 above, while the City does not have a specific, adopted solar access code, Section 17.53.101(A)(3) (Streets – General) of the McMinnville Zoning Ordinance speaks to maximizing the "potential for unobstructed solar access to all lots or parcels." Also, that "streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features." Additionally, that "the east-west orientation of streets shall be integrated into the design." McMinnville has also adopted one Policy (Policy 83.00) regarding solar access which states: The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

The proposed tentative subdivision plan complies with this Comprehensive Plan Volume I criterion, Policy 83.00 and Section 17.53.101(A)(3) of the McMinnville Zoning Ordinance in that this plan proposes to align the site's new internal local public street with the current temporary terminus of SW Emily Drive which is located at the northern edge of Parcel 1. Due to the location and configuration of the site, a predesignated future street location (Exhibit 2-1 of McMinnville's adopted Transportation System Plan as addressed further in findings below) and the existing street pattern of the adjacent development to the north,

SW Emily Drive will be extended southward to served future lots on this site which will suffice and satisfy Volume I's encouragement of solar access for this proposed subdivision. Opportunities for an alternative east-west street layout are not viable or otherwise possible on this site. The proposed street layout promotes a compliant street alignment and increased local street connectivity to currently underserved land and the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

There are no public and/or private parks or recreational facilities, or paths leading to such, currently abutting the subject site as referenced in criterion 5 above. Therefore, pedestrian mobility through this development will be provided by the construction of public sidewalks as required by City standards to provide pedestrian mobility within this neighborhood and the surrounding network of public sidewalks similar to that found in all other adjacent residential neighborhoods and throughout the city. In addition, a five-foot wide paved pedestrian pathway located within a 10-foot wide pedestrian tract will be constructed as part of Phase 2 of this subdivision connecting the proposed SW Emily Drive extension with SW Cypress Lane for enhanced pedestrian access beyond the neighborhood. Therefore, these criteria have been satisfied.

***Comprehensive Plan Volume II Goals and Policies***

**APPLICANT'S RESPONSE:** The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

*GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.*

*Policies:*

*1.00 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 characteristic, and natural hazards.*

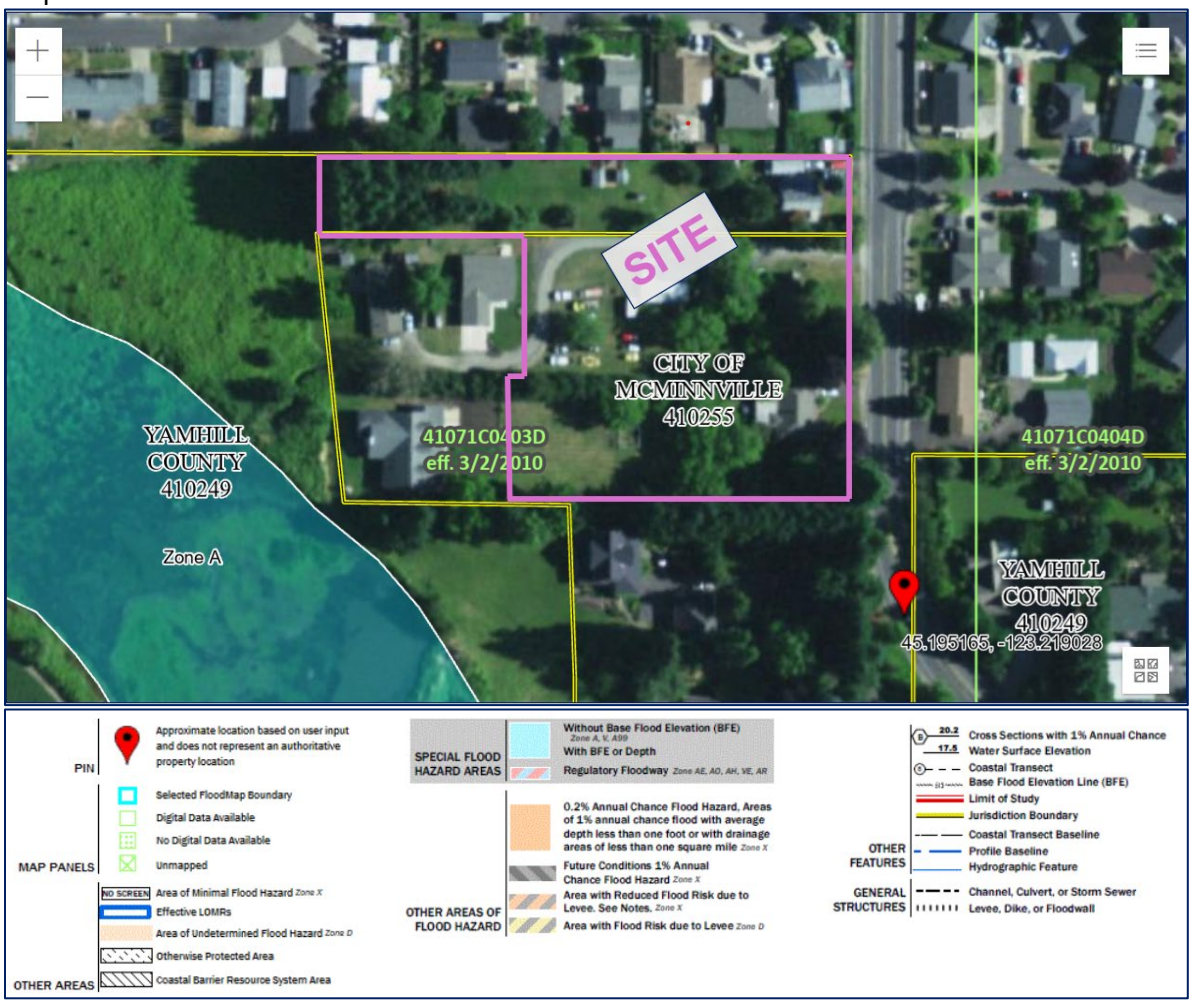
*5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.*

*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.*

*12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.*

**APPLICANT'S RESPONSE:** Goal II 1 and Policies 2.00, 5.00, 9.00 and 12.00 are satisfied by this proposal in that there is no portion of this site that is identified with building constraints such as excessive slope, limiting soil characteristic(s) and/or natural hazards. Any and all infrastructure

and right-of-way improvements shall be designed, proposed, reviewed and permitted as per standards and requirements administered and supported by the City of McMinnville. While there are no residential development requirements or standards specifically addressing the quality of air resources in the McMinnville Zoning Ordinance, the City is cognizant of standards established by the Oregon Environmental Quality Commission and the Environmental Protection Agency (EPA) as they relate to impactful commercial or industrial uses within the city. Additionally, there are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within the 100-year flood zone of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM - 41071C0403D) as illustrated in the graphic and legend on the following page from FEMA's Flood Map Service Center website.




https://msc.fema.gov/portal/search?AddressQuery=cypress%20lane%2C%20mcminnville%20oregon

Noise compatibility between adjacent single-family residential developments is established in that there are no adopted policies that address adjacent same-type development as being potentially noise incompatible. The intent of this proposal is to allow the creation of residential development to be located adjacent to existing residential development of the same base zoning designation and is therefore not an incompatible proposed use to those adjacent neighborhoods. The adjacency of this proposed subdivision to that of the R-3 PD zoned neighborhoods to the

north is equivalent to that which would occur if this neighborhood were developed to R-1 standards instead. This is because the full buildout of this proposed neighborhood would place only four lots against the site's northern property line. These four lots (one of which has been improved with a single-family residence since around 1909) will abut six existing developed lots to the north. The resulting potential noise impact upon these two established adjacent neighborhoods to the north is not demonstrably greater, and potentially less, than that which already currently exists in those neighborhoods. Other developed parcels to the west and south are larger and generally have commensurately larger existing residential setbacks.

*GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS*

*Policies*

*58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

*60.00 Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.*

**APPLICANT'S RESPONSE:** Goal V 1 and Policies 58.00 and 60.00 are met by this proposal in the R-3 zone provides opportunities for dwelling unit construction of many different types. We appreciate that this zone allows a wide range of housing type choice for construction on each of the proposed lots. While, at the time of this application submittal, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots, a number of the dwelling types permitted by the R-3 zone can be accommodated on many of the proposed lots which provides a potential wide range of dwelling type options responsive to market needs at the time of development. This opportunity to provide such variation of residential dwelling types and sizes at varying price points will add to the variety of potential housing choices to be made available within the local community.

*GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.*

*Policies*

*68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

*71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All*

*residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

**APPLICANT'S RESPONSE:** Goal 2 and Policies 68.00 and 71.00 are satisfied by the subdivision proposal in that the Residential comprehensive plan designation, which is carried by the two parcels that are the subject of this subdivision application, allows for development of a variety of housing types and densities within this area which is already substantially committed to urban development. Along with approval of the companion annexation and zone change applications, approval of this subdivision application would add additional buildable land to the City's land inventory which would then be residentially developed to help meet identified residential dwelling unit needs as projected by the City. The lots, as shown on the companion submitted tentative subdivision plan, would provide medium-density residential development opportunities within and for the community.

*Policies*

*71.09 Medium and Medium-High Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:*

1. *Areas that are not committed to low density development;*
2. *Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street;*
3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter mile of existing or planned public transportation.*

*71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:*

1. *The density of development in areas historically zoned for medium and high density development;*
2. *The topography and natural features of the area and the degree of possible buffering from established low density residential areas;*

3. *The capacity of the services;*

4. *The distance to existing or planned public transit;*

5. *The distance to neighborhood or general commercial centers; and*

6. *The distance from public open space.*

**APPLICANT'S RESPONSE:** Policies 71.09 (1-5), and 71.10 (1-6) are met by this residential subdivision proposal in that the range of proposed residential lot sizes makes possible a range of potential dwelling unit types which could be constructed within this proposed subdivision. These opportunities are made possible by application of the R-3 zone to the site which intentionally promotes an energy-efficient and land intensive development pattern. As shown on the submitted tentative subdivision plan, the 10 proposed lots range in size from 6,153 square feet (Lot 7) to 31,119 square feet (Lot 8) with an average lot size of approximately 9,752 square feet. [Lot three is proposed to be platted at 7,913 square feet. However, due to how "lot area" is defined in Section 17.06.015, the portion of Lot 3 over which the access easement to serve Lot 4 will be created cannot be counted as part of the lot area of Lot 3 when calculating minimum lot size. With that adjustment, Lot 3 yet remains compliant with the minimum lot size requirement of the R-3 zone.

After accounting for the proposed right-of-way dedication for the southerly extension of SW Emily Drive, the net density of this proposed subdivision is 4.39 dwelling units per net acre. Therefore, this proposed subdivision complies with the net density requirement for a subdivision proposal on land zoned R-3.

2.7 acres (117,612 square feet)
- 0.425 acres (18,510 square feet of Right-of-Way and Tract designation)
= 2.275 net acres (99,102 square feet)

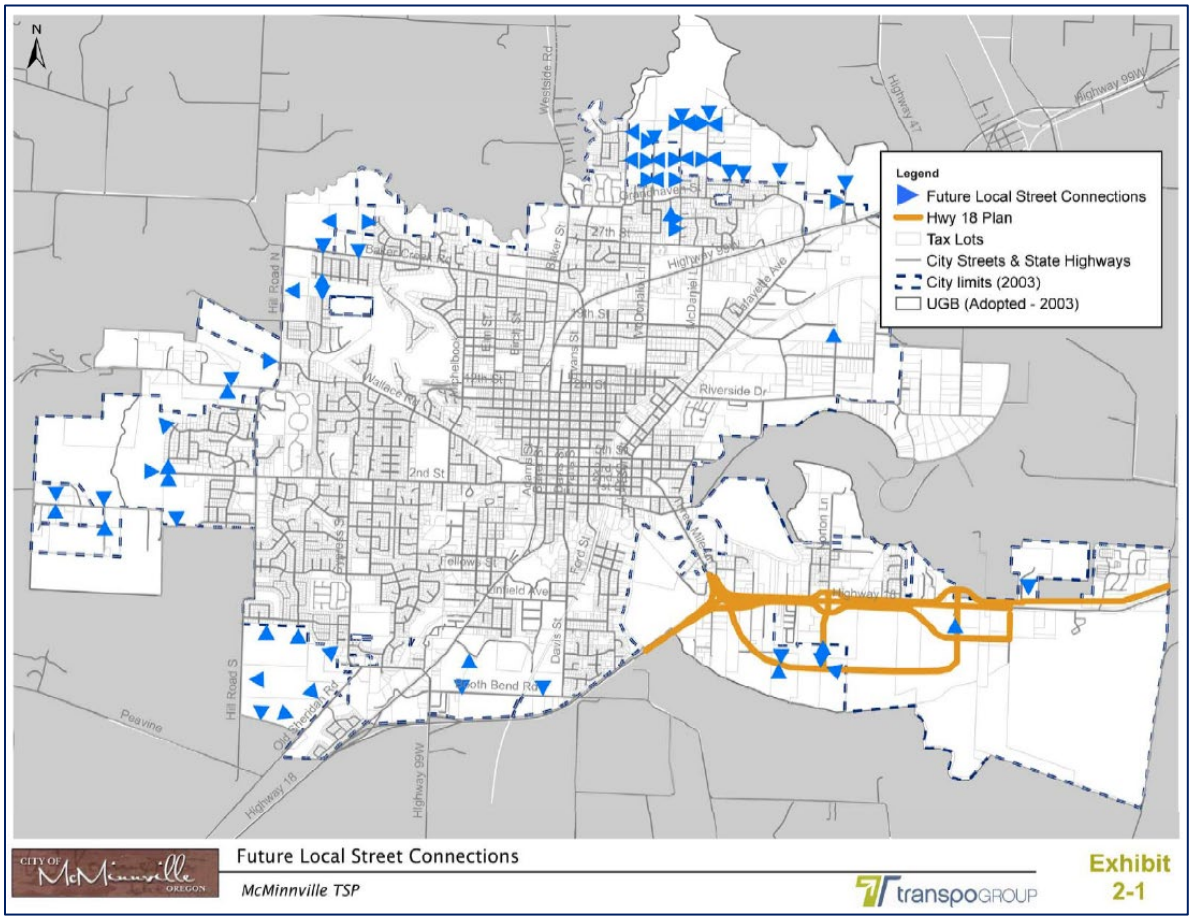
10 Lots / 2.275 net acres = 4.4 Dwelling Units per Net Acre

Removing the 1,583 square feet for the access easement that will cross Lot 3 for the benefit of Lot 4 from this calculation makes this proposal even more density compliant at 4.47 DU/net acre.

Although the text and graphics provided in the findings above are relevant to the requested zone change, this information is also relevant to Policies 71.09 and 71.10 for this subdivision application and are reproduced here. While this site is not located close to the city center, it is located in an urbanizing area where utilities are already available; all of which are stubbed at the northern edge of the site within the SW Emily Drive right-of-way and/or available within the SW Cypress Lane right-of-way. The surrounding area is not committed to low density development as can be seen on the City's zoning map depicting adjacent R-3 PD zoned residential developments to the north and R-4 zoned residential development located across SW Cypress Lane to the east; the few R-1 zoned parcels within the city limits to the west and south are currently developed in more of a rural residential style and are not "committed" to urban low density use at this time.

Policy 71.09 (2) directs R-3 (and R-4) zoned lands to be in locations having direct access from collector or arterial streets (or within 600 feet of a collector street). However, Exhibit 2-1

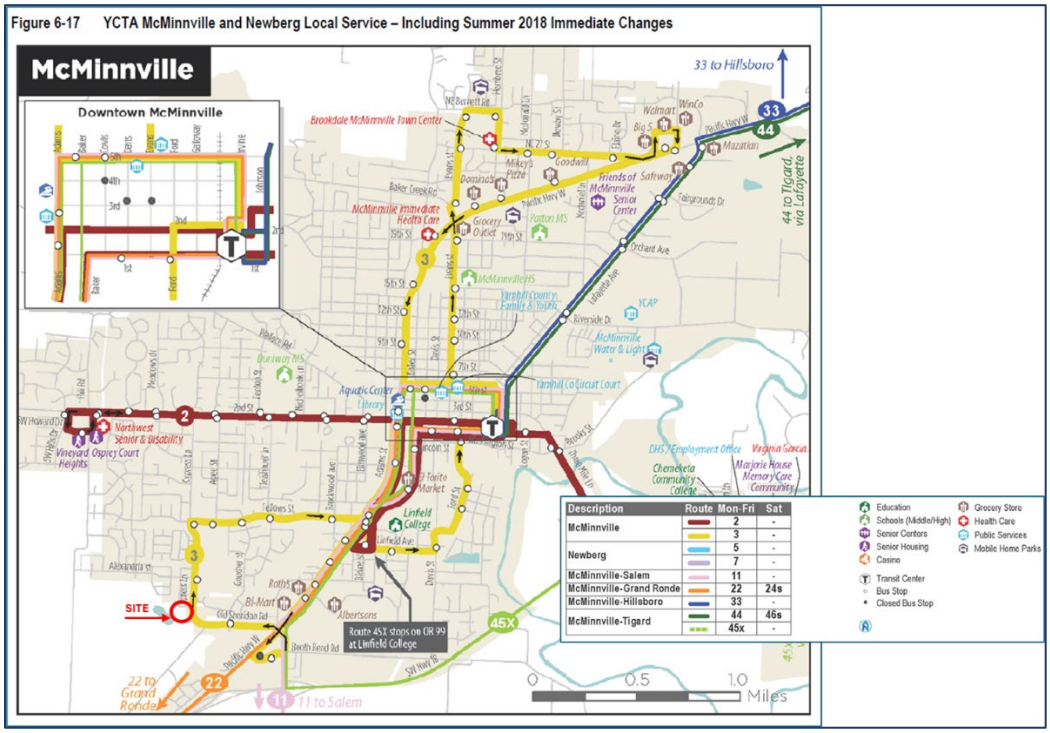
(provided below for graphic reference) of McMinnville's adopted TSP (Transportation System Plan) designates the Future Local Street Connection to serve this site as being the southerly extension of the current temporary terminus of SW Emily Drive (a local street), with no direct public right-of-way connection to the adjacent SW Cypress Lane (a minor collector street). This development proposal complies with the local street connection identified in McMinnville's adopted TSP.




Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.

This site is virtually flat and there are no onsite flooding or poor drainage issues, and therefore no development limitations on this site. Existing public facilities have the capacity to accommodate future residential development of this site.

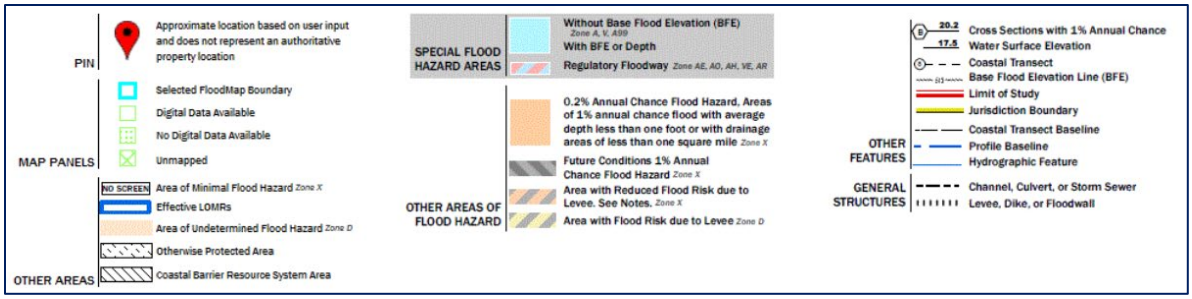
Being located adjacent to SW Cypress Lane, this site is located less than one-quarter mile from existing or planned public transportation as shown on Figure 3-4 of the Yamhill County Transit Development Plan's Figure 6-17; additional numerous Figures within this Transit Plan also identify SW Cypress Lane as an existing public transit route. Further, this plan also identifies a public transit stop along the east side of SW Cypress Lane at the corner of SW Cypress Lane and SW Alexandria Street located some 500 feet north of the northeast corner of the site. Figure 6-17 is provided below for ease of reference.



Commercial shopping opportunities exist located along Highway 99W located some ½ mile distance from the development site such that commercial walking opportunities exist and that owning a vehicle can be optional. Community recreation opportunities are also readily available nearby this site since the established Discovery Meadows Park is located approximately 300 feet north of the site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive.

Low density adjacent residential land is comprised of a handful of R-1 zoned parcels to the immediate west and south; only four of which abut the site. Five of the proposed subdivision lots will abut these four adjacent parcels. One of the proposed lots (Lot 8) which is currently developed with a single-family residence, which will remain upon subdivision development, maintains an existing setback of approximately sixty feet (60-feet) from the adjacent offsite R-1 zoned parcel to the south. Additionally, the context of Policy 71.10 (2) speaks of the buffering of medium density development from *established* low density areas. Since some of the nearby R-1 zoned residential lots are fairly large and have developed in a more rural residential style, it is understood that this is not an *established* low density area, rather an area where some infill or partitioning opportunity may yet remain (however, it is not within the scope nor obligation of this proposal to shadow plat potential offsite partitioning opportunities). Rather It is the applicant's position that the lot setbacks (buffers) required of residential development on lots zoned R-3 are sufficient so as to not negatively impact the four adjacent R-1 zoned parcels.

While a finding addressing FEMA flood zone property was provided in findings above relative to the zone change application, it is also relevant for this subdivision finding and provided here. There are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within the 100-year flood zone of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM - 41071C0403D) as illustrated in the graphic below from FEMA's Flood Map Service Center website.




https://msc.fema.gov/portal/search?AddressQuery=cypress%20lane%2C%20mcminnville%20oregon

As noted above, the topography and natural features of the site are not prohibitive to development according to R-3 zoning and density standards or other applicable McMinnville land development standards.

The requested zoning designation on the subject site is that of the base zone of the adjacent neighborhood to the north eliminating the need for employment of additional residential buffers beyond that of traditional R-3 zoned residential yard requirements. The urban-rural interface that exists along the western edge of the annexation area and the rural land beyond is limited to a distance of approximately 75-feet. The rural land beyond the site's western edge is a small, captured area located between this application's proposed development area, Peavey Reservoir and the Kathleen Manor Manufactured Home neighborhood. As the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood abuts this captured piece of rural land for a distance of some 450 feet along its subdivision boundary, and no additional buffer or design requirements were assessed to that development along this edge, it is our position that no such additional buffers or design requirements would be required of this annexation, zone change and development proposal so as to achieve a cohesive and consistent residential design and pattern with that of the existing adjacent residential development.

Existing public facilities have the capacity to adequately serve the proposed development of this site as neither the adopted Waste Water Conveyance Master Plan or the adopted Stormwater Drainage Master Plan have identified any insufficiencies in their respective Cozine basins which serve this area or impactful future projected service deficiencies toward meeting the needs of the development of this site.

*Policies*

*79.00* *The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through*

*the planned development process or where specifically provided in the zoning ordinance or by plan policy.*

*80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.*

*81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.*

*82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.*

*83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.*

**APPLICANT'S RESPONSE:** Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the proposed residential density of 4.4 dwelling units per acre is commensurate with that prescribed by the requested R-3 zoning designation and all proposed lots demonstrate compliance with the lot size requirements of this zoning designation. A Planned Development designation is not needed and is not requested as part of this land use proposal. There are currently no distinctive or unique natural features on this site that would impinge on the target density range of the R-3 zone being realized inclusive of the capabilities of sewer, water and other public services to adequately meet the development needs of this site.

Although this discussion relative to retention of wooded areas is provided in findings above relative to the annexation request, that discussion is also relevant to Policy 80.00 and is reproduced here as part of these subdivision findings. While there are no landmark trees identified on this site, there is a stand of fir trees located in the westernmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence. Preservation of this stand of trees would result in the loss of about 1.5 building lots from the proposed subdivision; given the location of the southerly extension of SW Emily Drive that is proposed and would be required by the City, preservation of this tree stand would eliminate residential development from the west side of the SW Emily Drive extension on this annexation site. In light of this policy however, the applicant proposes to work with the City on potential individual tree retention without the loss of these proposed building lots which would equate to a loss of one-fifth (1/5$^{th}$) of the proposed subdivision's buildable lots.

The street layout proposes to connect with the existing surrounding public street network. This is to be accomplished through the dedication and improvement of the southerly

extension of SW Emily Drive to serve the two subdivision phases as described above in these findings and terminating in a local residential cul-de-sac in the southern portion of the site. Dedication and construction of this street extension would complete this portion of the surrounding local street network as envisioned in McMinnville's adopted TSP and would provide additional mobility opportunities for automobiles, pedestrians and bicyclists within the area and would also comply with Policies 118.00(5) and 132.41.05 described elsewhere in these Findings. Existing residential development to the south of the subject site makes the southerly extension of SW Emily Drive south of this site unfeasible.

The proposed tentative subdivision plan complies with the City's encouragement of solar access in that this plan proposes to align the site's new internal local public street with the current temporary terminus of SW Emily Drive which is located at the northern edge of Parcel 1. Due to the configuration of the site, a predesignated future street location (Exhibit 2-1 of McMinnville's adopted Transportation System Plan as addressed further in other findings herein) and the existing street pattern of the adjacent development to the north, SW Emily Drive will need to be extended southward to served future lots on this site. Opportunities for an alternative east-west street layout providing enhanced solar access are not viable or possible on this site. The proposed street layout promotes a municipally compliant street alignment and increased local street connectivity to currently underserved land and the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

*Policy*

*99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

*1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*

*2. Storm sewer and drainage facilities (as required).*

*3. Streets within the development and providing access to the development, improved to city standards (as required).*

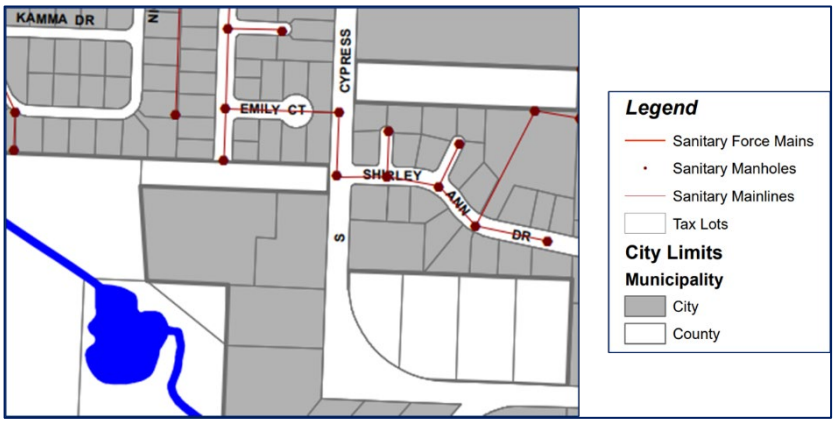
*4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** Policy 99.00 (1-4) is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and the proposed public street (additional street detail is provided elsewhere within these submitted findings and applicable here) within the development either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site. Neither the adopted Waste Water

Conveyance Master Plan or the adopted Stormwater Drainage Master Plan have identified insufficiencies in their respective Cozine basins which serve this site nor identified future projected service deficiencies.

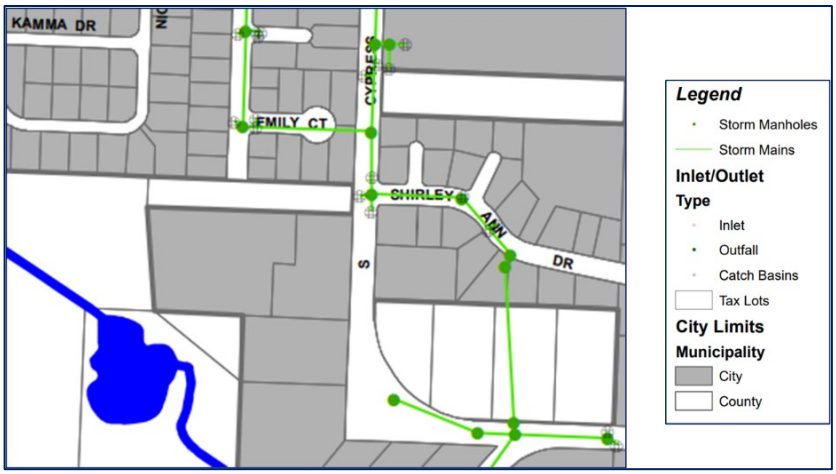
The graphics below are provided to demonstrate adjacency of public sanitary and storm utilities available to serve this site.

Sanitary Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/sanitary.pdf

Storm Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/storm.pdf

*Policy*

*99.10* *The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to*

*be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.*

**APPLICANT'S RESPONSE:** Policy 99.10 is not applicable to this application and yet is addressed to increase transparency and so as to not have the appearance of oversight on our part. While Policy 99.10 does not define how many lots comprise a "medium" or a "large" subdivision, a ten (10) lot subdivision remains on the smaller side of subdivisions given the history of such residential subdivision developments in McMinnville. Although there have not been many smaller residential subdivision plans submitted or approved in McMinnville in recent years, a fairly recent example of this scale of development not being considered either medium or large, and therefore Policy 99.10 not being either relevant or applied during the land use review and approval process, is the approved land use application for the 17-lot Monika residential subdivision (S 2-19), the approved 20-lot Heiser Addition residential subdivision (S 1-16), as well as the approved land use application for the Minor Modification of the Heiser Addition subdivision (S 1-17). While Policy 99.10 was not found to be applicable to the residential scale of these developments. similarly, this current proposal would result in the platting of a total of ten subdivision lots and this Policy is similarly found to not be applicable to this review.

**FINDING (CHAPTER V): SATISFIED WITH CONDITIONS.** Subject to conditions of approval, the applicant's narrative and plans demonstrate the proposed subdivision tentative plans complies with the goals and policies for Chapter V. A condition of approval specifies that a sewer capacity analysis may be required.

*GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.*

*Policies*

*117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*

*118.00 The City of McMinnville shall encourage development of roads that include the following design factors:*

1. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
3. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*

4. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

*119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

*122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.*

*3. Local Streets*

- *Designs should minimize through-traffic and serve local areas only.*
- *Street widths should be appropriate for the existing and future needs of the area.*
- *Off-street parking should be encouraged wherever possible.*
- *Landscaping should be encouraged along public rights-of-way.*

**APPLICANT'S RESPONSE:** Goal VI 1 and Policies 117.00, 118.00 (1-5), 119.00 and 122.00(3) are satisfied by this proposal in that most of the proposed lots will legally abut a local residential public street for a distance of at least 25 feet. This street will be developed to current City standards with adequate capacity to safely accommodate the expected trip generation resulting from this development and its connection to the surrounding street network. Lots 6 and 7 will be provided vehicular access by way of a 20-foot wide private access tract with a paved improvement 15-feet in width leading eastward from SW Emily Drive to the west edge of Lot 7 and located adjacent to the northern edge of Lots 5 and 6. Lot 4 will be provided vehicular access by way of a 15-foot wide private access easement extending westward from the southerly extension of SW Emily Street and across the northern length of Lot 3 for the benefit of Lot 4.

The local residential public street (SW Emily Drive) that is to be extended south to serve this subdivision will be designed to Complete Streets standards as required by the City. Nine of the ten proposed lots will be provided vehicular access to this new street extension with Lot 1 retaining its singular vehicular access to SW Cypress Lane (Lot 8 will also retain access to its garage from SW Cypress Lane as well as abutting the proposed cul-de-sac for a distance of at least 25-feet in length.). It is informative to note that SW Emily Drive will carry subdivision generated vehicle trips for a distance of three-blocks north of the proposed subdivision where SW Emily Drive connects with the City's larger transportation

network at its intersection with SW Alexandria Street providing a through direct connection between SW Cypress Lane and SW Hill Road; a minor collector and minor arterial, respectively.

While residential cul-de-sac streets are discouraged where opportunities for through streets exist, extension of SW Emily Drive through to the southern edge of the site for future continuation southward to serve other properties is problematic in that those properties are already developed as large lot single family residences. With that extension not being viable, this development plan proposes to terminate SW Emily Drive in a cul-de-sac design within the subdivision with on-site vehicle traffic exiting the site to the north. Construction of the proposed street to the required City standards for local streets will result in minimal impact on natural features while providing safe and sufficient access to each lot. Further, this alignment and compliance with City requirements relative to complete streets incorporates prescribed consideration of all modes of transportation.

*Policies*

*126.00* *The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*

*127.00* *The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.*

**APPLICANT'S RESPONSE:** Policies 126.00 and 127.00 are satisfied by this proposal in that the required off-street parking will be provided for all residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two on-site parking spaces for each single-family residence as per 17.60.060(A)(5) is the most exacting standard among potential dwelling unit types). Regarding single-family residences that may be constructed on one or more of these lots, four paved off-street parking spaces will be provide for each residence (two-car driveways with two-car garages) which is 200% of that which is required by the applicable standard of the McMinnville Zoning Ordinance. The only exception to this will be Lot 1 which, due to the necessary removal of the existing garage in order to avoid creation of a side yard setback encroachment upon approval of these applications, may be provided with an R-3 setback compliant single-wide carport rather than a garage.

*Policies*

*130.00* *The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.*

*132.00* *The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.*

*132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.*

**APPLICANT'S RESPONSE:** Policies 130.00, 132.00 and 132.15 are satisfied by this proposal in that the public sidewalks that will be constructed as part of the required street improvements will provide pedestrian connections within this subdivision and to locations beyond this subdivision. Public streets designed to implement the requirements of the Bicycle System Plan (Chapter 6) of the McMinnville Transportation System Plan (TSP) provide for enhanced bicycle connection of residential areas to activity areas throughout town such as the downtown core, areas of work, schools, community facilities, and recreation facilities. Dedicated bicycle street design elements of the Bicycle System Plan are specifically applicable to collector and arterial streets and, as identified in Exhibit 2-4 of the TSP (Complete Street Design Standards), are not part of the street design standards of either Neighborhood Connector or Local Residential streets such as the proposed extension of SW Emily Drive. Exhibit 2-4 of the McMinnville TSP also demonstrates that bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets; SW Emily Drive is identified in Exhibit 2-3 (Street Functional Classification) of the McMinnville TSP as a Local Street. The street proposed as part of this subdivision request is a continuation of SW Emily Drive and will accommodate bike facilities in the form of Shared Lanes as prescribed by adopted City plans. These referenced exhibits are provided below. By designing and constructing the proposed local residential street to the applicable requirements of the TSP's Complete Streets Design Standards, and by the findings presented above, these Policies have been met.

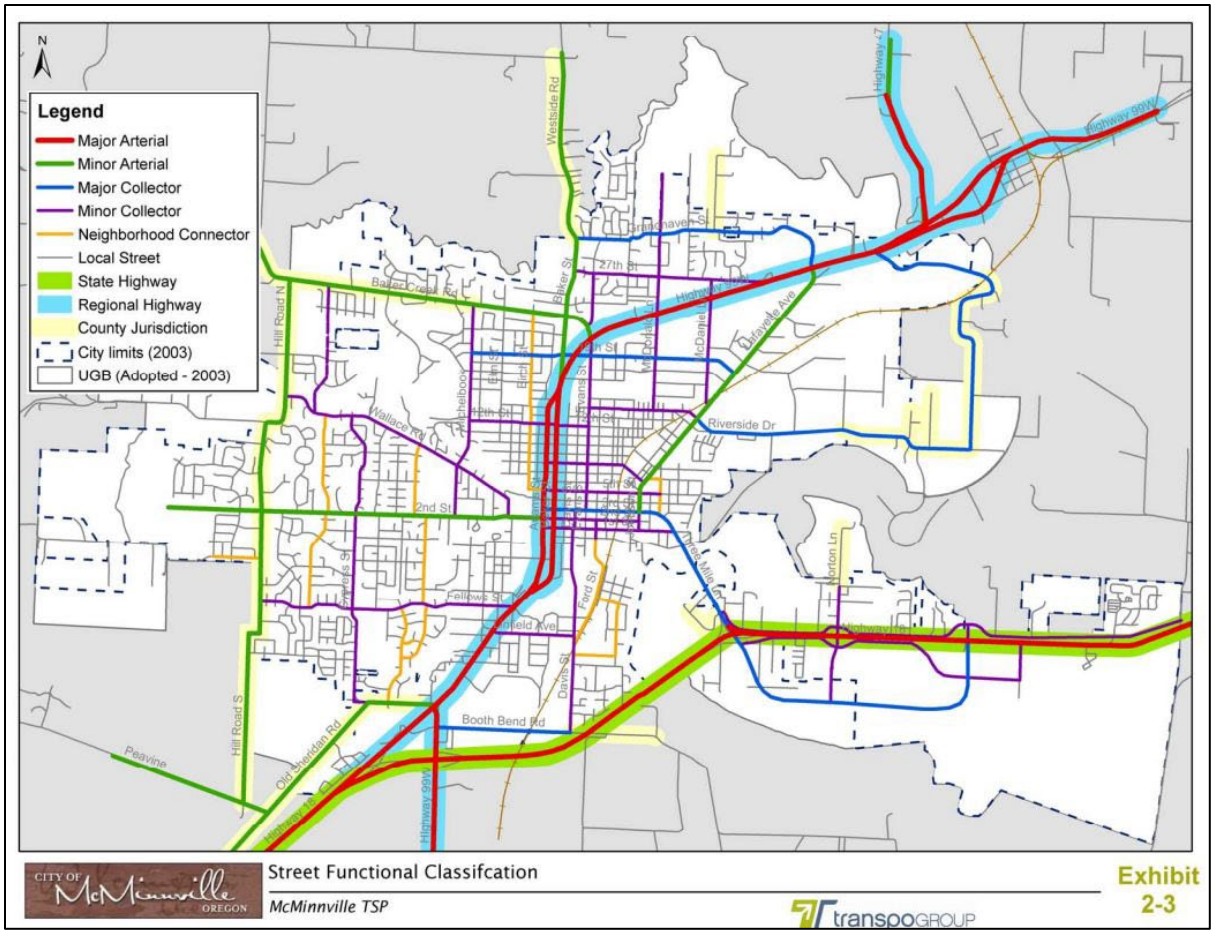

N
Legend
Major Arterial
Minor Arterial
Major Collector
Minor Collector
Neighborhood Connector
Local Street
State Highway
Regional Highway
County Jurisdiction
City limits (2003)
UGB (Adopted - 2003)
Westside Rd
Hill Road N
Hill Road S
Baker St
Adams St
Davis St
Ford St
Evans St
Michelbook Ln
Wallace Rd
Riverside Dr
Lafayette Ave
McDaniel Ln
Fellows St
Booth Bend Rd
Old Sheridan Rd
Peavine
Highway 99W
Highway 47
2nd St
5th St
27th St
Norton Ln
Highway 18
CITY OF McMinnville OREGON
Street Functional Classifcation
McMinnville TSP
transpoGROUP
Exhibit 2-3

Exhibit 2-4 Complete Streets Design Guideline

**Complete Street Design Standards**

| | | | Arterial | | Collector | | Neighborhood Connector | Local Residential | Alley |
|---|---|---|---|---|---|---|---|---|---|
| | | | Major | Minor | Major | Minor | | | |
| Streetscape | Street Profile | Auto/Truck Amenities (lane widths) [1] | 2-4 lanes (12 ft.) | 2 lanes (11 ft.) | 2 lanes (11 ft.) | 2 lanes (10 ft.) | See Street Width | See Street Width | 20 ft. |
| | | Median / Center Turn Lane | 14 ft. | 12 ft. | 12 ft. | 10 ft. | None | None | None |
| | Bike | Bike Facility [2] | 2 Lanes (6 ft.) | 2 Lanes (6 ft.) | 2 Lanes (5 ft.) | 2 Lanes (5 ft.) or Shared Lane | Shared Lane | Shared Lane | None |
| | | Curb-to-curb Street Width [3] | | | | | | | |
| | | On-Street Parking | | | | | | | Not Apply |
| | | Two Sides | na | na | na | 30 or 40 ft. | 28 ft. | 28 ft. | |
| | | None | 74 ft. | 46 ft. | 44 ft. | 30 or 40 ft. | | | |
| | Pedestrian Zone (with ADA requirements) | Pedestrian Amenities [4] | | | | | | | |
| | | Sidewalks (both sides) | 8 ft. Com | 5 ft. Res<br>10-12 ft. Com | 5 ft. Res<br>10-12 ft. Com | 5 ft. Res<br>10-12 ft. Com | 5 ft. | 5 ft. | None |
| | | Planter Strips | | 6 ft. Res<br>na Com | 6 ft. Res<br>na Com | 6 ft. Res<br>na Com | 5 ft. Res | 5 ft. Res | None |
| | | Preferred Adjacent Land Use - Intensity | High | Medium to High | Medium | Medium | Medium to Low | Low | Low |
| | Traffic Management | Maximum Average Daily Traffic | 32,000 | 20,000 | 16,000 | 10,000 | 1,200 - 3,000 | 1,200 | 500 |
| | | Traffic Calming | Not Typical | Not Typical | Not Typical | Permissible/ Not Typical | Permissible/ Not Typical | Typical | Not Typical |
| | | Managed Speed [5] | 35 mph | 30-35 mph | 25-30 mph | 25 mph | 25 mph | 15-25 mph | 10 mph |
| | | Through-traffic Connectivity | Primary | Typical | Typical | Typical | Not Typical | Not Permissible | Not Permissible |
| | | Access Control | Yes | Yes | Some | Some | No | No | No |
| | | Maximum Grade | 6% | 6% | 10% | 10% | 12% | 12% | 12% |
| | | Right-of-Way: | 104 ft. | 96 ft. | 74 ft. | 56 ft. (no bike lane)<br>66 ft. (bike lane) | 50 ft. | 50 ft. | 20 ft. |

General Design Notes:

1 Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lanes widths shall be 12 feet.

2 An absolute minimum bike lane width for safety concern is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur only in locations where existing development along an established route or other severe physical constraints preclude construction of the preferred facility width.

3 Street design for each development shall provide for emergency and fire vehicle access.

4 Sidewalks 10-12 feet in width are required in commercial areas to accomodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrina access.

5 Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.

6 None with on-street parking.

Street Design Standard Notes:

(a) Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.

(b) The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land developments already present or proposed in the area.

(c) The right-of-way, street width, improvement standards, and turnaround radius of commercial/industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.

(d) Intersection curb radii shall be no less than 25 feet. On-street parking shall not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within a 60-foot distance of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and installation of "No Parking" signs as approved by the City Engineering Department.

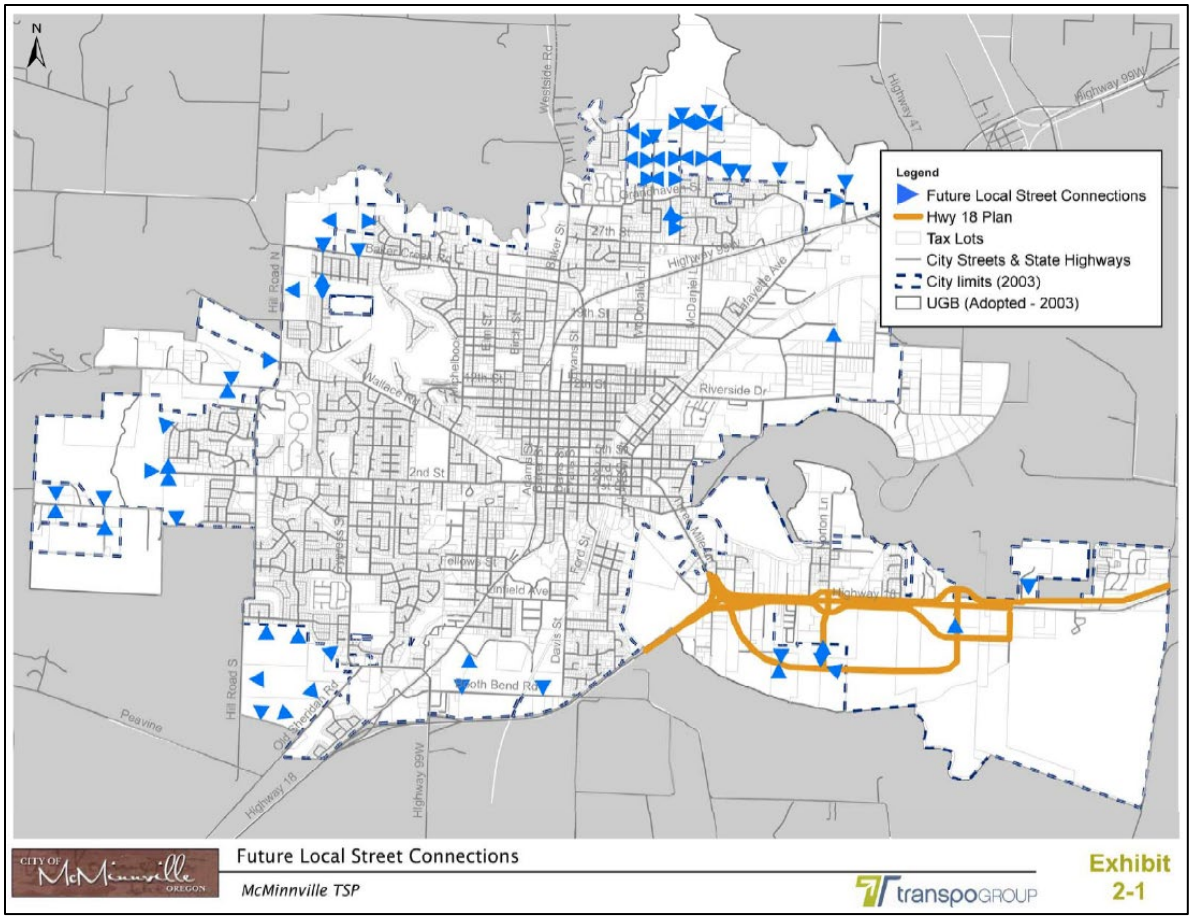
(e) Sidewalks and planting strips shall not be required along eyebrows.

(f) For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department.

*Policy*

*132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** Policy 132.26.05 is satisfied by this proposal in that the proposed street connection and the associated pedestrian and bicycle features prescribed by City requirements and provided in this proposal and its exhibits are consistent with the applicable local street connectivity elements outlined in the McMinnville Transportation System Plan (TSP). The southerly extension of SW Emily Drive to serve this site is specifically identified on the Future Local Street Connections graphic identified in McMinnville's TSP as Exhibit 2-1 (provided below for graphic reference) and is implemented by this proposal.




*Policy*

*132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand - both short-term and long-term planned uses.*

**APPLICANT'S RESPONSE:** Policy 132.27.00 is satisfied by this proposal in that the proposed transportation facilities reflect and support this Residential McMinnville Comprehensive Plan designation and supports the established residential development patterns within the surrounding area. The proposed transportation facilities and services for this 10-lot subdivision are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as demonstrated by these associated findings and submitted graphics.

*Policy*

*132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** Policy 132.32.00 is satisfied by this proposal through the construction of the proposed local street connecting with the current southerly temporary terminus of SW Emily Drive. This connection would allow vehicular entry into the proposed subdivision from the north. This street dedication and improvement will also allow for the removal of the temporary vehicle barricade currently installed on SW Emily Drive thereby allowing improved fire, medical and police vehicle circulation and emergency access times into this site.

*Policy*

*132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.*

**APPLICANT'S RESPONSE:** Policy 132.35.00 is satisfied by this proposal in that the City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies, and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and these submitted findings of fact, this Policy is satisfied.

*Policies*

*132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:*

*1. Pedestrian circulation,*

*2. Enhancement of emergency vehicle access,*

*3. Reduction of emergency vehicle response times,*

*4. Reduction of speeds in neighborhoods, and*

*5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.*

*132.41.05 Cul-de-sac streets – Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints.*

*132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.*

*132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.*

*132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.*

**APPLICANT'S RESPONSE:** Policies 132.41.00 (1-5), 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this request in that the proposed public street connects to an established safe, interconnected and efficient system of existing residential streets. There are no arterial streets within or adjacent to this development site. SW Cypress Lane, a minor collector street, is adjacent to the east edge of the site however, due to the preferred connection established by the McMinnville TSP, the proposed local street extension will not connect with SW Cypress Lane. The proposed street is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and as required by the applicable portions of the McMinnville Zoning Ordinance Chapter 17.53 (Land Division Standards) which are further addressed in findings provided below. Vehicular access to the connecting street system promotes safe street connectivity to the surrounding transportation network. Additionally, the vehicular travel speed within this site is based on an adopted street classification scheme identified in the McMinnville TSP. The proposed street is designed to be a local residential street and, as such, is limited to a legal vehicular travel speed of 25 miles per hour as is the vehicular travel speed of the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating matters related to noise, pedestrian and bicycle movement, and aesthetics as can be seen in the adjacent residential neighborhoods and others throughout the city. This proposed local residential street connection also implements and supports Policy 118.00(5) and McMinnville's Future Local Street Connections plan (Exhibit 2-1 of McMinnville's TSP) as also addressed elsewhere in these findings.

Additional information relative to potential concerns related to safety are found in Chapter 4 of the McMinnville TSP; Chapter 4 then refers to Appendix I of the TSP to provide details and addresses implementation. Appendix I provides the specifics of the Neighborhood Traffic Calming Program (NTCP) which provides three major types of traffic calming devices for local residential streets: vertical deflection, horizontal deflection, and obstruction. The Program outlines policies and procedures by which problem areas are studied and possible neighborhood traffic calming measures are identified and applied as

warranted by the findings of such a study. Since the public street to serve this development site does not yet exist on-site, there are no existing or known on-site problem areas that need or warrant studies in order to consider the effectiveness of implementing any of the various neighborhood traffic calming measures provided in Appendix I of the adopted TSP.

*Policies*

*132.43.05 Encourage Safety Enhancements – In conjunction with the residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:*

*1. Traffic circles;*

*2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);*

*3. Landscaping barriers between roadway and non-motorized uses;*

*4. Landscaping that promotes a residential atmosphere;*

*5. Sidewalks and trails; and*

*6. Dedicated bicycle lanes. (Ord. 4922, February 23, 2010)*

*132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** Policies 132.43.05 (1-6) and 132.43.10 are satisfied by the proposal for reasons previously provided in findings addressing Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 above. In addition, traffic circles (or roundabouts) are specific traffic control and enhancement design solutions for application in specific circumstances warranting their construction. Two possible traffic circle locations were identified in McMinnville's adopted Transportation System Plan (TSP) Appendix D – TSP Project Summaries, to potentially be located along SW Fellows Street and along NW Baker Creek Road. McMinnville's first two traffic circles have been constructed at the intersections of NW Hill Road and NW Baker Creek Road, and NW Hill Road and NW Wallace Road. The construction and dedication of the currently proposed extension of SW Emily Drive, a local residential street, does not warrant the construction of a traffic circle.

The proposed local residential street is shown on the attached graphic exhibits to be designed with a five-foot wide curbside planter strip separating the roadway from the pedestrian uses along both sides of the street within the future right-of-way dedication. The existing blocks of SW Emily Drive are designed to this standard and the proposed

street will be an extension of this design. These planter strips will be landscaped to promote a residential atmosphere as shall be approved by the McMinnville Landscape Review Committee upon submittal and successful review of a public right-of-way planter strip landscape plan. The design of the proposed cul-de-sac street complies with the Complete Street Design Standards of the McMinnville TSP in that the street is designed with a curb-to-curb width of 28-feet within a 50-foot right-of-way and a bulb radius of 45-feet with a curb-to-curb radius dimension of 33 feet as per the McMinnville TSP Section 30 Streets, Subsection A 2. Within the cul-de-sac bulb, the sidewalk shall be curb tight with no planting strip as required in the McMinnville TSP Section 30 Streets, Subsection S. Designated bike lanes or raised or painted crosswalks are not warranted within this proposed subdivision as per City requirements.

*Policy*

*132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.*

**APPLICANT'S RESPONSE:** Policy 132.46.00 is satisfied by the proposal in that the street design, construction and maintenance methods required by the City were adopted to, in part, implement each element of this policy. These design, construction and maintenance methods administered by the City are satisfied as demonstrated in this proposal and as will be adhered to through the entirety of the design, construction, inspection and approval process prior to the platting of this subdivision.

*Policy*

*132.46.05: Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.*

**APPLICANT'S RESPONSE:** Policy 132.46.05 is satisfied through this proposal's compliance with the applicable elements of the McMinnville Transportation System Plan and the McMinnville Zoning Ordinance as addressed in these Findings. The street is proposed to be located in an efficient manner as described in this proposal and designed in a manner compliant with the McMinnville TSP and all City requirements for local residential streets as shown in the attached graphics and as shall be required by associated conditions of approval of this subdivision request.

*Policy*

*132.54.00: Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged*

*to achieve a more healthful environment that reduces pollution and noise to foster a more livable community.*

**APPLICANT'S RESPONSE:** Policy 132.54.00 is satisfied by this proposal in that, through its approval, the City will have demonstrated support and encouragement of efforts that promote health and the environmental benefits of walking for the individual and for the broader McMinnville community. This would be achieved by the City's support for the creation of the proposed local residential street extension of SW Emily Drive to serve new residences with biking and walking opportunities. This is further demonstrated by the City's support for the proposed creation of a 10-foot wide pedestrian pathway (with a hard surface width of 5-feet) connecting the southerly extension of SW Emily Drive with SW Cypress Lane to serve residents of this subdivision. These opportunities created by this proposed local street and sidewalk system and connecting pedestrian pathway will enhance pedestrian circulation within this residential portion of the city. A municipal endorsement of this vehicular and pedestrian plan through the approval of this proposal not only promotes walking for health and community livability, but also helps to preserve a healthier environment by providing an additional opportunity for pedestrian and bicycle movement as opposed to only vehicular movement.

**FINDING (CHAPTER VI): SATISFIED WITH CONDITIONS.** Compliance with these goals and policies is predominately satisfied through construction of transportation facilities built to city standards and specifications and through the lot and access layout, as well as through development standards that apply at the time lots are developed. The proposed plan, subject to conditions of approval, satisfies the goals and policies of Chapter VI.

*GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.*

*Policies*

*136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*

*139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:*

*1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*

*2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*

3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*

4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

*142.00* *The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*

*143.00* *The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

*144.00* *The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

*145.00* *The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

1. *Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*

2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*

3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*

4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*147.00* *The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

*151.00* *The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*

3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*

4. *Federal, state, and local water and waste water quality standards can be adhered to.*

5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT'S RESPONSE:** Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site and its future residential use. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site as proposed. The City's administration of all municipal water and sanitary sewer systems according to the Goals and Policies of the McMinnville Comprehensive Plan and Implementing Ordinances guarantees adherence to federal, state, and local quality standards. The City of McMinnville is required to continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities to developing areas and in making land-use decisions to fulfill peak demands and ensure fire flow requirements and emergency situation needs. Additionally, the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension of utilities as shown on the submitted tentative subdivision plan, and as shall be conditioned through approval of this residential subdivision and companion land use applications.

*Policies*

*153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

*155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

**APPLICANT'S RESPONSE:** Policies 153.00 and 155.00 are satisfied in that emergency service departments will be provided with the opportunity to review this proposal. Additionally, a public street designed to meet all applicable City of McMinnville requirements will provide directly to every lot, or by way of a compliant private access tract serving Lots 6 and 7, and a compliant access easement serving Lot 4.

*GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.*

*Policies*

*163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.*

*163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands.*

*166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.*

*167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.*

*168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.*

*169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.*

*170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used.*

**APPLICANT'S RESPONSE:** Goal VII 3 and Policies 163.00, 163.05, 166.00, 167.00, 168.00, 169.00 and 170.05 are satisfied in that park fees shall be paid for each housing unit at the time of each building permit application as required by McMinnville Ordinance 4282, as amended. There is no portion of this site that is located within the 100-year floodplain for utilization as greenways or special use parks, nor are there distinctive natural features or

areas for retention as open space. Additionally, while the McMinnville Parks, Recreation, and Open Space Master Plan does not call for the development of a community or neighborhood park in this location, this site is well served by utilization of the recreational space provided by the nearby Discovery Meadows park located along SW Cypress Lane approximately 300 feet north of this site's northeastern corner.

**FINDING (CHAPTER VII): SATISFIED WITH CONDITIONS.** Subject to conditions of approval, the applicant's narrative and plans demonstrate compliance with the community facilities and services goals and policies.

*GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.*

*Policy*

*173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.*

*177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

**APPLICANT'S RESPONSE:** Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided opportunity to review and comment regarding this proposal prior to the issuance of the Planning Department's staff report.

*Goal VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.*

*Policy*

*178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.*

**APPLICANT'S RESPONSE:** Goal VIII 2 and Policy 178.00 are satisfied by this request as the development proposes a compact form of urban development commensurate with the requested R-3 zoning designation of the subject site. This zoning designation allows residential uses inclusive of small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. While, at the time of this application submittal, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots, most of the dwelling types permitted by the R-3 zone can be accommodated on each of the proposed lots which provides a potential wide range of dwelling type options which we will assess responsive to market needs at the time of development. The southerly extension of SW Emily Drive as shown on the submitted residential tentative subdivision plan will provide safe and efficient access opportunities to each of the residences with limited code compliant alternative accesses noted above in previous findings.

All of the lots designed for single-family detached use exceed the 6,000 square foot minimum lot size as required by the R-3 zone. Utilities presently abut the site and can be extended in a cost effective and energy efficient manner commensurate with this proposal, and as shall be required as conditioned, by the approval of these land use requests.

**FINDING (CHAPTER VII): SATISFIED WITH CONDITIONS.** Subject to conditions of approval, the applicant's narrative and plans demonstrate compliance with the community facilities and services goals and policies. In part, these policies are also addressed through the prerequisite rezone application.

*GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.*

**APPLICANT'S RESPONSE:** Goal IX 1 is satisfied in that the entirety of the subject site is located within both the McMinnville urban growth boundary and designated as Residential on the City's Comprehensive Plan Map and with the majority of this subdivision site also being located within the McMinnville city limits (the balance of which is the subject of the companion annexation request) and therefore identified for urban development according to applicable standards and requirements. As stated in Policy 71.00, all residential zoning classifications shall be allowed in areas designated as Residential on the Comprehensive Plan Map and the subject site is so designated. Additionally, all urban services are currently available and adjacent to the site making the conversion of this site to urban uses orderly and timely.

*Policy*

*183.00 The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.*

**APPLICANT'S RESPONSE:** Policy 183.00 is satisfied in that the City of McMinnville coordinated with Yamhill County on establishment of the McMinnville Urban Growth Boundary (UGB) and that UGB was acknowledged by the Oregon Land Conservation and Development Commission (LCDC). At that time the land that is the subject of this subdivision application was designated Residential on the McMinnville Comprehensive Plan Map; the Residential designation covers all the zoning designations from R-1 through R-5.

The applications combined in this submittal propose to residentially develop this site to an R-3 urban density and, in doing so, fulfil the applicable Goals and Policies of the McMinnville Comprehensive Plan.

*Policies:*

*187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

**APPLICANT'S RESPONSE:** Policies 187.10, 187.20 and 187.30 are satisfied by this proposal in that the City of McMinnville adopted Great Neighborhood Principles as part of Volume II of the Comprehensive Plan in 2019. The adoption of such principles found in the following policies fully articulate the aspirations of the three policies referenced in this finding.

*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.*

**APPLICANT'S RESPONSE:** Policy 187.40 specifies that McMinnville's Great Neighborhood Principles shall guide applicable current land use and development applications such as this subdivision request. As Great Neighborhood Principles are addressed in findings below, this policy is satisfied. Additional findings relevant to Great Neighborhood Principles previously provided as part of the annexation and zone change findings above are also incorporated into the Great Neighborhood Principles findings provided for this subdivision application by this reference.

*Policy:*

*187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.*

*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.*

*2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*

*a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT'S RESPONSE:** There are no watercourses, sensitive lands, steep slopes or wetlands within this subdivision site. Peavey Reservoir and the southwest branch of Cozine Creek to the southwest is not located within the subdivision site. There are also no significant onsite natural features or landscapes since this site is virtually flat and has been used as rural residential yards since the existing homes were constructed. Regarding vistas or skylines, the territorial view from this property is to the west over adjacent rural land which recently burned as the result of a local brush fire. Views to the north and east will be of urban residential neighborhoods while views to the south and west will be of the currently existing larger lot residential development. While there are no landmark trees identified on this site, there is a stand of fir trees located in the northwesternmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence in the northeast corner of the site, abutting SW Cypress Lane. Preservation of this stand of trees would result in the loss of approximately 1.5 building lots from this proposed subdivision; given the location of the southerly extension of SW Emily Drive that is proposed and would be required by the City, preservation of this tree stand would eliminate residential development from the west side of the SW Emily Drive extension within the annexation parcel. In light of this policy however, we propose to work with the City on potential individual tree retention without the loss of these two proposed building lots which would equate to a loss of one-fifth ($1/5^{th}$) of the proposed subdivision's buildable lots. Policy 187.50 (1) and (2) has been satisfied.

*Policy:*

*187.50*

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*

   a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*

   b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*

   c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*

   a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*

   b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*

   a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*

   b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*

   a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*

   b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

    a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*

    b. *Design practices should strive for best practices and not minimum practices.*

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

    a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

    b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*

    c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*

    a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*

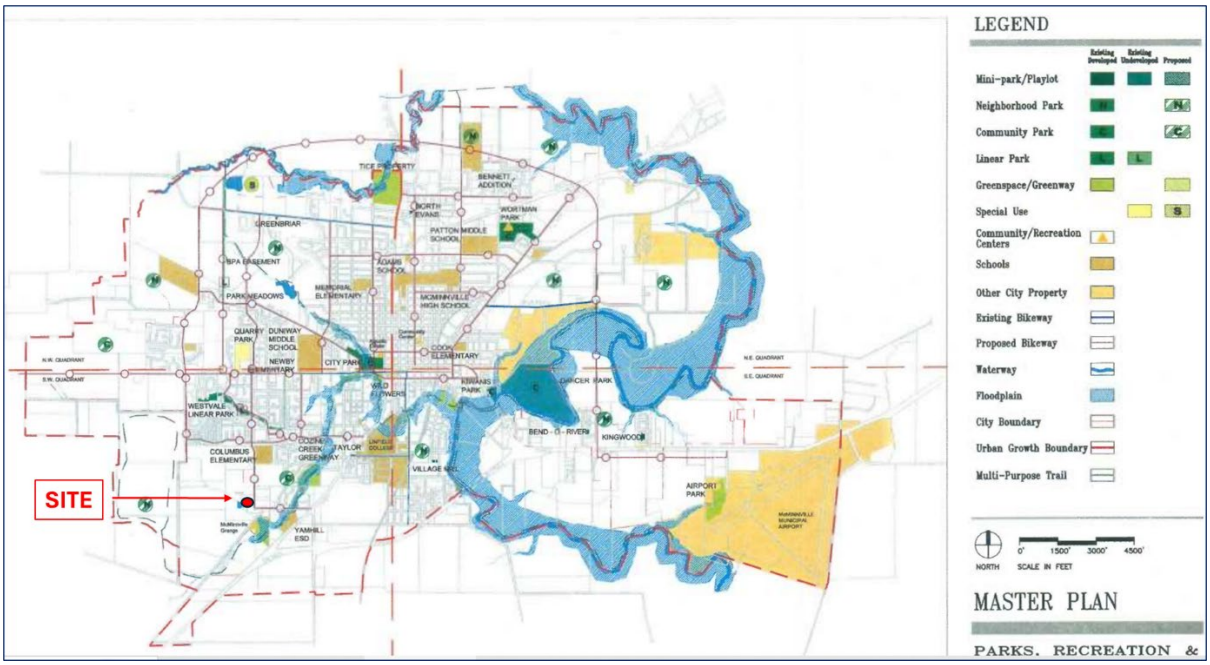
    b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*

    c. *Neighborhoods are designed such that owning a vehicle can be optional.*

10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*

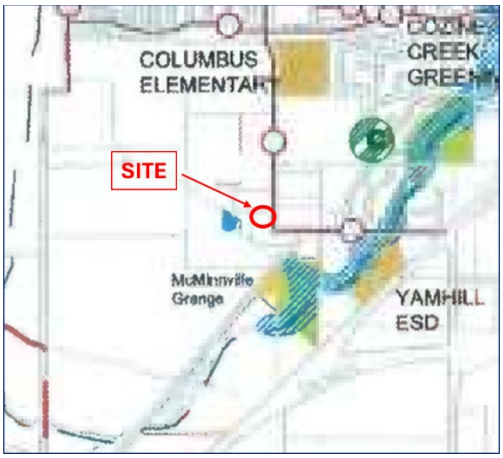
    a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT'S RESPONSE:** We propose to make fee-in-lieu payments to the City for each residence at the time of construction rather than dedicating parkland from this site. The current McMinnville Parks, Recreation, and Open Space Master Plan (1999) does not call for the development of a community or neighborhood park in this location. "Pocket parks", which have become more popular in recent years were not a projected park type need in the Parks Master Plan nor a park type to be required of residential subdivisions unless through the mechanism of a Planned Development which is not part of this combined application submittal. Moreover, this site is well served by utilization of the recreational space provided by the established Discovery Meadows Park located approximately 300 feet north of the site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive. The current Parks Master Plan projected park needs map is reproduced here for your convenience and does not indicate the need for a park at this site.




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1303/1999_mac_parks_master_plan.pdf

An enlargement of a portion of that park plan map is provided here demonstrating that there are no projected parkland needs that directly impact the subject site.




While this development plan does not propose a trail system such as that referenced in Policy 187.50 (3)(a) a paved pedestrian pathway is proposed to connect the proposed extension of SW Emily Drive with SW Cypress Lane for enhanced pedestrian connectivity within the immediate area.

The proposed residential development will see the southerly extension of SW Emily Drive from its current temporary southerly terminus to serve the undeveloped portion of the project site. This public street extension will be designed and constructed to city standards resulting in an extension of the existing public street network that is pedestrian, bike and other transit friendly in order to provide ease of use for people of all ages and abilities such that owning a vehicle can be optional.

Additionally, Policy 187.50 (4)(b) states that a pedestrian connection is to be provided from cul-de-sacs to commercial areas, schools, community facilities, parks, trails and open spaces and between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet). While this site would not create a cul-de-sac with a length exceeding 400 feet, and this site does not have the ability to provide a direct pedestrian connection to a commercial area, school, community facility, park, trail or open space, such a pedestrian connection is still included as part of this subdivision design. As mentioned above relative to Policy 187.50 (3)(a), a paved pedestrian pathway is proposed to connect the proposed extension of SW Emily Drive with SW Cypress Lane for enhanced pedestrian connectivity within the immediate area. This five-foot wide paved pathway will be located within a 10-foot wide tract and serve to enhance non-vehicular movement between this neighborhood and the surrounding area.

The lot sizes and dwelling types allowed by the R-3 zone, by design, elicit a human scale to neighborhood design. The location of this development site, and the larger project area, provide easy and convenient access to nearby recreational activities (Discovery Meadows Park), educational opportunities (Columbus Elementary School) and convenient access to the city's broader transportation network leading to commercial and professional areas (Highway 99W located some ½ mile distance from the development area) such that owning a vehicle can be optional. These opportunities and the design of the proposed street and pedestrian connection are bike friendly and will provide a safe and enjoyable experience that encourages the use of bikes by people of all ages. This proposed development will

connect to the existing street grid system as directed by the McMinnville TSP and shall be non-exclusive and shall be accessible and allow the ease of use by all.

By proposing lot sizes and a street design commensurate with that of existing adjacent urban scale residential development, this subdivision provides for a compatible human scale that fosters human interaction with the built environment, particularly through the provision of public sidewalks, street trees, a dedicated pedestrian connecting pathway in addition to future dwelling unit types with compliant building heights that either exist or are becoming more common in nearby neighborhoods as encouraged by the City.

Policy 187.50 (8)(c) specifically encourages application of the principles of CPTED (Crime Prevention through Environmental Design). CPTED started domestically and has now gained wide international acceptance due to law enforcement efforts to embrace it. Policy 187.50 specifically cites CPTED standards as applicable for public spaces which technically includes public rights-of-way design and their improvements since public streets are open for use by the general public. CPTED recommendations that are employed in this proposal include:

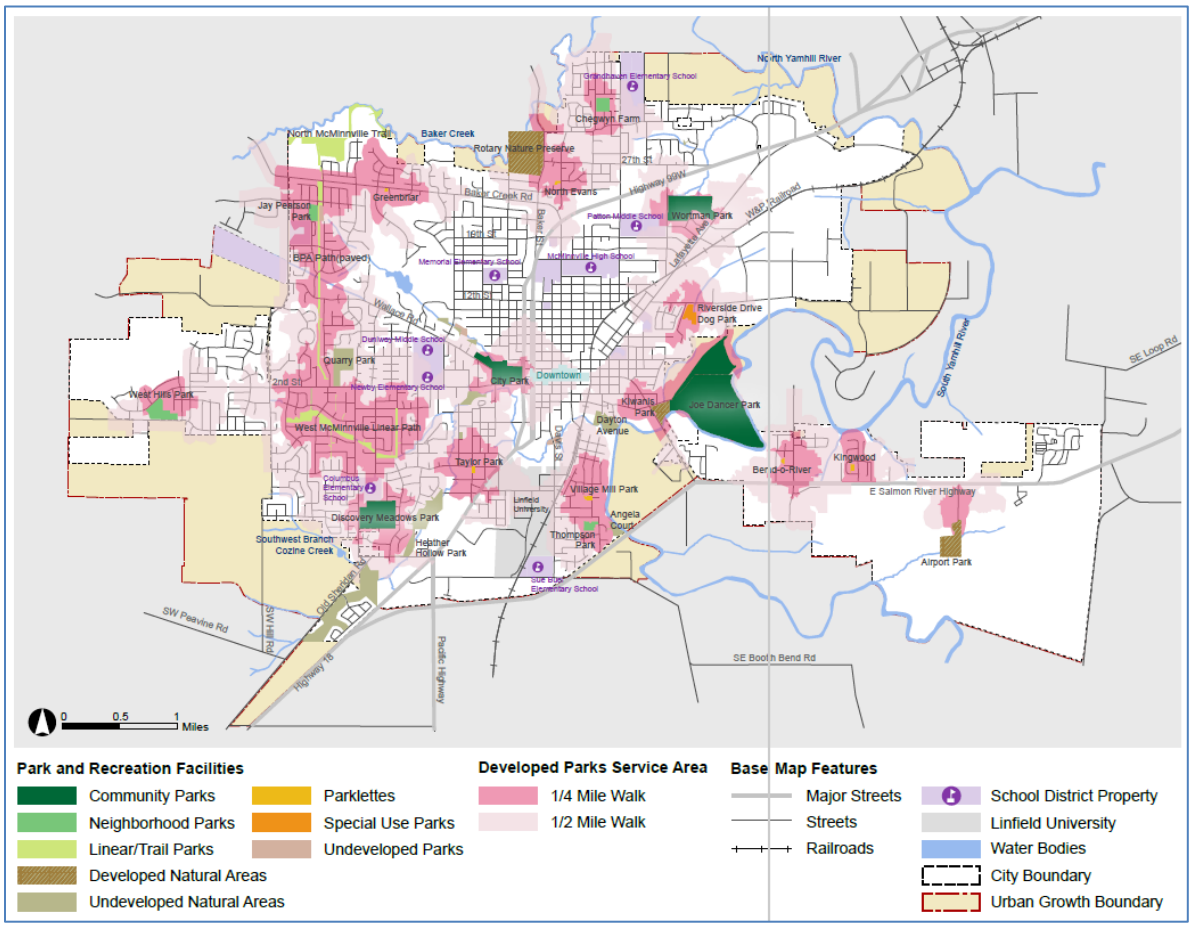
- A public street extension and creation of a pedestrian connecting path to increase both pedestrian and bicycle traffic.
- Residential windows that will look out onto sidewalks.
- Approved "crime-safe" landscape design for the soft-scape portions of the 10-foot wide pedestrian tract.
- Approved street tree planting plan with resilient, scale appropriate trees in locations so as to not create clear-vision obstructions.
- A cul-de-sac street which will provide multiple viewpoints to residential entrances.
- Natural vehicular access control as there are no street intersections within this neighborhood.

The requested rezoning of this site to R-3 is consistent with the base zone of the adjacent neighborhoods to the north eliminating the need for employment of additional residential buffers beyond that of traditional R-3 zoned residential yard requirements. The only true urban-rural interface that exists with this subdivision is located along the western edge of the annexation area and is limited to a distance of approximately 75-feet. The rural land beyond that portion of the site's western edge is a small captured area located between this portion of the proposed subdivision, Peavey Reservoir and the Kathleen Manor Manufactured Home neighborhood. As the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood abuts this captured piece of rural land for a distance of some 450 feet along its subdivision boundary, and no additional buffer or design requirements were assessed to that development along this edge, it is our position that no such additional buffers or design requirements would be required of this subdivision's urban-rural edge in order to achieve a cohesive and consistent residential design and pattern with that of the existing adjacent residential development.

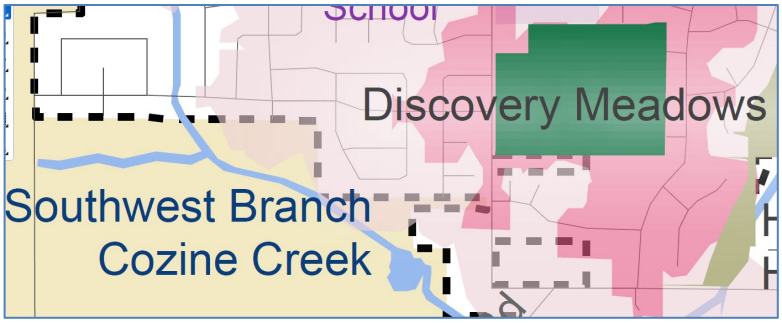
It is prudent at this point to mention the City's current, ongoing public review of the draft McMinnville Parks, Recreation and Open Space Plan (2024). At the time of the preparation of this application submittal, it is unclear if this new draft parks plan will have already been adopted by the City and therefore applicable to this application. In the interest of

transparency and potential park or other recreational compliance obligations, we address the relationship between that draft plan and this development site.

The development area that is the subject of these combined applications is shown on Map 4-1 (Developed Parks Service Area) of the Draft McMinnville Parks, Recreation and Open Space Plan to be both within a ¼ Mile Walk and also within a ½ Mile Walk from the Developed Park Service Area of Discovery Meadows Park (both distances are referenced by this Plan). This Plan makes clear that the public park recreation needs of the entire subject development site is well served by Discovery Meadows Park. Regarding any future park location that might directly impact this development site, Map 5-1 (Future Parks & Recreation System) of the draft Plan do not identify any portion of this site as being needed for any identified future park type. Map 5-1 is provided here for your reference.




An enlargement of a portion of Map 4-1 near the proposed development site is provided on the following page (please refer to the legend above for graphic orientation).




The requirements of Policy 187.50 (3-10), as applicable to this subdivision application, have been satisfied.

*Policy:*

*187.50*

11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*

    a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

    a. *Neighborhoods shall have several different housing types.*

    b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

    a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*

    b. *Opportunities for public art provided in private and public spaces.*

    c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**APPLICANT'S RESPONSE:** Policy 187.50 (11-13) is satisfied by this request since the companion annexation and zone change applications propose that this subdivision site

annexed to the City and zoned R-3 which supports almost all residential dwelling types available through the McMinnville zoning scheme. This makes housing opportunities possible for people and families with a wide range of incomes, and for people and families of all generations and in all stages of life. Development of this residential land will demonstrate residential construction exhibiting variety in building form and design employing environmentally friendly construction techniques and energy efficiency consistent with Great Neighborhood Design Principles as required by the City. We also endorse and agree that similar housing types, when immediately adjacent, will exhibit a variety in building form and design. Neighborhood design elements and features (e.g., street lights and paved surfaces) will be consistent in design and complementary to those found within the adjacent Cypress Meadows First Addition neighborhood to the north through which one will travel to access nine of these proposed ten lots if arriving by vehicle. Upon final approval of this combined joint proposal, we endeavor to work with the City regarding individual Great Neighborhood Design elements as appropriate.

**FINDING (CHAPTER VII): SATISFIED WITH CONDITIONS.** Subject to conditions of approval, the applicant's narrative and plans demonstrate compliance with the urbanization goals and policies.

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

*GOAL X 2:* *TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.*

*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.*

**APPLICANT'S RESPONSE:** Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires that the applicant of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095 and is addressed in findings below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All

members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

**FINDING (CHAPTER IX): SATISFIED.** The application is subject to neighborhood meeting requirements, and the concurrent review of this application together with the rezone is being reviewed through the procedure type that provides the greatest opportunity for public involvement.

***Annexation Agreement (Instrument #202506840)***
*https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/community_development/page/26596/7_annexation_agreement_b._cook_city_of_mcm_-_final_recorded_agreement.pdf*

**APPLICANT'S RESPONSE: N/A.**

**FINDING: SATISFIED WITH CONDITIONS.** The conditions of approval require compliance with all conditions of the annexation agreement.

***State Law***
***OAR 660-012-0060. Transportation Planning Rule, Plan and Land Use Regulation Amendments***
*https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=292996*

**APPLICANT'S RESPONSE:** For the same reasons articulated in the annexation and zone change findings provided above, this proposed rezoning request must be found to be in compliance with the Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR is to ensure that future land use and traffic growth is consistent with local transportation system planning and does not create a "significant effect" on the surrounding transportation beyond currently allowed potential uses on the site.

As this TPR analysis is specific to the subdivision development plan proposed by way of these companion applications, it is the most relevant and meaningful TPR test provided in this submittal. Incorporating and utilizing the same type of analysis and comparison as above, it remains helpful to note that current conditions on these two parcels are each developed with one single-family detached residence. The ITE manual identifies 9.43 daily trips for each residence which brings the current total daily trips being generated from this site to 19.

This subdivision application requests approval of a ten-lot residential subdivision. For the purposes of establishing the theoretical maximum potential daily trip generation from this site for this TPR analysis we assume Quadplex development for each of the ten lots. [The TPR methodology employed for Zone Change findings above is incorporated and relied on here by this reference.]

For ten lots, there would be a theoretical maximum of 40 Quadplex dwellings possible for this subdivision site; 10 lots X 4 dwellings per lot = 40 dwellings. Using the ITE average daily trip rate for single-family attached homes of 7.2 trips per unit (which is a higher trip

generation than single family attached / Quadplex and therefore a more rigorous TPR test) yields a projected maximum of 288 daily trips that could be generated from this site based on 40 theoretical Quadplex units. Subtracting the 19 current-conditions trips from this total yields a proposed increase of 269 new daily trips. These 269 theoretical daily trips are substantially less than the 400 daily trip threshold that would trigger a "significant effect" identified by the Transportation Planning Rule. that could potentially be realized if this site was rezoned devoid of a specific development proposal such as this subdivision request.

As shown through the TPR analysis provided at each stage of this proposal (annexation, zone change and subdivision), this combined proposal remains within the TPR compliance threshold at every step. The requirements of Oregon's Transportation Planning Rule have been satisfied by this analysis and this combined proposal fully complies with those requirements and does not trigger any transportation system enhancement or development related transportation mitigation under TPR regulation.

**FINDING: NOT APPLICABLE.** OAR 660-012-0060, Transportation Planning Rule, Plan and Land Use Regulation Amendments, applies to plan and land use regulation amendments. It is not applicable to subdivision applications.

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

**Office Use Only:**
File No. ZC 2-24
Date Received 6/20/2024
Fee $5,667.00
Receipt No. 210046
Received by AW

569-24-000132-PLNG

# Comprehensive Plan Map Amendment/ Zone Change Application

## Applicant Information

**Applicant is:** ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other _____

Applicant Name Bruce Cook Phone [redacted]

Contact Name _____ Phone _____
*(If different than above)*

Address [redacted]

City, State,

Contact Em

## Property Owner Information

Property Owner Name _____ Phone _____
*(If different than above)*

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

## Site Location and Description

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

Property Address 1525 SW Cypress Ln & 1465 SW Cypress Ln

Assessor Map No. R44 30AD 00201 -30AD 00100 Total Site Area .9 Acre & 1.8 Acres = 2.7 Acre

Subdivision _____ Block NA Lot NA

Comprehensive Plan Designation NA Zoning Designation EF80 & R1

This request is for a:

☐ ***Comprehensive Plan Amendment*** ☒ ***Zone Change***

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.

See Attached

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2).

See Attached

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.

N/A

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation.

N/A

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.

See Attached

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request.

See Attached

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use. See Attached

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? See Attached

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

- ☑ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to* ***an electronic copy*** *with the submittal.*
- ☐ *A legal description of the parcel(s), preferably taken from the deed.*
- ☑ 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.**

Bruce Cook — 6/19/24
Applicant's Signature — Date

Nika Cook — 6/19/24
Property Owner's Signature — Date

# - Land Use Applications -

- **Annexation**
- **Zone Change**
- **Residential Subdivision**

| | |
|---|---|
| Submitted to: | City of McMinnville, Planning Department<br>231 NE Fifth Street<br>McMinnville, OR 97128 |
| Owner/Applicant: | Bruce Cook<br>[redacted] |
| Owner's Consultant: | Newberg Surveying, Inc.<br>[redacted] |
| Yamhill County Tax Map: | T. 4 S., R. 4 W., W.M., 30AD 00100<br>T. 4 S., R. 4 W., W.M., 30AD 00201 |
| Site Size: | Approximately 0.9 acres and 1.8 acres<br>Total site acres: 2.7 acres |
| Zoning: | EF-80 - Exclusive Farm Use - 80-acre minimum<br>and,<br>R-1 - Single-Family Residential |

## I. Executive Summary

I am pleased to submit this land use proposal for consideration and approval. This proposal is comprised of an Annexation application, a Zone Change application and a Residential Subdivision application. The aim of this proposal is to bring 0.9 acres of land into the McMinnville city limits and to rezone this and other adjacent land (2.7 total acres) to R-3 (Two-Family Residential) consistent with nearby residential zoning to allow for additional urban residential development within the McMinnville City Limits.

The submitted companion applications of this proposal are:

- Approval of an annexation application on approximately 0.9 acres of land.
- Approval of a zone change application on approximately 2.7 acres of land from the site's current zoning designations of EF-80 (Exclusive Farm Use – 80-acre Minimum) (0.9 acres and approximately 33% of the site) and R-1 (Single-Family Residential) (1.8 acres and approximately 67% of the site) to an R-3 (Two-Family Residential) zoning designation.
- Approval of a two phase 10 lot tentative residential subdivision plan on approximately 2.7 acres of land that would provide the opportunity for urban residential development.

The submitted tentative plan proposes a southerly extension of SW Emily Drive to serve the site.

## II. Site and Vicinity Description

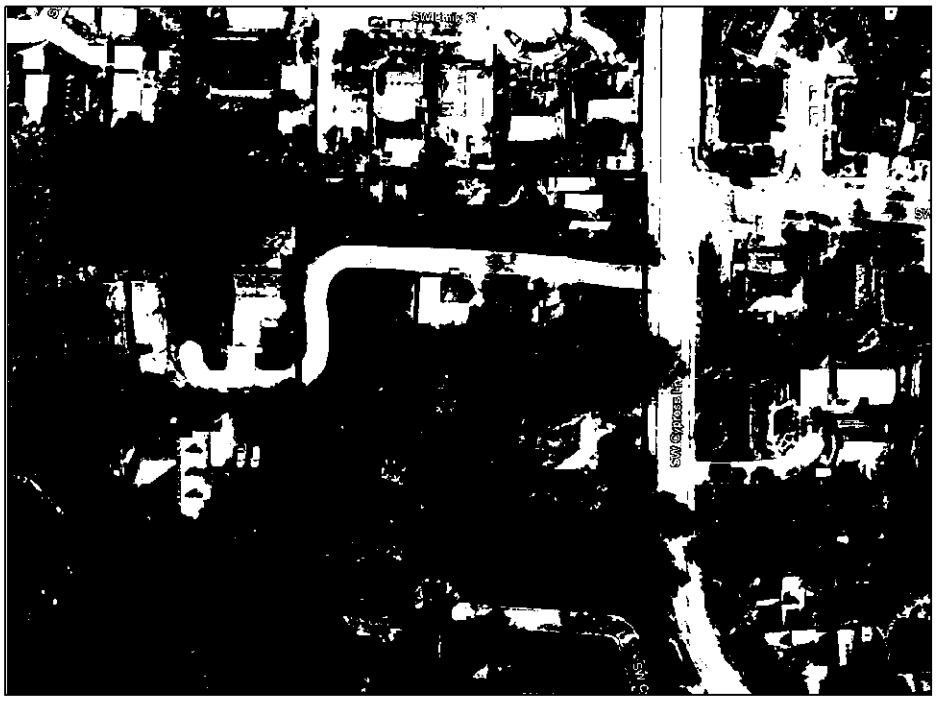
The project site which is the subject of these companion applications totals approximately 2.7 acres in size and is generally located west of SW Cypress Lane and south of the Cypress Meadows First Addition residential subdivision. The site is currently comprised of two parcels of land, each of which is improved with a single-family residence and outbuildings. Both of the existing residences are currently provided direct vehicular access from SW Cypress Lane. Three offsite parcels improved with residences and located west of the project site are currently provided vehicular access to SW Cypress Lane by way of access easements crossing the project site. Future vehicular access to one of these offsite parcels will be provided directly by SW Emily Drive with the other two continuing to be accessed through an existing private access easement that does not impact and is not within the boundary of the proposed subdivision. The joint use access currently crossing the subject site will be extinguished commensurate with the development of this proposed subdivision. Numerous utility and access easements extend through the subject site that will also be extinguished and/or modified as necessary as part of the development of this subdivision. While a tributary to Cozine Creek lies offsite and west of the project area, there are no wetlands or other sensitive lands on the site and no portion of the project site lies within the 100-year floodplain.

The comprehensive plan designation of the portion of the project site that is proposed for annexation is identified as Residential on the McMinnville Comprehensive Plan Map. The area

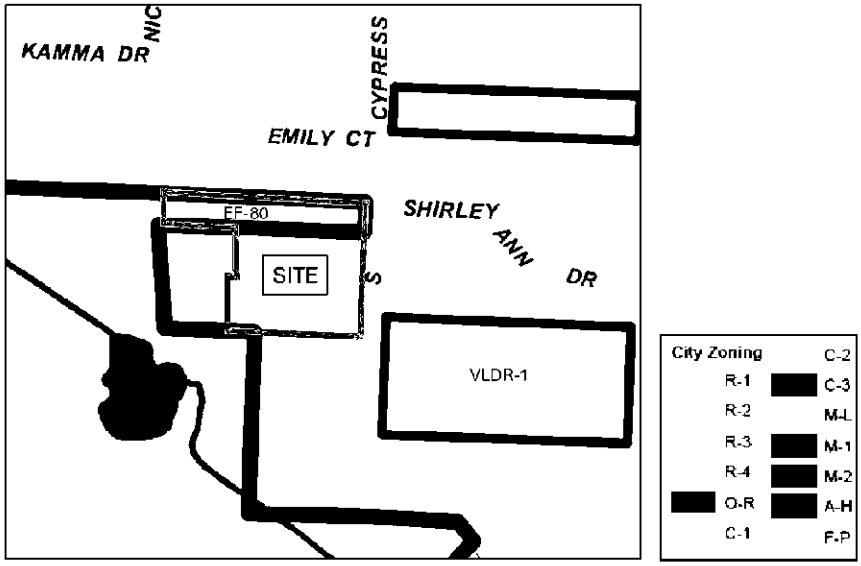
of the project site proposed to be annexed is identified as EF-80 (Exclusive Farm Use – 80-acre Minimum) on the Yamhill County Zoning Map with the balance of the development site being identified as R-1 (Single-Family Residential) on the McMinnville Zoning Map.

The Cypress Meadows First Addition residential subdivision and the southeast corner of the Kathleen Manor Manufactured Home neighborhood, both zoned R-3 PD (Two-Family Residential, Planned Development) lie adjacent to the full northern edge of the project area. Adjacent to the site's eastern edge is SW Cypress Lane beyond which is the Harmony Fields Addition residential subdivision as well as residentially developed unannexed land. Adjacent rural residential style development exists to the west and along the site's southern edge.

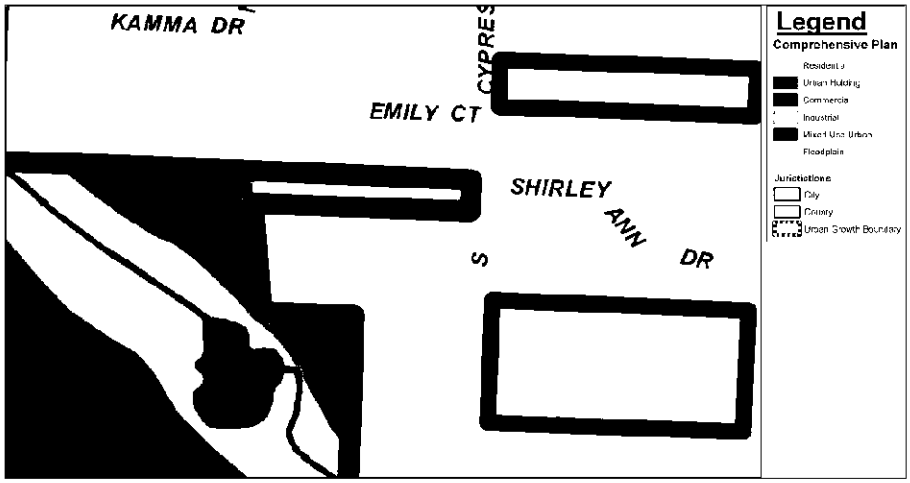
An aerial view of the project site and structures is provided below.



The existing zoning of the project site and surrounding lands are depicted in the graphic below.




It is noted that the online electronic version of the McMinnville Comprehensive Plan Map appears that it may contain an erroneous graphic artifact. This artifact depicts this site's annexation area as having no comprehensive plan designation whereas this area is actually and historically designated as Residential on the City's Plan map. It is not the case that this annexation area remains undesignated (uncolored) because it is intended as future public right-of-way since the City's adopted Transportation System Plan (2010) shows the intended public access to serve this area to be by way of a southerly extension of SW Emily Drive and not a westerly extension of SW Shirley Ann Drive.



## III. Requests

- Approval of an annexation application on approximately 0.9 acres of land.

- Approval of a zone change application on approximately 2.7 acres of land from the site's current zoning designations of EF-80 (Exclusive Farm Use – 80-acre Minimum) (0.9 acres and approximately 33% of the site) and R-1 (Single-Family Residential) (1.8 acres and approximately 67% of the site) to an R-3 (Two-Family Residential) zoning designation.

- Approval of a two phase 10 lot tentative residential subdivision plan on approximately 2.7 acres of land that would provide the opportunity for urban residential development.

For general orientation to the site and the main elements of the proposed tentative subdivision plan, there are two existing residences on the site; both of which are currently provided direct individual vehicular access to SW Cypress Lane. These two residences are visible along the site's eastern edge adjacent to SW Cypress Lane as can be seen in the aerial site graphic provided above. Three offsite residences located west of the project site are currently provided vehicular access to SW Cypress Lane by way of access easements crossing the project site. Future vehicular access to one of these offsite parcels will be provided directly by SW Emily Drive with the other two continuing to be accessed through an existing private access easement that does not impact and is not within the boundary of the proposed subdivision.

All of the proposed ten lots comply with the R-3 zone minimum lot size requirements and applicable dimensional land division standards of Chapter 17.53 of the McMinnville Zoning Ordinance. While the specific future dwelling unit type intended for each of these proposed lots is yet to be determined, most of the lots are designed to accommodate a number of dwelling unit types permitted within the R-3 zone. As part of the phased design of the submitted subdivision plan, four lots are proposed to be platted in Phase I with the remaining six lots and a pedestrian pathway to be platted in Phase 2.

The materials contained in the narrative and conclusionary findings of fact of this proposal address the relevant criteria for approval of the annexation request, zone change request and the residential subdivision request. Individual applications for the proposed Annexation, Zone Change and the Residential Subdivision request have been prepared and filed with the City to run concurrently. Each of these three applications require separate decisions by the McMinnville Planning Commission and/or the McMinnville City Council and each of those decisions are to be based on distinct findings of fact for each application. This proposal provides such findings of fact for each of these applications supporting a decision for approval for each.

## IV. Development Concept Statement

In addition to this submittal's addressing of the McMinnville Goals and Policies of Volume II of the Comprehensive Plan and the requirements provided in the McMinnville Zoning Ordinance (Volume III of the Comprehensive Plan), which are provided in findings below, McMinnville's

Annexation application form also requests that the applicant provide a Development Concept Statement addressing numerous elements within eight categories summarizing the overall development concept and methods by which the physical and related social environment of the site, surrounding area, and the community will be enhanced. This section provides that statement.

This annexation request is paired with other companion applications to provide an opportunity to develop currently underutilized land at an urban density for residential use. McMinnville's Housing Needs Analysis (2023) demonstrates that McMinnville is in need of additional housing of all types including those dwelling unit types permitted by the R-3 zone to meet projected dwelling unit needs through the year 2041. Further, that Analysis also demonstrates that McMinnville is also in need of additional R-3 zoned land in order to provide opportunities for that housing need to be met. This proposed annexation, when paired with its attendant zone change request, will bring approximately 0.9 acres of land into the city limits and rezone that land to R-3. Approval of that zone change request will also rezone the site's remaining 1.8 acres of land currently zoned R-1 to an R-3 designation. These approvals paired with the companion subdivision application will provide the opportunity for the applicant to move forward with infrastructure development and platting of a two-phased residential subdivision to make additional medium-density housing available to current and, perhaps, future McMinnville residents and subsequently provide some of the needed housing units identified by the City.

Through the infrastructure construction and residential building phases of this project, employment opportunities in McMinnville will be enhanced as opportunities will exist for employment of members of the local work force to complete these development phases which enhances McMinnville's economy and will have a positive impact on the livelihood of those gainfully employed. McMinnville will also benefit from increased tax revenues upon completion of the residences that are to be constructed within the proposed 10-lot subdivision.

The livability of McMinnville will be enhanced by the provision of medium density residences on Residentially Planned land which is currently underutilized; the proposed zoning and development of which is consistent with adjacent and nearby neighborhoods. More specifically, the livability achieved through this annexation and the future development of this land is the same as that of existing developed adjacent R-3 PD zoned neighborhoods to the north. Being developed to a typical R-3 zone density, this 0.9 acre annexation site would blend completely with those existing adjacent R-3 PD zoned neighborhoods yielding no negative impacts on them in terms of density, uses, building heights, noise or other characteristics of typical R-3 style development.

Through the future development phase of this 0.9 acre site there will be no negative environmental impacts since there are no wetlands, riparian areas or other sensitive lands, drainage swales or waterways on this site. Additionally, environmentally sound construction and building techniques will be employed throughout as required by the City. Energy conservation will be realized through the completion of this residential development plan in that additional housing opportunities will be made available within walking distance to a public transit stop currently located on SW Cypress Lane just south of its intersection with SW Emily Drive and located some 300 feet from the northeast corner of this annexation site. This transportation efficiency opportunity results in a potential reduction of vehicle miles traveled within the broader community. The Discovery Meadows public park is also located on SW Cypress Lane some 300 feet north of the annexation site's northeastern corner which provides public recreation opportunities within a short distance from the annexation site; actual walking distance of

approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive. Such walking, recreational and public transit opportunities go toward enhancing the social fabric of our neighborhoods and the broader community.

Locating a small, newly designated R-3 zoned medium density housing opportunity adjacent to neighborhoods already developed to R-3 allowable densities will not elicit negative physical, aesthetic or social impacts to surrounding development or the larger nearby area. Rather, this proposed density and development will blend with and complement the density and design of nearby urban development already approved and supported by the City. As to the small amount of rural style residential development south of the proposed subdivision area, the closest house to this site lies some 20-feet south of the subdivision boundary's southern edge. Considering this approximate 20-foot existing side yard setback, when added to the 20-foot rear yard setbacks that would be required of proposed lots 9 and 10, yields an approximate 40-feet of residential building separation which is greater than is required of most of the City's approved Planned Development neighborhoods and their adjacent neighborhoods. We contend that the impacts of this grouped set of applications results in a desirable neighborhood consistent with nearby and adjacent development and helps positively meet residential needs identified by the City.

The subdivision application that is part of this combined submittal proposes a two-phase residential subdivision. Phase one would see the southerly extension of SW Emily Drive some 75 feet to the southern edge of the annexation parcel. Proposed Lots 2-4 would be served by this extension while Lot 1 would continue to retain its existing vehicular access onto SW Cypress Lane.

Southwest Emily Drive would be further extended south in Phase two terminating in a cul-de-sac and would provide vehicular access to proposed Lots 5-10; Lot 8 will also retain its existing vehicular access onto SW Cypress Lane in order to access the existing attached garage. As part of Phase 2, a 10-foot wide pedestrian tract will be provided adjacent to the south side of Lots 1 and 2 leading eastward from the southerly extension of SW Emily Drive to the eastern edge of the subdivision. This 10-foot wide, paved path will provide a direct pedestrian connection between SW Emily Drive and SW Cypress Lane and will be owned by and will be the maintenance responsibility of all lots within this platted subdivision. Additionally, a 20-foot wide private paved vehicular access tract will be provided along the north edge of proposed Lots 5 and 6 leading eastward from the southerly extension of SW Emily Drive to provide vehicular access to Lots 6 and 7; this tract will also be owned and maintained in common. [It is relevant to note that while the submitted tentative subdivision plan labels the 10-foot wide pedestrian access tract as an easement, it is in fact proposed to be a commonly held tract.]

While residential cul-de-sac streets are discouraged where opportunities for through streets exist, extension of SW Emily Drive to the southern edge of the site for future continuation southward to serve other properties is highly problematic and ill-advised in that those properties are already developed as large lot single family residences. With that extension being non-viable, this proposed development plan is designed to terminate SW Emily Drive in a cul-de-sac design within the proposed subdivision with vehicle traffic exiting the site to the north. [The residences to the south of the proposed subdivision have already redesigned and consolidated their vehicular access to SW Cypress Lane into one access point as part of the City's redesign of the SW Cypress Lane – Old Sheridan Road intersection realignment project.]

In addressing future impacts to the existing nearby street network of potential new vehicle trips that could be generated by this proposed development, we rely on trip generation data supplied by the current Edition of the ITE Manual (Institute of Traffic Engineers Trip Generation Manual) and the range of possible dwelling unit types allowed by both current and proposed zoning; allowing a "before and after" comparison to assess potential impact. This traffic analysis is provided elsewhere in findings below and incorporated here by this reference.

Generally, it is instructive to note that McMinnville's local residential public streets are designed with a daily carrying capacity of 1,200 vehicle trips as identified in Exhibit 2-4 – Complete Streets Design Guidelines of the adopted McMinnville Transportation System Plan. As is demonstrated in findings provided below the local residential public street (SW Emily Drive) that is to be extended south to serve 9 of the 10 lots in this proposed subdivision (Lot 1 will retain its sole current access to SW Cypress Lane) will sufficiently accommodate the maximum potential number of new vehicle trips that could be generated by these companion land use applications without triggering noncompliance with TPR (Transportation Planning Rule) requirements.

It is of interest to note that SW Emily Drive will carry these future vehicle trips northward for a distance of three-blocks north of the proposed subdivision where SW Emily Drive currently connects with the City's larger transportation network at its intersection with SW Alexandria Street providing a through direct connection to SW Cypress Lane and to SW Hill Road; a minor collector and minor arterial, respectively. These collector and arterial streets will similarly not be overburdened by the addition of these new daily vehicle trips to the network.

Adjacent public facilities will be extended to serve this development site. Generally, and prior to platting, sanitary and storm sewer services will be extended southward within the proposed public right-of-way from their current locations at the SW Emily Drive temporary terminus. From the proposed subdivision these systems will generally flow northward and enter the existing public systems at the north edge of the proposed subdivision. This subdivision's utility extensions will be the financial responsibility of the applicant to complete prior to platting; as this is a phased subdivision, these improvements will occur in two sequential phases. Other services such as Northwest Natural Gas, water and electricity which serve the adjacent subdivision to the north and are readily available at the north edge of the project area will similarly be phased and provided by the applicant.

## V. Conclusionary Findings for Approval of the requested Annexation

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for an Annexation are specified in the McMinnville Municipal Code (MMC).

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.

Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Historically in this volume are the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) have also been contained in this volume. Volume I informed Volumes II and III of the McMinnville Comprehensive Plan and is often not directly applicable to land use development applications.

1. Bruce Cook is requesting:

    - Approval of an annexation application on approximately 0.9 acres of land.

2. The subject site is approximately 0.9 acres in size and is generally located west of SW Cypress Lane and south of the Cypress Meadows First Addition residential subdivision and is more specifically described as R4430AD 00100. The site is currently zoned EF 80 – 80-acre minimum) on the Yamhill County Zoning Map and designated as Residential on the McMinnville Comprehensive Plan Map.

3. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, Recology, McMinnville School District 40 and the McMinnville Police and Fire Departments can also sufficiently serve this site.

4. The following Goals and Policies of Volume II of the McMinnville Comprehensive Plan are applicable to the 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 which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following findings are made relating to specific Goals and Policies:

Chapter II Natural Resources

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policy

1.00 Urbanizable lands outside the city limits, but inside the Urban Growth Boundary, shall be retained, whenever possible, in agricultural use until such time as they are needed for urban development.

Findings:

Goal II 1 and Policy 1.00 are satisfied in that the subject site has been retained in a largely rural setting with only one single-family house and small outbuildings located on the 0.9 acre site. As such, the impact on the quality of air, water and land resources within the planning area has been minimal while retaining opportunities for urban density residential development upon approval of the necessary land use applications.

Chapter V Housing and Residential Development

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy:

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

Findings:

Goals V 1 and V 2 and Policy 68.00 are satisfied by this annexation request in that approval of this application would make possible the review and approval of the companion zone change and subdivision applications to provide the opportunity for additional housing stock to be added to the City. Upon development approval, the application of the Uniform Building Code guarantees the quality of the housing. An urban level of services can be made available to adequately serve development on the site. The subject site is located within the urban growth boundary and is adjacent to established residential development thereby promoting a compact urban form.

Policies:

58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.

Findings:

Policies 58.00, 71.00 and 71.05 are satisfied by this annexation request in that the Residential comprehensive plan designation, which is carried by the subject site, allows for development of a variety of housing types and densities within the area. Approval of this annexation application would add additional buildable land to the City's land inventory which, when accompanied by the companion zone change and subdivision applications, would be residentially developed to help meet identified residential needs. The lots, as shown on the companion submitted tentative development plan, would provide medium-density residential development opportunities within the community.

Policy

99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development. Services shall include, but not be limited to:

1. Sanitary sewer collection and disposal lines. Adequate Municipal waste treatment plant capacities must be available.
2. Storm sewer and drainage facilities (as required).
3. Streets within the development and providing access to the development, improved to city standards (as required).
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).
5. Energy distribution facilities and adequate energy resource supplies.

Chapter VI Transportation System

Policy:

117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Chapter VII Community Facilities and Services

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

Policy

Sanitary Sewer System:

136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Storm Drainage:

Policy

142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Water System:

Policy

144.00 The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

145.00 The City of McMinnville, recognizing the City Water and Light Department as the agency responsible for water system services, shall extend water services within the framework below:

1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.

2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.

4. Applicable policies for extending water services, as developed by the City Water and Light Department, are adhered to.

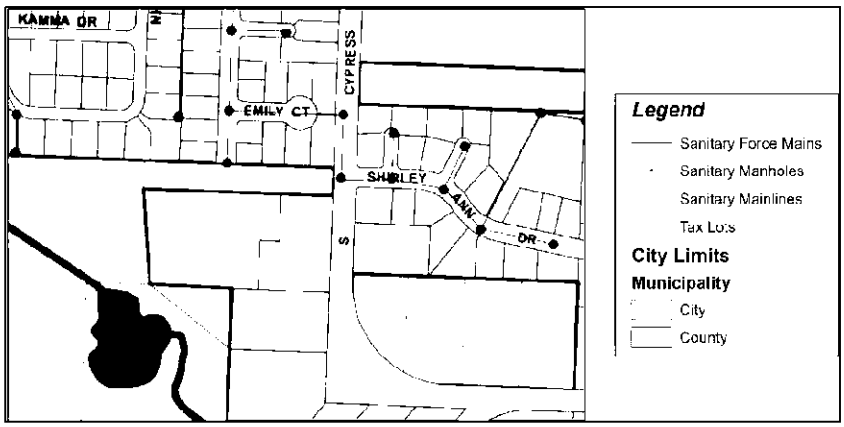
147.00 The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.

Findings:

Goal VII 1 and Policies 99.00, 117.00, 136.00, 144.00, 145.00 and 147.00 are satisfied by this request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made adequately available to serve the proposed annexation area. This site would be provided vehicular access from the southerly extension of SW Emily Drive; an internal local public residential street system that would be constructed at the time of infrastructure development and prior to platting. Additionally, the water reclamation facility has adequate capacity to serve and accommodate additional future residential use on this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. All affected municipal agencies and utility providers will be provided opportunity to review and comment on this annexation request thereby ensuring the coordinated provision of utilities to the annexation area as well as being provided the opportunity to review and comment on the companion applications.

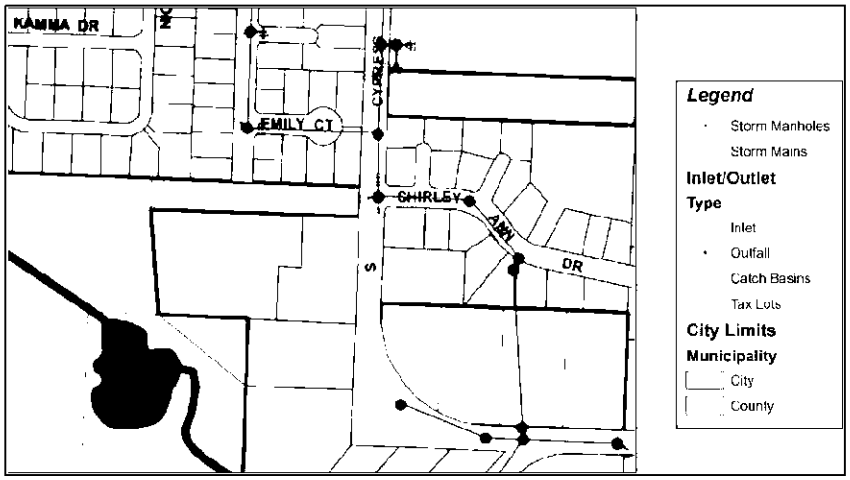
The graphics below are provided to demonstrate adjacency of public sanitary and storm utilities available to serve this site.

Sanitary Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/sanitary.pdf

Storm Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/storm.pdf

Policy 142.00 will be satisfied in that this annexation site and the balance of the proposed development area will be converted in an orderly manner to urban standards through the coordinated extension of utilities as addressed in the companion subdivision application. Prior to future infrastructure construction, an adequate storm water drainage system will be designed to specifications as determined and approved by the City Engineering Department.

Police and Fire Protection:

155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in

evaluating annexation, subdivision proposals, and other major land use decisions.

Finding:

Policy 155.00 is satisfied since the annexation of this 0.9 acre site will not overburden existing police and fire service facilities.

Chapter IX Urbanization

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO INSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

Finding:

Goal IX 1 is satisfied since this property is located within the McMinnville Urban Growth Boundary and all urban services are available or can be made available to sufficiently serve the site. Inclusion of this land within the city limits of McMinnville will assist in meeting projected residential land use needs by providing increased opportunities for urban residential development within the city limits. The orderliness of this application's request is further demonstrated in that the subject site has been identified for future urban residential development since its inclusion into the McMinnville Urban Growth Boundary (UGB) and adjacent land to the north and east have already similarly residentially developed. Both the City of McMinnville and the Land Conservation and Development Commission (LCDC) have deemed this land necessary and appropriate for urban development by its location within McMinnville's present UGB.

Policy:

183.00 The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.

Finding:

Policy 183.00 is satisfied in that this annexation site is identified by the City as Future Urbanizable Land (FUL) since this property is located within the McMinnville UGB yet outside

the current McMinnville city limits. In keeping with this designation, the City has not supported or endorsed any additional rural development on this site since it was first made part of the McMinnville UGB with it's already established existing rural home (circa 1908) ensuring that its original rural character has been preserved.

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.

Finding:

Policy 187.40 specifies that McMinnville's Great Neighborhood Principles shall guide, in part, annexation requests. While Great Neighborhood Principles are required by this policy to be addressed as part of an annexation request, a number of these principles are best suited to be addressed in the findings provided with the companion subdivision application and are so provided there and are also incorporated in these annexation findings by this reference in addition to certain findings for Great Neighborhood Principles presented below.

Policy:

187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.

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.

2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

    a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

Findings:

There are no watercourses, sensitive lands, steep slopes or wetlands located within this annexation site. Peavey Reservoir and the southwest branch of Cozine Creek to the southwest are not located within the annexation area; nor are any portions located within the area

represented by the companion zone change or subdivision applications. There are also no significant onsite natural features or landscapes since this site is virtually flat and has been used as a rural residential "yard" for over 100 years. Regarding vistas or skylines, the territorial view from this property is to the west over adjacent rural land which recently burned as the result of a local brush fire. Views to the north, east and south are, or will be, that of urban residential neighborhoods. While there are no landmark trees identified on this site, there is a stand of fir trees located in the westernmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence. Preservation of this stand of trees would result in the loss of about 1.5 building lots from the proposed subdivision. Given the location of the southerly extension of SW Emily Drive that is proposed and would be required by the City, preservation of this tree stand would eliminate residential development from the west side of the SW Emily Drive extension on this annexation site. In light of this policy however, the applicant proposes to work with the City on potential individual tree retention without the loss of these proposed building lots which would equate to a loss of one-fifth ($1/5^{th}$) of the proposed subdivision's buildable lots. Policy 187.50 (1) and (2) has been satisfied.

Policy:

187.50

3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

    a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.

    b. Central parks and plazas shall be used to create public gathering spaces where appropriate.

    c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.

4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

    a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

    b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).

5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.

    a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.

    b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.

6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.

    a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.

    b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.

7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.

    a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.

    b. Design practices should strive for best practices and not minimum practices.

8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.

    a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.

    b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.

c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).

9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.

   a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.

   b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.

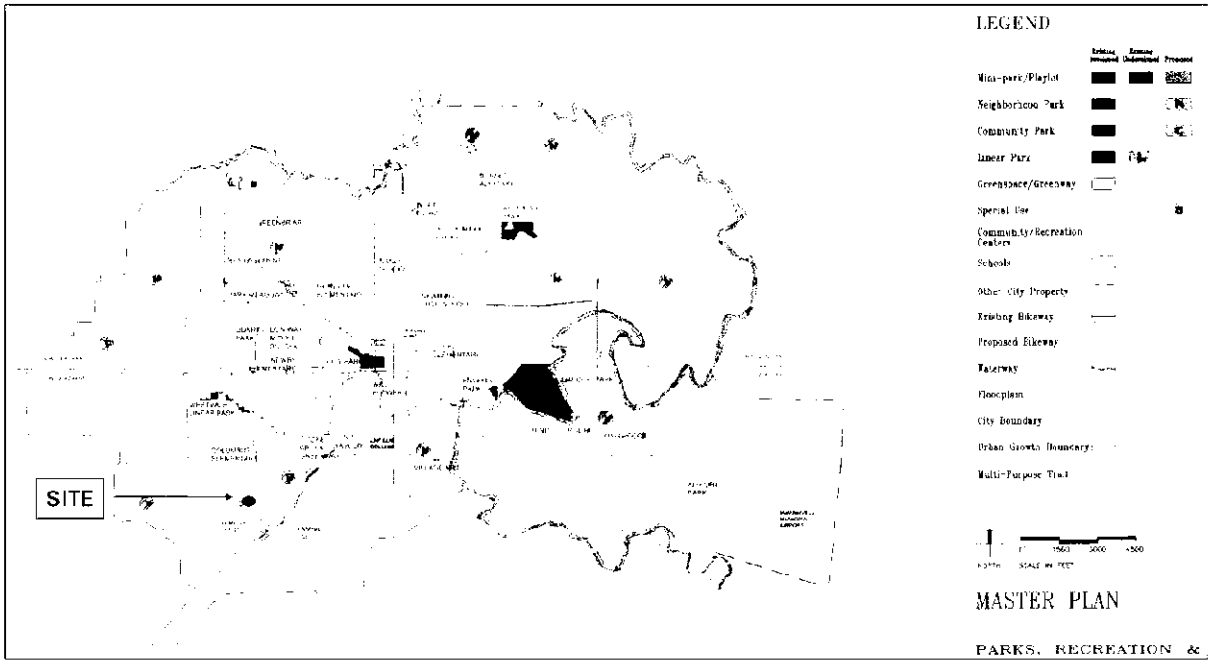
   c. Neighborhoods are designed such that owning a vehicle can be optional.

10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

   a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.

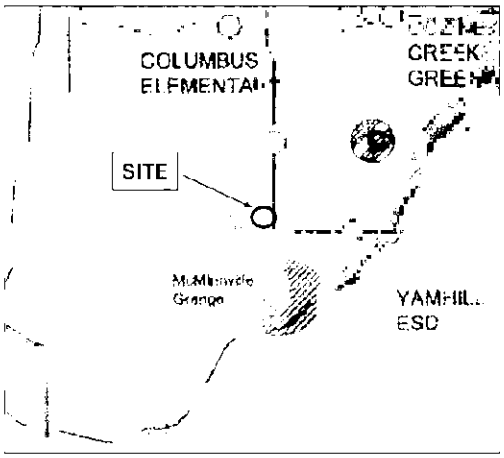
Findings:

While the topic of parkland dedication or a fee-in-lieu payment will be addressed further in findings provided as part of the subdivision application submittal, it is important to note here that the current McMinnville Parks, Recreation, and Open Space Master Plan (1999) does not call for the development of a Community or Neighborhood Park in this location. Moreover, this site is well served by utilization of the recreational space provided by the established Discovery Meadows Park located approximately 300 feet north of the annexation site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive. The current Parks Master Plan Projected Park Needs map is reproduced here for your convenience.




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1303/1999_mac_parks_master_plan.pdf

An enlargement of a portion of that park plan map is provided below demonstrating that there are no projected parkland needs that directly impact the subject site.




As is detailed in the companion subdivision application submitted as part of this application package, the proposed residential development will see the extension of SW Emily Drive from its current temporary southerly terminus to serve the undeveloped portion of the project site. This public street extension will be designed and constructed to city standards resulting in an extension of the public street network that will be pedestrian, bike and other transit friendly to provide ease of use for people of all ages and abilities. Additionally, as part of Phase 2, a 10-foot wide pedestrian access tract with a hard surface five-feet in width will be provided adjacent to the south side of Lots 1 and 2 leading eastward from the southerly extension of SW Emily Drive to the eastern edge of the

subdivision connecting SW Emily Drive with SW Cypress Lane with a pedestrian safe – pedestrian only walkway.

The requested zoning designation for the 2.7 acre site is R-3. The lot sizes and dwelling types allowable within the R-3 zone, by design, elicit a human scale to neighborhood design. The location of this annexation site, as well as the entire subdivision site, provide easy and convenient access to nearby activities (Discovery Meadows Park), education opportunities (Columbus Elementary School) and convenient access to the city's broader transportation network leading to commercial and professional areas (Highway 99W located some ½ mile distance from the development area) such that owning a vehicle can be optional.

The requested zoning designation for the subdivision site is that of the base zone of the adjacent residential neighborhood to the north thereby eliminating the need for additional residential buffers beyond that of the City's traditional R-3 zoned residential yard requirements. The urban-rural interface that exists along the western edge of the annexation area and the rural land beyond is limited to a distance of approximately 75-feet. The rural land beyond the annexation site's western edge is a small, captured area located between the annexation site, Peavey Reservoir and the Kathleen Manor Manufactured Home neighborhood. As the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood abuts this captured rural piece of land for a distance of some 450 feet, and no additional buffer or design requirements were assessed to that development along this edge, it is our position that no such additional buffers or design requirements would be required of this annexation and development proposal and therefore achieve and maintain a cohesive and consistent residential design and pattern with the existing adjacent residential development.

It is prudent to mention the City's current, ongoing public review of the draft McMinnville Parks, Recreation and Open Space Plan (2024). At the time of the preparation of this application submittal, it is unclear if this new draft parks plan will have already been adopted by the City and therefore applicable to this application. In the interest of transparency and potential compliance obligations, we address the relationship between that draft plan and this development site here.

The development area that is the subject of these combined applications is shown on Map 4-1 (Developed Parks Service Area) of the Draft McMinnville Parks, Recreation and Open Space Plan to be located within a ¼ Mile Walk and also within a ½ Mile Walk from the Developed Park Service Area of Discovery Meadows Park. This signifies that the public park recreation needs of the entire subject development site is well served by Discovery Meadows Park. Regarding future park locations that might directly impact this development site, Map 5-1 (Future Parks & Recreation System) of the draft plan do not identify any portion of this site as being needed for any identified future park type.

The requirements of Policy 187.50 (3-10) as applicable to this annexation application have been satisfied.

Policy:

187.50

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

    a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

    a. Neighborhoods shall have several different housing types.

    b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

    a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

    b. Opportunities for public art provided in private and public spaces.

    c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

Findings:

Policy 187.50 (11-13) is satisfied by this request since the area proposed for annexation is designated Residential on the McMinnville Comprehensive Plan Map which supports all residential zoning designations inclusive of housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life. Upon approval of the companion zone change and subdivision applications, development of this residential land will demonstrate residential construction exhibiting variety in building form and design employing environmentally friendly construction techniques and energy efficiency consistent with Great Neighborhood Design Principles as required by the City. Upon final approval of this combined application, we endeavor to work with the City regarding Great Neighborhood Design elements as appropriate.

Master Planning

Policy

187.90.030 Lands less than 10 acres in size may be annexed without the completion of the Master Planning process. Development of these lands shall be consistent with the land uses identified in the adopted Area Plan that is applicable to the land in question. Development of these lands shall be consistent with the land use development tools and requirements of the McMinnville Comprehensive Plan and the McMinnville Zoning Ordinance.

Finding:

The proposed annexation site is less than 10 acres in size and is not required to complete the Master Planning process as allowed by this policy. Therefore, Policy 187.90.030 is satisfied by this annexation proposal.

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.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

Findings:

Goals X 1, X 2, and Policy 188.00 are satisfied by this annexation proposal in that the City of McMinnville has adopted a Neighborhood Meeting program that requires applicants of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this annexation application is subject to those requirements. A Neighborhood Meeting for this, and companion applications, was successfully held on June 6, 2024. While detailed findings demonstrating compliance with these requirements is provided relative to McMinnville Zoning Ordinance Section 17.72.095 as found the findings provided for the proposed subdivision below, they

are relevant here and are incorporated into this finding by this reference. [The reason for locating the full text of these findings with those provided for the subdivision application is that most of the comments and questions received at the Neighborhood Meeting were specific to the proposed subdivision and it is our position is that they are most helpful for review to be provided as part of the subdivision findings. In either case, this reference for their inclusion here does suffice in providing sufficient findings for these requirements relative to this annexation request.]

Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and a completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of these requests at an advertised public meeting. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

7. The following Sections of the McMinnville Municipal Code Section 16 (Ordinance No. 5106) are applicable to this request as decision-making criteria:

16.10.030 Applicability

The following conditions must be met prior to or concurrent with City processing on any annexation request:

A. The subject site must be located within the McMinnville urban growth boundary.

B. The subject site must be contiguous to the existing City limits.

Finding:

The proposed annexation property is located within the McMinnville Urban Growth Boundary and is contiguous to the existing McMinnville City limits along its northern, eastern and southern edges. This proposal satisfies Section 16.10.030.

16.20.020 Annexation Application

An annexation application shall include the following:

A. A list of owners, including partial holders of owner interest, within the affected territory, indicating for each owner:

1. The affected tax lots, including the township, section and range numbers;

2. The street or site addresses within the affected territory as shown in the Yamhill County Records;

3. A list of all eligible electors registered at an address within the affected territory; and

4. Signed petitions as may be required in Subsection B below.

B. Written consents on City-approved petition forms that are:

1. Completed and signed, in accordance with ORS 222.125, by:

a. All of the owners within the affected territory; and

b. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or

2. Completed and signed, in accordance with ORS 222.170, by:

a. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory (ORS 222.170(1)); or

b. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land (ORS 222.170(2)).

3. Publicly owned rights-of-way may be added to annexations initiated by these two methods with consent(s) from the property owner(s).

C. In lieu of a petition form described in Subsection B above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173.

D. Verification of Property Owners form signed by the Yamhill County Assessor/Tax Collector Department.

E. A Certificate of Electors form signed by the Yamhill County Clerk and Elections Department.

F. An ORS 195.305 waiver form signed by each owner within the affected territory.

G. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.

H. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.

I. A map stamped by a licensed surveyor that is to scale and highlights the affected territory and its relationship to the city limits.

J. A list of the districts currently providing services to the affected territory.

K. An adequate level of urban services must be available, or made available, within three (3) years of annexation. An adequate level of urban services is defined as:

1. Municipal sanitary sewer and water service meeting the requirements enumerated in the McMinnville Comprehensive Plan for provision of these services. The sanitary sewer service overall will be considered adequate if the municipal operations are in accordance with federal and state regulations, permits, and orders.

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the City will note requirements such as dedication of rights-of-way and easements, waivers of remonstrance against assessment for road improvement costs, and/or participation in other transportation improvement costs, for application at the appropriate level of the planning process. The City will also consider public costs of the improvements.

3. Documentation of the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

L. A written narrative addressing the proposal's consistency with the approval criteria specified in Chapter 16.30, if applicable.

M. A fee as established by Council resolution.

N. If applicable, a concept master plan as required in MMC Chapter 17.10.060.

Findings:

This annexation application meets and satisfies all of the applicable requirements of 16.20.020 (A-N) as follows. The site of this annexation request is identified as 1465 SW Cypress Lane (more specifically referred to as R44 30AD 00100). Mapping and graphics have been submitted as part of this annexation application indicating the affected tax lot, including the township, section and range numbers, and street address. There are no public rights-of-way located within the annexation area nor are there any private or public easements granting any access

rights to this annexation site to adjacent landowners. One hundred percent of the owners of the annexation area have signed the City approved annexation petition form.

A legal description for the annexation site including adjacent right-of-way has been provided with this application as well as a map stamped by a licensed surveyor that is to scale and highlights the affected territory and its relationship to the McMinnville city limits. The list of districts currently providing services to this site is provided in appropriate locations in the findings submitted to support approval of this application. Additionally, an adequate level of urban services are available or can be made available within three years of annexation to serve future residential development on this site; additional related findings in support are provided in findings below in this submittal and are incorporated here by this reference.

As part of this combined application submittal, a two-phase tentative residential subdivision plan has been provided showing an adequate public right-of-way extension of SW Emily Drive to serve the full development site inclusive of this proposed annexation parcel. This tentative plan also shows proposed right-of-way improvements satisfying current City standards for dedication and construction of local public streets. A written narrative including sufficient findings of fact to justify this annexation request is part of this application submittal; as articulated in these findings, this proposal is not subject to concept master planning requirements found in MMC Chapter 17.10.060. Adequate fees as established by Council resolution have been paid for submittal of this annexation application.

16.40.020 Annexation Agreement

> Properties subject to this Chapter 16.30 must enter into an annexation agreement with the City. The City Council may adopt by resolution an annexation agreement with the owner(s) of property that is proposed for annexation to the City. The annexation agreement shall address, at a minimum, provisions for connection to and extension of public facilities and services to the annexed property. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by the Oregon Revised Statutes. Where public facilities and services are available and can be extended, the applicant shall be required to do so. The annexation agreement shall also describe a process and timeframe for compliance with the McMinnville Comprehensive Plan. The annexation agreement can also have additional requirements for annexation into the city at the discretion of the City Council that responds to overall future growth and development needs of the community.

Finding:

Section 16.40.020 is satisfied in that the applicant agrees to and shall enter into an annexation agreement with the City as directed by the City.

16.40.030 Review Process

A. Annexation Application Submittal. The applicant must submit an annexation application consistent with the requirements of Section 16.20.020.

B. The property owner will sign an annexation agreement to be considered for approval by the City Council either concurrently with or after the annexation application.

Finding:

This annexation application has been submitted to the City consistent with the requirements of Section 16.20.020 and we (the applicant) agree to and shall enter into an annexation agreement with the City as directed by the City.

General Provisions:

17.03.020 Purpose.

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

Finding:

Section 17.03.020 is satisfied by this annexation request for the reasons enumerated in the findings presented above.

Transportation Planning Rule

The Oregon Transportation Planning Rule (TPR) is more directly applicable to and most meaningful to the analysis of the potential traffic impacts of the combined submittal of these three companion applications. However, findings must be adopted to support approval of each of these three applications individually (annexation, zone change and subdivision). Therefore, while we direct the public and decision makers to the TPR analysis provided as part of the findings supporting approval of the subdivision application as being the most relevant, individual TPR analysis of each individual application is provided should the City choose to consider the TPR component for each application individually. Additionally, where analysis options were available, we have taken the more rigorous approach to demonstrate TPR compliance under any possible development scenario of these parcels.

This proposed annexation request must be in compliance with the Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR is to ensure that future land use and traffic growth is consistent with local transportation system

planning and does not create a "significant effect" on the surrounding transportation system beyond currently allowed uses. The definition of a "significant effect" varies by jurisdiction and no such definition is provided in the McMinnville code. According to the Oregon Highway Plan (OHP) a net increase of 400 daily vehicle trips qualifies as a "significant effect" on a State Highway facility (Action 1F.5, Oregon Highway Plan, 2015). This definition is also commonly applied to local roadways and streets when the local governing agency does not provide an alternate definition. Therefore, this definition of "significant effect" shall apply here.

Part of what the TPR test assesses is the impact of the maximum increase of daily vehicle trips when comparing possible daily vehicle trips resulting from maximum development opportunities under current conditions to the number of trips resulting from the proposed development, and whether that difference exceeds 400 average daily trips and if there is a "significant effect" on the transportation system. This discussion provides the City with the expected vehicle trip generation based on the reasonable "worst case" development potential given current conditions and also upon approval of these combined land use applications, and an assessment of whether this joint proposal will create a "significant effect" on the transportation system.

The two subject parcels are each currently developed with one single family residence. The northern parcel remains under the jurisdiction of Yamhill County zoning as it is unannexed and its dwelling unit potential has already been maximized under current applicable zoning regulations. The Institute of Transportation Engineers (ITE) Trip Generation Manual (11th edition) provides that a single-family residence (category 210) generates 9.43 daily trips which is the existing and also the total possible trips which can be generated from this site under current conditions.

If this annexation request was not paired with its companion zone change and subdivision requests, approval of the annexation alone would see this parcel continue its current Yamhill County EF – 80 zoning designation; in which case the maximum daily trips would remain at 9.43 trips. However, the City's Residential comprehensive plan designation supports all residential zones and, with this site coming within the McMinnville city limits would potentially make all residential zoning designations possible on this parcel.

If this annexation request was not paired with the attendant zone change and residential subdivision applications, it would be necessary to calculate the maximum potential traffic impact as per density requirements of the highest density zoning designation in completing the TPR test. In that situation, the maximum allowable density of the R-5 zone states that the lot area shall not be less than fifteen hundred square feet for each unit. At 0.9 acres, this equates to a maximum dwelling unit count for the site of 26 potential multiple-family dwelling units. Utilizing ITE Trip Generation data, multi-family housing (category 220) generates 6.74 daily vehicle trips per dwelling unit. Applying this, a total of 175 average daily vehicle trips would be generated by the theoretical development of this annexation site to the maximum allowable R-5 density. Subtracting the maximum current conditions vehicle trip count of 9.43 from this brings the total daily trip difference to 166 trips which is far less than the 400 trip threshold for a significant effect under the TPR.

## VI. Conclusionary Findings for Approval of the requested Zone Change

Some of the Comprehensive Plan Policies or other City requirements that are applicable to this zone change application are also applicable to annexation applications. In those instances where the findings already provided above apply here and would be duplicative, it will be noted that they are incorporated into this section by reference along with additional findings provided as may be necessary.

References in these findings to the "subject site," "development site" or "development area" refer to both of the subject parcels together (R44 30AD 00100 and R44 30AD 00201).

1. Bruce Cook is requesting approval of:

   - Approval of a zone change application on approximately 2.7 acres of land from the site's current zoning designations of EF-80 (Exclusive Farm Use – 80-acre Minimum) (0.9 acres and approximately 33% of the site) and R-1 (Single-Family Residential) (1.8 acres and approximately 67% of the site) to an R-3 (Two-Family Residential) zoning designation.

2. The subject site is comprised of two parcels of land totaling some 2.7 acres; R44 30AD 00100 at 0.9 acres representing approximately 33% of the site and R44 30AD 00201 at 1.8 acres in size representing approximately 67% of the site. The larger southern parcel of the project site abuts the southern edge of the northern parcel and is contiguous. The subject site (the two-parcel project site) is generally located south of the Cypress Meadows First Addition residential subdivision and the southeastern corner of the Kathleen Manor Manufactured Home neighborhood and west of SW Cypress Lane. Both of these parcels are identified as being designated Residential on the McMinnville Comprehensive Plan Map.

3. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40, Recology, and the McMinnville Police and Fire Departments can also sufficiently serve future urban residential development of this site.

4. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

   <u>Chapter V Housing and Residential Development</u>

   GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

   Policy:

   60.00 Attached single dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy:

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

Findings:

Goals V 1 and V 2 and Policies 60.00 and 68.00 are satisfied by this zone change request in that its approval would make possible the review and approval of the companion subdivision application to provide the opportunity for additional housing stock to be added to the City. Upon development approval, the application of the Uniform Building Code guarantees the quality of the new, resultant housing. An urban level of services can be made available to adequately serve development on the site which is located within the urban growth boundary and adjacent to established residential development thereby promoting a compact urban form. Medium density residential development is also consistent with the adjacent and nearby development pattern as there are numerous R-3 and R-3 PD zoned residential neighborhoods located directly north of the subject site.

Policies:

58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments.

1. Areas that are not committed to low density development;
2. Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial;
3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;
4. Areas where the existing facilities have the capacity for additional development;
5. Areas within one-quarter mile of existing or planned public transportation; and,

71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:

1. The density of development in areas historically zoned for medium and high density development;
2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
3. The capacity of the services;
4. The distance to existing or planned public transit;
5. The distance to neighborhood or general commercial centers; and
6. The distance from public open space.

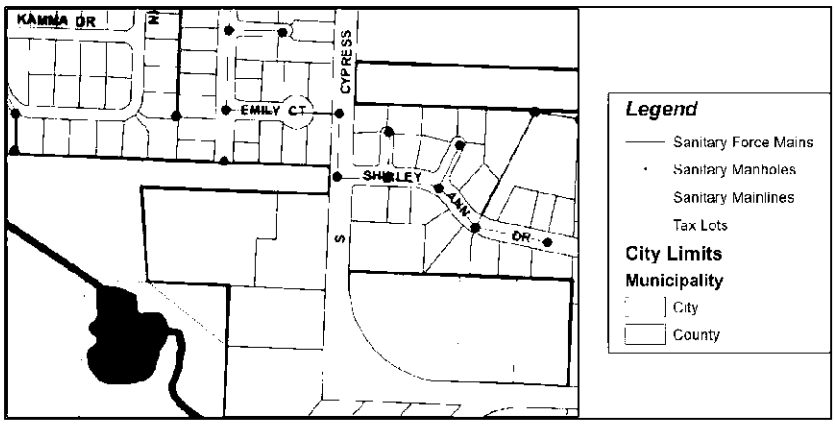
Findings:

Policies 58.00, 71.00, 71.09 (1-5) and 71.10 (1-6) are satisfied by this zone change request in that McMinnville's land development ordinance provides opportunities for development of a variety of housing types and densities; most of which are permitted within the requested R-3 zoning designation including single dwellings and common property ownership arrangements. The subject site is designated R (Residential) on the McMinnville Comprehensive Plan Map and R-3 is a supported zoning designation within the Residential Plan designation.

Permitted uses within the R-3 zone include small lot single-family detached uses, single family attached units, duplexes, triplexes, and townhouses. While, at the time of this application submittal, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots, most of the dwelling types permitted by the R-3 zone can be accommodated on many of the proposed lots which provides a wide range of potential dwelling type options in order to be responsive to market needs and realities at the time of development.

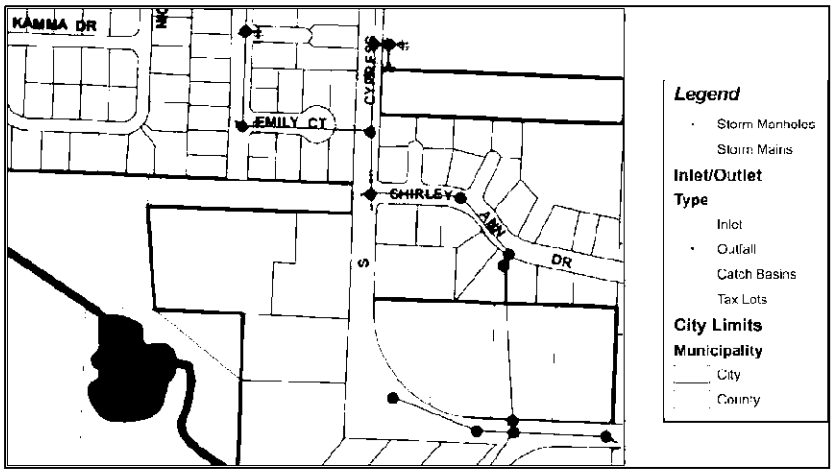
While this site is not located close to the city center, it is located in an urbanizing area where public utilities are already available; all of which are stubbed at the northern edge of the site within the SW Emily Drive right-of-way and/or within the SW Cypress Lane right-of-way as shown below.

Sanitary Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/sanitary.pdf

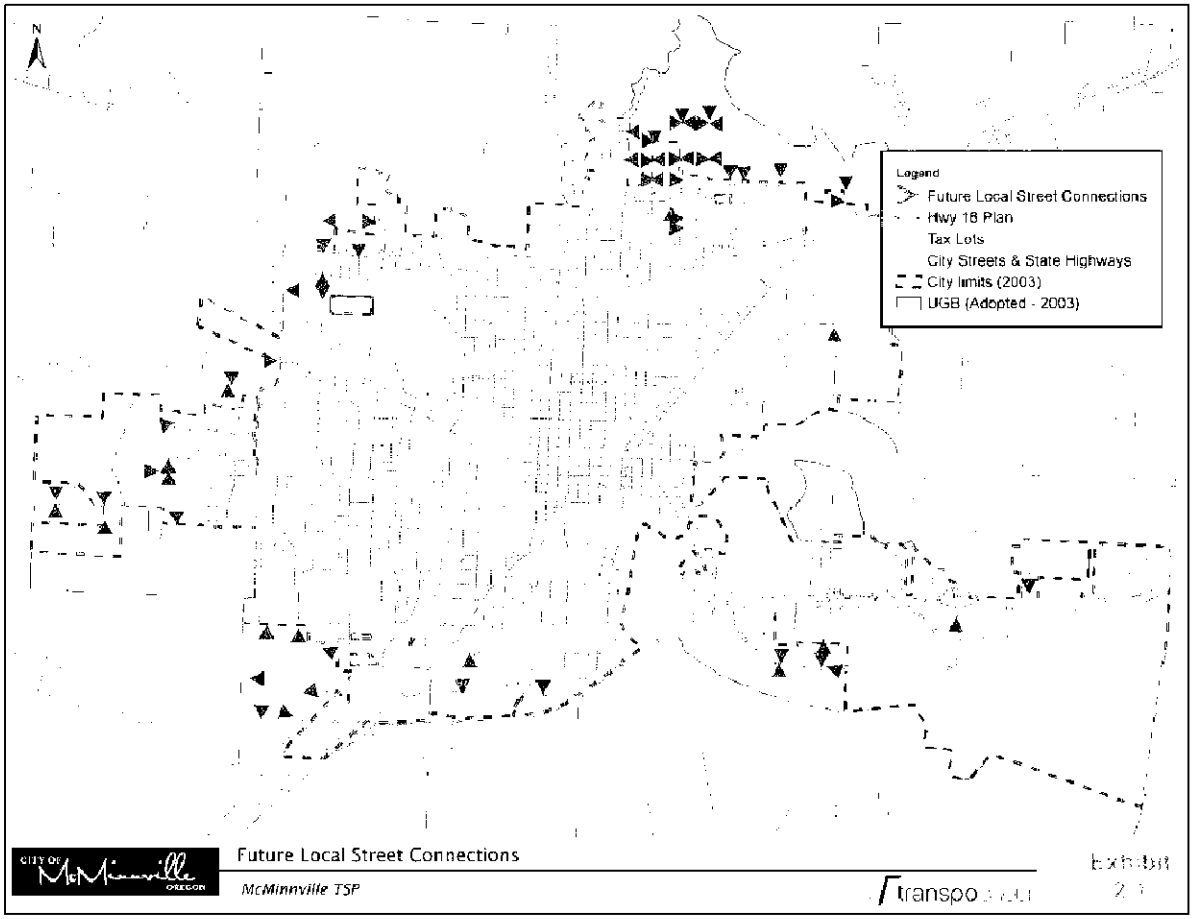
Storm Sewer



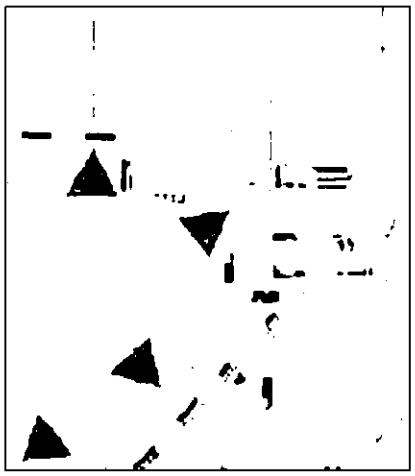

https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/storm.pdf

The surrounding area is not committed to low density development as can be seen on the City's zoning map depicting adjacent R-3 PD zoned residential developments to the north and R-4 zoned residential development located across SW Cypress Lane to the east; the few R-1 zoned parcels within the city limits to the west and south of the site are currently developed in more of a rural residential style and are not generally fully committed to urban low density use at this time.

Although Policy 71.09 (2) directs R-3 (and R-4) zoned lands to be in locations having direct access from collector or arterial streets (or within 600 feet of a collector street), McMinnville's adopted TSP (Transportation System Plan) Exhibit 2-1 (provided below for graphic reference) designates the Future Local Street Connection to serve this site as being the southerly extension of the current temporary terminus of SW Emily Drive (a local street), with no direct public right-of-way connection to the adjacent SW Cypress Lane (a minor collector street). This development proposal complies with the local street connection identified in McMinnville's adopted TSP.



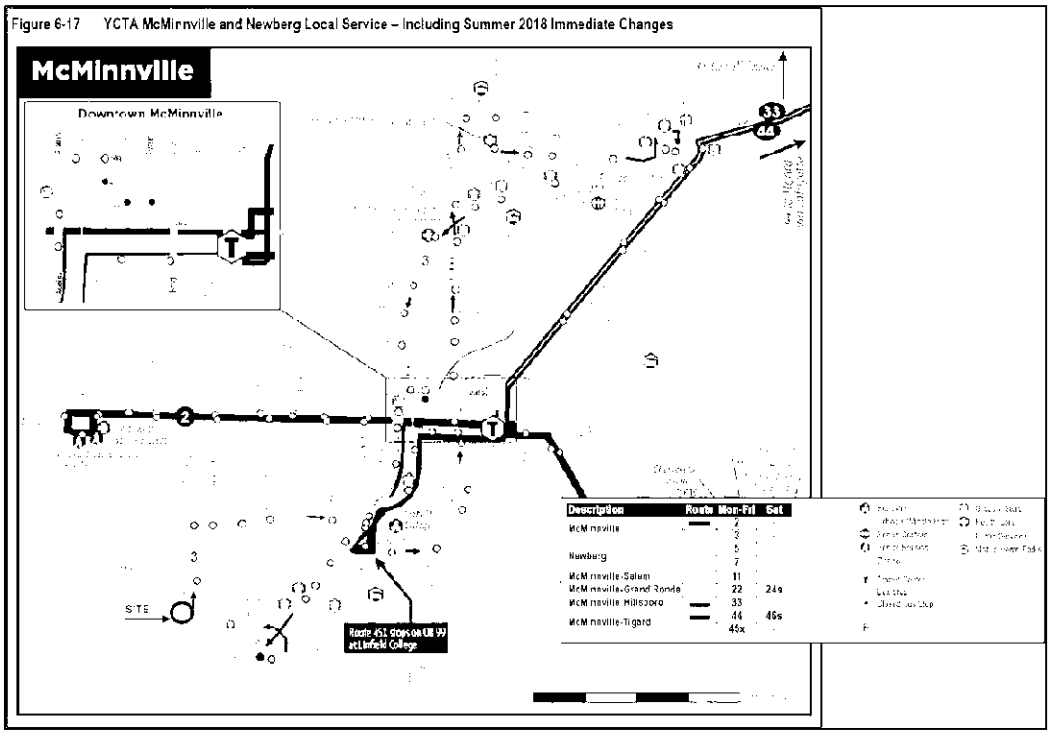

Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.



This site is virtually flat and there are no onsite flooding or poor drainage issues, and therefore no development limitations on this site. As will be shown in findings provided with the

companion subdivision application (and incorporated here by this reference), existing adjacent facilities have the capacity to accommodate future residential development of this site.

Being located adjacent to SW Cypress Lane, this site is located less than one-quarter mile from existing or planned public transportation as shown on Figure 3-4 of the Yamhill County Transit Development Plan (2018) Figure 6-17; additional numerous Figures within this Transit Plan also identify SW Cypress Lane as an existing public transit route. Further, this plan also identifies a public transit stop along the east side of SW Cypress Lane at the corner of SW Cypress Lane and SW Alexandria Street located some 500 feet north of the northeast corner of the site. Figure 6-17 is provided below for ease of reference.




Commercial shopping opportunities exist located along Highway 99W located some ½ mile distance from the development site such that commercial walking opportunities exist within a reasonable distance and owning a vehicle can be optional. Community recreation opportunities are also readily available nearby this site since the established Discovery Meadows Park is located approximately 300 feet north of the site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive.

Low density adjacent residential land is comprised of a handful of R-1 zoned parcels to the immediate west and south; only four of which abut the site. Five of the proposed subdivision lots (Lots 3, 4, and 8-10) will abut these four adjacent parcels. One of the proposed lots (Lot 8) is currently developed with a single-family residence and maintains an existing setback of approximately sixty feet (60-feet) from the adjacent offsite R-1 zoned parcel to the immediate south. Additionally, the context of Policy 71.10

(2) speaks to the buffering of medium density development from *established* low density areas. Since some of the nearby R-1 zoned residential lots are fairly large and have developed in a more rural residential style, it is understood that this is not an *established* low density area, rather an area where some infill or partitioning opportunity may yet remain (however, it is not within the scope nor obligation of this proposal to shadow plat potential offsite partitioning opportunities). Rather It is our position that the lot setbacks (buffers) required of residential development on lots zoned R-3 are sufficient so as to not negatively impact the four adjacent R-1 zoned parcels.

Policy

99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development. Services shall include, but not be limited to:

1. Sanitary sewer collection and disposal lines. Adequate Municipal waste treatment plant capacities must be available.

2. Storm sewer and drainage facilities (as required).

3. Streets within the development and providing access to the development, improved to city standards (as required).

4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).

5. Energy distribution facilities and adequate energy resource supplies.

Finding:

Policy 99.00 (1-5) is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supplies either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Required street improvements shall be provided prior to platting. Graphics demonstrating storm and sanitary sewer locations adjacent to this site have been provided in findings above for the annexation request and are incorporated here by this reference.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy:

117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

119.00 The City shall encourage utilization of existing transportation corridors, whenever possible, before committing new lands.

122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [*in part*]

3. Local Streets

- Designs should minimize through-traffic and serve local areas only.
- Street widths should be appropriate for the existing and future needs of the area.
- Off-street parking should be encouraged wherever possible.
- Landscaping should be encouraged along public rights-of-way.

Findings:

Goal VI 1 and Policies 117.00, 119.00 and 122.00 are satisfied by this proposal in that, consistent with the McMinnville TSP, the submitted subdivision plan proposes to connect to the existing public street network by way of a southerly extension of SW Emily Drive (a local street) to serve the development site. Through using SW Emily Drive and having convenient access to SW Alexandria Street and SW Cypress Lane, this proposed development will be utilizing existing established transportation corridors. In line with the McMinnville TSP, direct access to SW Cypress Lane (a minor collector) will be limited to the two currently existing onsite residences and their existing driveways which currently connect directly to SW Cypress Lane. While the street design of the proposed SW Emily Drive extension will be addressed in more detail in findings provided for the subdivision application below, it is sufficient here to state that all City requirements for right-of-way improvement and street tree planting will be adhered to prior to the time of platting and development.

Policy

126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

Findings:

Policies 126.00 and 127.00 are satisfied by these zone change proposals in that off-street parking will be provided equal to or in excess of the minimum number required to serve each residence at the time of residential construction.

Policy

130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

Finding:

Policy 130.00 is satisfied by this zone change proposal in that designated exclusive bicycle facilities are not required by the Bicycle System Plan for this development. The TSP directs that local public streets are shared streets where vehicles and bicycles share the curb-to-curb dimension of the right-of-way. Additionally, public sidewalks will be required to be installed inclusive of Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of subdivision approval which will provide pedestrian connections between the site and the surrounding area.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

Policy:

136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:

1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.

2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.

3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary services are to be utilized.

4. Extensions will implement applicable goals and policies of the comprehensive plan.

142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of

storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.

2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;

4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made

available, to collect, treat, and dispose of maximum flows of effluents.

3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.

4. Federal, state, and local water and waste water quality standards can be adhered to.

5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

Findings:

Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as, based on comments received from staff during our pre development meeting along with subsequent conversations regarding utility extension and facility capacity, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve residential development of this site. Additionally, the Water Reclamation Facility has the capacity to adequately accommodate flow resulting from development of this site. Additional findings relative to these policies are found in those provided relative to the companion subdivision application below and are incorporated here by this reference. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Policy

155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding:

Policy 155.00 is satisfied in that emergency services departments presently and adequately serve the two existing residences on the existing development site in addition to adjacent residential development to the north, east and south of this site. Providing the same services to this site when developed to an R-3 density will not overburden or diminish the ability of local emergency service departments to meet the needs of adjacent sites or McMinnville's urban area.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Findings:

Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each dwelling unit at the time of building permit application as required by McMinnville Ordinance 4282.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Policy

173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Findings:

Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided an opportunity to review and comment on this zone change proposal during this review process. In addition, no concerns have currently been raised by these service providers.

Policy

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Finding:

Policy 178.00 is satisfied in that we are proposing to amend the current zoning designations of this site from EF-80 and R-1 to R-3 to allow for increased urban residential density and opportunities for a wider choice of housing type thereby achieving a more compact form of urban development and energy conservation than would otherwise be possible.

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.

Finding:

Policy 187.40 specifies that McMinnville's Great Neighborhood Principles shall guide, in part, applicable current land use and development applications. While Great Neighborhood Principles are not explicitly required by this policy to be addressed as part of a zone change request, it is prudent and greater public transparency is achieved to proceed as though they do. It is noted that most of these principles are more widely suited to be addressed in the findings provided with the companion subdivision application and are so provided.

Additional Finding:

With the substitution of the phrase "zone change" for the word "annexation," findings relative to McMinnville's Great Neighborhood Principles to be provided here for the zone change request are essentially identical to the findings addressing the Great Neighborhood Principles (subsections 1 – 10) already provided specific to the companion annexation request above. Rather than duplicating those policies and findings at this location, they are incorporated and applicable here by this reference; this action is specific to Policy 187.50 (1-10) and its findings previously provided. These findings also incorporate Great Neighborhood Principle findings offered as part of the findings provided for the companion subdivision application below and are by this reference also incorporated here.

Policy:

187.50

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

    a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

    a. Neighborhoods shall have several different housing types.

    b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

    a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

    b. Opportunities for public art provided in private and public spaces.

    c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

Findings:

Policy 187.50 (11-13) is satisfied by this request since the area proposed to be rezoned to R-3 would afford the opportunity for a variety of housing types to be constructed on this site upon subdivision approval and subsequent platting. The permitted residential dwelling unit types allowed by the R-3 zone, by design, provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life. Upon approval of the companion annexation and subdivision applications, development of this residential land will demonstrate residential construction exhibiting variety in building form and design employing environmentally friendly construction techniques and energy efficiency consistent with Great Neighborhood Design Principles as required by the City. Upon final approval of this combined application, we endeavor to work with the City regarding Great Neighborhood Design elements as appropriate.

GOAL X1: 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.

Findings:

Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff

report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing processes. Additionally, a public neighborhood meeting was held on June 6, 2024 to share the intent of these combined applications and to listen to attendee's ideas and concerns and to answer questions regarding this proposal. Detailed information regarding the neighborhood meeting is found in findings provided as part of the companion subdivision application and its findings and are incorporated here by this reference.

5. The following Sections of the McMinnville Zoning Ordinance are applicable to this request as decision-making criteria:

17.18.010 Permitted Uses. In an R-3 zone, the following uses and their accessory uses are permitted:

A. Tiny Houses, Single detached dwelling;

B. Middle Housing

1. Plexes: Duplex Dwelling, Triplex Dwelling, Quadplex Dwelling (minimum lot size of seven thousand square feet)

2. Cottage Clusters

3. Townhouses

C. Single Room Occupancy – Small Housing

D. Accessory Dwelling Unit (ADU)

Finding:

Section 17.18.010 (A-D) is satisfied by this zone change request in that each of the two subject parcels are greater than the 6,000 square foot minimum lot size required by the R-3 zone and could each accommodate all of the dwelling unit types listed by this Section. Additionally, the development aim of this combined application submittal is to provide additional housing opportunities serving the broader community through development of the proposed subdivision. While the specific dwelling unit types and designs for each of the proposed lots have not been determined at this time, the lot size and dimensional standards of the R-3 zone make possible a range of dwelling unit types provided by 17.18.010 (A-D), most of which can be realized on each of the proposed R-3 lots.

17.18.030 Lot Size. In an R-3 zone the lot size shall not be less than six thousand square feet except as provided in Section 17.11.070(C), Table 1(C), Townhouses.

17.18.040 Yard Requirements. In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

A. A front yard shall not be less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.

B. A rear yard shall not be less than twenty feet, except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.

C. A side yard shall not be less than seven and one-half feet. An exterior side yard on the street side of a corner lot shall be not less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.

17.18.050 Building Height. In an R-3 zone, a building shall not exceed a height of thirty-five feet.

17.18.060 Density Requirements. In an R-3 zone, the maximum density for single attached dwellings may not exceed four dwelling units per 6,000 square feet, whichever is less. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.

Findings:

Sections 17.18.030, 17.18.040 (A-C), 17.18.050 and 17.18.060 are satisfied by this rezoning request in that each of the two subject parcels are greater than the 6,000 square foot minimum lot size required by the R-3 zone.

Both of the existing single-family residences that are to remain on this development site are less than the maximum allowed building height of 35 feet. All other current on-site structures, except for incidental, zoning compliant garden shed type structures, will be removed prior to platting. The two residences and all remaining structures will comply with the setback requirements of the R-3 zone with one exception which pertains to the existing garage on the northern, annexation parcel. This garage currently sits approximately 3.5 feet from the parcel's north property line (an interior side lot line). Section 17.18.040 (C) of the McMinnville Zoning Ordinance requires a minimum side yard setback of 7.5 feet. With approval of this parcel's attendant zone change application or subdivision application, the current garage placement immediately becomes a setback encroachment (a zoning non-conformity) and would violate the R-3 side yard setback requirements. The Comprehensive Plan prohibits approval of land use actions that create new zoning violations. To remedy this situation, this subject garage will be removed so as to not create a zoning violation and we welcome application of a condition of approval to this effect.

These rezoning requests comply with the R-3 density requirements in that each of the two parcels to be rezoned are currently improved with only one residence each and are therefore not in excess of the residential density which the R-3 zone allows. Therefore, the requirements of these policies have been satisfied.

17.74.020 Comprehensive Plan Map Amendment and Zone Change – Review Criteria. An amendment to the official zoning map may be authorized, provided that

the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Finding:

Section 17.74.020 (A-C) is satisfied by this proposed rezoning request in that the proposed zone change is consistent with the goals and policies of the McMinnville Comprehensive Plan as described in more detail above in the specific findings for each applicable Comprehensive Plan goal and policy.

This Section exempts the current zone change proposal from addressing sub (B) above since this submitted set of land use applications proposes to residentially develop the two subject parcels with needed housing. As demonstrated in Exhibit 85 of the McMinnville Housing Needs Analysis (2023), McMinnville is in need of additional housing of all types including those dwelling unit types permitted by the R-3 zone to meet projected dwelling unit needs through the year 2041. Table 85 is reproduced here for your reference.

**Exhibit 85. Forecast of Demand for New Dwelling Units by Type, McMinnville UGB, 2021 to 2041**
Source: Calculations by ECONorthwest. Note: DU is dwelling unit.

| Variable | Needed Mix |
|---|---|
| **Needed new dwelling units (2021-2041)** | 4,657 |
| Dwelling units by structure type | |
| Single-family detached | |
| Percent single-family detached DU | **55%** |
| *equals* Total new single-family detached DU | 2,561 |
| Single-family attached | |
| Percent single-family attached DU | **12%** |
| *equals* Total new single-family attached DU | 559 |
| Multifamily | |
| Percent multifamily | **33%** |
| *equals* total new multifamily | 1,537 |
| **Total new dwelling units (2021-2041)** | **4,657** |

An understanding of how those needed dwelling units are proposed to be allocated through the application of McMinnville's local land use program is informative and goes to the question of whether more R-3 zoned land is needed within the McMinnville city limits. Exhibits 113 and 114 of the McMinnville Housing Needs Analysis (2023) demonstrate that, yes, in fact, additional R-3 land, such as that proposed by this rezoning request, is needed to meet projected housing needs within McMinnville. Exhibits 113 and 114 of the McMinnville Housing Needs Analysis (2023) demonstrate this and are provided here for your convenience.

**Exhibit 113. Scenario Model: Comparison of Capacity of Existing Residential Land with Need for New Dwelling Units and Land Surplus or Deficit, Existing Mix, McMinnville UGB, 2021 to 2041**
Source: Buildable Lands Inventory; Calculations by ECONorthwest. Note: DU = dwelling unit.

| Zoning Districts | Capacity (Dwelling Units) | Demand (Dwelling Units) | Capacity minus Demand (Dwelling Units) | Approx. Land Surplus or (Deficit) -Gross Acres- |
|---|---|---|---|---|
| R-1 Single Family Residential | 449 | 687 | (238) | (77) |
| R-2 Single Family Residential | 561 | 1984 | (1,423) | (331) |
| R-3 Two Family Residential | 28 | 247 | (219) | (46) |
| R-4 Multiple-Family Residential | 127 | 1506 | (1,379) | (226) |
| O-R Office/Residential | 3 | 0 | 3 | 0 |
| C-3 General Commercial | - | 0 | 0 | 0 |
| County Zoning | 1,753 | 0 | 1,753 | 358 |
| **Total** | **2,921** | **4,424** | **(1,503)** | **(321)** |

**Exhibit 114. Scenario Model, Comparison of Capacity of Existing Residential Land with Need for New Dwelling Units and Land Surplus or Deficit, Historical Mix, McMinnville UGB, 2021 to 2041**
Source: Buildable Lands Inventory; Calculations by ECONorthwest. Note: DU = dwelling unit.

| Zoning Districts | Capacity (Dwelling Units) | Demand (Dwelling Units) | Capacity minus Demand (Dwelling Units) | Approx. Land Surplus or (Deficit) -Gross Acres- |
|---|---|---|---|---|
| R-1 Single Family Residential | 449 | 687 | (238) | (77) |
| R-2 Single Family Residential | 561 | 1968 | (1,407) | (327) |
| R-3 Two Family Residential | 28 | 247 | (219) | (46) |
| R-4 Multiple-Family Residential | 127 | 1522 | (1,395) | (229) |
| O-R Office/Residential | 3 | 0 | 3 | 0 |
| C-3 General Commercial | - | 0 | 0 | 0 |
| County Zoning | 1,753 | 0 | 1,753 | 358 |
| **Total** | **2,921** | **4,424** | **(1,503)** | **(320)** |

Through realization of R-3 development opportunities on this site, additional dwelling units will be added to McMinnville's housing supply and will help meet the residential needs shown in Exhibit 85. Although these rezoning requests are not subject to sub (B) it is yet instructive to note that the proposed zone changes are orderly and timely based on the pattern of development in the surrounding area and McMinnville's stated land use need. The development pattern in the surrounding area is varied. Specifically, adjacent land to the north is developed with the R-3 PD zoned Cypress Meadows First Addition residential subdivision and the southeastern corner of the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood. Adjacent to the site's eastern edge is SW Cypress Lane beyond which is the R-4 zoned Harmony Fields Addition residential subdivision as well as other residentially developed unannexed land. Adjacent R-1 zoned rural residential development exists to the west and along most of the site's southern edge. This requested rezoning proposes to continue the adjacent R-3 base zoning further to the south to enable greater and compatible urban residential density than would otherwise be achievable.

This area is well served by the established, existing sanitary and storm sewer systems as well as other public utilities which are available at the north and east edges of the project area and

can be readily extended, as required by the City, to sufficiently serve the proposed residential development. Please refer to graphic representations of existing adjacent public utility locations provided earlier in these findings.

Transportation Planning Rule

For the same reasons articulated in the annexation findings provided above, this proposed rezoning request must be found to be in compliance with the Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR is to ensure that future land use and traffic growth is consistent with local transportation system planning and does not create a "significant effect" on the surrounding transportation network; should a "significant effect" be identified, various action(s) would be required to sufficiently mitigate the "effect."

Utilizing the same type of analysis and comparison, it is helpful to note again that current conditions on the two subject parcels to be rezoned are that they are each currently developed with one single-family detached residence. The ITE manual identifies 9.43 daily trips for each single-family residence which brings the current total daily trips being generated from this two-parcel development site to 19 daily trips.

To establish the current-condition maximum potential daily vehicle trips from the 1.8 acre R-1 zoned parcel, we use the adopted maximum density standard provided by Section 17.11.070 (C) Table 1 (c) of the McMinnville Zoning Ordinance. This standard provides that Townhouse subdivision development allows a minimum lot size of 1,500 square feet. For this traffic calculation, we use Townhouse development since that is the most intensive residential land use allowed in the R-1 zone. At 1.8 acres in size, this parcel would theoretically be able to accommodate 55 Townhouse dwellings (78,408 square feet (1.8 acres) / 6,000 square feet X four townhouse dwellings = 55 dwellings).

Using the ITE average daily trip rate for single-family attached homes of 7.2 trips per unit yields a projected maximum of 396 daily trips from this site based on 55 theoretical Townhouse units. Adding this total to the maximum potential trip generation under current conditions on the annexation parcel (one single family residence) yields a total potential number of daily vehicle trips from the 2.7 acre development site under its two current zoning designations of 415 theoretical trips. This establishes the maximum number of potential trips from this development site based on current zoning conditions.

The other "bookend" of the TPR test is to calculate maximum transportation impact based on the requested rezoning of the site. With the entire 2.7 acre site being rezoned to R-3, the number of Townhouse dwellings that could theoretically be located on this site is 78 Townhouse dwellings (117,612 square feet (2.7 acres) / 6,000 square feet X four dwellings = 78 dwellings). Using the ITE average daily trip rate for single-family attached homes of 7.2 trips per unit yields a projected maximum of 561 daily trips from this entire site based on 78 theoretically potential Townhouse units.

The difference between the maximum existing conditions potential traffic generation (415 trips) and the 561 trip post-rezoning total is 146 daily trips. These 146 trips are less than the 400 allowed by the TPR for identifying a "significant effect" on the transportation system and this rezoning request is therefore within the compliance threshold provided by the TPR.

**Conclusionary Findings for Approval of the Subdivision**

The subdivision application that is part of this combined submittal proposes a two-phase residential subdivision. Phase one would see the southerly extension of SW Emily Drive some 75 feet to the southern edge of the annexation parcel. Proposed Lots 2-4 would be served by this extension while Lot 1 would continue to retain its existing vehicular access onto SW Cypress Lane.

As part of Phase two, SW Emily Drive would be further extended south terminating in a cul-de-sac to provide vehicular access to proposed Lots 5-10 with Lot 8 also retaining its existing vehicular access onto SW Cypress Lane in order to access the existing attached garage.

As part of Phase 2, a 10-foot wide pedestrian tract will be provided adjacent to the south side of Lots 1 and 2 leading eastward from the southerly extension of SW Emily Drive to the eastern edge of the subdivision. This 5-foot wide paved path within the 10-foot wide pedestrian access tract will provide a direct pedestrian connection between SW Emily Drive and SW Cypress Lane and will be owned by and will be the maintenance responsibility of all lots within this platted subdivision. Additionally, a 20-foot wide private paved vehicular access tract will be provided along the north edge of proposed Lots 5 and 6 leading eastward from the southerly extension of SW Emily Drive to provide vehicular access to Lots 6 and 7; this tract will also be held in common. [It is relevant to note that while the submitted tentative subdivision plan labels the 10-foot wide pedestrian access tract as an easement, it is in fact proposed to be a commonly held tract.]

By way of background, the 1.8 acre parcel of this development site (Parcel 2) has been granted three previous land use approvals resulting in numerous easements being recorded on this site for various purposes. Those land use actions are Partition Plats 2001-17 and 2017-10, and Boundary Line Adjustment BLA 4-18. Although these easements will be extinguished or modified as necessary to support the proposed subdivision plan, their recorded instruments are provided as attachments to this submittal as reference materials.

1. Bruce Cook is requesting approval of:

    - A tentative residential subdivision plan on approximately 2.7 acres of land that, if approved, would provide opportunity for the platting of a two-phase ten lot residential subdivision.

2. The subject site is approximately 2.7 acres in size and is generally located west of SW Cypress Lane and south of the Cypress Meadows First Addition residential subdivision. The site is comprised of two parcels of land more specifically described as R44 30AD 00100 (currently zoned EF – 80 and representing approximately 33% of the site) and R44 30AD 00201 (currently zoned R-1 and representing approximately 67% of the site). The smaller northern parcel (R44 30AD 00100) is currently located outside of the McMinnville city limits. Both of these parcels are identified as Residential on the McMinnville Comprehensive Plan Map.

3. To enable the platting of this proposed subdivision and the residential buildout of these lots, companion annexation and zone change applications submitted with this subdivision application propose to:

   a. Annex the northern parcel R44 30AD 00100 (hereby referred to as Parcel 1) into the McMinnville city limits;

   b. Rezone Parcel 1 to a City R-3 zone;

   c. Rezone the southern parcel R44 30AD 00201 (hereby referred to as Parcel 2) to a City R-3 zone; and,

   d. Develop Parcel 1 and Parcel 2 (hereby referred to as the "development site" or "site") with a two-phase 10-lot residential subdivision.

4. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40, Recology, and the McMinnville Police and Fire Departments can also sufficiently serve future urban residential development of this site.

5. The following citation from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

   Chapter V. Housing and Residential Development – Additional Design Considerations:

   Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.

   The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

   Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs. Close attention to maintenance costs to the public will, however, have to be monitored.

   Based on the information presented on residential development design considerations, the City finds that:

1. A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.

2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. [..]

3. Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of money in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.

4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The requirement should not be designed to lessen the density of development available on any parcel of land.

5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

Findings:

This proposal meets the intent of this portion of Volume I of the Comprehensive Plan. This is evident in that all requisite public facilities and services can and shall be sufficiently provided to adequately serve this site and the proposed development as articulated further in additional Findings provided below. The standards for these facilities and services are periodically examined and amended by the City.

As described by the Chapter V, criterion 2 above, the open space provided by this proposed tentative subdivision plan is comprised of the "traditional zoning setbacks" which "reserve a large portion of each individual lot for potential open space." Additionally, and as addressed by criterion 3 above, commensurate fee-in-lieu-of park fees shall be assessed to the developer by the City as deemed appropriate.

Regarding criterion 4 above, while the City does not have a specific, adopted solar access code, Section 17.53.101(A)(3) (Streets – General) of the McMinnville Zoning Ordinance speaks to maximizing the "potential for unobstructed solar access to all lots or parcels." Also, that "streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features." Additionally, that "the east-west orientation of streets shall be integrated into the design." McMinnville has also

adopted one Policy (Policy 83.00) regarding solar access which states: The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

The proposed tentative subdivision plan complies with this Comprehensive Plan Volume I criterion, Policy 83.00 and Section 17.53.101(A)(3) of the McMinnville Zoning Ordinance in that this plan proposes to align the site's new internal local public street with the current temporary terminus of SW Emily Drive which is located at the northern edge of Parcel 1. Due to the location and configuration of the site, a predesignated future street location (Exhibit 2-1 of McMinnville's adopted Transportation System Plan as addressed further in findings below) and the existing street pattern of the adjacent development to the north, SW Emily Drive will be extended southward to served future lots on this site which will suffice and satisfy Volume I's encouragement of solar access for this proposed subdivision. Opportunities for an alternative east-west street layout are not viable or otherwise possible on this site. The proposed street layout promotes a compliant street alignment and increased local street connectivity to currently underserved land and the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

There are no public and/or private parks or recreational facilities, or paths leading to such, currently abutting the subject site as referenced in criterion 5 above. Therefore, pedestrian mobility through this development will be provided by the construction of public sidewalks as required by City standards to provide pedestrian mobility within this neighborhood and the surrounding network of public sidewalks similar to that found in all other adjacent residential neighborhoods and throughout the city. In addition, a five-foot wide paved pedestrian pathway located within a 10-foot wide pedestrian tract will be constructed as part of Phase 2 of this subdivision connecting the proposed SW Emily Drive extension with SW Cypress Lane for enhanced pedestrian access beyond the neighborhood. Therefore, these criteria have been satisfied.

6. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

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 characteristic, and natural hazards.

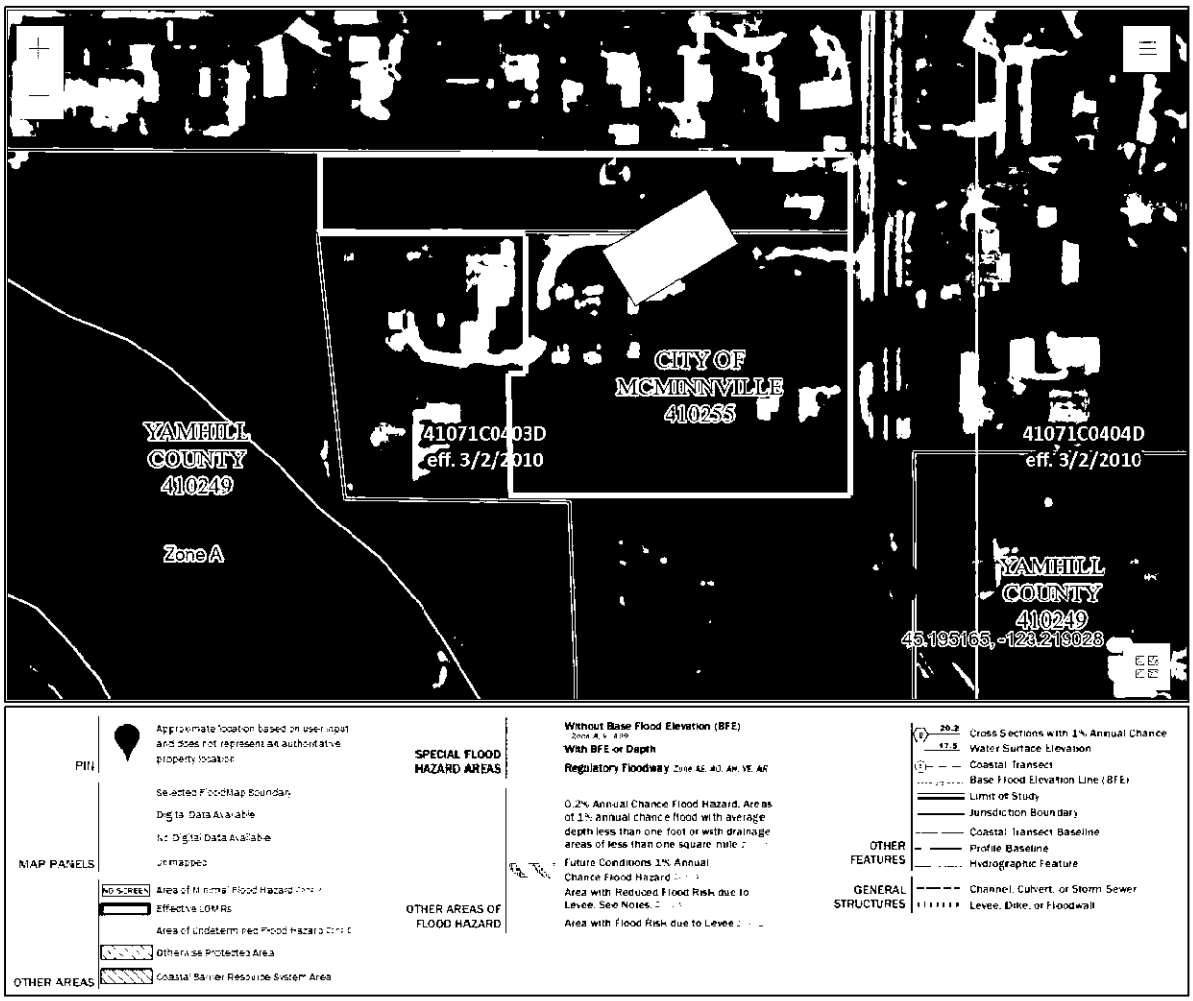
5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.

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.

12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

Findings:

Goal II 1 and Policies 2.00, 5.00, 9.00 and 12.00 are satisfied by this proposal in that there is no portion of this site that is identified with building constraints such as excessive slope, limiting soil characteristic(s) and/or natural hazards. Any and all infrastructure and right-of-way improvements shall be designed, proposed, reviewed and permitted as per standards and requirements administered and supported by the City of McMinnville. While there are no residential development requirements or standards specifically addressing the quality of air resources in the McMinnville Zoning Ordinance, the City is cognizant of standards established by the Oregon Environmental Quality Commission and the Environmental Protection Agency (EPA) as they relate to impactful commercial or industrial uses within the city. Additionally, there are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within the 100-year flood zone of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM - 41071C0403D) as illustrated in the graphic and legend on the following page from FEMA's Flood Map Service Center website.




https://msc.fema.gov/portal/search?AddressQuery=cypress%20lane%2C%20mcminnville%20oregon

Noise compatibility between adjacent single-family residential developments is established in that there are no adopted policies that address adjacent same-type development as being potentially noise incompatible. The intent of this proposal is to allow the creation of residential development to be located adjacent to existing residential development of the same base zoning designation and is therefore not an incompatible proposed use to those adjacent neighborhoods. The adjacency of this proposed subdivision to that of the R-3 PD zoned neighborhoods to the north is equivalent to that which would occur if this neighborhood were developed to R-1 standards instead. This is because the full buildout of this proposed neighborhood would place only four lots against the site's northern property line. These four lots (one of which has been improved with a single-family residence since around 1909) will abut six existing developed lots to the north. The resulting potential noise impact upon these two established adjacent neighborhoods to the north is not demonstrably greater, and potentially less, than that which already currently exists in those neighborhoods. Other developed parcels to the west and south are larger and generally have commensurately larger existing residential setbacks.

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS

Policies

58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

60.00 Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

Findings:

Goal V 1 and Policies 58.00 and 60.00 are met by this proposal in the R-3 zone provides opportunities for dwelling unit construction of many different types. We appreciate that this zone allows a wide range of housing type choice for construction on each of the proposed lots. While, at the time of this application submittal, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots, a number of the dwelling types permitted by the R-3 zone can be accommodated on many of the proposed lots which provides a potential wide range of dwelling type options responsive to market needs at the time of development. This opportunity to provide such variation of residential dwelling types and sizes at varying price points will add to the variety of potential housing choices to be made available within the local community.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policies

68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Findings:

Goal 2 and Policies 68.00 and 71.00 are satisfied by the subdivision proposal in that the Residential comprehensive plan designation, which is carried by the two parcels that are the subject of this subdivision application, allows for development of a variety of housing

types and densities within this area which is already substantially committed to urban development. Along with approval of the companion annexation and zone change applications, approval of this subdivision application would add additional buildable land to the City's land inventory which would then be residentially developed to help meet identified residential dwelling unit needs as projected by the City. The lots, as shown on the companion submitted tentative subdivision plan, would provide medium-density residential development opportunities within and for the community.

Policies

71.09 Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

*1.* Areas that are not committed to low density development;

*2.* Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street;

*3.* Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

*4.* Areas where the existing facilities have the capacity for additional development;

*5.* Areas within one-quarter mile of existing or planned public transportation.

71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:

*1.* The density of development in areas historically zoned for medium and high density development;

*2.* The topography and natural features of the area and the degree of possible buffering from established low density residential areas;

*3.* The capacity of the services;

*4.* The distance to existing or planned public transit;

*5.* The distance to neighborhood or general commercial centers; and

6. The distance from public open space.

Findings:

Policies 71.09 (1-5), and 71.10 (1-6) are met by this residential subdivision proposal in that the range of proposed residential lot sizes makes possible a range of potential dwelling unit types which could be constructed within this proposed subdivision. These opportunities are made possible by application of the R-3 zone to the site which intentionally promotes an energy-efficient and land intensive development pattern. As shown on the submitted tentative subdivision plan, the 10 proposed lots range in size from 6,153 square feet (Lot 7) to 31,119 square feet (Lot 8) with an average lot size of approximately 9,752 square feet. [Lot three is proposed to be platted at 7,913 square feet. However, due to how "lot area" is defined in Section 17.06.015, the portion of Lot 3 over which the access easement to serve Lot 4 will be created cannot be counted as part of the lot area of Lot 3 when calculating minimum lot size. With that adjustment, Lot 3 yet remains compliant with the minimum lot size requirement of the R-3 zone.

After accounting for the proposed right-of-way dedication for the southerly extension of SW Emily Drive, the net density of this proposed subdivision is 4.39 dwelling units per net acre. Therefore, this proposed subdivision complies with the net density requirement for a subdivision proposal on land zoned R-3.

2.7 acres (117,612 square feet)
- 0.425 acres (18,510 square feet of Right-of-Way and Tract designation)
= 2.275 net acres (99,102 square feet)

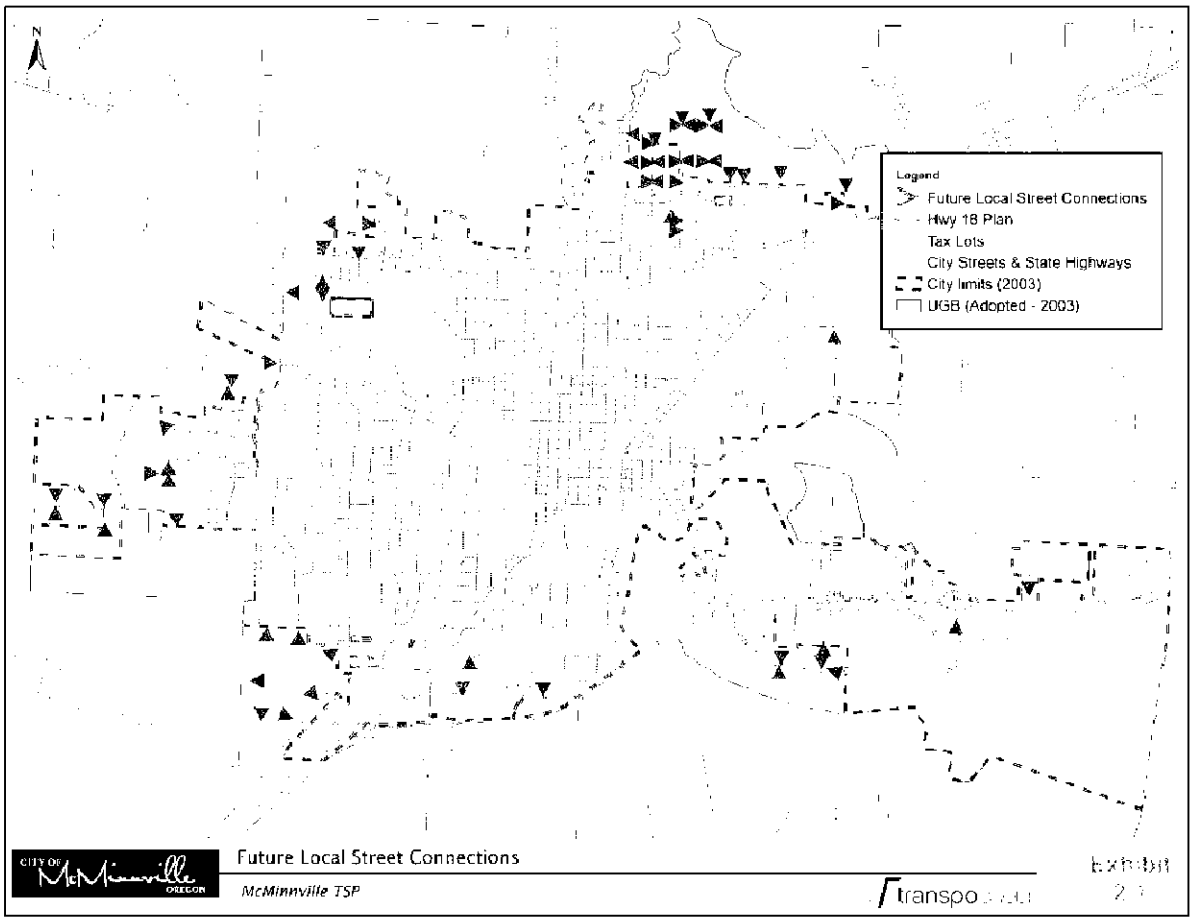
10 Lots / 2.275 net acres = 4.4 Dwelling Units per Net Acre

Removing the 1,583 square feet for the access easement that will cross Lot 3 for the benefit of Lot 4 from this calculation makes this proposal even more density compliant at 4.47 DU/net acre.

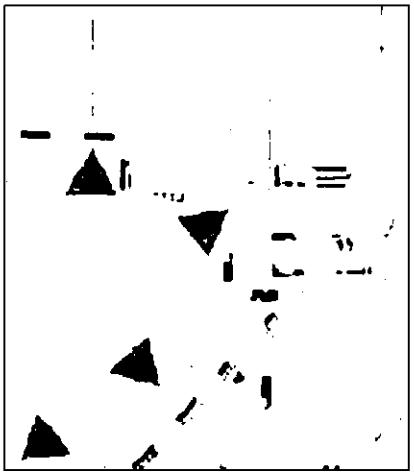
Although the text and graphics provided in the findings above are relevant to the requested zone change, this information is also relevant to Policies 71.09 and 71.10 for this subdivision application and are reproduced here. While this site is not located close to the city center, it is located in an urbanizing area where utilities are already available; all of which are stubbed at the northern edge of the site within the SW Emily Drive right-of-way and/or available within the SW Cypress Lane right-of-way. The surrounding area is not committed to low density development as can be seen on the City's zoning map depicting adjacent R-3 PD zoned residential developments to the north and R-4 zoned residential development located across SW Cypress Lane to the east; the few R-1 zoned parcels within the city limits to the west and south are currently developed in more of a rural residential style and are not "committed" to urban low density use at this time.

Policy 71.09 (2) directs R-3 (and R-4) zoned lands to be in locations having direct access from collector or arterial streets (or within 600 feet of a collector street). However, Exhibit 2-1 (provided below for graphic reference) of McMinnville's adopted TSP (Transportation System Plan) designates the Future Local Street Connection to serve this site as being the southerly extension of the current temporary terminus of SW Emily Drive (a local street), with no direct public right-of-way connection to the adjacent SW Cypress Lane (a minor collector street).

This development proposal complies with the local street connection identified in McMinnville's adopted TSP.

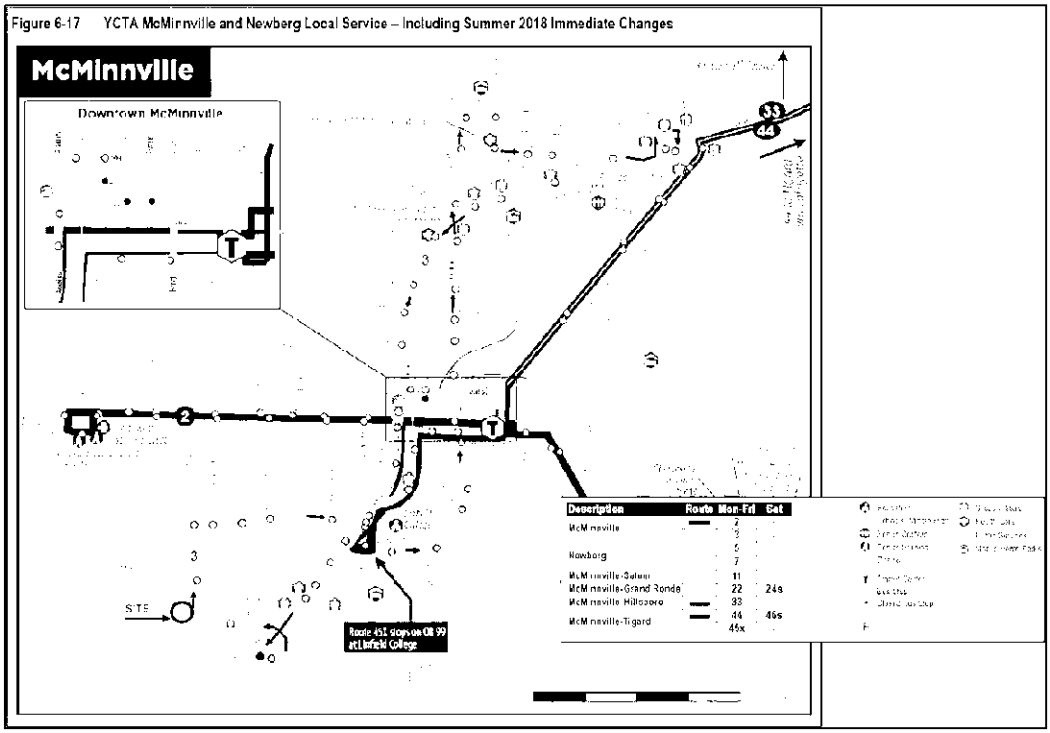



Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.



This site is virtually flat and there are no onsite flooding or poor drainage issues, and therefore no development limitations on this site. Existing public facilities have the capacity to accommodate future residential development of this site.

Being located adjacent to SW Cypress Lane, this site is located less than one-quarter mile from existing or planned public transportation as shown on Figure 3-4 of the Yamhill County Transit Development Plan's Figure 6-17; additional numerous Figures within this Transit Plan also identify SW Cypress Lane as an existing public transit route. Further, this plan also identifies a public transit stop along the east side of SW Cypress Lane at the corner of SW Cypress Lane and SW Alexandria Street located some 500 feet north of the northeast corner of the site. Figure 6-17 is provided below for ease of reference.

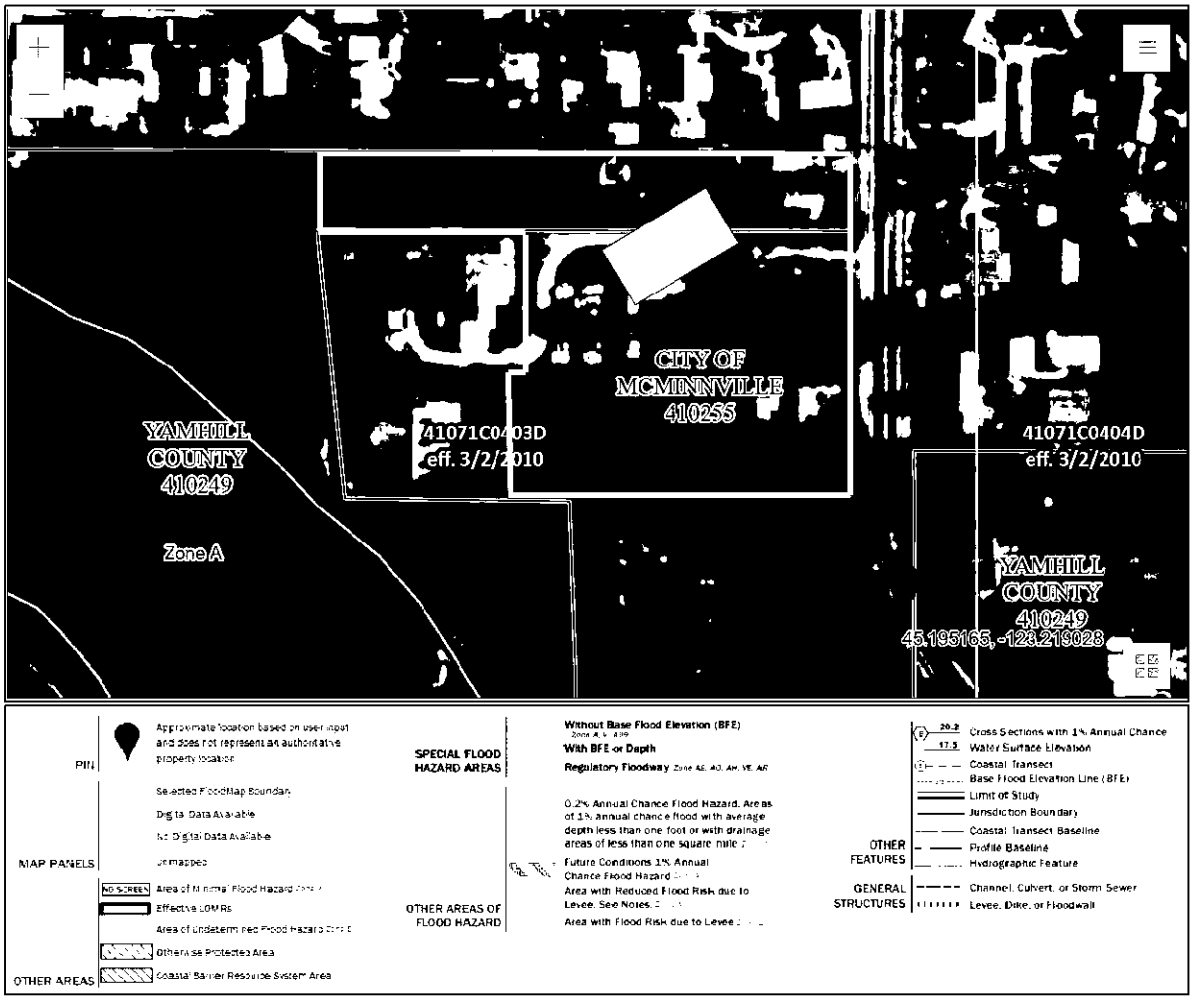



Commercial shopping opportunities exist located along Highway 99W located some ½ mile distance from the development site such that commercial walking opportunities exist and that owning a vehicle can be optional. Community recreation opportunities are also readily available nearby this site since the established Discovery Meadows Park is located approximately 300 feet north of the site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive.

Low density adjacent residential land is comprised of a handful of R-1 zoned parcels to the immediate west and south; only four of which abut the site. Five of the proposed subdivision lots will abut these four adjacent parcels. One of the proposed lots (Lot 8) which is currently developed with a single-

family residence, which will remain upon subdivision development, maintains an existing setback of approximately sixty feet (60-feet) from the adjacent offsite R-1 zoned parcel to the south. Additionally, the context of Policy 71.10 (2) speaks of the buffering of medium density development from *established* low density areas. Since some of the nearby R-1 zoned residential lots are fairly large and have developed in a more rural residential style, it is understood that this is not an *established* low density area, rather an area where some infill or partitioning opportunity may yet remain (however, it is not within the scope nor obligation of this proposal to shadow plat potential offsite partitioning opportunities). Rather It is the applicant's position that the lot setbacks (buffers) required of residential development on lots zoned R-3 are sufficient so as to not negatively impact the four adjacent R-1 zoned parcels.

While a finding addressing FEMA flood zone property was provided in findings above relative to the zone change application, it is also relevant for this subdivision finding and provided here. There are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within the 100-year flood zone of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM - 41071C0403D) as illustrated in the graphic below from FEMA's Flood Map Service Center website.




https://msc.fema.gov/portal/search?AddressQuery=cypress%20lane%2C%20mcminnville%20oregon

As noted above, the topography and natural features of the site are not prohibitive to development according to R-3 zoning and density standards or other applicable McMinnville land development standards.

The requested zoning designation on the subject site is that of the base zone of the adjacent neighborhood to the north eliminating the need for employment of additional residential buffers beyond that of traditional R-3 zoned residential yard requirements. The urban-rural interface that exists along the western edge of the annexation area and the rural land beyond is limited to a distance of approximately 75-feet. The rural land beyond the site's western edge is a small, captured area located between this application's proposed development area, Peavey Reservoir and the Kathleen Manor Manufactured Home neighborhood. As the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood abuts this captured piece of rural land for a distance of some 450 feet along its subdivision boundary, and no additional buffer or design requirements were assessed to that development along this edge, it is our position that no such additional buffers or design requirements would be required of this annexation, zone change and development proposal so as to achieve a cohesive and consistent residential design and pattern with that of the existing adjacent residential development.

Existing public facilities have the capacity to adequately serve the proposed development of this site as neither the adopted Waste Water Conveyance Master Plan or the adopted Stormwater Drainage Master Plan have identified any insufficiencies in their respective Cozine basins which serve this area or impactful future projected service deficiencies toward meeting the needs of the development of this site.

Policies

79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

Findings:

Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the proposed residential density of 4.4 dwelling units per acre is commensurate with that prescribed by the requested R-3 zoning designation and all proposed lots demonstrate compliance with the lot size requirements of this zoning designation. A Planned Development designation is not needed and is not requested as part of this land use proposal. There are currently no distinctive or unique natural features on this site that would impinge on the target density range of the R-3 zone being realized inclusive of the capabilities of sewer, water and other public services to adequately meet the development needs of this site.

Although this discussion relative to retention of wooded areas is provided in findings above relative to the annexation request, that discussion is also relevant to Policy 80.00 and is reproduced here as part of these subdivision findings. While there are no landmark trees identified on this site, there is a stand of fir trees located in the westernmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence. Preservation of this stand of trees would result in the loss of about 1.5 building lots from the proposed subdivision; given the location of the southerly extension of SW Emily Drive that is proposed and would be required by the City, preservation of this tree stand would eliminate residential development from the west side of the SW Emily Drive extension on this annexation site. In light of this policy however, the applicant proposes to work with the City on potential individual tree retention without the loss of these proposed building lots which would equate to a loss of one-fifth ($1/5^{th}$) of the proposed subdivision's buildable lots.

The street layout proposes to connect with the existing surrounding public street network. This is to be accomplished through the dedication and improvement of the southerly extension of SW Emily Drive to serve the two subdivision phases as described above in these findings and terminating in a local residential cul-de-sac in the southern portion of the site. Dedication and construction of this street extension would complete this portion of the surrounding local street network as envisioned in McMinnville's adopted TSP and would provide additional mobility opportunities for automobiles, pedestrians and bicyclists within the area and would also comply with Policies 118.00(5) and 132.41.05 described elsewhere in these Findings. Existing residential development to the south of the subject site makes the southerly extension of SW Emily Drive south of this site unfeasible.

The proposed tentative subdivision plan complies with the City's encouragement of solar access in that this plan proposes to align the site's new internal local public street with the

current temporary terminus of SW Emily Drive which is located at the northern edge of Parcel 1. Due to the configuration of the site, a predesignated future street location (Exhibit 2-1 of McMinnville's adopted Transportation System Plan as addressed further in other findings herein) and the existing street pattern of the adjacent development to the north, SW Emily Drive will need to be extended southward to served future lots on this site. Opportunities for an alternative east-west street layout providing enhanced solar access are not viable or possible on this site. The proposed street layout promotes a municipally compliant street alignment and increased local street connectivity to currently underserved land and the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

Policy

99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.

2. Storm sewer and drainage facilities (as required).

3. Streets within the development and providing access to the development, improved to city standards (as required).

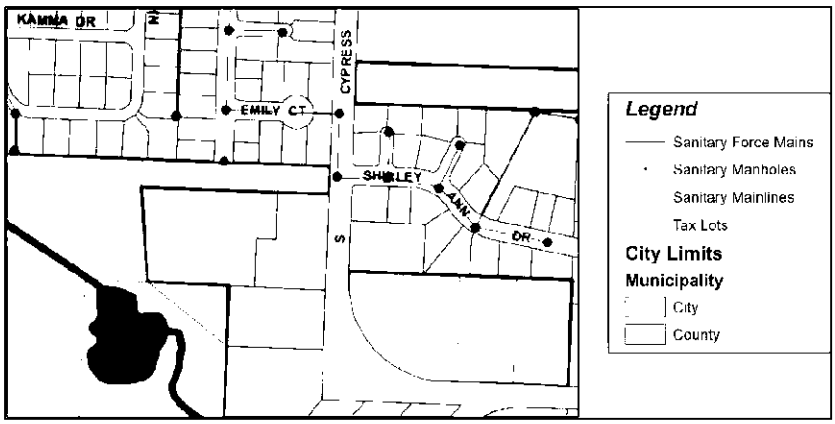
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)

Finding:

Policy 99.00 (1-4) is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and the proposed public street (additional street detail is provided elsewhere within these submitted findings and applicable here) within the development either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site. Neither the adopted Waste Water Conveyance Master Plan or the adopted Stormwater Drainage Master Plan have identified insufficiencies in their respective Cozine basins which serve this site nor identified future projected service deficiencies.

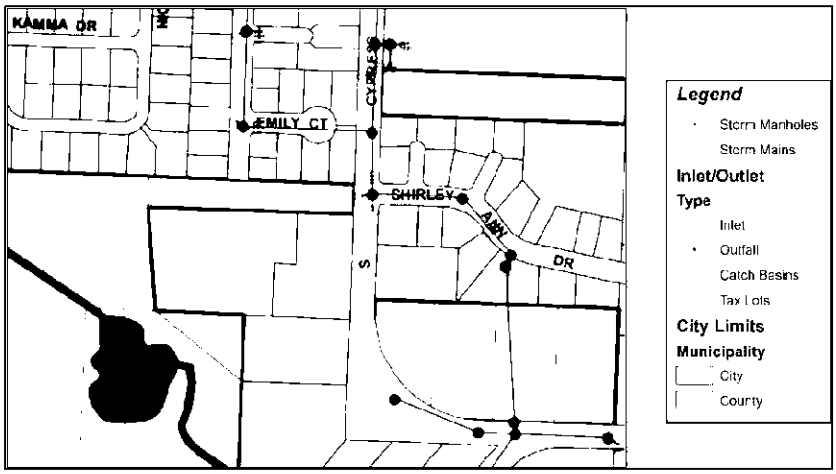
The graphics below are provided to demonstrate adjacency of public sanitary and storm utilities available to serve this site.

Sanitary Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/sanitary.pdf

Storm Sewer




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/storm.pdf

Policy

99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Finding:

Policy 99.10 is not applicable to this application and yet is addressed to increase transparency and so as to not have the appearance of oversight on our part. While Policy 99.10 does not

define how many lots comprise a "medium" or a "large" subdivision, a ten (10) lot subdivision remains on the smaller side of subdivisions given the history of such residential subdivision developments in McMinnville. Although there have not been many smaller residential subdivision plans submitted or approved in McMinnville in recent years, a fairly recent example of this scale of development not being considered either medium or large, and therefore Policy 99.10 not being either relevant or applied during the land use review and approval process, is the approved land use application for the 17-lot Monika residential subdivision (S 2-19), the approved 20-lot Heiser Addition residential subdivision (S 1-16), as well as the approved land use application for the Minor Modification of the Heiser Addition subdivision (S 1-17). While Policy 99.10 was not found to be applicable to the residential scale of these developments. similarly, this current proposal would result in the platting of a total of ten subdivision lots and this Policy is similarly found to not be applicable to this review.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policies

117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

3. Local Streets

- Designs should minimize through-traffic and serve local areas only.
- Street widths should be appropriate for the existing and future needs of the area.
- Off-street parking should be encouraged wherever possible.
- Landscaping should be encouraged along public rights-of-way.

Findings:

Goal VI 1 and Policies 117.00, 118.00 (1-5), 119.00 and 122.00(3) are satisfied by this proposal in that most of the proposed lots will legally abut a local residential public street for a distance of at least 25 feet. This street will be developed to current City standards with adequate capacity to safely accommodate the expected trip generation resulting from this development and its connection to the surrounding street network. Lots 6 and 7 will be provided vehicular access by way of a 20-foot wide private access tract with a paved improvement 15-feet in width leading eastward from SW Emily Drive to the west edge of Lot 7 and located adjacent to the northern edge of Lots 5 and 6. Lot 4 will be provided vehicular access by way of a 15-foot wide private access easement extending westward from the southerly extension of SW Emily Street and across the northern length of Lot 3 for the benefit of Lot 4.

The local residential public street (SW Emily Drive) that is to be extended south to serve this subdivision will be designed to Complete Streets standards as required by the City. Nine of the ten proposed lots will be provided vehicular access to this new street extension with Lot 1 retaining its singular vehicular access to SW Cypress Lane (Lot 8 will also retain access to its garage from SW Cypress Lane as well as abutting the proposed cul-de-sac for a distance of at least 25-feet in length.). It is informative to note that SW Emily Drive will carry subdivision generated vehicle trips for a distance of three-blocks north of the proposed subdivision where SW Emily Drive connects with the City's larger transportation network at its intersection with SW Alexandria Street providing a through direct connection between SW Cypress Lane and SW Hill Road; a minor collector and minor arterial, respectively.

While residential cul-de-sac streets are discouraged where opportunities for through streets exist, extension of SW Emily Drive through to the southern edge of the site for future continuation southward to serve other properties is problematic in that those properties are already developed as large lot single family residences. With that extension not being viable, this development plan proposes to terminate SW Emily Drive in a cul-de-sac design within the subdivision with on-site vehicle traffic exiting the site to the north. Construction of the proposed street to the required City standards for local streets will result in minimal impact on natural features while providing safe and sufficient access to each lot. Further, this alignment

and compliance with City requirements relative to complete streets incorporates prescribed consideration of all modes of transportation.

Policies

126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Findings:

Policies 126.00 and 127.00 are satisfied by this proposal in that the required off-street parking will be provided for all residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two on-site parking spaces for each single-family residence as per 17.60.060(A)(5) is the most exacting standard among potential dwelling unit types). Regarding single-family residences that may be constructed on one or more of these lots, four paved off-street parking spaces will be provide for each residence (two-car driveways with two-car garages) which is 200% of that which is required by the applicable standard of the McMinnville Zoning Ordinance. The only exception to this will be Lot 1 which, due to the necessary removal of the existing garage in order to avoid creation of a side yard setback encroachment upon approval of these applications, may be provided with an R-3 setback compliant single-wide carport rather than a garage.

Policies

130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.

132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Findings:

Policies 130.00, 132.00 and 132.15 are satisfied by this proposal in that the public sidewalks that will be constructed as part of the required street improvements will provide pedestrian

connections within this subdivision and to locations beyond this subdivision. Public streets designed to implement the requirements of the Bicycle System Plan (Chapter 6) of the McMinnville Transportation System Plan (TSP) provide for enhanced bicycle connection of residential areas to activity areas throughout town such as the downtown core, areas of work, schools, community facilities, and recreation facilities. Dedicated bicycle street design elements of the Bicycle System Plan are specifically applicable to collector and arterial streets and, as identified in Exhibit 2-4 of the TSP (Complete Street Design Standards), are not part of the street design standards of either Neighborhood Connector or Local Residential streets such as the proposed extension of SW Emily Drive. Exhibit 2-4 of the McMinnville TSP also demonstrates that bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets; SW Emily Drive is identified in Exhibit 2-3 (Street Functional Classification) of the McMinnville TSP as a Local Street. The street proposed as part of this subdivision request is a continuation of SW Emily Drive and will accommodate bike facilities in the form of Shared Lanes as prescribed by adopted City plans. These referenced exhibits are provided below. By designing and constructing the proposed local residential street to the applicable requirements of the TSP's Complete Streets Design Standards, and by the findings presented above, these Policies have been met.

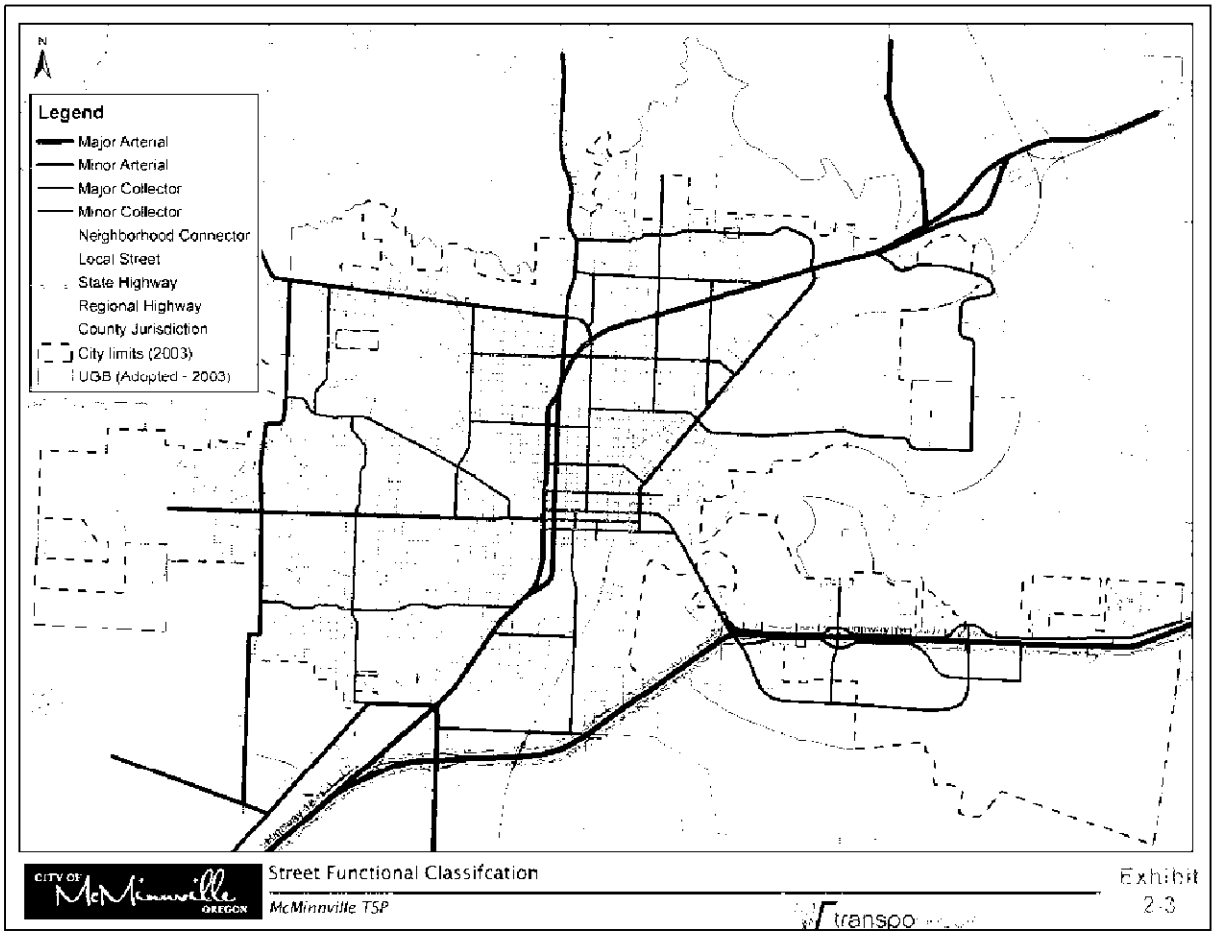


Exhibit 2-4 Complete Streets Design Guideline

**Complete Street Design Standards**

| | | | Arterial | | Collector | | Neighborhood Connector | Local Residential | Alley |
|---|---|---|---|---|---|---|---|---|---|
| | | | Major | Minor | Major | Minor | | | |
| Streetscape | Street Profile | Auto/Truck Amenities (lane widths) | 2-4 lanes (12 ft.) | 2 lanes (11 ft.) | 2 lanes (11 ft.) | 2 lanes (10 ft.) | See Street Width | See Street Width | 20 ft. |
| | | Median / Center Turn Lane | 14 ft. | 12 ft. | 12 ft. | 10 ft. | None | None | None |
| | Bike | Bike Facility [2] | 2 Lanes (6 ft.) | 2 Lanes (6 ft.) | 2 Lanes (5 ft.) | 2 Lanes (5 ft.) or Shared Lane | Shared Lane | Shared Lane | None |
| | | Curb-to-curb Street Width [3] | | | | | | | |
| | | On-Street Parking | | | | | | | Not Apply |
| | | Two Sides | na | na | na | 30 or 40 ft. | 28 ft. | 28 ft. | |
| | | None | 74 ft. | 46 ft. | 44 ft. | 30 or 40 ft. | | | |
| | Pedestrian Zone (with ADA compliant sidewalks) | Pedestrian Amenities [4] | | | | | | | |
| | | Sidewalks (both sides) | 8 ft. Com | 5 ft. Res<br>10-12 ft. Com | 5 ft. Res<br>10-12 ft. Com | 5 ft. Res<br>10-12 ft. Com | 5 ft. | 5 ft. | None |
| | | Planter Strips | | 6 ft. Res<br>na Com | 6 ft. Res<br>na Com | 6 ft. Res<br>na Com | 5 ft. Res | 5 ft. Res | None |
| | | Preferred Adjacent Land Use - Intensity | High | Medium to High | Medium | Medium | Medium to Low | Low | Low |
| | Traffic Management | Maximum Average Daily Traffic | 32,000 | 20,000 | 16,000 | 10,000 | 1,200 - 3,000 | 1,200 | 500 |
| | | Traffic Calming | Not Typical | Not Typical | Not Typical | Permissible/ Not Typical | Permissible/ Not Typical | Typical | Not Typical |
| | | Managed Speed [5] | 35 mph | 30-35 mph | 25-30 mph | 25 mph | 25 mph | 15-25 mph | 10 mph |
| | | Through-traffic Connectivity | Primary | Typical | Typical | Typical | Not Typical | Not Permissible | Not Permissible |
| | | Access Control | Yes | Yes | Some | Some | No | No | No |
| | | Maximum Grade | 6% | 6% | 10% | 10% | 12% | 12% | 12% |
| | | **Right-of-Way:** | 104 ft. | 96 ft. | 74 ft. | 56 ft. (no bike lane) 66 ft. (bike lane) | 50 ft. | 50 ft. | 20 ft. |

General Design Notes:

1. Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lane widths shall be 12 feet.
2. As a routine maximum bike lane width for safety concerns 5 ft. on arterials and 4 ft. on collector streets, which is expected to occur only in locations where existing development designs establish curb or other severe physical constraints precludes construction of the preferred facility width.
3. Street design for each development shall provide for emergency and fire vehicle access.
4. Sidewalks 10-12 feet in width are required in commercial areas to consolidate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and transit accesses are to meet ADA requirement for pedestrian access.
5. Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
6. None with on-street parking.

Street Design Standard Notes:

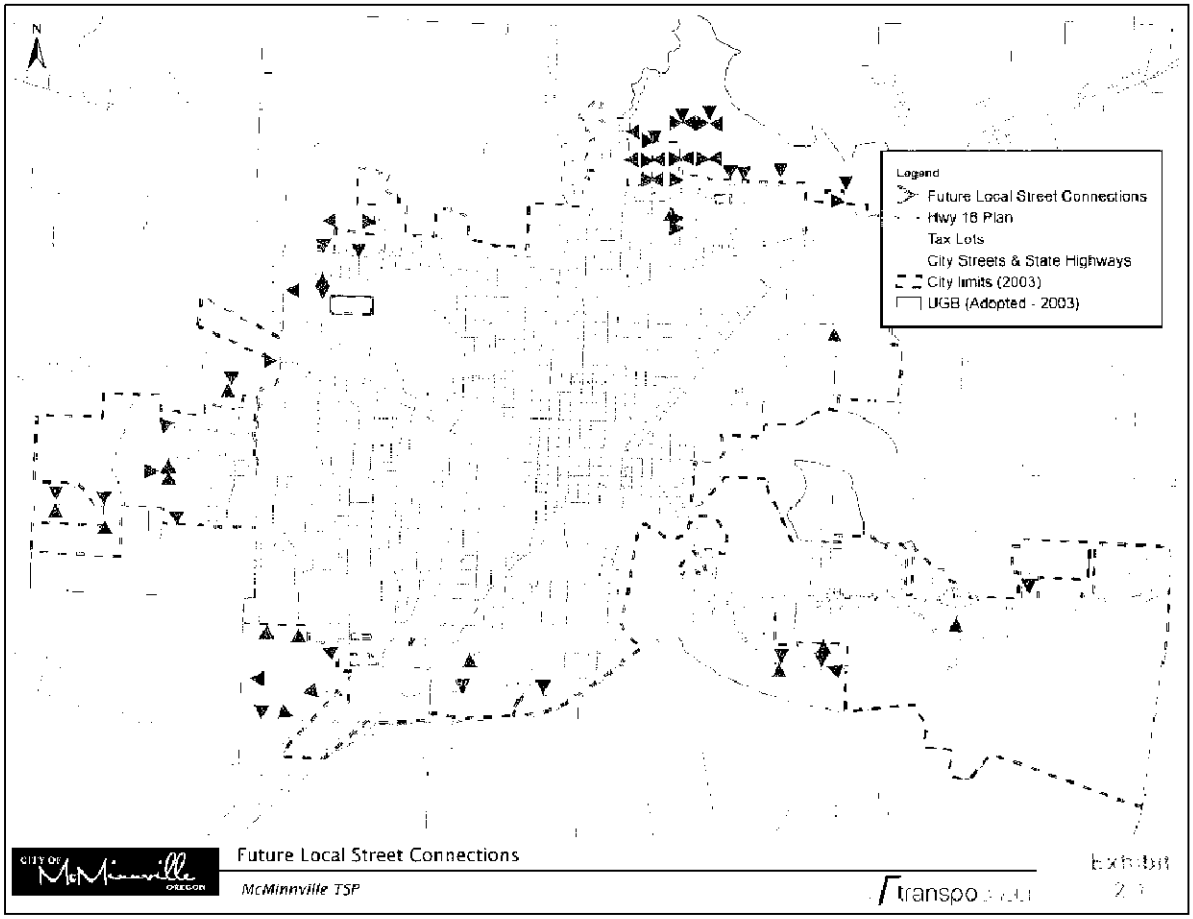
a. Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
b. The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geography, topography, unique vegetation, and its relation to land development already present or proposed in the area.
c. The right-of-way, street width, improvement standards, and dimensions and ratios of commercial and industrial development and streets shall be dependent upon the types of vehicles anticipated to be served.
d. [illegible] shall be at least 22 feet. On-street parking shall not be permitted within a 30-foot distance of street approaches measured from the centerline of the curb returns. Where parking bays (pullouts) are provided on arterial parking along the local street shall not be permitted within 100 feet of such bulbs. For the purposes of this section, "the developer" shall be responsible for the provisions mentioned. No parking signs is approved by the City Engineering Department.
e. Sidewalks and planting strips shall be required along each side.
f. For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throats of the cul-de-sacs as determined by the McMinnville Fire Department.

Policy

132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)

Finding:

Policy 132.26.05 is satisfied by this proposal in that the proposed street connection and the associated pedestrian and bicycle features prescribed by City requirements and provided in this proposal and its exhibits are consistent with the applicable local street connectivity elements outlined in the McMinnville Transportation System Plan (TSP). The southerly extension of SW Emily Drive to serve this site is specifically identified on the Future Local Street Connections graphic identified in McMinnville's TSP as Exhibit 2-1 (provided below for graphic reference) and is implemented by this proposal.




Policy

132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand - both short-term and long-term planned uses.

Finding:

Policy 132.27.00 is satisfied by this proposal in that the proposed transportation facilities reflect and support this Residential McMinnville Comprehensive Plan designation and supports the established residential development patterns within the surrounding area. The proposed transportation facilities and services for this 10-lot subdivision are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as demonstrated by these associated findings and submitted graphics.

Policy

132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system (Ord. 4922, February 23, 2010)

Finding:

Policy 132.32.00 is satisfied by this proposal through the construction of the proposed local street connecting with the current southerly temporary terminus of SW Emily Drive. This connection would allow vehicular entry into the proposed subdivision from the north. This street dedication and improvement will also allow for the removal of the temporary vehicle barricade currently installed on SW Emily Drive thereby allowing improved fire, medical and police vehicle circulation and emergency access times into this site.

Policy

132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.

Finding:

Policy 132.35.00 is satisfied by this proposal in that the City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies, and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and these submitted findings of fact, this Policy is satisfied.

Policies

132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:

1. Pedestrian circulation,

2. Enhancement of emergency vehicle access,

3. Reduction of emergency vehicle response times,

4. Reduction of speeds in neighborhoods, and

5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.

132.41.05 Cul-de-sac streets – Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints.

132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic.

132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.

132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.

Findings:

Policies 132.41.00 (1-5), 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this request in that the proposed public street connects to an established safe, interconnected and efficient system of existing residential streets. There are no arterial streets within or adjacent to this development site. SW Cypress Lane, a minor collector street, is adjacent to the east edge of the site however, due to the preferred connection established by the McMinnville TSP, the proposed local street extension will not connect with SW Cypress Lane. The proposed street is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and as required by the applicable portions of the McMinnville Zoning Ordinance Chapter 17.53 (Land Division Standards) which are further addressed in findings provided below. Vehicular access to the connecting street system promotes safe street connectivity to the surrounding transportation network. Additionally, the vehicular travel speed within this site is based on an adopted street classification scheme identified in the McMinnville TSP. The proposed street is designed to be a local residential street and, as such, is limited to a legal vehicular travel speed of 25 miles per hour as is the vehicular travel speed of the local streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating matters related to noise, pedestrian and bicycle movement, and aesthetics as can be seen in the adjacent residential neighborhoods and others throughout the city. This proposed local residential street connection also implements and supports Policy 118.00(5) and McMinnville's Future Local Street Connections plan (Exhibit 2-1 of McMinnville's TSP) as also addressed elsewhere in these findings.

Additional information relative to potential concerns related to safety are found in Chapter 4 of the McMinnville TSP; Chapter 4 then refers to Appendix I of the TSP to provide details and addresses implementation. Appendix I provides the specifics of the Neighborhood Traffic Calming Program (NTCP) which provides three major types of traffic calming devices for local residential streets: vertical deflection, horizontal deflection, and obstruction. The Program

outlines policies and procedures by which problem areas are studied and possible neighborhood traffic calming measures are identified and applied as warranted by the findings of such a study. Since the public street to serve this development site does not yet exist on-site, there are no existing or known on-site problem areas that need or warrant studies in order to consider the effectiveness of implementing any of the various neighborhood traffic calming measures provided in Appendix I of the adopted TSP.

Policies

132.43.05 Encourage Safety Enhancements – In conjunction with the residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

1. Traffic circles;

2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);

3. Landscaping barriers between roadway and non-motorized uses;

4. Landscaping that promotes a residential atmosphere;

5. Sidewalks and trails; and

6. Dedicated bicycle lanes. (Ord. 4922, February 23, 2010)

132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood. (Ord. 4922, February 23, 2010)

Findings:

Policies 132.43.05 (1-6) and 132.43.10 are satisfied by the proposal for reasons previously provided in findings addressing Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 above. In addition, traffic circles (or roundabouts) are specific traffic control and enhancement design solutions for application in specific circumstances warranting their construction. Two possible traffic circle locations were identified in McMinnville's adopted Transportation System Plan (TSP) Appendix D – TSP Project Summaries, to potentially be located along SW Fellows Street and along NW Baker Creek Road. McMinnville's first two traffic circles have been constructed at the intersections of NW Hill Road and NW Baker Creek Road, and NW Hill Road and NW Wallace Road. The construction and dedication of the currently proposed extension of SW Emily Drive, a local residential street, does not warrant the construction of a traffic circle.

The proposed local residential street is shown on the attached graphic exhibits to be designed with a five-foot wide curbside planter strip separating the roadway from the pedestrian uses

along both sides of the street within the future right-of-way dedication. The existing blocks of SW Emily Drive are designed to this standard and the proposed street will be an extension of this design. These planter strips will be landscaped to promote a residential atmosphere as shall be approved by the McMinnville Landscape Review Committee upon submittal and successful review of a public right-of-way planter strip landscape plan. The design of the proposed cul-de-sac street complies with the Complete Street Design Standards of the McMinnville TSP in that the street is designed with a curb-to-curb width of 28-feet within a 50-foot right-of-way and a bulb radius of 45-feet with a curb-to-curb radius dimension of 33 feet as per the McMinnville TSP Section 30 Streets, Subsection A 2. Within the cul-de-sac bulb, the sidewalk shall be curb tight with no planting strip as required in the McMinnville TSP Section 30 Streets, Subsection S. Designated bike lanes or raised or painted crosswalks are not warranted within this proposed subdivision as per City requirements.

Policy

132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods.

Finding:

Policy 132.46.00 is satisfied by the proposal in that the street design, construction and maintenance methods required by the City were adopted to, in part, implement each element of this policy. These design, construction and maintenance methods administered by the City are satisfied as demonstrated in this proposal and as will be adhered to through the entirety of the design, construction, inspection and approval process prior to the platting of this subdivision.

Policy

132.46.05: Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective.

Finding:

Policy 132.46.05 is satisfied through this proposal's compliance with the applicable elements of the McMinnville Transportation System Plan and the McMinnville Zoning Ordinance as addressed in these Findings. The street is proposed to be located in an efficient manner as described in this proposal and designed in a manner compliant with the McMinnville TSP and all City requirements for local residential streets as shown in the attached graphics and as shall be required by associated conditions of approval of this subdivision request.

Policy

132.54.00: Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community.

Finding:

Policy 132.54.00 is satisfied by this proposal in that, through its approval, the City will have demonstrated support and encouragement of efforts that promote health and the environmental benefits of walking for the individual and for the broader McMinnville community. This would be achieved by the City's support for the creation of the proposed local residential street extension of SW Emily Drive to serve new residences with biking and walking opportunities. This is further demonstrated by the City's support for the proposed creation of a 10-foot wide pedestrian pathway (with a hard surface width of 5-feet) connecting the southerly extension of SW Emily Drive with SW Cypress Lane to serve residents of this subdivision. These opportunities created by this proposed local street and sidewalk system and connecting pedestrian pathway will enhance pedestrian circulation within this residential portion of the city. A municipal endorsement of this vehicular and pedestrian plan through the approval of this proposal not only promotes walking for health and community livability, but also helps to preserve a healthier environment by providing an additional opportunity for pedestrian and bicycle movement as opposed to only vehicular movement.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

Policies

136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.

2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.

3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.

4. Extensions will implement applicable goals and policies of the comprehensive plan.

142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.

2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.

4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made

available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.

3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.

4. Federal, state, and local water and waste water quality standards can be adhered to.

5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

Findings:

Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site and its future residential use. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site as proposed. The City's administration of all municipal water and sanitary sewer systems according to the Goals and Policies of the McMinnville Comprehensive Plan and Implementing Ordinances guarantees adherence to federal, state, and local quality standards. The City of McMinnville is required to continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities to developing areas and in making land-use decisions to fulfill peak demands and ensure fire flow requirements and emergency situation needs. Additionally, the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension of utilities as shown on the submitted tentative subdivision plan, and as shall be conditioned through approval of this residential subdivision and companion land use applications.

Policies

153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.

155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Findings:

Policies 153.00 and 155.00 are satisfied in that emergency service departments will be provided with the opportunity to review this proposal. Additionally, a public street designed to meet all applicable City of McMinnville requirements will provide directly to every lot, or by way of a compliant private access tract serving Lots 6 and 7, and a compliant access easement serving Lot 4.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

Policies

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands.

166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used.

Findings:

Goal VII 3 and Policies 163.00, 163.05, 166.00, 167.00, 168.00, 169.00 and 170.05 are satisfied in that park fees shall be paid for each housing unit at the time of each building permit

application as required by McMinnville Ordinance 4282, as amended. There is no portion of this site that is located within the 100-year floodplain for utilization as greenways or special use parks, nor are there distinctive natural features or areas for retention as open space. Additionally, while the McMinnville Parks, Recreation, and Open Space Master Plan does not call for the development of a community or neighborhood park in this location, this site is well served by utilization of the recreational space provided by the nearby Discovery Meadows park located along SW Cypress Lane approximately 300 feet north of this site's northeastern corner.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Policy

173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Findings:

Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided opportunity to review and comment regarding this proposal prior to the issuance of the Planning Department's staff report.

Goal VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policy

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Findings:

Goal VIII 2 and Policy 178.00 are satisfied by this request as the development proposes a compact form of urban development commensurate with the requested R-3 zoning designation of the subject site. This zoning designation allows residential uses inclusive of small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. While, at the time of this application submittal, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots, most of the dwelling types permitted by the R-3 zone can be accommodated on each of the proposed lots which provides a potential wide range of dwelling type options which we will assess responsive to market needs at the time of development. The southerly extension of SW Emily Drive as shown on the submitted

residential tentative subdivision plan will provide safe and efficient access opportunities to each of the residences with limited code compliant alternative accesses noted above in previous findings.

All of the lots designed for single-family detached use exceed the 6,000 square foot minimum lot size as required by the R-3 zone. Utilities presently abut the site and can be extended in a cost effective and energy efficient manner commensurate with this proposal, and as shall be required as conditioned, by the approval of these land use requests.

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

Finding:

Goal IX 1 is satisfied in that the entirety of the subject site is located within both the McMinnville urban growth boundary and designated as Residential on the City's Comprehensive Plan Map and with the majority of this subdivision site also being located within the McMinnville city limits (the balance of which is the subject of the companion annexation request) and therefore identified for urban development according to applicable standards and requirements. As stated in Policy 71.00, all residential zoning classifications shall be allowed in areas designated as Residential on the Comprehensive Plan Map and the subject site is so designated. Additionally, all urban services are currently available and adjacent to the site making the conversion of this site to urban uses orderly and timely.

Policy

183.00 The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.

Finding:

Policy 183.00 is satisfied in that the City of McMinnville coordinated with Yamhill County on establishment of the McMinnville Urban Growth Boundary (UGB) and that UGB was acknowledged by the Oregon Land Conservation and Development Commission (LCDC). At that time the land that is the subject of this subdivision application was designated Residential on the McMinnville Comprehensive Plan Map; the Residential designation covers all the

zoning designations from R-1 through R-5. The applications combined in this submittal propose to residentially develop this site to an R-3 urban density and, in doing so, fulfil the applicable Goals and Policies of the McMinnville Comprehensive Plan.

Policies:

187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.

187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

Findings:

Policies 187.10, 187.20 and 187.30 are satisfied by this proposal in that the City of McMinnville adopted Great Neighborhood Principles as part of Volume II of the Comprehensive Plan in 2019. The adoption of such principles found in the following policies fully articulate the aspirations of the three policies referenced in this finding.

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.

Finding:

Policy 187.40 specifies that McMinnville's Great Neighborhood Principles shall guide applicable current land use and development applications such as this subdivision request. As Great Neighborhood Principles are addressed in findings below, this policy is satisfied.

Additional findings relevant to Great Neighborhood Principles previously provided as part of the annexation and zone change findings above are also incorporated into the Great Neighborhood Principles findings provided for this subdivision application by this reference.

Policy:

187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.

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.

2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

   a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

Findings:

There are no watercourses, sensitive lands, steep slopes or wetlands within this subdivision site. Peavey Reservoir and the southwest branch of Cozine Creek to the southwest is not located within the subdivision site. There are also no significant onsite natural features or landscapes since this site is virtually flat and has been used as rural residential yards since the existing homes were constructed. Regarding vistas or skylines, the territorial view from this property is to the west over adjacent rural land which recently burned as the result of a local brush fire. Views to the north and east will be of urban residential neighborhoods while views to the south and west will be of the currently existing larger lot residential development. While there are no landmark trees identified on this site, there is a stand of fir trees located in the northwesternmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence in the northeast corner of the site, abutting SW Cypress Lane. Preservation of this stand of trees would result in the loss of approximately 1.5 building lots from this proposed subdivision; given the location of the southerly extension of SW Emily Drive that is proposed and would be required by the City, preservation of this tree stand would eliminate residential development from the west side of the SW Emily Drive extension within the annexation parcel. In light of this policy however, we propose to work with the City on potential individual tree retention without the loss of these

two proposed building lots which would equate to a loss of one-fifth (1/5th) of the proposed subdivision's buildable lots. Policy 187.50 (1) and (2) has been satisfied.

Policy:

187.50

3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

   a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.

   b. Central parks and plazas shall be used to create public gathering spaces where appropriate.

   c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.

4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

   a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

   b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).

5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.

   a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.

   b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.

6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.

a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.

b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.

7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.

a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.

b. Design practices should strive for best practices and not minimum practices.

8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.

a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.

b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.

c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).

9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.

a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.

b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.

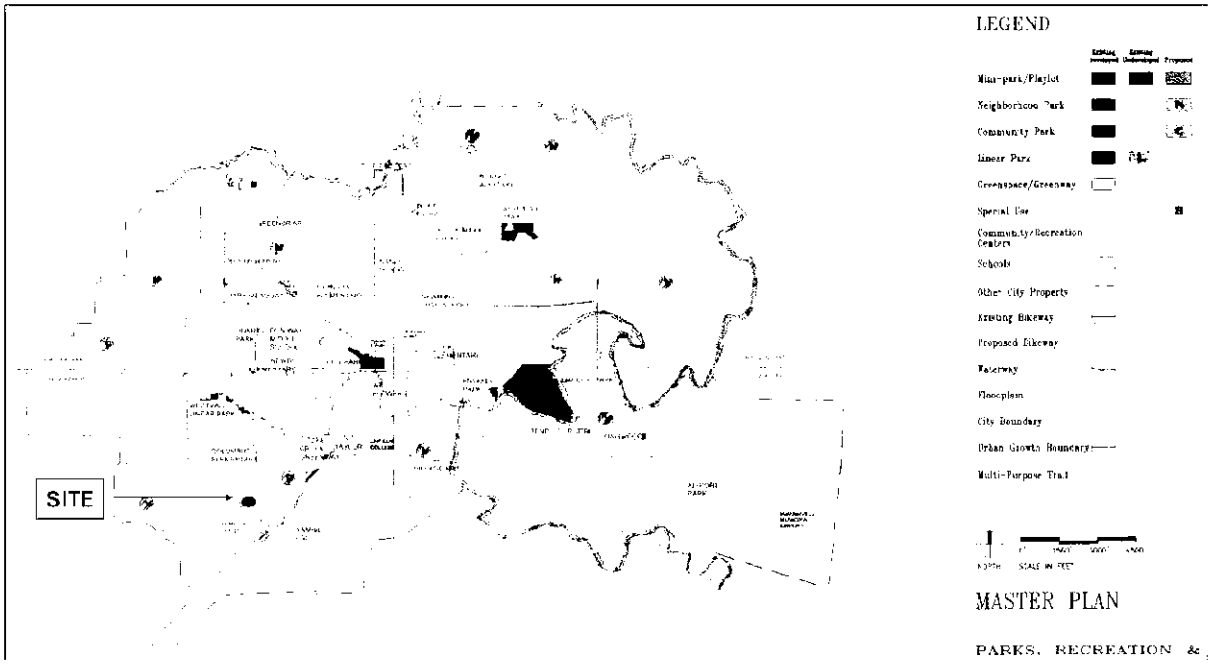
c. Neighborhoods are designed such that owning a vehicle can be optional.

10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

    a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.

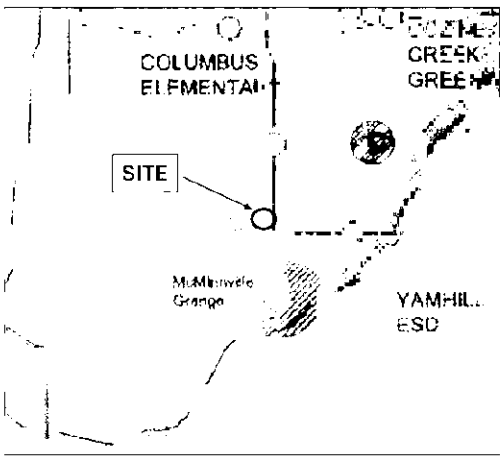
Findings:

We propose to make fee-in-lieu payments to the City for each residence at the time of construction rather than dedicating parkland from this site. The current McMinnville Parks, Recreation, and Open Space Master Plan (1999) does not call for the development of a community or neighborhood park in this location. "Pocket parks", which have become more popular in recent years were not a projected park type need in the Parks Master Plan nor a park type to be required of residential subdivisions unless through the mechanism of a Planned Development which is not part of this combined application submittal. Moreover, this site is well served by utilization of the recreational space provided by the established Discovery Meadows Park located approximately 300 feet north of the site's northeastern corner; actual walking distance of approximately 900 feet (0.17 miles) from the current southern terminus of SW Emily Drive. The current Parks Master Plan projected park needs map is reproduced here for your convenience and does not indicate the need for a park at this site.




https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1303/1999_mac_parks_master_plan.pdf

An enlargement of a portion of that park plan map is provided here demonstrating that there are no projected parkland needs that directly impact the subject site.




While this development plan does not propose a trail system such as that referenced in Policy 187.50 (3)(a) a paved pedestrian pathway is proposed to connect the proposed extension of SW Emily Drive with SW Cypress Lane for enhanced pedestrian connectivity within the immediate area.

The proposed residential development will see the southerly extension of SW Emily Drive from its current temporary southerly terminus to serve the undeveloped portion of the project site. This public street extension will be designed and constructed to city standards resulting in an extension of the existing public street network that is pedestrian, bike and other transit friendly in order to provide ease of use for people of all ages and abilities such that owning a vehicle can be optional.

Additionally, Policy 187.50 (4)(b) states that a pedestrian connection is to be provided from cul-de-sacs to commercial areas, schools, community facilities, parks, trails and open spaces and between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet). While this site would not create a cul-de-sac with a length exceeding 400 feet, and this site does not have the ability to provide a direct pedestrian connection to a commercial area, school, community facility, park, trail or open space, such a pedestrian connection is still included as part of this subdivision design. As mentioned above relative to Policy 187.50 (3)(a), a paved pedestrian pathway is proposed to connect the proposed extension of SW Emily Drive with SW Cypress Lane for enhanced pedestrian connectivity within the immediate area. This five-foot wide paved pathway will be located within a 10-foot wide tract and serve to enhance non-vehicular movement between this neighborhood and the surrounding area.

The lot sizes and dwelling types allowed by the R-3 zone, by design, elicit a human scale to neighborhood design. The location of this development site, and the larger project area, provide easy and convenient access to nearby recreational activities (Discovery Meadows Park), educational opportunities (Columbus Elementary School) and convenient access to the city's broader transportation network leading to commercial and professional areas (Highway 99W located some ½ mile distance from the development area) such that owning a vehicle can be optional. These opportunities and the design of the proposed street and pedestrian connection are bike friendly and will provide a safe and enjoyable experience that encourages the use of bikes by people of all ages. This proposed development will connect to the existing

street grid system as directed by the McMinnville TSP and shall be non-exclusive and shall be accessible and allow the ease of use by all.

By proposing lot sizes and a street design commensurate with that of existing adjacent urban scale residential development, this subdivision provides for a compatible human scale that fosters human interaction with the built environment, particularly through the provision of public sidewalks, street trees, a dedicated pedestrian connecting pathway in addition to future dwelling unit types with compliant building heights that either exist or are becoming more common in nearby neighborhoods as encouraged by the City.

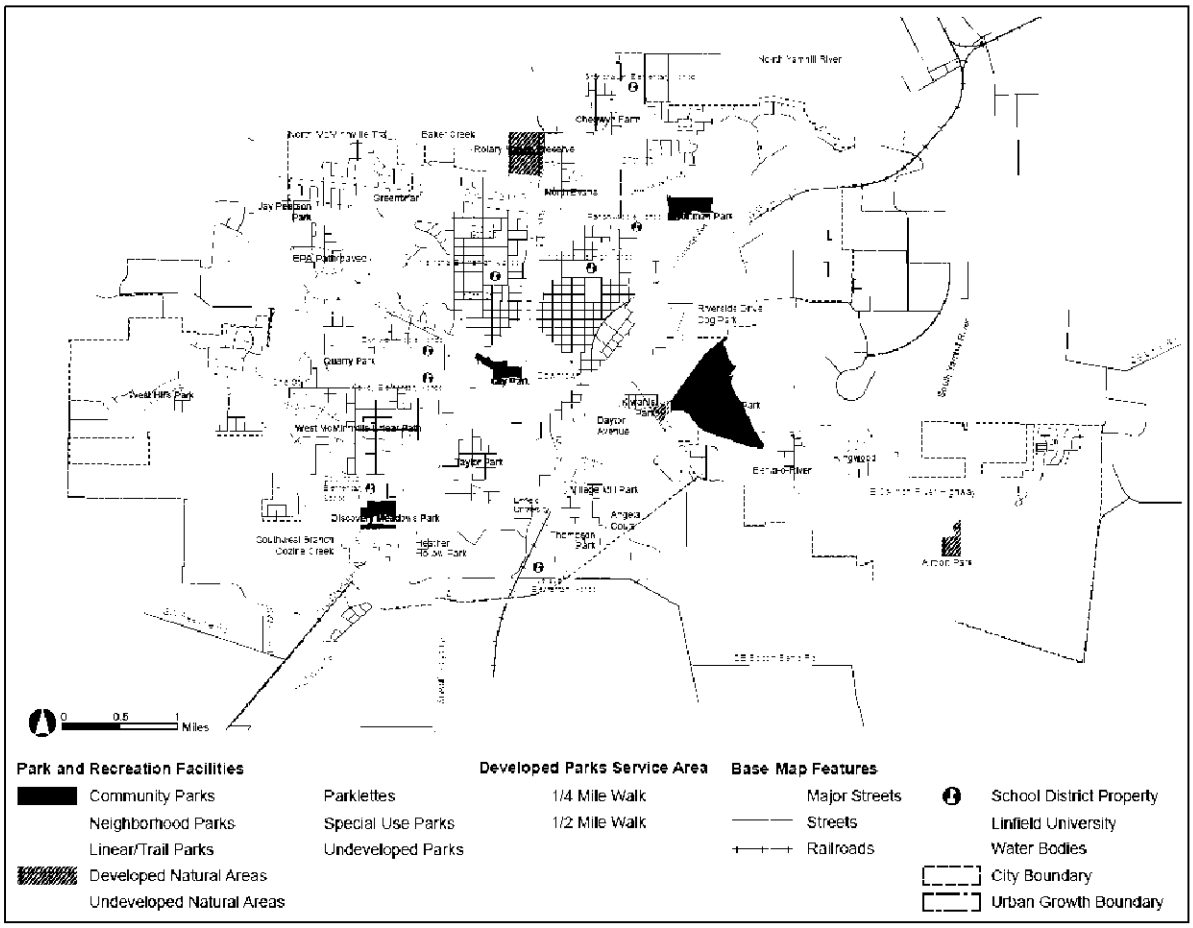
Policy 187.50 (8)(c) specifically encourages application of the principles of CPTED (Crime Prevention through Environmental Design). CPTED started domestically and has now gained wide international acceptance due to law enforcement efforts to embrace it. Policy 187.50 specifically cites CPTED standards as applicable for public spaces which technically includes public rights-of-way design and their improvements since public streets are open for use by the general public. CPTED recommendations that are employed in this proposal include:

- A public street extension and creation of a pedestrian connecting path to increase both pedestrian and bicycle traffic.
- Residential windows that will look out onto sidewalks.
- Approved "crime-safe" landscape design for the soft-scape portions of the 10-foot wide pedestrian tract.
- Approved street tree planting plan with resilient, scale appropriate trees in locations so as to not create clear-vision obstructions.
- A cul-de-sac street which will provide multiple viewpoints to residential entrances.
- Natural vehicular access control as there are no street intersections within this neighborhood.

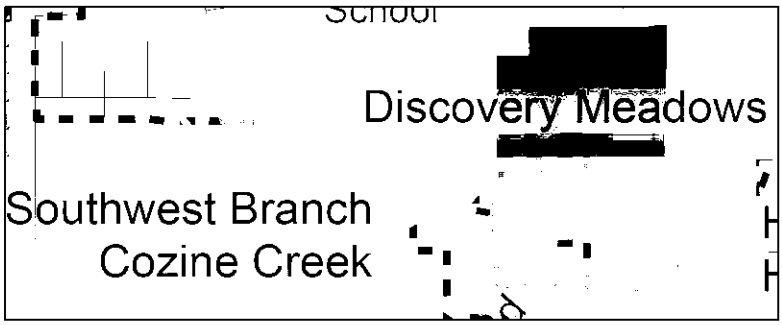
The requested rezoning of this site to R-3 is consistent with the base zone of the adjacent neighborhoods to the north eliminating the need for employment of additional residential buffers beyond that of traditional R-3 zoned residential yard requirements. The only true urban-rural interface that exists with this subdivision is located along the western edge of the annexation area and is limited to a distance of approximately 75-feet. The rural land beyond that portion of the site's western edge is a small captured area located between this portion of the proposed subdivision, Peavey Reservoir and the Kathleen Manor Manufactured Home neighborhood. As the R-3 PD zoned Kathleen Manor Manufactured Home neighborhood abuts this captured piece of rural land for a distance of some 450 feet along its subdivision boundary, and no additional buffer or design requirements were assessed to that development along this edge, it is our position that no such additional buffers or design requirements would be required of this subdivision's urban-rural edge in order to achieve a cohesive and consistent residential design and pattern with that of the existing adjacent residential development.

It is prudent at this point to mention the City's current, ongoing public review of the draft McMinnville Parks, Recreation and Open Space Plan (2024). At the time of the preparation of this application submittal, it is unclear if this new draft parks plan will have already been adopted by the City and therefore applicable to this application. In the interest of transparency and potential park or other recreational compliance obligations, we address the relationship between that draft plan and this development site.

The development area that is the subject of these combined applications is shown on Map 4-1 (Developed Parks Service Area) of the Draft McMinnville Parks, Recreation and Open Space Plan to be both within a ¼ Mile Walk and also within a ½ Mile Walk from the Developed Park Service Area of Discovery Meadows Park (both distances are referenced by this Plan). This Plan makes clear that the public park recreation needs of the entire subject development site is well served by Discovery Meadows Park. Regarding any future park location that might directly impact this development site, Map 5-1 (Future Parks & Recreation System) of the draft Plan do not identify any portion of this site as being needed for any identified future park type. Map 5-1 is provided here for your reference.




An enlargement of a portion of Map 4-1 near the proposed development site is provided on the following page (please refer to the legend above for graphic orientation).




The requirements of Policy 187.50 (3-10), as applicable to this subdivision application, have been satisfied.

Policy:

187.50

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

    a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

    a. Neighborhoods shall have several different housing types.

    b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

    a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

    b. Opportunities for public art provided in private and public spaces.

    c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

Findings:

Policy 187.50 (11-13) is satisfied by this request since the companion annexation and zone change applications propose that this subdivision site annexed to the City and zoned R-3 which supports almost all residential dwelling types available through the McMinnville zoning scheme. This makes housing opportunities possible for people and families with a wide range of incomes, and for people and families of all generations and in all stages of life. Development of this residential land will demonstrate residential construction exhibiting variety in building form and design employing environmentally friendly construction techniques and energy efficiency consistent with Great Neighborhood Design Principles as required by the City. We also endorse and agree that similar housing types, when immediately adjacent, will exhibit a variety in building form and design. Neighborhood design elements and features (e.g., street lights and paved surfaces) will be consistent in design and complementary to those found within the adjacent Cypress Meadows First Addition neighborhood to the north through which one will travel to access nine of these proposed ten lots if arriving by vehicle. Upon final approval of this combined joint proposal, we endeavor to work with the City regarding individual Great Neighborhood Design elements as appropriate.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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.

Findings:

Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires that the applicant of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095 and is addressed in findings below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

7. The following Sections of the McMinnville Zoning Ordinance are applicable to this request as decision-making criteria:

Section

17.03.020 Purpose

> The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding:

Section 17.03.020 is satisfied by this request for the reasons enumerated in the conclusionary findings for approval of this subdivision request.

Residential Design and Development Standards

Sections

17.11.010 Purpose

> This chapter provides residential development and design standards for all housing types permitted in McMinnville's residential and commercial zones.

17.11.011 Applicability.

> The residential design and development standards in this chapter are applicable to all new housing construction, residential conversions, and new additions that comprise 50% or more of the structure.

Findings:

Sections 17.11.010 and 17.11.011 are applicable to this subdivision proposal in that the end goal of this proposed development is for the provision of new residential dwelling units. The type of dwellings, size and configuration of lots and design of the dwelling units will comply with these Residential Design and Development Standards through review and approval of this subdivision request and subsequent building permit applications for future dwellings.

Sections

17.11.020 Tiny Houses – Table 1

17.11.030 Cottage Cluster – Table 1

17.11.040 Accessory Dwelling Units – Table 1

17.11.050 Single Detached Houses – Table 1

17.11.060 Plexes – Table 1

17.11.070 Townhouses – Table 1

Findings:

Rather than reproducing the afore referenced six (6) Tables here, they are incorporated into these findings by this reference and can be viewed by reviewing the McMinnville Zoning Ordinance. A review of the proposed tentative subdivision plan and these Tables (along with other requirements of the R-3 zone) demonstrate that these proposed subdivision lots make possible the siting of each of these referenced dwelling unit types on many of the proposed lots. However the opportunity to site Quadplex development would be limited to Lot 1, 2, 5, 8 and 9 due to lot size; it is noted that for the time being the applicant intends to remain in the existing Lot 8 residence without modification to an alternative dwelling style. All of these listed housing types are possible to be provided within the proposed ten lot subdivision which demonstrates an endorsement of the varied housing types made possible by the R-3 zone and satisfies Sections 17.11.020, 17.11.030, 17.11.040, 17.11.050, 17.11.060 and 17.11.070. Subsequent building permit reviews inclusive of site plan reviews for each platted lot will further verify compliance with these standards.

Section 17.11.100 (A-F) Residential Universal Design Standards

The Universal Design Standards are standards that apply to the following housing types: Tiny Houses, Cottage Clusters, Plexes, Single Dwellings, Townhouses and ADUs. These standards are related to site design, street frontage, architectural design, parking, compatibility with neighboring homes, open space, and private space requirements.

| Universal Design Standard | Tiny House | Cottage Cluster | Plex | Single Dwelling | Town-house | ADU |
|---|---|---|---|---|---|---|
| Façade | X | X | X | X | X | X |
| Street Frontage | X | X | X | X | X | X |
| Front Yard | X | X | X | X | X | X |
| Alleys | X | X | X | X | X | X |
| Garages | X | X | X | X | X | X |
| Compatibility | X | X | X | X | X | X |

Finding:

Similar to the previous finding, rather than reproducing the lengthy Section 17.11.100 (A-F) standards here, they are incorporated with this finding by this reference and viewable within the McMinnville Zoning Ordinance. It is clear by reviewing these standards, and as shown in that Section's Table which is provided above, that the Residential Universal Design Standards apply to every type of residence that could be constructed on the proposed lots as well as to their street frontages, yards and garages. As previously stated in findings provided above, and at the time of this application submittal, we have not yet determined the specific dwelling type(s) intended for each of the proposed vacant subdivision lots. Even so, full compliance with the Residential Universal Design Standards will be pursued and achieved as part of the building permit application and review process for each dwelling unit to be constructed within this subdivision. Such compliance and achievement is not only sought by the applicant, it is also required by the City in order to move forward with building permit issuance for each dwelling unit. The requirements of Section 17.11.100 (A-F) are satisfied by this finding and such adherence is guaranteed by the City's building permit review and approval process.

Sections

17.18 R-3 Two-Family Residential Zone

17.18.010 Permitted uses.

In an R-3 zone, the following uses and their accessory uses are permitted:

A. Tiny Houses, Single detached dwelling;
B. Middle Housing
   1. Plexes: Duplex Dwelling, Triplex Dwelling, Quadplex Dwelling (minimum lot size of seven thousand square feet)
   2. Cottage Clusters
   3. Townhouses
C. Single Room Occupancy – Small Housing
D. Accessory Dwelling Unit (ADU)

Findings:

Section 17.18.010(A-D) is satisfied by this subdivision proposal in that it is the stated intent of this proposal to construct residential dwelling units on each newly platted vacant residential lot. We appreciate the opportunity to consider the construction of a number of different types of housing in this neighborhood as listed and provided under Section 17.18.010 Permitted Uses. The current economic market for home construction and sales is arguably not quite as bullish as it has been at other times, and longer term residential economic forecasting is, by most measures, not as clear or certain as it could be relative to the time when these residences are likely to be financed and under construction. Understanding that reality, we have not determined the specific dwelling type(s) intended for each of the proposed subdivision lots at this time. There are, however, a number of the dwelling types permitted by the R-3 zone that can be accommodated on many of the proposed lots which provides a potential wide range of dwelling type options responsive to market needs at the time of development.

Sections

17.18.030 Lot size.

In an R-3 zone, the lot size shall not be less than six thousand square feet except as provided in Section 17.11.070 (C), Table 1 (C), Townhouses.

17.18.040 Yard requirements.

In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

A. A front yard shall not be less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.

B. A rear yard shall not be less than twenty feet, except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.

C. A side yard shall not be less than seven and one-half feet. An exterior side yard on the street side of a corner lot shall be not less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.

17.18.050 Building height.

In an R-3 zone, a building shall not exceed a height of thirty-five feet.

Findings:

Sections 17.18.030, 17.18.040 (A-C) and 17.18.050 are satisfied in that each of the proposed subdivision lots is greater than 6,000 square feet in size; this takes into account the 1,583 square foot subtraction of the access easement area to be recorded across Lot 3 for the benefit of Lot 4. The table below provides the proposed square footage of each of the ten

lots; access easements do not count toward the minimum lot size of any lot as per the Lot Area definition provided in Section 17.06 – Definitions).

| Proposed Subdivision Lots | | | |
|---|---|---|---|
| Lot # | Square Feet | Sq. Ft. Subtraction for Lot 3 Access Easement | Amended Total Square Footage |
| 1 | 7,486 | | 7,486 |
| 2 | 12,122 | | 12,122 |
| 3 | 7,913 | 1,583 | 6,330 |
| 4 | 6,769 | | 6,769 |
| 5 | 7,204 | | 7,204 |
| 6 | 6,575 | | 6,575 |
| 7 | 6,153 | | 6,153 |
| 8 | 31,119 | | 31,119 |
| 9 | 7,426 | | 7,426 |
| 10 | 6,336 | | 6,336 |
| **Total Sq. Ft.** | **99,102** | | **97,520** |
| **Average Sq. Ft.** | **9,910** | | **9,752** |

As part of the building permit review submittal process, a site plan will be provided to the City indicating, among other things, the proposed building(s) height and the minimum required setbacks for the lot showing that the building(s) location is in compliance with the standards prescribed by the R-3 zone. As part of that review process, and prior to building permit issuance, the City will verify that all minimum setbacks have been maintained; this is further verified through the onsite footing/foundation inspection and framing inspection as part of the building construction process.

Section

17.18.060 Density requirements

> In an R-3 zone, the maximum density for single attached dwellings may not exceed four dwelling units per 6,000 square feet, whichever is less. Density maximums may not apply to any other permitted housing types, including accessory dwelling units.

Finding:

Section 17.18.060 is satisfied in that the tentative subdivision plan submitted with this application proposes that each lot is designed for residential use and exceeds the minimum

required lot size of 6,000 square feet. Relative to density, while this zone allows up to four single attached dwellings (Townhouses) for a 6,000 square foot lot, the proposed size of the lots will not accommodate Quadplex density on every lot since Quadplex development requires a 9,000 square foot minimum lot size. While Townhouses would be allowed on each of the 10 proposed lots, Quadplexes could only be accommodated on Lots 2 and 8 (see Sections 17.11.060 (C) Table 1 (c) and 17.11.070 (C) Table 1 (c)).

Chapter 17.53 Land Division Standards

Section

17.53.100 Creation of Streets

C. An easement providing access to property, and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:

1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;

2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.

3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.

Findings:

The criteria of 17.53.100(C) of this Section is satisfied in that, a private fifteen-foot wide access easement is proposed to cross the northern portion of Lot 3, beginning at its right-of-way edge and extending to its western edge, for the benefit of Lot 4. This proposed access easement is a result of the subject site's shape and dimensions in combination with the need to align a proposed local street extension in a manner that provides access through the site from the temporary southerly barricade on SW Emily Drive. This alignment also provides for the opportunity for a residence(s) to be constructed in the far northwest corner of this proposed

subdivision. The 15-foot wide private access easement is proposed to be improved with a minimum hard surfaced drive of 10 (ten) feet in width for the full length of the easement.

Due to the site's shape, size and the TSP directed public street extension obligation, it is necessary and within zoning ordinance allowance that Lots 6 and 7 will be provided vehicular access by way of a twenty-foot wide private access tract as part of Phase 2. This tract will extend eastward from the dedicated right-of-way edge to the western edge of Lot 7 and be located along the northern edges of Lots 5 and 6 and be held in common.

Section

17.53.101 Streets

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table:

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way,

ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

Findings:

The requirements of Section 17.53.101 (A-D) are satisfied as follows. The planned street layout provides for the southerly continuation of SW Emily Drive to serve the site. Due to existing adjacent development south of the site which is currently served by a private joint paved access intersecting SW Cypress Lane, SW Emily Drive is designed to terminate in a cul-de-sac in the southern portion of the subject site. There are no fully undeveloped adjacent lands for this site to provide street stubs to or to otherwise connect to. As stated previously in findings submitted as part of the subdivision's companion applications, McMinnville's adopted TSP (Transportation System Plan) Exhibit 2-1 (provided in findings above for graphic reference) designates the Future Local Street Connection to serve this site as being the southerly extension of the current temporary terminus of SW Emily Drive (a local street), with no direct public right-of-way connection to the adjacent SW Cypress Lane (a minor collector street). This proposed street plan complies with the local street connection identified in McMinnville's adopted TSP. There are no topographical or other constraints to make compatibility or conformance of the proposed street design impractical relative to required standards. The proposed extension of SW Emily Drive is identified as a local residential street and, upon permitting, will be constructed to full City standards for this type of street within a 50-foot public right-of-way (excepting requirements of the larger cul-de-sac bulb right-of-way dimension) according to the City's Complete Street Design Standards for local streets.

Regarding solar access, and as provided above in findings submitted as part of the subdivision's companion applications, this plan proposes to align the site's new internal local public street with the current temporary terminus of SW Emily Drive which is located at the northern edge of the annexation parcel. Due to the location and configuration of the site, a predesignated future street location (Exhibit 2-1 of McMinnville's adopted Transportation System Plan as provided elsewhere in these findings) and the existing street pattern of the adjacent development to the north, SW Emily Drive will be extended southward to served future lots on this site which will suffice and satisfy Volume I's encouragement of solar access for this proposed subdivision as far as is practicable. Opportunities for an alternative east-west street layout are not viable or possible on this site. The proposed street layout promotes a municipally compliant street alignment and increased local street connectivity to currently

underserved land and the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

We are not proposing the creation of a reserve strip on land adjacent to the southern edge of Phase I commensurate with the partial extension of SW Emily Drive. The recording of such instrument would be very quickly eliminated as soon as the construction of Phase 2 begins. However, we also do not object to the City requiring this reserve strip as a condition of approval for this subdivision if the City determines that it is warranted.

The submitted tentative subdivision plan shows that the proposed extension of SW Emily Drive is correctly aligned with the current temporary terminus of SW Emily Drive by continuation of the center line of the established SW Emily Drive. And, as there are no proposed street intersections in this plan, there are no proposed staggered or improperly aligned street intersections.

Section

17.53.101 Streets

I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and sere not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

Finding:

The proposed cul-de-sac length measures approximately 125 feet in length from the site's northern boundary to the top of the cul-de-sac bulb along the extension's east side. This length, when measured to the back of the cul-de-sac bulb is approximately 215 feet. If the measurement of the cul-de-sac length is to include the existing portion of SW Emily Drive northward to its intersection with SW Emily Court, the maximum length of the proposed cul-de-sac would be approximately 355 feet which is shorter than the allowable 400-foot maximum cul-de-sac length. Additionally, 9 of the 10 lots are proposed to be served solely by SW Emily Drive (Lot 8 will have dual access onto Emily Drive and Cypress Lane). This Section limits the total number of dwelling units taking access from this cul-de-sac street to only 18 dwelling units. An assumption that single-family detached dwellings would result on each of these 10 lots leaves an opportunity for only eight additional dwelling units to be accommodated within this subdivision. Should the City determine to include the four existing dwelling units presently located on Emily Drive south of its intersection with Emily Court as part of the 18 allowable "cul-de-sac" units, this would leave the applicant an ability to a capacity of only four additional dwelling units that could be located on these subdivision lots before the maximum of 18 dwelling units is reached. [The maximum number of detached dwelling units may actually be higher than 18 as the McMinnville TSP states in Table 2-1 – Cul-de-sac, that a cul-de-sac street shall serve a "maximum of 20 single-family houses."] On this matter, we welcome and support the City's determination and direction as to how many total dwelling units will be allowed to be constructed within this subdivision. Section 17.53.202 (I) is satisfied by this proposal.

Section
17.53.101 Streets

K. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged.

Finding:

Section 17.53.101(K) is satisfied in that the extension of SW Emily Drive is proposed to continue with the name of SW Emily Drive. We will support the City's decision should the City determine that the name of this proposed extension should become SW Emily Court.

Section
17.53.101 Streets

S. Sidewalks. Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb.

Finding:

Section 17.53.101(S) is satisfied in that, as shown on the submitted tentative subdivision plan, sidewalks along the throat of the cul-de-sac will be separated from the curb by a five-foot wide park strip, be located one-foot from the right-of-way line and be five-feet in width. Sidewalks within the cul-de-sac bulb are to be curb-tight and also five-feet in width.

Section
17.53.101 Streets

T. Park Strips. Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park

strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance

Finding:

Section 17.53.101(T) is satisfied in that the submitted subdivision plans 5-foot wide park strips located between the curb and sidewalk along the throat of the cul-de-sac and that sidewalks within the cul-de-sac bulb are to be curb-tight. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees).

Criteria not Applicable: The following subsections of Section 17.53.101 are not applicable to this request as these circumstances do not exist within or adjacent to this proposal:

E. Future extension of streets
F. Intersection angles
G. Existing streets
H. Half streets
J. Eyebrows
L. Grades and curves
M. Streets adjacent to a railroad right-of-way
N. Frontage roads/streets
O. Alleys
P. Private way/drive
Q. Bikeways
R. Residential Collector Spacing
U. Gates

Section

17.53.103 Blocks

A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

Finding:

As shown on the submitted tentative subdivision plan, Section 17.53.103(A-B) is satisfied in that planned street alignment and extension proposes only one cul-de-sac extension. As

previously mentioned, at its longest possible dimension, this cul-de-sac block is less than 400-feet in length even when measured from the intersection of SW Emily Drive and SW Emily Court and measured to the back of the cul-de-sac bulb. The maximum block perimeter measurement does not apply to this proposal.

Section

17.53.103 Easements

C. Easements.

1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

Finding:

Section 17.53.103 (C)(1) is satisfied in that ten-foot wide public utility easements will be provided adjacent to the proposed public right of way to accommodate the installation of utilities as necessary. Other easements necessary to meet utility and service provision needs will also be recorded to adequately serve each lot.

Section

17.53.103 Easements

C. Easements.

2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

Finding:

This proposal complies with and satisfies Section 17.53.103(C)(2) as this site is not traversed by water courses such as a drainage way, channel or stream.

Section

17.53.103 Easements

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways.

Finding:

As shown on the proposed tentative subdivision plan, Section 17.53.103(C)(3) is satisfied in that a pedestrian way in the form of a Tract, in addition to those provided by the construction of public sidewalks to City standards, is proposed to connect otherwise disconnected streets. While there is no opportunity to provide a pedestrian way connection to a recreation or public area such as a school or to connect to either existing or other proposed pedestrian ways, the nonvehicular transportation in McMinnville will yet be enhanced by this connection. Additional pedestrian connections due to overly long block length is not a concern in this proposal for reasons previously mentioned. Continuous public sidewalks constructed within the public right-of-way to City specifications shall be provided along both sides of the proposed right-of-way and shall connect to the existing public sidewalks adjacent to this site to the north thereby providing additional opportunities for continuous pedestrian circulation both within the proposed neighborhood and the surrounding street system. Therefore, this criterion is met.

Section

17.53.105 Lots

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

Finding:

As shown on the submitted tentative plan the proposed lots are generally rectangular in shape and are all buildable as per the requirements of the requested zoning designation. All lots comply with Subsection 1 above in that the depth of each lot does not ordinarily exceed two times its average width with one exception. Lot 2 exceeds this standard by approximately 15 percent with a lot width of approximately 75 feet and a lot depth of approximately 161 feet (or an "excess" depth of about 11 feet).

At this point, it is important to note the precise wording of this subject portion of 17.50.105(A)(1) which is that "the depth of lot shall not *ordinarily* exceed two times the average width." [emphasis added] The word "ordinarily" is meaningful in this context and this word was placed in this standard for a reason which is to provide relief to the desired dimensional lot ratio when atypical site considerations prevail. To look closely, the word "ordinarily" evokes a standard or practice of something being rather common and routine. In fact, for something to be ordinary, it evokes the majority and not the exception.

In the proposed subdivision, one lot out of ten slightly exceeding this recommended standard is by no means *ordinary* as the widths of lots in this proposed subdivision do not *ordinarily* exceed two times the average width and all proposed lots remain buildable. This dimensional standard has been satisfied.

Section

17.53.105 Lots

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

Finding:

As shown on the submitted subdivision plan each lot will abut a public street for a width of at least 25 (twenty-five) feet with the exception of Lots 4 and 6 and which will be provided compliant means of alternative access as described previously in these findings and incorporated here. There will be no direct access onto a major collector or arterial street as no such designated street is within or adjacent to the subject site. Therefore, Section 17.53.105 (B) is satisfied.

Section

17.53.105 Lots

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen and at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

Finding:

As demonstrated on the submitted tentative subdivision plan, there are no through streets proposed as part of this request. Section 17.53.105(C) has been satisfied.

Section

17.53.105 Lots

D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Finding:

As shown on the submitted tentative subdivision plan, all side lines of lots run at right angles to the street upon which the lots face as far as practicable. Due to the size and configuration of the site and the necessary street design, Lots 5 and 8 located on the east side of the cul-de-sac bulb will necessarily each have one side lot line not set at a right angle with the street (this one lot line is shared in common by Lots 5 and 8). Section 17.53.105 (D) is satisfied by this proposal.

Section

17.53.105 Lots

E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

Finding:

A flag lot is defined in Chapter 17.06 of the McMinnville Zoning Ordinance as "A lot by which access to the nearest public or private street is gained by means of a narrow strip of land not less than 25-feet in width." It is important to note that Lot 4 is not a flag lot as its access is to be provided by way of a 15-foot wide private access easement recorded across the northern

edge of Lot 3 for the benefit of Lot 4. Therefore, there are no flag lots proposed as part of this subdivision development plan. Therefore, Section 17.53.105 (E) is satisfied.

Sections

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;

B. Drainage facilities;

C. Sidewalks in pedestrian ways;

D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

A. Water supply system. All lots within a subdivision shall be served by the City water supply system.

B. Electrical system. All lots within a subdivision shall be served by the City electrical system.

C. Sewer system. All lots within a subdivision shall be served by the City sewer system.

D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.

E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related

improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.

F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.

G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.

H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

Findings:

Sections 17.53.151 (A)-(D) and 17.53.153 (A)-(H) are satisfied in that the City Council has adopted the specifications referenced in these Sections as being applicable to and to be administered by the City of McMinnville. As shown on the submitted tentative subdivision plan all lots shall be served by municipal facilities which will also generally connect to such existing systems currently located adjacent to subdivision to the north. If accepted by the City it is desired that: 1) storm water from Lot 4 drain westward to the Peavey basin similar to current storm water drainage from the existing residences west of and outside of the proposed subdivision which will continue their westward flow toward the Peavey Reservoir; and, 2) storm water from Lots 6 and 7 are proposed to drain eastward to SW Cypress Street which is the current flow direction of Lots 1 and 8 now. No private ways or drives are proposed within the subject site; the private tracts (pedestrian and vehicular) to be constructed in Phase 2 are not classified as a private way or drive.

Dedication and improvement of the public street shall occur as required by City standards inclusive of curbs and gutters, five-foot wide sidewalks and curbside planter strips in the throat of the cul-de-sac, with the public sidewalk within the bulb portion of the cul-de-sac being curb-tight. Upon approval of this request, a street tree planting plan shall be required as a condition of its approval which will require submittal of a plan to be reviewed for approval by the Landscape Review Committee. Additional findings relative to site drainage are found at 17.53.103(C)(2) above and are incorporated here by this reference.

Sections

17.58.020 Trees - Applicability

D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review.

17.58.040 Tree Removal/Replacement

A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks, or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. [..]

C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. [..]

E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The area

shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.

H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict.

Findings:

As this request is for a land use decision regarding a residential tentative subdivision plan, Sections 17.58.020 and 17.58.040(A-H) are applicable to this request. As can be seen on the aerial graphic provided below, there are established trees located in various locations throughout this subdivision site and one concentrated area of trees located in the site's northwestern corner.

We recognize the economic and intrinsic value of trees to homeowners, the neighborhood and the city at large and propose to retain as many of these existing trees as is practicable. As stated previously in this combined application submittal, there are no landmark trees identified on this site, however there is a stand of fir trees located in the westernmost portion of the property that measures some 75 x 130 feet in size. Given their dense spacing and the age of the rural residential use of this site, it is difficult to determine if these trees are native to this property or if they were planted in the early 1900's commensurate with construction of the existing residence. We propose to work with the City on potential individual tree retention throughout the site without the loss of building lots or identified needed dwelling units.

Many of the elements of Section 17.58.040 are applicable to the removal and replacement of required street trees or required landscape trees and are not applicable to this request; this subdivision request does require a landscape plan relative to future street tree planting and placement. No street trees will be removed since the extension of SW Emily Drive will be newly constructed with initial street tree planting to occur prior to subdivision platting. We propose to work with the City in identifying other trees to be removed and those to be retained as per the City's process, review and approval.

Sections

17.58.090 Street Tree Planting – When Required

> All new multi-dwelling development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

17.58.100 Street Tree Plans

A. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.

17.58.110 Street Tree Planting

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

Findings:

Sections 17.58.090, 17.58.100(A) and 17.58.110(A) are satisfied in that the subdivision application is subject to the requirements for the planting of street trees in accordance with adopted standards. Following approval of these combined applications, a street tree planting plan shall be submitted to the Landscape Review Committee for review and approval prior to the filing of the final subdivision plat. Additionally, such trees as identified on the approved street tree planting plan shall either be installed or sufficiently bonded prior to recording of the final residential subdivision plat; this is equally applicable to both Phase 1 and Phase 2.

Section

17.60.060 Parking – Spaces Required

A. Residential Land Use Category:

4. Single detached

Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

6. Middle Housing - Duplexes, Triplexes, Quadplexes, Cottage Clusters, Townhomes, Tiny Homes.

One space per dwelling unit.

8. Affordable Housing – Two-bedroom or less, serving households of 80% Area Median Income (AMI) or less (AMI is calculated PER Yamhill County as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.) Income levels will need to be certified.

0.5 spaces per dwelling unit. Property owner must agree to have the units identified that are serving households of 80%

AMI or less to be deed restricted for that type of housing for at least 20 years. The deed restriction must be recorded on the property at the expense of the property owner. Language of the recorded document to be approved by the Planning Director.

Findings:

Section 17.60.060(A) (4, 6 and 8) are satisfied in that it is our intent to provide on-site vehicle parking in excess of these stated minimum requirements for each dwelling unit and, as such, the number of such spaces provided would exceed the number required in all cases. All parking spaces shall meet or exceed the City's minimum dimensional requirements for on-site residential parking. This shall be verified by the City as part of the standard required building plan review and approval process prior to the issuance of building permits for any lot.

Sections

17.65.010 Purpose. Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary [..].

17.65.030 Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiles in 1983/84 and as subsequently updated, is hereby adopted, and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance [..].

Findings:

Sections 17.65.010 and 17.65.030 are satisfied as follows. According to Yamhill County Assessor data, the existing residence that sits at the northeast corner of the subject site was constructed circa 1909. The other house located on the southern parent parcel was constructed in 1946. Neither of these residences or their properties appear in the City's adopted Historic Resources Inventory in any of the four identified resource subcategories; "A" Distinctive, "B" Significant, "C" Contributory or "D" Environmental. Neither are these residences and/or properties found on the US Department of the Interior's National Register of Historic Places. Therefore, in an historic regulatory sense, neither of these parcels nor their improvements are historically, culturally, architecturally, or archeologically significant to the City of McMinnville and the requirements and obligations of Chapter 17.65 of the McMinnville zoning ordinance do not apply in this instance.

Section

17.72.095 Neighborhood Meetings

A. A neighborhood meeting shall be required for:

1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:

a. Comprehensive plan text amendment; or

b. Zoning ordinance text amendment; or

c. Appeal of a Planning Director's decision; or

c. Application with Director's decision for which a public hearing is requested.

2. Tentative Subdivisions (up to 10 lots)

3. Short Term Rental

Finding:

As the proposed applications are not exempted by this Section, a neighborhood meeting is required and has been held as evidenced by the materials provided in this application submittal. Section 17.72.095 has been satisfied.

Section

17.72.095 Neighborhood Meetings

B. Schedule of Meeting.

1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.

2. Land use applications shall by submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

Finding:

One neighborhood meeting was held prior to the submittal of this combined land use application for the subject site. The neighborhood meeting was held on Thursday, June 6,

2024, and this land use submittal has been received by the City within 180 days of June 6, 2024. The requirements of Section 17.72.095(B) are satisfied.

Section

17.72.095 Neighborhood Meetings

C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.

2. The meeting shall be held at a location that is open to the public and must be ADA accessible.

3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.

4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p.m. and 8 p.m. or Saturdays between the hours of 10 a.m. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

Finding:

The neighborhood meeting was held at 6:00 p.m. on Thursday, June 6, 2024, which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in the Fellowship Hall of the Praise Assembly Church which is located within the city limits of the City of McMinnville at 930 NE 3rd Street, McMinnville, Oregon. Both the Praise Assembly Church and its Fellowship Hall are ADA accessible. Two identical 8 ½" x 11" signs were posted at the exterior entry door of the Fellowship Hall (one on each side of the door) before the meeting announcing the meeting, stating the date and time of the meeting, and stating that the meeting is open to the public and that interested persons are invited to attend. The criteria of Section 17.72.095(C) are satisfied.

Section

17.72.095 Neighborhood Meetings

D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The

notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.

2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.

3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.

4. The mailed notice shall:

    a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.

    b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)

    c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.

    d. Include a conceptual site plan.

5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.

6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

Findings:

The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the two-parcel subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on May 16, 2024 which was not fewer than 20 calendar days nor more than 30 calendar days prior to the June 6, 2024 date of the neighborhood meeting. The official mailing list for the mailed notice was obtained from First American Title in McMinnville on May 7, 2024 which was then relied upon to mail the neighborhood meeting notice within the 45-day window of validity for utilization of the official mailing list. [It is instructive to note that a separate mailing list was generated by First American Title for each of the two subject parcels resulting in duplication of intended letter recipients. A neighborhood meeting notice was mailed to each unique address on these lists and no address received duplicate notices.] The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in

the notice was a brief description of the proposal including the three companion applications to be simultaneously submitted. The mailed neighborhood meeting notice also included a copy of a Google Map vicinity map that clearly identified the location of the proposed annexation, zone change and development site in addition to the provision of a tentative subdivision plan showing the proposed lot layout and subdivision phasing plan. Therefore, the requirements of Section 17.72.095(D) have been satisfied.

Section

17.72.095 Neighborhood Meetings

E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.

2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.

3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.

4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

Finding:

Two 18 x 24" waterproof signs notifying individuals of the June 6, 2024 neighborhood meeting were posted in easily viewable and readable locations within 20 feet of the two adjacent rights-of-way (one sign per right-of-way edge). Specifically, one sign was posted at the northern edge of the site and attached to the temporary terminus barricade at the current southern edge of NW Emily Drive, and the other sign was posted at the site's northeast corner on a wooden fence located adjacent to the site's SW Cypress Lane right-of-way frontage. These signs were posted on May 16, 2024 which is not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. We have made every effort to ensure that the signs remained posted until the neighborhood meeting which ensured that these two signs did, in fact, remain continuously posted. The requirements of Section 17.72.095(E) are satisfied.

Section

17.72.095 Neighborhood Meetings

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.

2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:

a. An opportunity for attendees to view the conceptual site plan;

b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;

c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

Findings:

An agenda for the neighborhood meeting was prepared and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the proposed development and phasing plan for the site. The agenda also indicated that a description of the proposal would be presented including the major elements of the plan, and that there would be opportunity for attendees to speak at the meeting and ask questions and to communicate any issues that they believe should be addressed. This Neighborhood Meeting started at 6:00 p.m. and, after a presentation followed by questions and comments from the attendees and general discussion, concluded at 7:00 p.m.; a summary of this discussion is provided in the attachments below. The requirements of Section 17.72.095(F) have been met.

Section

17.72.095 Neighborhood Meetings

G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:

1. A copy of the meeting notice mailed to surrounding property owners;

2. A copy of the mailing list used to send the meeting notices;

3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;

4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and

5. Notes of the meeting, which shall include:

   a. Meeting date;

   b. Meeting time and location;

   c. The names and addresses of those attending;

   d. A summary of oral and written comments received; and

   e. A summary of any revisions made to the proposal based on comments received at the meeting.

Finding:

Evidence of compliance with Section 17.72.095 (G(1-5(a-e))) above is provided by the attachments to this submittal inclusive of copies of the graphic display at the June 6, 2024, Neighborhood Meeting. Also provided as evidence of compliance with these requirements are the names and contact information as shared by those in attendance at the Neighborhood Meeting and a summary of oral comments received at the Neighborhood Meeting; there were no revisions made to the proposed plan based on comments received at the meeting.

Transportation Planning Rule

For the same reasons articulated in the annexation and zone change findings provided above, this proposed rezoning request must be found to be in compliance with the Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR is to ensure that future land use and traffic growth is consistent with local transportation system planning and does not create a "significant effect" on the surrounding transportation beyond currently allowed potential uses on the site.

As this TPR analysis is specific to the subdivision development plan proposed by way of these companion applications, it is the most relevant and meaningful TPR test provided in this submittal. Incorporating and utilizing the same type of analysis and comparison as above, it remains helpful to note that current conditions on these two parcels are each developed with one single-family detached residence. The ITE manual identifies 9.43 daily trips for each residence which brings the current total daily trips being generated from this site to 19.

This subdivision application requests approval of a ten-lot residential subdivision. For the purposes of establishing the theoretical maximum potential daily trip generation from this site for this TPR analysis we assume Quadplex development for each of the ten lots. [The TPR

methodology employed for Zone Change findings above is incorporated and relied on here by this reference.]

For ten lots, there would be a theoretical maximum of 40 Quadplex dwellings possible for this subdivision site; 10 lots X 4 dwellings per lot = 40 dwellings. Using the ITE average daily trip rate for single-family attached homes of 7.2 trips per unit (which is a higher trip generation than single family attached / Quadplex and therefore a more rigorous TPR test) yields a projected maximum of 288 daily trips that could be generated from this site based on 40 theoretical Quadplex units. Subtracting the 19 current-conditions trips from this total yields a proposed increase of 269 new daily trips. These 269 theoretical daily trips are substantially less than the 400 daily trip threshold that would trigger a "significant effect" identified by the Transportation Planning Rule. that could potentially be realized if this site was rezoned devoid of a specific development proposal such as this subdivision request.

As shown through the TPR analysis provided at each stage of this proposal (annexation, zone change and subdivision), this combined proposal remains within the TPR compliance threshold at every step. The requirements of Oregon's Transportation Planning Rule have been satisfied by this analysis and this combined proposal fully complies with those requirements and does not trigger any transportation system enhancement or development related transportation mitigation under TPR regulation.

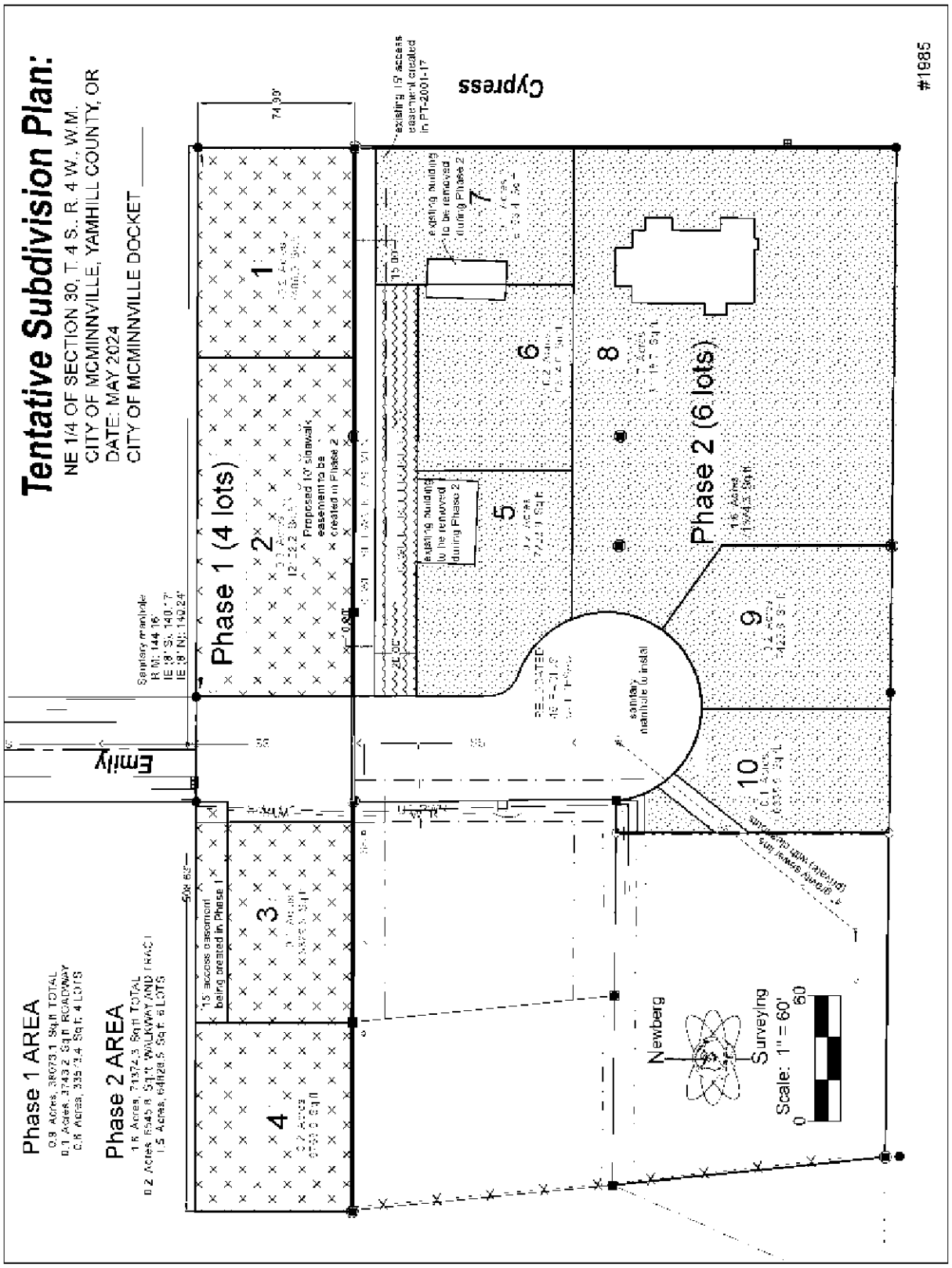
## VII. Conclusion and Approval Request

The evidence in the record is substantial and supports approval of these requests.

Bruce Cook respectfully requests that the submitted Annexation request, Zone Change request and the Subdivision request and preliminary tentative subdivision plan be approved as submitted.

## VIII. Attachments

The following graphics are submitted as part of these companion land use requests.


Tentative Subdivision Plan:
NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: MAY 2024
CITY OF MCMINNVILLE DOCKET
#1985
Cypress
Emily
Phase 1 (4 lots)
Phase 2 (6 lots)
Phase 1 AREA
0.9 Acres, 38073.1 Sqft TOTAL
0.1 Acres, 3743.2 Sqft ROADWAY
0.8 Acres, 33329.4 Sqft 4 LOTS
Phase 2 AREA
1.6 Acres, 71374.3 Sqft TOTAL
0.2 Acres, 8545.8 Sqft WALKWAY AND PARCEL
1.5 Acres, 64828.5 Sqft 6 LOTS
Newberg
Surveying
Scale: 1" = 60'
0
60

(letter mailed out - 2 sides)

# NOTICE OF NEIGHBORHOOD MEETING

(handed out at meeting also)

**Date and Time:** June 6, 2024 at 6 p.m.

**Location:** Praise Assembly Church - Fellowship Hall
930 NE 3rd Street
McMinnville, OR

**Meeting Topic:** You are warmly invited to join a conversation about future annexation, zone change and subdivision proposals on property located generally south of the SW Emily Drive temporary street barricade. We welcome your feedback and input.

*Draft Proposal.* In order to align the zoning of this site with that of the adjacent Cypress Meadows First Addition neighborhood to the north and provide additional housing opportunities, the applications we intend to submit which necessitate this neighborhood meeting are:

- Annexation of approximately 0.91 acres of land.
- Approval of a zone change application on approximately 2.71 acres of land from the site's current zoning designations of EF-80 (Exclusive Farm Use – 80-acre Minimum) approximately (0.9 acres and 36% of the site) and R-1 (Single-Family Residential) (approximately 1.8 acres and 64% of the site) to an R-3 (Two-Family Residential) zoning designation.
- A ten-lot phased residential subdivision application on the rezoned land to allow for home construction on ten lots while retaining the currently existing homes on two of the lots. The platting of the two phases is anticipated to be complete within three years.

Please come to this neighborhood meeting to receive information on this proposal and to ask questions, provide input and voice any concerns you may have.

Respectfully,

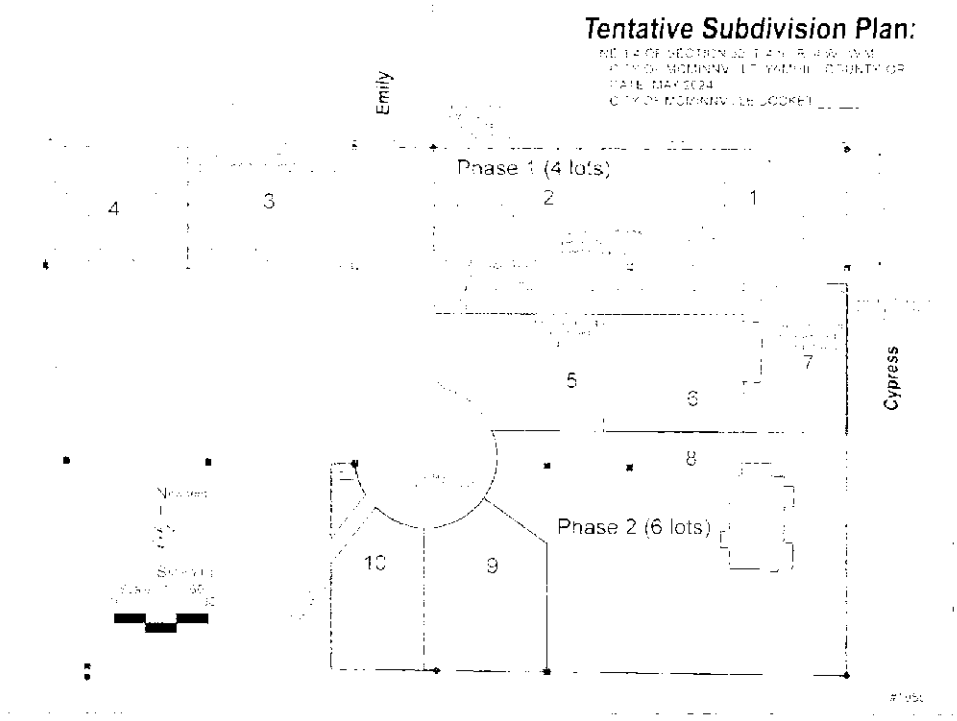
Bruce Cook

Attached: Vicinity Map showing Annexation, Zone Change and Subdivision locations
Tentative Subdivision Plan

(letter mailed out side 2)

Vicinity Map

Tentative Subdivision Plan



Date of Production: 05/07/2024

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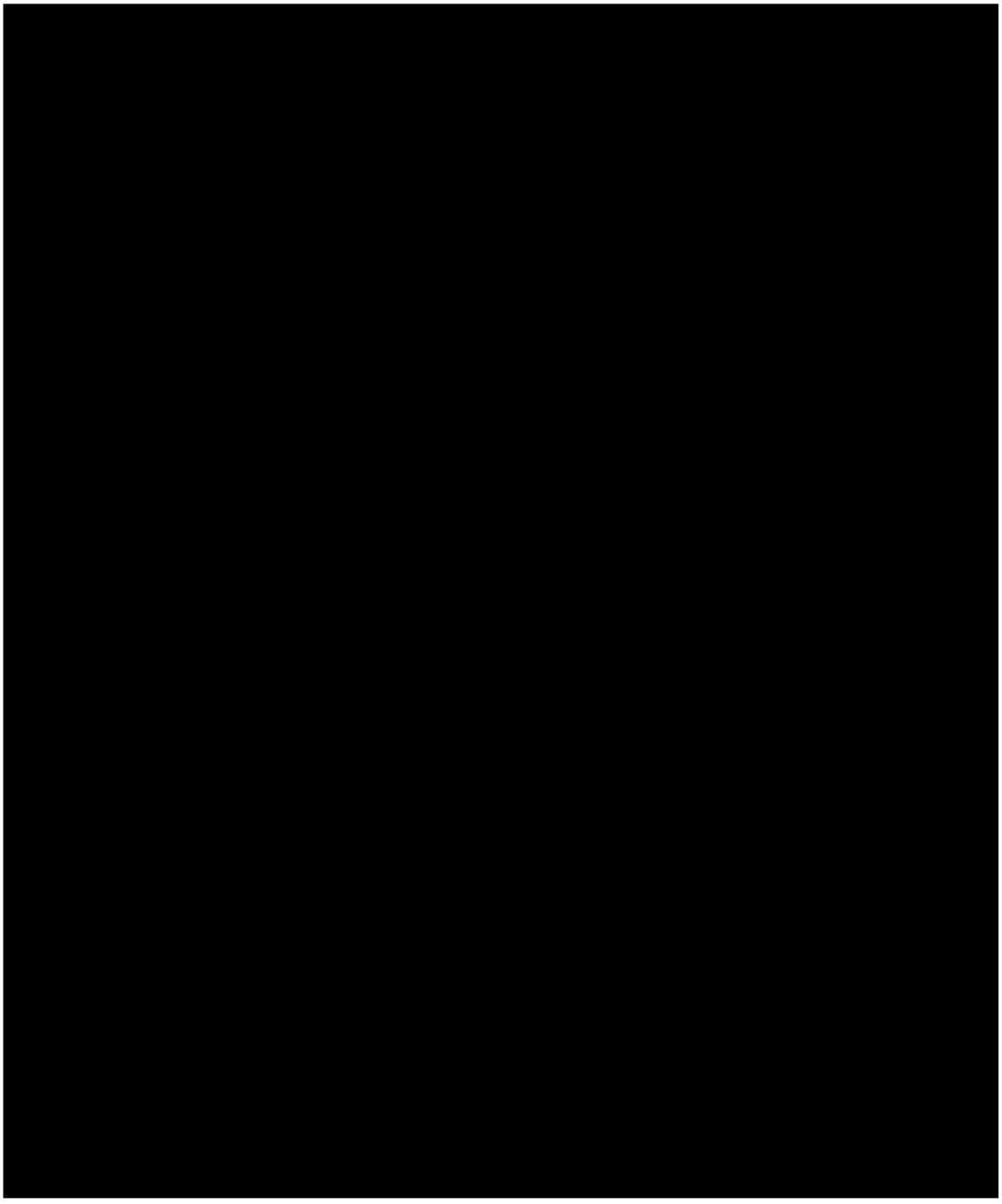

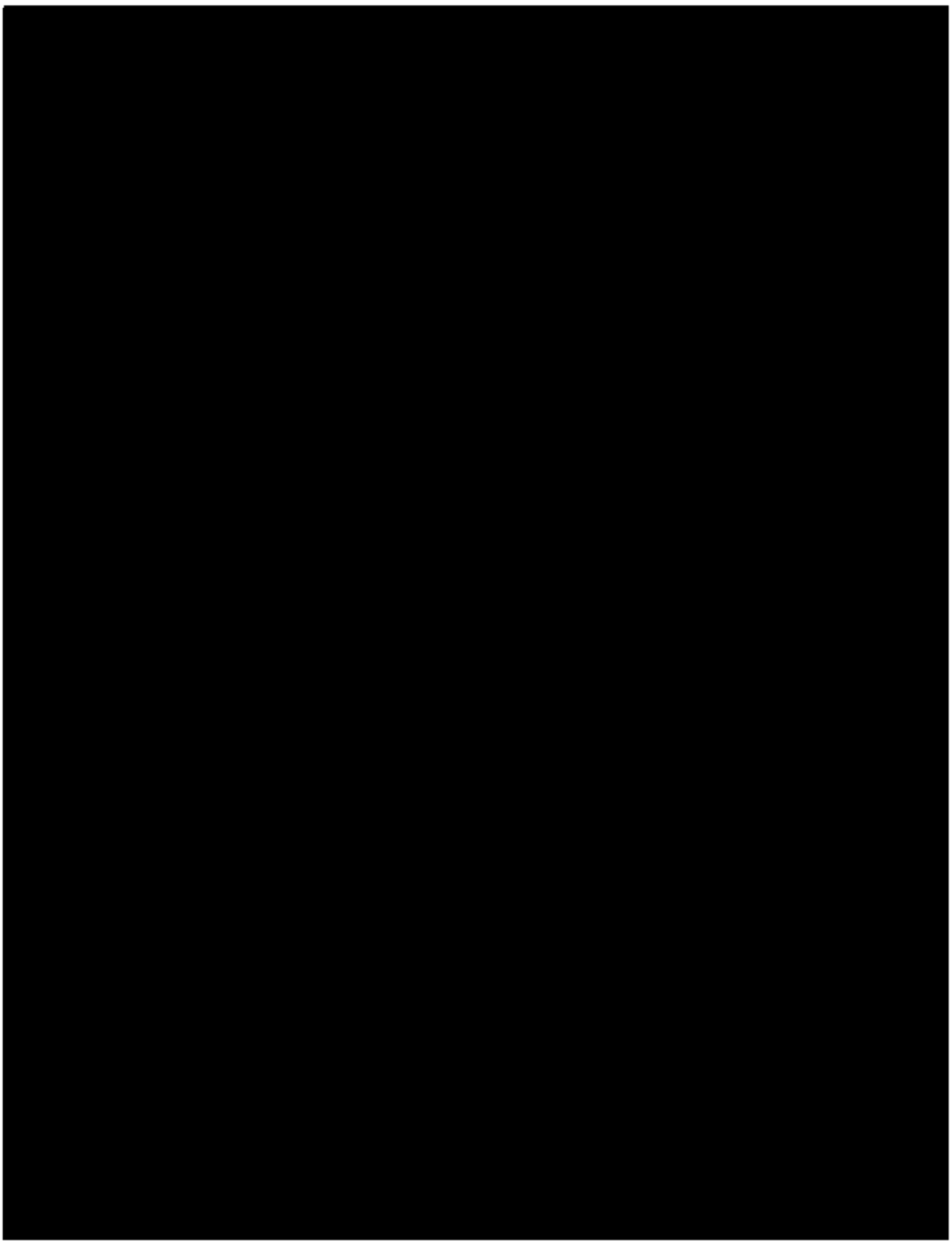

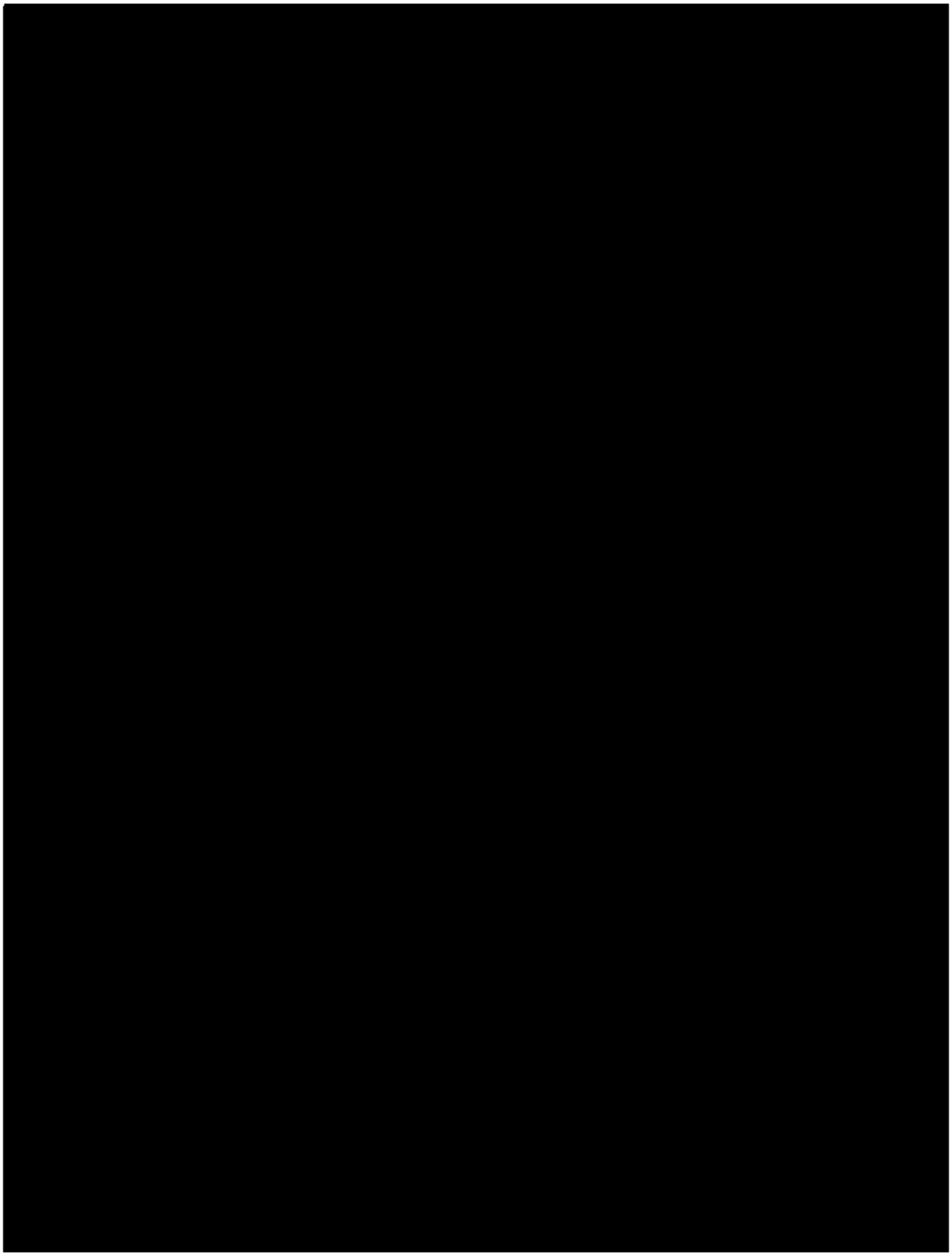

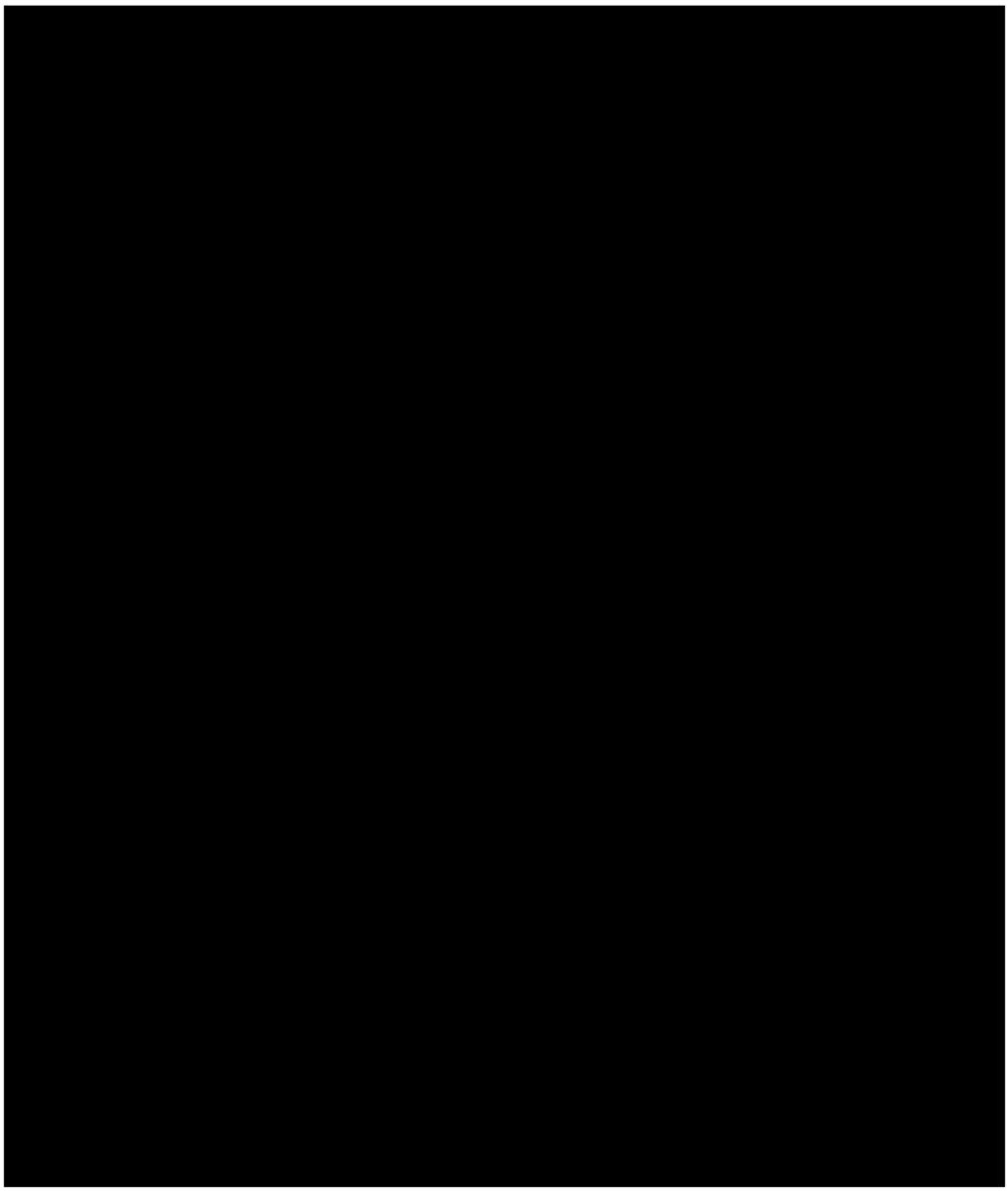

**Buffer Distance: 300 feet**

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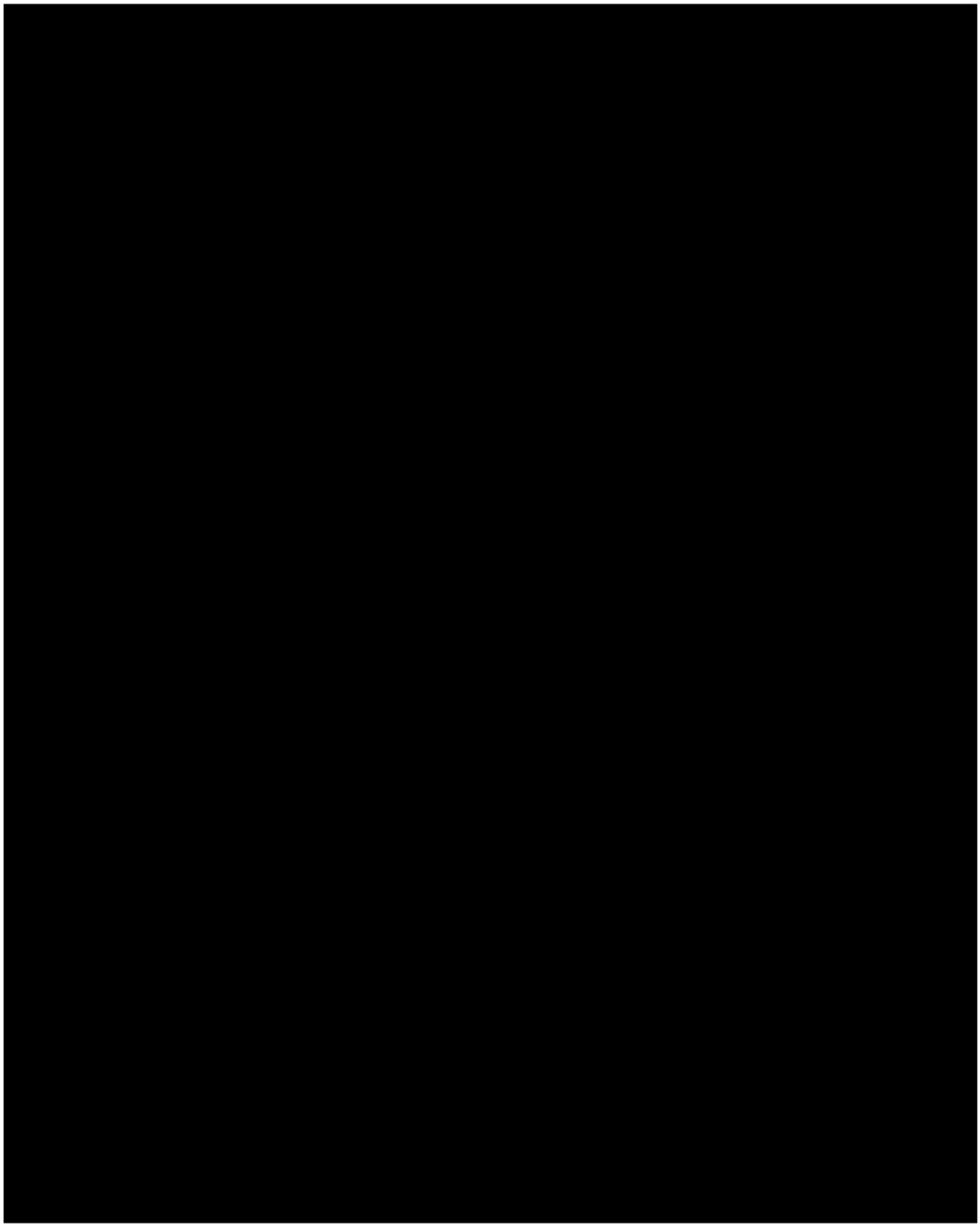

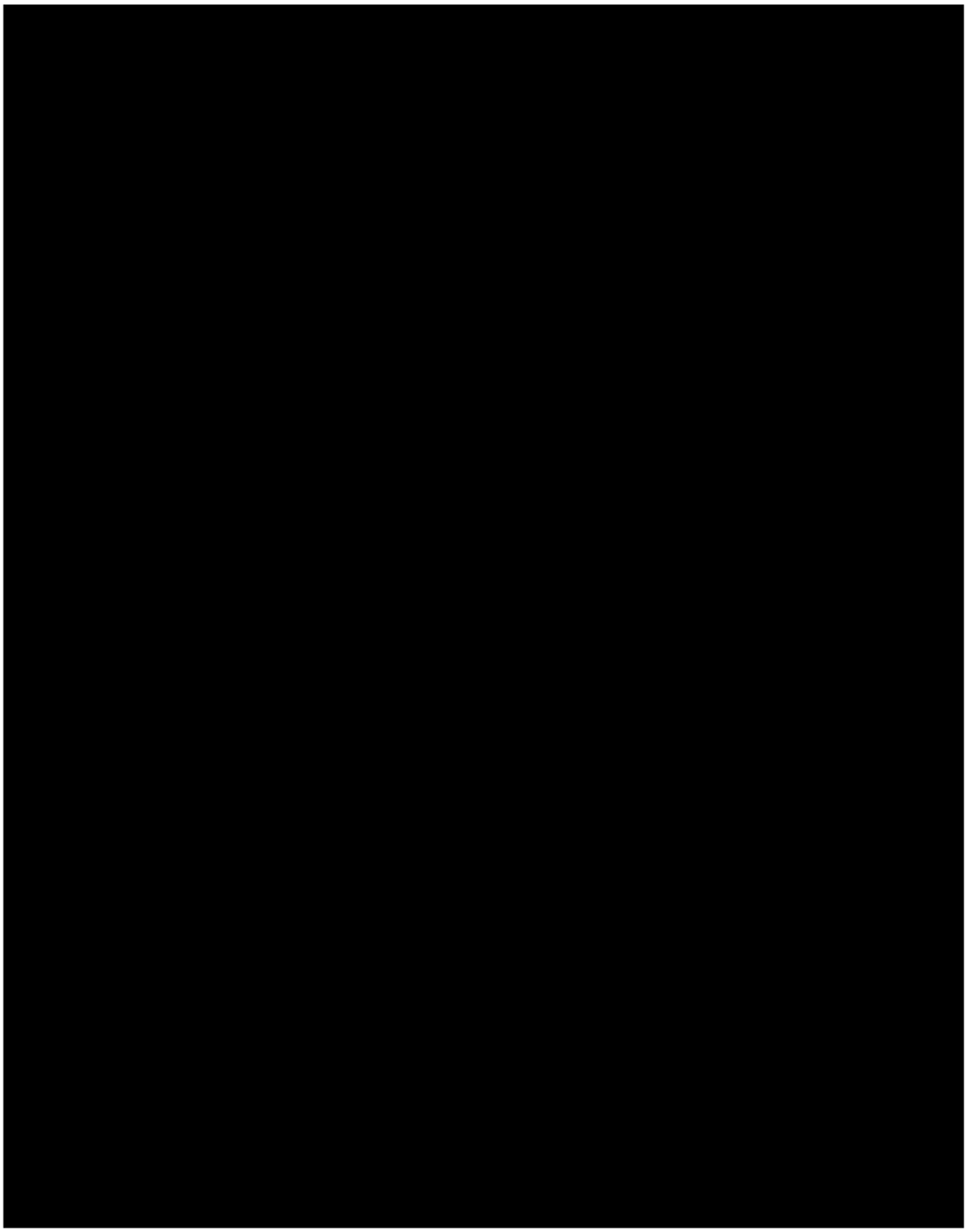

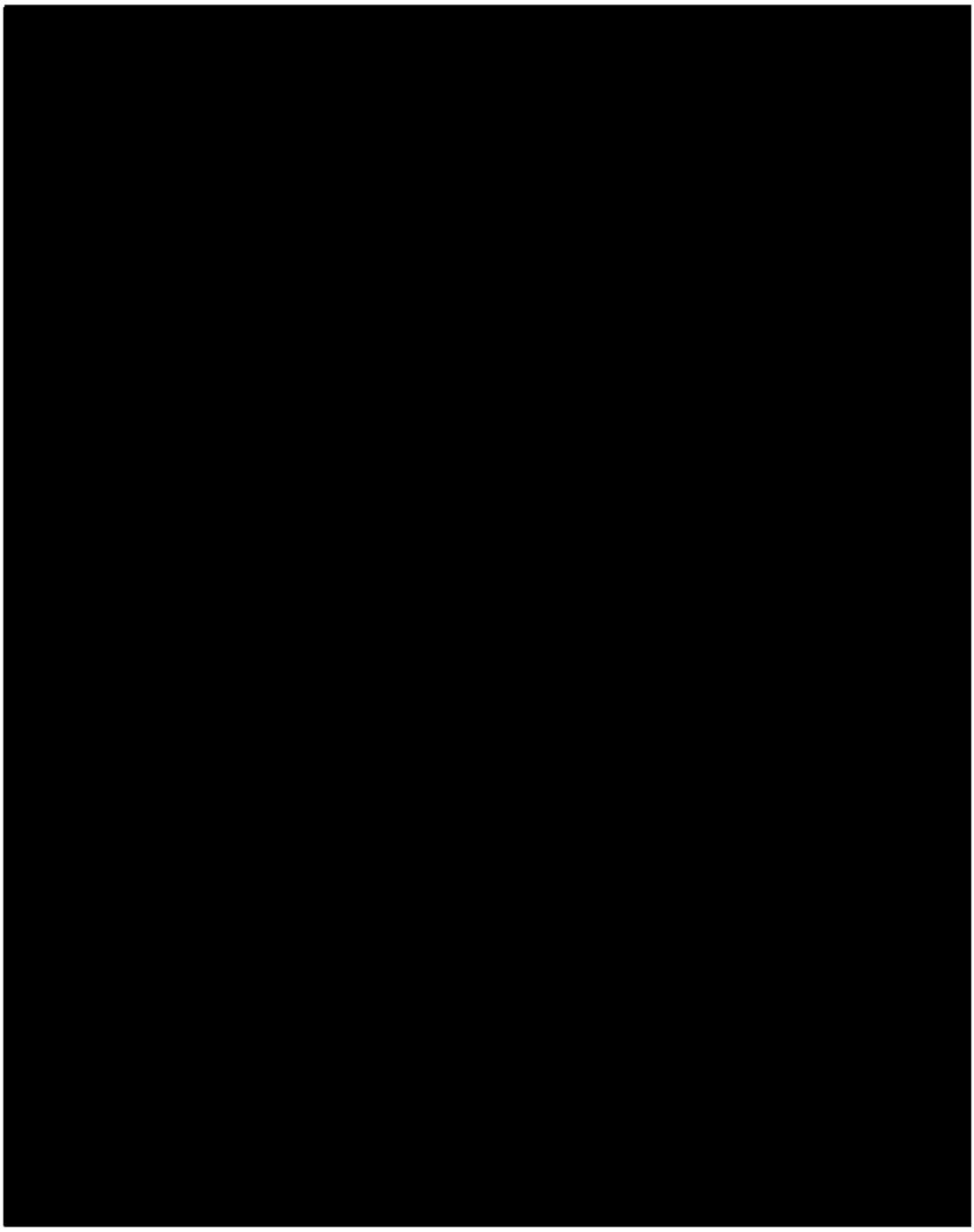

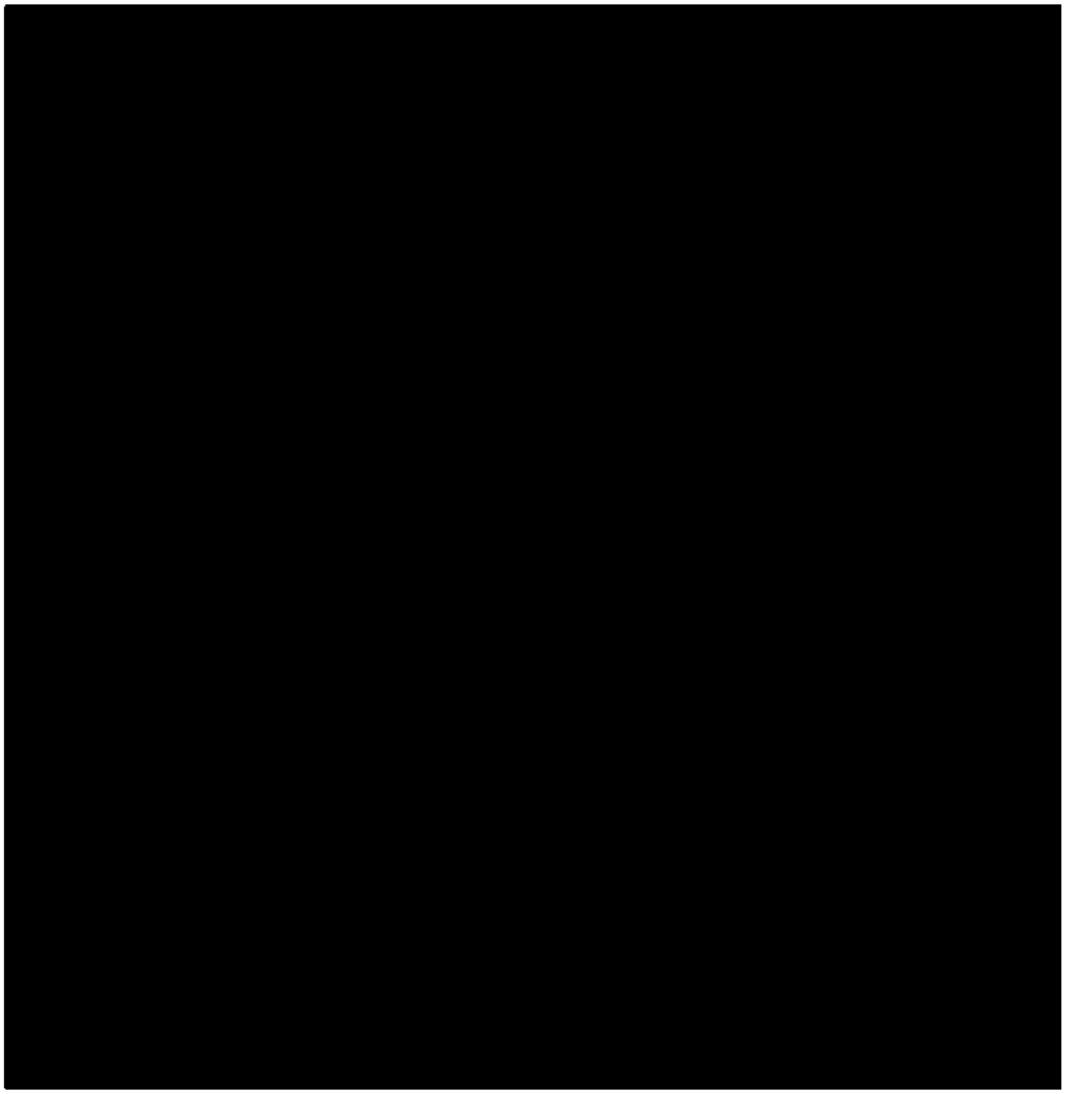

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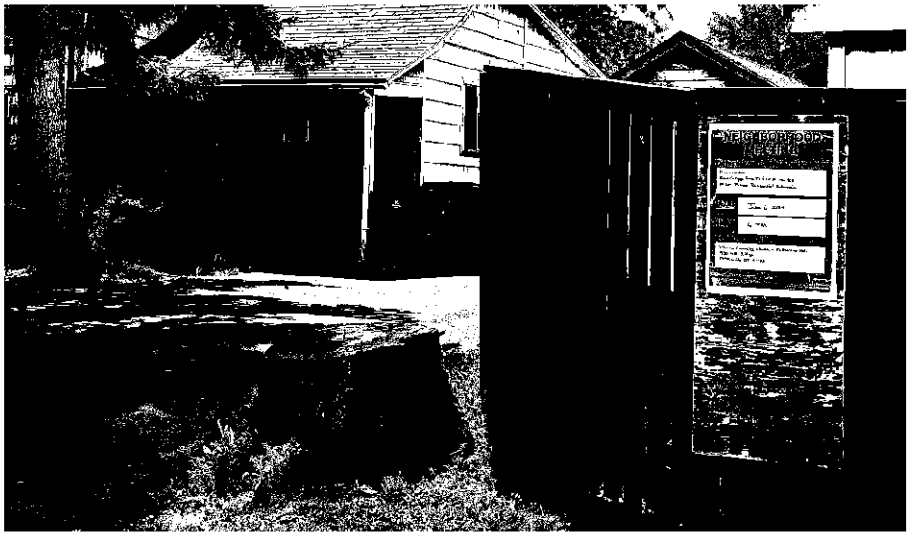
## Posted Neighborhood Meeting Signs - May 17, 2024 – Bruce Cook



SW Cypress Lane at northeastern corner of site

SW Emily Drive terminus at north edge of site

Door Sign

# NEIGHBORHOOD MEETING
# PROPOSED Annexation, Zone Change and 10-Lot Phased Residential Subdivision

DATE: June 6, 2024
TIME: 6:00 PM
LOCATION: Praise Assembly Church-Fellowship Hall
930 NE 3rd St
McMinnville OR

**THIS MEETING IS OPEN TO THE PUBLIC AND INTERESTED PERSONS ARE INVITED TO ATTEND**

Two posted Neighborhood Meeting door signs

Bruce

# NEIGHBORHOOD MEETING

## - AGENDA -

DATE: June 6, 2024
TIME: 6:00 PM (beginning - 7pm was ended)
LOCATION: Praise Assembly Church- Fellowship Hall, 930 NE 3rd St, McMinnville, OR

**Agenda Items**

1. Welcome and Announcement of Attendee Sign-In Sheet
2. Invitation and Opportunity to view the Displays
3. Presentation of the Major Elements of the Proposal (36"X24" map was used as a graphic to show details)
    a. Annexation
    b. Zone Change
4. Tentative Subdivision Plan
    a. Vehicular Access
5. Q & A: Invitation for Neighbor Questions and Input
6. Adjournment

Items of Discussion brought up

1. Displacement of wildlife that roams area
   (It will move to areas around Peavey where it now roams)
2. Extra traffic on Emily may be safety hazard as the street is narrow.
   (Street is built to city standards as will the new street)
3. Timing of the project was inquired about
   (once permits are issued, begin phase 1 with in a year)
4. Housing type was asked about
   (Similar to what is already on Emily)
5. Removal of trees
   (will depend on layout of new housing)

## NEIGHBORHOOD MEETING
**- Annexation, Zone Change and 10-Lot Phased Residential Subdivision -**

Bruce Cook
1525 SW Cypress Lane
McMinnville, OR 97128

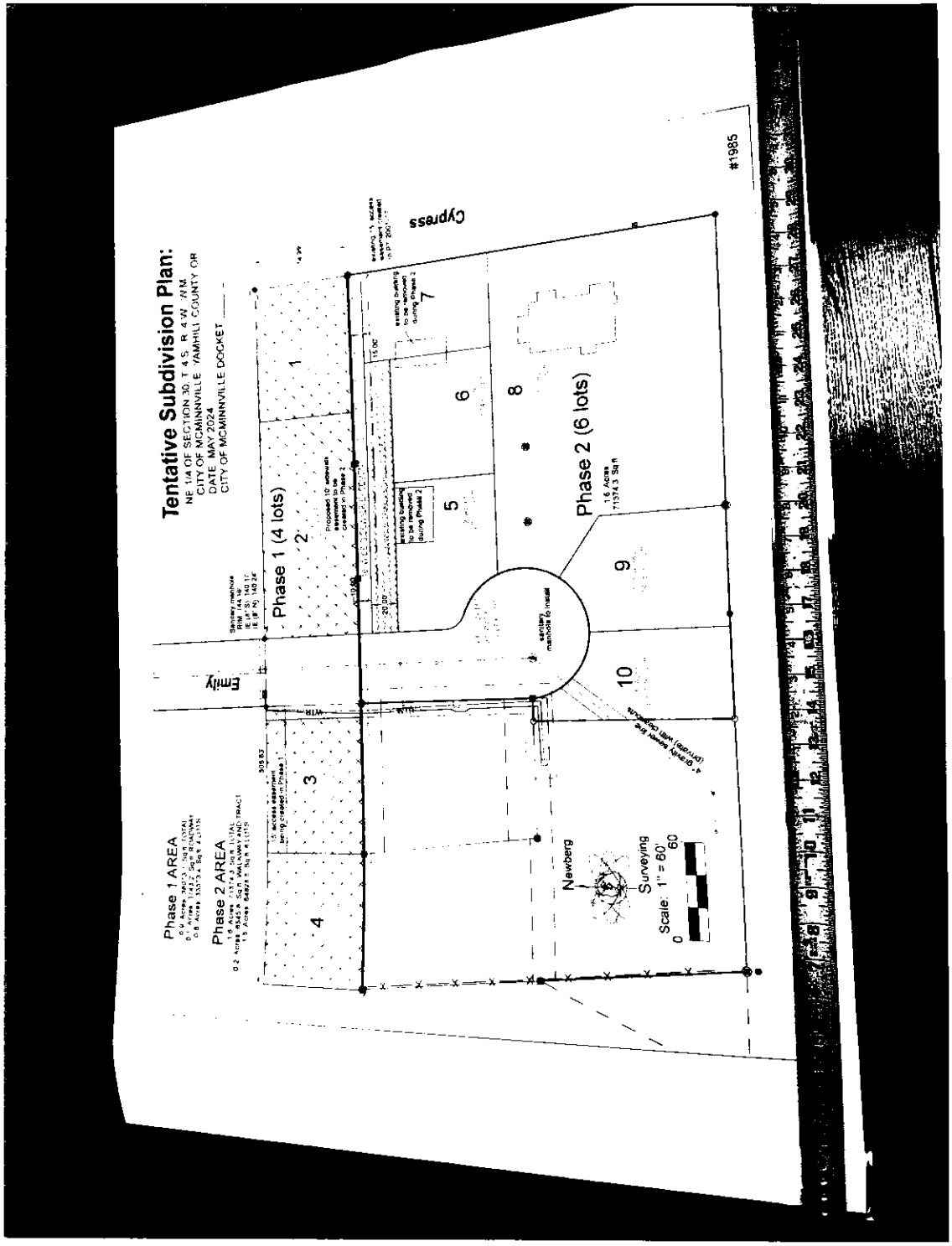
503-560-0881

# SIGN-IN SHEET

**Date:** June 6, 2024
**Time:** 6:00 p.m.
**Location:** Praise Assembly Church- Fellowship Hall

| NAME (Please Print) | [redacted] |
|---|---|
| Bruce Cook | |
| Chris & Mike McCoy | |
| Karen Manfrin | |
| David + Darlene Ward | |
| Tom + Michele Bailey | |
| Edna + Steve Nelson | |
| Renee Winkler | |
| Kristin Ramirez | |
| Stan & Eva Shield | |
| Carey + Michelle Miller | |
| Tom + Gina Gr | |
| Nicole Amuzu | |
| Patricia Wright | |

(20 people in attendance)




Displayed at Neighborhood Meeting

Summary of Topics Raised at the June 6, 2024 Neighborhood Meeting

1. Displacement of wildlife that currently roams the site.

- Summary response – The deer and other wildlife will likely move slightly west to areas around the adjacent Peavey Reservoir where they currently roam.

2. Extra traffic on Emily Drive may be a safety hazard as the street is narrow.

- Summary response – SW Emily Drive is built to City's current, adopted standards for safe local residential streets. The proposed extension of SW Emily Drive will be built to those same standards as this is what is required by the City.

3. Timing of the project

- Summary response – Once permits are issued, Phase I will begin within one year.

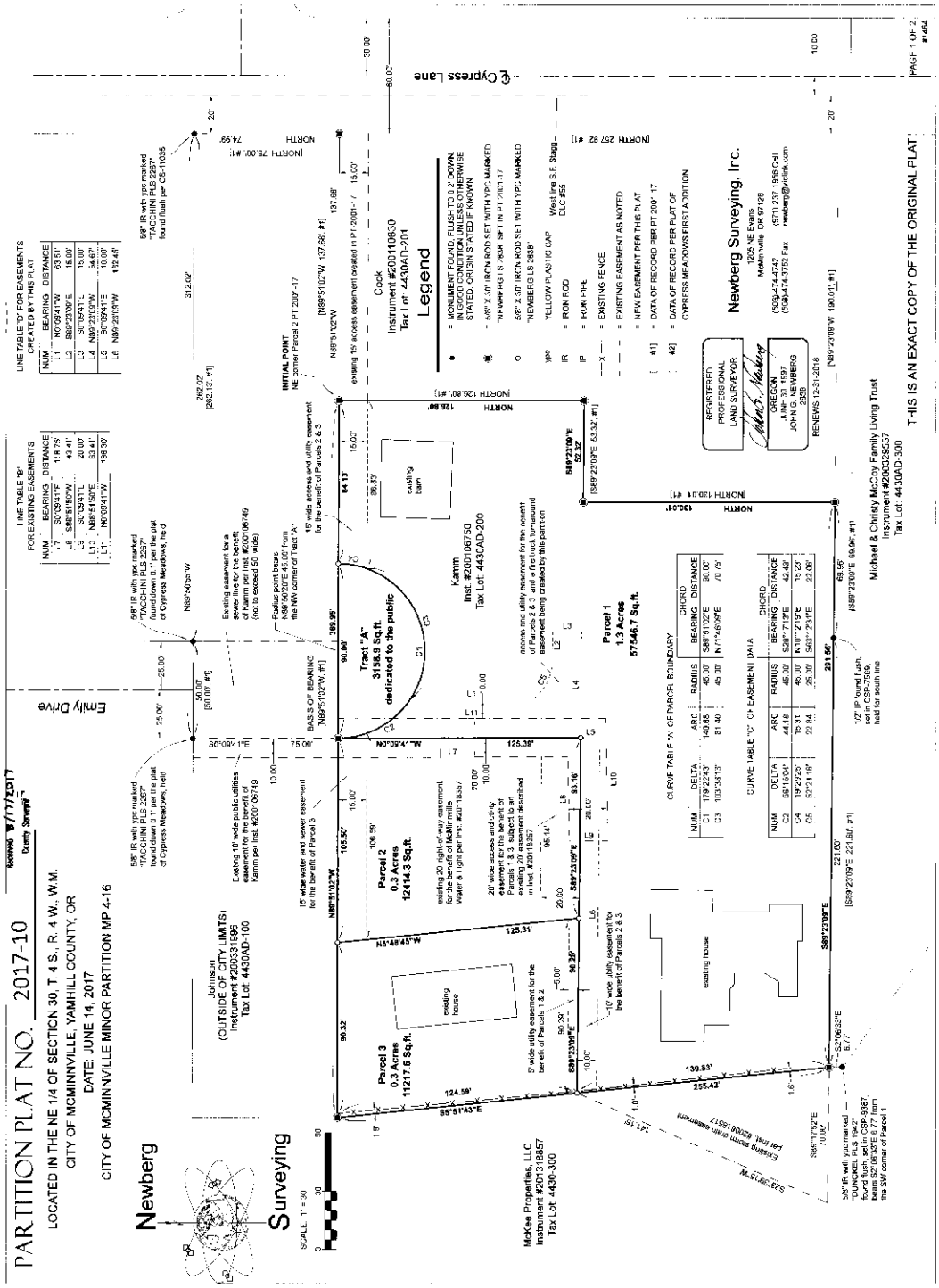
4. Housing Type

- Summary response – The type of housing to be seen in this development may well be similar to what is already developed along SW Emily Drive.

5. Removal of trees

- Summary response – Tree removal will likely depend on the site layout of new residences to be constructed and as shall be approved by the City.

Three prior Land Use Decision graphics for the subject site



# Partition Plat No. 2001-17

# for: Lee and Jo Kamm

Location: NE 1/4 Section 30 T. 4 S., R. 4 W., WM.,
Yamhill County, OR
Tax Lot: 4430AD-200
Date: 6 April, 2001

**SURVEYOR'S CERTIFICATE**

I, John Newberg, do hereby certify that I have correctly surveyed and marked with proper monuments the land shown hereon and the boundary of which is described as follows:

Beginning at the Initial Point, a 5/8" iron rod marked "Newberg LS 2838" set flush with the ground. Said initial point being the Northeast corner of that tract of land described in Document # 200100109 Deed Records, Yamhill County and being North 523.16 feet, and North 89°51'02"West 20.00 feet from the Southwest Corner of S. F. Stagg DLC #55, Yamhill County, a brass cap set in concrete, thence North 89°51'02"West 507.23 feet to an iron rod set on the east line of an exception recorded in film Volume 245 Page 386; thence South 0°51'43" East 255.42 feet to an iron rod set on the extension of an old fence line; thence South 89°23'09" East 501.57 feet along the old fence line to the west line of the Stagg DLC; thence North along the west boundary of said Claim 257.93 feet to a point South 89°51'02" East 20 feet of the initial point; thence North 89°51'02" West 20 feet to the point of beginning.
Excepting there from the East 20 feet thereof for a roadway.

John G. Newberg, PLS 2838

**DECLARATION**

Know all men by these presents that D. Lee Kamm and Jo G. Kamm are the owners of record of the lands shown on the attached map and more particularly described in the Surveyor's Certificate and have caused said lands to be surveyed and partitioned into the parcels shown on the attached map. Further, there are no water rights appurtenant to this partition.

D. Lee Kamm  Jo G. Kamm

**ACKNOWLEDGEMENT**

State of Oregon )
) s.s.
County of Yamhill )

This is to certify that on this 24 day of April, 2001, before me, a notary public for the State of Oregon, in the County of Yamhill, did personally appear D. Lee Kamm and Jo G. Kamm in the capacity shown in the above owner's statement and who are personally known to me to be the identical persons described in and who executed the above instrument and who acknowledged to me that they executed the same freely and voluntarily.

Janice Rae Doherty
Notary Public for the State of Oregon
My commission expires June 21, 2003

OFFICIAL SEAL
JANICE RAE DOHERTY
NOTARY PUBLIC - OREGON
COMMISSION NO. 323314
MY COMMISSION EXPIRES JUNE 21, 2003

**APPROVALS:**

Approved this 27th Day of April, 2001.
City of McMinnville, Planning Director

Approved this 25th Day of April, 2001.
City of McMinnville, Surveyor

Approved this 2nd Day of May, 2001.
Yamhill County Surveyor

**CERTIFICATE OF COUNTY CLERK**

State of Oregon )

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN COUNTY CLERK

$55.00 this day of
M No.
%.

00058172200108507901801
200106750 3:29:36 PM 5/02/2001
PR-PARPR Cnt=1 Stn=2 ANITA
$45.00 $10.00 $11.00

Newberg Surveying
John G. Newberg
Professional Land Surveyor
Forester
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (503)-550-0031 Cell
(503)-474-3752 Fax newberg@ydlink.com

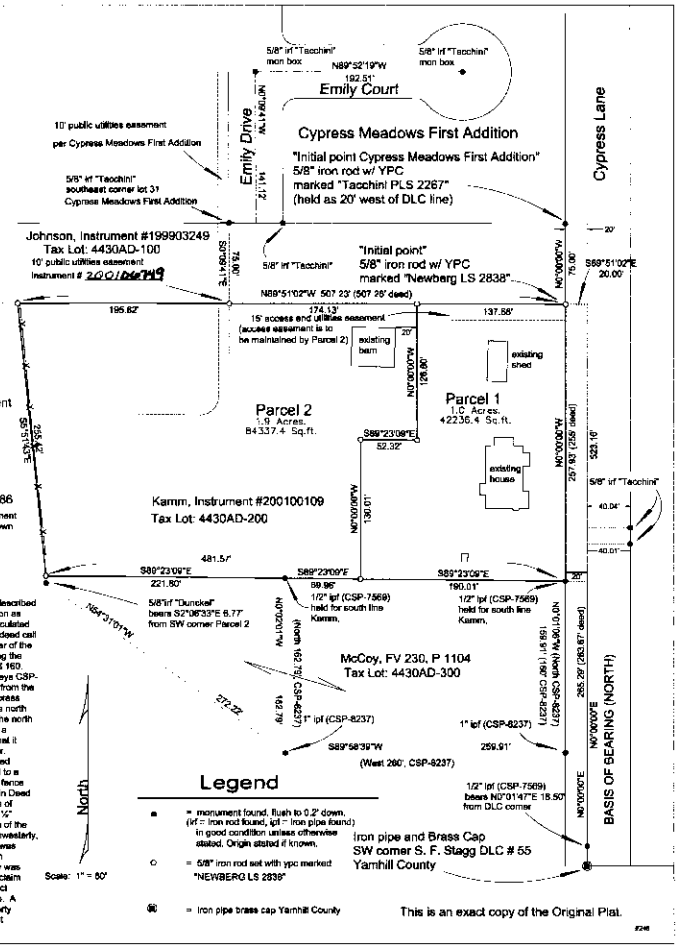
Pursuant to O.R.S. 92.095
Taxes have been paid or bond posted to this
date: 6-30-2001
Yamhill County Tax Collector

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JOHN G. NEWBERG
2838
Renewals 31 December 2002

Exception to Instrument #200100109
Evergreen Ag.
Portion of
Tax Lot: 4430-300
Parcel 4 of FV245 P386
(subject to a drain field easement the location of which is unknown for the benefit of Document # 200100109)

**NARRATIVE**

The purpose of this survey is to mark, describe, and partition the lands described in Instrument Number 200100109 Deed Records, Yamhill County, Oregon as shown hereon (Kamm's property). The Basis of Bearing is along the calculated west line of S. F. Stagg DLC No. 55 per Survey CSP-7569 (North). The deed call begins at a point that is 3.965 chains (263.67 feet) north of the SW corner of the Stagg DLC. If one used this call, it would leave a gap of over 4 feet along the north line. CSP-10370 set irons based on a found stone in CS 1395 and 160. The proposed plat for Cypress Meadows First Addition is based on surveys CSP-10370 and 11035. CSP-11035 also shows a discrepancy of over 4 feet from the deed calls. I have located iron rods set along the south boundary of Cypress Meadows First Addition, and have held a line 75 feet south of that for the north line of the subject property. This line intersects an old corner post near the north west corner of Kamm's property. Along the south line, CSP-9387 shows a possible overlap along the line between McCoy and Kamm, but states that it could not be determined how the Coughran deed (Kamm) came together. Although the current deed (Instrument # 200100109, Yamhill County Deed Records) does not mention a fence, the chain of title originally conveyed to a fence (Grotsen to Neal, Deed Vol. 97 Page 171, dated July 1927). The fence call was omitted in the next transaction when Neal conveyed to Westall in Deed Vol. 101, Page 335, dated July 1929, but used the same dimension calls of Vol 97 Page 101. I have established the south boundary by holding the ½" iron pipes from survey CSP-7569 that were set as a fence. An extension of the line between the two pipes to the west, intersects a fence that runs northwesterly, very near where the remains of a corner post was found. The west line was established by holding the deed exception of 158.66 feet along the south boundary and 132.74 feet along the north boundary. The east boundary was established by holding the deed exception of "20 feet west of the Stagg claim line". By using these lines for the north and south boundaries, the subject property matches the deed calls better and eliminates a gap and overlap. A drain field easement of record exists for the benefit of the Kamm's property across lands described in FV 11, Page 946, however its location was not determined and is unknown.




Received 05-07-01
County Surveyor

PARTITION 2001-17

CS-13466 received 1/16/2019 County Surveyor

# Record of Survey for:
# Kamm and Cook

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: OCTOBER 30, 2018
CITY OF MCMINNVILLE DOCKET BLA 4-18

CURVE TABLE OF PARCEL BOUNDARY

| NUM | DELTA | ARC | RADIUS | CHORD BEARING | CHORD DISTANCE |
|---|---|---|---|---|---|
| C1 | 179°22'43" | 140.88' | 45.00' | N89°51'02"W | 90.00' |

CURVE TABLE OF EASEMENT DATA

| NUM | DELTA | ARC | RADIUS | CHORD BEARING | CHORD DISTANCE |
|---|---|---|---|---|---|
| C2 | 56°15'04" | 44.18' | 45.00' | S28°17'13"E | 42.43' |
| C3 | 103°38'13" | 81.40' | 45.00' | N71°46'09"E | 70.75' |
| C4 | 19°29'25" | 15.31' | 45.00' | N10°12'19"E | 15.23' |
| C5 | 52°21'16" | 22.84' | 25.00' | S63°10'34"E | 22.06' |

LINE TABLE FOR EXISTING EASEMENTS

| NUM | BEARING | DISTANCE |
|---|---|---|
| L7 | S0°09'41"E | 116.79' |
| L8 | S86°51'50"W | 43.41' |
| L9 | S0°09'41"E | 20.00' |
| L10 | N86°51'50"E | 63.41' |
| L11 | N0°09'41"W | 138.30' |

LINE TABLE FOR EASEMENTS CREATED BY PT 2017-10

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | N0°09'41"W | 63.51' |
| L2 | S89°23'09"E | 15.00' |
| L3 | S0°09'41"E | 5.00' |
| L4 | N89°23'09"W | 54.67' |
| L5 | S0°09'41"E | 10.00' |
| L6 | N89°23'09"W | 182.45' |

LINE TABLE FOR NEW EASEMENTS

| NUM | BEARING | DISTANCE |
|---|---|---|
| L12 | S 0°10'41" E | 84.96' |
| L13 | S36°26'07"W | 69.20' |

## Narrative

THE PURPOSE OF THIS SURVEY IS TO MONUMENT AND DESCRIBE A PROPERTY LINE ADJUSTMENT IN ACCORDANCE WITH DOCKET BLA 4-18 BETWEEN LANDS DESCRIBED IN INSTRUMENT #2001-10830 (COOK, DESCRIBED AS PARCEL 1 PARTITION 2001-17) AND PARCEL 1 OF PARTITION 2017-10 (KAMM). THE BASIS OF BEARING IS N 89°51'02"W ALONG THE NORTH BOUNDARY OF PARCEL 2 OF PARTITION 2017-10. THE EXISTING BOUNDARIES OF THE TWO PARCELS ARE ACCEPTED AS MONUMENTED IN THEIR RESPECTIVE PARTITIONS

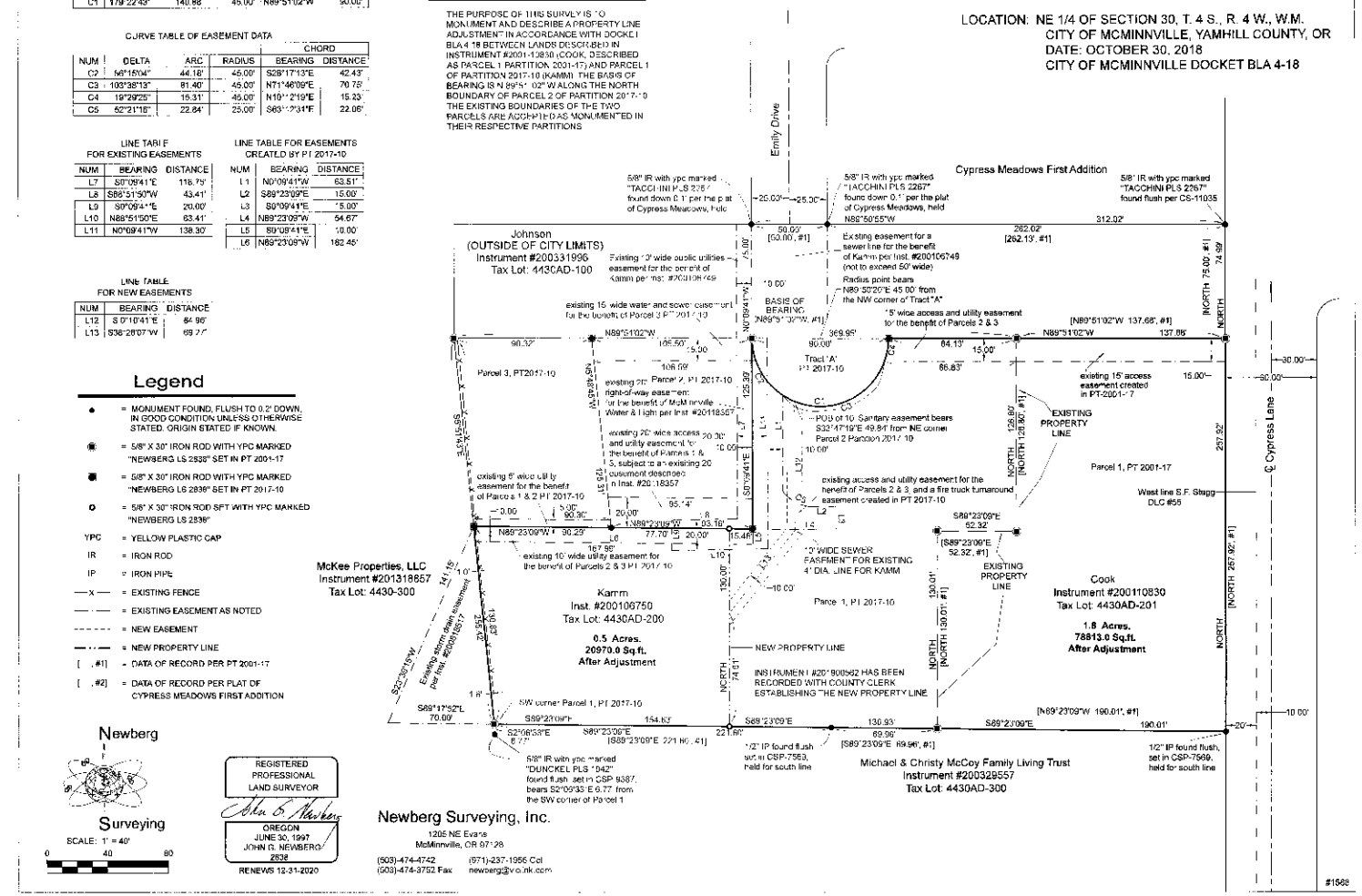
## Legend

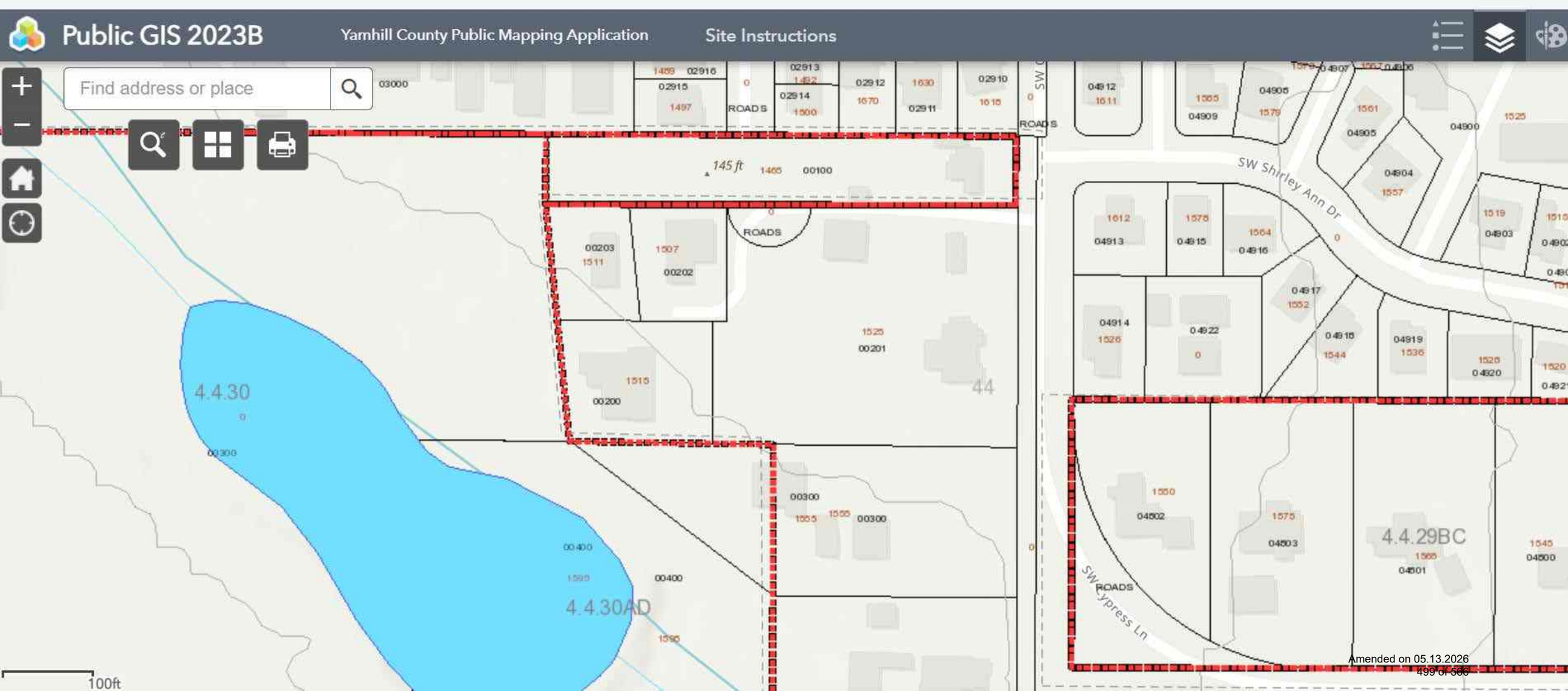
- ● = MONUMENT FOUND, FLUSH TO 0.2' DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN.
- ◉ = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2938" SET IN PT 2001-17
- ◉ = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2836" SET IN PT 2017-10
- ○ = 5/8" X 30" IRON ROD SET WITH YPC MARKED "NEWBERG LS 2836"
- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
- IP = IRON PIPE
- —x— = EXISTING FENCE
- ——— = EXISTING EASEMENT AS NOTED
- - - - - = NEW EASEMENT
- —·—·— = NEW PROPERTY LINE
- [ ,#1] = DATA OF RECORD PER PT 2001-17
- [ ,#2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION




REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2836
RENEWS 12-31-2020

Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (571)-237-1956 Cel
(503)-474-3752 Fax newberg@voyager.net




Public GIS 2023B
Yamhill County Public Mapping Application
Site Instructions
Find address or place
03000
02916
02915
1497
ROADS
02913
1492
02914
1500
02912
1670
1630
02911
02910
1615
ROADS
04912
1611
04905
1575
04909
1565
1561
04905
04907
04906
04900
1525
145 ft
1465
00100
ROADS
SW Shirley Ann Dr
04904
1557
1519
04903
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04913
1575
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04919
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1507
00202
1525
00201
44
1515
00200
4.4.30
0
00300
00300
1555
1555
00300
00400
1595
00400
4.4.30AD
1590
1550
04902
1575
04903
4.4.29BC
1565
04901
1545
04500
ROADS
SW Cypress Ln
100ft
Amended on 05.13.2026
499 of 566

# Tentative Subdivision Plan:

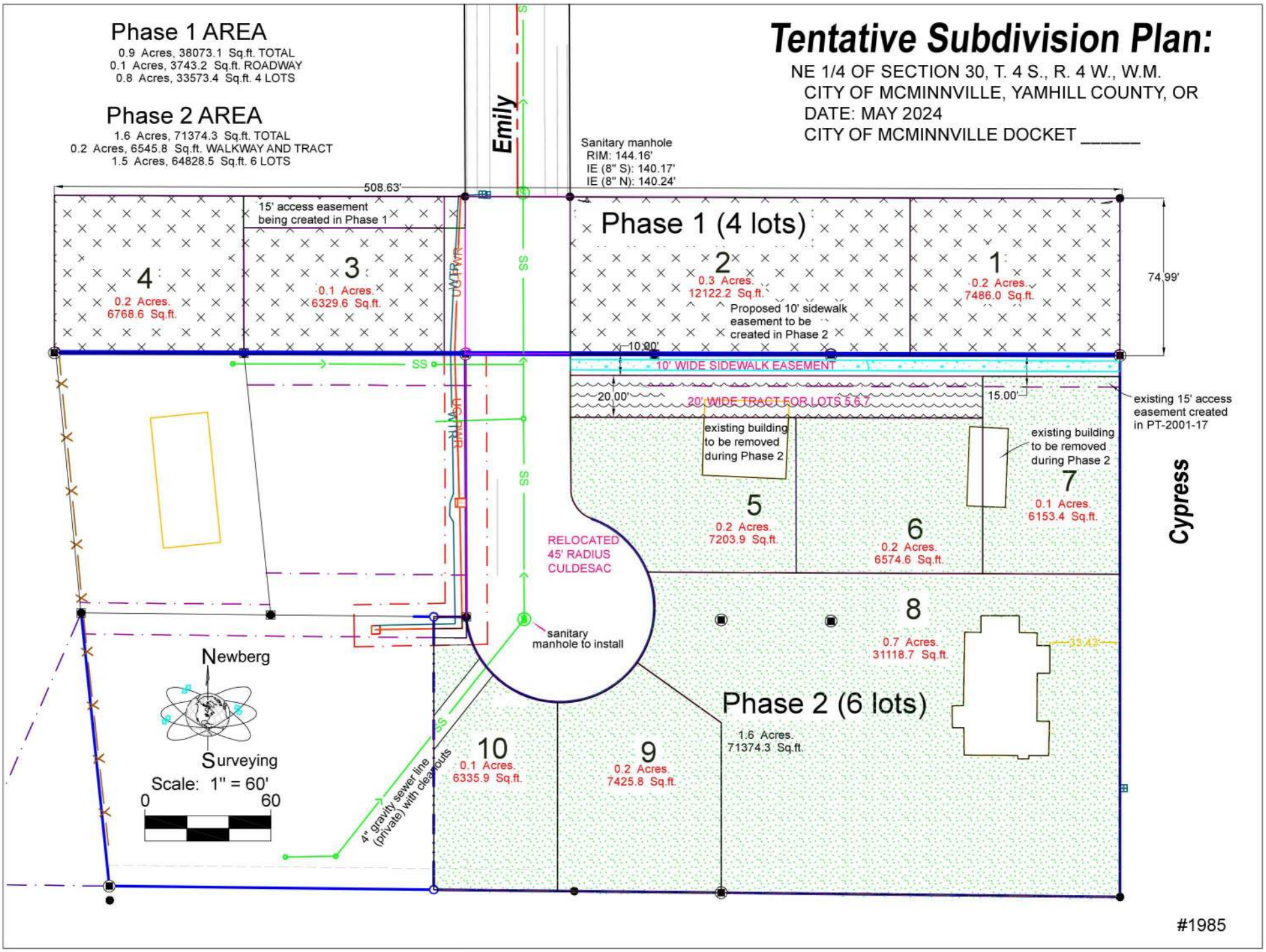
NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: MAY 2024
CITY OF MCMINNVILLE DOCKET _____

## Phase 1 AREA

0.9 Acres, 38073.1 Sq.ft. TOTAL
0.1 Acres, 3743.2 Sq.ft. ROADWAY
0.8 Acres, 33573.4 Sq.ft. 4 LOTS

## Phase 2 AREA

1.6 Acres, 71374.3 Sq.ft. TOTAL
0.2 Acres, 6545.8 Sq.ft. WALKWAY AND TRACT
1.5 Acres, 64828.5 Sq.ft. 6 LOTS



*First American Title Insurance Company*

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

# PUBLIC RECORD REPORT
# FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Newberg Surveying, John Newberg
1205 N Evans ST
McMinnville, OR 97128-3737
Phone: (503)474-4742
Fax:

Date Prepared : June 18, 2024
Effective Date : 8:00 A.M on June 13, 2024
Order No. : 1039-4146374
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

## REPORT

A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

**EXHIBIT "A"**
**(Land Description Map Tax and Account)**

Parcel 1:

Part of Section 30, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

Beginning 3.995 chains North of the Southwest corner of the S.F. Staggs Donation Land Claim No. 55 in said Township and Range; thence North 5 chains to the true Place of Beginning: thence West 10 chains; thence South 75 feet; thence East 10 Chains; thence North 75 feet to the true Place of Beginning.

Save and Except 20 feet off the East end reserved for a roadway. Also Excepting Therefrom that certain tract of land conveyed to Walter L. Peavy et ux. By Deed recorded July 13, 1960 in Film Volume 11, Page 943, Deed and Mortgage Records.

Parcel 2:

A tract of land located in the Northeast Quarter of Section 30, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, said tract being a portion of Parcel 1 of PARTITION PLAT NO. 2001-17, recorded as Instrument #200106750, Yamhill County Deed Records, and Parcel 1 of PARTITION PLAT NO. 2017-10, recorded as Instrument #201713334, Yamhill County Deed Records, said tract being more particularly described as follows:

Commencing at the Southwest corner of Parcel 1 of PARTITION PLAT NO. 2017-10; thence South 89° 23' 09" East 154.63 feet to an iron rod on the South boundary of said Parcel 1 and the true Point of Beginning; thence South 89° 23' 09" East 136.93 feet to the Southeast corner of said Parcel 1; thence South 89° 23' 09" East 190.01 feet to the Southeast corner of Parcel 1 of PARTITION PLAT NO. 2001-17; thence North 00° 00' 00" East 257.92 feet to the Northeast corner of said Parcel 1 of PARTITION PLAT NO. 2001-17; thence North 89° 51' 02" West 137.68 feet to the Northwest corner of said Parcel 1 of PARTITION PLAT NO. 2001-17; thence North 89° 51' 02" West 84.13 feet along the North boundary of Parcel 1 of PARTITION PLAT NO. 2017-10 to the Northeast corner of Tract "A" of PARTITION PLAT NO. 2017- 10, said corner being the beginning of a non-tangent curve having a radius of 45 feet, the radius point of which bears North 89° 32' 23" West 45.00 feet; thence along the Southerly boundary of said Tract "A" 140.88 feet along a 45.00 foot radius curve, concave to the North, chord bearing North 89° 51' 02" West 90.00 feet to the Northwest corner thereof, said corner bearing South 89° 50' 20" West from the radius point; thence South 00° 09' 41" East 125.39 feet to the Southeast corner of Parcel 2 of PARTITION PLAT NO. 2017-10; thence North 89° 23' 09" West 15.46 feet to an iron rod on the South boundary of said Parcel 2; thence South 00° 00' 00" East 130.00 feet to the true Point of Beginning.

Map No.: R4430AD 00100 and R4430AD 00201
Tax Account No.: 174377 and 519730

**EXHIBIT "B"**
**(Vesting)**

Stanley Bruce Cook and Nila Denise Cook Trustee of the Stanley Bruce Cook and Nila Denise Cook revocable Trust

**EXHIBIT "C"**
**(Liens and Encumbrances)**

The Following Exceptions Affects Parcel 1:

1. Taxes for the year 2023-2024
   Tax Amount $ 2,159.22
   Unpaid Balance: $ 2,159.22 , plus interest and penalties, if any
   Code No.: 40.2
   Map & Tax Lot No.: R4430AD 00100
   Property ID No.: 174377

   (Affects Parcel 1)

2. City liens, if any, of the City of McMinnville.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

4. Easement, including terms and provisions contained therein:
   Recording Information: May 02, 2001 as Instrument No. 200106749, Deed and Mortgage Records
   In Favor of: D. Lee Kamm and Jo. G Kamm
   For: Utility

5. Restrictive Covenant to Waive Remonstrance, pertaining to for street improvements including the terms and provisions thereof
   Recorded: May 02, 2001 as Instrument No. 200106751, Deed and Mortgage Records

6. Easement as shown on the recorded plat/partition 2001-17
   For: 15 foot access and utility
   Affects: See plat for exact location for Partition Plat No. 2001-17

7. Easement, including terms and provisions contained therein:
   Recording Information: October 18, 2001 as Instrument No. 200118357, Deed and Mortgage Records
   In Favor of: D. Lee Kamm and Jo G. Kamm
   For: City of McMinnville, a Municipal Corporation of the State of Oregon, acting by and through its water & Light Commission

8. Easement as shown on the recorded plat/partition 2017-10
   For: 15 foot access and utility
   Affects: See plat for exact location for Partition Plat No. 2017-10

9. Easement as shown on the recorded plat/partition 2017-10
   For: 20 foot access and utility
   Affects: See plat for exact location for Partition Plat No. 2017-10

10. Easement as shown on the recorded plat/partition 2017-10

| | |
|---|---|
| For: | Variable Width access, utility, and emergency turnaround |
| Affects: | See plat for exact location for Partition Plat No. 2017-10 |

11. Easement as shown on the recorded plat/partition 2017-10

| | |
|---|---|
| For: | 10 foot utility |
| Affects: | See plat for exact location for Partition Plat No. 2017-10 |

12. An easement reserved in Quit Claim deed, including the terms and provisions thereof;

| | |
|---|---|
| Recorded: | May 30, 2019 |
| Recording Information: | Instrument No. 201906787, Deed and Mortgage Records |
| From: | Mr Dorwin Lee Kamm, a married male and Mrs Jo Glenda Kamm, a married female |
| To: | Mrs Gina Gould |

13. Deed of Trust and the terms and conditions thereof.

| | |
|---|---|
| Grantor/Trustor: | Stanley Bruce Cook and Nila Denise Cook as Trustees of the Stanley Bruce Cook and Nila Denise Cook Revocable Trust |
| Grantee/Beneficiary: | First Federal Savings & Loan Association of McMinnville |
| Trustee: | David Haugeberg |
| Amount: | $455,000.00 |
| Recorded: | March 09, 2022 |
| Recording Information: | Instrument No. 202203575, Deed and Mortgage Records |

(Affects Parcel 2)

NOTE: Taxes for the year 2023-2024 PAID IN FULL

| | |
|---|---|
| Tax Amount: | $5,468.21 |
| Map No.: | R4430AD 00201 |
| Property ID: | 519730 |
| Tax Code No.: | 40.0 |

(Affects Parcel 2)

# DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
   (a) "Customer": The person or persons named or shown as the addressee of this report.
   (b) "Effective Date": The effective date stated in this report.
   (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
   (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
   (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
   (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
   (c) In any event, the Company assumes no liability for loss or damage by reason of the following:

      (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
      (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
      (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
      (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
      (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
      (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
      (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

First American Title Insurance Company
775 NE Evans Street
McMinnville, OR 97128

## Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

Kamm Estates HOA Outline

1. Purpose- to maintain privately owned proposed alley that connects from Cypress to Emily St, as drawn on proposed plans.
2. Area included- Lots 1,2,5,and 6 will make up the impacted area as these lots are adjacent to the alley.
3. Fees- to be determined by the cost of maintenance needed on a yearly basis to keep the alley in good condition. This cost will be determined based on construction cost and expected maintenance over the life of the alley.

Kamm Estates Deed restrictions Outline

1. Parking- parking is only allowed in respective driveways and developed parking areas, and adjacent curbs for each lot.

The HOA and Deed restrictions may be expanded on.

Integrity Builders Inc.

[redacted]

Kamm Estates Completion Clarification
November 7, 2025

Greetings,

1. Lot 1 Utilities (see page 5)
   The existing electrical comes overhead from Cypress. This service will remain as existing once developed.
   The existing sewer is a septic system. The drain field crosses proposed lots 2, 3, and 4. In phase one, lot 1 will connect to city sewer.
   The existing water is coming from a well on proposed lot 2. This will be decommissioned in phase 1 and will connect to city water. The water system will be designed by MW&L.
   The existing storm water drains to Cypress Ln and will remain as existing.
2. Lot 7 Utilities (see page 5)
   The existing electrical comes overhead from Cypress. This service will remain as existing once developed.
   The existing sewer is a septic system. The drain field is all located on lot 7. In phase 2, lot 7 will connect to city sewer per a pumped system to Emily. This will be designed by the engineer.
   The existing water is connected to city water on Cypress Ln and will remain as existing.
   The existing storm water drains to Cypress Ln and will remain as existing.
3. Existing storm drainage for lots 1, 6, and 7 drain to Cypress Ln and will remain as is. Lot 2, 3, 4, 5, and 6 will drain to catch basins in Emily or a system designed by engineer. Lot 8 and 9 will drain to existing Peavey Reservoir. This system will be designed by the

engineer, and most likely will be piped. This is the current historic flow.

4. Cul-de-sac right of way to be vacated in phase 2.
5. Access/Easement 6 information has been cleared up on page 6 of the plan set.
6. Water lines to be added will conform to the city standards and the system will be designed by MW&L.
7. The proposed cul-de-sac design is 342 ft from the center line of the existing street intersection on Emily cul-de-sac to the center line of the proposed cul-de-sac. This is under the 400 ft maximum length in city standards. The number of lots to be served will be 14. (Lots 2a, 2b, 3, 4, 2 extra lots to the west, tax lot 200, tax lot 202, tax lot 203, 5a, 5b, lot 8, 9, and 7 shadow lot) Lots 1, 6, and 7 will continue to access off of Cypress Ln.
   There are 4 additional lots on existing Emily Dr to the north up to the existing cul-de-sac intersection. I am not sure if you count these or not. We do not exceed the limit of 18 lots so we are in city standards
8. There is room in Peavey Reservoir to accept the storm runoff, which is where it historically flows. The engineer will design a system to access this location or will have the storm water go to Emily catch basins.

# TENTATIVE SUBDIVISION PLAN:

## KAMM ESTATES BOUNDARY

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: SEPTEMBER 22, 2025
CITY OF MCMINNVILLE DOCKET _____

Ownership information:
Phase 1: Nila D. Cook, Trustee, site 1465 SW Cypress Lane, 97128. Mail address [redacted] 97128, TL R4430 AD 00100
Phase 2: S.Bruce and Nila D. Cook Rev Trust, site 1525 SW Cypress Ln, 97128. TL 4430 AD 00201
Subdivider: S Bruce and Nila Cook, [redacted] 97128,
Engineer: Tom Sisul, PE Sisul Engineering, 375 Portland Ave., Gladstone, OR 97027
[redacted]

SHEET INDEX

PG 1 BOUNDARY & GENERAL INFORMATION OF EXISTING CONDITIONS
PG 2 PHASE 1
PG 3 PHASE 2
PG 4 TOPO & LOT AREAS
PG 5 UTILITIES
PG 6 EASEMENTS
PG 7 TREE LOCATION


| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
| L4 | N 0°09'39"W | 125.39' |
| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
| L12 | N89°45'54"W | 80.91' |
| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

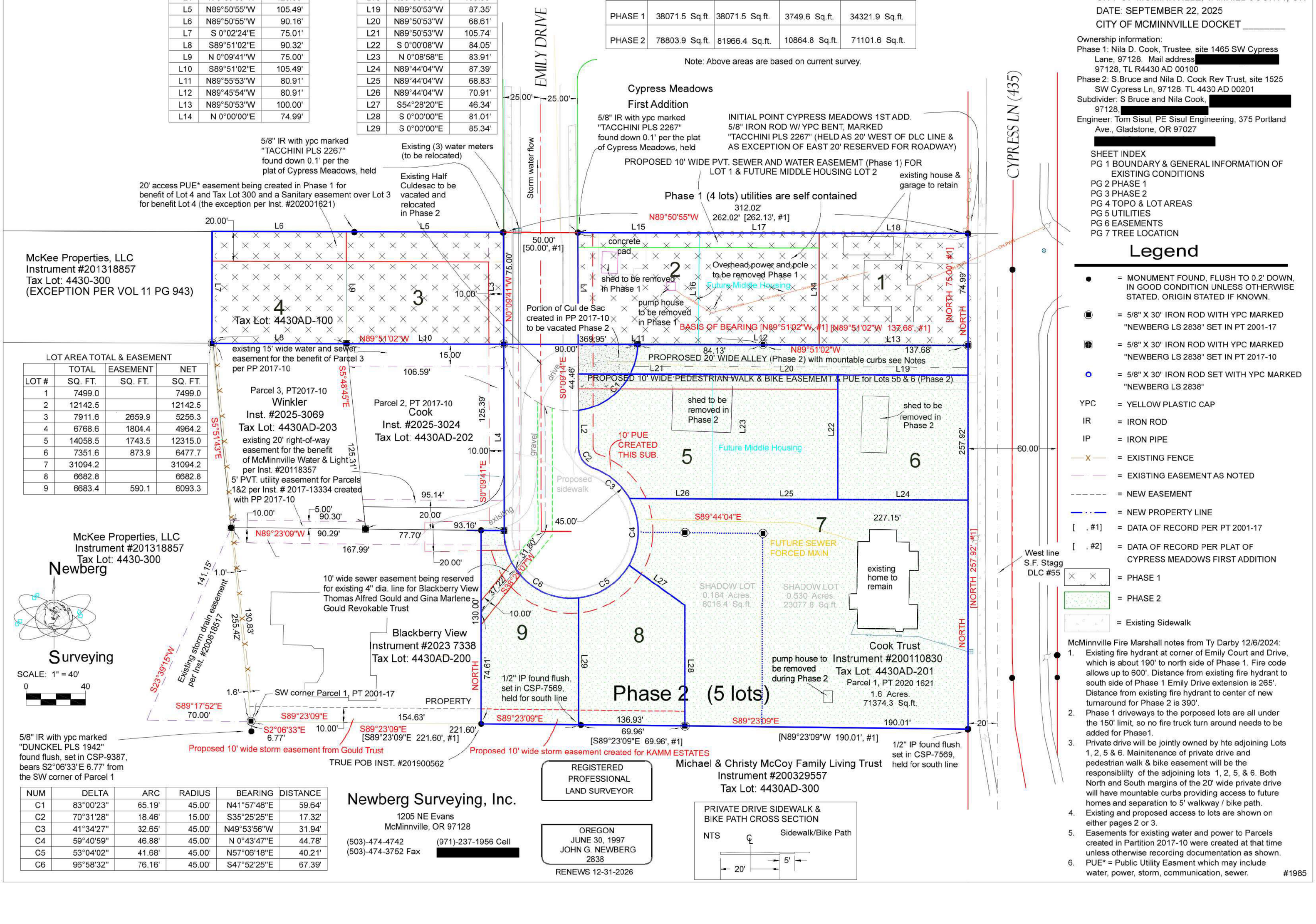
| NUM | BEARING | DISTANCE |
|---|---|---|
| L15 | N89°50'55"W | 81.44' |
| L16 | N 0°14'41"E | 75.00' |
| L17 | N89°50'55"W | 80.59' |
| L18 | N89°50'55"W | 100.00' |
| L19 | N89°50'53"W | 87.35' |
| L20 | N89°50'53"W | 68.61' |
| L21 | N89°50'53"W | 105.74' |
| L22 | S 0°00'08"W | 84.05' |
| L23 | N 0°08'58"E | 83.91' |
| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
| L26 | N89°44'04"W | 70.91' |
| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

| PHASE | TOTAL (before culdesac vacation) | SQ.FT. TOTAL (after culdesac vacation) | DEDICATED AREA SQ.FT. | NET AREA SQ.FT. (after culdesac vacation) |
|---|---|---|---|---|
| PHASE 1 | 38071.5 Sq.ft. | 38071.5 Sq.ft. | 3749.6 Sq.ft. | 34321.9 Sq.ft. |
| PHASE 2 | 78803.9 Sq.ft. | 81966.4 Sq.ft. | 10864.8 Sq.ft. | 71101.6 Sq.ft. |

Note: Above areas are based on current survey.

LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
| 2 | 12142.5 | | 12142.5 |
| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |




| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
| C1 | 83°00'23" | 65.19' | 45.00' | N41°57'48"E | 59.64' |
| C2 | 70°31'28" | 18.46' | 15.00' | S35°25'25"E | 17.32' |
| C3 | 41°34'27" | 32.65' | 45.00' | N49°53'56"W | 31.94' |
| C4 | 59°40'59" | 46.88' | 45.00' | N 0°43'47"E | 44.78' |
| C5 | 53°04'02" | 41.68' | 45.00' | N57°06'18"E | 40.21' |
| C6 | 96°58'32" | 76.16' | 45.00' | S47°52'25"E | 67.39' |

## Legend

- ● = MONUMENT FOUND, FLUSH TO 0.2' DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN.
- ▣ = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2001-17
- ⊕ = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2017-10
- ○ = 5/8" X 30" IRON ROD SET WITH YPC MARKED "NEWBERG LS 2838"
- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
- IP = IRON PIPE
- —x— = EXISTING FENCE
- = EXISTING EASEMENT AS NOTED
- = NEW EASEMENT
- = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2
- = Existing Sidewalk

McMinnville Fire Marshall notes from Ty Darby 12/6/2024:
1. Existing fire hydrant at corner of Emily Court and Drive, which is about 190' to north side of Phase 1. Fire code allows up to 600'. Distance from existing fire hydrant to south side of Phase 1 Emily Drive extension is 265'. Distance from existing fire hydrant to center of new turnaround for Phase 2 is 390'.
2. Phase 1 driveways to the porposed lots are all under the 150' limit, so no fire truck turn around needs to be added for Phase1.
3. Private drive will be jointly owned by hte adjoining Lots 1, 2, 5 & 6. Mainitenance of private drive and pedestrian walk & bike easement will be the responsiblilty of the adjoining lots 1, 2, 5, & 6. Both North and South margins of the 20' wide private drive will have mountable curbs providing access to future homes and separation to 5' walkway / bike path.
4. Existing and proposed access to lots are shown on either pages 2 or 3.
5. Easements for existing water and power to Parcels created in Partition 2017-10 were created at that time unless otherwise recording documentation as shown.
6. PUE* = Public Utility Easment which may include water, power, storm, communication, sewer.

#1985


Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell [redacted]
(503)-474-3752 Fax


REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838
RENEWS 12-31-2026

PRIVATE DRIVE SIDEWALK & BIKE PATH CROSS SECTION
NTS
Sidewalk/Bike Path
20'
5'

# TENTATIVE SUBDIVISION PLAN:
## KAMM ESTATES PHASE 1

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: SEPTEMBER 22, 2025
CITY OF MCMINNVILLE DOCKET _____

Newberg Surveying

SCALE: 1" = 40'
0 40

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
| L4 | N 0°09'39"W | 125.39' |
| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
| L12 | N89°45'54"W | 80.91' |
| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

| NUM | BEARING | DISTANCE |
|---|---|---|
| L15 | N89°50'55"W | 81.44' |
| L16 | N 0°14'41"E | 75.00' |
| L17 | N89°50'55"W | 80.59' |
| L18 | N89°50'55"W | 100.00' |
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| L21 | N89°50'53"W | 105.74' |
| L22 | S 0°00'08"W | 84.05' |
| L23 | N 0°08'58"E | 83.91' |
| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
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| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

NOTE:
The extension of Emily Drive will be extended to the south boundary of Phase 1 during Phase 1.

EMILY DRIVE

CYPRESS LN (435)

Cypress Meadows
First Addition

INITIAL POINT CYPRESS MEADOWS 1ST ADD.
5/8" IRON ROD W/ YPC BENT, MARKED
"TACCHINI PLS 2267" (HELD AS 20' WEST OF DLC LINE &
AS EXCEPTION OF EAST 20' RESERVED FOR ROADWAY)

PROPOSED 10' WIDE PVT. SEWER AND WATER EASEMEMT (Phase 1) FOR LOT 1 & FUTURE MIDDLE HOUSING LOT 2

Phase 1 (4 lots) utilities are self contained

20' access PUE* easement being created in Phase 1 for benefit of Lot 4 and Tax Lot 300 and a Sanitary easement over Lot 3 for benefit Lot 4 (the exception per Inst. #202001621)

Existing Half Culdesac to be vacated and relocated in Phase 2

existing house & garage to retain

McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
(EXCEPTION PER VOL 11 PG 943)

Tax Lot: 4430AD-100

Proposed driveway

existing 15' wide water and sewer easement for the benefit of Parcel 3

Parcel 3, PT2017-10
Winkler
Inst. #2025-3069
Tax Lot: 4430AD-203

Parcel 2, PT 2017-10
Cook
Inst. #2025-3024
Tax Lot: 4430AD-202

existing 20' right-of-way easement for the benefit of McMinnville Water & Light per Inst. #20118357

existing 10' wide utility easement for the benefit of Parcels 2 & 3 per PP 2017-10

10' wide sewer easement being reserved for existing 4" dia. line for Blackberry View Thomas Alfred Gould and Gina Marlene Gould Revokable Trust

Existing storm drain easement per Inst. #200818517

Blackberry View
Instrument #2023 7338
Tax Lot: 4430AD-200

McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300

SW corner Parcel 1, PT 2001-17

PROPERTY

Portion of Cul de Sac created in PP 2017-10 to be vacated Phase 2

concrete pad

shed to be removed

pump house to be removed

Overhead power and pole to be removed Phase 1

Future Middle Housing

Existing driveway

PROPOSED 20' WIDE ALLEY (Phase 2) with mountable curbs see Notes

PROPOSED 10' WIDE PEDESTRIAN WALK & BIKE EASEMEMT & PUE for Lots 5b & 6 (Phase 2)

EXISTING 10' PVT SAN. EASEMENT PER PP 2017-10 10' PUE CREATED THIS SUB.

*see note (8)

FUTURE SEWER FORCED MAIN

SHADOW LOT 0.184 Acres. 8016.4 Sq.ft.

SHADOW LOT 0.530 Acres. 23077.8 Sq.ft.

existing home to remain

Existing driveway

existing 15' access easement (#8) created in PT-2001-17 to be extinguished at time the 20' private drive is created.

West line S.F. Stagg DLC #55

Cook Trust
Instrument #200110830
Tax Lot: 4430AD-201
Parcel 1, PT 2020 1621
1.6 Acres.
71374.3 Sq.ft.

pump house to be removed during Phase 2

Phase 2 (5 lots)

Proposed 10' wide storm easement from Gould Trust

Proposed 10' wide storm easement created for KAMM ESTATES

TRUE POB INST. #201900562

LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
| 2 | 12142.5 | | 12142.5 |
| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |

| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
| C1 | 83°00'23" | 65.19' | 45.00' | N41°57'48"E | 59.64' |
| C2 | 70°31'28" | 18.46' | 15.00' | S35°25'25"E | 17.32' |
| C3 | 41°34'27" | 32.65' | 45.00' | N49°53'56"W | 31.94' |
| C4 | 59°40'59" | 46.88' | 45.00' | N 0°43'47"E | 44.78' |
| C5 | 53°04'02" | 41.68' | 45.00' | N57°06'18"E | 40.21' |
| C6 | 96°58'32" | 76.16' | 45.00' | S47°52'25"E | 67.39' |

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838
RENEWS 12-31-2026

INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

## Legend

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- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2001-17
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- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
- IP = IRON PIPE
- = EXISTING FENCE
- = EXISTING EASEMENT AS NOTED
- = NEW EASEMENT
- = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2

Proposed driveway widths 18' typical

(8) NOTE: Existing access and utility easement for the benefit of Parcels 2 & 3, and a fire truck turnaround easement created in PT 2017-10 to be extinguished in Phase 2.

#1985

# TENTATIVE SUBDIVISION PLAN:
## KAMM ESTATES PHASE 2

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: SEPTEMBER 22, 2025
CITY OF MCMINNVILLE DOCKET _____

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
| L4 | N 0°09'39"W | 125.39' |
| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
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| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

| NUM | BEARING | DISTANCE |
|---|---|---|
| L15 | N89°50'55"W | 81.44' |
| L16 | N 0°14'41"E | 75.00' |
| L17 | N89°50'55"W | 80.59' |
| L18 | N89°50'55"W | 100.00' |
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| L20 | N89°50'53"W | 68.61' |
| L21 | N89°50'53"W | 105.74' |
| L22 | S 0°00'08"W | 84.05' |
| L23 | N 0°08'58"E | 83.91' |
| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
| L26 | N89°44'04"W | 70.91' |
| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838

RENEWS 12-31-2026


Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com


LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
| 2 | 12142.5 | | 12142.5 |
| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |

## Legend

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- ▣ = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2001-17
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- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
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- —X— = EXISTING FENCE
- — — = EXISTING EASEMENT AS NOTED
- - - - - = NEW EASEMENT
- —··— = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2

Proposed driveway widths 18' typical

Newberg Surveying

SCALE: 1" = 40'
0 40

EMILY DRIVE
CYPRESS LN (435)
Cypress Meadows
First Addition
INITIAL POINT CYPRESS MEADOWS 1ST ADD.
5/8" IRON ROD W/ YPC BENT, MARKED
"TACCHINI PLS 2267" (HELD AS 20' WEST OF DLC LINE &
AS EXCEPTION OF EAST 20' RESERVED FOR ROADWAY)
PROPOSED 10' WIDE PVT. SEWER AND WATER EASEMEMT (Phase 1) FOR
LOT 1 & FUTURE MIDDLE HOUSING LOT 2
Phase 1 (4 lots) utilities are self contained
existing house & garage to retain
20' access PUE* easement being created in Phase 1 for benefit of Lot 4 and Tax Lot 300 and a Sanitary easement over Lot 3 for benefit Lot 4 (the exception per Inst. #202001621)
Existing Half Culdesac to be vacated and relocated in Phase 2
McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
(EXCEPTION PER VOL 11 PG 943)
4
Tax Lot: 4430AD-100
3
2
1
Future Middle Housing
concrete pad
Portion of Cul de Sac created in PP 2017-10 to be vacated Phase 2
PROPROSED 20' WIDE ALLEY (Phase 2) with mountable curbs see Notes
PROPOSED 10' WIDE PEDESTRIAN WALK & BIKE EASEMEMT & PUE for Lots 5b & 6 (Phase 2)
Proposed driveway
shed to be removed in Phase 2
existing building to be removed
10' PUE CREATED THIS SUB.
5
6
Future Middle Housing
RELOCATED CUL DE SAC IN PHASE 2
existing CO, sanitary manhole to install in Phase 2
7
FUTURE SEWER FORCED MAIN
existing home to remain
SHADOW LOT 0.184 Acres. 8016.4 Sq.ft.
SHADOW LOT 0.530 Acres. 23077.8 Sq.ft.
9
8
Phase 2 (5 lots)
pump house to be removed during Phase 2
Cook Trust
Instrument #200110830
Tax Lot: 4430AD-201
Parcel 1, PT 2020 1621
1.6 Acres.
71374.3 Sq.ft.
Parcel 3, PT2017-10
Winkler
Inst. #2025-3069
Tax Lot: 4430AD-203
Parcel 2, PT 2017-10
Cook
Inst. #2025-3024
Tax Lot: 4430AD-202
existing 20' right-of-way easement for the benefit of McMinnville Water & Light per Inst. #20118357
existing 10' wide utility easement for the benefit of Parcels 2 & 3 PT 2017-10
10' wide sewer easement being reserved for existing 4" dia. line for Blackberry View Thomas Alfred Gould and Gina Marlene Gould Revokable Trust
Blackberry View
Instrument #2023 7338
Tax Lot: 4430AD-200
McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
Existing storm drain easement per Inst. #200818517
SW corner Parcel 1, PT 2001-17
PROPERTY
TRUE POB INST. #201900562
Proposed 10' wide storm easement from Gould Trust
Proposed 10' wide storm easement created for KAMM ESTATES
INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE
West line S.F. Stagg DLC #55

| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
| C1 | 83°00'23" | 65.19' | 45.00' | N41°57'48"E | 59.64' |
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#1985

# TENTATIVE SUBDIVISION PLAN:

## KAMM ESTATES TOPO & AREA

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: SEPTEMBER 22, 2025
CITY OF MCMINNVILLE DOCKET _____

LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
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| NUM | BEARING | DISTANCE |
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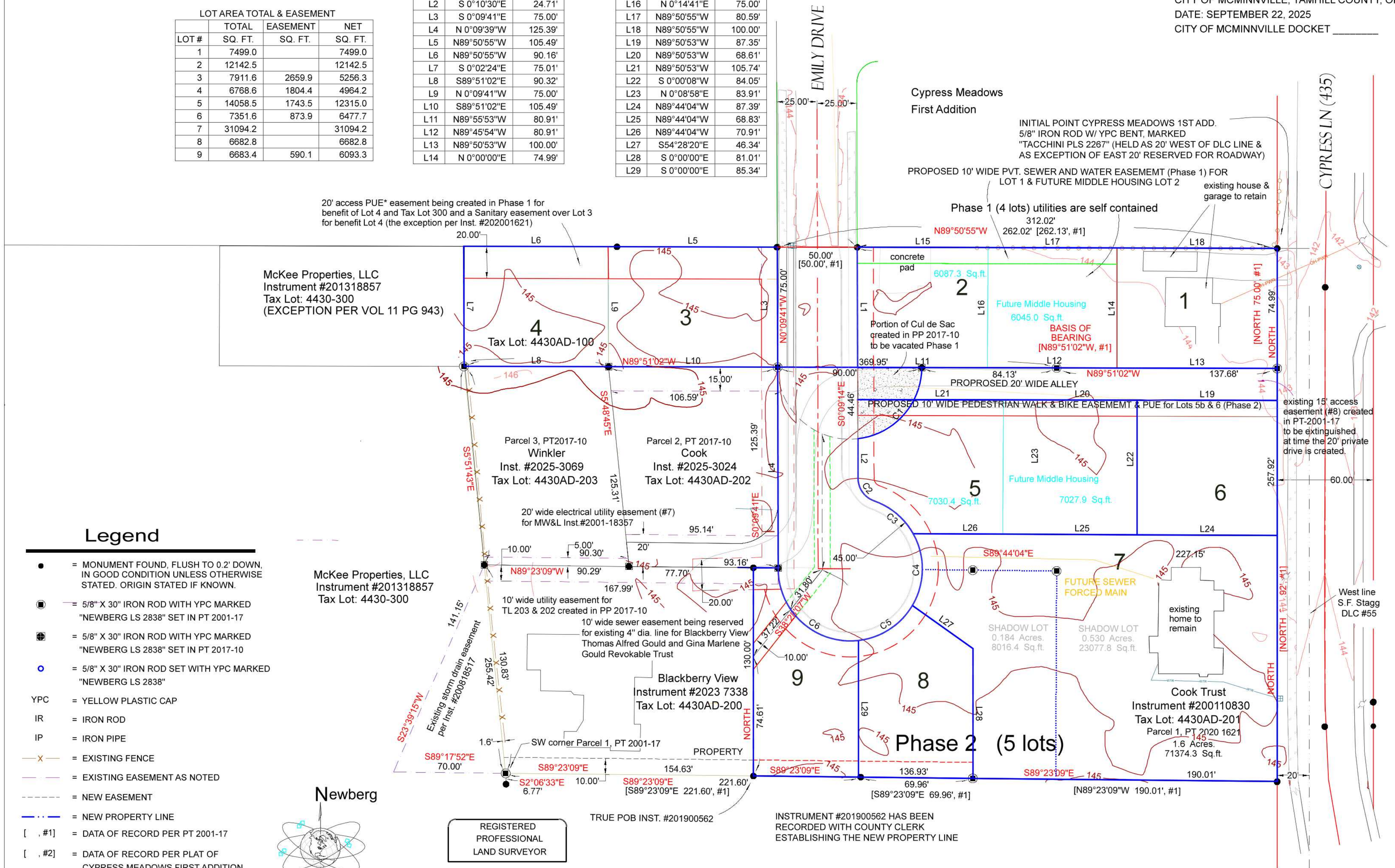
| L29 | S 0°00'00"E | 85.34' |

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- IR = IRON ROD
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- —X— = EXISTING FENCE
- = EXISTING EASEMENT AS NOTED
- = NEW EASEMENT
- = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2

Newberg Surveying

SCALE: 1" = 40'
0 40

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838

RENEWS 12-31-2026

Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

#1985

Amended on 05.13.2026
514 of 566

# TENTATIVE SUBDIVISION PLAN:
## KAMM ESTATES UTILITIES

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: SEPTEMBER 22, 2025
CITY OF MCMINNVILLE DOCKET _____

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
| L4 | N 0°09'39"W | 125.39' |
| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
| L12 | N89°45'54"W | 80.91' |
| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

| NUM | BEARING | DISTANCE |
|---|---|---|
| L15 | N89°50'55"W | 81.44' |
| L16 | N 0°14'41"E | 75.00' |
| L17 | N89°50'55"W | 80.59' |
| L18 | N89°50'55"W | 100.00' |
| L19 | N89°50'53"W | 87.35' |
| L20 | N89°50'53"W | 68.61' |
| L21 | N89°50'53"W | 105.74' |
| L22 | S 0°00'08"W | 84.05' |
| L23 | N 0°08'58"E | 83.91' |
| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
| L26 | N89°44'04"W | 70.91' |
| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
| 2 | 12142.5 | | 12142.5 |
| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |

Storm manhole
RIM: 143.64'
IE IN (14" N): 136.91'
IE IN (10" NW): 137.45'
IE OUT (16" E): 136.85'

Sanitary manhole
RIM: 143.70'
IE IN (8" N): 139.58'
IE IN (8" S): 139.63'
IE IN (8" NW): 139.78'
IE OUT (8" E): 139.55'

EMILY DRIVE

Cypress Meadows
First Addition

INITIAL POINT CYPRESS MEADOWS 1ST ADD.
5/8" IRON ROD W/ YPC BENT, MARKED
"TACCHINI PLS 2267" (HELD AS 20' WEST OF DLC LINE &
AS EXCEPTION OF EAST 20' RESERVED FOR ROADWAY)

PROPOSED 10' WIDE PVT. SEWER AND WATER EASEMEMT (Phase 1) FOR
LOT 1 & FUTURE MIDDLE HOUSING LOT 2

Sanitary manhole
RIM: 144.16'
IE 8" IN S: 140.17'
IE 8" OUT N: 140.24'

Phase 1 (4 lots) utilities are self contained

20' access PUE* easement being created in Phase 1 for
benefit of Lot 4 and Tax Lot 300 and a Sanitary easement over Lot 3
for benefit Lot 4 (the exception per Inst. #202001621)

McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
(EXCEPTION PER VOL 11 PG 943)

4
Tax Lot: 4430AD-100

3

2

1

FUTURE WATER
MAIN EXTENSION

existing septic
drain field

concrete
pad

pump house
to be removed

Overhead power and pole
to be removed Phase 1
Future Middle Housing

Portion of Cul de Sac
created in PP 2017-10
to be vacated Phase 1

BASIS OF
BEARING
[N89°51'02"W #1]

existing septic
drain field serves Lot 1

312.02'
262.02' [262.13', #1]
N89°50'55"W
50.00'
[50.00', #1]
20.00'
15.00'
90.00'
369.95'
84.13'
137.68'
106.59'
N89°51'02"W
[NORTH 75.00', #1]
NORTH 74.99'
N0°09'41"W 75.00'

FUTURE
WATER METERS

FUTURE HYD

PROPOSED 20' WIDE ALLEY

PROPOSED 10' WIDE PEDESTRIAN WALK & BIKE EASEMEMT & PUE for Lots 5b & 6 (Phase 2)

S0°09'14"E
44.46'

existing building
to be removed
in Phase 2

existing building
to be removed
in Phase 2

20' wide electrical utility easement (#7)
for MW&L Inst.#2001-18357

Parcel 3, PT2017-10
Winkler
Inst. #2025-3069
Tax Lot: 4430AD-203

Parcel 2, PT 2017-10
Cook
Inst. #2025-3024
Tax Lot: 4430AD-202

S5°48'45"E
S5°51'43"E
125.39'
125.31'

10' PUE
CREATED
THIS SUB.

5

Future Middle Housing

6

257.92'
60.00'

FUTURE
WATER

S0°09'41"E
95.14'
20.00'
93.16'
45.00'
15.46'
31.80'
S36°24'07"W
31.27'
10.00'
5.00'
90.30'
10.00'
N89°23'09"W 90.29'
77.70'
167.99'
20.00'

Sanitary manhole
to be installed
Phase 2

L26 L25 L24

S89°44'04"E

7

227.15'

FUTURE SEWER
FORCED MAIN

SHADOW LOT
0.184 Acres.
8016.4 Sq.ft.

SHADOW LOT
0.530 Acres
23077.8 Sq.ft.
existing septic
drain field

West line
S.F. Stagg
DLC #55

[NORTH 257.92', #1]
NORTH

10' wide sewer easement being reserved
for existing 4" dia. line for Blackberry View
Thomas Alfred Gould and Gina Marlene
Gould Revokable Trust

Blackberry View
Instrument #2023 7338
Tax Lot: 4430AD-200

9

8

Phase 2 (5 lots)

Cook Trust
Instrument #200110830
Tax Lot: 4430AD-201
Parcel 1, PT 2020 1621
1.6 Acres.
71374.3 Sq.ft.

141.15'
130.83'
255.42'
S23°39'15"W
Existing storm drain easement
per Inst. #200818517

130.00'
74.61'
NORTH

1.6'
SW corner Parcel 1, PT 2001-17
PROPERTY
S89°17'52"E
70.00'
S89°23'09"E
154.63'
S89°23'09"E
136.93'
69.96'
[S89°23'09"E 69.96', #1]
S89°23'09"E
190.01'
[N89°23'09"W 190.01', #1]
20'
S2°06'33"E
6.77'
10.00'
S89°23'09"E
[S89°23'09"E 221.60', #1]
221.60'

Proposed 10' wide storm easement from Gould Trust

TRUE POB INST. #201900562

Proposed 10' wide storm easement created for KAMM ESTATES

INSTRUMENT #201900562 HAS BEEN
RECORDED WITH COUNTY CLERK
ESTABLISHING THE NEW PROPERTY LINE

Storm manhole
RIM: 142.40'
IE IN W: 137.24'
IE IN S: 135.28'
IE 18" IN N: 134.88'
IE 18" OUT E: 134.73'

Sanitary manhole
RIM: 142.32
IE 8" IN W: 138.13'
IE 8" OUT E: 136.54'

Sanitary manhole
RIM: 142.30'
IE 8" IN W: 139.30'
IE 8" IN N: 138.48'
IE 8" OUT E: 138.39'

Storm catch basin
TOP GRATE: 142.09'
IE OUT E: 137.49'

Storm catch basin
TOP GRATE:142.31'
IE OUT NW: 139.11'

CYPRESS LN (435)

Lot 1 Existing Utilities:
Electrical overhead is existing and will remain
Existing Septic tank and drainfield will be replaced in Phase 1, current lines cross lots 2, 3, 4.
Existing water well and power will be decomissioned in Phase 1.
Existing storm drains to Cypress and will remain as such.
Lot 7 Existing Utilities:
Electrical overhead is existing and will remain
Existing Septic tank and drainfield will be replaced in Phase 2.
Existing water is provided from City off Cypress, no change.
Existing Storm drains to Cypress and will remain as such.

## Legend

- = MONUMENT FOUND, FLUSH TO 0.2' DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN.
- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2001-17
- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2017-10
- = 5/8" X 30" IRON ROD SET WITH YPC MARKED "NEWBERG LS 2838"
- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
- IP = IRON PIPE
- = EXISTING FENCE
- = EXISTING EASEMENT AS NOTED
- = NEW EASEMENT
- = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2

ELECTRICAL LEGEND

- = NEW VAULT
- = EXISTING PRIMARY POWER
- = NEW TRANSFORMER
- = NEW PRIMARY POWER
- = EXISTING TRANSFORMER
- = EXISTING SECONDARY POWER
- = EXISTING JUNCTION BOX
- = NEW SECONDARY POWER
- = NEW JUNCTION BOX

| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
| C1 | 83°00'23" | 65.19' | 45.00' | N41°57'48"E | 59.64' |
| C2 | 70°31'28" | 18.46' | 15.00' | S35°25'25"E | 17.32' |
| C3 | 41°34'27" | 32.65' | 45.00' | N49°53'56"W | 31.94' |
| C4 | 59°40'59" | 46.88' | 45.00' | N 0°43'47"E | 44.78' |
| C5 | 53°04'02" | 41.68' | 45.00' | N57°06'18"E | 40.21' |
| C6 | 96°58'32" | 76.16' | 45.00' | S47°52'25"E | 67.39' |

Newberg Surveying

SCALE: 1" = 40'
0 40

Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
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(503)-474-3752 Fax newberg@viclink.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838

RENEWS 12-31-2026

#1985

# TENTATIVE SUBDIVISION PLAN EASEMENTS FOR:
## KAMM ESTATES EASEMENTS

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: SEPTEMBER 22, 2025
CITY OF MCMINNVILLE DOCKET _____

LOT AREA TOTAL & EASEMENT

| | TOTAL | EASEMENT | NET |
|---|---|---|---|
| LOT # | SQ. FT. | SQ. FT. | SQ. FT. |
| 1 | 7499.0 | | 7499.0 |
| 2 | 12142.5 | | 12142.5 |
| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
| L4 | N 0°09'39"W | 125.39' |
| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
| L12 | N89°45'54"W | 80.91' |
| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

| NUM | BEARING | DISTANCE |
|---|---|---|
| L15 | N89°50'55"W | 81.44' |
| L16 | N 0°14'41"E | 75.00' |
| L17 | N89°50'55"W | 80.59' |
| L18 | N89°50'55"W | 100.00' |
| L19 | N89°50'53"W | 87.35' |
| L20 | N89°50'53"W | 68.61' |
| L21 | N89°50'53"W | 105.74' |
| L22 | S 0°00'08"W | 84.05' |
| L23 | N 0°08'58"E | 83.91' |
| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
| L26 | N89°44'04"W | 70.91' |
| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838

RENEWS 12-31-2026


Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell
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## Legend

- ● = MONUMENT FOUND, FLUSH TO 0.2' DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN.
- ▣ = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2001-17
- ⊕ = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2017-10
- ○ = 5/8" X 30" IRON ROD SET WITH YPC MARKED "NEWBERG LS 2838"
- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
- IP = IRON PIPE
- —X— = EXISTING FENCE
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- [ , #1] = DATA OF RECORD PER PT 2001-17
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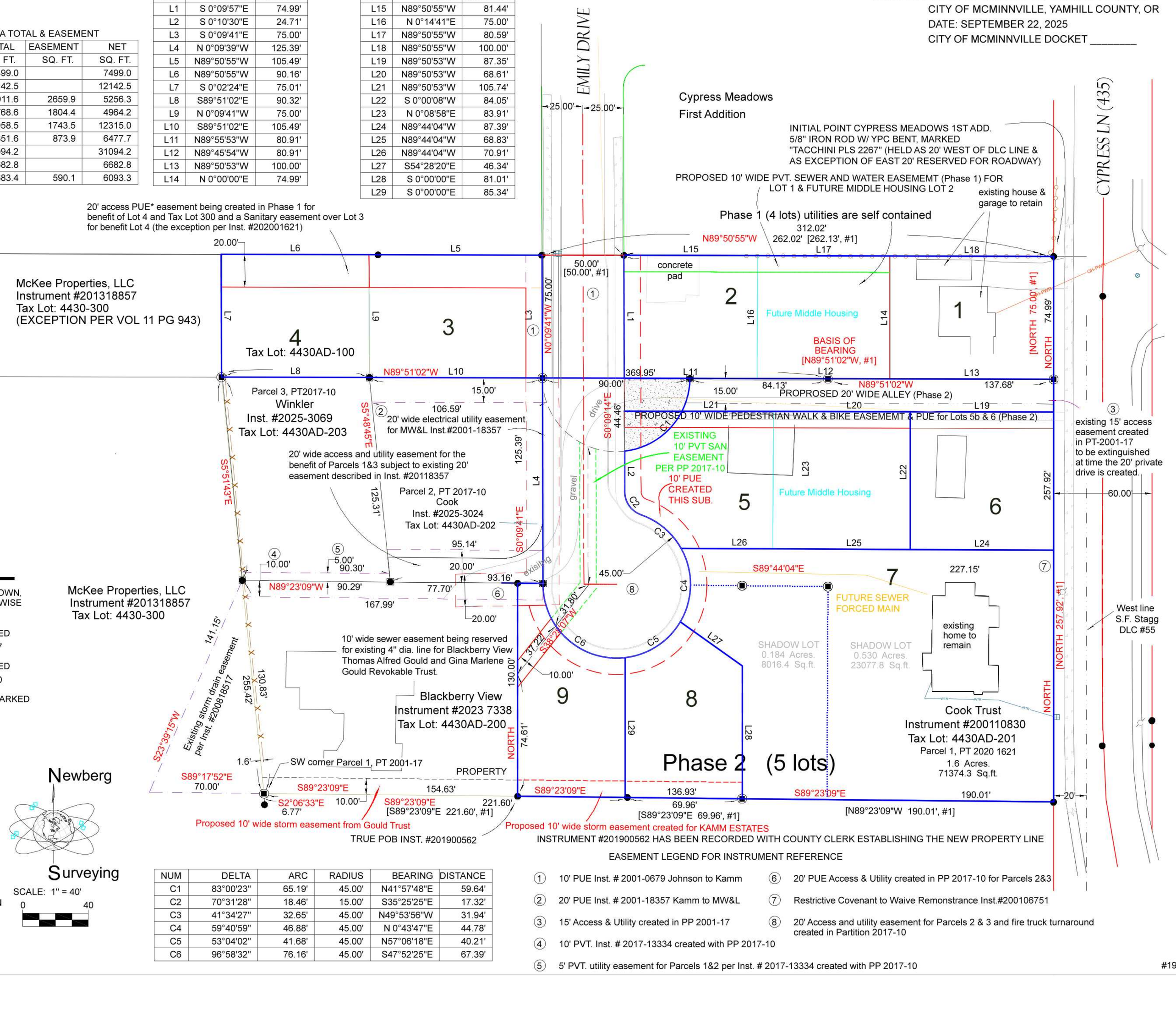
- = PHASE 1
- = PHASE 2

Newberg Surveying

SCALE: 1" = 40'
0 40




| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
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| C4 | 59°40'59" | 46.88' | 45.00' | N 0°43'47"E | 44.78' |
| C5 | 53°04'02" | 41.68' | 45.00' | N57°06'18"E | 40.21' |
| C6 | 96°58'32" | 76.16' | 45.00' | S47°52'25"E | 67.39' |

INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

EASEMENT LEGEND FOR INSTRUMENT REFERENCE

1. 10' PUE Inst. # 2001-0679 Johnson to Kamm
2. 20' PUE Inst. # 2001-18357 Kamm to MW&L
3. 15' Access & Utility created in PP 2001-17
4. 10' PVT. Inst. # 2017-13334 created with PP 2017-10
5. 5' PVT. utility easement for Parcels 1&2 per Inst. # 2017-13334 created with PP 2017-10
6. 20' PUE Access & Utility created in PP 2017-10 for Parcels 2&3
7. Restrictive Covenant to Waive Remonstrance Inst.#200106751
8. 20' Access and utility easement for Parcels 2 & 3 and fire truck turnaround created in Partition 2017-10

#1985

# TENTATIVE SUBDIVISION PLAN:
## KAMM ESTATES TREE LOCATIONS

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: SEPTEMBER 22, 2025
CITY OF MCMINNVILLE DOCKET _____

NOTE: Street tree plan will be porviced with final plat.
Tree retention plan will be provided with layout of street and uitlity easements with erosion plan prior to start of excavation.

apple tree to remove
walnut tree to remove
walnut tree to keep
cherry tree to keep
cyprus tree to keep
cyprus tree to keep
sequoia tree to keep

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
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| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
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| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

| NUM | BEARING | DISTANCE |
|---|---|---|
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| L17 | N89°50'55"W | 80.59' |
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| L22 | S 0°00'08"W | 84.05' |
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| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
| L26 | N89°44'04"W | 70.91' |
| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838

RENEWS 12-31-2026

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LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
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| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |

## Legend

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- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2017-10
- = 5/8" X 30" IRON ROD SET WITH YPC MARKED "NEWBERG LS 2838"
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- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2

Newberg Surveying

SCALE: 1" = 40'
0 40

Amended on 05.13.2026
517 of 566

EMILY DRIVE
CYPRESS LN (435)
Cypress Meadows
First Addition
INITIAL POINT CYPRESS MEADOWS 1ST ADD.
5/8" IRON ROD W/ YPC BENT, MARKED
"TACCHINI PLS 2267" (HELD AS 20' WEST OF DLC LINE &
AS EXCEPTION OF EAST 20' RESERVED FOR ROADWAY)
PROPOSED 10' WIDE PVT. SEWER AND WATER EASEMEMT (Phase 1) FOR LOT 1 & FUTURE MIDDLE HOUSING LOT 2
existing house & garage to retain
Phase 1 (4 lots) utilities are self contained
20' access PUE* easement being created in Phase 1 for benefit of Lot 4 and Tax Lot 300 and a Sanitary easement over Lot 3 for benefit Lot 4 (the exception per Inst. #202001621)
McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
(EXCEPTION PER VOL 11 PG 943)
4
Tax Lot: 4430AD-100
3
2
1
Future Middle Housing
concrete pad
Portion of Cul de Sac created in PP 2017-10 to be vacated Phase 1
PROPOSED 20' WIDE ALLEY
PROPOSED 10' WIDE PEDESTRIAN WALK & BIKE EASEMEMT & PUE for Lots 5b & 6 (Phase 2)
existing building to be removed during Phase 2
10' PUE CREATED THIS SUB.
5
6
Future Middle Housing
existing building to be removed during Phase 2
Parcel 3, PT2017-10
Winkler
Inst. #2025-3069
Tax Lot: 4430AD-203
Parcel 2, PT 2017-10
Cook
Inst. #2025-3024
Tax Lot: 4430AD-202
McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
10' wide utility easement for TL 203 & 202 created in PP 2017-10
10' wide sewer easement being reserved for existing 4" dia. line for Blackberry View Thomas Alfred Gould and Gina Marlene Gould Revokable Trust
Existing storm drain easement per Inst. #200818517
Blackberry View
Instrument #2023 7338
Tax Lot: 4430AD-200
9
8
7
FUTURE SEWER FORCED MAIN
SHADOW LOT 0.184 Acres. 8016.4 Sq.ft.
SHADOW LOT 0.530 Acres. 23077.8 Sq.ft.
existing home to remain
Cook Trust
Instrument #200110830
Tax Lot: 4430AD-201
Parcel 1, PT 2020 1621
1.6 Acres.
71374.3 Sq.ft.
Phase 2 (5 lots)
SW corner Parcel 1, PT 2001-17
PROPERTY
Proposed 10' wide storm easement from Gould Trust
TRUE POB INST. #201900562
Proposed 10' wide storm easement created for KAMM ESTATES
INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE
West line S.F. Stagg DLC #55

| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
| C1 | 83°00'23" | 65.19' | 45.00' | N41°57'48"E | 59.64' |
| C2 | 70°31'28" | 18.46' | 15.00' | S35°25'25"E | 17.32' |
| C3 | 41°34'27" | 32.65' | 45.00' | N49°53'56"W | 31.94' |
| C4 | 59°40'59" | 46.88' | 45.00' | N 0°43'47"E | 44.78' |
| C5 | 53°04'02" | 41.68' | 45.00' | N57°06'18"E | 40.21' |
| C6 | 96°58'32" | 76.16' | 45.00' | S47°52'25"E | 67.39' |

# TENTATIVE SUBDIVISION PLAN:

## KAMM ESTATES UTILITIES PHASE 1

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: JANUARY 27, 2026
CITY OF MCMINNVILLE DOCKET _____

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
| L4 | N 0°09'39"W | 125.39' |
| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
| L12 | N89°45'54"W | 80.91' |
| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

| NUM | BEARING | DISTANCE |
|---|---|---|
| L15 | N89°50'55"W | 81.44' |
| L16 | N 0°14'41"E | 75.00' |
| L17 | N89°50'55"W | 80.59' |
| L18 | N89°50'55"W | 100.00' |
| L19 | N89°50'53"W | 87.35' |
| L20 | N89°50'53"W | 68.61' |
| L21 | N89°50'53"W | 105.74' |
| L22 | S 0°00'08"W | 84.05' |
| L23 | N 0°08'58"E | 83.91' |
| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
| L26 | N89°44'04"W | 70.91' |
| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
| 2 | 12142.5 | | 12142.5 |
| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |

Lot 1 Existing Utilities:
Electrical overhead is existing and will remain
Existing Septic tank and drainfield will be replaced in Phase 1, current lines cross lots 2, 3, 4.
Existing water well and power will be decomissioned in Phase 1.
Existing storm drains to Cypress and will remain as such.
Lot 7 Existing Utilities:
Electrical overhead is existing and will remain
Existing Septic tank and drainfield will be replaced in Phase 2.
Existing water is provided from City off Cypress, no change.
Existing Storm drains to Cypress and will remain as such.

Storm manhole
RIM: 143.64'
IE IN (14" N): 136.91'
IE IN (10" NW): 137.45'
IE OUT (16" E): 136.85'

Sanitary manhole
RIM: 143.70'
IE IN (8" N): 139.58'
IE IN (8" S): 139.63'
IE IN (8" NW): 139.78'
IE OUT (8" E): 139.55'

Cypress Meadows
First Addition

EMILY DRIVE

CYPRESS LN (435)

INITIAL POINT CYPRESS MEADOWS 1ST ADD.
5/8" IRON ROD W/ YPC BENT, MARKED
"TACCHINI PLS 2267" (HELD AS 20' WEST OF DLC LINE &
AS EXCEPTION OF EAST 20' RESERVED FOR ROADWAY)

PROPOSED 10' WIDE PVT. SEWER AND WATER EASEMEMT (Phase 1) FOR LOT 1 & FUTURE MIDDLE HOUSING LOT 2

Phase 1 (4 lots) utilities are self contained

20' access PUE* easement being created in Phase 1 for benefit of Lot 4 and Tax Lot 300 and a Sanitary easement over Lot 3 for benefit Lot 4 (the exception per Inst. #202001621)

Sanitary Extension 8" line @ 0.5% slope L = 40'

Sanitary manhole end of 40' 8" line

Sanitary manhole
RIM: 144.16'
IE 8" IN S: 140.24'
IE 8" OUT N: 140.17'

FUTURE WATER MAIN EXTENSION

McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
(EXCEPTION PER VOL 11 PG 943)

4
Tax Lot: 4430AD-100

3

existing septic drain field

Temporary catch basin to tie into "V" Swale

0.5% Street Slope

2

concrete pad

pump house to be removed

Overhead power and pole to be removed Phase 1
Future Middle Housing

Portion of Cul de Sac created in PP 2017-10 to be vacated Phase 1

BASIS OF BEARING [N89°51'02"W #1]

existing septic drain field serves Lot 1

1

312.02'
262.02' [262.13', #1]
N89°50'55"W
50.00' [50.00', #1]
20.00'
L6 L5 L15 L17 L18
L7 L8 L9 L10 L1 L16 L14
N89°51'02"W
369.95' L11 L12 L13
90.00'
84.13'
137.68'
N89°51'02"W
[NORTH 75.00', #1]
74.99' NORTH
15.00'
106.59'
N0°09'41"W 75.00'
S0°09'14"E 44.46'
125.39'
125.31'
S5°48'45"E
S5°51'43"E
S0°09'41"E
L4 L3 L2
L12 L13 L19 L20 L21
PROPOSED 20' WIDE ALLEY
PROPOSED 10' WIDE PEDESTRIAN WALK & BIKE EASEMEMT & PUE for Lots 5b & 6 (Phase 2)

FUTURE WATER METERS

FUTURE HYD

20' wide electrical utility easement (#7) for MW&L Inst.#2001-18357

Parcel 3, PT2017-10
Winkler
Inst. #2025-3069
Tax Lot: 4430AD-203

Parcel 2, PT 2017-10
Cook
Inst. #2025-3024
Tax Lot: 4430AD-202

existing building to be removed in Phase 2

Phase 1 "V" swale

existing building to be removed in Phase 2

10' PUE CREATED THIS SUB.

5

Future Middle Housing

6

Ditch Inlet rim
12" ie out 135.52

L22 L23

257.92'

60.00'

Storm MH PH 1
12" ie out 135.25
12" ie in 135.35

Storm Extension 12" line ℄ @ 0.5% L =70'

35' @ 0.5% L=35

Storm manhole
RIM: 142.40'
IE IN W: 137.24'
IE IN S: 135.28'
IE 18" IN N: 134.88'
IE 18" OUT E: 134.73'
New IE 12" in SW 134.90

Sanitary manhole
RIM: 142.32
IE 8" IN W: 138.13'
IE 8" OUT E: 136.54'

Sanitary manhole
RIM: 142.30'
IE 8" IN W: 139.30'
IE 8" IN N: 138.48'
IE 8" OUT E: 138.39'

Storm catch basin
TOP GRATE: 142.09'
IE OUT E: 137.49'

Storm catch basin
TOP GRATE:142.31'
IE OUT NW: 139.11'

FUTURE WATER

C2 C3 C4 C5 C6

45.00'

S89°44'04"E

7

227.15'

FUTURE SEWER FORCED MAIN?

SHADOW LOT
0.184 Acres.
8016.4 Sq.ft.

SHADOW LOT
0.530 Acres
23077.8 Sq.ft.
existing septic drain field

Cook Trust
Instrument #200110830
Tax Lot: 4430AD-201
Parcel 1, PT 2020 1621
1.6 Acres.
71374.3 Sq.ft.

[NORTH 257.92', #1]
NORTH

West line S.F. Stagg DLC #55

McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300

10' wide sewer easement being reserved for existing 4" dia. line for Blackberry View Thomas Alfred Gould and Gina Marlene Gould Revokable Trust

Blackberry View
Instrument #2023 7338
Tax Lot: 4430AD-200

9 8

Phase 2 (5 lots)

L29 L28 L27

S89°23'09"E
136.93'
69.96'
[S89°23'09"E 69.96', #1]
190.01'
[N89°23'09"W 190.01', #1]
20'

N89°23'09"W 90.29'
77.70'
15.46'
167.99'
20.00'
93.16'
95.14'
20.00'
10.00'
5.00'
90.30'
141.15'
130.83'
255.42'
S23°39'15"W
Existing storm drain easement per Inst. #200818517
1.6'
SW corner Parcel 1, PT 2001-17
S89°17'52"E
70.00'
S89°23'09"E
10.00'
S2°06'33"E
6.77'
S89°23'09"E
[S89°23'09"E 221.60', #1]
154.63'
221.60'
130.00'
37.22'
S38°24'07"W
31.80'
10.00'
NORTH
74.61'

Proposed 10' wide storm easement from Gould Trust

TRUE POB INST. #201900562

Proposed 10' wide storm easement created for KAMM ESTATES

INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
| C1 | 83°00'23" | 65.19' | 45.00' | N41°57'48"E | 59.64' |
| C2 | 70°31'28" | 18.46' | 15.00' | S35°25'25"E | 17.32' |
| C3 | 41°34'27" | 32.65' | 45.00' | N49°53'56"W | 31.94' |
| C4 | 59°40'59" | 46.88' | 45.00' | N 0°43'47"E | 44.78' |
| C5 | 53°04'02" | 41.68' | 45.00' | N57°06'18"E | 40.21' |
| C6 | 96°58'32" | 76.16' | 45.00' | S47°52'25"E | 67.39' |

= PROPOSED SANITARY PHASE 1
= PROPOSED STORM PHASE 1

## Legend

- = MONUMENT FOUND, FLUSH TO 0.2' DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN.
- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2001-17
- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2017-10
- = 5/8" X 30" IRON ROD SET WITH YPC MARKED "NEWBERG LS 2838"
- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
- IP = IRON PIPE
- = EXISTING FENCE
- = EXISTING EASEMENT AS NOTED
- = NEW EASEMENT
- = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2

ELECTRICAL LEGEND

- = NEW VAULT
- = EXISTING PRIMARY POWER
- = NEW TRANSFORMER
- = NEW PRIMARY POWER
- = EXISTING TRANSFORMER
- = EXISTING SECONDARY POWER
- = EXISTING JUNCTION BOX
- = NEW SECONDARY POWER
- = NEW JUNCTION BOX

Newberg Surveying

SCALE: 1" = 40'
0 40

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838

RENEWS 12-31-2026

Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

#1985

# TENTATIVE SUBDIVISION PLAN:

## KAMM ESTATES UTILITIES PHASE 2

LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OR
DATE: JANUARY 27, 2026
CITY OF MCMINNVILLE DOCKET _____

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | S 0°09'57"E | 74.99' |
| L2 | S 0°10'30"E | 24.71' |
| L3 | S 0°09'41"E | 75.00' |
| L4 | N 0°09'39"W | 125.39' |
| L5 | N89°50'55"W | 105.49' |
| L6 | N89°50'55"W | 90.16' |
| L7 | S 0°02'24"E | 75.01' |
| L8 | S89°51'02"E | 90.32' |
| L9 | N 0°09'41"W | 75.00' |
| L10 | S89°51'02"E | 105.49' |
| L11 | N89°55'53"W | 80.91' |
| L12 | N89°45'54"W | 80.91' |
| L13 | N89°50'53"W | 100.00' |
| L14 | N 0°00'00"E | 74.99' |

| NUM | BEARING | DISTANCE |
|---|---|---|
| L15 | N89°50'55"W | 81.44' |
| L16 | N 0°14'41"E | 75.00' |
| L17 | N89°50'55"W | 80.59' |
| L18 | N89°50'55"W | 100.00' |
| L19 | N89°50'53"W | 87.35' |
| L20 | N89°50'53"W | 68.61' |
| L21 | N89°50'53"W | 105.74' |
| L22 | S 0°00'08"W | 84.05' |
| L23 | N 0°08'58"E | 83.91' |
| L24 | N89°44'04"W | 87.39' |
| L25 | N89°44'04"W | 68.83' |
| L26 | N89°44'04"W | 70.91' |
| L27 | S54°28'20"E | 46.34' |
| L28 | S 0°00'00"E | 81.01' |
| L29 | S 0°00'00"E | 85.34' |

LOT AREA TOTAL & EASEMENT

| LOT # | TOTAL SQ. FT. | EASEMENT SQ. FT. | NET SQ. FT. |
|---|---|---|---|
| 1 | 7499.0 | | 7499.0 |
| 2 | 12142.5 | | 12142.5 |
| 3 | 7911.6 | 2659.9 | 5256.3 |
| 4 | 6768.6 | 1804.4 | 4964.2 |
| 5 | 14058.5 | 1743.5 | 12315.0 |
| 6 | 7351.6 | 873.9 | 6477.7 |
| 7 | 31094.2 | | 31094.2 |
| 8 | 6682.8 | | 6682.8 |
| 9 | 6683.4 | 590.1 | 6093.3 |

Lot 1 Existing Utilities:
Electrical overhead is existing and will remain
Existing Septic tank and drainfield will be replaced in Phase 1, current lines cross lots 2, 3, 4.
Existing water well and power will be decomissioned in Phase 1.
Existing storm drains to Cypress and will remain as such.
Lot 7 Existing Utilities:
Electrical overhead is existing and will remain
Existing Septic tank and drainfield will be replaced in Phase 2.
Existing water is provided from City off Cypress, no change.
Existing Storm drains to Cypress and will remain as such.

Storm manhole
RIM: 143.64'
IE IN (14" N): 136.91'
IE IN (10" NW): 137.45'
IE OUT (16" E): 136.85'

Sanitary manhole
RIM: 143.70'
IE IN (8" N): 139.58'
IE IN (8" S): 139.63'
IE IN (8" NW): 139.78'
IE OUT (8" E): 139.55'

EMILY DRIVE

Cypress Meadows
First Addition

INITIAL POINT CYPRESS MEADOWS 1ST ADD.
5/8" IRON ROD W/ YPC BENT, MARKED
"TACCHINI PLS 2267" (HELD AS 20' WEST OF DLC LINE &
AS EXCEPTION OF EAST 20' RESERVED FOR ROADWAY)

PROPOSED 10' WIDE PVT. SEWER AND WATER EASEMEMT (Phase 1) FOR LOT 1 & FUTURE MIDDLE HOUSING LOT 2

Sanitary manhole
RIM: 144.16'
IE 8" IN S: 140.24'
IE 8" OUT N: 140.17'

Phase 1 (4 lots) utilities are self contained

20' access PUE* easement being created in Phase 1 for benefit of Lot 4 and Tax Lot 300 and a Sanitary easement over Lot 3 for benefit Lot 4 (the exception per Inst. #202001621)

FUTURE WATER MAIN EXTENSION

McKee Properties, LLC
Instrument #201318857
Tax Lot: 4430-300
(EXCEPTION PER VOL 11 PG 943)

4
Tax Lot: 4430AD-100

3

2

1

existing septic drain field

Sanitary MH
ie 8" out 138.79
ie 8" in 138.99

0.5% Street Slope

concrete pad

pump house to be removed

Overhead power and pole to be removed Phase 1
Future Middle Housing

Portion of Cul de Sac created in PP 2017-10 to be vacated Phase 1

BASIS OF BEARING [N89°51'02"W #1]

existing septic drain field serves Lot 1

8" Sanitary
310' @ 0.5%

N89°50'55"W 312.02'
262.02' [262.13', #1]

N89°51'02"W
[NORTH 75.00', #1]
NORTH 74.99'

N89°51'02"W 369.95'
84.13'
137.68'

90.00'
15.00'
106.59'

FUTURE WATER METERS

PROPOSED 20' WIDE ALLEY

PROPOSED 10' WIDE PEDESTRIAN WALK & BIKE EASEMEMT & PUE for Lots 5b & 6 (Phase 2)

20' wide electrical utility easement (#7) for MW&L Inst.#2001-18357

Catch Basins at Street Low Point

FUTURE HYD

Parcel 3, PT2017-10
Winkler
Inst. #2025-3069
Tax Lot: 4430AD-203

Parcel 2, PT 2017-10
Cook
Inst. #2025-3024
Tax Lot: 4430AD-202

S5°48'45"E
S5°51'43"E
S0°09'41"E
S0°09'14"E
44.46'
125.39'
125.31'

existing building to be removed in Phase 2

Phase 1 "V" swale
Convert "V" swale to WQ. Planter between curb and Ped. Path

Future Middle Housing

10' PUE CREATED THIS SUB.

5

6
Ditch Inlet rim
12" ie out 135.52

existing building to be removed in Phase 2

8" Sanitary
120' @ 0.5%

FUTURE WATER

95.14'
20.00'
93.16'
45.00'

S89°44'04"E

7

227.15'

FUTURE SEWER FORCED MAIN?

10.00'
5.00'
90.30'
N89°23'09"W 90.29'
77.70'
15.46'
167.99'

Sanitary MH
ie 8" out 139.59

20.00'

31.80'
S38°24'07"W
37.22'

10' wide sewer easement being reserved for existing 4" dia. line for Blackberry View Thomas Alfred Gould and Gina Marlene Gould Revokable Trust

SHADOW LOT
0.184 Acres.
8016.4 Sq.ft.

SHADOW LOT
0.530 Acres
23077.8 Sq.ft.
existing septic drain field

Sanitary manhole to be installed Phase 2

9

8

Blackberry View
Instrument #2023 7338
Tax Lot: 4430AD-200

Cook Trust
Instrument #200110830
Tax Lot: 4430AD-201
Parcel 1, PT 2020 1621
1.6 Acres.
71374.3 Sq.ft.

NORTH 74.61'

Phase 2 (5 lots)

141.15'
Existing storm drain easement per Inst. #200818517
S23°39'15"W
130.83'
255.42'

1.6'
SW corner Parcel 1, PT 2001-17
PROPERTY

S89°17'52"E 70.00'
S89°23'09"E 154.63'
S2°06'33"E 6.77'
10.00'
S89°23'09"E [S89°23'09"E 221.60', #1] 221.60'
S89°23'09"E 136.93'
69.96'
[S89°23'09"E 69.96', #1]
S89°23'09"E 190.01'
[N89°23'09"W 190.01', #1]
20'

Proposed 10' wide storm easement from Gould Trust

TRUE POB INST. #201900562

Proposed 10' wide storm easement created for KAMM ESTATES

INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

CYPRESS LN (435)

Storm manhole
RIM: 142.40'
IE IN W: 137.24'
IE IN S: 135.28'
IE 18" IN N: 134.88'
IE 18" OUT E: 134.73'
New IE 12" in SW 134.90

Sanitary manhole
RIM: 142.32
IE 8" IN W: 138.13'
IE 8" OUT E: 136.54'
NEW IE 8" IN SW 136.74'

Sanitary manhole
RIM: 142.30'
IE 8" IN W: 139.30'
IE 8" IN N: 138.48'
IE 8" OUT E: 138.39'

Storm catch basin
TOP GRATE: 142.09'
IE OUT E: 137.49'

8" Sanitary
60' @ 0.5%

Storm Extension
12" line C @ 0.5%
L =70'

Storm catch basin
TOP GRATE:142.31'
IE OUT NW: 139.11'

35' @ 0.5%
L=35

Storm MH
12" ie out 135.25
12" ie in 135.35

60.00'

Sanitary MH
ie 8" out 137.04
ie 8" in 137.24

West line
S.F. Stagg
DLC #55

[NORTH 257.92', #1]
NORTH 257.92'

## Legend

- = MONUMENT FOUND, FLUSH TO 0.2' DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN.
- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2001-17
- = 5/8" X 30" IRON ROD WITH YPC MARKED "NEWBERG LS 2838" SET IN PT 2017-10
- = 5/8" X 30" IRON ROD SET WITH YPC MARKED "NEWBERG LS 2838"
- YPC = YELLOW PLASTIC CAP
- IR = IRON ROD
- IP = IRON PIPE
- = EXISTING FENCE
- = EXISTING EASEMENT AS NOTED
- = NEW EASEMENT
- = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- = PHASE 1
- = PHASE 2

ELECTRICAL LEGEND

- = NEW VAULT
- = EXISTING PRIMARY POWER
- = NEW TRANSFORMER
- = NEW PRIMARY POWER
- = EXISTING TRANSFORMER
- = EXISTING SECONDARY POWER
- = EXISTING JUNCTION BOX
- = NEW SECONDARY POWER
- = NEW JUNCTION BOX

= PROPOSED SANITARY PHASE 1
= PROPOSED STORM PHASE 1
= PROPOSED SANITARY PHASE 2
= PROPOSED STORM PHASE 2

| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|---|---|---|---|---|---|
| C1 | 83°00'23" | 65.19' | 45.00' | N41°57'48"E | 59.64' |
| C2 | 70°31'28" | 18.46' | 15.00' | S35°25'25"E | 17.32' |
| C3 | 41°34'27" | 32.65' | 45.00' | N49°53'56"W | 31.94' |
| C4 | 59°40'59" | 46.88' | 45.00' | N 0°43'47"E | 44.78' |
| C5 | 53°04'02" | 41.68' | 45.00' | N57°06'18"E | 40.21' |
| C6 | 96°58'32" | 76.16' | 45.00' | S47°52'25"E | 67.39' |

Newberg Surveying

SCALE: 1" = 40'
0 40

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
JOHN G. NEWBERG
2838

RENEWS 12-31-2026

Newberg Surveying, Inc.
1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

#1985

SISUL ENGINEERING
*A Division of Sisul Enterprises, Inc.*
375 PORTLAND AVENUE, GLADSTONE, OREGON 97027
(503) 657-0188
FAX (503) 657-5779

January 25, 2026

Integrity Builders, Inc.
1525 SW Cypress Lane
McMinnville, OR 97128

ATTN: Bruce Cook

RE: Kamm Estates – Recommendation for addressing Sanitary and Storm Drainage to serve the development

Dear Mr. Cook:

The following are our recommendations for serving the proposed lots of Kamm Estates:

Phase 1
SANITARY
A sanitary extension from existing south end Emily Drive should be extended south approximately 40 feet to serve the four proposed lots of Phase 1 and potentially the extra middle housing land division lot noted for Parcel 2. The extension would likely need to be an 8 inch line extended at a slope of 0.5%. It should end in a manhole for an 8 inch line.

Due to the shallowness of the existing sanitary at the existing end of Emily Drive, extension of the sanitary sewer to the proposed cul-de-sac area in Phase 2 is not recommended, as it would be too shallow to likely serve several of the future homes. (See our Phase 2 recommendations.)

It is recommended that 6 inch service laterals be extended past the PUE along the street right-of-way at a 1% slope to achieve maximum depth possible at future home sites. The existing home on Lot 1 may still require pumping to get to the house sewer up to the level of the proposed sanitary lateral from Emily Drive. A possible alternative option for Lot 1 is to extend a lateral from sanitary sewer line in Cypress Lane, as it appears it has slightly deeper (approximately 1.5 feet deeper) sewer flow line, than the one in Emily Drive. However, getting the house sewer line from the backyard, out to the front may be a challenge and if the sewer still has to be pumped, it is probably not worth trying to make a connection in Cypress Lane. It is also possible that Lot 1 could be eventually connected to the sanitary line proposed in Phase 2 to run up the alleyway. (See our Phase 2 recommendations).

STORM

There are no particularly good or easy options to provide storm drainage to Phase 1 (or Phase 2 as well). We see 3 potential storm drainage options.

- Connection to a storm manhole at the intersection of Emily Drive and Emily Ct. This connection point would require a storm extension from the intersection south into the subdivision site. The flow line elevation at the manhole is 136.85
- Connection to a storm manhole in the intersection of Cypress Lane and Shirley Ann Drive. This connection would require an extension south along Cypress Lane and then west into the site. The flow line elevation of this manhole is 134.73.
- Creating a storm drain outfall towards Peavey Reservoir. While an outfall in this direction has some desirable qualities, such as better grades and elevations to work with, there are problems as well. These issues include that the drainageway and reservoir is outside of parcels controlled by the developer and the likely need to create easements conveyed to the City as it would be draining city street runoff. It may also require some sort of Division of State Lands and/or Corp of Engineer permits as well.

Based on an analysis of the choices, the connection to the storm drain manhole at the intersection of Cypress Lane and Shirley Ann Drive, we feel is the best option in this case.

For Phase 1, we would recommend that a storm drain extension south in Cypress Lane be constructed to the approximate point of the future alleyway and pedestrian connection for Phase 2. Then a public storm line extension could be constructed into the development site, to a ditch inlet. To the west of the ditch inlet a "V" shaped trench, be constructed with Phase 1, that would pick up future catchbasins in Emily Drive. This "V" shaped trench would be just south of the existing gravel driveway and would be more formally reconstructed with Phase 2.

Storm laterals to Lots 1 and 2 could be stubbed from the ditch. Lots 3 and 4 would need to have storm drain laterals stub out to the curb line at the southeast corner of Lot 3. (We expect that Emily Drive will be designed to fall southward from its present end of street at a slope of 0.5% or greater.) We anticipate a temporary catchbasin at this new Phase 1 end of street will be needed to collect runoff from the new end of the extended Emily Drive and drain it to the "V" trench.

Phase 2

SANITARY

It is felt that an extension of the sanitary line in Emily Drive would be too shallow to serve the proposed lots at the south end of Phase 2. The flowline at the existing manhole in current south end of Emily Drive is approximately 140.2. The ground elevation of the most all the land in Phases 1 and 2, is approximately 145. A 200 foot extension of that line to the south, even at minimal grade would place the flow line of the sanitary sewer higher than 141 and

would likely require most if not all the lots in Phase 2 to have pump systems to reach the sewer lateral flowlines behind the right-of-way.

Instead, we are recommending that the sewer connection for Phase 2, be made to the sanitary manhole in Cypress Lane, near the eastern right-of-way at the intersection with Shirley Ann Drive, then a sanitary mainline be extended to and under the proposed alleyway proposed for Phase 2. Once the sanitary line reaches the right-of-way extension of Emily Drive, then turn the sanitary line south to end somewhere near the middle of the proposed cul-de-sac to serve the lots of Phase 2.

We calculate that the sanitary sewer line coming from the intersection of Cypress Lane and Shirley Drive will be more than 18 inches deeper than simply extending the sewer line from its present end in Emily Drive, at the cul-de-sac. An important difference if trying to allow as many of the existing and future homes a chance to drain by gravity sewer, rather than relying on individual sanitary pump systems.

STORM

If our recommendations for Phase 1, as noted above, were followed for the storm system, then much of the storm drain infrastructure for Phase 2 would already be in place, when Phase 2 would start to be developed.

We would anticipate that the "V" swale of Phase 1, as recommended above, would be converted into a stormwater planter, between the alley curb line and the pedestrian sidewalk. Once curb-walls were installed on either side of the planter, to provide curbing on the alley side and sidewalk curb on the sidewalk side, there would be approximately 4 feet of width to the planter and it would be approximately 240 feet long. We anticipate that the alleyway would be sloped so that its entirely drains south towards the planter. Small gaps in the curbing would allow for the alley to drain into the planter. (While we do not see details similar to what we are discussing in McMinnville's standard details, we have included a couple of City of Newberg details, with this letter, that reflect what we are thinking of.)

If the catchbasins to the west in the Emily Drive extension were installed with shallow outlets, potentially the inlet line from the catchbasins, could enter the planter potentially at an elevation of 140. Leaving room for approximately 18 inches of topsoil and some thickness of drain rock with a perforated pipe at the bottom of the planter, that could drain through ditch inlet at an elevation of approximately 135.6. A reasonable difference in elevation for a water quality planter to work properly and would allow some room above the soil for some stormwater storage for storm detention purposes as well, with the ditch inlet rim being a overflow elevation in the event of large storm events.

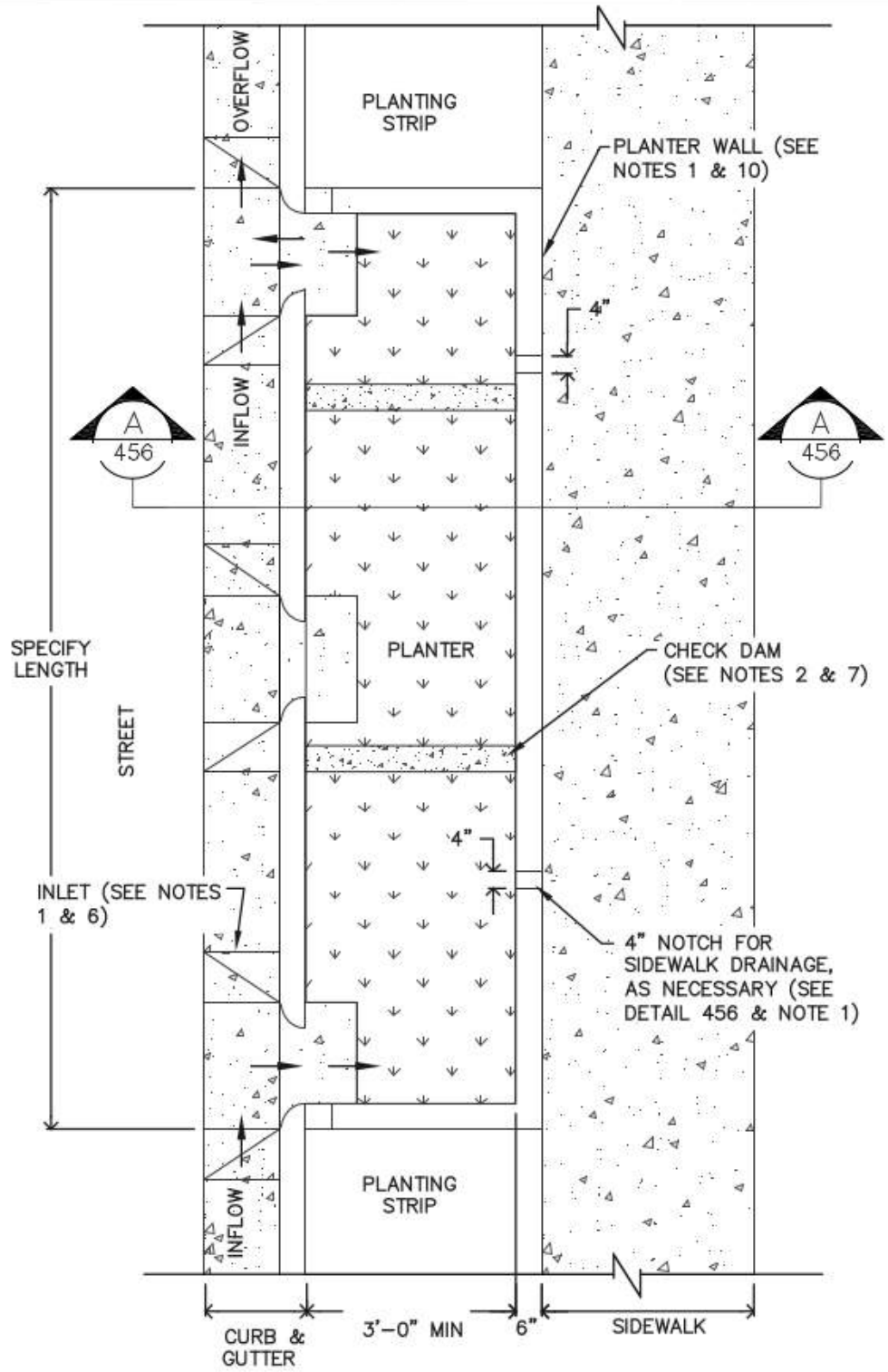
For house roof drains, Lots 5 and 6 we are anticipating could drain directly into the stormwater planter. The existing house on Lot 7, could potentially drain to either Cypress Lane or back towards the cul-de-sac. The other lots would drain through curb weep holes

in the cul-de-sac. We anticipate that the maximum gutter line elevation in the back of the cul-de-sac would be approximately 143.5. Deep enough to likely drain roof drain lines, although foundation drains and crawl space drains may need to be pumped up to the level of the gutter.

We hope that this provides the City Engineering Department with sufficient information to recommend approval of your proposed subdivision, but if there are additional questions, please let me know.

Sincerely,

Thomas J. Sisul, P.E.




## DESIGN NOTES:

1. PROVIDE BEGINNING AND END STATION FOR EACH FACILITY. PROVIDE STATIONING AND/ OR DIMENSIONS AND ELEVATIONS AT EACH INLET, OUTLET, CHECK DAM, PLANTER CORNER AND SIDEWALK NOTCHES.
2. SIDEWALK ELEVATION MUST BE SET ABOVE CHECK DAM AND INLET ELEVATIONS TO ALLOW OVERFLOW TO DRAIN TO STREET BEFORE SIDEWALK.
3. EXISTING UTILITY LINES MUST BE SLEEVED OR RELOCATED. PROPOSED UTILITY LINES TO BE LOCATED OUT OF FACILITY.
4. LONGITUDINAL SLOPE OF PLANTER TO MATCH ROAD.
5. MINIMUM INTERIOR PLANTER WIDTH IS 3 FEET. A MINIMUM OF 4 FEET IS REQUIRED FOR PLANTERS WITH STREET TREES.

## RELATED DETAILS:

6. CONCRETE INLET, STANDARD DRAWING NO. 462– CURB CUT.
7. CHECK DAM, STANDARD DRAWING NO. 465, CONCRETE CHECK DAM.
8. REQUIRMENTS FOR WATER LINES, METERS, AND FIRE HYDRANTS REFERENCE STANDARD DRAWING NO. 468, METER & HYDRANT LOCATIONS.
9. FACILITY SIZING AND TOPSOIL PER STANDARD DRAWING NO. 450, GENERAL REQUIRMENTS.
10. PLANTER WALL, STANDARD DRAWING NO. 466, PUBLIC PLANTER WALLS.

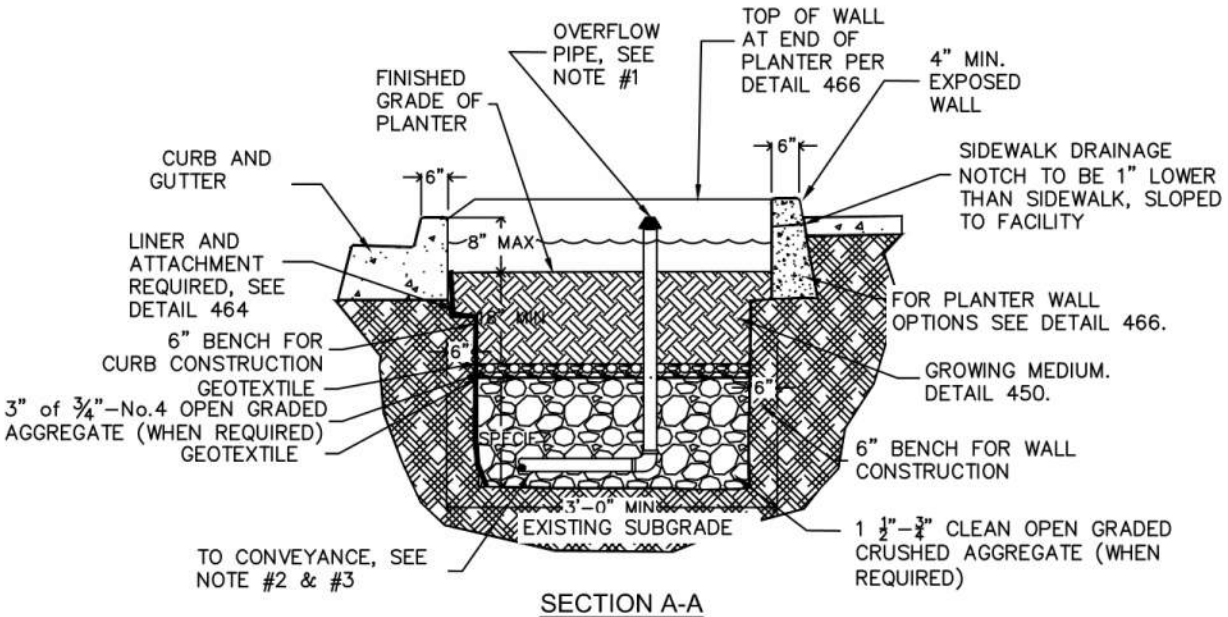
City of Newberg
PUBLIC WORKS ENGINEERING DIVISION
414 E. FIRST STREET NEWBERG, OR 97132
PHONE: 503-537-1240
FAX: 503-537-1277

REVISIONS:

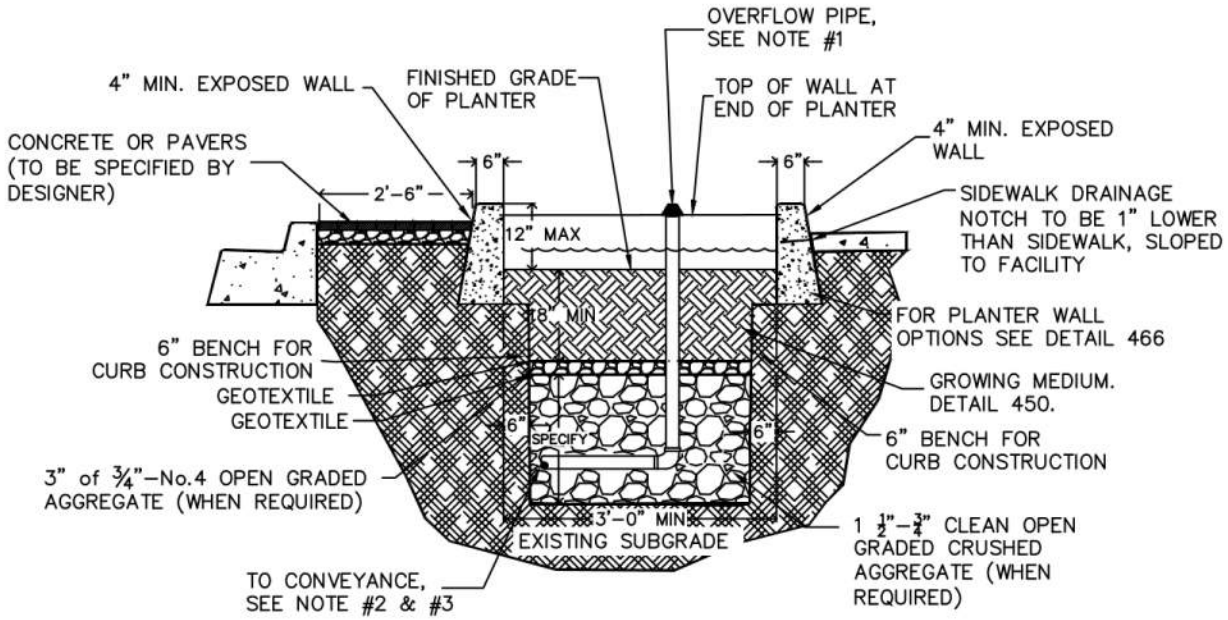
# PUBLIC PLANTER

PLAN VIEW NO PARKIING

SCALE: N.T.S.
DATE: MARCH 2014
APPROVED BY: JAY H.
STANDARD 454




SECTION A-A
PLANTER WITHOUT PARKING




SECTION B-B
PLANTER WITH PARKING

## NOTES:

1. IE OF OVERFLOW PIPE TO BE FLUSH WITH CHECK DAM HEIGHT.
2. PUBLIC OVERFLOW PIPE SHALL BE SIZED TO CONVEY THE 25 YEAR DESIGN STORM EVENT.
3. PERFORATED PIPE SHALL RUN LENGTHWISE OF FACILITY AND SHALL BE LOCATED 6" ABOVE EXISTING SUBGRADE. REFERENCE STANDARD DRAWING NO. 463, PERFORATED PIPE.

City of Newberg
PUBLIC WORKS ENGINEERING DIVISION
414 E. FIRST STREET NEWBERG, OR 97132
PHONE: 503-537-1240
FAX: 503-537-1277

| REVISIONS: | PUBLIC PLANTER | SCALE: N.T.S. |
|---|---|---|
| 06/30/2015 - ASM | SECTION VIEW | DATE: JUNE 2015 |
| | | APPROVED BY: K. HOFMANN |
| | | STANDARD DRAWING 456 |

OFFICIAL YAMHILL COUNTY RECORDS
KERI HINTON, COUNTY CLERK

202506840

$152.00

00692074202500068400100109

07/17/2025 09:03:34 AM

DMR-CONDMR Cnt=1 Stn=1036 MORRISONK
$51.00 $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 14 day of July, 2025 by and between the City of McMinnville, Oregon, an Oregon municipal corporation (hereinafter "City") and Stanley Bruce Cook and Nila Denise Cook Revocable Trust (hereinafter "Owner").

## 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**, 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 April 22, 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 and tentative subdivision plan 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. Owner agrees to vacate the existing public right-of-way located within the cul-de-sac described as Tract "A" on Partition Plat No. 2017-10 (City Docket MP 4-16) instrument #200110830, to the extent that it is no longer required due to the new alignment of the public right-of-way serving the development. Such a vacation will need to be completed prior to the issuance of any building permits associated with Phase 1 of the tentative subdivision plan.

e. Owner agrees to provide legal access to Tax Lot R4430AD00300 for at least two buildable lots prior to the platting of Phase 1 of the tentative subdivision plan. Access easement will need to meet all of the provisions of the McMinnville Municipal Code.

f. Owner agrees to provide bicycle and pedestrian connectivity from the development to Cypress Lane to meet McMinnville's Great Neighborhood Principles and minimum block length standards. This will be reviewed as part of the land-use process.

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. If the property is developed in phases, the waiver may be removed on a phase-by-phase basis provided that all utility service and all required infrastructure that will service or benefit the Property is completed and accepted by City.

**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

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

Jeff Towery, City Manager

OWNER

Stanley Bruce Cook

Nila Denise Cook

ATTEST:

Claudia Cisneros

Claudia Cisneros, City Recorder

SEE ATTACHED NOTARIAL CERTIFICATE

STATE OF OREGON )
) ss.
County of Yamhill )

This instrument was acknowledged before me this 15 day of July, 2025 by Jeff Towery, 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.

Claudia Cisneros
Notary Public for Oregon

OFFICIAL STAMP
CLAUDIA CISNEROS
NOTARY PUBLIC - OREGON
COMMISSION NO. 1031977
MY COMMISSION EXPIRES JANUARY 5, 2027

STATE OF OREGON )
) ss.
County of Yamhill )

This instrument was acknowledged before me this 14 day of July, 2025 by Stanley Bruce Cook, owner of the property at R4430AD00100 and R4430AD00201, who acknowledged this instrument to be his/her voluntary act and deed.

Notary Public for Oregon

OFFICIAL STAMP
JANELLE MARIE BRAME
NOTARY PUBLIC - OREGON
COMMISSION NO. 1033848
MY COMMISSION EXPIRES FEBRUARY 7, 2027

STATE OF OREGON )
) ss.
County of Yamhill )

This instrument was acknowledged before me this 14 day of July, 2025 by Nila Denise Cook, owner of the property at R4430AD00100 and R4430AD00201, who acknowledged this instrument to be his/her voluntary act and deed.

Notary Public for Oregon

OFFICIAL STAMP
JANELLE MARIE BRAME
NOTARY PUBLIC - OREGON
COMMISSION NO. 1033848
MY COMMISSION EXPIRES FEBRUARY 7, 2027

**EXHIBIT 1:**

**Legal Description of the Property to Be Annexed:**

Part of Section 30, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

Beginning 3.995 chains North of the Southwest corner of the S.F. Stagg Donation Land Claim No. 55 in said Township and Range; thence North 5 chains to the true Place of Beginning: thence West 10 chains; thence South 75 feet; thence East 10 chains; thence North 75 feet to the true Place of Beginning.

Save and Except 20 feet off the East end reserved for a roadway. Also Excepting Therefrom that certain tract of land conveyed to Walter L. Peavy et lux. By Deed recorded July 13, 1960 in Film Volume 11, Page 943, Deed and Mortgage Records.

**EXHIBIT 2:**

**Maps of Subject Site:**

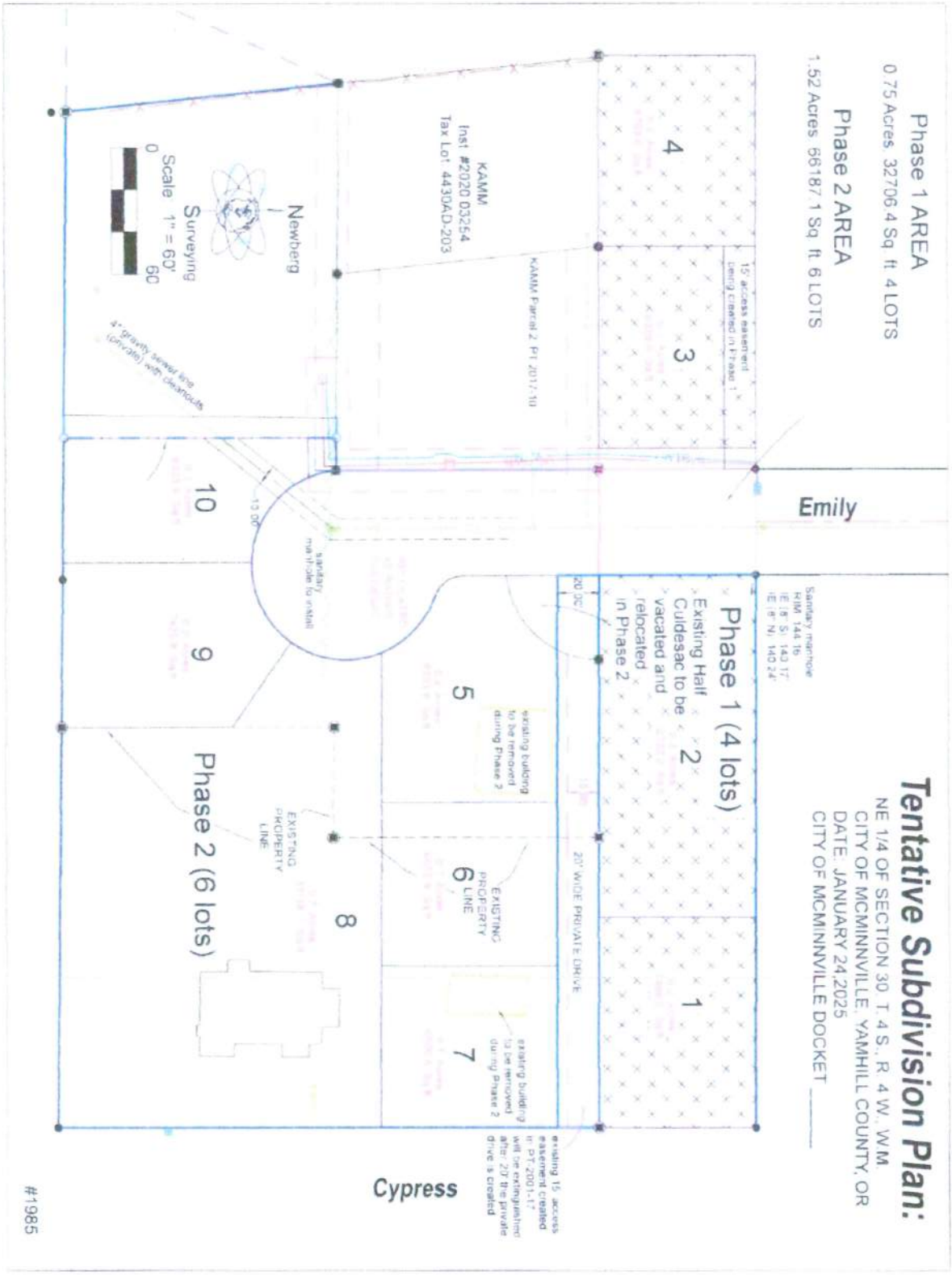
Aerial of Subject Site:

Comprehensive Plan Designation of Subject Site:

Existing Conditions of Subject Site:

**EXHIBIT 3:**

Proposed Development Plan of Subject Site:



YAMHILL SOIL & WATER
CONSERVATION DISTRICT

February 17, 2026

James Howe, Interim Planning Analyst
City of McMinnville Planning Department
231 NE Fifth Street, McMinnville, OR 97128

Re: ZC 2-24 & S 2-24

Dear James,

Thank you for the opportunity to comment on ZC 2-24 & S 2-24 regarding application for a Subdivision tentative plan and Zone Change. Yamhill Soil and Water Conservation District (District) requests that the city include the following information in their response, informing the applicant of the following recommendations as landowners in urban Yamhill County.

1. Support the City of McMinnville's Mercury Total Maximum Daily Load (TMDL) Implementation Plan (Plan). The Plan addresses Mercury entering waterways by reducing soil erosion and stormwater runoff. The City of McMinnville was notified by the Oregon Department of Environmental Quality of its status as a Designated Management Agency (DMA) to the Willamette Basin. DMAs are responsible for implementing strategies and specific plans for addressing TMDL's (OAR 340-042-0030(2)). To learn more about Mercury TMDL and how you can protect water quality, more information is posted on the cities website at: https://www.mcminnvilleoregon.gov/engineering/page/total-maximum-daily-load-tmdl

2. Responsibility to control noxious weeds on the applicant's property. Noxious weeds have a negative economic impact on agricultural and forestry working lands, and degrade wildlife habitat and public rights-of-way. The noxious weeds identified by the District as priorities for control can be found at: Yamhill County Priority Noxious Weed List 2024/2025

3. Expand biodiversity of urban areas. Urban areas are prone to low biodiversity and often lack native vegetation to support wildlife. Creating "microhabitats" by planting native vegetation in urban areas can contribute to increasing biodiversity and habitat connectivity. The District owns and operates a native plant nursery at Miller Woods and offers free technical site visits to any resident in the county. More information on native vegetation can be found on the District's website at: https://yamhillswcd.org/services/plant-database/

These landowner management recommendations help protect and conserve natural resources for

current and future residents of Yamhill County. Thank you for considering the District's recommendations.

Respectfully submitted on behalf of the District Board,

Barbara Boyer

Barbara Boyer, District Chair

**City of McMinnville**
**Community Development**
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

# MINUTES

**March 19, 2026** **6:30 pm**
**Planning Commission** **Hybrid Meeting**
**Regular Meeting** **McMinnville, Oregon**

| | |
|---|---|
| **Members Present:** | Brian Everest, Rachel Flores, Meg Murray (zoom), Abigail Neilan, and Elena Mudrak |
| **Members Absent:** | Sidonie Winfield, Sylla McClellan, Matt Jones, and Brian Randall |
| **Staff Present:** | Tom Schauer – Senior Planner, Heather Richards – Community Development Director, and Missy Ryan – Contract Land Use Legal Counsel |
| **Guests:** | None |

1. **Call to Order**

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

2. **Citizen Comments**

   None.

3. **Minutes**
   a) **February 19, 2026**

   Commissioner Everest moved to approve the February 19, 2026, meeting minutes. The motion was seconded by Commissioner Neilan and approved unanimously 5-0.

4. **Public Hearings**
   A. **Quasi-Judicial Hearing: Appeal (AP 1-26). Property east of the easterly terminus of NW Orchard Avenue, Tax Lot R4415 03100**

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

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

   Vice Chair Mudrak 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: Community Development Director Richards said the applicant submitted a minor partition application to divide the lot into two parcels, which was an administrative decision. It was approved with conditions. The applicant was appealing one of the conditions, Condition #5. Staff agreed with the appeal and provided two amended conditions of approval. She discussed the subject site, unique topography, original condition to improve the full street, revised conditions that would require the street to be built 24 feet wide with curb and sidewalk on one side, and the City would move forward with an agreement with the neighboring property to finish the street.

There was discussion regarding the process for the improvements to be built by the neighboring property.

Appellant's Testimony: Kate Gowell, attorney representing the appellant, explained the changes to Condition #5 proposed by the applicant, striking the sidewalk requirements and striking the requirement to provide security for deferring the street improvements. She also would like Condition #12 changed, striking the requirement to construct the driveways and improvements related to the sidewalks. The applicant thought it was reasonable to defer sidewalk and driveway construction until development and plans were solidified and applied for with the City in the normal course of property construction. She explained the code staff used to require building of the street improvements at the time of recording the plat and how she thought it applied to subdivisions, not partitions. Also, the applicant did not have adequate notice that they would be required to build sidewalks and should not be required to do so before approval of the final plat for the partition. They were not suggesting that sidewalks would never be constructed, just that it should not be a condition to recording of the plat. The most practical timing was pulling of the permit when the property would be developed. She had looked at past minor partition decisions, and they were not required to file for a partition plat or do improvements. She thought it was unreasonable to ask the applicant to provide a surety bond that the improvements would be done in the future when development plans for the property had not been finalized and might not occur for years.

There was discussion regarding the changes to Condition #5, sidewalks on the east side and not west side due to the embankment and topography, how they would still be putting in the road, and change to Condition #12 to coincide with the changes to Condition #5.

Proponents: Doug Hurl was speaking for McMinnville Industrial Promotion, the appellant. They had been around for a long time. This was the last piece of road in the Industrial Park that they had developed in the 1970s. There were main water and electric lines where the road should go. To put the road in the lower level, they would have to move those lines. They wanted to put the road in up top and partition the land into two pieces. They wanted to bring industrial jobs to the City and be good citizens. Sidewalks were expensive and they didn't know where the curb cuts would be yet.

Mike Bisset, McMinnville Industrial Promotion Board Member, had been the City's Community Development Director before he retired. Historically, the sidewalks were required at the time of building permit for properties that were vacant. They also had not required a bond for sidewalks in past partition applications. It did not occur with residential subdivisions either and there were a number of different subdivisions that would eventually have sidewalks. None of those required bonds at the time the subdivision plat was recorded. They asked that the requirement be applied as it had been historically, at the time of the building permit. Bonding for the sidewalks was expensive and would drive up the cost of development.

Opponents: None.

Community Development Director Richards discussed the triggers for requiring sidewalks in the code, legal opinion that this applied to any subdivision of land and that staff should require the improvements and if deferred there needed to be an agreement with a surety, and how other subdivisions that were underway did not have sidewalks but they had done a deferment agreement. This decision would set a precedent moving forward in how the code was interpreted. The applicant had provided new testimony that she did not know was part of the appeal and she needed time to review it.

Ms. Gowell did not think the surety was a requirement in the code, but if it could be a requirement when the building permit was pulled, that would be acceptable.

City Attorney Ryan said the difficult position the City had been put in was what the code said and she did not see any mechanism in the code to waive the requirement. Her advice was the City follow what the code said. The applicant's interpretation not only affected this application but was an interpretation of the code that would become the interpretation going forward. The 120-day deadline was April 11 and the Commission would not be able to hold another meeting before the deadline. They could request an extension from the appellant.

Commissioner Neilan moved to close the public hearing and public record; Seconded by Commissioner Everest. The motion passed unanimously 5-0.

Vice Chair Mudrak closed the public hearing.

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

Commission Deliberation: The Commission understood the need to keep costs low and the fact there was not a design proposed and they could possibly have to rip out sidewalks if they were put in the wrong place now was unfortunate. Having sidewalks in the area would encourage development of the land. However, the sidewalks could be deferred with a surety bond. They thought the requirement was clear in the code, and they had to follow it.

Commissioner Everest MOVED to FAVOR the appeal and APPROVE the amended decision document and findings with the amended conditions for the minor partition as presented by staff for document AP 1-26; SECONDED by Commissioner Neilan. The motion PASSED unanimously 5-0.

### B. Quasi-Judicial Hearing: Zone Change (ZC 2-24) and Subdivision Tentative Plan (S 2-24), 1465 & 1525 SW Cypress Ln., Tax Lot R4430AD 00100 & 00201

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

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

Vice Chair Mudrak 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: Senior Planner Schauer said this was a concurrent application for a zone change from EF-80 and R-1 to R-3 and a 9-lot subdivision. He described the subject property, vicinity map, current zoning, proposed zoning, subdivision plan, annexation agreement, easements, connection to City services, development in two phases, review criteria for the zone change, criteria for the subdivision, conditions, and staff recommendation for approval with additional conditions.

There was discussion regarding extending City services to the property and access easements.

Applicant's Testimony: Bruce Cook, applicant, said this was a unique site with properties developed around it and they were trying to fit in. There was R-3 to the north and the City was interested in higher density. All the criteria had been met.

Proponents: None

Opponents: Vanessa Hawkins, McMinnville resident, was not opposed to development of the land, but she was opposed to extending Emily Drive. She questioned whether emergency vehicles could get in and out as there was only one entrance/exit point. There were already parking issues and traffic, and the street could not handle more. She thought access should be off Cypress. She asked if there was a plan for sidewalks and fire hydrants.

David Poe, McMinnville resident, spoke about the parking issues on the street. Adding cars would make the problem worse and there was no dedicated way in or out on the other end. It was not safe for pedestrians and emergency vehicles would not be able to turn around.

Jose Huerta, McMinnville resident, said Emily Drive was very narrow with cars parked on the street and there was only one entry point. When there was a fire a couple of years ago, the road was closed. He asked about the access on the private driveway and if it was wide enough for emergency vehicles in case the main entry was closed or for residents to leave in an emergency. There was no way to park more vehicles on the road.

Rebuttal: Mr. Cook said originally they had designed it with no exit out to Cypress and the Fire Department approved it, but he thought it was important to put that in. It would be a second access for emergency vehicles. There would be sidewalks in the subdivision and along the alleyway to Cypress. He appreciated that the street was tight. The amount of homes they were adding was well within the framework for what the street was designed for. The private drive could be used in emergencies.

Community Development Director Richards noted the Fire Department reviewed the plan and approved it.

Mr. Poe wanted to present more information and requested the hearing be continued.

The Commission requested a representative from the Fire District attend the next meeting.

Commissioner Murray MOVED to CONTINUE the hearing for Zone Change (ZC 2-24) and Subdivision Tentative Plan (S 2-24), 1465 & 1525 SW Cypress Ln, to April 2, 2026; SECONDED by Commissioner Flores. The motion PASSED unanimously 5-0.

## 5. Action Items

### A. Deliberations: Natural Hazards Planning (G 3-22)

Vice Chair Mudrak said the public hearing for this item was held in February and they had closed the hearing and record, but continued deliberations to a future meeting which was now before the Commission. No new testimony would be taken.

Community Development Director Richards explained the recommended products for the natural hazards work, where they were in the discussion, nomenclature for the overlay zone that would not be a liability for property value and insurance provisions, and adding a provision to the assessment language that identified impacts of proposed development on adjacent sites.

There was discussion regarding the suggested overlay/sub district nomenclature and what was most commonly used in Oregon, leaning towards the “Managed Development Overlay” language, and in favor of staff’s recommendation for the geological site assessment and geotechnical report of a property to be conducted within 200 feet of the subject property measured from the property boundaries.

Commissioner Everest MOVED to RECOMMEND the City Council adopt the McMinnville Natural Hazards Planning Program per docket G 3-22 as amended by the Planning Commission on March 19, 2026 utilizing the “Managed Development Overlay” proposed overlay name and “Managed Development Area” and “Limited Development Area” sub district area names as well as the 200 feet for the property assessments; SECONDED by Commissioner Neilan. The motion PASSED unanimously 5-0.

## 6. Commissioner Comments

None.

## 7. Staff Comments

Senior Planner Schauer discussed upcoming meetings.

Community Development Director Richards acknowledged there were problems in the code and hoped the upcoming development code amendments could address some of the issues that were discussed tonight.

## 8. Adjournment

Vice Chair Mudrak adjourned the meeting at 8:39 p.m.

City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

# MINUTES

**April 2, 2026** **6:30 pm**
**Planning Commission** **Hybrid Meeting**
**Regular Meeting** **McMinnville, Oregon**

| | |
|---|---|
| **Members Present:** | Brian Everest, Rachel Flores, Meg Murray (zoom), Abigail Neilan, Sidonie Winfield, Sylla McClellan, Elena Mudrak, and Brian Randall (zoom, signing off at 6:32 PM) |
| **Members Absent:** | Matt Jones (prior notice) |
| **Staff Present:** | Tom Schauer – Senior Planner, and Heather Richards – Community Development Director, and Missy Ryan – Contract Land Use Legal Counsel, Evan Hietpas – Acting Planning Manager and Associate Housing Planner |
| **Guests:** | Ty Darby – Fire Marshal, McMinnville Fire District |

1. **Call to Order**

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

2. **Citizen Comments**

   None

3. **Public Hearings**

   A. **Quasi-Judicial Hearing: Zone Change (ZC 2-24) and Subdivision Tentative Plan (S 2-24), 1465 & 1525 SW Cypress Ln., Tax Lot R4430AD 00100 & 00201**

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

   Chair Winfield asked if any 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: Senior Planner Schauer presented the request for a zone change and subdivision tentative plan on SW Cypress Lane. This hearing was continued from March 19,

2026, and he summarized the application including the subject property details, vicinity map, current and proposed zoning, subdivision plan for 9 lots in two phases, zone change criteria, subdivision criteria, and staff recommendation for approval with revised conditions. The Commission had requested a Fire District representative come to the meeting, and the Fire Marshal was in attendance. There were questions at the last hearing about why the proposed subdivision connected to Emily Drive instead of Cypress Drive, and he explained the Transportation System Plan showed the intention for this connection to be on Emily Drive.

Fire Marshal Darby clarified the Fire District's review of the proposal and emergency vehicle access and water supply capability. A fire hydrant had to be within 600 feet of any proposed residential structure, and a fire flow test had to be conducted. Regarding access, they only evaluated new structures that were being proposed, not access to existing structures. There were some existing homes that would remain, and they only looked at access for the proposed lots that would be built. All the measurements were taken and they were compliant. He did not have any personal concerns and had been on the site when there was a fire in this area. This was a flat site, and they had looked holistically at the entire situation. He confirmed there was enough water pressure for the development.

Senior Planner Schauer noted that currently there was a barricade at the end of SW Emily Drive, and as part of the second phase of this development, it would become a private alley and a second means for ingress/egress.

There was discussion regarding the process for making changes to the code if people were unhappy with the outcome tonight, mobility of the fire apparatus on these streets especially with cars parked on the street, using the alley to back up emergency vehicles, and using the alley as an emergency exit for the neighbors.

Applicant's Testimony: Bruce Cook, applicant, said the property had been in his wife's family for 50 years. A number of comments were about livability issues. They would continue to live there, and their goal was to keep it livable. They could put higher density on the lots, but their goal was to put in single family dwellings on each of the lots, except the middle housing lots. They planned to build in two phases, to bring Emily Drive 75 feet into the area, and to build a 20-foot-wide private alley. They would not allow parking on the alley. The new homes would have two car garages and there would be two parking places in the driveway. Local residential streets were designed for a carrying capacity of 1,200 vehicle trips and they were well under that load capacity.

Proponents: None

Opponents: Vanessa Hawkins, McMinnville resident, lived on Emily Drive. She had to have an ambulance come to her house and getting out was an issue. There might be another access for this development, but Emily Drive would still only have one. It would be more congested with this development. The biggest concern was safety of the kids in the neighborhood from speeding cars. She thought the proposal did not meet the Great Neighborhood Principles and that access should be on Cypress Drive instead. She did not think they received proper notice for this application.

Nicole Amuzu, McMinnville resident, noted there was no stop sign on the corner of Emily Drive and Emily Court and she was concerned about potential accidents.

Monika Chroust-Masin, McMinnville resident, thought Emily Drive was narrow with cars parked on the street. It was unsafe and adding houses would make the situation worse.

Rebuttal: Mr. Cook said they designed the project according to code. He followed all the requirements for a neighborhood meeting. Once the alley was built, ambulances and other emergency vehicles would be able to easily turn around. It would become safer with better flow of traffic. Cypress was a collector street, and it was discouraged to have a road connecting to it. Emily was already coming into this area and the properties further to the south were larger, individual homes where the street would not continue through. A cul-de-sac was the best design.

Commissioner Mudrak moved to close the public hearing and public record; Seconded by Commissioner Everest. The motion passed unanimously 7-0.

Chair Winfield closed the public hearing.

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

Commission Deliberation: Commissioner McClellan noted that she was absent at the last meeting but had watched the recorded meeting. Chair Winfield did the same.

There was discussion regarding the process to see if a stop sign was warranted, how Emily Drive was difficult to navigate but this was a better solution than what was there currently in providing another access point, and how this application met the code and was not maximizing the density in a way that was harmful.

Commissioner Mudrak MOVED to RECOMMEND the City Council approve Zone Change (ZC 2-24), subject to the conditions specified in the decision document; SECONDED by Commissioner Everest. The motion PASSED unanimously 7-0.

Commissioner Mudrak MOVED to RECOMMEND the City Council approve Subdivision Tentative Plan (S 2-24), subject to the conditions specified in the decision document and the additional conditions recommended by staff; SECONDED by Commissioner McClellan. The motion PASSED unanimously 7-0.

**B. <u>Legislative Hearing: Natural Resources Overlay and Management Program (Docket G 2-23)</u>**

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

Staff Presentation: Community Development Director Richards said this was a request for recommended Comprehensive Plan amendments related to natural resources. She reviewed Oregon Land Use Goal #5, what governments should inventory, Goal 5 process, history of the work which started in 2020, riparian corridors overlay zone, eleven riparian corridors inventoried which followed the “safe harbor” standards, property owner requests to remove tributaries from the overlay, safe harbor standards, definition of riparian corridors, management standards, FEMA ESA pre-compliance mandate, floodplain ESA settlement,

riparian corridor protection zone, significant tree groves overlay zone, thirty identified tree groves, ESEE analysis conclusions, tree grove program exemptions/allowances, tree grove program key components, density transfer, scenic views Comprehensive Plan policies, sixteen viewpoints identified, inventory map, significant/landmark trees, partner agency outreach, public outreach, new testimony received, key issues, landmark tree inventory, significant tree program, mitigation requirements for Oregon White Oaks, and staff recommendation for approval.

Public Testimony: Paula Lang, McMinnville resident, said she lived adjacent to Quarry Park which was proposed to be a significant tree zone. She requested that the significant tree grove in Quarry Park be given the same protections as other tree groves. There had been a proposal to develop the park into a high speed biking facility, which she was not in favor of. She wanted to make sure the tree grove was protected.

Community Development Director Richards said if this moved forward as presented, the grove would be under the protection. However, a public facility plan had already been adopted and it could move forward with mitigation plans for tree groves and the grove would not be fully exempt. They would have to identify why the facility was more important than protecting the grove. There would need to be more discussion about it since the grove was on the list.

Ms. Lang said citizens did not have a chance to comment on that public facility plan, and she wanted the grove protected.

David Koch, McMinnville resident, thought the ordinance had been improved and was a more equitable process. They were still allowing the managed development overlay to impact the ability to remove and replace a significant tree. They were using bad maps from DOGAMI that should not be used for local planning efforts. Because of the maps, his property would be included in the overlay, and he requested it be removed. He was also concerned with the “safe harbor” approach for riparian corridors. The state data being used was created for a different purpose, not for local planning. It did not look at the real, on the ground conditions. He thought the riparian corridors should be restricted to the floodplain zone areas unless they verified the existence of fish in the fish bearing streams. Historically there were fish in the creek on his property, but it was not what existed today.

Barbara Boyer, Soil and Water Conservation District Chair, said the District supported the proposed amendments as they strongly complimented the District’s ongoing conservation efforts. They were particularly in support of the riparian corridor protections by restricting development and supporting replacement of non-native vegetation with native species. They also supported the City’s targeted preservation of oak habitats.

Ken Sandblast was a consultant working with DRR Management who had submitted a letter about their property. They supported the program in its entirety. They were not trying to remove tree grove #7 but wanted to refine the boundary. He showed maps of what they proposed, removing the upland area. There was a stand of what was possibly a plantation planted around the 1990s that had simply overgrown itself and was not a high priority for preservation except the northern area in the riparian corridor.

Mark Davis, McMinnville resident, said he was generally supportive of what was proposed, but he remained concerned about basing the program on data that was not completely accurate.

James Reedman, McMinnville resident, thought planting native species and trees was important, especially with the possible damage from the Emerald Ash Borer. He hoped it would not hinder ongoing restoration efforts. He thought having arborist authorization for tree removals in riparian areas would make it more expensive for the work he was doing on Cozine Creek. Staff should be able to approve removal of obvious hazardous trees.

Julie Mitchell, McMinnville resident, was supportive of the program. However, the lot she owned was just under a quarter of an acre and had a lot of scrubby larger trees that were near her house. She was on a limited income and could not cover the cost of managing their removal. She questioned the assessment and thought someone should walk her lot because there were not many quality trees.

Rebuttal: Community Development Director Richards said regarding the quality of the data, representatives of DLCD and DOGAMI had testified that they needed to use this data, including the fish bearing streams. There was a process in the code to amend how the overlay impacted a property if it could be shown that it did not meet the criteria. The “safe harbor” had been directed to staff to use for this policy. For the managed development impact to the tree groves, if there was a tree grove in a natural hazards area, they would need to remove the trees for hazardous reasons. For other reasons, a mitigation plan was needed. Staff did receive the proposal from Mr. Sandblast and had elected not to change the scoring of the tree grove, but there was the opportunity in the code to verify tree grove boundaries. The certified arborist was required by the state’s program or FEMA’s program for removing a tree that was not considered a public safety issue. There was a provision in the code that exempted properties that were 10,000 square feet or less. However, Ms. Mitchell’s property was a little over that. The intention was that if they were on the edge of a tree grove and already had a built structure on the property, it needed to be set back from the tree grove. The Planning Director could make amendments to the setback requirements by 50%. She could not find the provision for public facility plans and tree groves, and if it was not in the code, then the tree grove would be protected as any other tree grove. For the most part these were administrative decisions, but a few would go to a City Committee.

Commissioner McClellan moved to close the public hearing and public record; Seconded by Commissioner Everest. The motion passed unanimously 7-0.

Chair Winfield closed the public hearing.

Commission Deliberation: The Commission thought this would protect natural resources and would be flexible and adaptable for each property’s needs. There were ways to amend issues that came up and people could work with staff to mitigate concerns.

Community Development Director Richards suggested three items that staff look at before bringing this to City Council. Those were: relief mechanisms and a chart for who would be the deciding body, public facility plan exemptions, and removal of protected trees in a tree grove that were in a managed development area.

Commissioner McClellan MOVED to RECOMMEND the City Council adopt the Natural Resources Overlay and Management Program (Docket G 2-23) as presented to the Planning Commission with the considerations as outlined by staff; SECONDED by Commissioner Mudrak. The motion PASSED unanimously 7-0.

There was discussion regarding appeals going to the City Council and upcoming meetings.

## 4. Adjournment

Chair Winfield adjourned the meeting at 9:00 p.m.

# City of McMinnville

March 2026

## CASH AND INVESTMENT BY FUND

| FUND # | FUND NAME | GENERAL OPERATING CASH IN BANK | INVESTMENT | TOTAL |
|---|---|---|---|---|
| 01 | General | $2,130,413.37 | $14,233,315.61 | $16,363,728.98 |
| 05 | Grants & Special Assessment | $224.05 | $747,057.52 | $747,281.57 |
| 07 | Transient Lodging Tax | $592.99 | $5,000.00 | $5,592.99 |
| 08 | Affordable Housing | $900.25 | $1,626,304.00 | $1,627,204.25 |
| 10 | Telecommunications | $279.66 | $2,030.00 | $2,309.66 |
| 15 | Emergency Communications | $125.04 | $165,094.81 | $165,219.85 |
| 20 | Street (State Tax) | $238.27 | $1,659,672.45 | $1,659,910.72 |
| 25 | Airport Maintenance | $988.29 | $894,749.03 | $895,737.32 |
| 45 | Transportation | $893.01 | $6,730,494.92 | $6,731,387.93 |
| 50 | Park Development | $184.29 | $3,796,441.49 | $3,796,625.78 |
| 58 | Urban Renewal | $251.48 | $21,000.00 | $21,251.48 |
| 59 | Urban Renewal Debt Service | $875.85 | $1,715,771.80 | $1,716,647.65 |
| 60 | Debt Service | $801.96 | $54,991.73 | $55,793.69 |
| 70 | Building | $785.07 | $2,476,240.37 | $2,477,025.44 |
| 71 | Stormwater Operations | $0.00 | $0.00 | $0.00 |
| 72 | Stormwater Capital | $38.46 | $10,000.00 | $10,038.46 |
| 75 | Wastewater Services | $917.71 | $1,548,971.36 | $1,549,889.07 |
| 77 | Wastewater Capital | $427.48 | $33,035,103.65 | $33,035,531.13 |
| 80 | Information Systems & Services | $41.84 | $217,742.38 | $217,784.22 |
| 85 | Insurance Reserve | $55.20 | $325,290.54 | $325,345.74 |
| | CITY TOTALS | 2,139,034.27 | 69,265,271.66 | 71,404,305.93 |

| MATURITY DATE | INSTITUTION | TYPE OF INVESTMENT | INTEREST RATE | CASH VALUE |
|---|---|---|---|---|
| N/A | Key Bank of Oregon | Checking & Repurchase Sweep Account | 0.50% | $2,139,034.27 |
| N/A | State of Oregon | Local Government Investment Pool (LGIP) | 4.00% | $57,888,448.20 |
| N/A | Umpqua Bank | Money Market Savings Account | 3.71% | $11,376,823.46 |
| | | | | $71,404,305.93 |

City of McMinnville

Financial Report

FY 2025-26 3rd Quarter

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **General Fund** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 8,284,866 | 10,234,345 | 1,949,479 | 124% | 10,425,007 | (190,662) | -2% | |
| Property Taxes | 16,060,000 | 15,438,591 | (621,409) | 96% | 13,269,568 | 2,169,023 | 16% | Additional 50 cent on levy |
| Licenses and Permits | 5,030,500 | 3,918,450 | (1,112,050) | 78% | 3,434,709 | 483,742 | 14% | Fee in lieu tree program, W&L PiLOT, Marijuana tax |
| Intergovernmental | 1,612,029 | 1,018,291 | (593,738) | 63% | 1,178,450 | (160,159) | -14% | YCCO funds for library and FEMA Grant in Police in FY25, not in FY26. |
| Charges for Services | 3,592,485 | 2,599,767 | (992,718) | 72% | 2,373,226 | 226,541 | 10% | Engineering fees |
| Fines and Forfeitures | 290,000 | 324,688 | 34,688 | 112% | 251,034 | 73,654 | 29% | Court activity |
| Miscellaneous | 1,148,006 | 915,256 | (232,750) | 80% | 1,279,576 | (364,320) | -28% | Change in accounting methodology for prior year donations. |
| Transfers In | 3,242,831 | 2,151,390 | (1,091,441) | 66% | 2,109,173 | 42,217 | 2% | |
| Other Financing Source | 8,000 | - | (8,000) | 0% | 12,000 | (12,000) | 100% | Sales of assets (sporadic) |
| **Current Revenues** | **30,983,851** | **26,366,433** | **(4,617,418)** | 85% | **23,907,736** | **2,458,697** | 10% | |
| Total Resources (BFB + Current Revenues) | 39,268,717 | 36,600,778 | (2,667,939) | | 34,332,743 | 2,268,035 | | |
| Expenses by Classification | | | | | | | | |
| Personnel Services | 21,481,350 | 14,173,417 | (7,307,933) | 66% | 13,890,827 | 282,590 | 2% | |
| Materials and Services | 7,549,038 | 4,837,475 | (2,711,563) | 64% | 4,428,491 | 408,983 | 9% | |
| Capital Outlay | 1,510,995 | 330,489 | (1,180,506) | 22% | 868,733 | (538,245) | -62% | Patrol vehicles, 3rd st, Parks in FY25 |
| Special Payments | - | - | - | 0% | - | - | | |
| Debt Service | 626,502 | 626,501 | (1) | 100% | 611,507 | 14,994 | 2% | |
| Transfers Out | 2,611,200 | 1,697,303 | (913,897) | 65% | 1,373,148 | 324,154 | 24% | ARPA projects |
| Other Financing Uses | - | - | - | 0% | - | - | | |
| **Current Expenses** | **33,779,085** | **21,665,184** | **(12,113,901)** | 64% | **21,172,707** | **492,478** | 2% | |
| Contingencies | 1,500,000 | - | (1,500,000) | 0% | - | | | |
| Designated Fund Balances | | | | | | | | |
| Grants | - | - | - | 0% | 40,876 | (40,876) | -100% | |
| Donations | - | - | - | | 109,398 | (109,398) | -100% | Senior Center donation |
| Committed (Previous ARPA) | 667,641 | 2,174,181 | 1,506,540 | 326% | 3,318,755 | (1,144,574) | -34% | Spend down of ARPA |
| Committed (Capital) | 1,000,000 | 1,000,000 | - | | - | 1,000,000 | | First year of establishing the reserve |
| Unappropriated Ending Fund Balance | 3,321,991 | 11,761,413 | 8,439,422 | 354% | 9,691,007 | 2,070,406 | 21% | |
| **Total Ending Fund Balance** | **4,989,632** | **14,935,594** | **9,945,962** | 299% | **13,160,036** | **1,775,558** | 13% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 40,268,717 | 36,600,778 | (3,667,939) | | 34,332,743 | 2,268,035 | | |

City of McMinnville

Financial Report

FY 2025-26 3rd Quarter

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **General Fund Continued** | | | | | | | | |
| Expenses by Department | | | | | | | | |
| Administration | 2,476,772 | 1,567,650 | (909,122) | 63% | 1,645,775 | (78,125) | -5% | |
| Finance | 959,101 | 687,352 | (271,749) | 72% | 645,541 | 41,811 | 6% | |
| Engineering | 1,821,287 | 1,106,076 | (715,211) | 61% | 1,143,905 | (37,829) | -3% | Vacant positions |
| Community Development | 2,615,378 | 1,693,637 | (921,741) | 65% | 1,149,231 | 544,406 | 47% | |
| Police | 12,565,394 | 8,366,745 | (4,198,649) | 67% | 8,416,352 | (49,607) | -1% | |
| Municipal Court | 811,361 | 490,245 | (321,116) | 60% | 443,748 | 46,497 | 10% | |
| Parks & Recreation | 3,898,845 | 2,429,779 | (1,469,066) | 62% | 2,335,450 | 94,329 | 4% | |
| Park Maintenance | 3,259,626 | 1,509,967 | (1,749,660) | 46% | 1,748,698 | (238,731) | -14% | irrigation innovations still pending |
| Library | 2,665,477 | 1,898,041 | (767,436) | 71% | 2,031,328 | (133,287) | -7% | Director shared with Parks & Rec |
| Non-Departmental (Excludes Contingency and Ending Fund Balance) | 2,705,844 | 1,915,692 | (790,152) | 71% | 1,612,680 | 303,013 | 19% | |
| **Total Expenses by Department** | **33,779,085** | **21,665,184** | **(12,113,901)** | 64% | **21,172,707** | **492,478** | 2% | |
| **Grants and Special Assessments** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | - | 179,634 | 179,634 | 0% | 150,926 | 28,708 | 19% | |
| Special Assessments | 60,000 | 58,248 | (1,752) | 97% | 61,890 | (3,642) | -6% | |
| Fines and Forfeitures | 95,000 | 107,431 | 12,431 | 113% | 96,855 | 10,576 | 11% | |
| Miscellaneous | 35,100 | 18,181 | (16,919) | 52% | 39,648 | (21,467) | -54% | |
| Transfers In | 15,000 | 10,000 | (5,000) | 67% | - | 10,000 | | |
| **Current Revenues** | **205,100** | **193,860** | **(11,240)** | 95% | **198,392** | **(4,532)** | -2% | |
| Total Resources (BFB + Current Revenues) | 205,100 | 373,494 | 168,394 | | 349,318 | 24,176 | | |
| Expenses | | | | | | | | |
| Materials and Services | 162,457 | 98,318 | (64,140) | 61% | 88,365 | 9,952 | 11% | |
| Transfers Out | 12,643 | 9,482 | (3,161) | 75% | 9,119 | 364 | 4% | |
| **Current Expenses** | **175,100** | **107,800** | **(67,300)** | 62% | **97,484** | **10,316** | 11% | |

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Grants and Special Assessments continued** | | | | | | | | |
| Contingencies | 30,000 | - | (30,000) | 0% | - | - | | |
| Designated Fund Balances | | | | | | | | |
| Grants | - | - | - | 0% | - | - | | |
| Unappropriated Ending Fund Balance | - | 265,694 | 265,694 | 0% | 251,834 | 13,860 | 6% | |
| **Total Ending Fund Balance** | **-** | **265,694** | **265,694** | 0% | **251,834** | **13,860** | 6% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 205,100 | 373,494 | 168,394 | | 349,318 | 24,176 | | |
| **Transient Lodging Tax** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | - | - | - | 0% | - | - | | |
| Licenses and Permits | 2,145,000 | 1,010,203 | (1,134,797) | 47% | 1,032,072 | (21,868) | -2% | Shows the downturn in travel/economy |
| Miscellaneous | 2,500 | 3,277 | 777 | 131% | 2,200 | 1,078 | 49% | |
| **Current Revenues** | **2,147,500** | **1,013,481** | **(1,134,019)** | **47%** | **1,034,271** | **(20,791)** | **-2%** | |
| Total Resources (BFB + Current Revenues) | 2,147,500 | 1,013,481 | (1,134,019) | | 1,034,271 | (20,791) | | |
| Expenses | | | | | | | | |
| Materials and Services | 1,478,022 | 686,500 | (791,522) | 46% | 709,664 | (23,164) | -3% | |
| Transfers Out | 669,478 | 321,387 | (348,091) | 48% | 335,902 | (14,515) | -4% | |
| **Current Expenses** | **2,147,500** | **1,007,888** | **(1,139,612)** | | **1,045,566** | **(37,679)** | -4% | |
| Contingencies | - | - | - | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **-** | **5,593** | **5,593** | 0% | **(11,295)** | **16,888** | -150% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 2,147,500 | 1,013,481 | (1,134,019) | | 1,034,271 | (20,791) | | |

City of McMinnville

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FY 2025-26 3rd Quarter

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Affordable Housing** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 1,168,468 | 1,231,605 | 63,137 | 105% | 795,424 | 436,181 | 55% | |
| Licenses and Permits | 250,000 | 462,873 | 212,873 | 185% | 295,740 | 167,133 | 57% | |
| Intergovernmental | 2,645,094 | 2,244,304 | (400,790) | 85% | - | 2,244,304 | | |
| Miscellaneous | 40,000 | 43,362 | 3,362 | 108% | 36,206 | 7,155 | 20% | |
| Transfers in | - | - | - | 0% | 106,549 | (106,549) | -100% | |
| **Current Revenues** | **2,935,094** | **2,750,538** | **(184,556)** | 94% | **438,495** | **2,312,043** | 527% | |
| Total Resources (BFB + Current Revenues) | 4,103,562 | 3,982,143 | (121,419) | | 1,233,919 | 2,748,224 | | |
| Expenses | | | | | | | | |
| Personnel Services | 169,407 | 93,250 | (76,157) | 55% | 82,778 | 10,472 | 13% | |
| Materials and Services | 1,728,447 | 63,872 | (1,664,575) | 4% | 21,456 | 42,416 | 198% | |
| Capital Outlay | 2,195,305 | 2,195,099 | (206) | 100% | 107,445 | 2,087,654 | 1943% | West Hills Subdivision-HB4134 grant |
| Transfers Out | 10,000 | 2,719 | (7,281) | 27% | 10,398 | (7,679) | -74% | |
| **Current Expenses** | **4,103,159** | **2,354,939** | **(1,748,220)** | | **222,076** | **2,132,862** | 960% | |
| Contingencies | - | - | - | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **403** | **1,627,204** | **1,626,801** | 403773% | **1,011,843** | **615,362** | 61% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 4,103,562 | 3,982,143 | (121,419) | | 1,233,919 | 2,748,224 | | |
| **Telecommunications** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 2,243 | 2,234 | (9) | 100% | 2,123 | 111 | 5% | |
| Licenses and Permits | 173,050 | 88,180 | (84,870) | 51% | 80,235 | 7,946 | 10% | |
| Miscellaneous | 100 | 75 | (25) | 75% | 88 | (13) | -15% | |
| **Current Revenues** | **173,150** | **88,256** | **(84,894)** | 51% | **80,323** | **7,932** | 10% | |
| Total Resources (BFB + Current Revenues) | 175,393 | 90,490 | (84,903) | | 82,446 | 8,044 | | |

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Telecommunications continued** | | | | | | | | |
| Expenses | | | | | | | | |
| Materials and Services | 173,050 | 88,180 | (84,870) | 51% | 80,235 | 7,946 | 10% | |
| **Current Expenses** | **173,050** | **88,180** | **(84,870)** | | **80,235** | **7,946** | 10% | |
| Contingencies | 1,500 | - | (1,500) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **843** | **2,310** | **1,467** | 274% | **2,211** | **98** | 4% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 175,393 | 90,490 | (84,903) | | 82,446 | 8,044 | | |
| **Emergency Communications** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 169,991 | 173,940 | 3,949 | 102% | 170,007 | 3,933 | 2% | |
| Licenses and Permits | 22,100 | 2,927 | (19,173) | 13% | 11,923 | (8,996) | -75% | No longer receiving telephone franchise fees from Ziply, only cable |
| Intergovernmental | 8,000 | 8,000 | - | 100% | 8,000 | - | 0% | |
| Charges for Services | 14,666 | 14,325 | (341) | 98% | 9,765 | 4,560 | 47% | |
| Miscellaneous | 7,000 | 5,753 | (1,247) | 82% | 6,382 | (629) | -10% | |
| Transfers In | 703,438 | 527,578 | (175,860) | 75% | 482,152 | 45,427 | 9% | |
| **Current Revenues** | **755,204** | **558,583** | **(196,621)** | 74% | **518,221** | **40,362** | 8% | |
| Total Resources (BFB + Current Revenues) | 925,195 | 732,522 | (192,673) | | 688,228 | 44,294 | | |
| Expenses | | | | | | | | |
| Materials and Services | 716,876 | 528,351 | (188,525) | 74% | 483,206 | 45,145 | 9% | |
| Debt Service | 37,173 | 37,172 | (1) | 100% | 37,172 | - | 0% | |
| Transfers Out | 2,371 | 1,778 | (593) | 75% | 1,751 | 28 | 2% | |
| **Current Expenses** | **756,420** | **567,301** | **(189,119)** | | **522,128** | **45,173** | 9% | |
| Contingencies | 50,000 | - | (50,000) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **118,775** | **165,221** | **46,446** | 139% | **166,100** | **(879)** | -1% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 925,195 | 732,522 | (192,673) | | 688,228 | 44,294 | | |

City of McMinnville

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FY 2025-26 3rd Quarter

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Street** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 1,424,142 | 1,894,586 | 470,444 | 133% | 2,413,870 | (519,284) | -22% | |
| Licenses and Permits | 50 | 13 | (37) | 26% | 8 | 5 | 63% | |
| Intergovernmental | 2,775,000 | 1,943,912 | (831,088) | 70% | 1,971,965 | (28,053) | -1% | |
| Miscellaneous | 95,000 | 51,555 | (43,445) | 54% | 79,912 | (28,357) | -35% | |
| Transfers In | - | - | - | 0% | - | - | | |
| **Current Revenues** | **2,870,050** | **1,995,481** | **(874,569)** | 70% | **2,051,885** | **(56,404)** | -3% | |
| Total Resources (BFB + Current Revenues) | 4,294,192 | 3,890,067 | (404,125) | | 4,465,755 | (575,688) | | |
| Expenses | | | | | | | | |
| Personnel Services | 1,304,659 | 911,517 | (393,142) | 70% | 909,873 | 1,645 | 0% | |
| Materials and Services | 1,537,186 | 1,060,646 | (476,540) | 69% | 1,119,285 | (58,639) | -5% | |
| Capital Outlay | 18,583 | 15,532 | (3,051) | 84% | 21,528 | (5,996) | -28% | |
| Transfers Out | 323,281 | 242,461 | (80,820) | 75% | 612,917 | (370,457) | -60% | |
| **Current Expenses** | **3,183,709** | **2,230,156** | **(953,553)** | 70% | **2,663,603** | **(433,447)** | -16% | |
| Contingencies | 500,000 | - | (500,000) | 0% | - | - | | |
| Designated Fund Balances | | | | | | | | |
| Capital Replacement Reserve | 90,000 | 90,000 | - | 100% | 60,000 | 30,000 | 50% | |
| Unappropriated Ending Fund Balance | 520,483 | 1,569,911 | 1,049,428 | 302% | 1,742,152 | (172,241) | -10% | |
| **Total Ending Fund Balance** | **610,483** | **1,659,911** | **1,049,428** | 272% | **1,802,152** | **(142,241)** | -8% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 4,294,192 | 3,890,067 | (404,125) | | 4,465,755 | (575,688) | | |

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FY 2025-26 3rd Quarter

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Airport** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 1,073,832 | 1,146,475 | 72,643 | 107% | 1,098,360 | 48,115 | 4% | |
| Intergovernmental | 1,253,224 | 916 | (1,252,308) | 0% | 120,291 | (119,375) | -99% | FAA revenues are sporadic & often delayed |
| Charges for Services | 459,995 | 338,167 | (121,828) | 74% | 317,510 | 20,657 | 7% | |
| Miscellaneous | 65,000 | 39,661 | (25,339) | 61% | 55,192 | (15,531) | -28% | |
| **Current Revenues** | **1,778,219** | **378,744** | **(1,399,475)** | 21% | **492,993** | **(114,249)** | -23% | |
| Total Resources (BFB + Current Reve | 2,852,051 | 1,525,218 | (1,326,833) | | 1,591,352 | (66,134) | | |
| Expenses | | | | | | | | |
| Personnel Services | 198,326 | 148,254 | (50,072) | 75% | 46,017 | 102,237 | 222% | Change to full time airport manager |
| Materials and Services | 1,803,128 | 380,997 | (1,422,131) | 21% | 331,543 | 49,454 | 15% | |
| Capital Outlay | 281 | 6 | (275) | 2% | - | 6 | | |
| Transfers Out | 70,518 | 52,889 | (17,630) | 75% | 46,602 | 6,287 | 13% | |
| **Current Expenses** | **2,072,253** | **582,146** | **(1,490,107)** | 28% | **424,162** | **157,984** | 37% | |
| Contingencies | 300,000 | - | (300,000) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **479,798** | **943,072** | **463,274** | 197% | **1,167,190** | **(224,118)** | -19% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 2,852,051 | 1,525,218 | (1,326,833) | | 1,591,352 | (66,134) | | |
| **Transportation** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 7,267,113 | 6,876,686 | (390,427) | 95% | 6,178,557 | 698,129 | 11% | |
| Intergovernmental | 429,000 | 432,649 | 3,649 | 101% | 429,006 | 3,643 | 1% | |
| Charges for Services | 600,000 | 299,772 | (300,228) | 50% | 313,427 | (13,655) | -4% | |
| Miscellaneous | 260,000 | 206,346 | (53,654) | 79% | 213,172 | (6,826) | -3% | |
| Transfers In | - | - | - | 0% | 375,000 | (375,000) | -100% | |
| **Current Revenues** | **1,289,000** | **938,766** | **(350,234)** | 73% | **1,330,605** | **(391,838)** | -29% | |
| Total Resources (BFB + Current Revenues) | 8,556,113 | 7,815,452 | (740,661) | | 7,509,161 | 306,291 | | |

City of McMinnville

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FY 2025-26 3rd Quarter

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Transportation continued** | | | | | | | | |
| Expenses | | | | | | | | |
| Materials and Services | 654,410 | 12,380 | (642,030) | 2% | 18,612 | (6,232) | -33% | |
| Capital Outlay | 1,875,000 | 762,537 | (1,112,463) | 41% | 318,489 | 444,048 | 139% | More contract overlays than last year |
| Debt Service | 201,248 | 201,248 | - | 100% | 201,248 | - | 0% | |
| Transfers Out | 139,952 | 104,964 | (34,988) | 75% | 103,556 | 1,408 | 1% | |
| **Current Expenses** | **2,870,610** | **1,081,129** | **(1,789,481)** | 38% | **641,906** | **439,223** | 68% | |
| Contingencies | - | - | - | 0% | - | - | | |
| Designated Fund Balances | | | | | | | | |
| SDC | 5,061,715 | 5,144,822 | 83,107 | 102% | 5,144,822 | - | 0% | |
| ODOT Fund Exchange Reserve | 488,393 | 1,639,525 | 1,151,132 | 336% | 1,639,525 | - | 0% | |
| Unappropriated Ending Fund Balance | 135,395 | (50,024) | (185,419) | -37% | 82,909 | (132,933) | -160% | |
| **Total Ending Fund Balance** | **5,685,503** | **6,734,323** | **1,048,820** | 118% | **6,867,256** | **(132,933)** | -2% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 8,556,113 | 7,815,452 | (740,661) | | 7,509,161 | 306,291 | | |
| **Park Development** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 3,439,353 | 3,396,914 | (42,439) | 99% | 2,980,511 | 416,403 | 14% | |
| Charges for Services | 900,000 | 346,498 | (553,502) | 38% | 643,906 | (297,408) | -46% | Large Parks SDC payment FY25 |
| Miscellaneous | 150,000 | 108,317 | (41,683) | 72% | 117,984 | (9,666) | -8% | |
| **Current Revenues** | **1,050,000** | **454,815** | **(595,185)** | 43% | **761,890** | **(307,074)** | -40% | |
| Total Resources (BFB + Current Revenues) | 4,489,353 | 3,851,730 | (637,623) | | 3,742,401 | 109,329 | | |
| Expenses | | | | | | | | |
| Materials and Services | 120,290 | 187 | (120,103) | 0% | 9,905 | (9,718) | -98% | |
| Capital Outlay | 1,315,000 | 7,000 | (1,308,000) | 1% | 138,567 | (131,567) | -95% | |
| Transfers Out | 63,889 | 47,917 | (15,972) | 75% | 52,986 | (5,069) | -10% | |
| **Current Expenses** | **1,499,179** | **55,104** | **(1,444,075)** | 4% | **201,458** | **(146,354)** | -73% | |
| Contingencies | - | - | - | 0% | - | - | | |
| Designated Fund Balances | | | | | | | | |
| Donations | 16,000 | 16,000 | - | 100% | 16,000 | - | 0% | |
| Unappropriated Ending Fund Balance | 2,974,174 | 3,780,626 | 806,452 | 127% | 3,524,943 | 255,683 | 7% | |
| **Total Ending Fund Balance** | **2,990,174** | **3,796,626** | **806,452** | 127% | **3,540,943** | **255,683** | 7% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 4,489,353 | 3,851,730 | (637,623) | | 3,742,401 | 109,329 | | |

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| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Urban Renewal** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | - | - | - | 0% | - | - | | |
| Charges for Services | - | - | - | 0% | - | - | | |
| Miscellaneous | 15,014 | 37,548 | 22,534 | 250% | 10,557 | 26,992 | 256% | |
| Transfers in | 1,096,681 | 51,251 | (1,045,430) | 5% | 116,377 | (65,126) | -56% | |
| **Current Revenues** | **1,111,695** | **88,799** | **(1,022,896)** | 8% | **126,933** | **(38,134)** | -30% | |
| Total Resources (BFB + Current Reve | 1,111,695 | 88,799 | (1,022,896) | | 126,933 | (38,134) | | |
| Expenses | | | | | | | | |
| Materials and Services | 605,495 | 17,738 | (587,757) | 3% | 55,403 | (37,665) | -68% | |
| Capital Outlay | 240,000 | 160 | (239,840) | 0% | 25,180 | (25,021) | -99% | |
| Transfers Out | 66,200 | 49,650 | (16,550) | 75% | 46,350 | 3,300 | 7% | |
| **Current Expenses** | **911,695** | **67,548** | **(844,147)** | 7% | **126,933** | **(59,386)** | -47% | |
| Contingencies | 200,000 | - | (200,000) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **-** | **21,251** | **21,251** | 0% | **(0)** | **21,251** | | |
| Total Expenditures (Current Expenses + Contir | 1,111,695 | 88,799 | (1,022,896) | | 126,933 | (38,134) | -30% | |
| **Urban Renewal Debt Service** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 1,429,339 | 1,479,561 | 50,222 | 104% | 1,321,726 | 157,835 | 12% | |
| Property Taxes | 700,000 | 641,670 | (58,330) | 92% | 656,273 | (14,603) | -2% | |
| Intergovernmental | - | - | - | 0% | 247 | (247) | -100% | |
| Miscellaneous | 41,000 | 49,725 | 8,725 | 121% | 48,377 | 1,348 | 3% | |
| **Current Revenues** | **741,000** | **691,395** | **(49,605)** | 93% | **704,897** | **(13,502)** | -2% | |
| Total Resources (BFB + Current Revenues) | 2,170,339 | 2,170,956 | 617 | | 2,026,623 | 144,333 | | |
| Expenses | | | | | | | | |
| Transfers Out | 1,499,739 | 454,309 | (1,045,430) | 30% | 425,786 | 28,523 | 7% | |
| **Current Expenses** | **1,499,739** | **454,309** | **(1,045,430)** | | **425,786** | **28,523** | | |
| Contingencies | 300,000 | - | (300,000) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **370,600** | **1,716,648** | **1,346,048** | 463% | **1,600,837** | **115,811** | 7% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 2,170,339 | 2,170,956 | 617 | | 2,026,623 | 144,333 | | |

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| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Debt Service** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 247,276 | 248,079 | 803 | 100% | 301,476 | (53,397) | -18% | |
| Property Taxes | 2,941,200 | 2,782,679 | (158,521) | 95% | 2,784,359 | (1,680) | 0% | |
| Intergovernmental | - | - | - | 0% | 1,003 | (1,003) | -100% | |
| Miscellaneous | 26,974 | 23,536 | (3,438) | 87% | 26,067 | (2,531) | -10% | |
| **Current Revenues** | **2,968,174** | **2,806,215** | **(161,959)** | 95% | **2,811,428** | **(5,213)** | 0% | |
| Total Resources (BFB + Current Revenues) | 3,215,450 | 3,054,294 | (161,156) | | 3,112,904 | (58,610) | | |
| Expenses | | | | | | | | |
| Debt Service | 2,998,500 | 2,998,500 | - | 100% | 2,997,900 | 600 | 0% | |
| **Current Expenses** | **2,998,500** | **2,998,500** | **-** | | **2,997,900** | **600** | 0% | |
| Contingencies | - | - | - | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **216,950** | **55,794** | **(161,156)** | 26% | **115,004** | **(59,210)** | -51% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 3,215,450 | 3,054,294 | (161,156) | | 3,112,904 | (58,610) | | |
| **Building** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 2,101,341 | 2,283,227 | 181,886 | 109% | 2,286,605 | (3,378) | 0% | |
| Licenses and Permits | 628,250 | 808,458 | 180,208 | 129% | 601,974 | 206,485 | 34% | Increased building permits, especially December and February |
| Intergovernmental | - | - | - | 0% | - | - | | |
| Miscellaneous | 100,000 | 73,828 | (26,172) | 74% | 82,229 | (8,401) | -10% | |
| Transfers In | 7,500 | 2,039 | (5,461) | 27% | 7,148 | (5,109) | -71% | |
| **Current Revenues** | **735,750** | **884,325** | **148,575** | 120% | **691,351** | **192,974** | 28% | |
| Total Resources (BFB + Current Revenues) | 2,837,091 | 3,167,552 | 330,461 | | 2,977,955 | 189,597 | | |

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Building continued** | | | | | | | | |
| Expenses | | | | | | | | |
| Personnel Services | 764,084 | 538,946 | (225,138) | 71% | 516,873 | 22,073 | 4% | |
| Materials and Services | 150,413 | 91,896 | (58,518) | 61% | 75,573 | 16,323 | 22% | |
| Capital Outlay | 1,618 | 35 | (1,583) | 2% | 10,733 | (10,698) | -100% | |
| Transfers Out | 79,533 | 59,650 | (19,883) | 75% | 61,187 | (1,537) | -3% | |
| **Current Expenses** | **995,648** | **690,527** | **(305,121)** | 69% | **664,367** | **26,160** | 4% | |
| Contingencies | 200,000 | - | (200,000) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **1,641,443** | **2,477,025** | **835,582** | 151% | **2,313,589** | **163,437** | 7% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 2,837,091 | 3,167,552 | 330,461 | | 2,977,955 | 189,597 | | |
| **Stormwater Capital** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | - | - | - | 0% | - | - | | |
| Intergovernmental | - | - | - | 0% | - | - | | |
| Charges for Services | - | - | - | 0% | - | - | | |
| Miscellaneous | - | 633 | 633 | 0% | - | 633 | | |
| Transfers In | 500,000 | 284,431 | (215,569) | 57% | - | 284,431 | | |
| **Current Revenues** | **500,000** | **285,065** | **(214,935)** | 57% | **-** | **285,065** | | |
| Total Resources (BFB + Current Revenues) | 500,000 | 285,065 | (214,935) | | - | 285,065 | | |
| Expenses | | | | | | | | |
| Materials and Services | 500,000 | 275,026 | (224,974) | 55% | - | 275,026 | | |
| Capital Outlay | - | - | - | 0% | - | - | | |
| Transfers Out | - | - | - | 0% | - | - | | |
| **Current Expenses** | **500,000** | **275,026** | **(224,974)** | 55% | **-** | **275,026** | | |
| Contingencies | - | - | - | 0% | - | - | | |
| Unappropriated Ending Fund Balance | - | 10,038 | 10,038 | 0% | - | 10,038 | | |
| **Total Ending Fund Balance** | **-** | **10,038** | **10,038** | 0% | **-** | **10,038** | | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 500,000 | 285,065 | (214,935) | | - | 285,065 | | |

City of McMinnville

Financial Report

FY 2025-26 3rd Quarter

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Wastewater Services** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 2,261,711 | 2,828,237 | 566,526 | 125% | 3,114,543 | (286,305) | -9% | |
| Intergovernmental | - | 6,288 | 6,288 | 0% | - | 6,288 | | |
| Charges for Services | 12,127,617 | 8,185,384 | (3,942,233) | 67% | 8,037,388 | 147,996 | 2% | |
| Miscellaneous | 51,000 | 60,713 | 9,713 | 119% | 73,941 | (13,228) | -18% | |
| Transfers In | - | 58,025 | 58,025 | 0% | 31,537 | 26,488 | 84% | |
| **Current Revenues** | **12,178,617** | **8,310,410** | **(3,868,207)** | 68% | **8,142,866** | **167,544** | 2% | |
| Total Resources (BFB + Current Revenues) | 14,440,328 | 11,138,647 | (3,301,681) | | 11,257,409 | (118,761) | | |
| Expenses | | | | | | | | |
| Personnel Services | 2,869,877 | 1,954,060 | (915,817) | 68% | 1,933,897 | 20,164 | 1% | |
| Materials and Services | 3,153,353 | 2,245,981 | (907,372) | 71% | 2,187,594 | 58,387 | 3% | |
| Capital Outlay | 450,892 | 116,903 | (333,989) | 26% | 46,602 | 70,300 | 151% | |
| Transfers Out | 6,281,234 | 4,710,926 | (1,570,308) | 75% | 5,080,797 | (369,872) | -7% | |
| **Current Expenses** | **12,755,356** | **9,027,869** | **(3,727,487)** | 71% | **9,248,890** | **(221,021)** | -2% | |
| Contingencies | 900,000 | - | (900,000) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **784,972** | **2,110,778** | **1,325,806** | 269% | **2,008,518** | **102,260** | 5% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 14,440,328 | 11,138,647 | (3,301,681) | | 11,257,409 | (118,761) | | |
| **Wastewater Capital** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 24,140,562 | 29,015,234 | 4,874,672 | 120% | 38,605,726 | (9,590,492) | -25% | |
| Intergovernmental | 76,902 | 53,247 | (23,655) | 69% | 53,247 | - | 0% | |
| Charges for Services | 700,000 | 467,969 | (232,031) | 67% | 253,995 | 213,974 | 84% | |
| Miscellaneous | 1,517,500 | 991,406 | (526,094) | 65% | 1,228,012 | (236,606) | -19% | |
| Transfers In | 6,052,840 | 4,485,314 | (1,567,526) | 74% | 4,816,184 | (330,870) | -7% | |
| **Current Revenues** | **8,347,242** | **5,997,935** | **(2,349,307)** | 72% | **6,351,438** | **(353,502)** | -6% | |
| Total Resources (BFB + Current Revenues) | 32,487,804 | 35,013,170 | 2,525,366 | | 44,957,164 | (9,943,994) | | |

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Wastewater Capital continued** | | | | | | | | |
| Expenses | | | | | | | | |
| Materials and Services | 6,369,170 | 1,206,474 | (5,162,696) | 19% | 1,075,285 | 131,189 | 12% | |
| Capital Outlay | 2,370,000 | 351,659 | (2,018,341) | 15% | 12,268,228 | (11,916,569) | -97% | Completion of the Solids Expansion Project |
| Transfers Out | 730,633 | 348,394 | (382,239) | 48% | 387,020 | (38,626) | -10% | |
| **Current Expenses** | **9,469,803** | **1,906,527** | **(7,563,276)** | 20% | **13,730,533** | **(11,824,006)** | -86% | |
| Contingencies | 2,500,000 | - | (2,500,000) | 0% | - | - | | |
| Designated Fund Balances | | | | | | | | |
| PERS Refinancing Reserve | 684,910 | 1,108,800 | 423,890 | 162% | - | 1,108,800 | | |
| Unappropriated Ending Fund Balance | 19,833,091 | 31,997,843 | 12,164,752 | 161% | 31,226,631 | 771,212 | 2% | |
| **Total Ending Fund Balance** | **20,518,001** | **33,106,643** | **12,588,642** | 161% | **31,226,631** | **1,880,012** | 6% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 32,487,804 | 35,013,170 | 2,525,366 | | 44,957,164 | (9,943,994) | | |
| **Information Systems & Services** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 256,461 | 266,523 | 10,062 | 104% | 215,320 | 51,202 | 24% | |
| Intergovernmental | - | - | - | 0% | 46,329 | (46,329) | -100% | |
| Charges for Services | 1,030,017 | 642,460 | (387,557) | 62% | 627,744 | 14,716 | 2% | |
| Miscellaneous | 10,000 | 10,326 | 326 | 103% | 9,396 | 930 | 10% | |
| Transfers In | 1,024,880 | 595,673 | (429,207) | 58% | 565,294 | 30,379 | 5% | |
| **Current Revenues** | **2,064,897** | **1,248,459** | **(816,438)** | 60% | **1,248,764** | **(305)** | 0% | |
| Total Resources (BFB + Current Revenues) | 2,321,358 | 1,514,982 | (806,376) | | 1,464,084 | 50,898 | | |

| | FY2025-26 | | | | Prior Year Comparison | | | Notes |
|---|---|---|---|---|---|---|---|---|
| | Amended Budget | Q3 - Actual YTD | Budget vs Actual | YTD as % of Budget | FY25 Q3 - Actual YTD | Variance FY26 vs FY25 | % change FY25 to FY26 | |
| **Information Systems & Services continued** | | | | | | | | |
| Expenses | | | | | | | | |
| Personnel Services | 711,500 | 533,509 | (177,991) | 75% | 494,946 | 38,563 | 8% | |
| Materials and Services | 1,044,017 | 707,629 | (336,388) | 68% | 683,992 | 23,637 | 3% | |
| Capital Outlay | 300,428 | 52,084 | (248,344) | 17% | 52,217 | (133) | 0% | |
| **Current Expenses** | **2,055,945** | **1,293,222** | **(762,723)** | 63% | **1,231,155** | **62,066** | 5% | |
| Contingencies | 75,000 | - | (75,000) | 0% | - | - | | |
| Designated Fund Balances | | | | | | | | |
| Financial System Reserve | 15,075 | 15,075 | - | 100% | 15,075 | - | 0% | |
| Unappropriated Ending Fund Balance | 175,338 | 206,685 | 31,347 | 118% | 217,853 | (11,169) | -5% | |
| **Total Ending Fund Balance** | **190,413** | **221,760** | **31,347** | 116% | **232,928** | **(11,169)** | -5% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 2,321,358 | 1,514,982 | (806,376) | | 1,464,084 | 50,898 | | |
| **Insurance Services** | | | | | | | | |
| Revenues | | | | | | | | |
| Beginning Fund Balance | 420,247 | 519,648 | 99,401 | 124% | 548,125 | (28,477) | -5% | |
| Charges for Services | 1,454,939 | 1,124,531 | (330,408) | 77% | 957,006 | 167,526 | 18% | |
| Miscellaneous | 132,000 | 124,182 | (7,818) | 94% | 146,561 | (22,379) | -15% | |
| **Current Revenues** | **1,586,939** | **1,248,713** | **(338,226)** | 79% | **1,103,567** | **145,146** | 13% | |
| Total Resources (BFB + Current Revenues) | 2,007,186 | 1,768,361 | (238,825) | | 1,651,691 | 116,670 | | |
| Expenses | | | | | | | | |
| Materials and Services | 1,614,187 | 1,381,141 | (233,046) | 86% | 1,211,142 | 169,999 | 14% | The main invoice for city insurance is paid at the beginning of the year. |
| Capital Outlay | 30,000 | - | (30,000) | 0% | 62,546 | (62,546) | -100% | |
| Transfers Out | 82,499 | 61,874 | (20,625) | 75% | 61,896 | (22) | 0% | |
| **Current Expenses** | **1,726,686** | **1,443,015** | **(283,671)** | 84% | **1,335,584** | **107,431** | 8% | |
| Contingencies | 150,000 | - | (150,000) | 0% | - | - | | |
| **Unappropriated Ending Fund Balance** | **130,500** | **325,346** | **194,846** | 249% | **316,108** | **9,238** | 3% | |
| Total Expenditures (Current Expenses + Contingency + EFB) | 2,007,186 | 1,768,361 | (238,825) | | 1,651,691 | 116,670 | | |

Former ARPA Funds
Balancing Report
Q3 FY2025-26

| Project Name | Budget as of December 31, 2025 | March 2026 Project Budget Amendment Resol. #2026-22 | Amended Project Budget | Total spent thru Mar 31, 2026 | Bal Remaining thru Mar 31, 2026 | ARPA projects spent thru 6/30/23* | Committed spent FY24 | Committed spent FY25 | Committed spent FY26 |
|---|---|---|---|---|---|---|---|---|---|
| **New Projects** | | | | | | | | | |
| SW Linear Park | - | 350,000 | **350,000** | | **350,000** | | | | |
| Community Security Barricades | - | 115,000 | **115,000** | | **115,000** | | | | |
| **Total New Projects** | **-** | **465,000** | **465,000** | **-** | **465,000** | | | | |
| **Current Projects** | | | | | | | | | |
| Emergency Manager | 242,000 | | **242,000** | **164,240** | **77,760** | - | 42,670 | 69,082 | 52,489 |
| Park Maintenance: System Wide Irrigation Renovations | 263,000 | | **263,000** | **168,537** | **94,463** | - | 75,540 | 54,391 | 38,605 |
| ADA Transition Plan | 350,000 | | **350,000** | **268,275** | **81,725** | - | - | - | 268,275 |
| IS - Technology in Conference Rooms | 148,895 | | **148,895** | **59,330** | **89,565** | 58,623 | 707 | - | - |
| Culturally competent communication and translations | 100,000 | | **100,000** | **80,028** | **19,972** | 36,876 | 15,408 | 23,672 | 4,072 |
| Park Maintenance: Discovery Meadows Splash Pad Renovation | 671,284 | | **671,284** | **84,395** | **586,889** | - | 36,284 | 44,151 | 3,960 |
| Muni Court Software | 151,000 | | **151,000** | **47,712** | **103,288** | - | - | - | 47,712 |
| First Responders for Mental Health Crises | 25,000 | | **25,000** | **10,000** | **15,000** | - | - | - | 10,000 |
| Community Center Elevator Repairs | 142,750 | | **142,750** | **72,074** | **70,676** | - | - | - | 72,074 |
| Budget Software | 201,496 | (63,585) | **137,911** | **84,021** | **53,890** | - | - | 81,271 | 2,750 |
| HR - DEI Implementation | 225,000 | (38,732) | **186,268** | **154,066** | **32,202** | 5,496 | 57,542 | 72,108 | 18,921 |
| **Total Current Projects** | **2,520,425** | **(102,317)** | **2,418,108** | **1,192,679** | **1,225,429** | **100,995** | **228,151** | **344,675** | **518,858** |

Former ARPA Funds
Balancing Report
Q3 FY2025-26

| Project Name | Budget as of December 31, 2025 | March 2026 Project Budget Amendment Resol. #2026-22 | Amended Project Budget | Total spent thru Mar 31, 2026 | Bal Remaining thru Mar 31, 2026 | ARPA projects spent thru 6/30/23* | Committed spent FY24 | Committed spent FY25 | Committed spent FY26 |
|---|---|---|---|---|---|---|---|---|---|
| **Closed projects** | | | | | | | | | |
| ARPA Grant Manager | 192,504 | (32,774) | **159,730** | **159,730** | **-** | 156,504 | - | 3,226 | - |
| Third Street Improvement Project | 858,291 | (7) | **858,284** | **858,285** | **-** | - | 512,176 | 288,955 | 57,154 |
| Financial Forecasting Software | 43,854 | (21,615) | **22,239** | **22,239** | **-** | 8,295 | 13,944 | - | - |
| Innovation Center - Public Infrastructure Feasibility Analysis | 293,464 | (4,012) | **289,452** | **289,452** | **-** | 0 | 1,579 | 111,990 | 175,883 |
| Storm Water Capacity Projects | 632,916 | (141,057) | **491,859** | **491,859** | **-** | 293 | 43,638 | 105,472 | 342,456 |
| Mobile Rec Station | 82,000 | 4,653 | **86,653** | **86,653** | **-** | 53,967 | - | 32,686 | - |
| Update to Parks and Open Space Master Plan | 200,000 | (40,569) | **159,431** | **159,431** | **-** | - | 38,108 | 65,671 | 55,652 |
| Park Maintenance: Neighborhood Park Renovations | 262,600 | (249,400) | **13,200** | **13,200** | **-** | 13,200 | - | - | - |
| Navigation Center - Operating Funds | 635,000 | | **635,000** | **635,000** | **-** | - | 267,562 | 372,504 | (5,066) |
| Stratus Village - Affordable Housing Project | 300,000 | | **300,000** | **300,000** | **-** | - | 300,000 | - | - |

Former ARPA Funds
Balancing Report
Q3 FY2025-26

| Project Name | Budget as of December 31, 2025 | March 2026 Project Budget Amendment Resol. #2026-22 | Amended Project Budget | Total spent thru Mar 31, 2026 | Bal Remaining thru Mar 31, 2026 | ARPA projects spent thru 6/30/23* | Committed spent FY24 | Committed spent FY25 | Committed spent FY26 |
|---|---|---|---|---|---|---|---|---|---|
| Park Maintenance Fleet and Equipment Upgrades | 397,155 | | **397,155** | **397,155** | **-** | 308,034 | 89,121 | - | - |
| Ambulance Replacement | 285,000 | | **285,000** | **285,000** | **-** | 32,112 | 252,888 | - | - |
| IS - Replace Firewall / VPN system | 130,754 | | **130,754** | **130,754** | **-** | 84,844 | 45,910 | - | - |
| Backlog in court cases | 67,100 | | **67,100** | **67,100** | **-** | 26,543 | 31,986 | 8,934 | (363) |
| Library HVAC Replacement | 7,250 | | **7,250** | **7,250** | **-** | - | 7,250 | - | - |
| Electric vehicle for Library home delivery | 53,196 | | **53,196** | **53,196** | **-** | 53,196 | - | - | - |
| Remodel: Muni Court more accessible | 29,605 | | **29,605** | **29,605** | **-** | 29,605 | - | - | - |
| General Covid costs | 364,172 | | **364,172** | **364,172** | **-** | 355,003 | 8,331 | 838 | - |
| **Total Closed Projects** | **4,834,861** | **(484,781)** | **4,350,080** | **4,350,080** | **-** | **1,121,596** | **1,612,492** | **990,275** | **625,716** |
| **Total all projects** | **7,355,286** | **(122,098)** | **7,233,188** | **5,542,758** | **1,690,429** | **1,222,591** | **1,840,643** | **1,334,950** | **1,144,574** |
| Total former ARPA funds | | | 7,716,939 | | | | | | |
| Amount unallocated | | | 483,751 | | | | | | |