

**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: Chenoweth, Benner, Geary, Peralta, Cunningham, Tucholsky

Nays: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Approved as to form:

\_\_\_\_\_  
City Attorney

Attest:

Claudia Cisneros  
City Recorder

EXHIBITS:

- A. Decision Document for Dockets ZC 2-24 and S 2-24



**Community Development**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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; Ziplly 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.

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**ZC 2-24: DECISION: APPROVAL WITH CONDITIONS**  
**S 2-24: DECISION: APPROVAL WITH CONDITIONS**  
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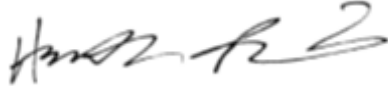
City Council: \_\_\_\_\_  
Kim Morris, Mayor of McMinnville

May 12, 2026  
Date: \_\_\_\_\_



Planning Commission: \_\_\_\_\_  
Sidonie Winfield, Chair of the McMinnville Planning Commission

May 13, 2026  
Date: \_\_\_\_\_



Planning Division: \_\_\_\_\_  
Heather Richards, Community Development Director

May 13, 2026  
Date: \_\_\_\_\_

## **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**

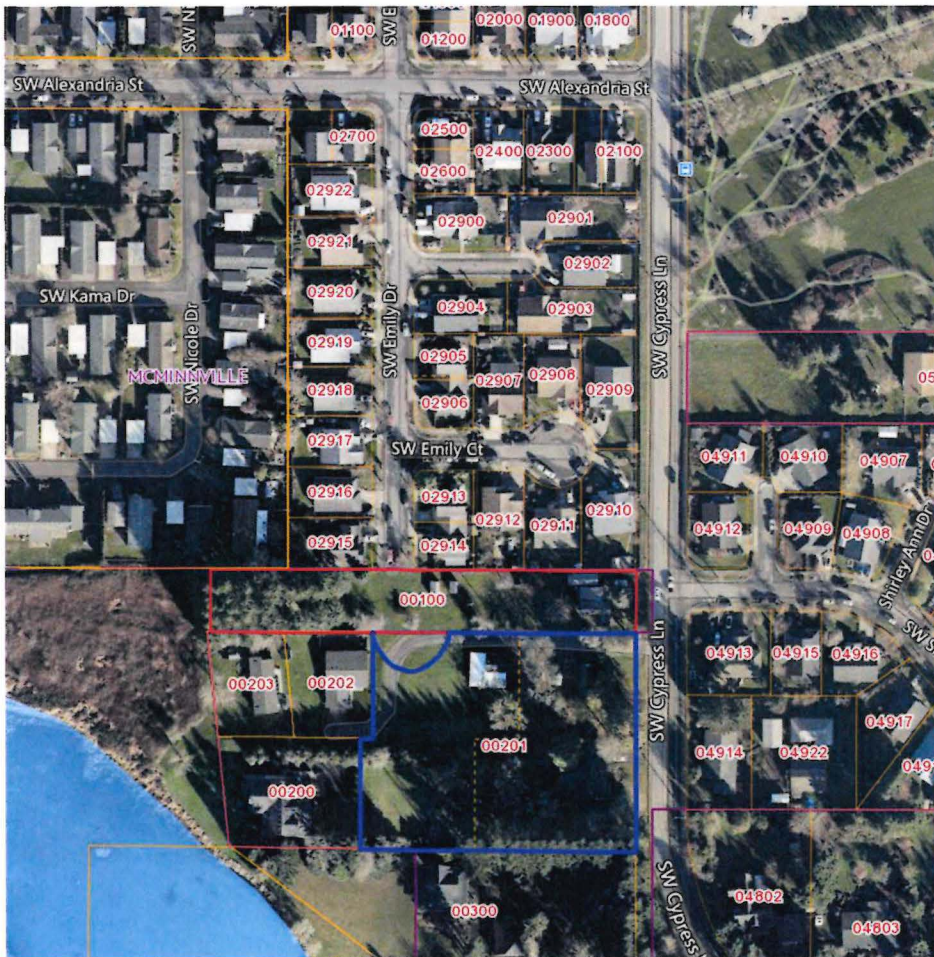


Figure 2. Current and Proposed Zoning (ZC 2-24)

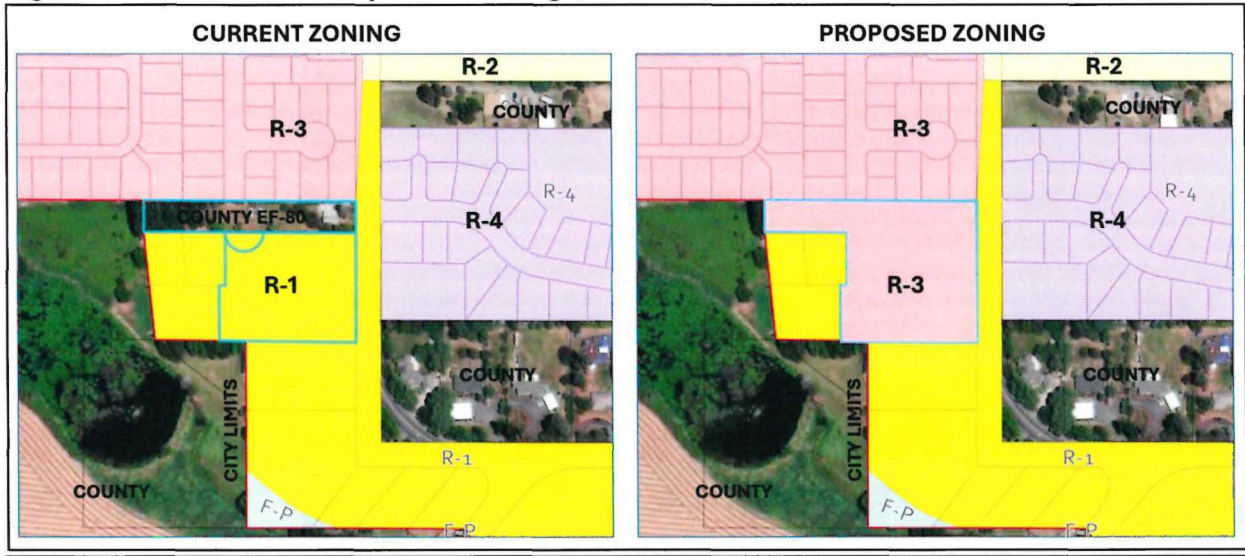
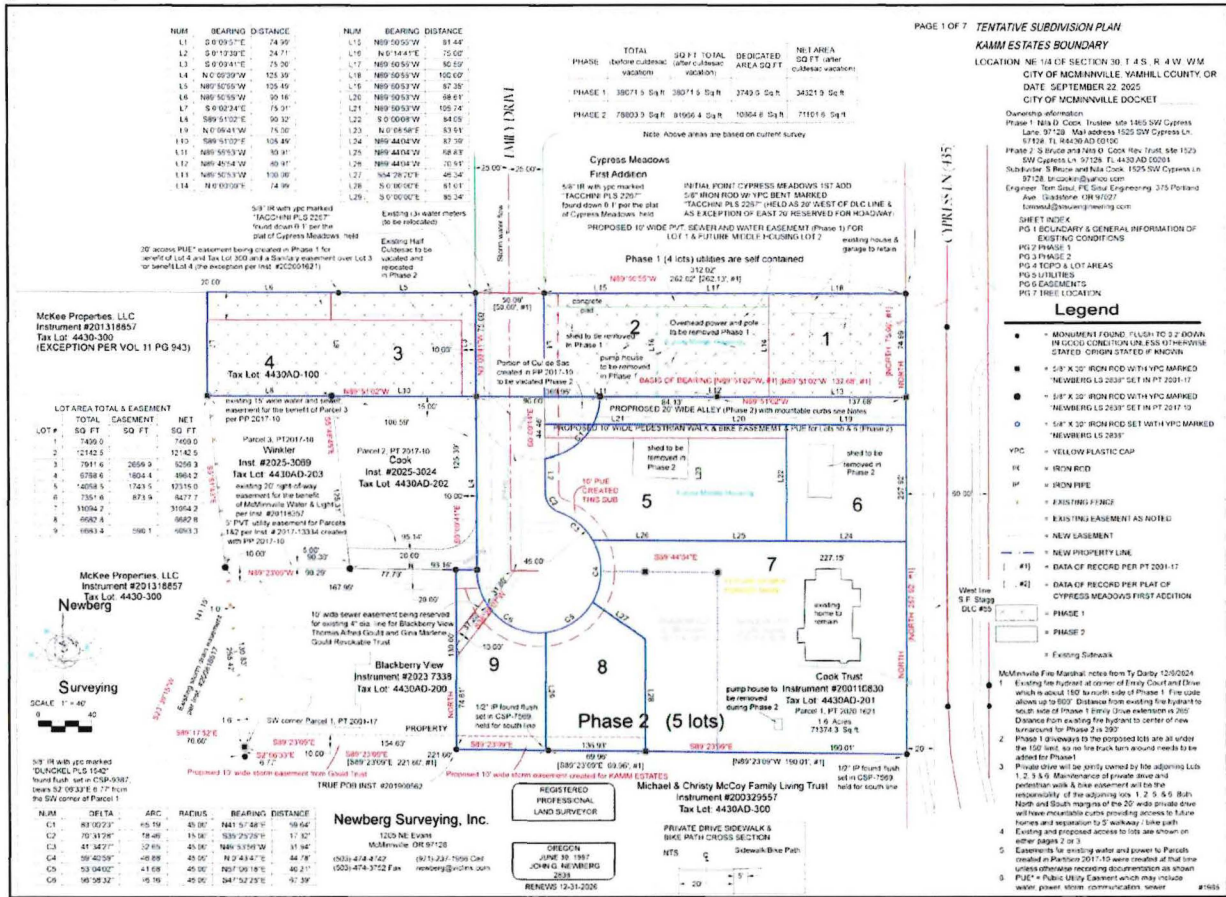


Figure 3. Applicant's Proposed Subdivision Tentative Plan and Future Development Plan (S 2-24)



## **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.
- **McMinnville Water & Light**

**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

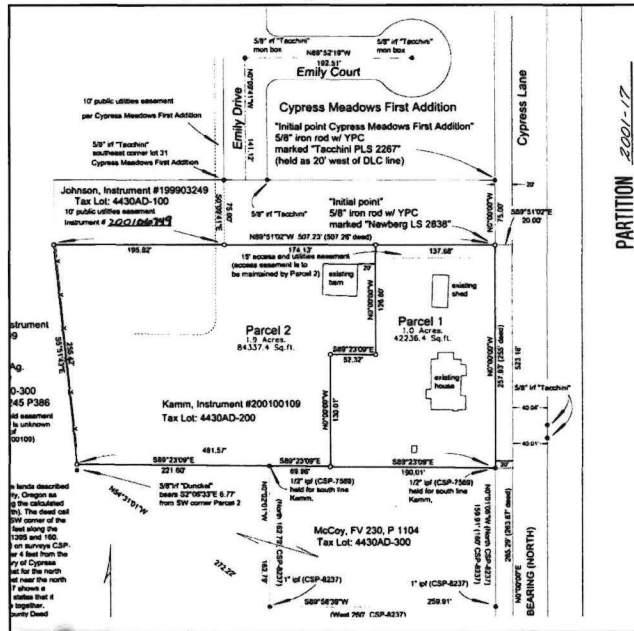
4. **Zoning:**

- 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

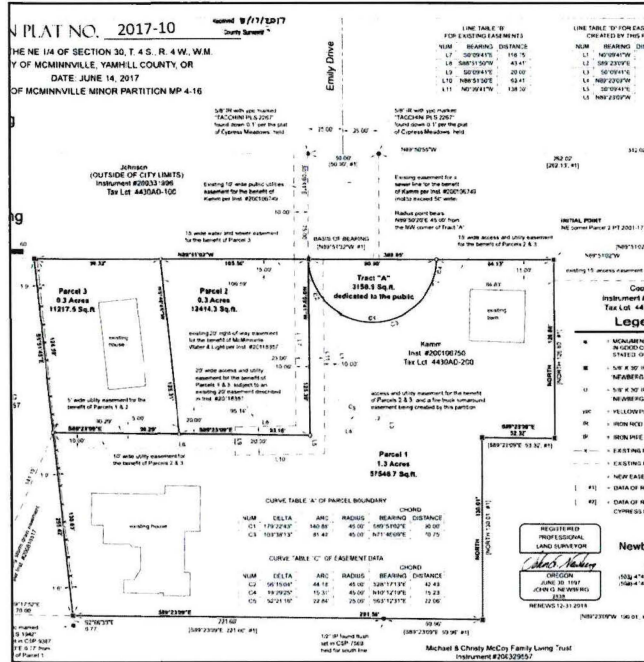
5. **Current Use/Development:**

- 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.

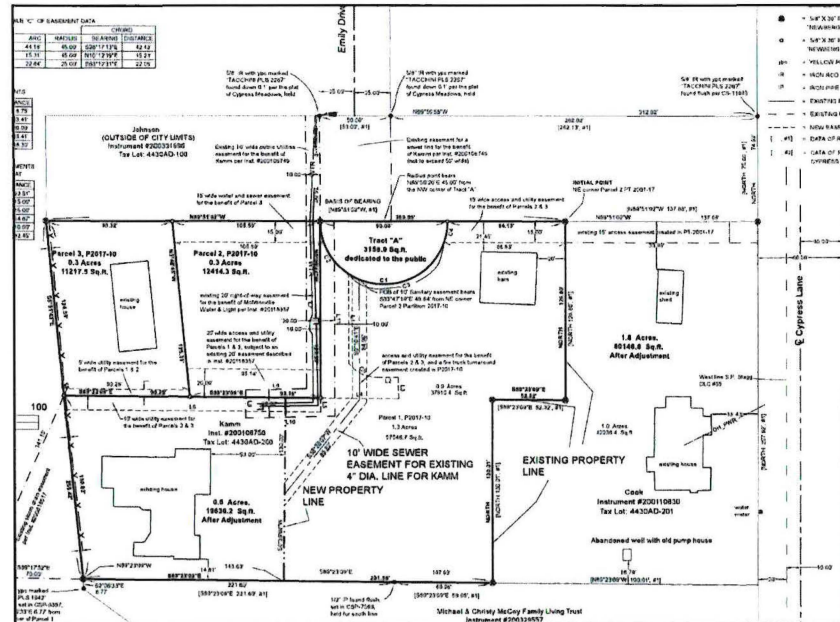
PP 2001-17 (MP 2-01)



**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 TMs 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.

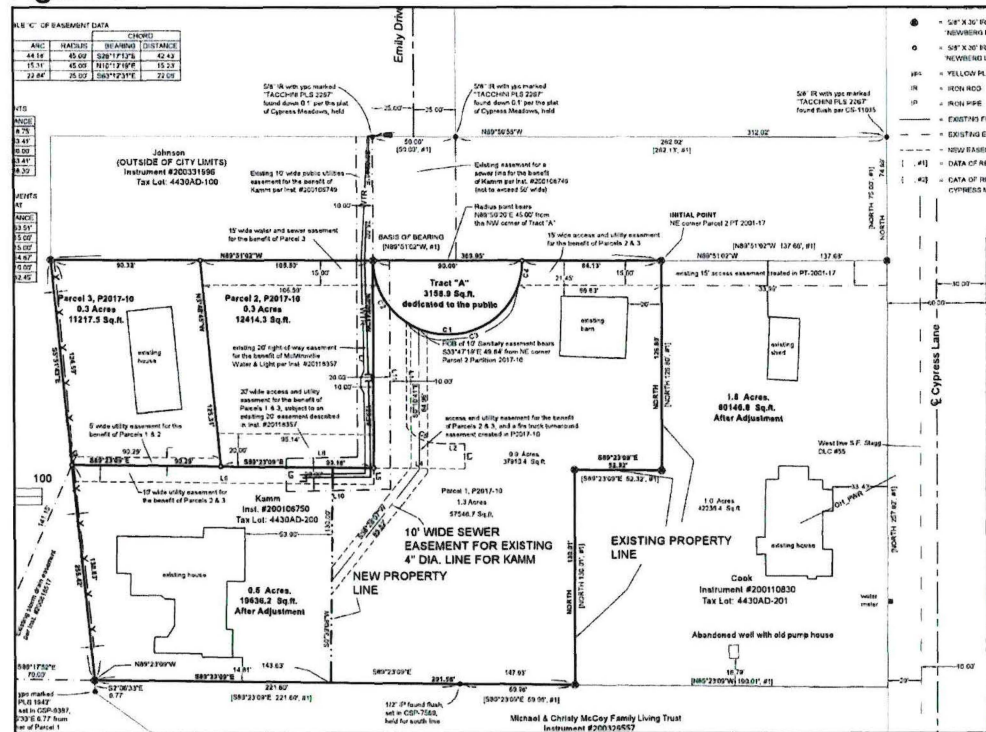
**Figure A**



**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.

<b>Exhibit 85. Forecast of Demand for New Dwelling Units by Type, McMinnville UGB, 2021 to 2041</b>	
<small>Source: Calculations by ECONorthwest. Note: DU is dwelling unit.</small>	
<b>Variable</b>	<b>Needed Mix</b>
<b>Needed new dwelling units (2021-2041)</b>	<b>4,657</b>
Dwelling units by structure type	
Single-family detached	
Percent single-family detached DU	<b>55%</b>
<i>equals</i> Total new single-family detached DU	<b>2,561</b>
Single-family attached	
Percent single-family attached DU	<b>12%</b>
<i>equals</i> Total new single-family attached DU	<b>559</b>
Multifamily	
Percent multifamily	<b>33%</b>
<i>equals</i> total new multifamily	<b>1,537</b>
<b>Total new dwelling units (2021-2041)</b>	<b>4,657</b>

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
<b>Total</b>	<b>2,921</b>	<b>4,424</b>	<b>(1,503)</b>	<b>(321)</b>

**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
<b>Total</b>	<b>2,921</b>	<b>4,424</b>	<b>(1,503)</b>	<b>(320)</b>

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:*

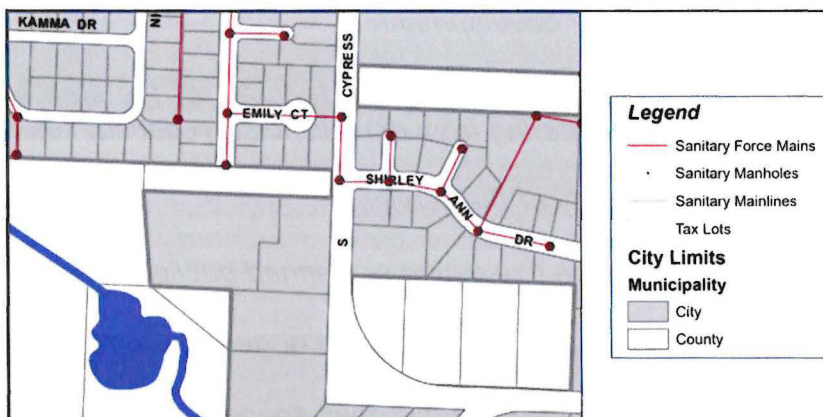
1. *The density of development in areas historically zoned for medium and high density development;*
2. *The topography and natural features of the area and the degree of possible buffering from established low density residential areas;*
3. *The capacity of the services;*
4. *The distance to existing 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

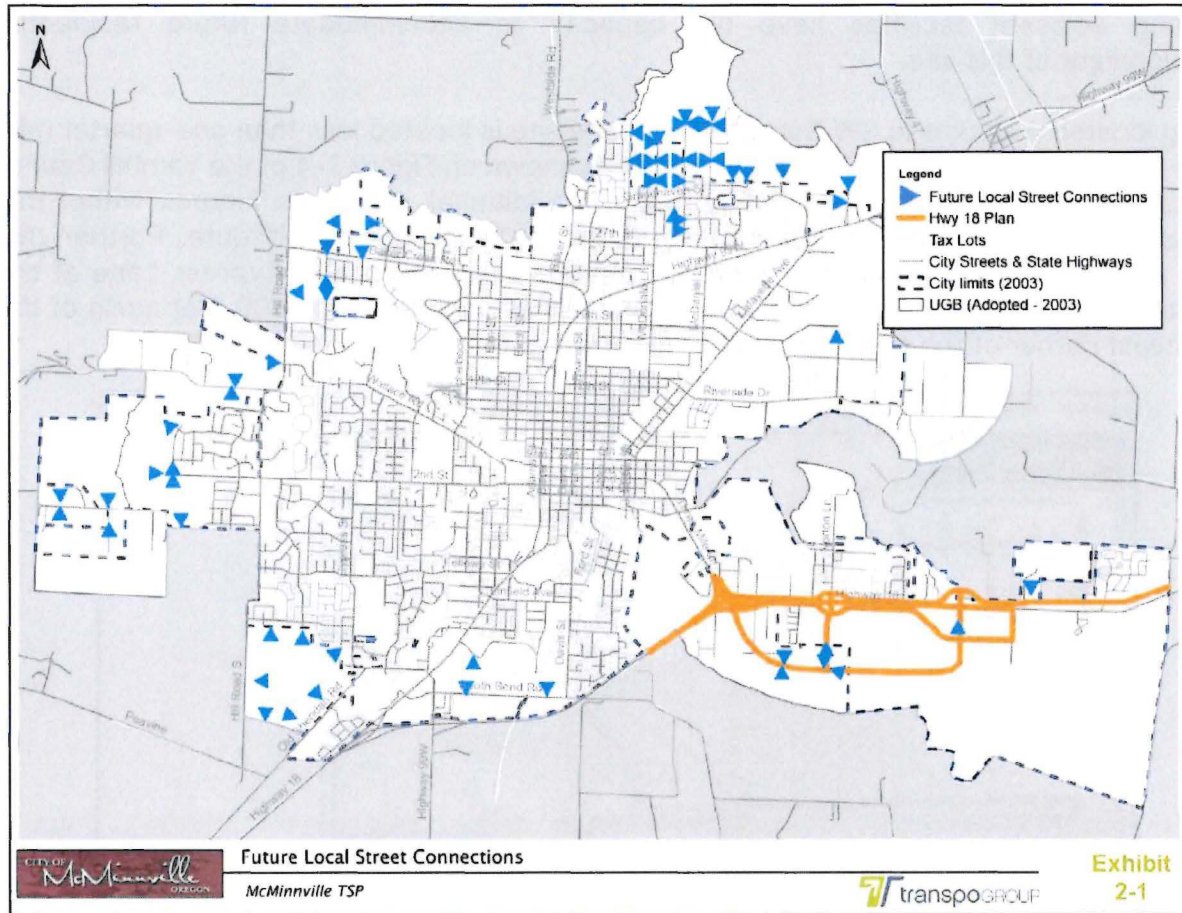


<https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/storm.pdf>

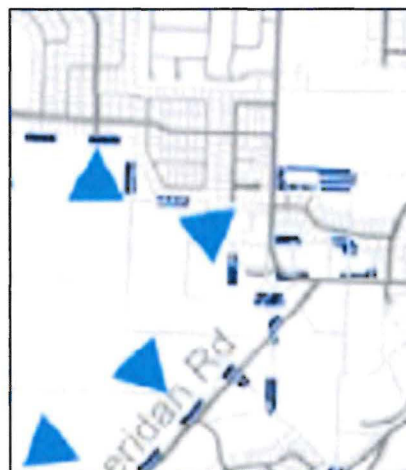
The surrounding area is not committed to low density development as can be seen on the City's zoning map depicting adjacent R-3 PD zoned residential developments to the north and R-4 zoned residential development located across SW Cypress Lane to the east; the few R-1 zoned parcels within the city limits 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.

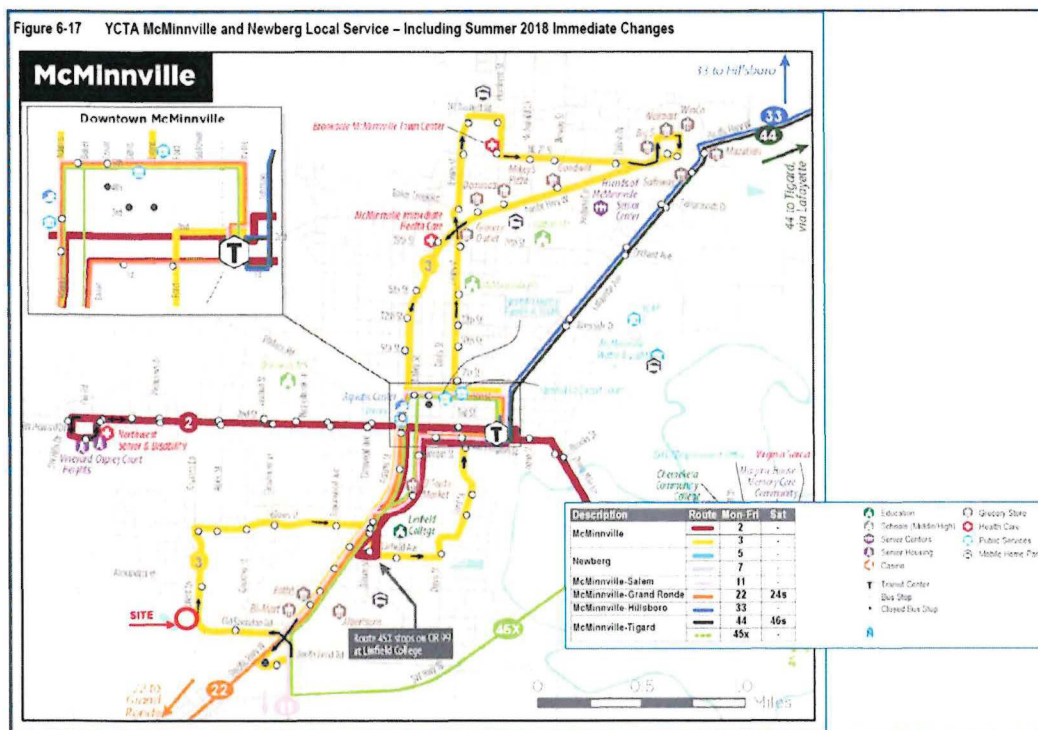


Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.



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<sup>th</sup>) of the proposed subdivision's buildable lots. Policy 187.50 (1) and (2) has been satisfied.

*Policy:*

*187.50*

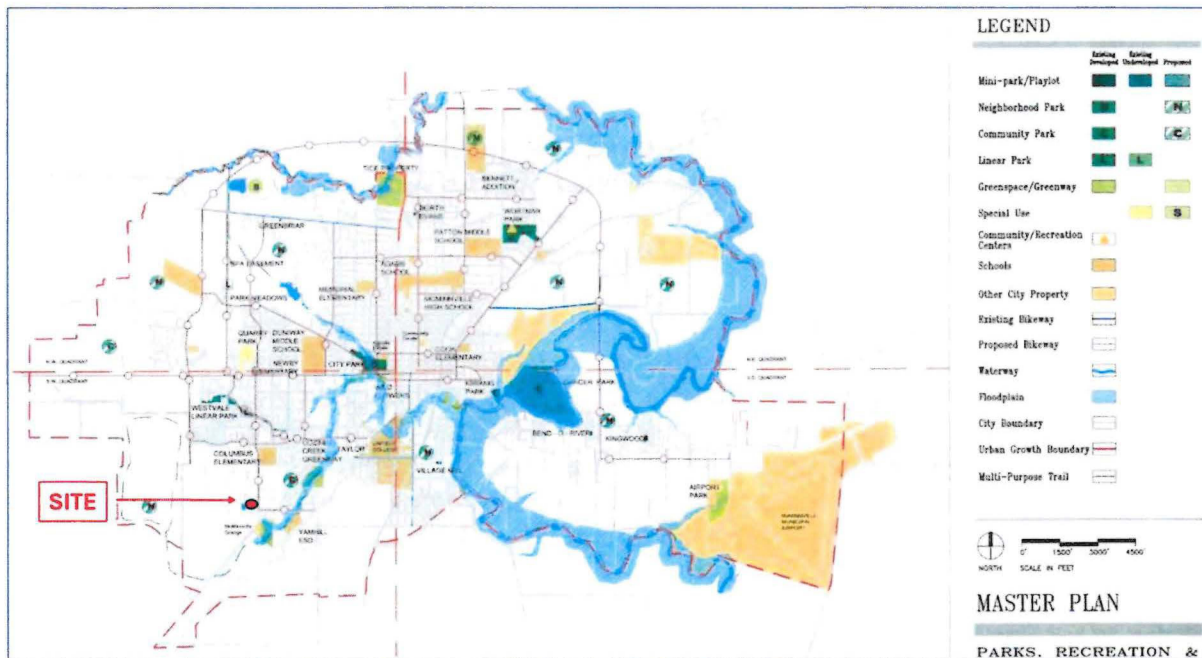
3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
  - a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling 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.*

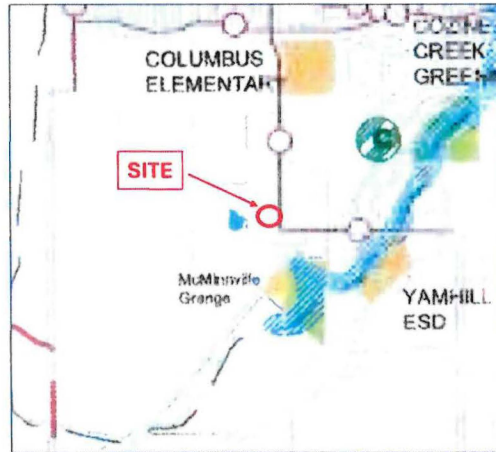
10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
  - a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**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](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](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 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 RESPONSE:** 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 RESPONSE:** 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 serve 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 (l) 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): SATISFIED.** 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.*

<u>Universal Design Standard</u>	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
<b>Total Sq. Ft.</b>	<b>99,102</b>		<b>97,520</b>
<b>Average Sq. Ft.</b>	<b>9,910</b>		<b>9,752</b>

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, compiled 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 be 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 3<sup>rd</sup> 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 RESPONSE:**

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.*

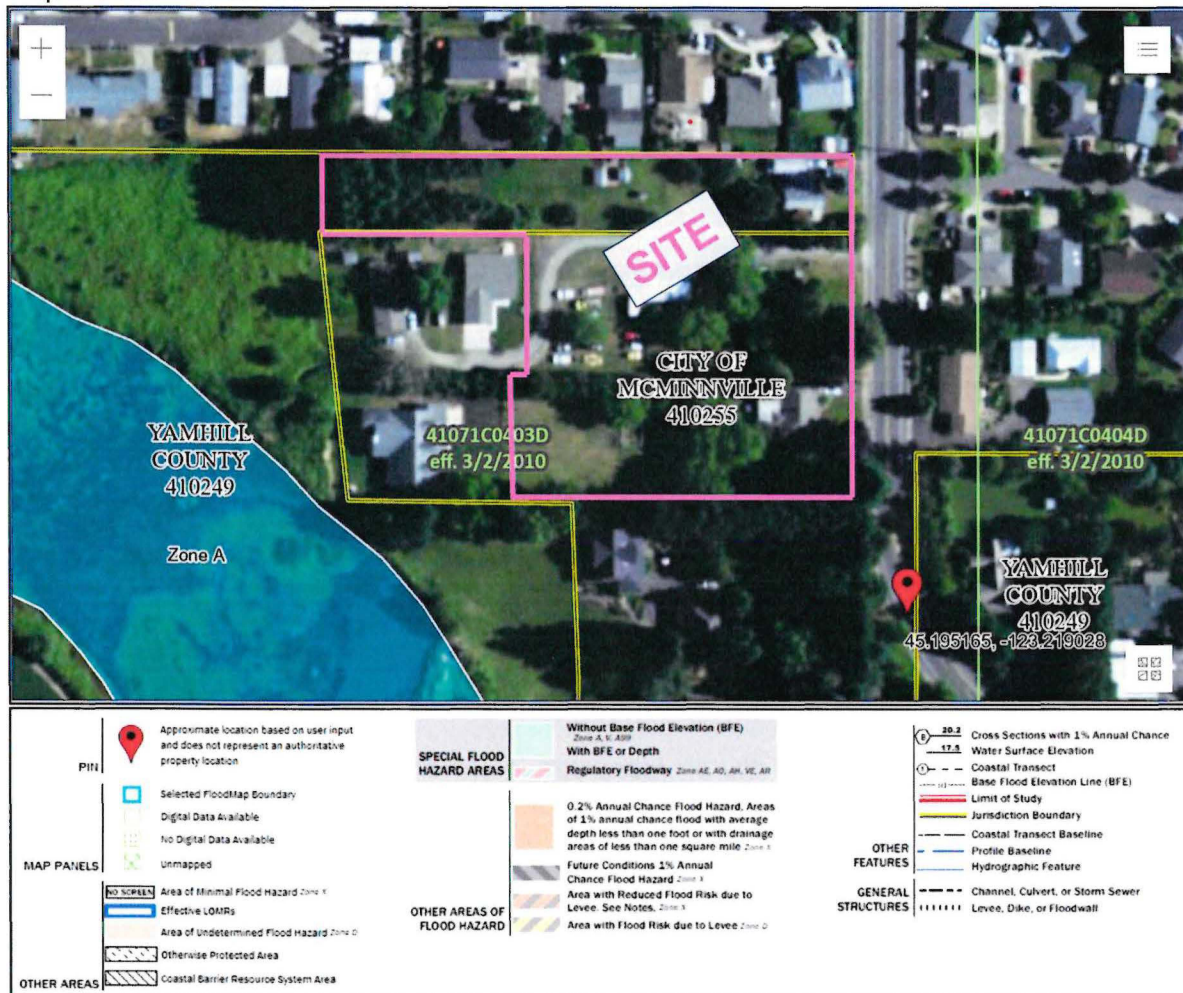
*5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.*

*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)

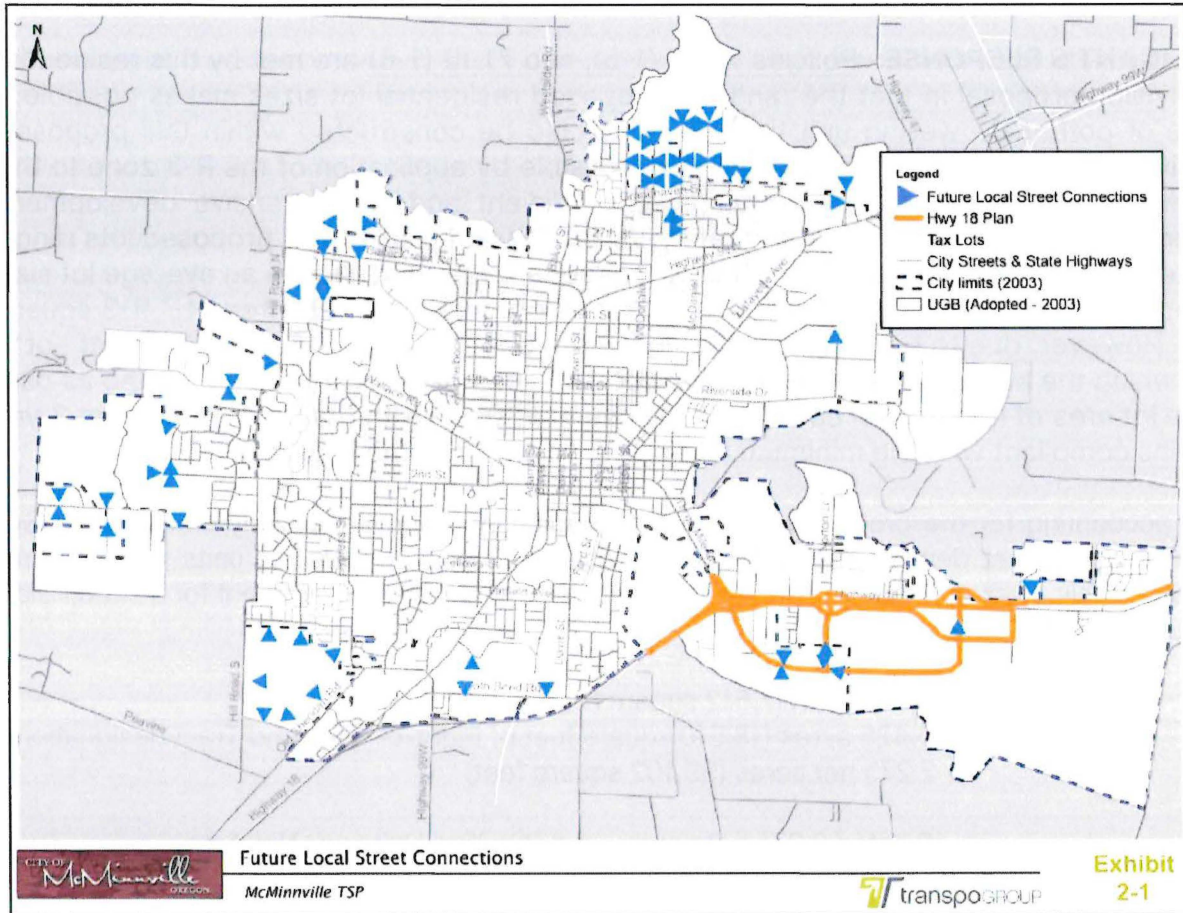
10 Lots / 2.275 net acres = 4.4 Dwelling Units per Net Acre

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.

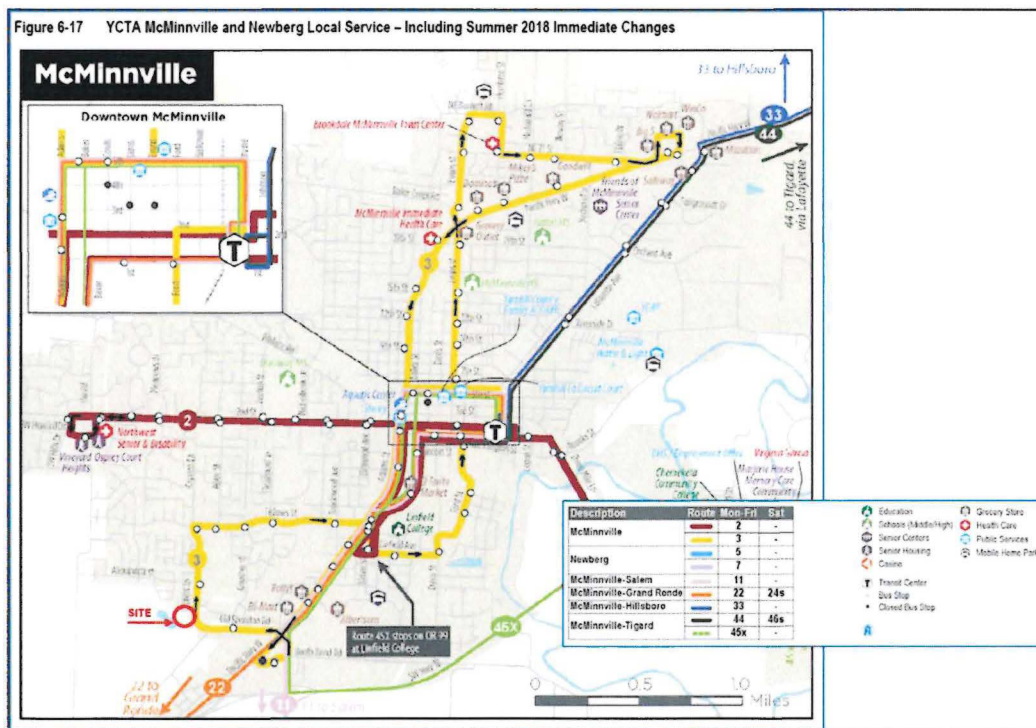


Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.



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.

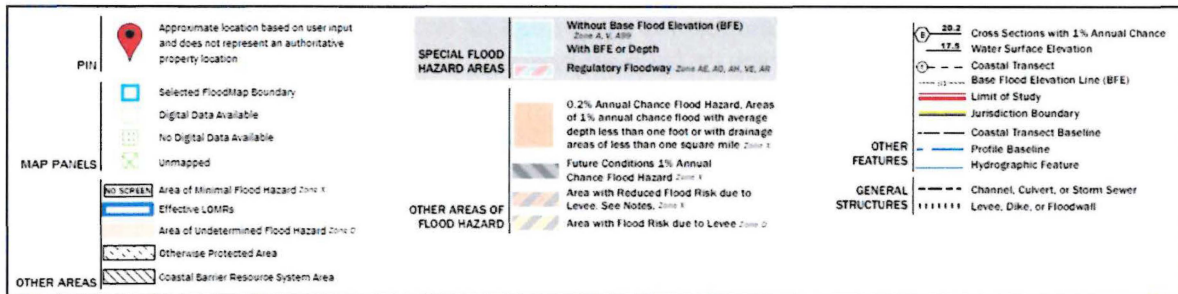


Commercial shopping opportunities exist located along Highway 99W located some ½ mile distance from the development site such that commercial walking opportunities exist and that owning a vehicle can be optional. Community recreation opportunities are also readily available nearby this site since the 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%20mcmminville%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<sup>th</sup>) 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:*

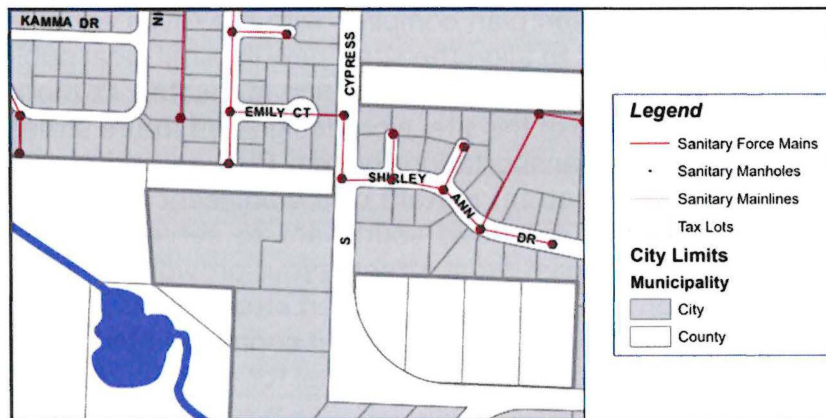
- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 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.

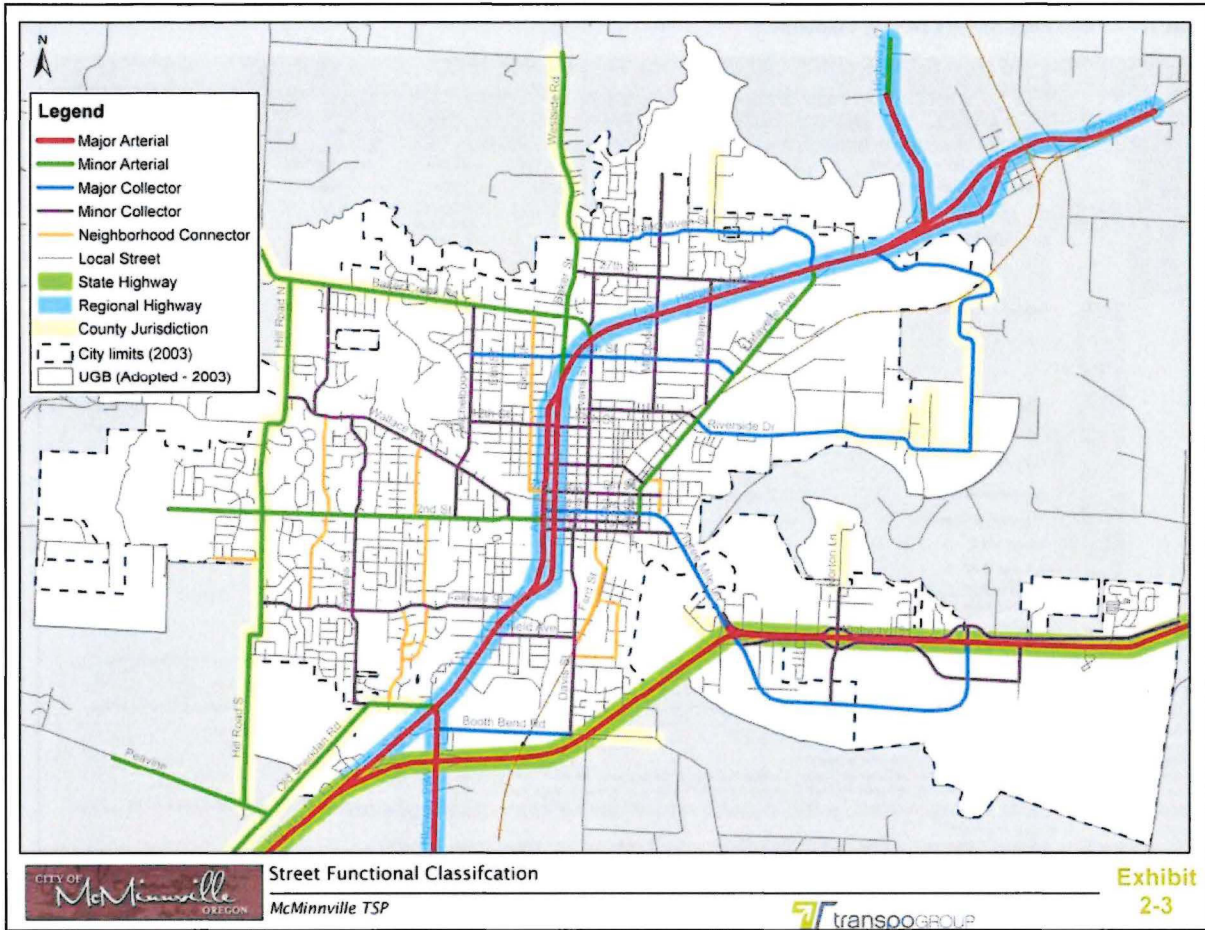


Exhibit 2-4 Complete Streets Design Guideline

Complete Street Design Standards									
		Arterial		Collector		Neighborhood Connector	Local Residential	Alley	
		Major	Minor	Major	Minor				
Streetscape	Street Profile	Auto/Truck Amenities (lane widths) <sup>1</sup>	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 <sup>2</sup>	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 <sup>3</sup>							
		On-Street Parking							
		Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
		None	74 ft.	46 ft.	44 ft.	30 or 40 ft.			
		Pedestrian Amenities <sup>4</sup>							
		Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None
	Planter Strips		6 ft. Res na Com	6 ft. Res na Com	6 ft. Res 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 <sup>5</sup>	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%
	<b>Right-of-Way:</b>	104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.	

**General Design Notes:**

- 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.
- An absolute minimum bike lane width for safety concern is 5 ft. on arterial and 4 ft. on collector street, 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.
- Street design for each design speed shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate 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 pedestrian access.
- 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.
- None with on-street parking.

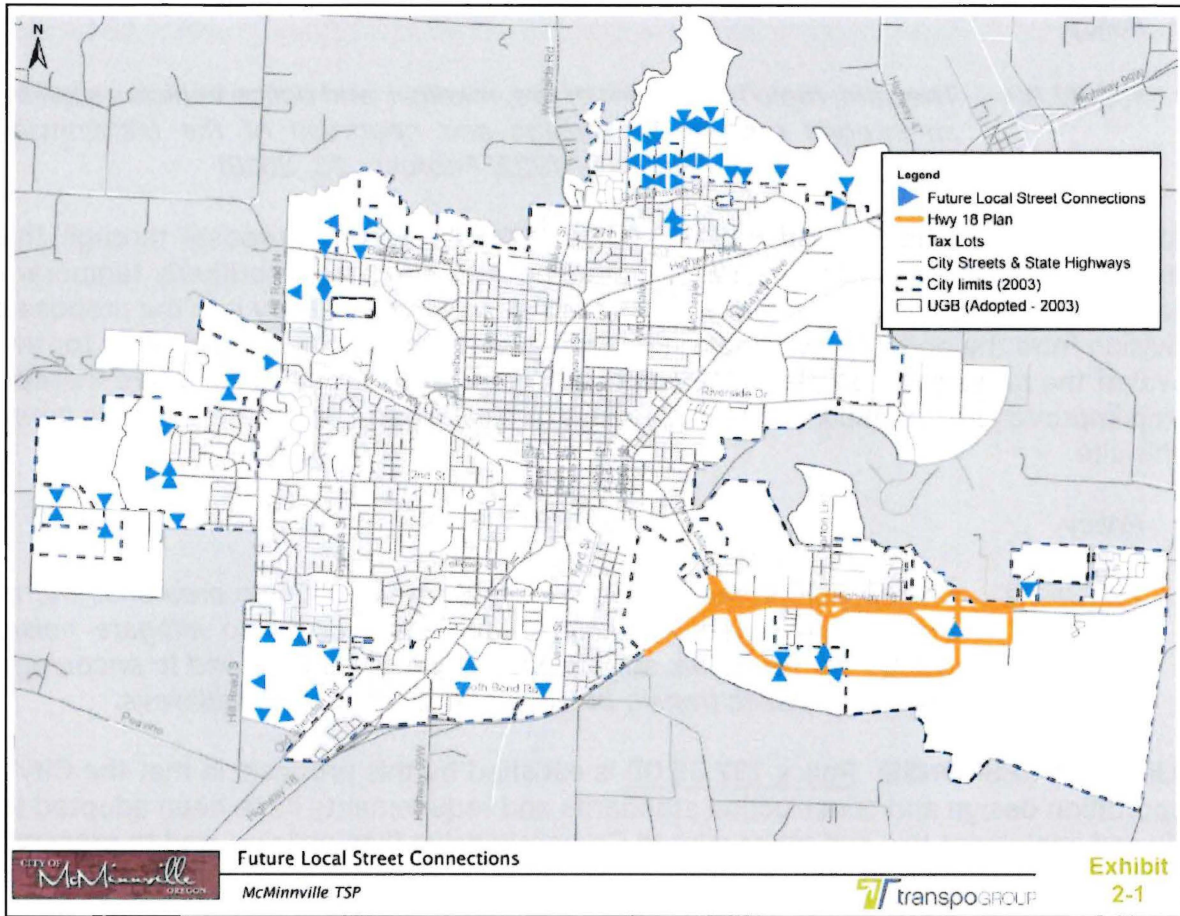
**Street Design Standard Notes:**

- Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- 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.
- 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.
- Turnaround radius 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 150-foot distance of the intersection measured from the terminus of the curb return. The developer shall be responsible for the provision and installation of 150-foot parking signs as approved by the City Engineering Department.
- Sidewalks and planter strips shall not be required along eyesaws.
- For cul-de-sacs greater than 100 feet in length, fire hydrants may be required to be installed at the end of the curb 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<sup>th</sup>) of the proposed subdivision's buildable lots. Policy 187.50 (1) and (2) has been satisfied.

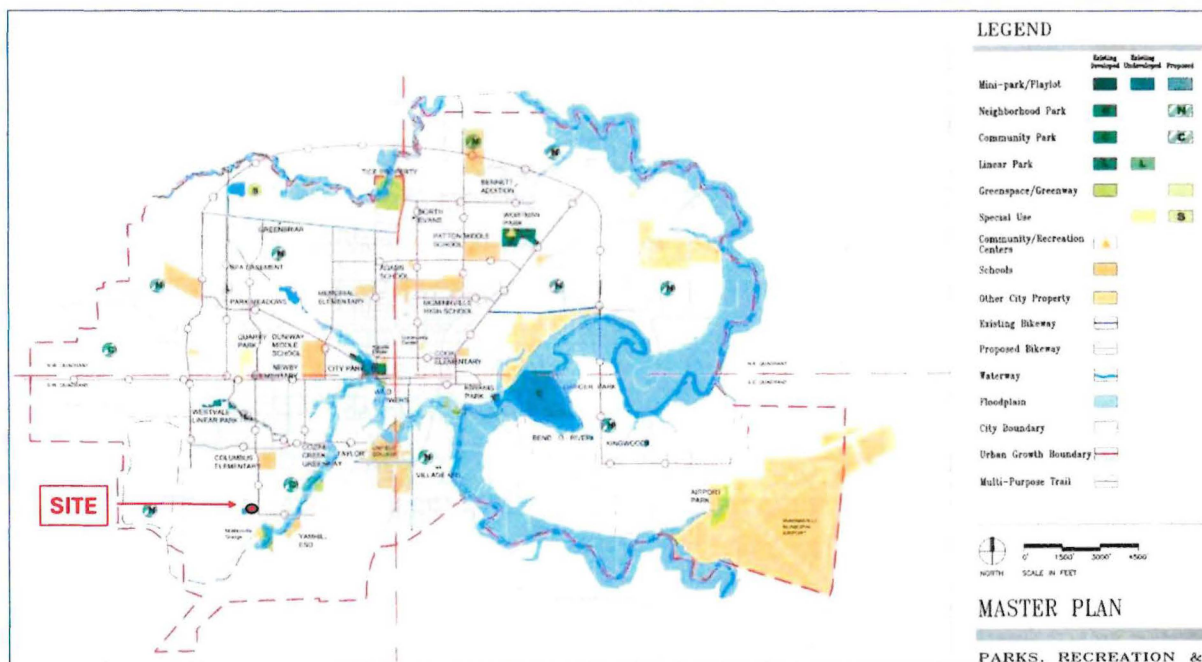
*Policy:*

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.*

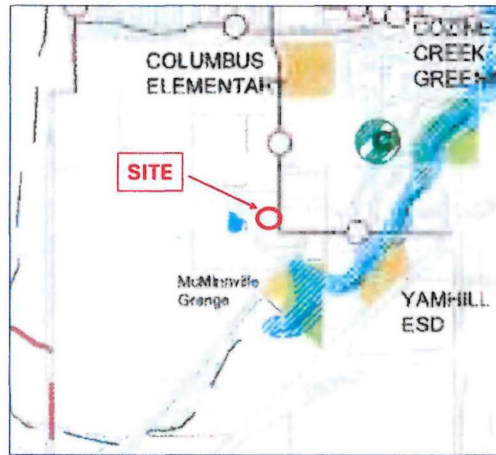
7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
  - a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - 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](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:

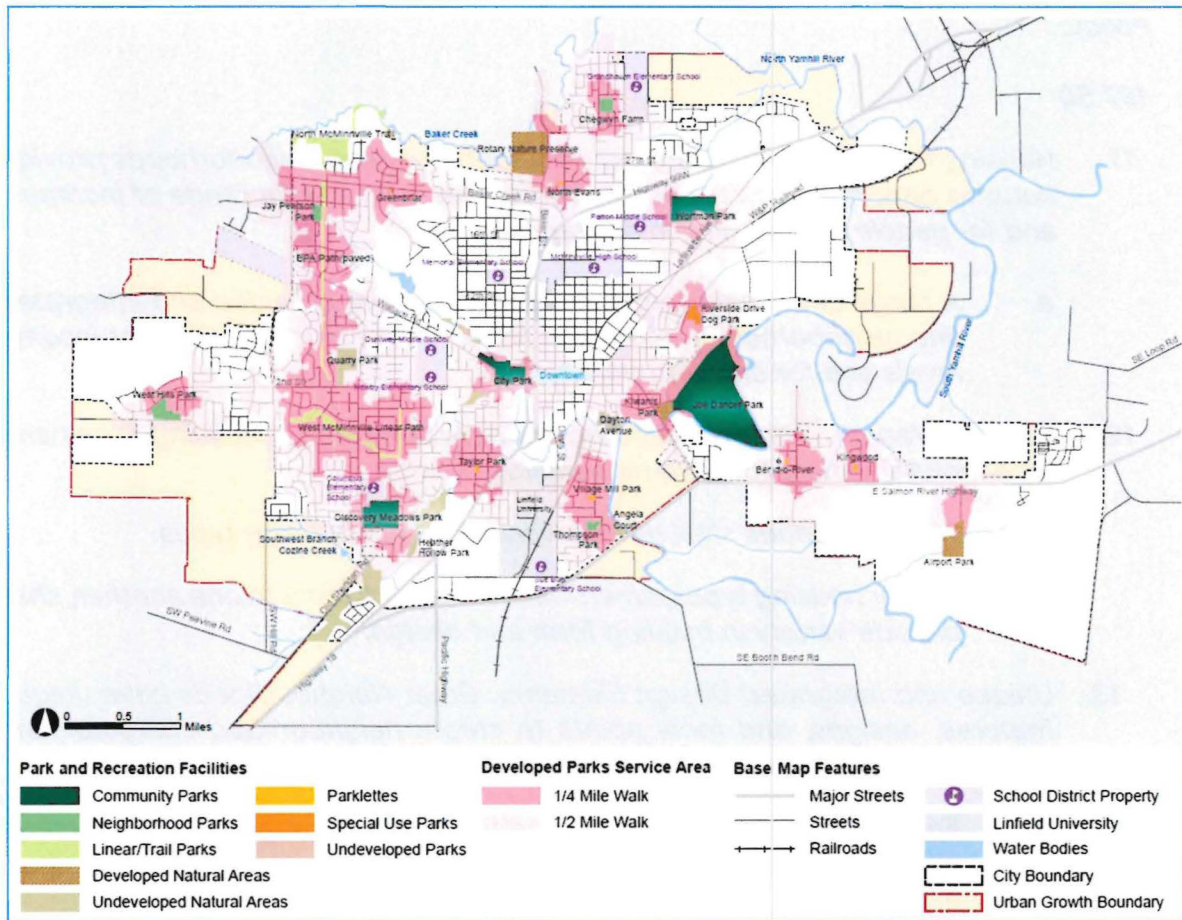
- A public street extension and creation of a pedestrian connecting path to increase both pedestrian and bicycle traffic.
- Residential windows that will look out onto sidewalks.
- Approved “crime-safe” landscape design for the soft-scape portions of the 10-foot wide pedestrian tract.
- Approved street 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.

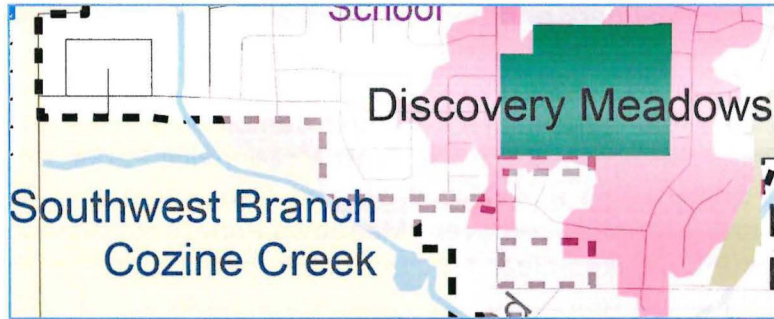
It is prudent at this point to mention the City’s current, ongoing public review of the draft McMinnville Parks, Recreation and Open Space Plan (2024). At the time of the preparation of this application submittal, it is unclear if this new draft parks plan will have already been adopted by the City and 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](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](http://www.mcminnvilleoregon.gov)

<b>Office Use Only:</b>	
File No.	<u>ZC 2-24</u>
Date Received	<u>6/20/2024</u>
Fee	<u>\$5,667.00</u>
Receipt No.	<u>210046</u>
Received by	<u>AW</u>
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 Email [REDACTED]

### 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 Total Site Area .9 Acre # 1.8 Acres = 2.7 Acre  
-30AD 00100

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

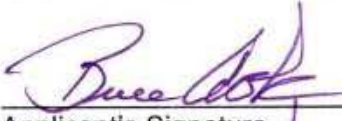
8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

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.

  
Applicant's Signature

6/19/24  
Date

  
Nila Cook  
Property Owner's Signature

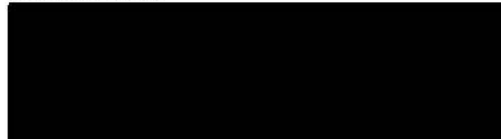
6/19/24  
6/19/24  
Date

## **- Land Use Applications -**

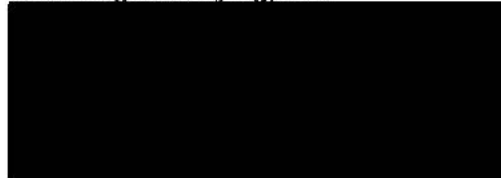
- **Annexation**
- **Zone Change**
- **Residential Subdivision**

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

Owner/Applicant: Bruce Cook



Owner's Consultant: Newberg Surveying, Inc.



Yamhill County Tax Map: T. 4 S., R. 4 W., W.M., 30AD 00100  
T. 4 S., R. 4 W., W.M., 30AD 00201

Site Size: Approximately 0.9 acres and 1.8 acres  
Total site acres: 2.7 acres

Zoning: EF-80 - Exclusive Farm Use - 80-acre minimum  
and,  
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**

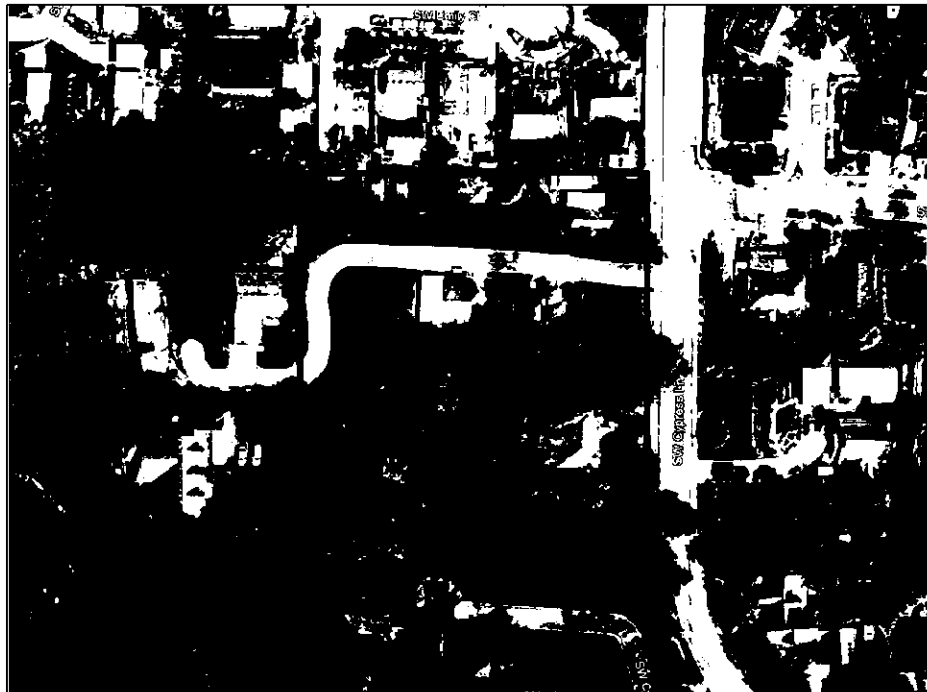
The project site which is the subject of these companion applications totals approximately 2.7 acres in size and is generally located west of SW Cypress Lane and south of the Cypress Meadows First Addition residential subdivision. The site is currently comprised of two parcels of land, each of which 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

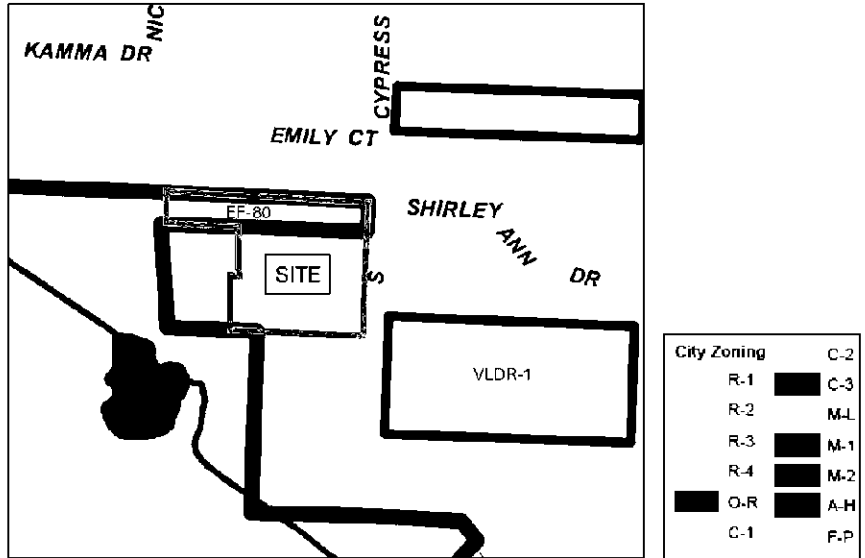
of the project site proposed to be annexed is identified as EF-80 (Exclusive Farm Use – 80-acre Minimum) on the Yamhill County Zoning Map with the balance of the development site being identified as R-1 (Single-Family Residential) on the McMinnville Zoning Map.

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.

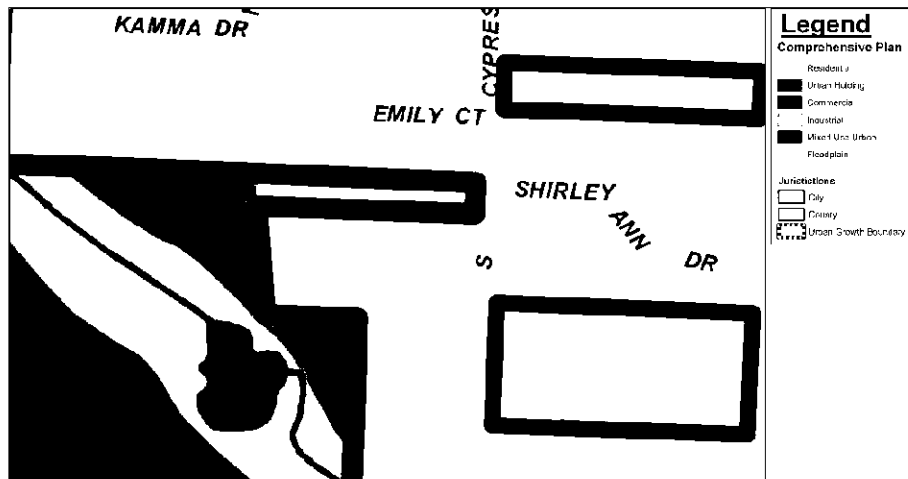
An aerial view of the project site and structures is provided below.



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-foot 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.

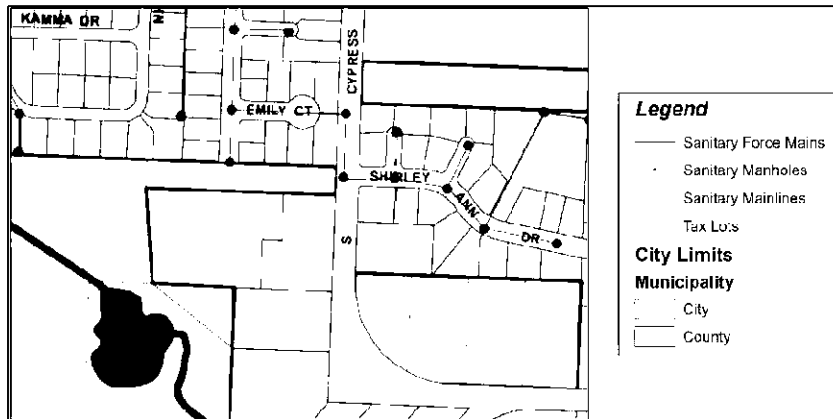
147.00 The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with 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.

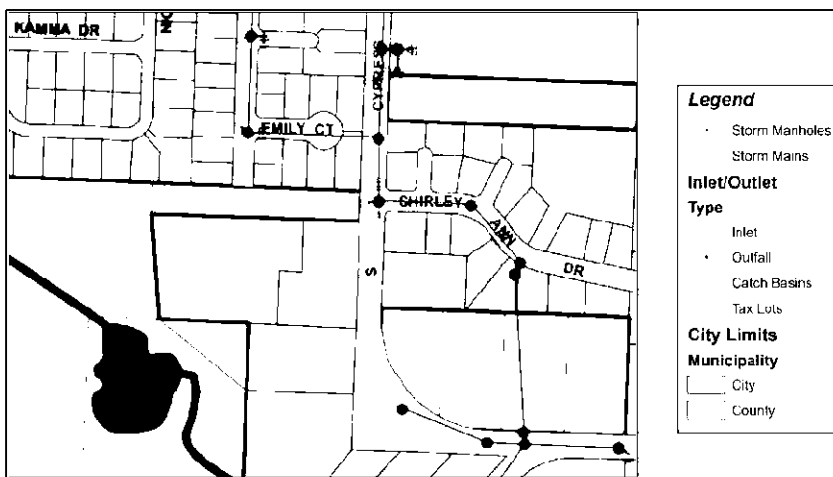
The graphics below are provided to demonstrate adjacency of public sanitary and storm utilities available to serve this site.

### 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<sup>th</sup>) of the proposed subdivision’s buildable lots. Policy 187.50 (1) and (2) has been satisfied.

Policy:

187.50

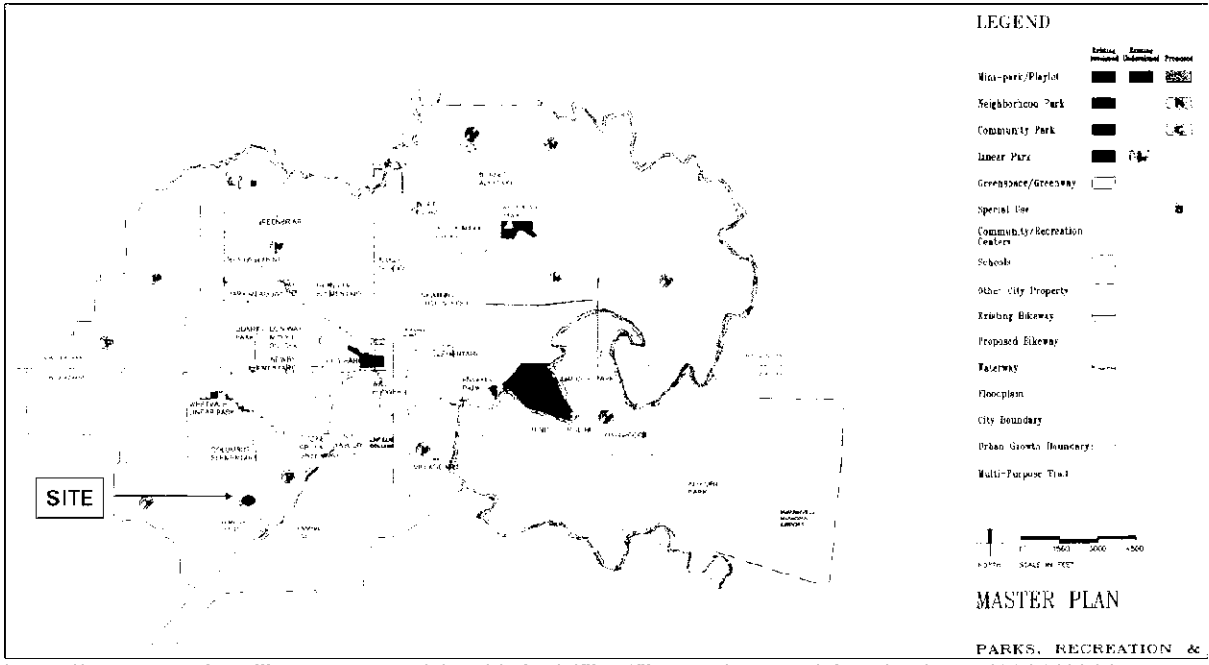
3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
  - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
  - 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.

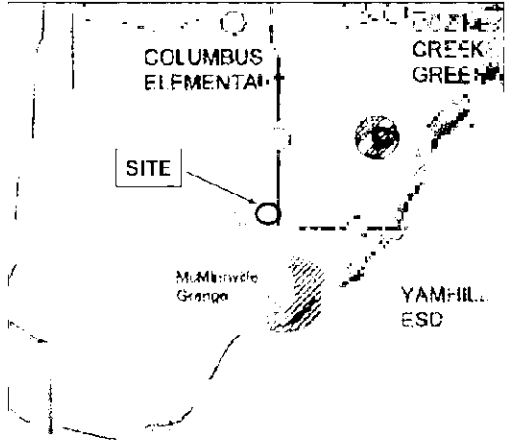
Findings:

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](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 (11<sup>th</sup> 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:

### 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.

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.

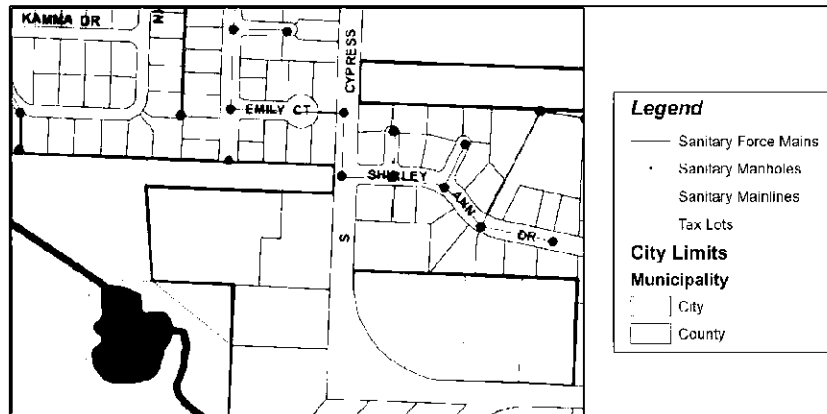
Findings:

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.

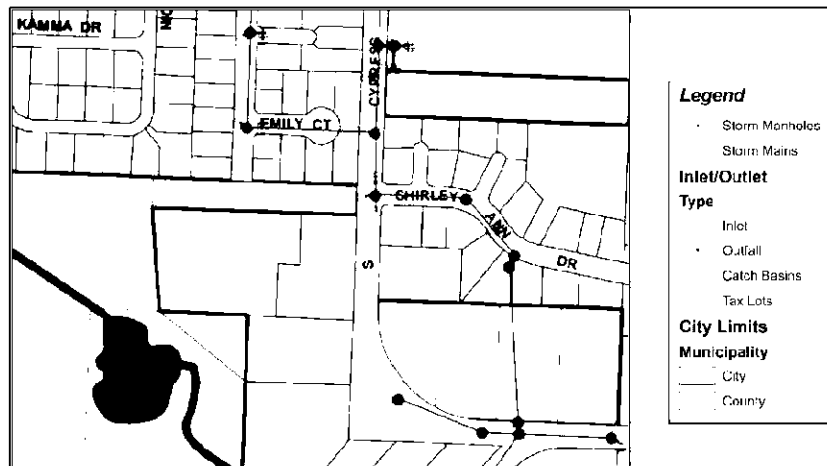
While this site is not located close to the city center, it is located in an urbanizing area where public utilities are already available; all of which are stubbed at the northern edge of the site within the SW Emily Drive right-of-way and/or within the SW Cypress Lane right-of-way as shown below.

## Sanitary Sewer



<https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/sanitary.pdf>

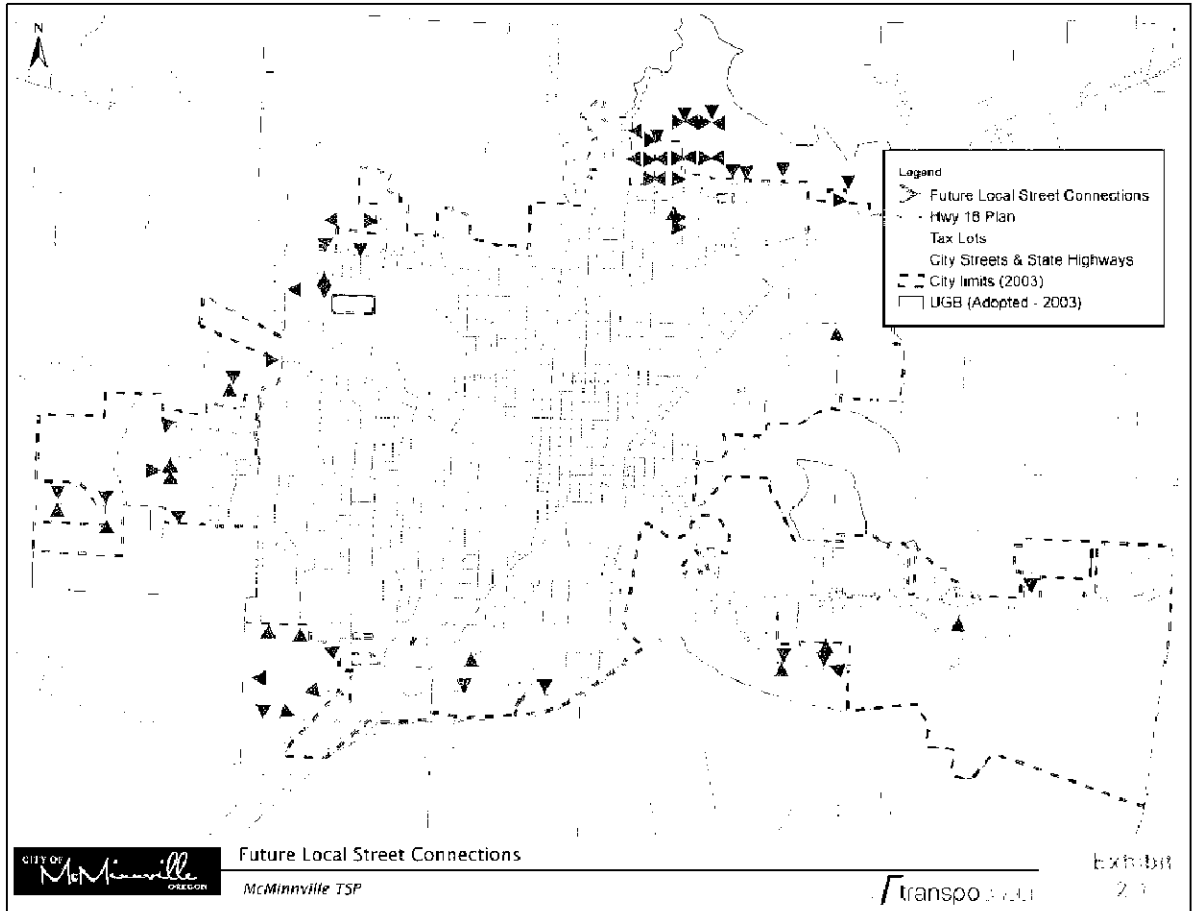
## Storm Sewer



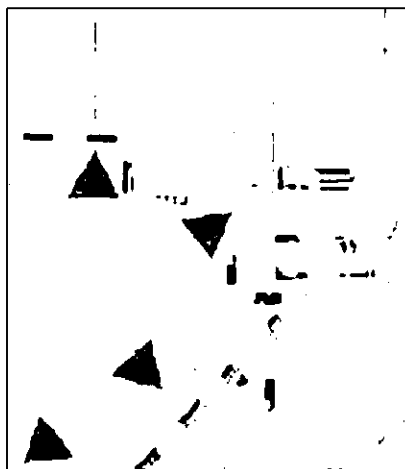
<https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/engineering/page/364/storm.pdf>

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.



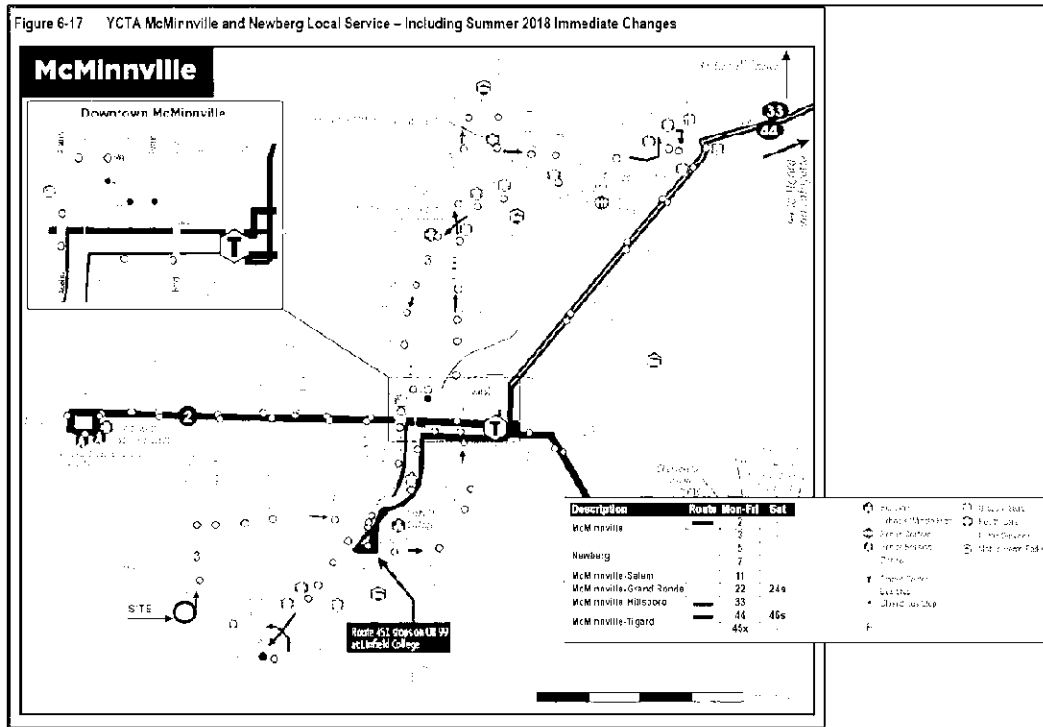
Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.



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 McMINNIVILLE.

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 ECCNorthwest. Note: DU is dwelling unit.

Variable	Needed Mix
<b>Needed new dwelling units (2021-2041)</b>	4,657
Dwelling units by structure type	
Single-family detached	
Percent single-family detached DU	55%
<i>equals</i> Total new single-family detached DU	2,561
Single-family attached	
Percent single-family attached DU	12%
<i>equals</i> Total new single-family attached DU	559
Multifamily	
Percent multifamily	33%
<i>equals</i> total new multifamily	1,537
<b>Total new dwelling units (2021-2041)</b>	<b>4,657</b>

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 ECCNorthwest. 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
<b>Total</b>	<b>2,921</b>	<b>4,424</b>	<b>(1,503)</b>	<b>(321)</b>

**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 ECCNorthwest. 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
<b>Total</b>	<b>2,921</b>	<b>4,424</b>	<b>(1,503)</b>	<b>(320)</b>

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.

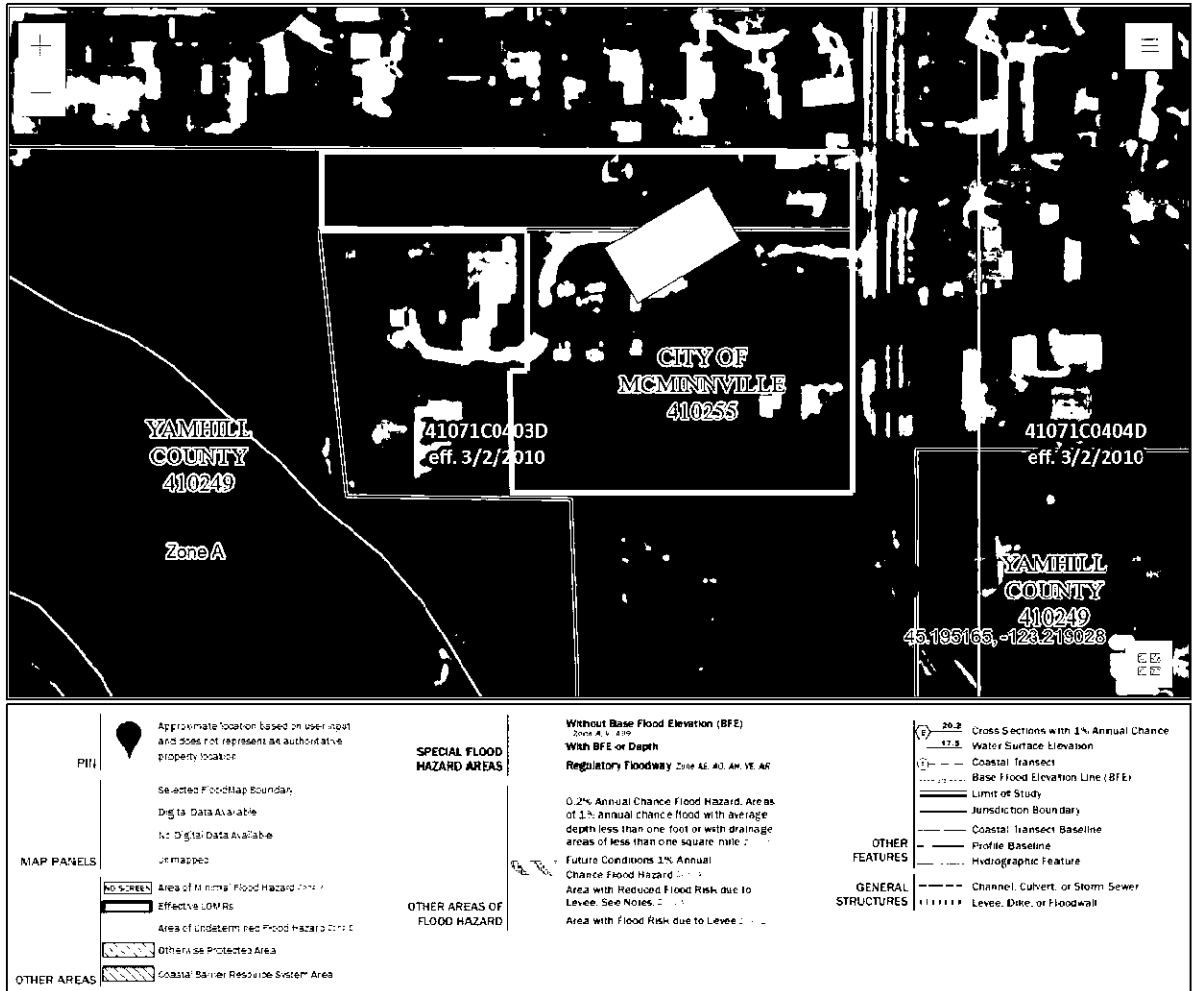
5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.

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.

$$\begin{aligned} & 2.7 \text{ acres (117,612 square feet)} \\ - & 0.425 \text{ acres (18,510 square feet of Right-of-Way and Tract designation)} \\ = & 2.275 \text{ net acres (99,102 square feet)} \end{aligned}$$

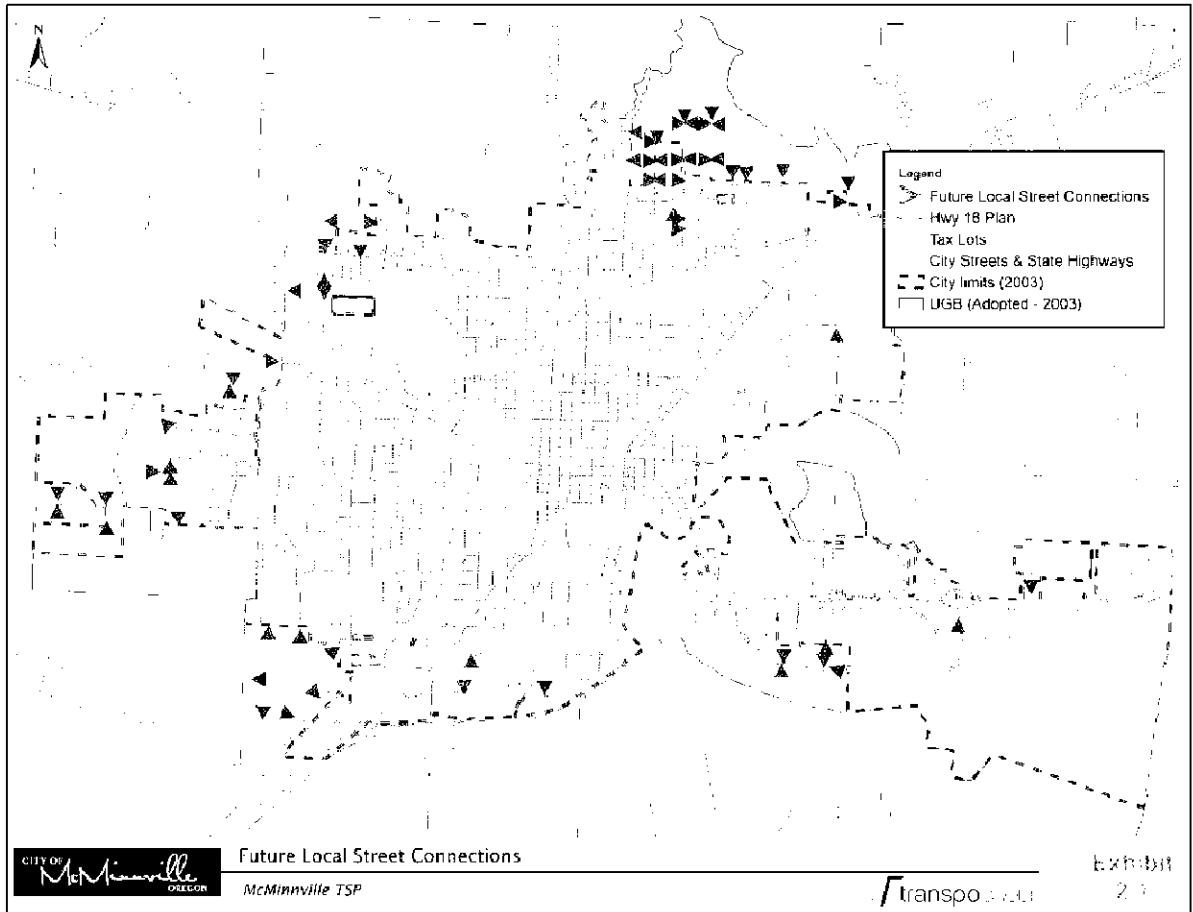
$$10 \text{ Lots} / 2.275 \text{ net acres} = \underline{4.4 \text{ Dwelling Units per Net Acre}}$$

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.

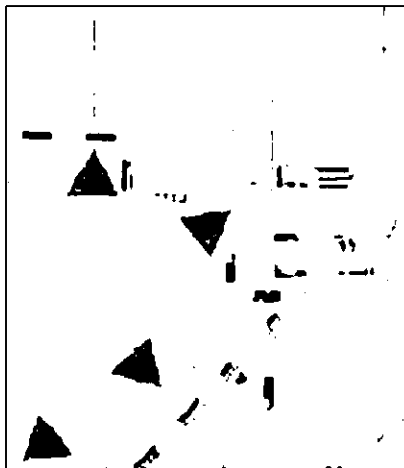
Although the text and graphics provided in the findings above are relevant to the requested zone change, this information is also relevant to Policies 71.09 and 71.10 for this subdivision application and are reproduced here. While this site is not located close to the city center, it is located in an 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.

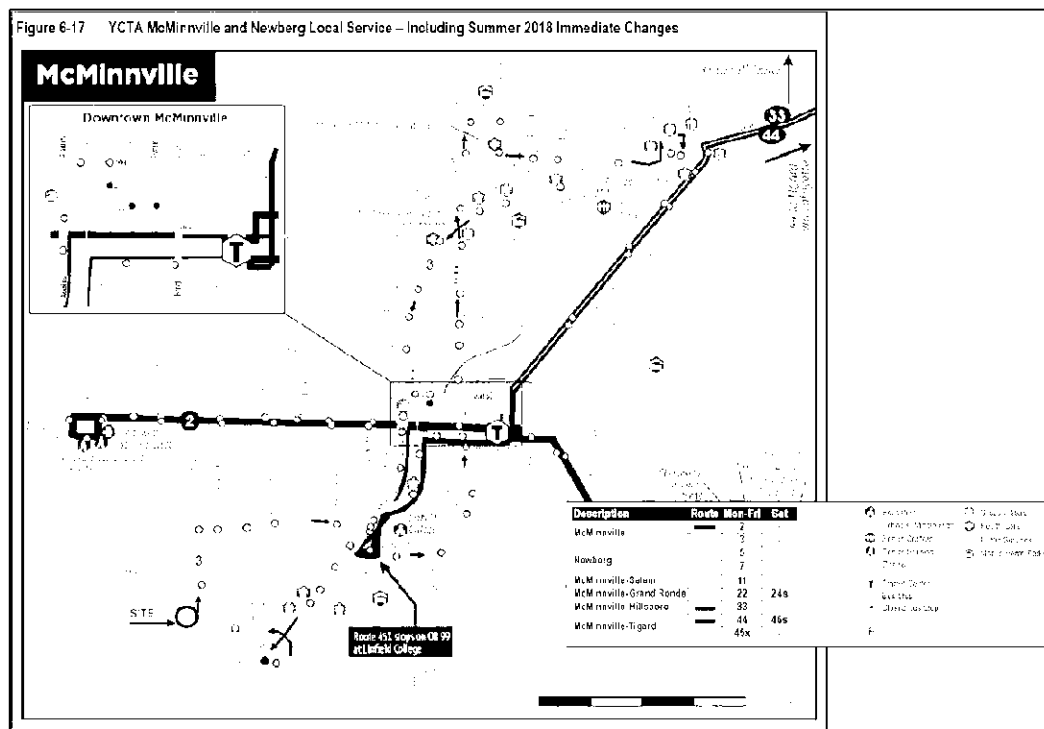


Below is an enlarged portion of the Future Local Street Connections map provided above showing the intended southerly extension of SW Emily Drive to serve the site rather than a direct public street connection to SW Cypress Lane.



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.

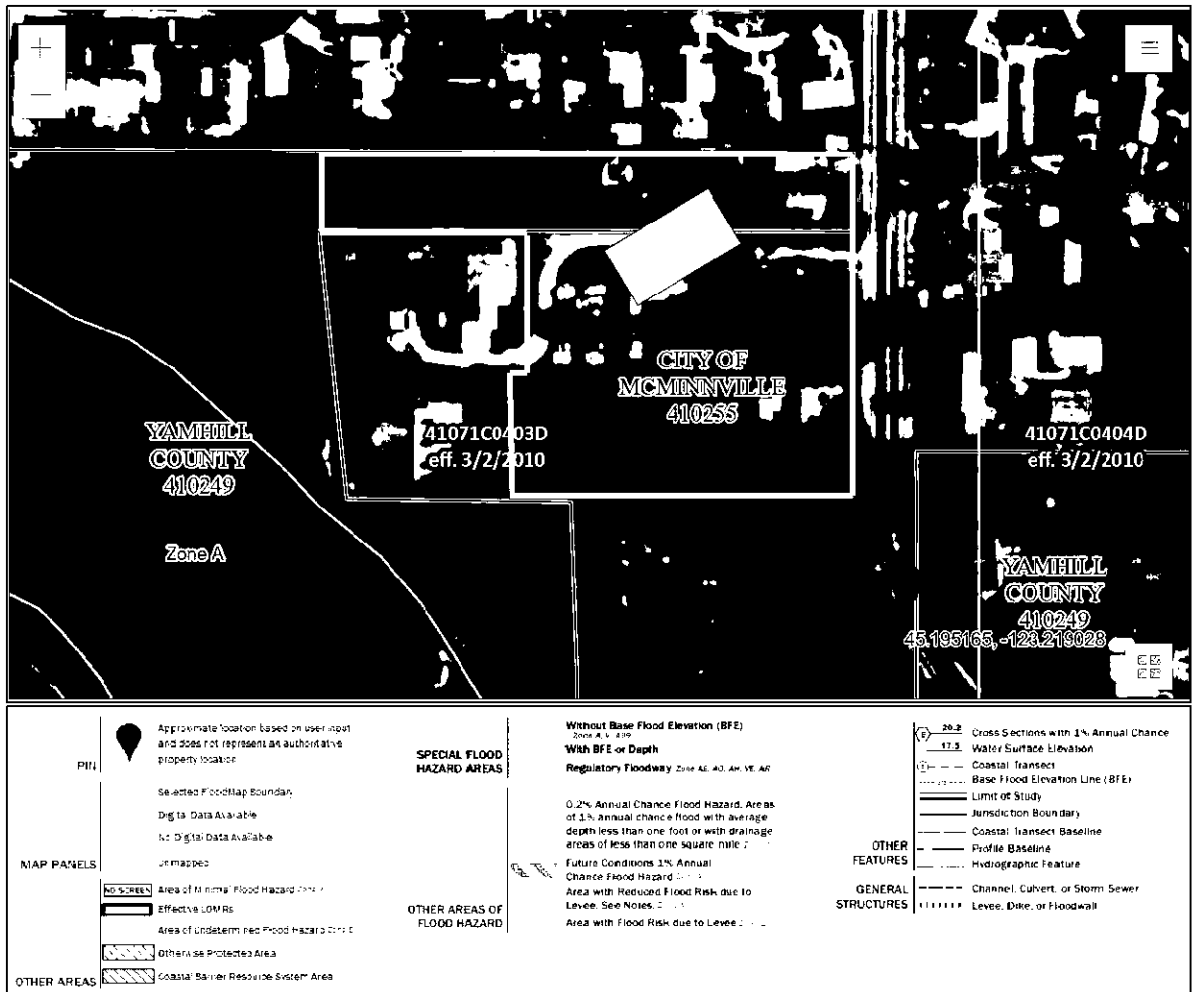


Commercial shopping opportunities exist located along Highway 99W located some ½ mile distance from the development site such that commercial walking opportunities exist and that owning a vehicle can be optional. Community recreation opportunities are also readily available nearby this site since the 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<sup>th</sup>) 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

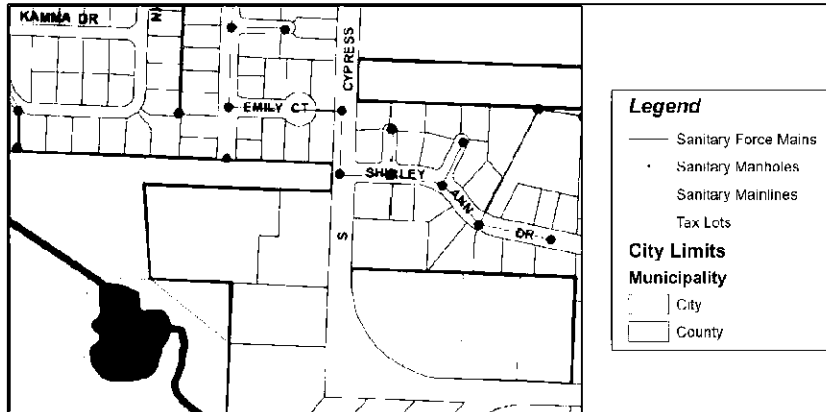
- 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:
1. Sanitary sewer collection and disposal lines. Adequate municipal waste 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.

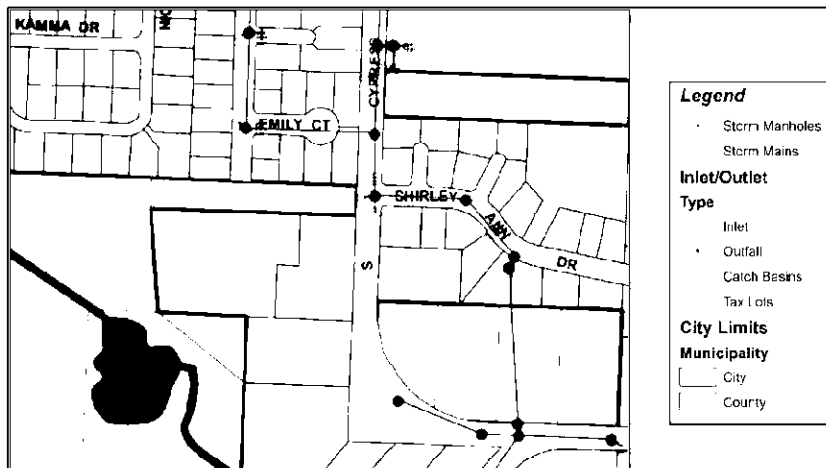
The graphics below are provided to demonstrate adjacency of public sanitary and storm utilities available to serve this site.

## 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.

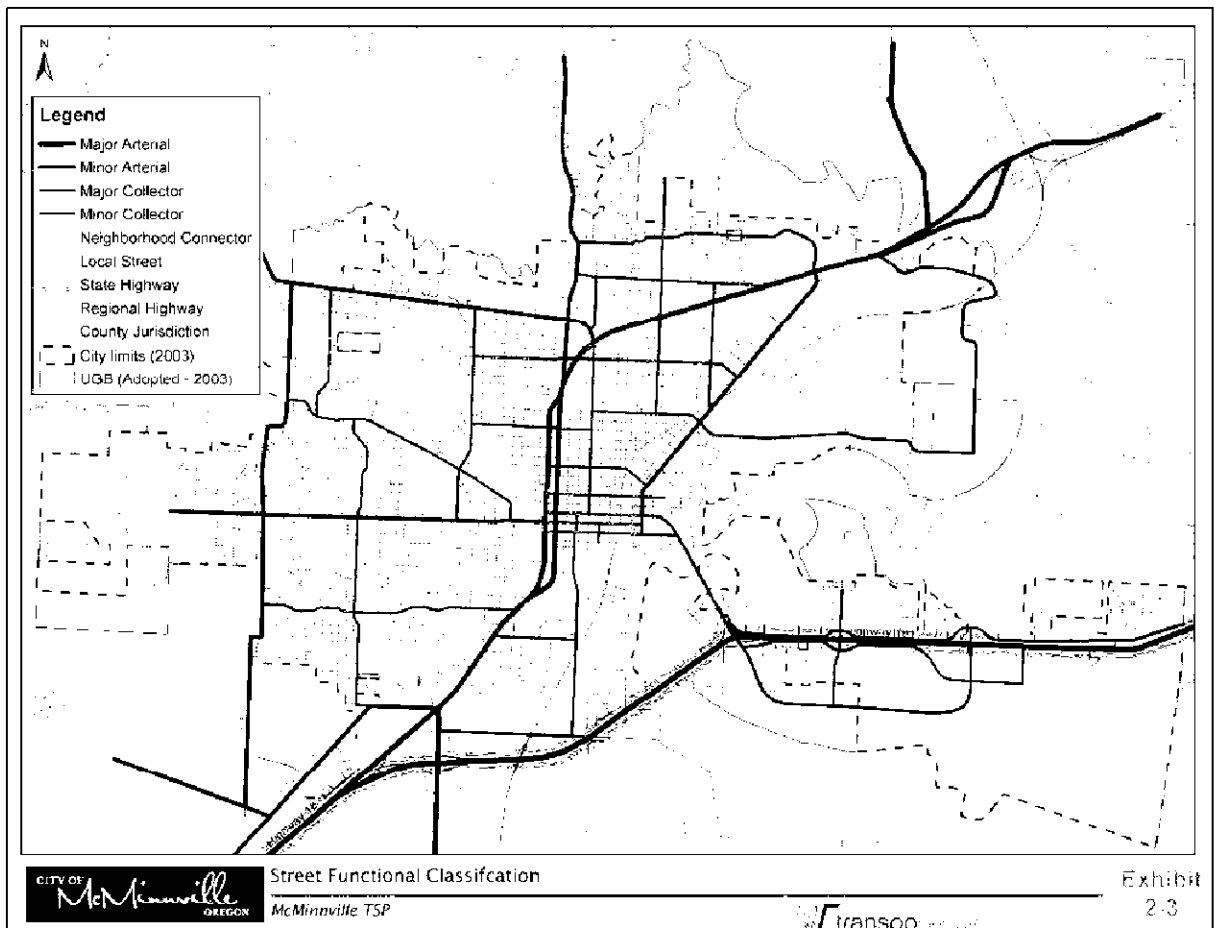
132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.

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.



		Complete Street Design Standards							
		Arterial		Collector		Neighborhood Connector	Local Residential	Alley	
		Major	Minor	Major	Minor				
<b>Streetscape</b>	<b>Street Profile</b>	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
		<b>Bike</b>							
		Bike Facility	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	1						
		<b>On-Street Parking</b>							
		Two Sides	na	na	na	30 or 40 ft.	28 ft.	28 ft.	Not Apply
		None	74 ft.	46 ft.	44 ft.	30 or 40 ft.			
		<b>Pedestrian Amenities</b>							
		Sidewalks (both sides)	8 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft. Res 10-12 ft. Com	5 ft.	5 ft.	None
	Planter Strips		6 ft. Res na. Com	6 ft. Res na. Com	6 ft. Res 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	
	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	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%	
	<b>Right-of-Way:</b>	104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (with bike lane)	50 ft.	50 ft.	20 ft.	

**General Design Notes:**

- Lane widths shown are the proposed minimum standards that apply to existing streets adjacent to areas of new development and to newly constructed streets. For arterial and collector streets within urban zones, lane widths shall be 11 feet.
- All proposed minimum lane widths for bicycle facilities (5 ft. on arterial and 4 ft. on collector streets), which is expected to occur only in locations where existing development or existing infrastructure or other severe physical constraints preclude construction of the preferred facility width.
- Street design for each street category shall provide for emergency and fire vehicle access.
- Sidewalks 30-12 feet in width are required in commercial areas to accommodate the Pedestrian Zone. Street trees shall be placed in tree wells. Placement of street trees and furniture and fixtures is required to meet ADA requirements for pedestrian access.
- Speeds in the center business district may be 20-25 mph. Traffic calming techniques, signs, signage, 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.
- None with on-street parking.

**Street Design Standards Notes:**

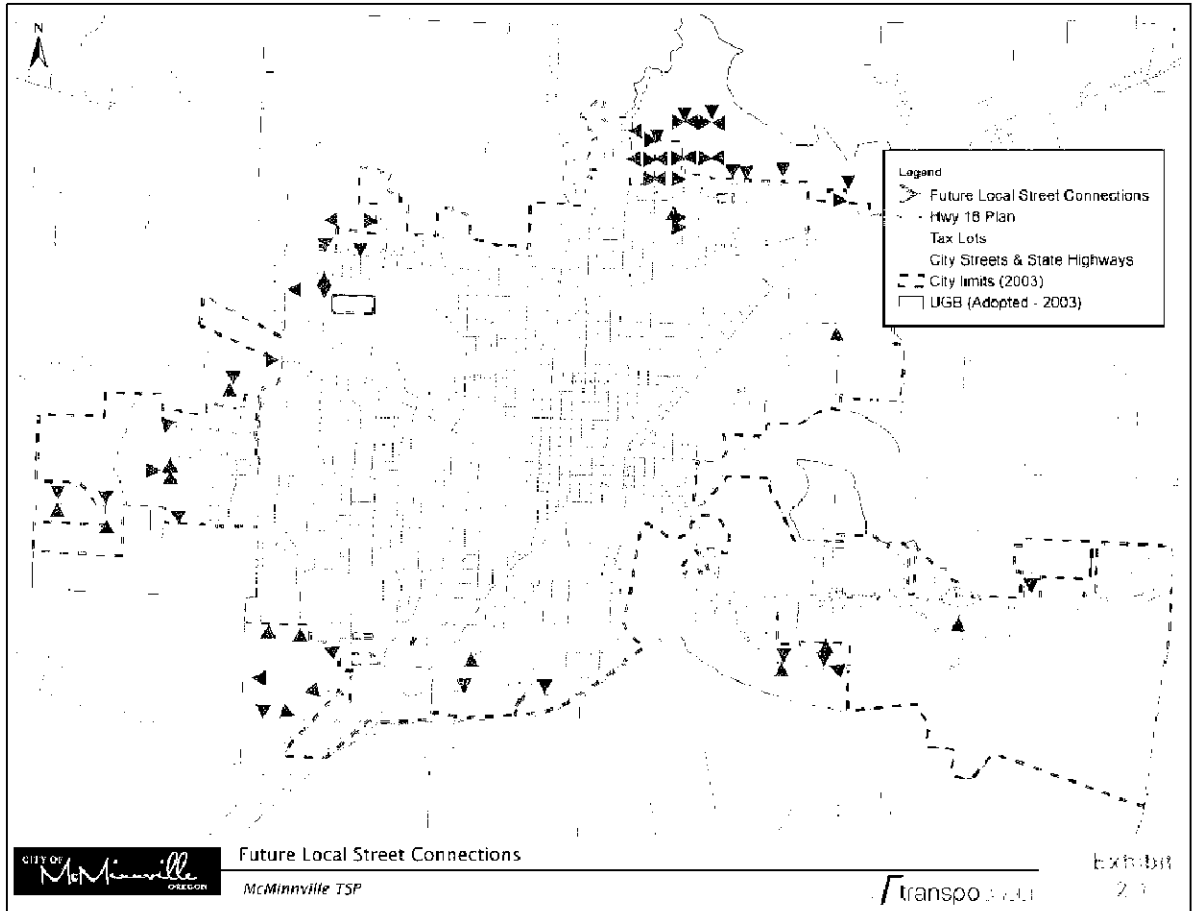
- Excavation of side slope or easement which may be required in addition for cut-and-fill is at rough terrain.
- The right-of-way and street width may be varied other considerations of the unique characteristics of the site, including topography, slope, geology, unique vegetation, and its relation to land development, adjacent streets or proposed in the area.
- The right-of-way and street width, improvement standards, and functional status of commercial and residential streets and routes shall be dependent upon the types of vehicles to be served.
- The proposed standards shall be based on the 2009 Oregon Uniform Code of Ordinances (UOCC) and the 2009 Oregon Uniform Code of Ordinances (UOCC) and the 2009 Oregon Uniform Code of Ordinances (UOCC). Where such local residential codes conflict with the standards in this document, the standards in this document shall prevail.
- Sidewalks and planter strips shall not be required along easements.
- For cut-and-fill greater than 100 feet in length, fire hydrants may be required to be installed at the end of the curb and appropriately spaced along the duration of the cut-and-fill 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 (1/5<sup>th</sup>) of the proposed subdivision's buildable lots. Policy 187.50 (1) and (2) has been satisfied.

Policy:

187.50

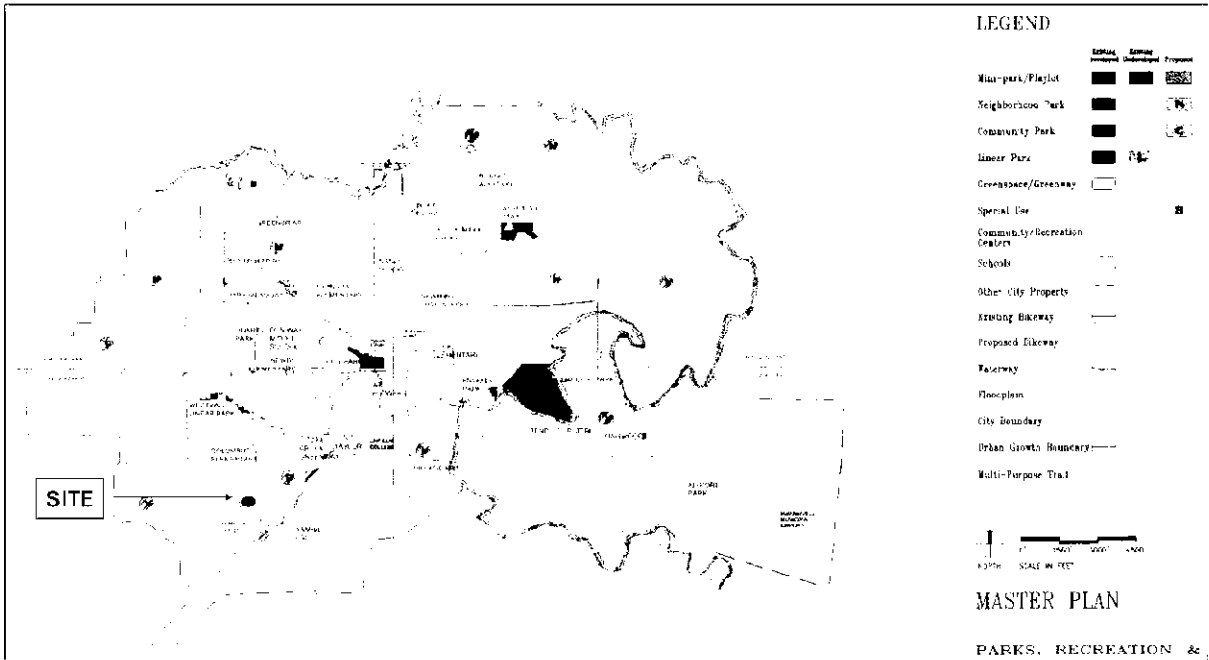
3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
  - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
  - 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.

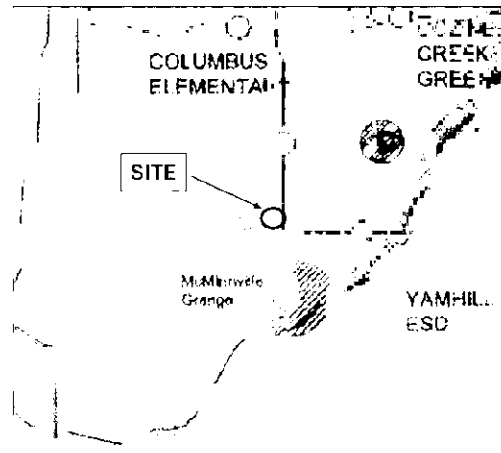
Findings:

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](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.

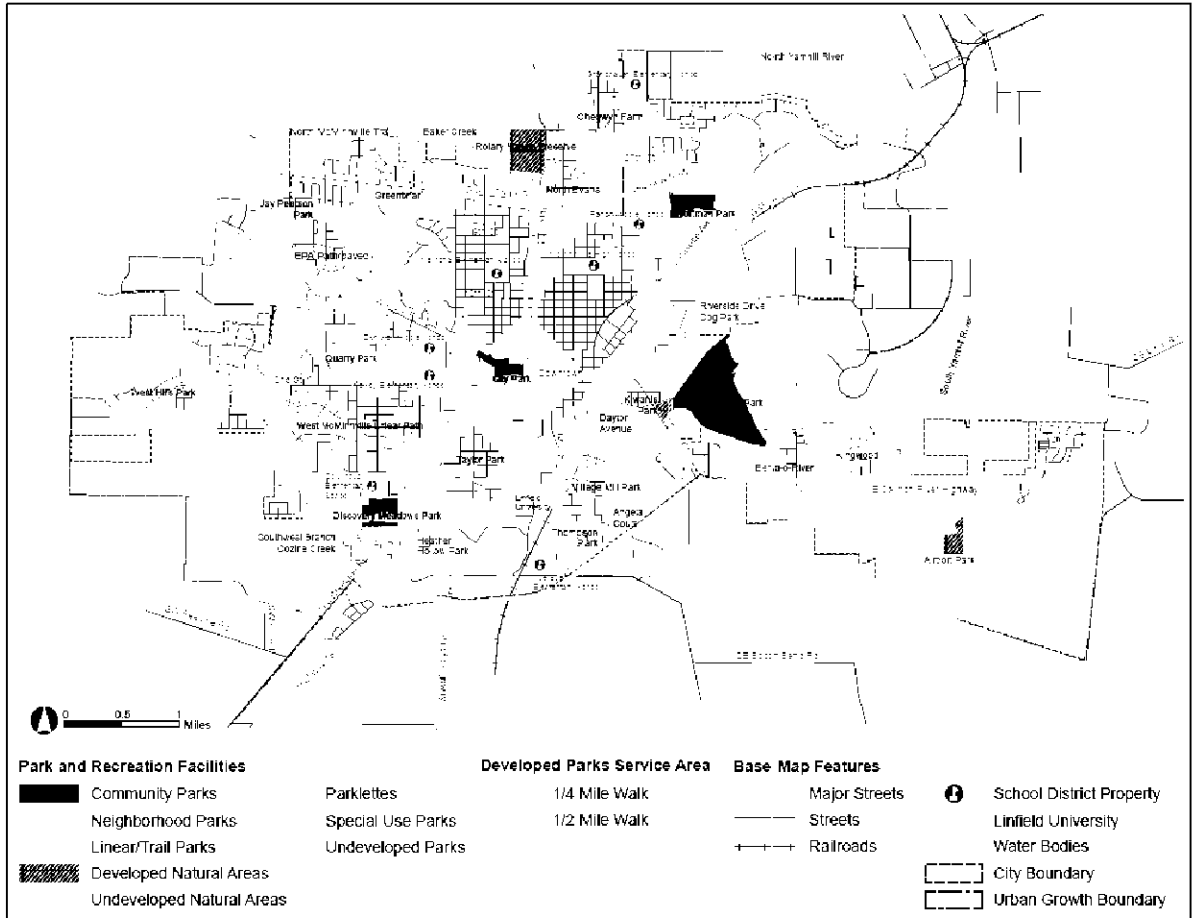
Policy 187.50 (8)(c) specifically encourages application of the principles of CPTED (Crime Prevention through Environmental Design). CPTED started domestically and has now gained wide international acceptance due to law enforcement efforts to embrace it. Policy 187.50 specifically cites CPTED standards 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.

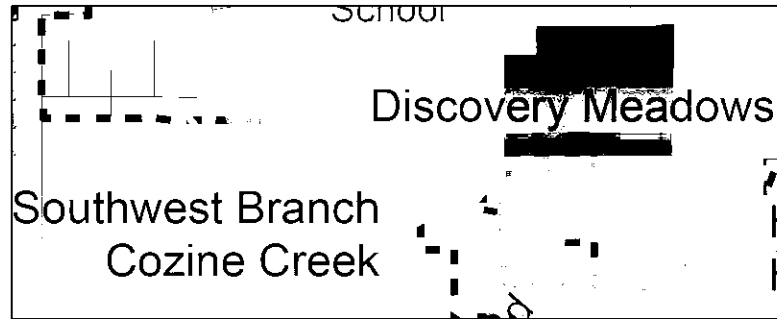
The requested rezoning of this site to R-3 is consistent with the base zone of the adjacent neighborhoods to the north eliminating the need for employment of additional residential buffers beyond that of traditional R-3 zoned residential yard requirements. The only true urban-rural interface that exists 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.

<u>Universal Design Standard</u>	Tiny House	Cottage Cluster	Plex	Single Dwelling	Town-house	ADU
Facade	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).

<b>Proposed Subdivision Lots</b>			
<b>Lot #</b>	<b>Square Feet</b>	<b>Sq. Ft. Subtraction for Lot 3 Access Easement</b>	<b>Amended Total Square Footage</b>
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
<b>Total Sq. Ft.</b>	<b>99,102</b>		<b>97,520</b>
<b>Average Sq. Ft.</b>	<b>9,910</b>		<b>9,752</b>

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 serve 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

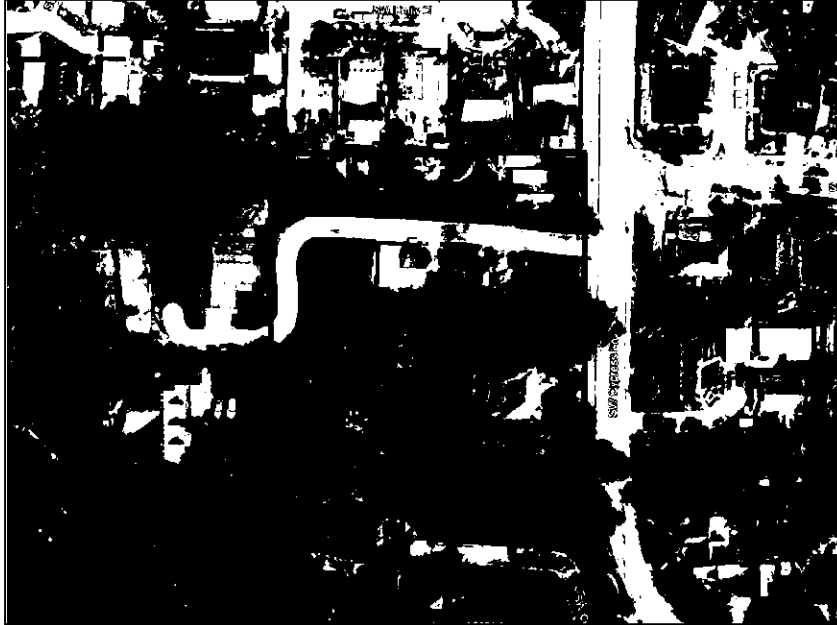
- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The 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, compiled 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 be 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 3<sup>rd</sup> 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.

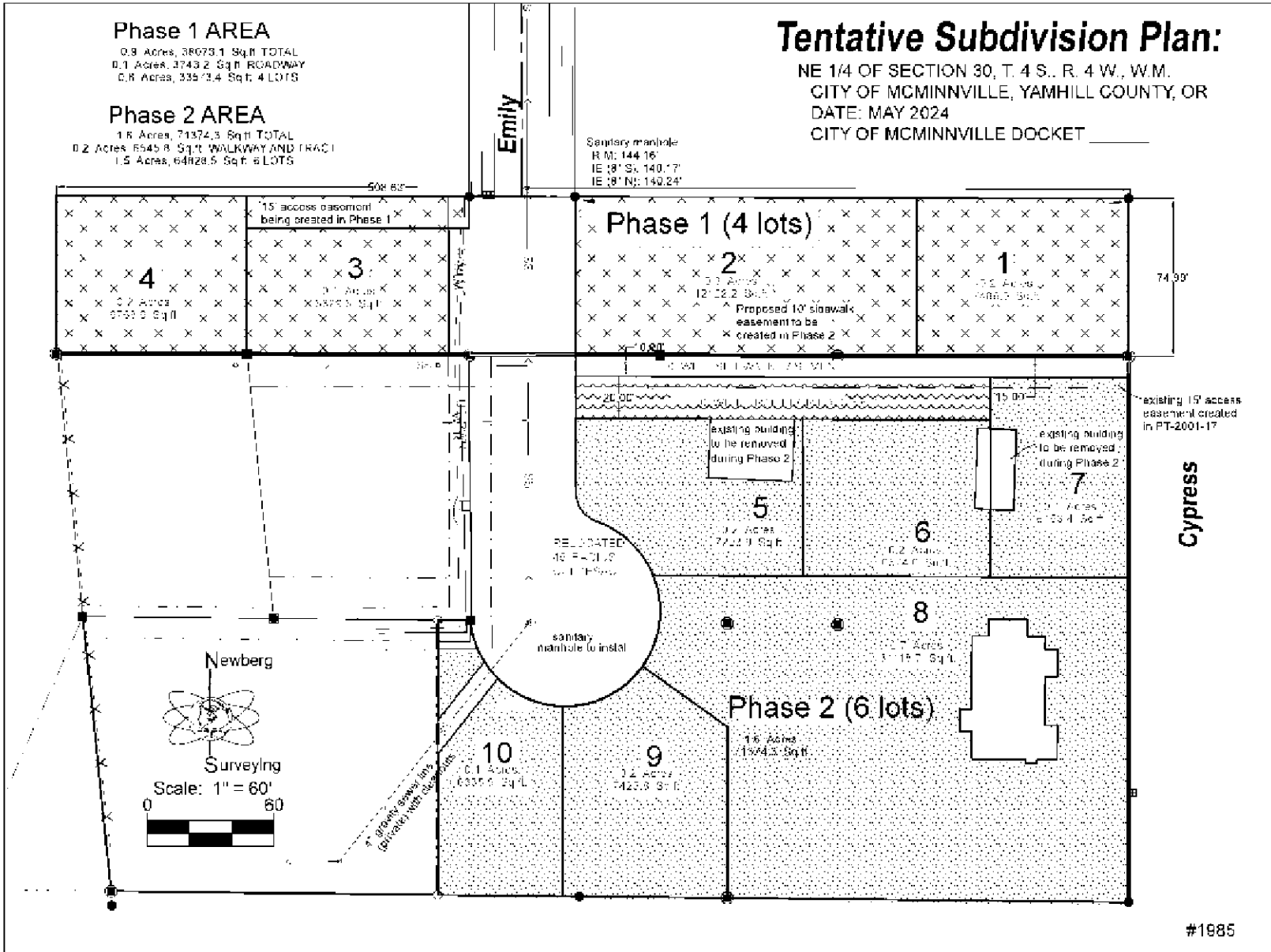
## **VII. Conclusion and Approval Request**

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.



(letter mailed out - 2 sizes)  
**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 3<sup>rd</sup> 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.

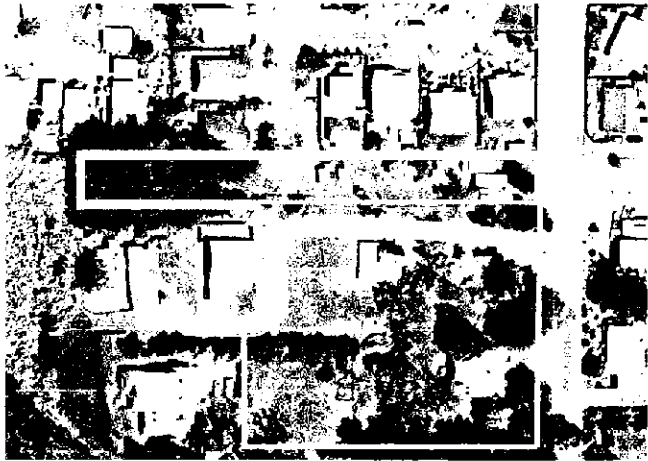
Respectfully,

Bruce Cook

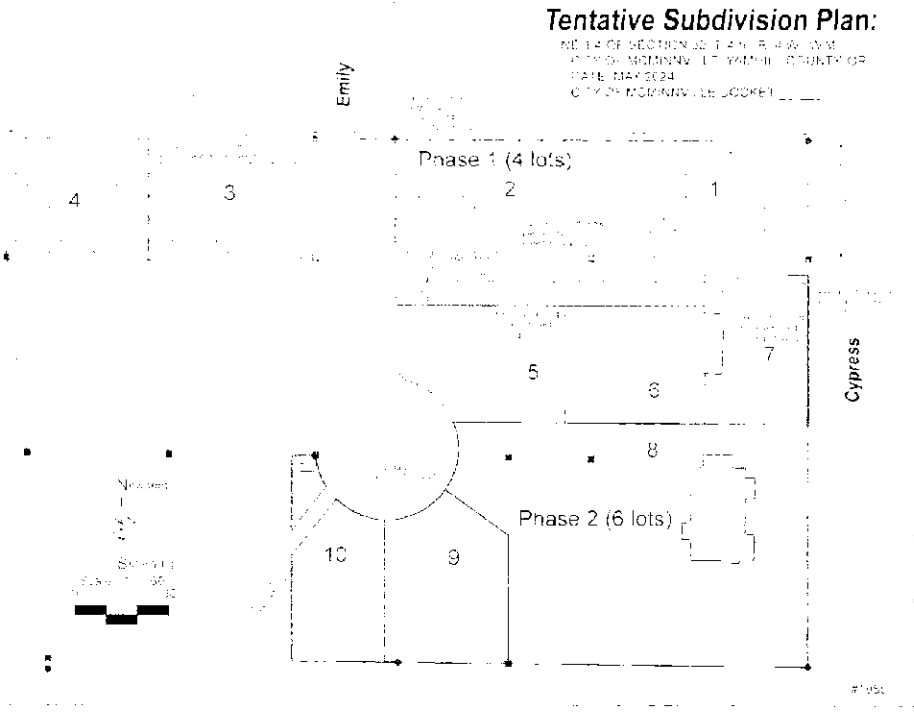
Attached: Vicinity Map showing Annexation, Zone Change and Subdivision locations  
Tentative Subdivision Plan

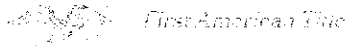
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Vicinity Map



Tentative Subdivision Plan

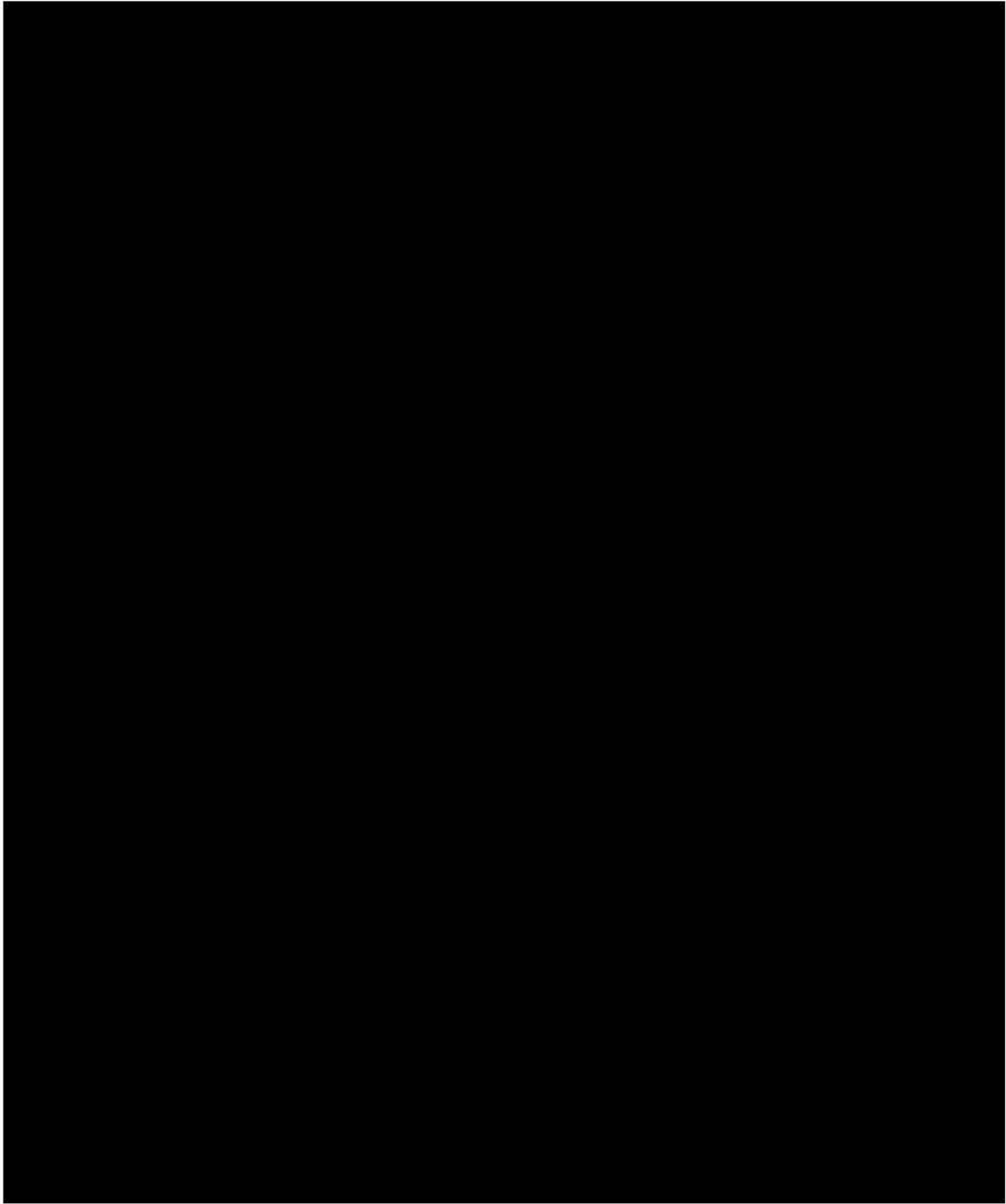


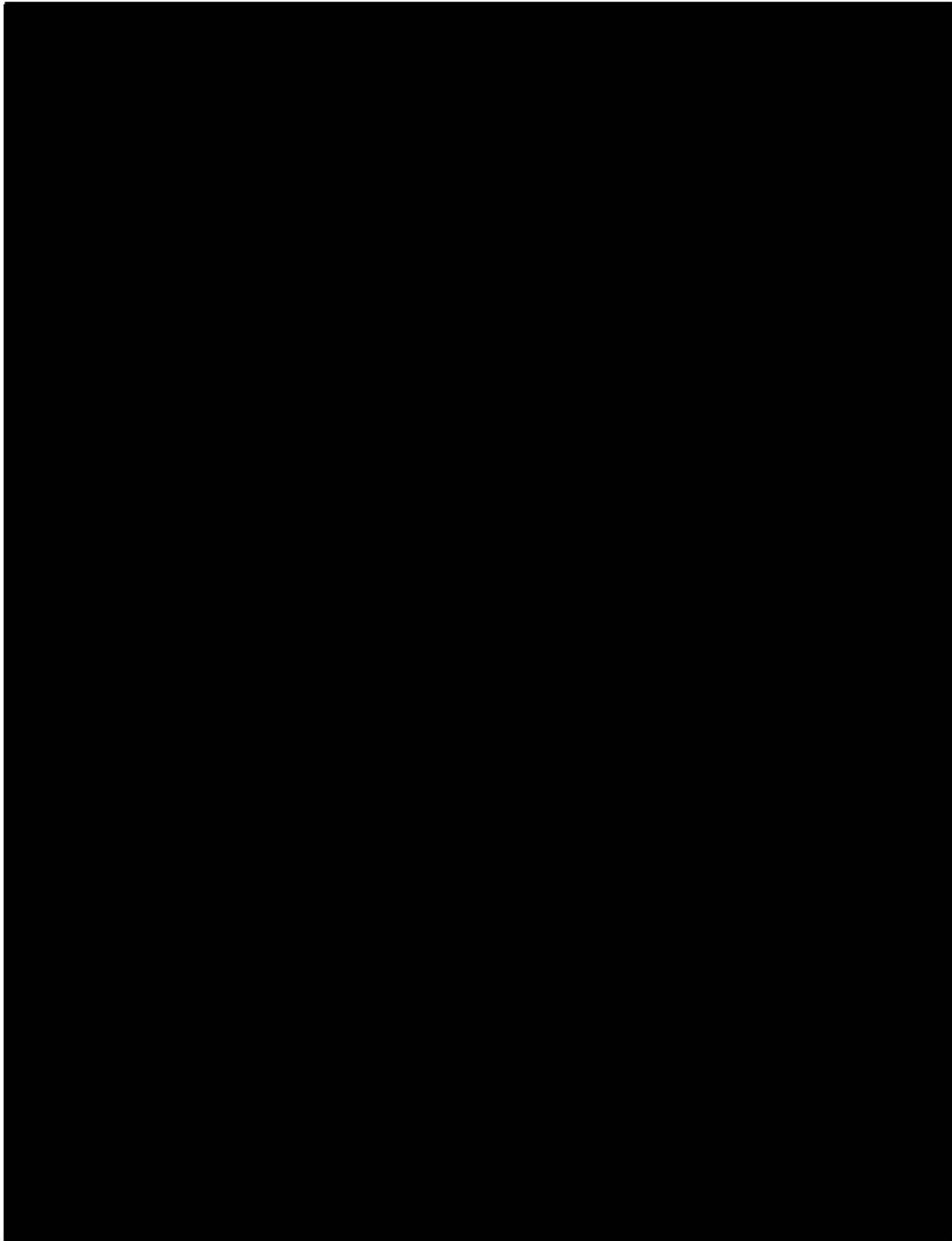


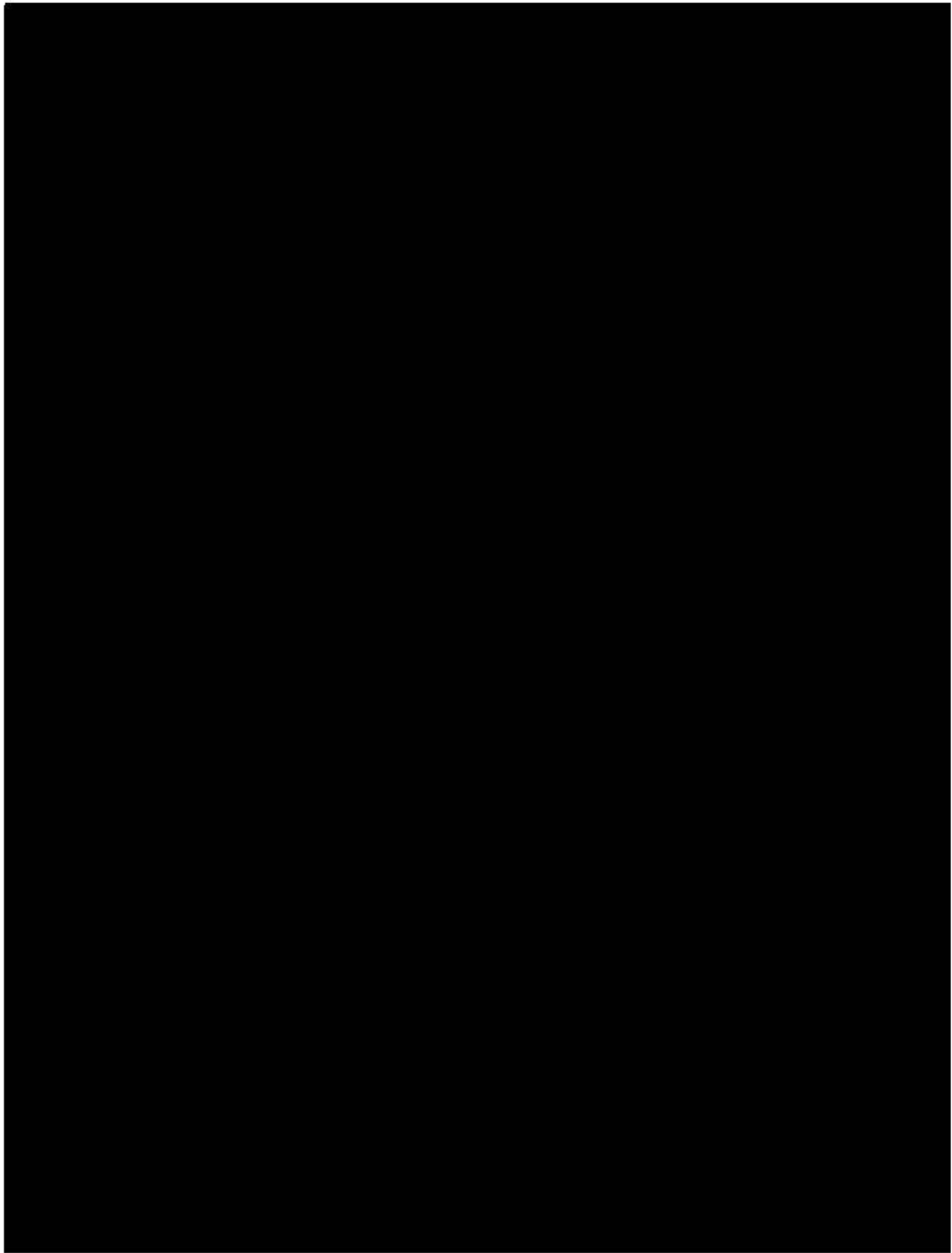
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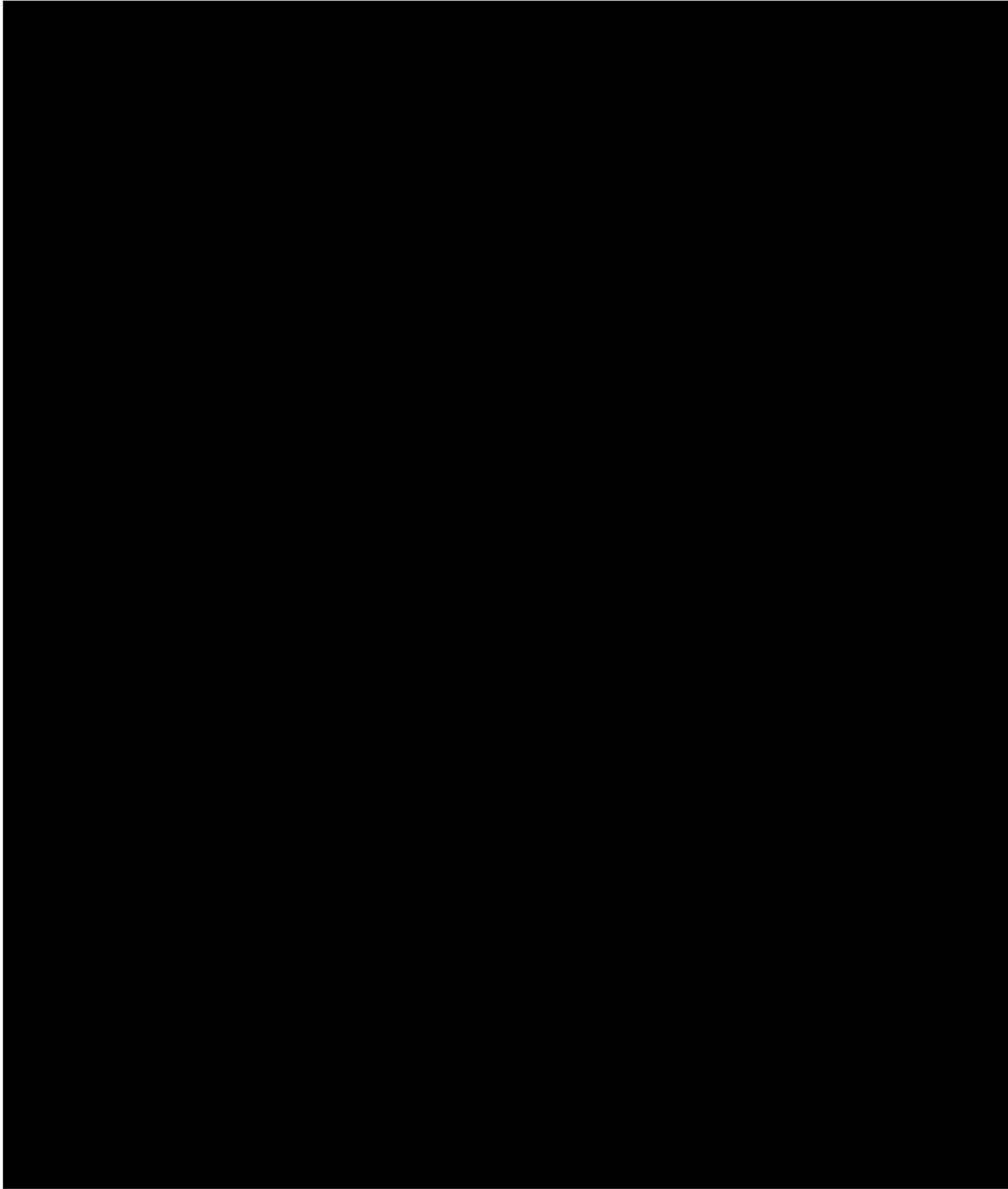
## TERMS AND CONDITIONS OF INFORMATION REPORTS

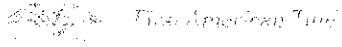
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**Mailing Notifications**

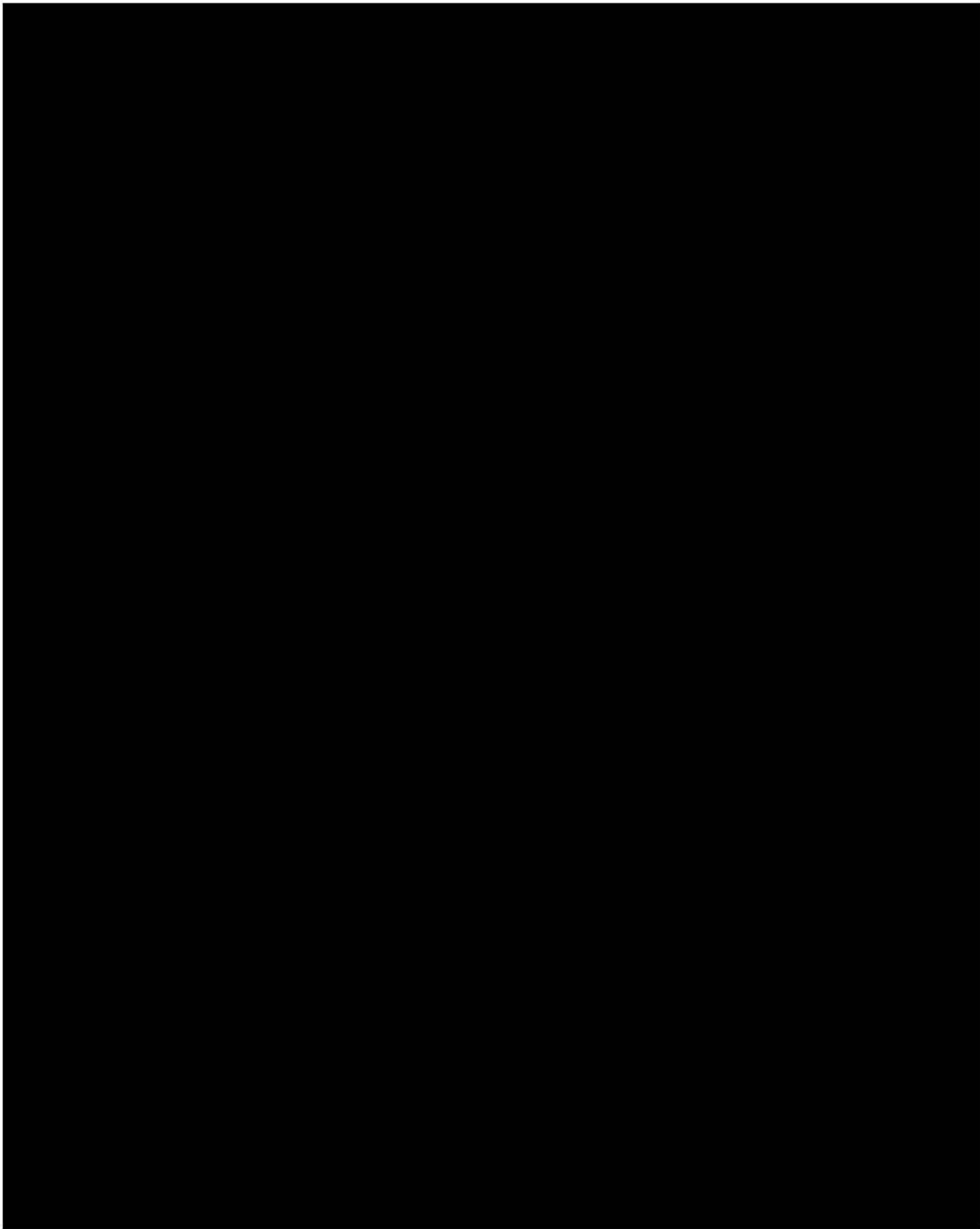
**Subject: 1465 SW Cypress Ln McMinnville, OR 97128**

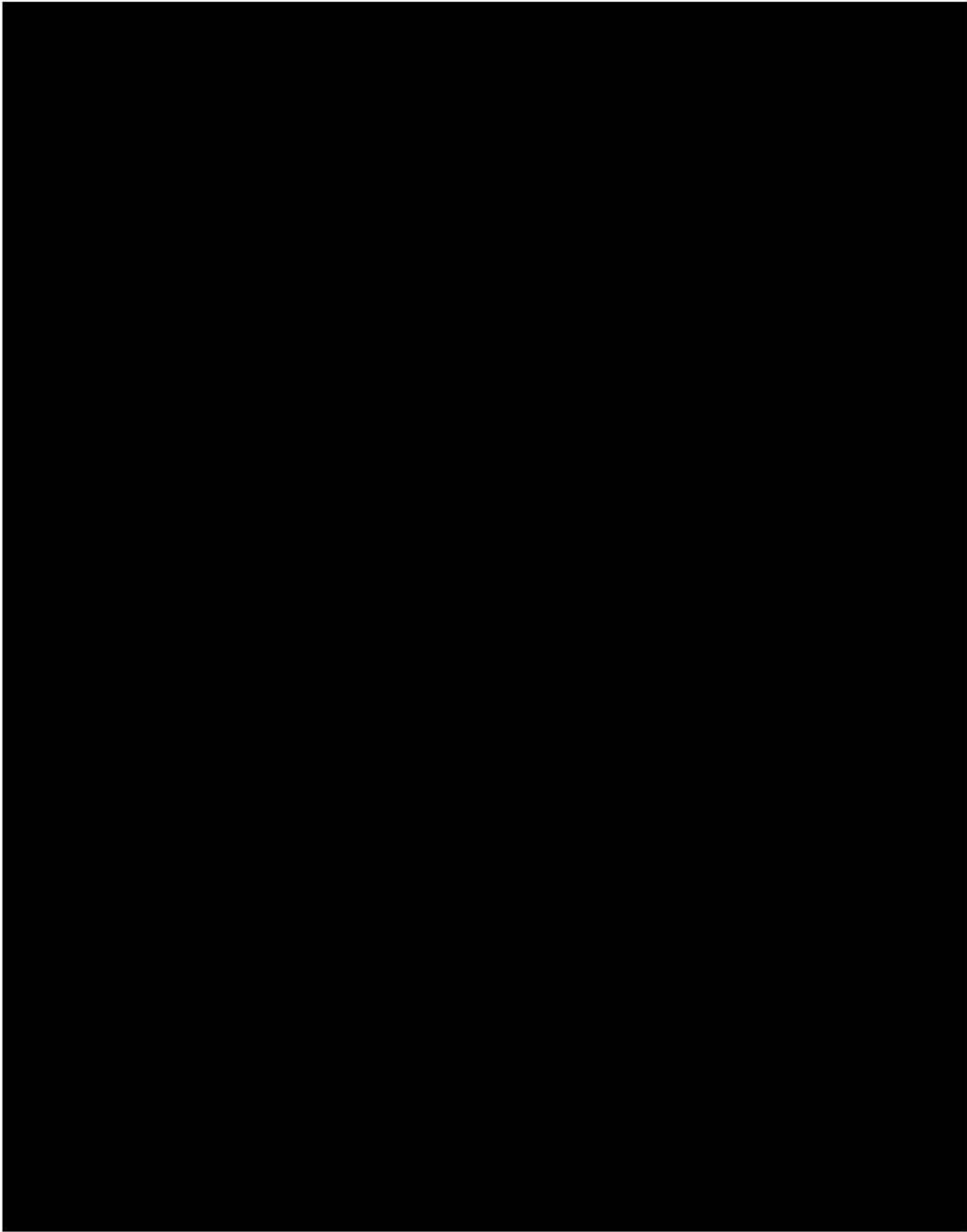
503.476.8735 | [cslist@firstam.com](mailto:cslist@firstam.com)

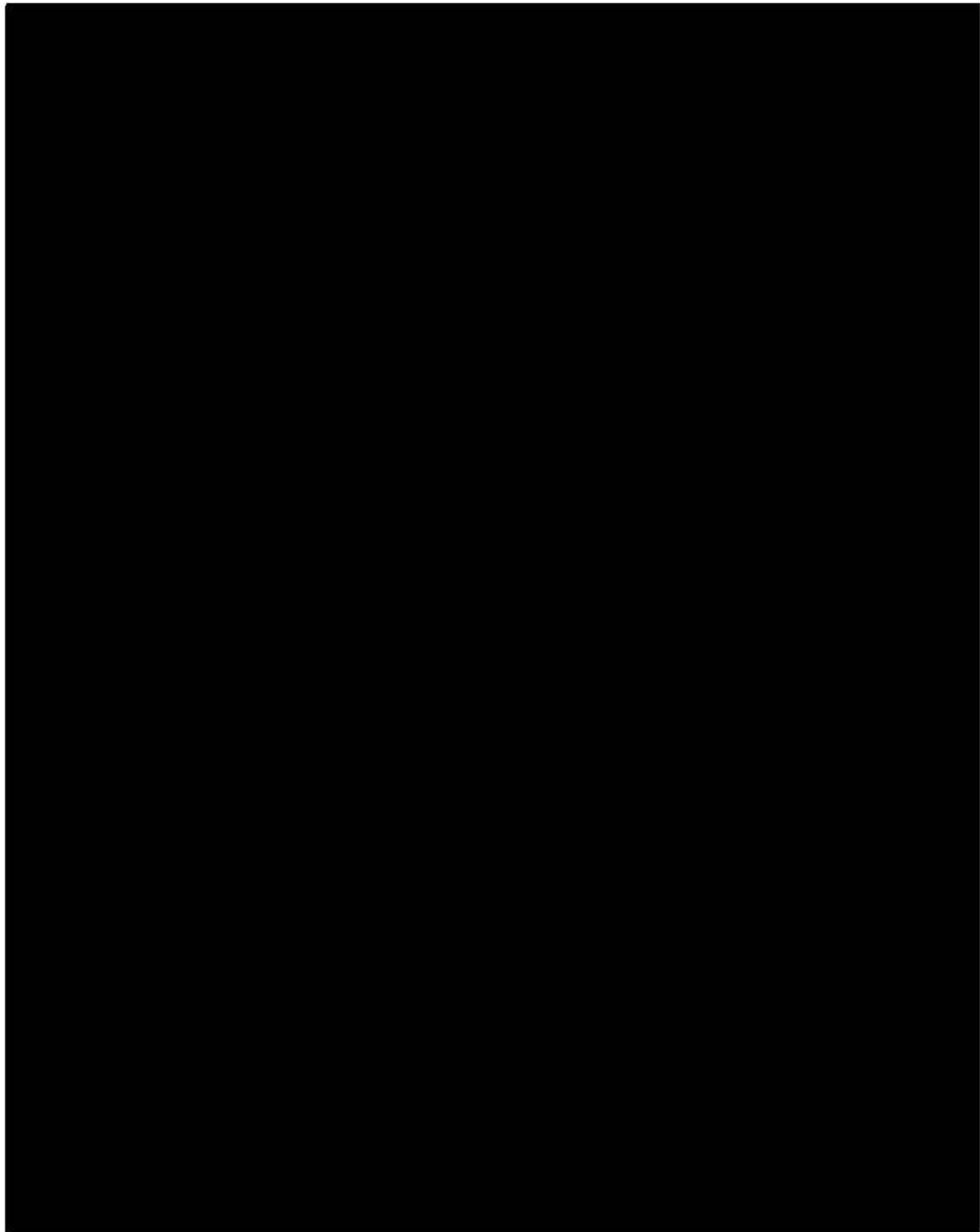
Report Created: 5/7/2024

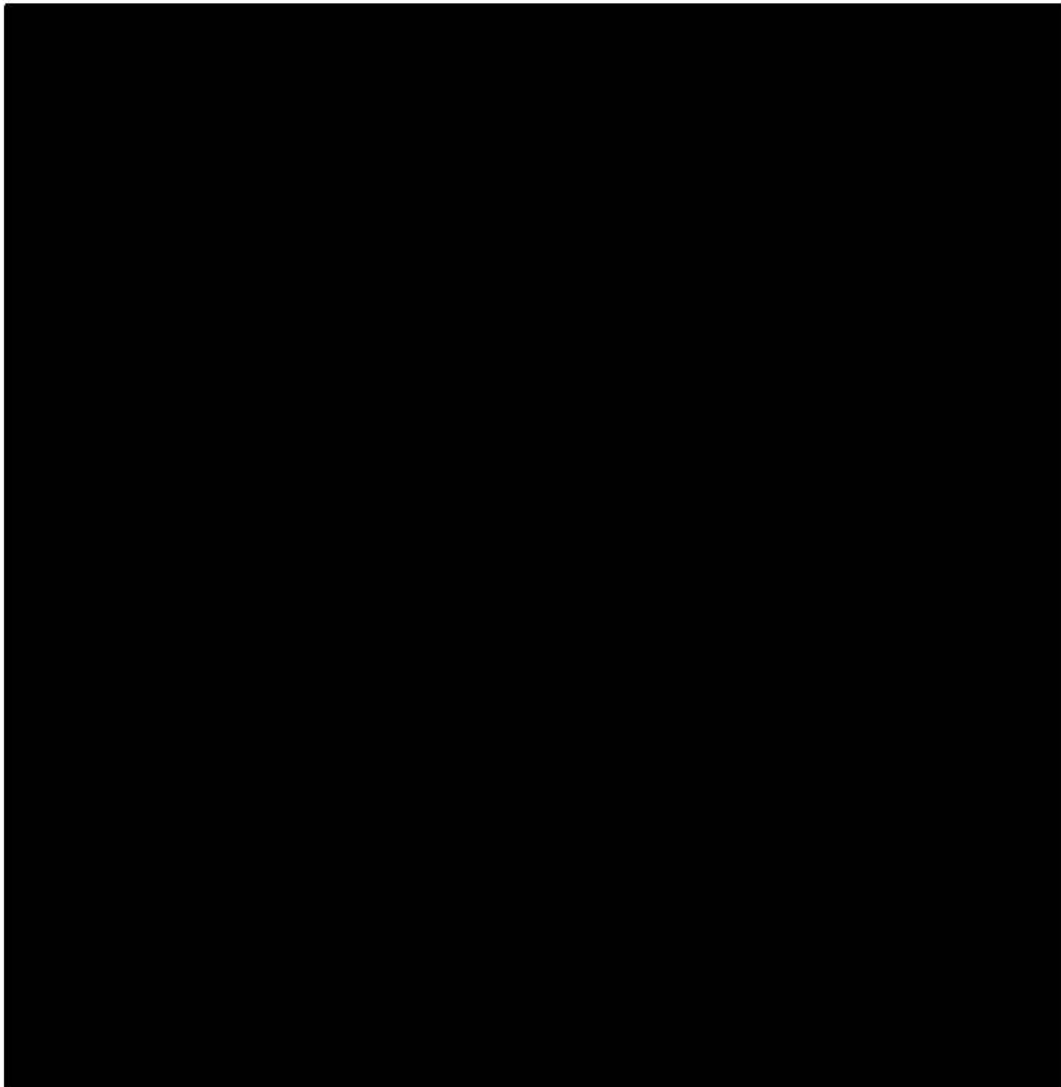
**Buffer Distance: 300 feet**

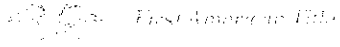
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### Mailing Notifications

Subject: 1525 SW Cypress Ln McMinnville, OR 97128

503.476.8735 | [csfirst@firstam.com](mailto:csfirst@firstam.com)

Report Created: 5/8/2024

1525 SW CYPRESS LN  
MCMINNVILLE, OR 97128

### Buffer Distance: 300 feet

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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

*Dear 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 3<sup>rd</sup> St  
McMinnville OR

**THIS MEETING IS OPEN TO THE PUBLIC AND  
INTERESTED PERSONS ARE INVITED TO ATTEND**



Two posted Neighborhood Meeting door signs

Bace

## NEIGHBORHOOD MEETING

### - AGENDA -

DATE: June 6, 2024  
TIME: (6:00 PM beginning - 7pm was ended)  
LOCATION: Praise Assembly Church- Fellowship Hall, 930 NE 3<sup>rd</sup> 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 Perway 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 work 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)

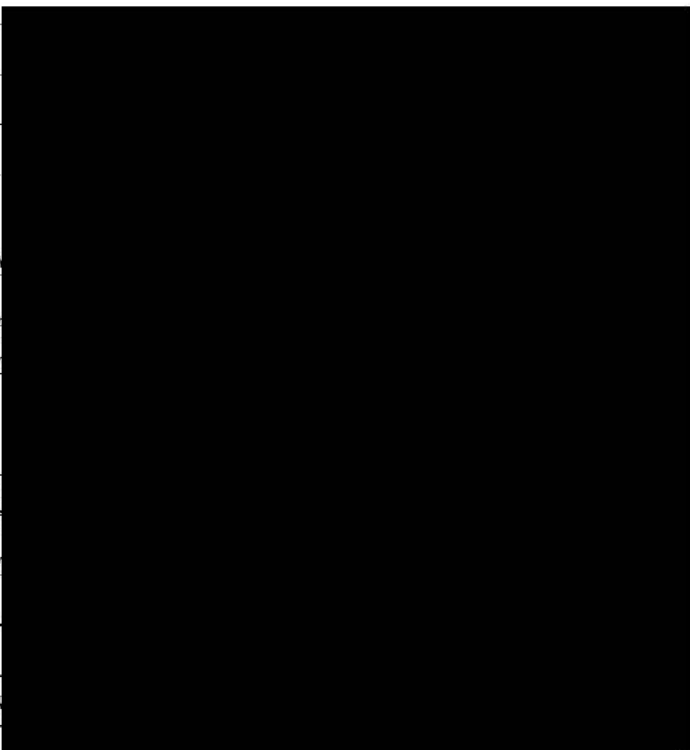
**NEIGHBORHOOD MEETING**  
- Annexation, Zone Change and 10-Lot Phased Residential Subdivision -

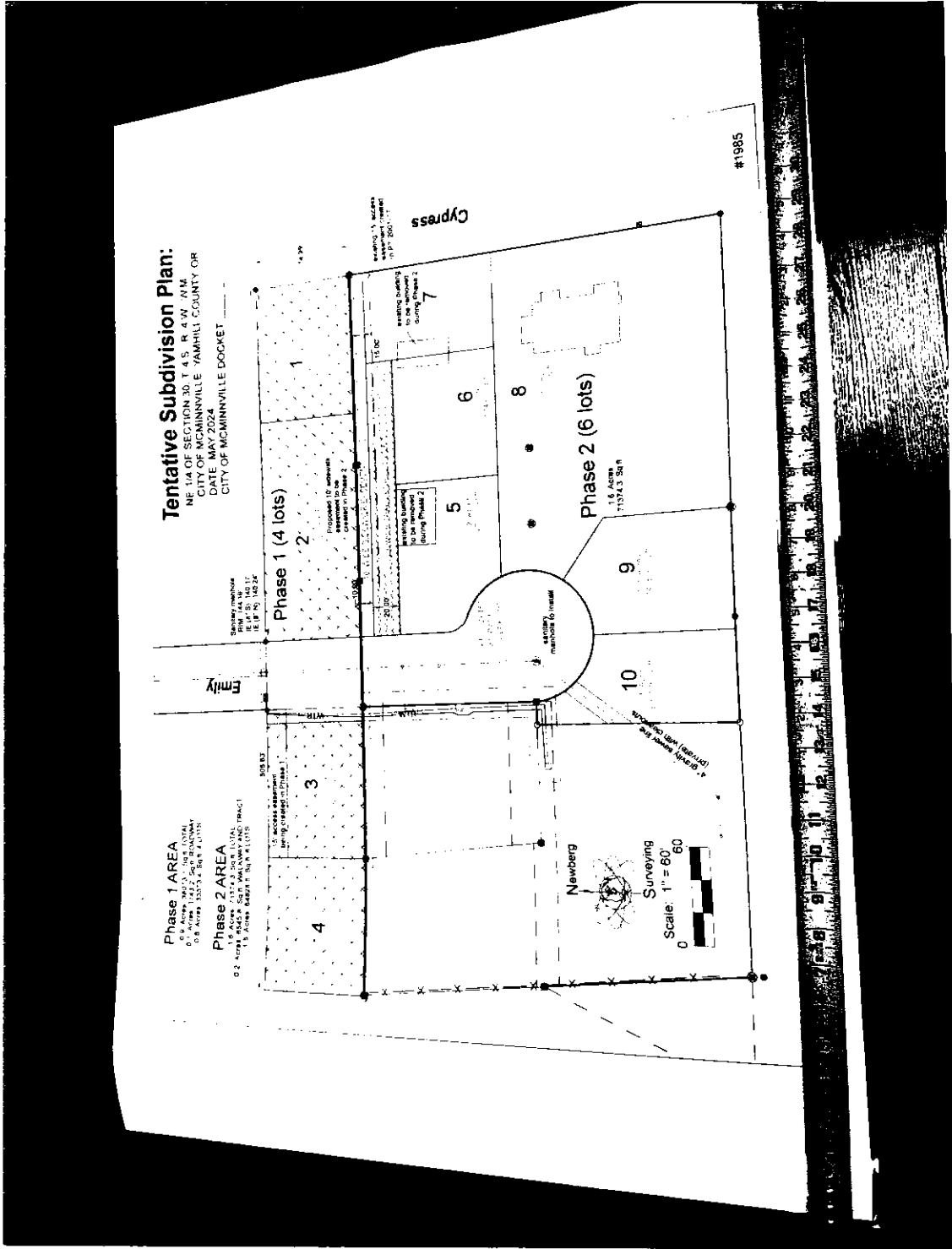
Bruce Cook  
1525 SW Cypress Lane  
McMinnville, OR 97128

503-560-0881

**SIGN-IN SHEET**

Date: June 6, 2024  
Time: 6:00 p.m.  
Location: Praise Assembly Church- Fellowship Hall

NAME (Please Print)	
Bruce Cook	
Chris & Mike McCoy	
Karen Manfrin	
David + Darlene Warr	
Tom + Michelle Bailey	
Edna + Steve Nelson	
Renee Winkler	
Kristina Ranta	
Stan & Eva Shreld	
LARRY + Michelle Miller	
Tom + Gloria Gou	
Nicole Amuzel	
Patricia Wiggins	
(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.









Find address or place



03000



4.4.30

03000

4.4.30AD

145 ft 1405 00100

ROADS

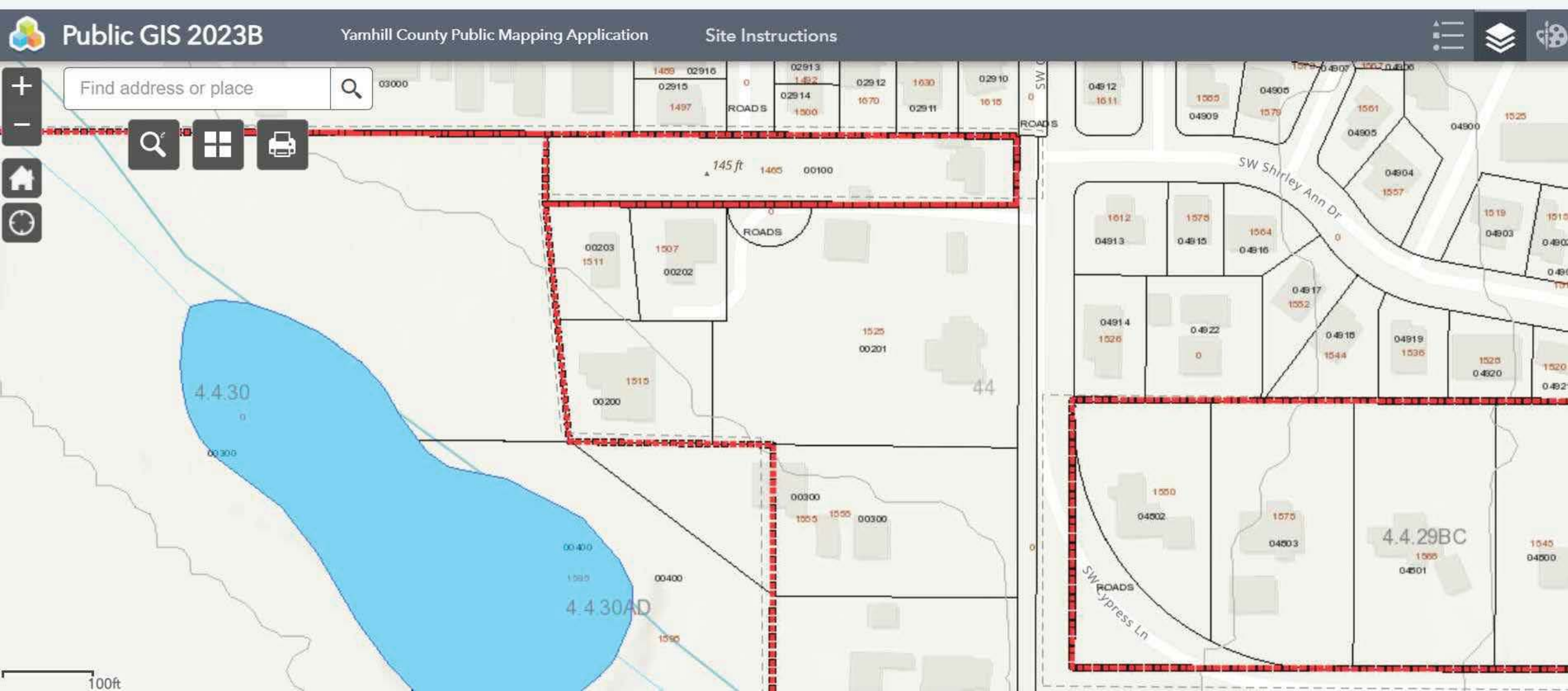
SW Cypress Ln

SW Shirley Ann Dr

4.4.29BC

1500 04501

100ft



### Phase 1 AREA

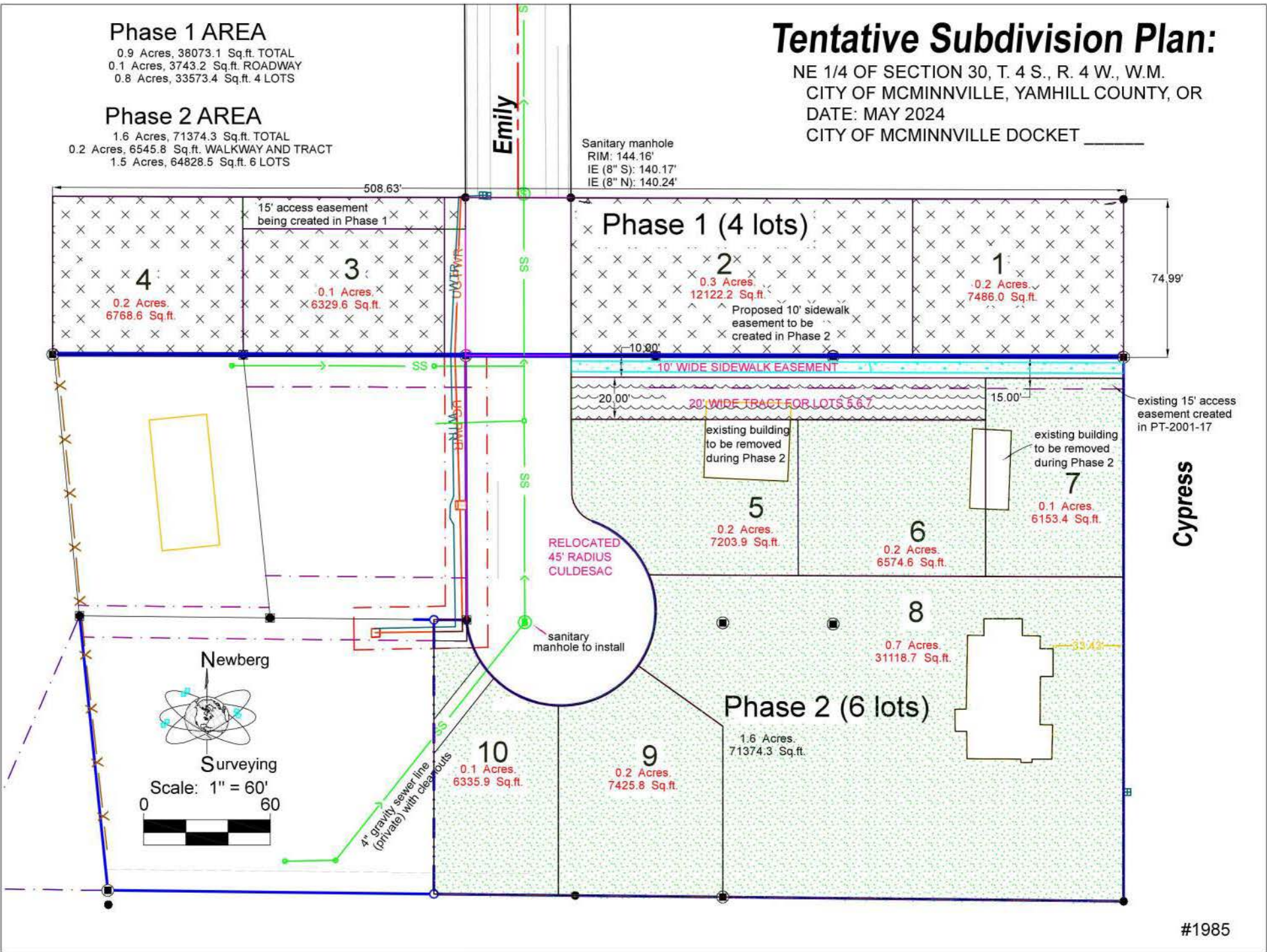
0.9 Acres, 38073.1 Sq.ft. TOTAL  
0.1 Acres, 3743.2 Sq.ft. ROADWAY  
0.8 Acres, 33573.4 Sq.ft. 4 LOTS

### 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

# 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 \_\_\_\_\_





*First American Title*<sup>™</sup>

*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*<sup>™</sup>

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

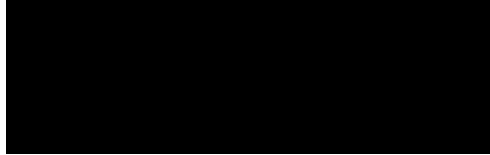
1. Purpose- to maintain privately owned proposed alley that connects from Cypress to Emily St, as drawn on proposed plans.
2. Area included- Lots 1,2,5,and 6 will make up the impacted area as these lots are adjacent to the alley.
3. Fees- to be determined by the cost of maintenance needed on a yearly 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.



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.

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

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

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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- — — = NEW PROPERTY LINE
- [ , #1] = DATA OF RECORD PER PT 2001-17
- [ , #2] = DATA OF RECORD PER PLAT OF CYPRESS MEADOWS FIRST ADDITION
- [ X X ] = 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 proposed lots are all under the 150' limit, so no fire truck turn around needs to be added for Phase 1.
  3. Private drive will be jointly owned by the adjoining Lots 1, 2, 5 & 6. Maintenance of private drive and pedestrian walk & bike easement will be the responsibility 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 Easement which may include water, power, storm, communication, sewer.

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.

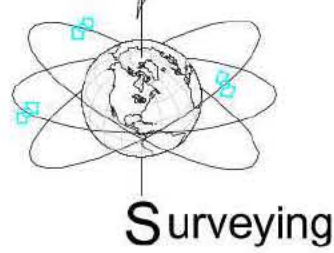
NUM	BEARING	DISTANCE
L1	S 0°09'57"E	74.99'
L2	S 0°10'30"E	24.71'
L3	S 0°09'41"E	75.00'
L4	N 0°09'39"W	125.39'
L5	N89°50'55"W	105.49'
L6	N89°50'55"W	90.16'
L7	S 0°02'24"E	75.01'
L8	S89°51'02"E	90.32'
L9	N 0°09'41"W	75.00'
L10	S89°51'02"E	105.49'
L11	N89°55'53"W	80.91'
L12	N89°45'54"W	80.91'
L13	N89°50'53"W	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'

McKee Properties, LLC  
Instrument #201318857  
Tax Lot: 4430-300  
(EXCEPTION PER VOL 11 PG 943)

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

McKee Properties, LLC  
Instrument #201318857  
Tax Lot: 4430-300



SCALE: 1" = 40'

5/8" IR with ypc marked "DUNCKEL PLS 1942" found flush, set in CSP-9387, bears S2°06'33"E 6.77' from the SW corner of Parcel 1

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	95°58'32"	76.16'	45.00'	S47°52'25"E	67.39'

Newberg Surveying, Inc.

1205 NE Evans  
McMinnville, OR 97128

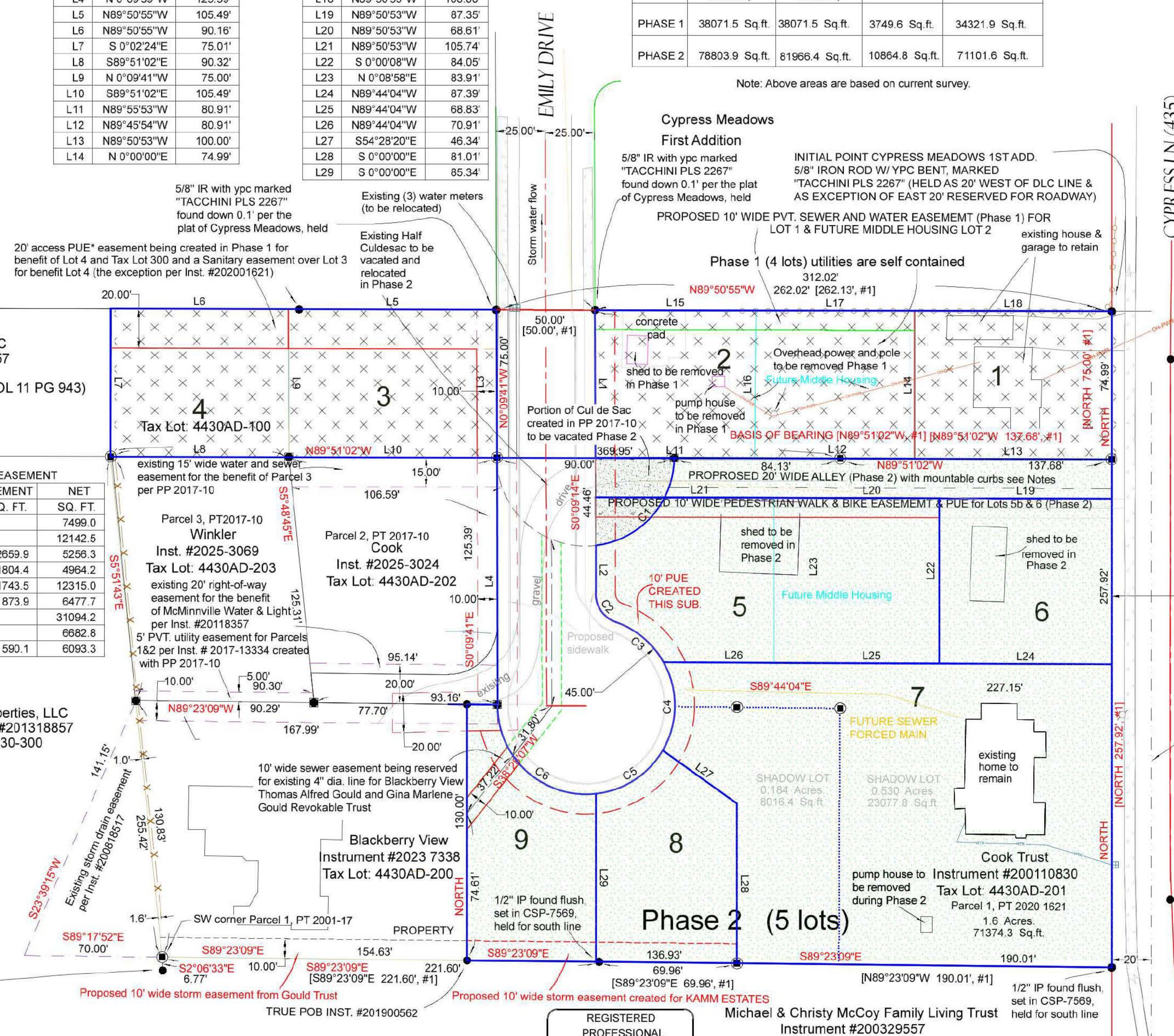
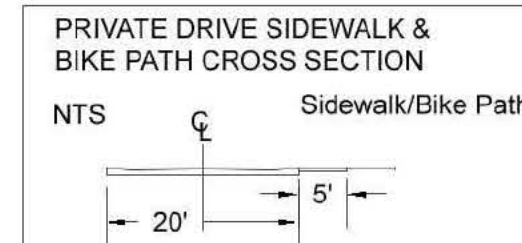
(503)-474-4742 (971)-237-1956 Cell  
(503)-474-3752 Fax [REDACTED]

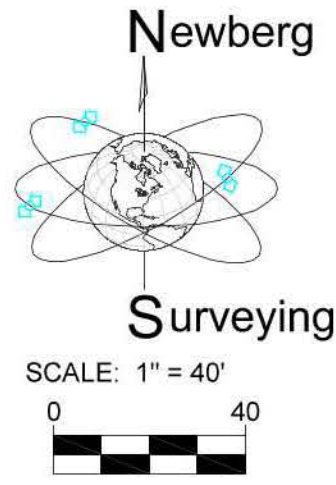
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JUNE 30, 1997 JOHN G. NEWBERG 2838

RENEWS 12-31-2026

Michael & Christy McCoy Family Living Trust  
Instrument #200329557  
Tax Lot: 4430AD-300





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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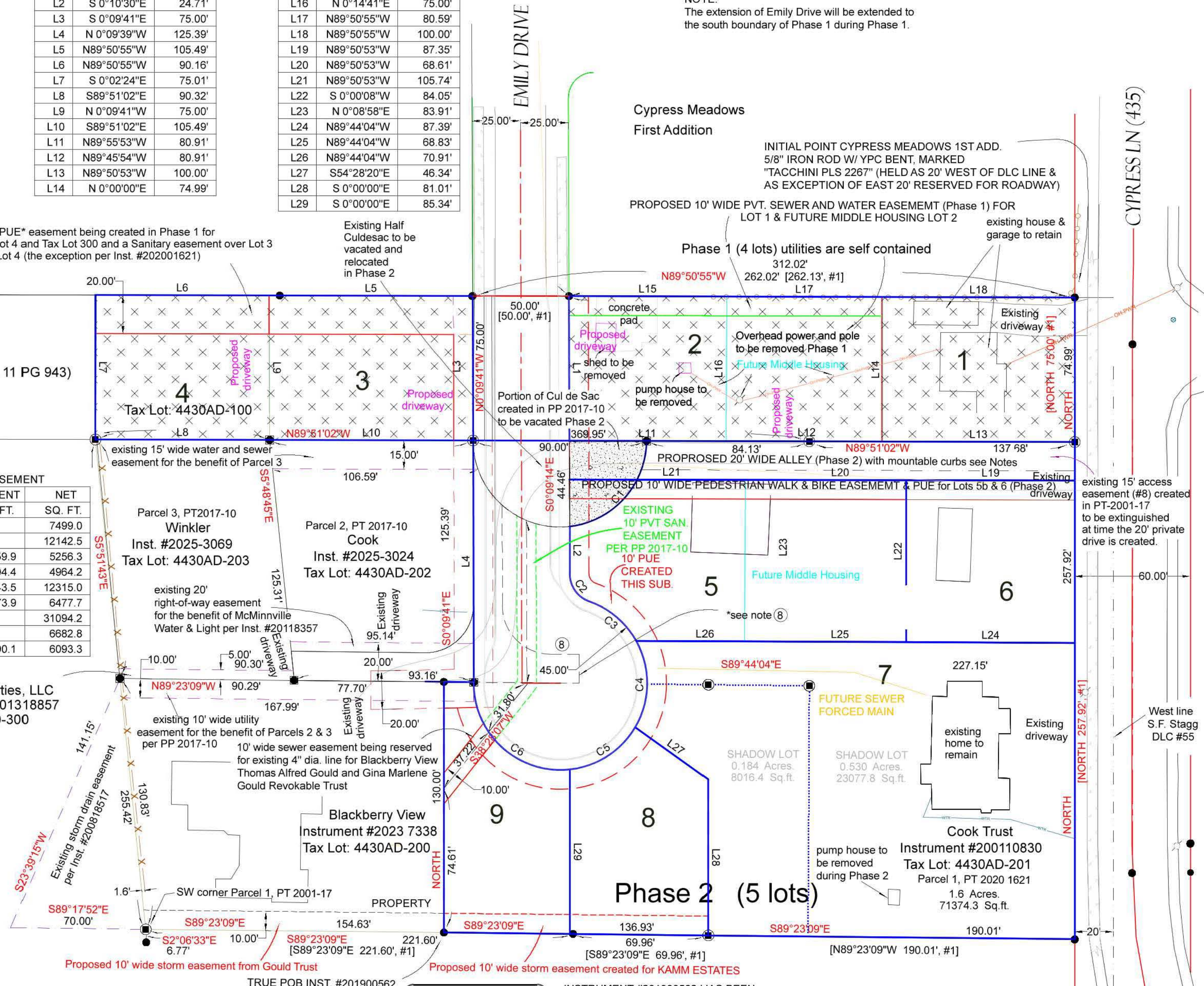
NOTE:  
The extension of Emily Drive will be extended to the south boundary of Phase 1 during Phase 1.

McKee Properties, LLC  
Instrument #201318857  
Tax Lot: 4430-300  
(EXCEPTION PER VOL 11 PG 943)

LOT AREA TOTAL & EASEMENT

LOT #	TOTAL SQ. FT.	EASEMENT SQ. FT.	NET SQ. FT.
1	7499.0		7499.0
2	12142.5		12142.5
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7	31094.2		31094.2
8	6682.8		6682.8
9	6683.4	590.1	6093.3

McKee Properties, LLC  
Instrument #201318857  
Tax Lot: 4430-300



- ### 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
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REGISTERED PROFESSIONAL LAND SURVEYOR

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

OREGON  
JUNE 30, 1997  
JOHN G. NEWBERG  
2838  
RENEWS 12-31-2026

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.

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'
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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'

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

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 EASEMENT (Phase 1) FOR LOT 1 & FUTURE MIDDLE HOUSING LOT 2 existing house & garage to retain

Phase 1 (4 lots) utilities are self contained

McKee Properties, LLC  
 Instrument #201318857  
 Tax Lot: 4430-300  
 (EXCEPTION PER VOL 11 PG 943)

LOT AREA TOTAL & EASEMENT			
LOT #	TOTAL SQ. FT.	EASEMENT SQ. FT.	NET SQ. FT.
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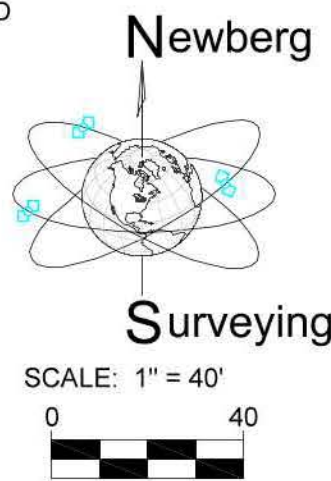
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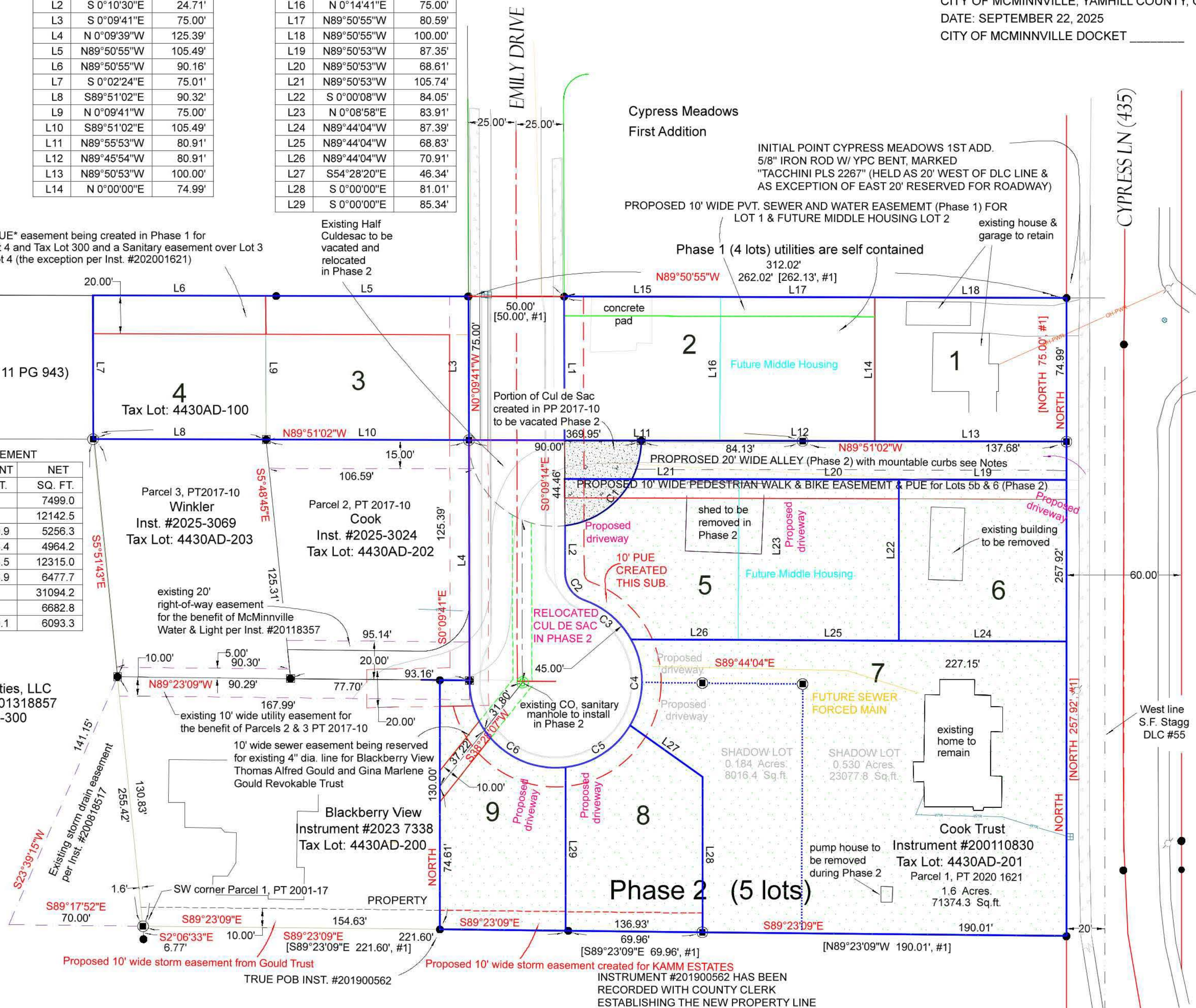
REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON JUNE 30, 1997 JOHN G. NEWBERG 2838  
 RENEWS 12-31-2026

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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- ⊗ ⊗ = PHASE 1
- ⊗ ⊗ = PHASE 2 Proposed driveway widths 18' typical



McKee Properties, LLC  
 Instrument #201318857  
 Tax Lot: 4430-300



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C6	96°58'32"	76.16'	45.00'	S47°52'25"E	67.39'

TRUE POB INST. #201900562  
 INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

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.
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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)

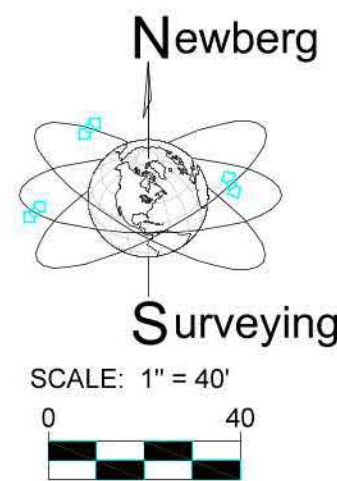
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TRUE POB INST. #201900562

INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

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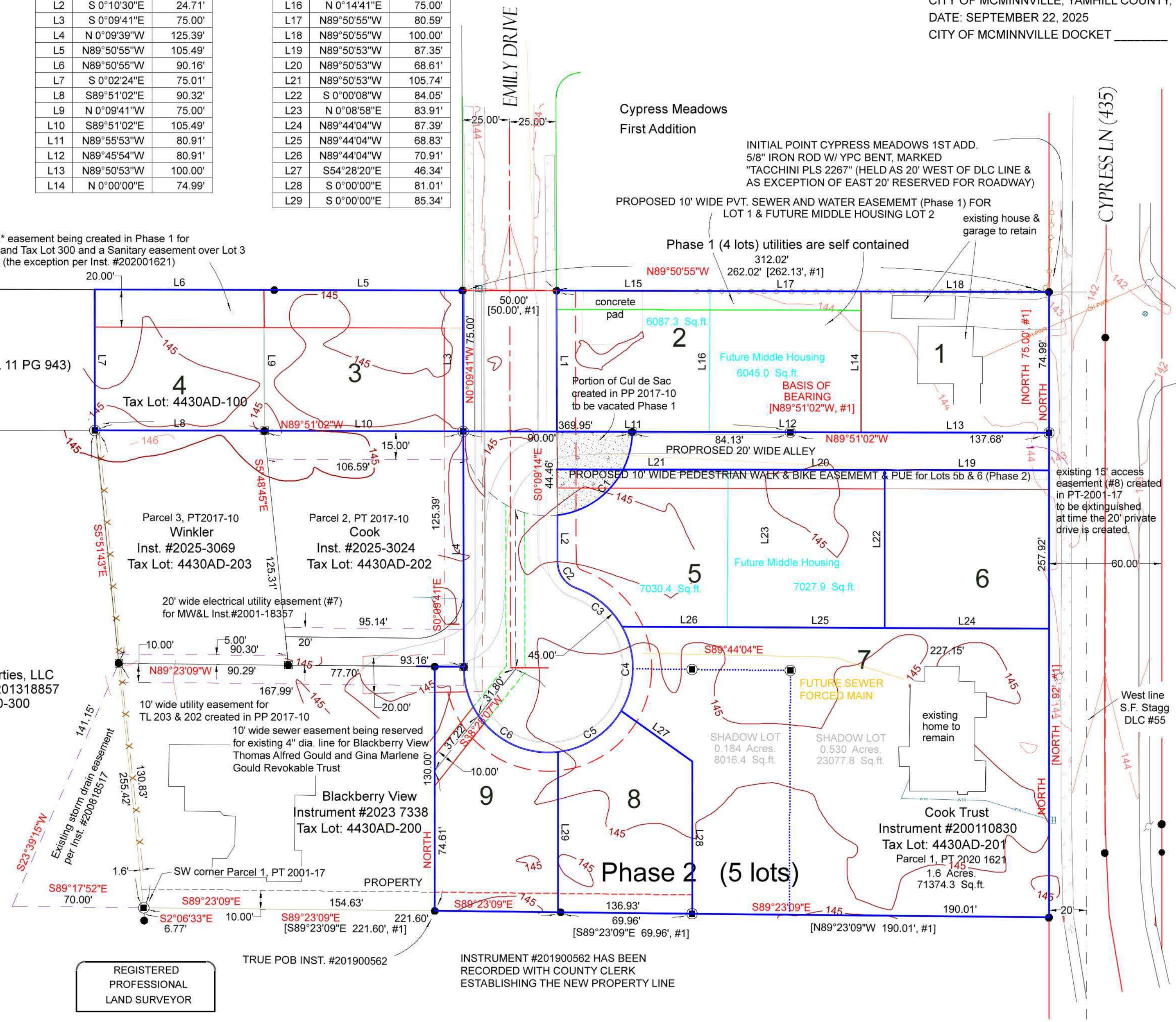


REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
 JUNE 30, 1997  
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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  
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NUM	BEARING	DISTANCE
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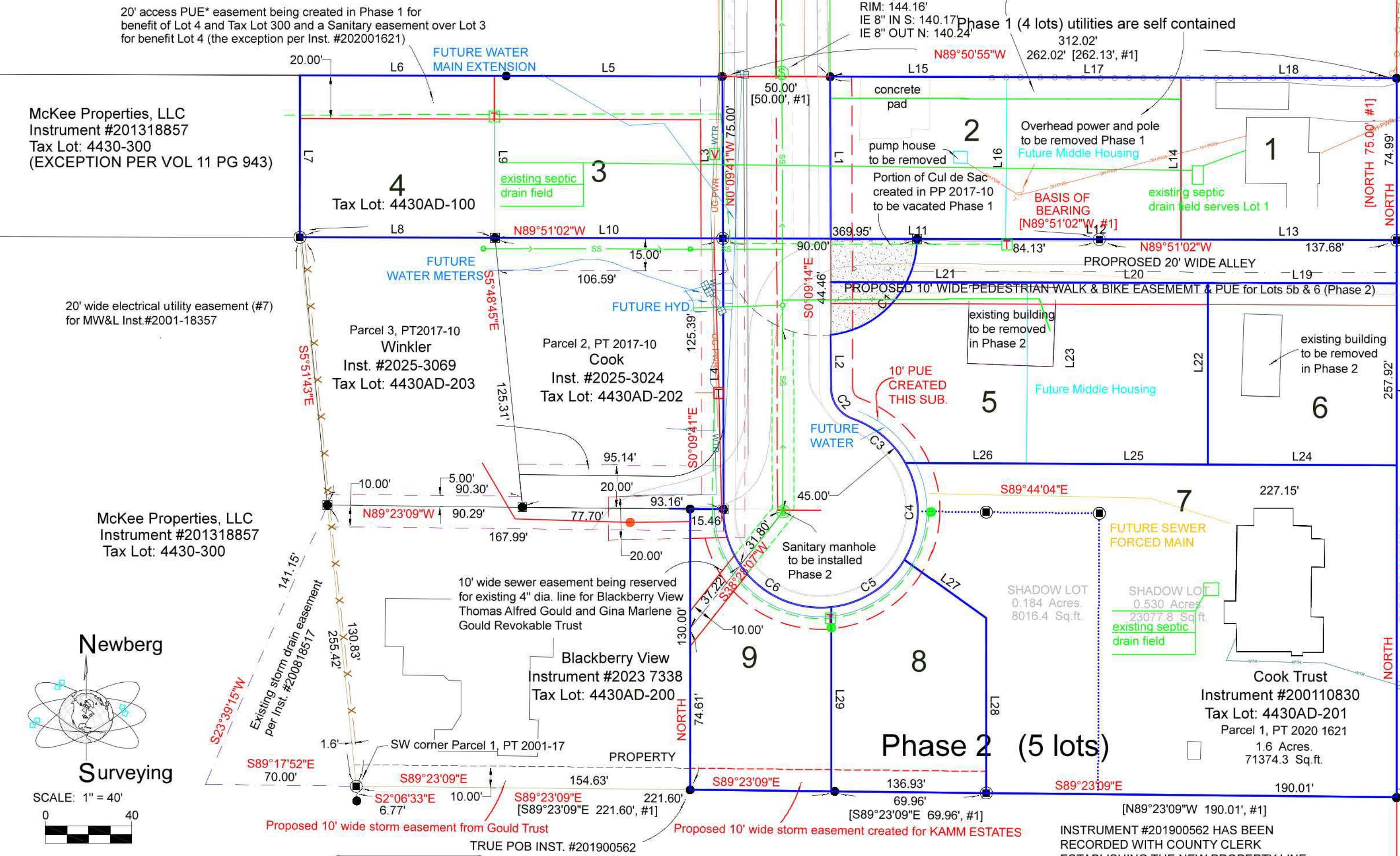
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9	6683.4	590.1	6093.3

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 decommissioned in Phase 1.

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.



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 EASEMENT (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

Sanitary 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'

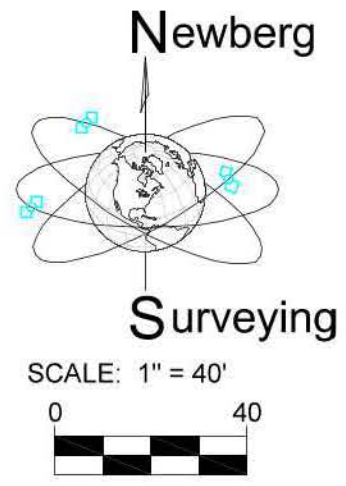
Sanitary manhole  
 RIM: 142.30'  
 IE 8" IN W: 139.30'  
 IE 8" IN N: 138.48'  
 IE 8" OUT E: 138.39'

Storm catch basin  
 TOP GRATE: 142.09'  
 IE OUT E: 137.49'

Storm catch basin  
 TOP GRATE: 142.31'  
 IE OUT NW: 139.11'

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
- ELECTRICAL LEGEND
- ⊞ = NEW VAULT
  - ⊞ = NEW TRANSFORMER
  - ⊞ = EXISTING TRANSFORMER
  - = EXISTING JUNCTION BOX
  - = NEW JUNCTION BOX
  - — — = EXISTING PRIMARY POWER
  - — — = NEW PRIMARY POWER
  - — — = EXISTING SECONDARY POWER
  - — — = NEW SECONDARY POWER



**Newberg Surveying, Inc.**  
 1205 NE Evans  
 McMinnville, OR 97128  
 (503)-474-4742 (971)-237-1956 Cell  
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REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JUNE 30, 1997  
 JOHN G. NEWBERG  
 2838

RENEWS 12-31-2026

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'

INSTRUMENT #201900562 HAS BEEN  
 RECORDED WITH COUNTY CLERK  
 ESTABLISHING THE NEW PROPERTY LINE

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
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'
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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'
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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'

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)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 30, 1997  
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RENEWS 12-31-2026

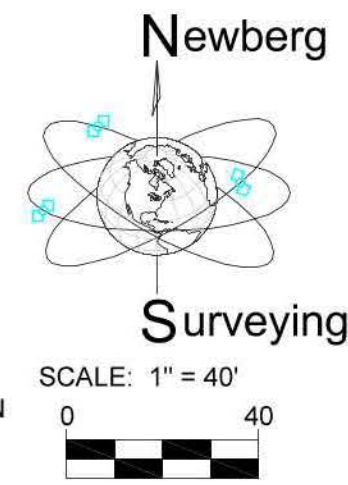
Newberg Surveying, Inc.

1205 NE Evans  
McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell  
(503)-474-3752 Fax newberg@viclink.com

Legend

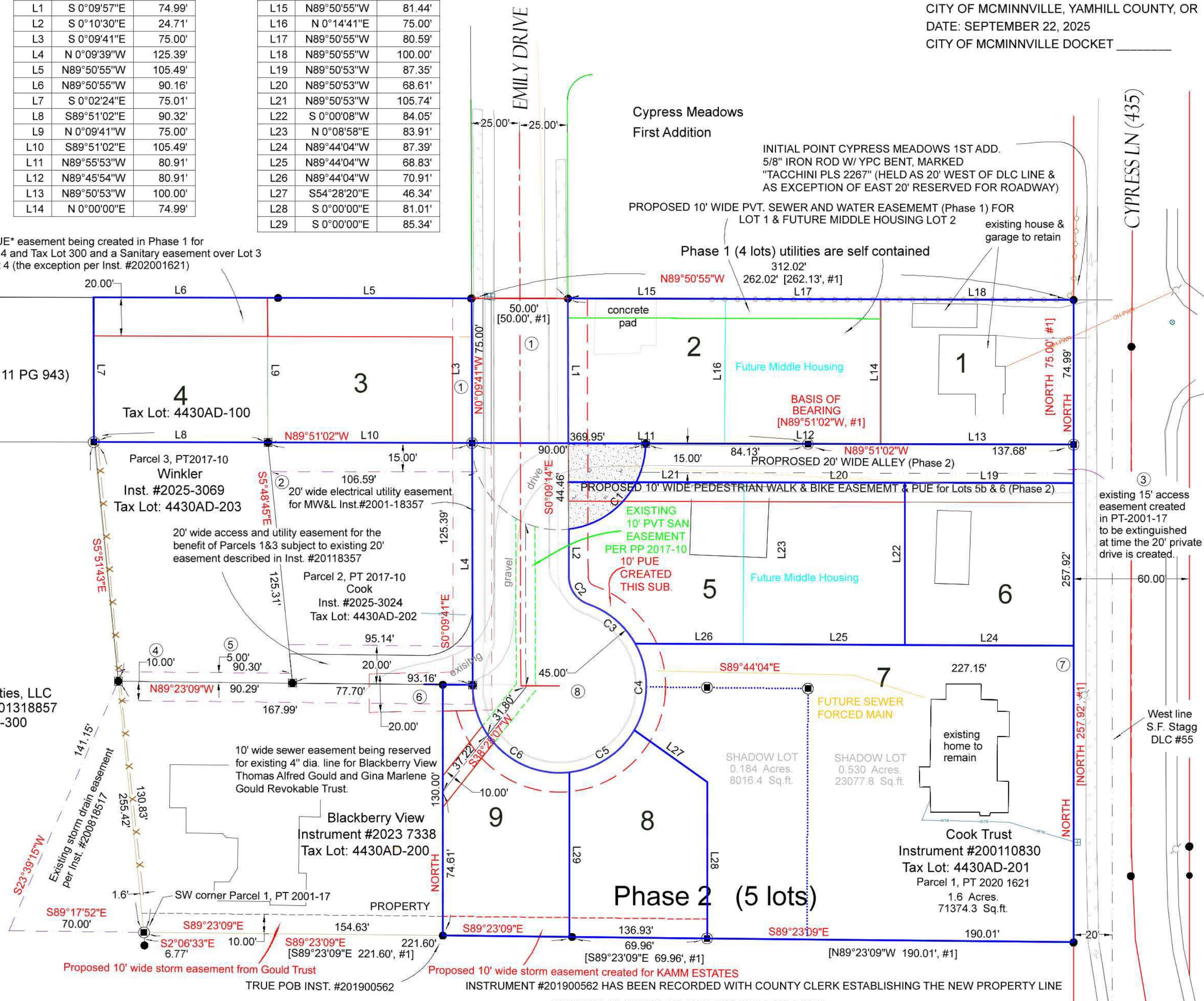
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- ⊗ ⊗ = PHASE 1
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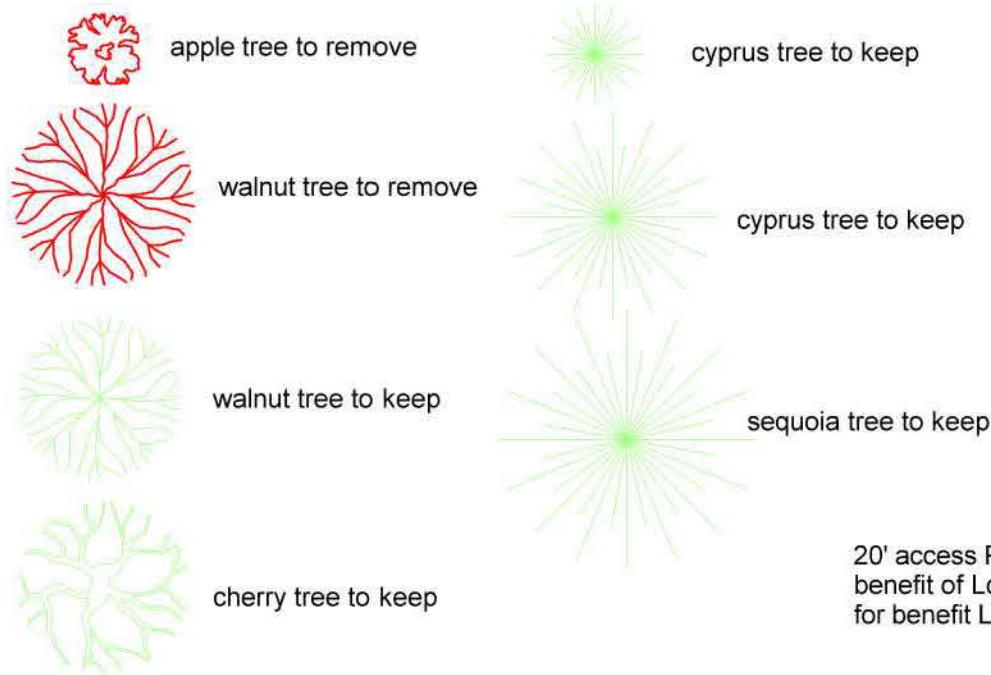
McKee Properties, LLC  
Instrument #201318857  
Tax Lot: 4430-300

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C6	96°58'32"	76.16'	45.00'	S47°52'25"E	67.39'

- 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



NOTE: Street tree plan will be provided with final plat.  
Tree retention plan will be provided with layout of street and utility easements with erosion plan prior to start of excavation.



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'
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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'

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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'

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 \_\_\_\_\_

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)

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

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JUNE 30, 1997  
JOHN G. NEWBERG  
2838  
RENEWS 12-31-2026

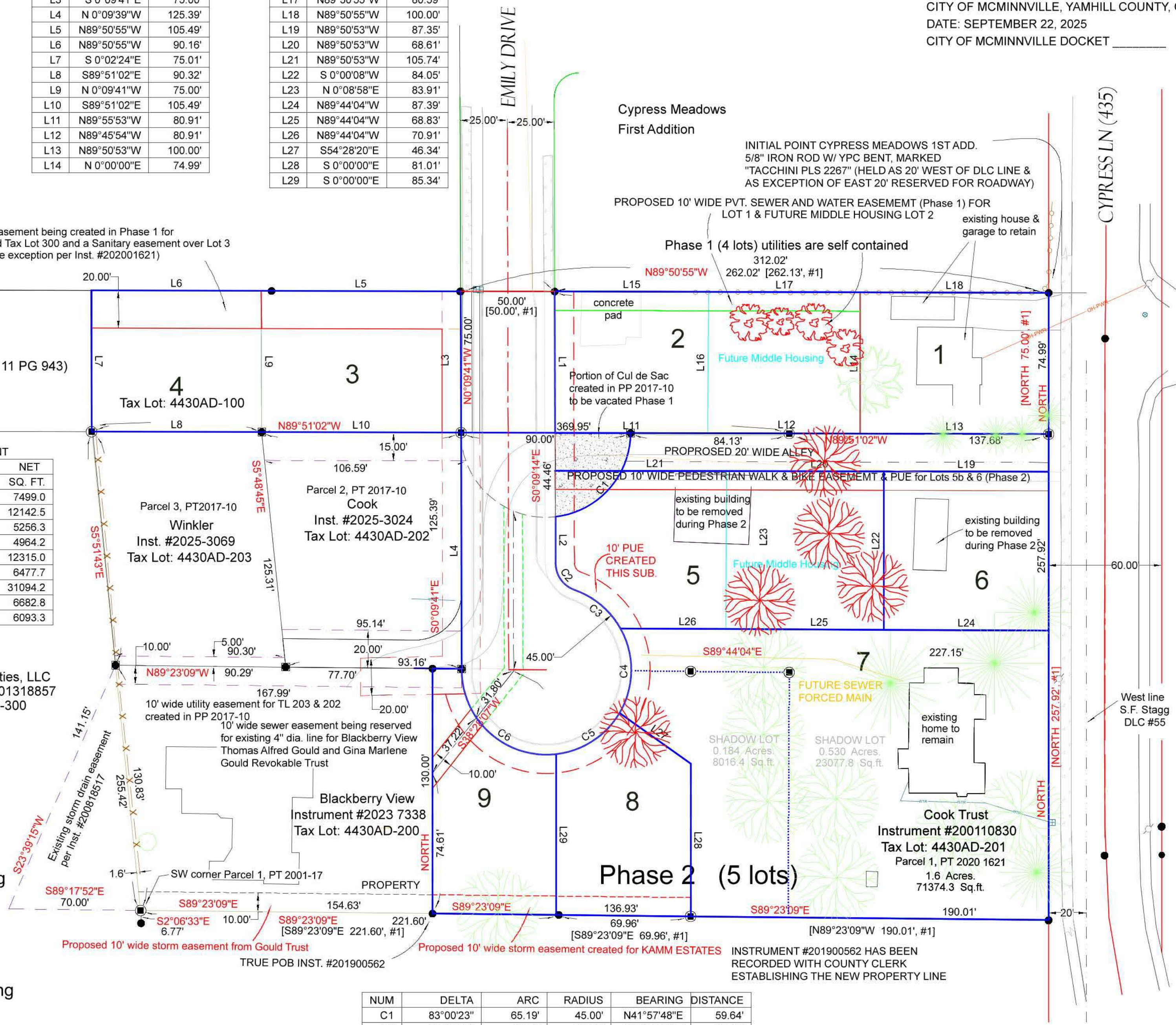
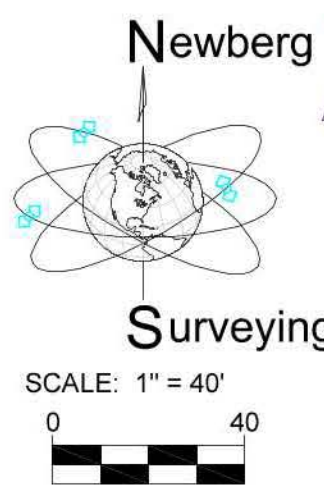
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Legend

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- ⊗ ⊗ = PHASE 1
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McKee Properties, LLC  
Instrument #201318857  
Tax Lot: 4430-300



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'

INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

**KAMM ESTATES UTILITIES PHASE 1**

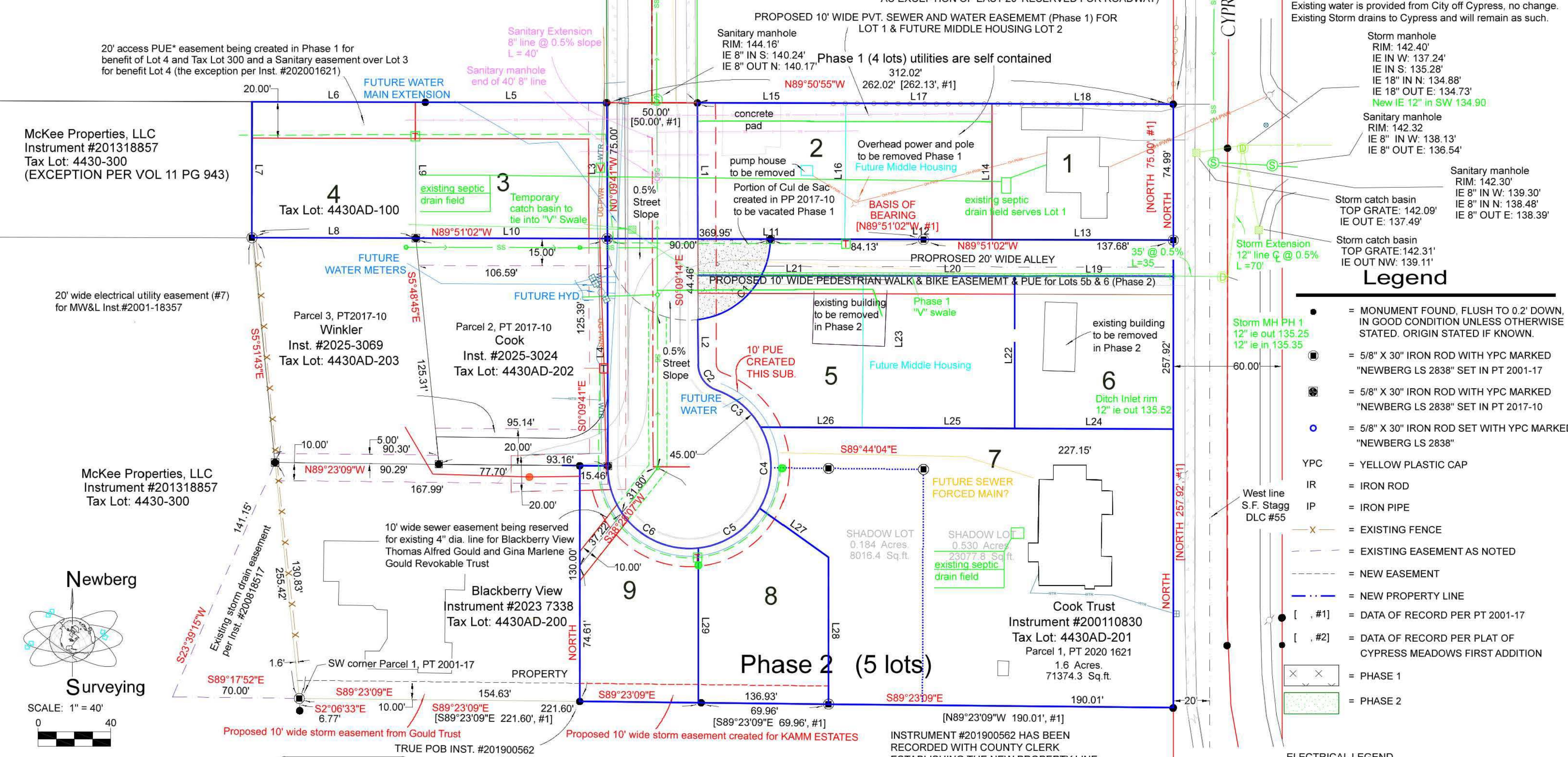
LOCATION: NE 1/4 OF SECTION 30, T. 4 S., R. 4 W., W.M.  
 CITY OF MCMINNVILLE, YAMHILL COUNTY, OR  
 DATE: JANUARY 27, 2026  
 CITY OF MCMINNVILLE DOCKET \_\_\_\_\_

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'
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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'
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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
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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 decommissioned 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: 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'

Storm catch basin  
 TOP GRATE: 142.09'  
 IE OUT E: 137.49'

Storm catch basin  
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**Legend**

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- ⊞ = NEW VAULT
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  - = EXISTING JUNCTION BOX
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 2838  
 RENEWS 12-31-2026

**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
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L28	S 0°00'00"E	81.01'
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LOT AREA TOTAL & EASEMENT

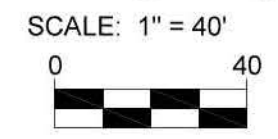
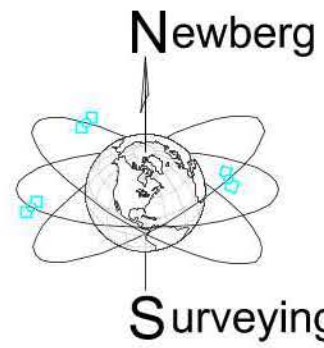
LOT #	TOTAL SQ. FT.	EASEMENT SQ. FT.	NET SQ. FT.
1	7499.0		7499.0
2	12142.5		12142.5
3	7911.6	2659.9	5256.3
4	6768.6	1804.4	4964.2
5	14058.5	1743.5	12315.0
6	7351.6	873.9	6477.7
7	31094.2		31094.2
8	6682.8		6682.8
9	6683.4	590.1	6093.3

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)

20' wide electrical utility easement (#7) for MW&L Inst.#2001-18357

McKee Properties, LLC  
 Instrument #201318857  
 Tax Lot: 4430-300



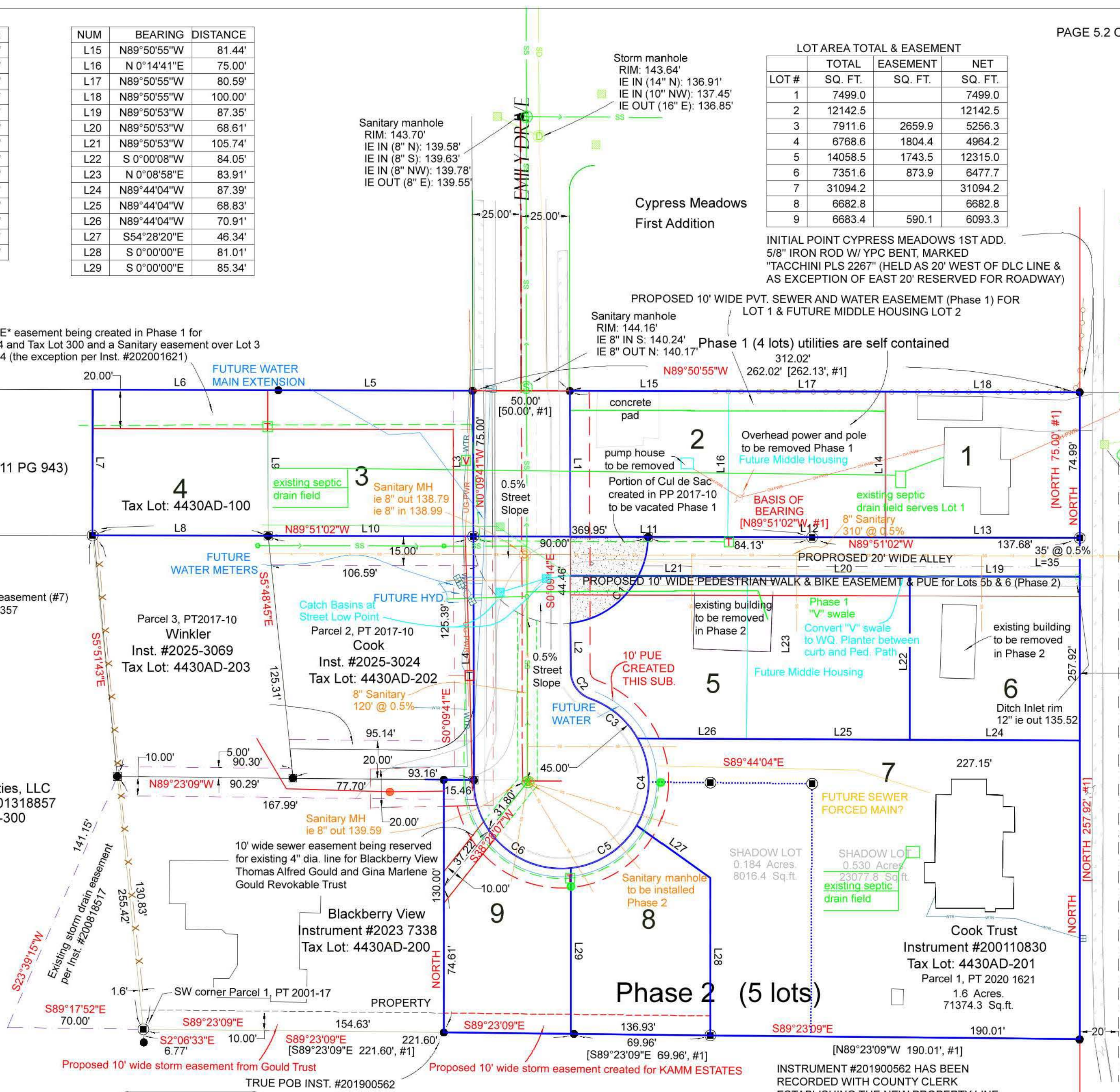
**Newberg Surveying, Inc.**  
 1205 NE Evans  
 McMinnville, OR 97128  
 (503)-474-4742 (971)-237-1956 Cell  
 (503)-474-3752 Fax newberg@viclink.com

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
 JUNE 30, 1997  
 JOHN G. NEWBERG  
 2838

RENEWS 12-31-2026

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'



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 EASEMENT (Phase 1) FOR LOT 1 & FUTURE MIDDLE HOUSING LOT 2

Phase 1 (4 lots) utilities are self contained

Sanitary manhole  
 RIM: 144.16'  
 IE 8" IN S: 140.24'  
 IE 8" OUT N: 140.17'

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 Extension  
 12" line C @ 0.5%  
 L=70'

Storm catch basin  
 TOP GRATE: 142.31'  
 IE OUT NW: 139.11'

**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
  - [ X ] = PHASE 1
  - [ ] = PHASE 2
- ELECTRICAL LEGEND**
- = NEW VAULT
  - = NEW TRANSFORMER
  - = EXISTING TRANSFORMER
  - = EXISTING JUNCTION BOX
  - = NEW JUNCTION BOX
  - - - = EXISTING PRIMARY POWER
  - - - = NEW PRIMARY POWER
  - - - = EXISTING SECONDARY POWER
  - - - = NEW SECONDARY POWER

INSTRUMENT #201900562 HAS BEEN RECORDED WITH COUNTY CLERK ESTABLISHING THE NEW PROPERTY LINE

- - - = PROPOSED SANITARY PHASE 1
- - - = PROPOSED STORM PHASE 1
- - - = PROPOSED SANITARY PHASE 2
- - - = PROPOSED STORM PHASE 2

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.)

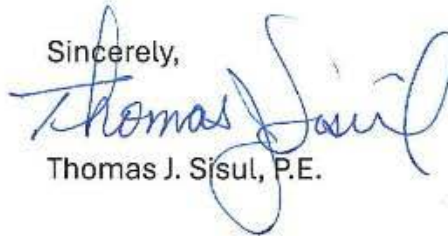
If the catchbasins to the west in the Emily Drive extension were installed with shallow outlets, potentially the inlet line from the catchbasins, could enter the planter potentially at an elevation of 140. Leaving room for approximately 18 inches of topsoil and some thickness of drain rock with a perforated 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

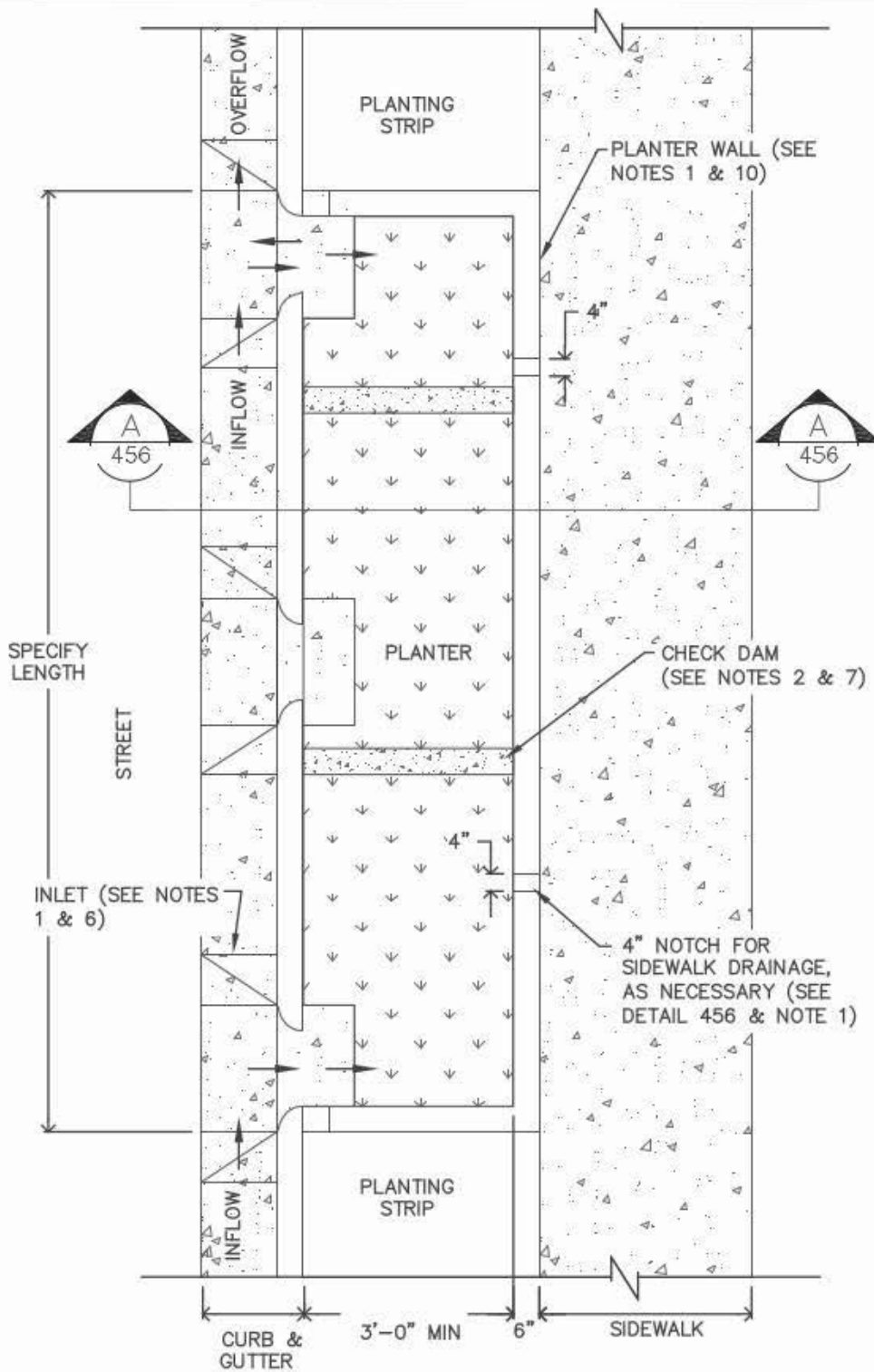
in the cul-de-sac. We anticipate that the maximum gutter line elevation in the back of the cul-de-sac would be approximately 143.5. Deep enough to likely drain roof drain lines, although foundation drains and crawl space drains may need to be pumped up to the level of the gutter.

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,

A handwritten signature in blue ink that reads "Thomas J. Sisul". The signature is stylized with a large, looping "S" and "J".

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.

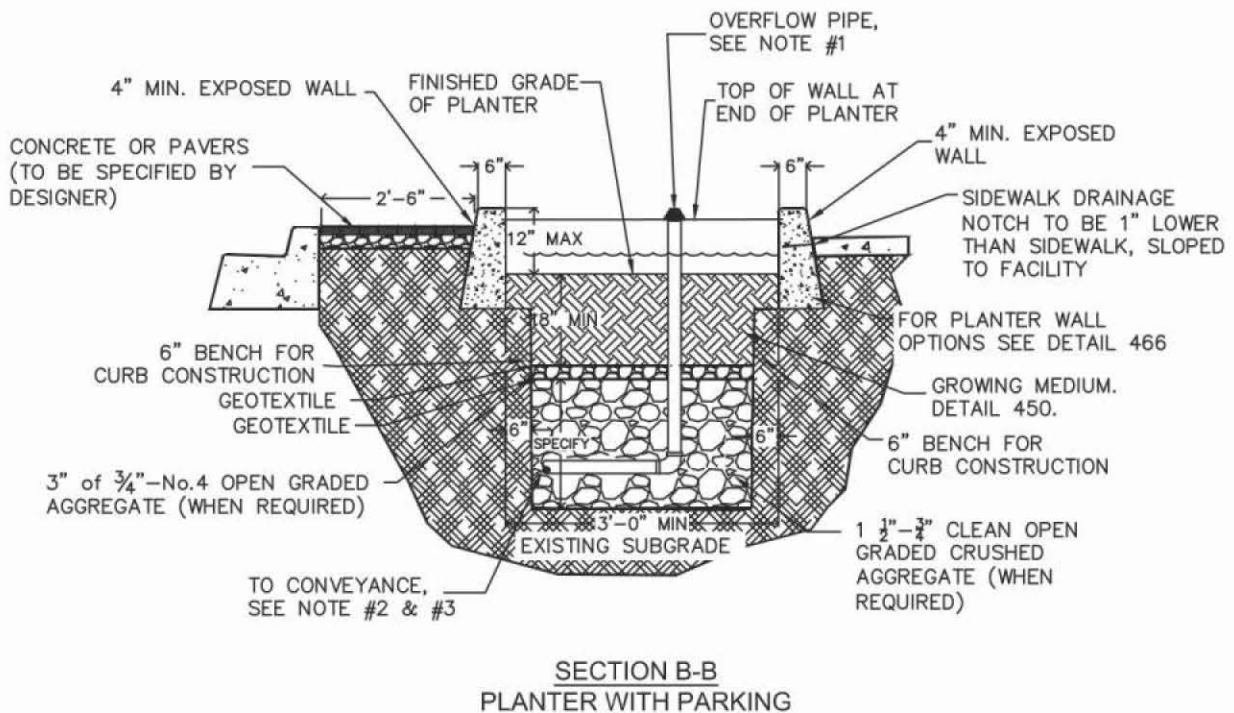
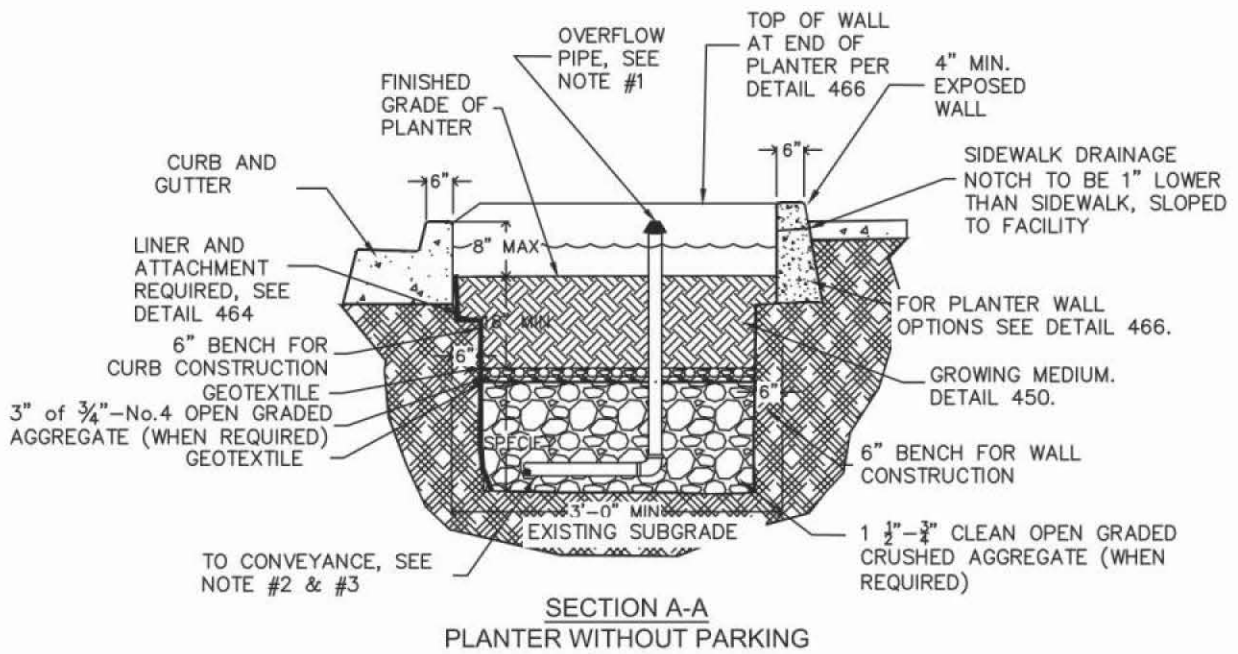
**RELATED DETAILS:**

6. CONCRETE INLET, STANDARD DRAWING NO. 462- CURB CUT.
7. CHECK DAM, STANDARD DRAWING NO. 465, CONCRETE CHECK DAM.
8. REQUIREMENTS 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 REQUIREMENTS.
10. PLANTER WALL, STANDARD DRAWING NO. 466, PUBLIC PLANTER WALLS.

REVISIONS:

**PUBLIC PLANTER  
 PLAN VIEW NO PARKING**

SCALE:	N.T.S.
DATE:	MARCH 2014
APPROVED BY:	JAY H.
STANDARD DRAWING	<b>454</b>



**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.

REVISIONS:
06/30/2015 - ASM

**PUBLIC PLANTER**  
SECTION VIEW

SCALE:	N.T.S.
DATE:	JUNE 2015
APPROVED BY:	K. HOFMANN
STANDARD DRAWING	<b>456</b>

**ATTACHMENT 2 TO DECISION DOCUMENT**

OFFICIAL YAMHILL COUNTY RECORDS  
KERI HINTON, COUNTY CLERK

**202506840**

After Recording Return To:

City of McMinnville  
220 NE Second Street  
McMinnville, OR 97128



**\$152.00**

**07/17/2025 09:03:34 AM**

DMR-CONDMR Cnt=1 Stn=1036 MORRISONK  
\$51.00 \$10.00 \$20.00 \$11.00 \$60.00

**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").

**WITNESSETH**

**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


OWNER

  
Jeff Towery, City Manager

  
Stanley Bruce Cook

ATTEST:

  
Nila Denise Cook

  
Claudia Cisneros, City Recorder

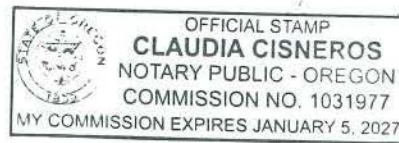
SEE ATTACHED NOTARIAL CERTIFICATE

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



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.

Stanley Bruce Cook

Notary Public for Oregon



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.

Nila Denise Cook

Notary Public for Oregon



**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.

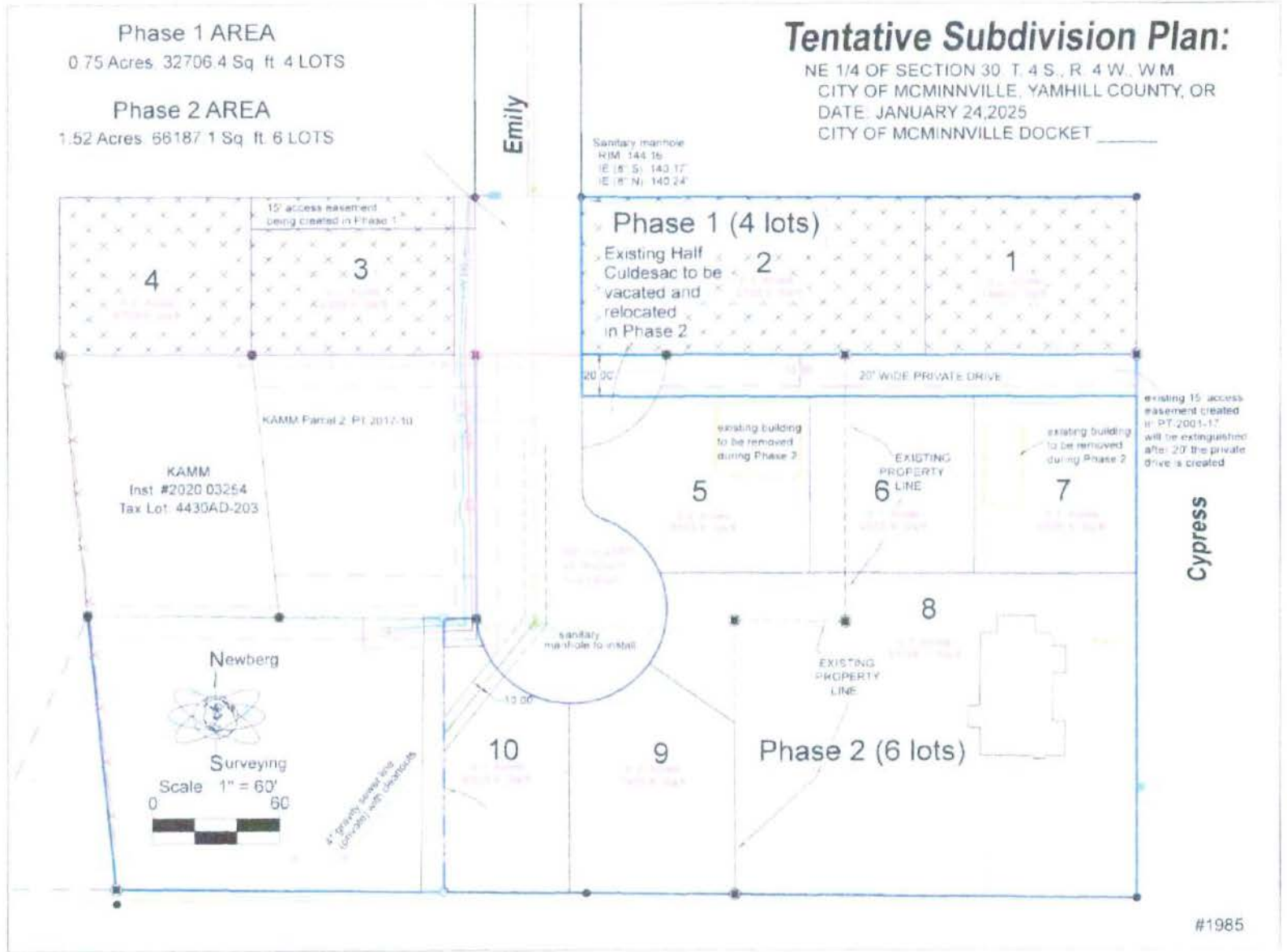


Existing Conditions of Subject Site:



**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



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# MINUTES

March 19, 2026  
Planning Commission  
Regular Meeting

6:30 pm  
Hybrid 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.



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# MINUTES

April 2, 2026  
 Planning Commission  
 Regular Meeting

6:30 pm  
 Hybrid 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. Legislative Hearing: Natural Resources Overlay and Management Program (Docket G 2-23)**

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.