



BOARD OF COUNTY COMMISSIONERS

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January 27, 2006

Mayor Ed Gormley
City of McMinnville
230 NE Second Street
McMinnville, OR 97128

RE: McMinnville Urban Growth Management & Urbanization Plan Amendments
Yamhill County Ordinance 778

Dear Mayor Gormley:

At the January 24, 2006 formal session of the Board of Commissioners, the Board adopted Ordinance 778, approving amendments to the McMinnville Urban Growth Management and Urbanization Plan (MGMUP) and declaring an emergency.

Findings in support of the Board's decision are contained in Exhibit "A" of Ordinance 778, a copy of which is enclosed. Copies may also be reviewed in the Planning Department during normal business hours. The Planning Department is located at 401 North Evans Street, McMinnville, Oregon.

This action constitutes a final action by Yamhill County on the application, but you should be aware that a final land use decision by a local government may be appealed to the Land Use Board of Appeals in most circumstances. An appeal must be filed within 21 days of the date the decision became final, which was January 24, 2006. A successful appeal could revoke this approval.

If you have any questions regarding the county's action, you may contact me at the phone number listed above or the Planning Department (434-7516).

Sincerely,

Leslie Lewis, Chair
Board of Commissioners

LL-CW:cw
Enclosure

cc: Planning Department & Martin Chroust-Masin
✓ Doug Montgomery, McMinnville Planning Department
Ron Pomeroy, McMinnville Planning Department
Interested parties per attached list (w/out attachment)

**Notice of Decision
McMinnville Urban Growth
Management & Urbanization Plan
Ordinance 778**

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Doug Montgomery
McMinnville Planning Dept
230 NE 2nd St
McMinnville, OR 97128

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving Amendments to the)
McMinnville Urban Growth Management and) ORDINANCE 778
Urbanization Plan (MGMUP) and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business at 9:00 a.m. on January 25, 2006, in Room 32 of the courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

On October 14, 2003, the McMinnville City Council adopted the "McMinnville Growth Management and Urbanization Plan" and appendices (MGMUP), and Findings (ORD No. 4796), and the "Economic Opportunities Analysis," (ORD No. 4795), as part of the McMinnville Comprehensive Plan, Volume I. These documents were prepared in response to an analysis of the city's buildable lands and future land needs, which determined that there exists a shortfall of both residential and commercial land necessary to accommodate projected growth needs through the year 2023.

On October 20, 2003, the City provided notice of the ordinance adoptions and periodic review work task submittal to DLCD and interested parties. On April 20, 2004, the Director of the Department of Land Conservation and Development (DLCD) issued a response to written objections and exceptions filed by participants and the City pursuant to OAR 660-025-0160(3).

At the April 22 and September 10, 2004, Land Conservation and Development Commission (LCDC) hearings, the Commission heard oral argument from the City, DLCD staff and objectors and acknowledged certain elements of the MGMUP while remanding others. Portions of the MGMUP that pertain to efficiency measures and lands to be included within the urban growth boundary yet remain to be reviewed by the Commission.

In response to DLCD staff's position regarding these remaining elements, and consistent with the directives of the LCDC Remand Order, planning staff proposed certain amendments to the MGMUP, its supporting Findings, the Economic Opportunities Analysis, and Comprehensive Plan and implementing ordinances. Those amendments are specific to the following issues: Removal of floodplain lands from the 2004 urban growth boundary; use of floor area ratio for projecting future land needs; transit (residential) corridor enhancement policies; Neighborhood Activity Centers (NACs); support areas of illustrative plans; and, reduction of buildable land need for parks.

A joint public work session was held with the City Council, Yamhill County Board of Commissioners, and the McMinnville Urban Area Management Commission (MUAMC) on October 25, 2005, at 6:00 p.m. at which these proposed amendments were presented and discussed. Subsequent to that work session a public hearing was held with these same review bodies on December 6, 2005, after due notice had been given in the local newspaper. At that hearing, the review bodies received written and oral testimony, and having considered this testimony, the MUAMC recommended the adoption of the floodplain, floor area ratio, NAC, and alternative lands recommendations of City staff. The Council and Board closed this hearing and convened a second public hearing to consider these recommendations on

ORD No. 778

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January 11, 2006. At that hearing, having received written and oral testimony relevant to these recommendations and draft ordinance, the Board found the amendments as herein described to be appropriate. Now therefore,

IT IS HEREBY ORDAINED BY THE BOARD that the McMinnville Urban Growth Management and Urbanization Plan (MGMUP) is hereby amended as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE this 25th day of January, 2006, at McMinnville, Oregon.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

By: *Anne Britton*
Deputy ANNE BRITTON

APPROVED AS TO FORM

R. Sanai
RICK SANAI
Assistant County Counsel



Leslie Lewis
Chair LESLIE LEWIS

Kathy George
Commissioner KATHY GEORGE

Mary P. Stern
Commissioner MARY P. STERN

Accepted by Yamhill County
Board of Commissioners on
1/25/06 by Board Order
06-56

Exhibit "A"

Section 1. That the McMinnville Growth Management and Urbanization Plan (MGMUP) shall be amended as follows:

(a) That Figure 5 ("Resource Land Subareas") be amended to exclude lands within the 100-year floodplain from the Three Mile Lane, Norton Lane (not to include the area within Joe Dancer Park), and Grandhaven subarea perimeters.

(b) That page 6-13 (Resource Land Sub-Area Capacity) be modified as follows:

"Inclusion of the Grandhaven, Norton Lane, Three Mile Lane, Southwest, West Hills South, and Northwest sub-areas will provide an additional ~~653.15~~ 663.4 acres of buildable land for urban development as detailed in Table 13 below."

(c) That Table 13 ("Resource land sub-area capacity analysis") be amended to reflect the removal of flood plain land from the Three Mile Lane, Norton Lane, and Grandhaven subareas; and the removal of certain parcels from the Northwest and Southwest subareas and addition of lands in the "West Hills South" subarea, as follows. Table 15 ("Sub-area capacity analysis, proposed UGB expansion areas") and Table 16 (Summary of land supply and capacity, existing McMinnville UGB and proposed UGB expansion areas) shall be amended to be consistent with Table 13, as modified:

Norton Lane	8	256.2 <u>142.24</u>	489.93 <u>75.97</u>	66.27	6.3	414
Three Mile Lane	14	321.25 <u>165.15</u>	463.62 <u>7.52</u>	157.63	6.3	985
Northwest	5 <u>2</u>	444.53 <u>75.90</u>	4.31 <u>1.83</u>	440.22 <u>74.07</u>	6.3	876.4 <u>463</u>
Grandhaven	8	227.63 <u>151.43</u>	90.57 <u>14.37</u>	137.06	6.3	857
Southwest	44	494.62 <u>133.66</u>	42.65 <u>27.67</u>	451.97 <u>118.99</u>	6.3	949.8 <u>744</u>
West Hills South*	<u>2</u>	<u>125.23</u>	<u>15.85</u>	<u>109.38</u>	6.3	684
Resource Area Subtotals	48 <u>42</u>	4144.23 <u>793.61</u>	491.08 <u>130.21</u>	653.15 <u>663.4</u>	<u>6.30</u>	4082 <u>4146</u>

* The West Hills South Sub-area includes the parcel previously identified as the Thompson Property.

(d) Page 7-28 shall be amended by adding the following to immediately proceed Table 16, as follows:

"With the amendments to the 2003 boundary, as described in this plan, there exists a match in acres of land need and gross vacant buildable acres (891.1 acres vs. 890.9 acres, respectively)."

(e) That Figure 6 ("UGB Expansion Proposal") be amended as follows:

- a. The boundaries of the Norton Lane, Three Mile Lane, and Grandhaven subareas shall be consistent with the amended Figure 5, relative to the exclusion of floodplain land.
- b. Tax Lots R4418-00900, R4418-01000, R4418-01001, and a portion of R4418CC-00200 shall be removed from the Northwest subarea and adopted 2003 urban growth boundary.

- c. Tax Lots R4430-01000 and R4430-01100 shall be removed from the Southwest subarea.
- d. Tax Lots R4514-01300 (the “Thompson” property) and R4524-02000 shall be added to the urban growth boundary expansion proposal and be identified as “West Hills South” on the map.
- (f) That Figure 7 (Proposed Activity Centers), Figure 12 (Proposed Comprehensive Plan and Zoning Changes), and Figure 13 (Proposed Comprehensive Plan) shall be amended consistent with Section 1 (e) of this ordinance.
- (g) That the illustrative plans for the Northwest, Grandhaven, Three Mile Lane, and Southwest Neighborhood Activity Centers be deleted from the MGMUP (Figures 8, 9, 10, and 11, respectively).

Section 2. That Volume II of the McMinnville Comprehensive Plan (Goals and Policies) shall be amended as follows:

- (a) Policy 187.00 shall be amended to read as follows:

“187.00 The City of McMinnville shall adopt additional implementation ordinances and measures to carry out the goals and policies of the McMinnville Comprehensive Plan. These shall include, but not be limited to, Zoning Ordinance and Map, Annexation Ordinance, Mobile Home Development Ordinance, and Land Division Ordinance. In addition, the City shall, as funding permits and generally in the following order, prepare and implement plans for the Northwest, Grandhaven, Southwest, and Three Mile Lane Neighborhood Activity Centers (NACs).¹ Such plans shall be consistent with the draft concepts, policies, and implementation ordinance contained in the McMinnville Growth Management and Urbanization Plan, as amended. The plans shall require, at a minimum, that all development be consistent with the requirements of the Transportation Planning Rule. The preparation and adoption of such plans shall occur within the current planning period (years 2003 – 2023).”

- (b) Policy 188.03 shall be amended to read as follows:

“188.03 Neighborhood activity centers ~~shall~~ should be located and arranged according to the following guidelines: [...]

Maximum distance that nonresidential uses should ~~may~~ radiate outwards from the center of the activity center (along streets):[...]

- (c) Policies 188.10, 188.18, 188.26 and 188.34 are amended to read as follows:

“The overall residential density of this neighborhood is ~~targeted at~~ a minimum of 7.5 dwelling units per net acre.

Section 3. That the MGMUP Findings document shall be amended as follows:

¹ The size and configuration of the Northwest NAC has been modified in consideration of advisory comments and objections submitted by DLCD and 1000 Friends of Oregon during the review process of this project. In addition, as some three years have passed since the date of the buildable lands inventory (and more than two years since the adoption of the MGMUP), some opportunities originally envisioned within this NAC have now been lost due to ongoing development within this area. As such, the ability to implement the recommended NAC plan for the Northwest area should be assessed as part of the future planning for this area.

- (a) That the second paragraph on page 7 be amended to read as follows:

“The findings contained in this document support an expansion of the present UGB by approximately ~~1,539~~ 1,188 gross acres of which one-quarter --- nearly 300 acres --- are unbuildable due to environmental constraints or existing development.. This equates to a 15 percent increase in the gross land area contained within the present urban growth boundary to accommodate a 55% increase in population, and a 50% increase in employment for the period 2003-2023. This is the first significant amendment to the City’s urban growth boundary to occur in the ~~22~~ 25 years since its adoption in 1981.”

- (b) That Table 8 (McMinnville vacant land and new built space needed for employment by land use type, 2003-2023) be amended by deleting in its entirety the column titled “Sq. Ft. of building space.”
- (c) That Table 11 (Effect on proposed land redesignations on buildable land supply), Table 12 (Revised buildable land supply with land redesignations, McMinnville UGB, December 2002), and Table 14 (Comparisons of land supply and demand, McMinnville UGB, 2003-2023), and text which follows Table 10 (pages 14 – 17) be amended as follows:

Table 11. Effect of proposed land redesignations on buildable land supply

<u>Plan Designation</u>	<u>Change in buildable acres</u>
Commercial	0.49 <u>0.0</u>
Industrial	(13.82) <u>(12.77)</u>
Mixed Use	<u>(2.85)</u>
Residential	16.18 <u>15.62</u>

Source: City of McMinnville

Table 12. Revised buildable land supply with land redesignations, McMinnville UGB, December 2002

<u>Plan Designation</u>	<u>Gross Buildable Acres (Jan 2003)</u>	<u>Proposed land redesignations</u>	<u>Gross Buildable Acres (w/ redesignations; Jan 2003)</u>
Residential	864.9	16.2 <u>15.6</u>	881.1 <u>880.5</u>
Commercial	101.9 <u>102.4</u>	0.5 <u>0.0</u>	102.4
Industrial	339.8	13.8 <u>12.8</u>	326 <u>327.1</u>
Mixed Use	2.9	2.9 <u>0.0</u>	0.0 <u>2.9</u>
Total Buildable Land	1309.5 <u>1310.0</u>	0.0 <u>2.9</u>	1309.5 <u>1312.9</u>

Source: City of McMinnville

Page 15: "At an average density of 5.9 dwelling units per gross residential acre, the proposed land redesignations would accommodate approximately ~~9592~~ new dwelling units."

Table 14. Comparison of land supply and demand, McMinnville UGB, 2003-2023

Plan Designation	Land Need (2003-2023)	Gross Buildable Acres (Jan 2003)		Deficit (Surplus)
		881.1	<u>880.5</u>	
Residential ^a	1,538.4	1019.2	<u>1019.2</u>	<u>1019.8</u>
Commercial	219.1		102.4	106.0
Industrial	269.7	326	<u>327.1</u>	(44.7) <u>(46)</u>
Total Buildable Land Need Outside UGB	2,027.2	1309.5	<u>1312.9</u>	1125.2 <u>1125.8</u>

Source: ECONorthwest, 2003

^a Application of residential carrying capacity analysis produces an unmet residential need of 537 acres and does not allow a simple supply/demand calculation to occur.

"Notes: [...] McMinnville will maintain a 46 acre surplus of industrial land during the planning period."

- (d) That pages 50 – 53 be supplanted with the text contained in the "Goal 14, factor 6 Supplemental Findings," identified as Exhibit "A," a copy of which is attached hereto and incorporated herein by this reference.
- (e) That the following text be added to page 58 ("Resource Areas Recommended for Inclusion"), specific to the West Hills South subarea:

West Hills South

Sewer:

While there are topographic conditions that serve to make extending public sanitary sewer service to this sub-area costly, there are no other known reasons that would preclude the provision of such service. There currently exists a public sanitary sewer line in Redmond Hill Road, which borders the subject site at the northeast corner. The topography of the subject site would allow gravity flow to the east and south; the eastern portion of the site may require a pump station due to its elevation, however. According to the City of McMinnville Engineering Department, costs associated with providing public sanitary sewer service to this sub-area are estimated to be slightly above average.

Water:

Individual, private wells currently serve as the source of domestic water for the lands within this sub-area. As described in the McMinnville Water and Light "Water System Master Plan," with the exception of the extreme western edge of this subject site, this area is located within the current water service area and could be provided public water

without construction of an upper level system. Public water currently extends to the Hillsdale residential subdivision, a relatively short distance to the northeast.

Electric:

McMinnville Water and Light estimates the costs for providing electric service to the West Hills South sub-area as low (ranging from \$0 to \$200,000). Existing feeders on Hill Road may have to be upgraded to accommodate the additional projected load, however.

Transportation:

As noted previously, Redmond Hill Road is the only public road serving this sub-area. This Yamhill County road extends west from Hill Road and through the Hillsdale residential subdivision a distance of approximately 2,600 feet where it then crosses the sub-area's northern edge. As it fronts the subject site, this road is gravel surfaced and has a right-of-way dimension of thirty feet and is under the jurisdiction of Yamhill County. No other public roads or rights-of-way exist within this sub-area. Extending from both Redmond Hill Road and Hill Road are narrow private drives that afford access to the parcels that are located within the sub-area.

- (f) That the following text be added to page 68 ("Factor 5; Environmental, energy, economic and social consequences"), specific to the West Hills South subarea:
- West Hills South. Development of this area will require provision of water, sewer and transportation systems. The inclusion of this area within the UGB would have economic impacts by removing lands from agricultural production and converting them to urban uses.

Section 4. That the McMinnville Comprehensive Plan Map shall is amended to reflect a revised urban growth boundary consistent with the boundary as depicted in Exhibit "B," a copy of which is attached hereto and incorporated herein by this reference. The plan map is further amended to designate lands within the newly adopted urban growth boundary for residential, commercial, or industrial purposes, as depicted in Exhibit "C," a copy of which is attached hereto and incorporated herein by this reference. The plan map is also amended to add a "Neighborhood Activity Center" planned development overlay to the Grandhaven, Norton Lane, Southwest, Northwest, and Three Mile Lane subareas, as depicted on Exhibit "C," a copy of which is attached hereto and incorporated herein by this reference.

Section 5. That, for purposes of administering the provisions of ordinance, the amendments described herein shall not take effect until and unless approved by the State of Oregon as part of the City's current periodic review work program related to the expansion of the McMinnville Urban Growth Boundary.