



Growing McMinnville
MINDFULLY

FOLLOW UP TO JANUARY 22, CITY COUNCIL WORK SESSION

McMinnville is trying to decide how it will move forward with growth planning to accommodate 20 years of population growth within the City's urban growth boundary. Today's discussion will focus on what a response to a Court of Appeals 2012 Remand for the 2003 McMinnville Growth Management and Urbanization Plan looks like in terms of time, costs and risks, in comparison with starting a new UGB expansion effort.

CITY COUNCIL UGB WORK SESSION, APRIL 14, 2020



GROWTH PLANNING – MCMINNVILLE, Is there a path forward?



MCMINNVILLE NEEDS TO EXPAND ITS UGB

The need to expand has not been the issue, it is how and where the city expands that has been a contested dialogue for 20 years, plagued by opposition, challenges and appeals.

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MCMINNVILLE UGB HISTORY

- ❑ 1981: Adopted UGB for 1980-2000 Planning Period
- ❑ 1988: Entered Periodic Review with DLCD
- ❑ **1993-1995:** Residential inventory/projections
- ❑ **1994-1995:** Commercial land inventory and projection
- ❑ **1995-1997:** HB 2709 retrofit to Residential inventory and needs
- ❑ **1999:** Community Growth and Land Use Analysis project
- ❑ **2000-2002:** Residential BLI, adoption, DLCD appeal, LUBA remand
- ❑ **2001-2003:** Economic Opportunities Analysis
- ❑ **2002-2003:** Additional local review produced the McMinnville Growth Management and Urbanization Plan adopted in 2003
- ❑ **2003-2013:** Continued defense of Growth and Expansion plan
- ❑ **2013:** Remand by Oregon Circuit Court of Appeals
- ❑ **2013:** Decision to let it rest. – battle worn and resource depleted.
- ❑ **2018:** Start work again with HNA/EOA and direction to pursue URA/UGB

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LAND SUPPLY IS CONSTRAINED

- Higher Land Costs
- Lack of Affordable Housing Opportunities
- Lack of Overall Housing Opportunities
- Increasing Homeless Population
- Loss of Economic Opportunities
- More Population Growth in Unincorporated County = SPRAWL
- Deficit in Tax Revenue to Fund Public LOS
- Infill in a Vacuum



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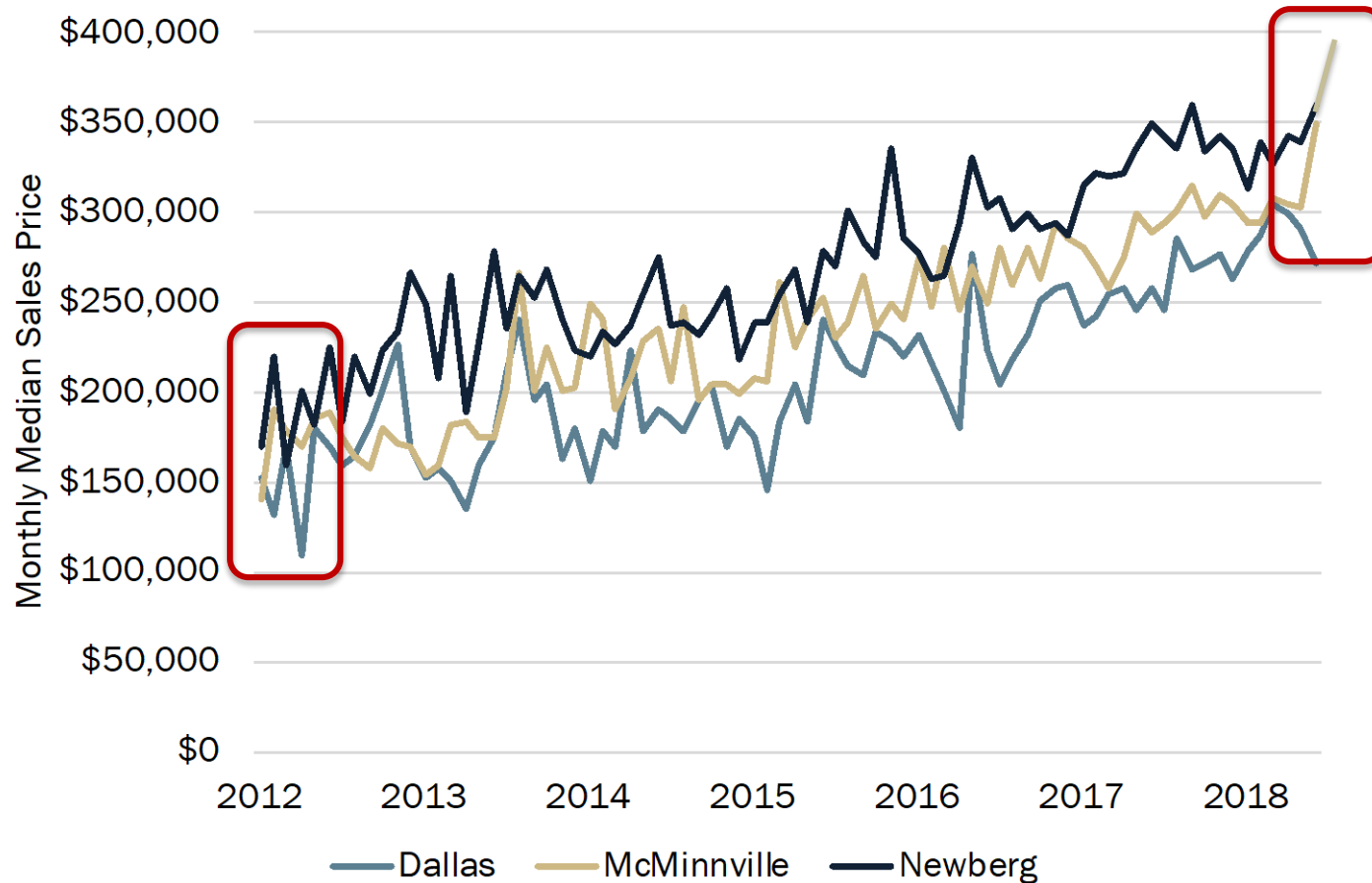
MCMINNVILLE – A QUICK SNAPSHOT

- ❑ McMinnville is beginning to GENTRIFY.
- ❑ Lower and moderate income households are being displaced.
- ❑ Homelessness is increasing.
- ❑ Average home sales price in 2019 was \$398,200.
- ❑ Employers are losing employees due to housing scarcity.
- ❑ Last successful UGB amendment was adopted in 1981 for the planning horizon of 1980 – 2000.
- ❑ Started next effort in 1994, and then decided to shelve it in 2013 after 20 years of challenges and appeals – planning horizon of 2003-2023.
- ❑ McMinnville spent \$1,000,000 on the MGMUP effort, 100s of hours of staff time, 100s of hours of community engagement.

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Median Sales Price, 2012 to 2018



Source: Redfin.

2019 = \$398,200

\$55,400

If your household earns....

\$15,000

(30% of MFI)

\$25,150

(50% of MFI)

\$40,240

(80% of MFI)

\$50,300

(100% of MFI)

\$60,400

(120% of MFI)

Then you can afford....

\$375

monthly rent

\$630

monthly rent

\$1,000

monthly rent

\$1,260

monthly rent

\$1,510

monthly rent

OR

OR

OR

OR

**\$45,000-
\$53,000**

home sales price

**\$75,000-
\$88,000**

home sales price

**\$141,000-
\$161,000**

home sales price

**\$176,000-
\$201,000**

home sales price

**\$211,000-
\$242,000**

home sales price



.5 FTE,
earning minimum wage
\$13,000



Food Processor
\$25,490



Healthcare Support
\$36,705



Real Estate Broker
\$52,287



Firefighter
\$65,904

\$55,400

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**ESTABLISHING NEED IS NOT
THE ISSUE**

**HOW TO ACCOMMODATE
THE NEED IS**

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Growing McMinnville MINDFULLY

SHOULD McMINNVILLE GROW...

Up?

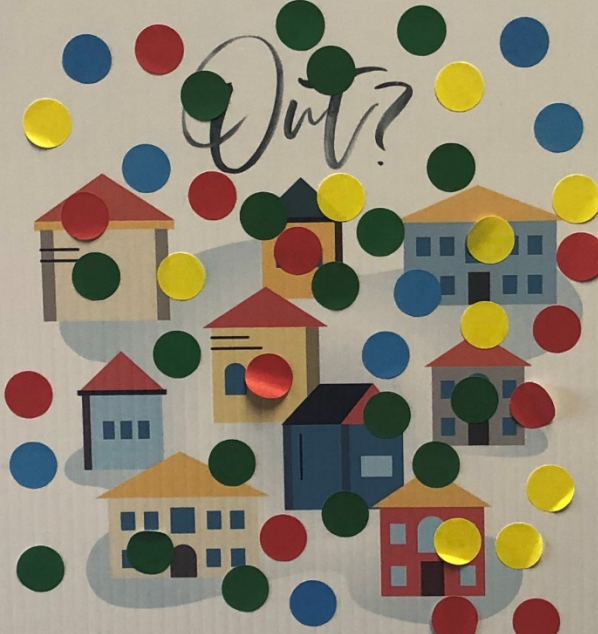


**HIGHER DENSITY
RESIDENTIAL DEVELOPMENT**

(apartment complexes, smaller lots, duplexes & triplexes)

**NO URBAN GROWTH
BOUNDARY EXPANSION**

Out?



**MAINTAIN THE EXISTING
MIX OF HOUSING TYPES**

**LARGE URBAN GROWTH
BOUNDARY EXPANSION**

Both?



**ADDITION OF HIGHER DENSITY
RESIDENTIAL DEVELOPMENTS
AND SINGLE FAMILY HOMES**

**SMALL URBAN GROWTH
BOUNDARY EXPANSION**

ORS 197.298 – PRIORITY LANDS FOR UGB AMENDMENTS

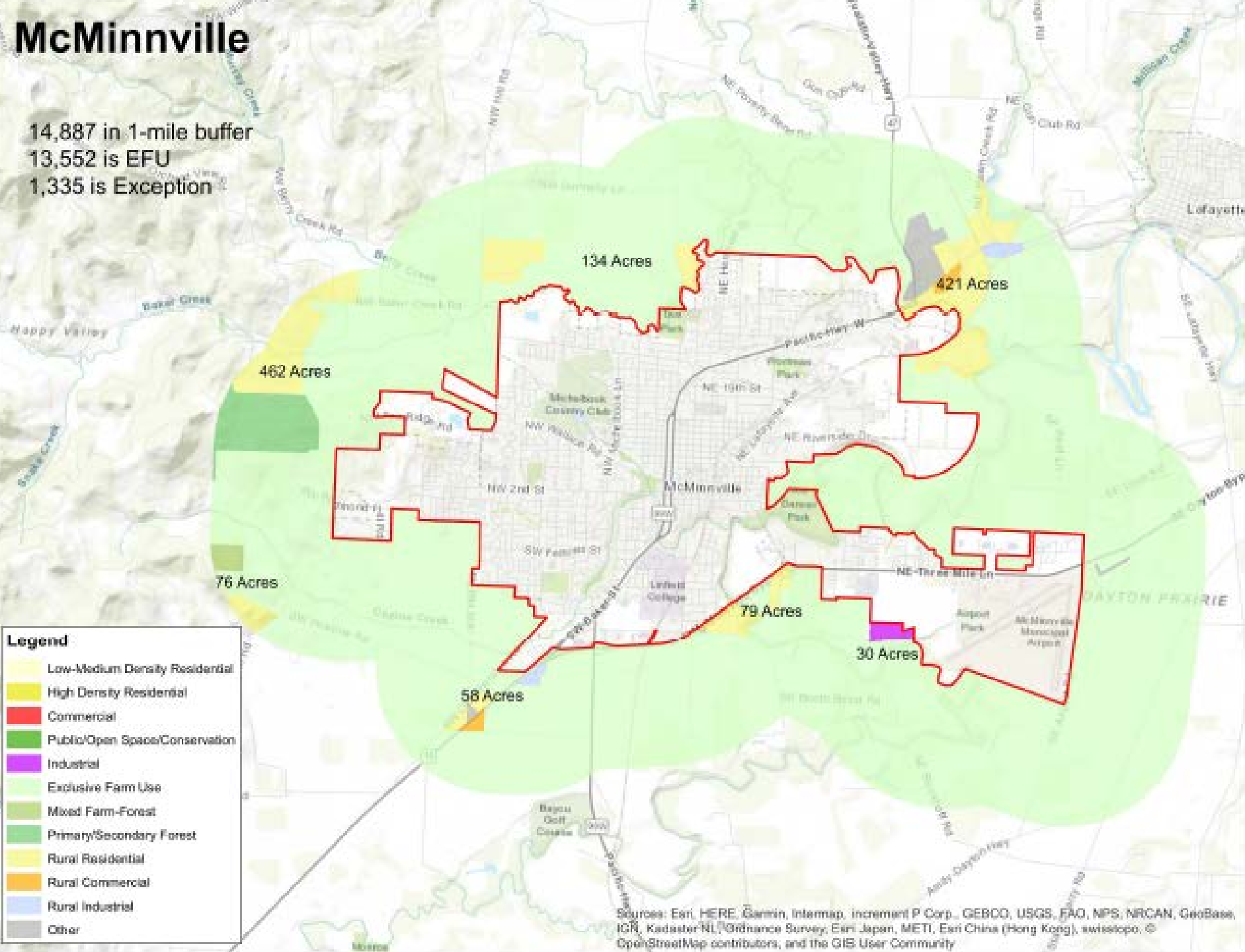
- 1) **First Priority = Urban Reserve Land**
- 2) **Second Priority = Land adjacent to the UGB that is an exception area or non-resource land.**
- 3) **Third Priority = Land designated as marginal land.**
- 4) **Fourth Priority = Agricultural and Forest Lands**
 - **Low Value Farmland**
 - **High Value Farmland**

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McMinnville

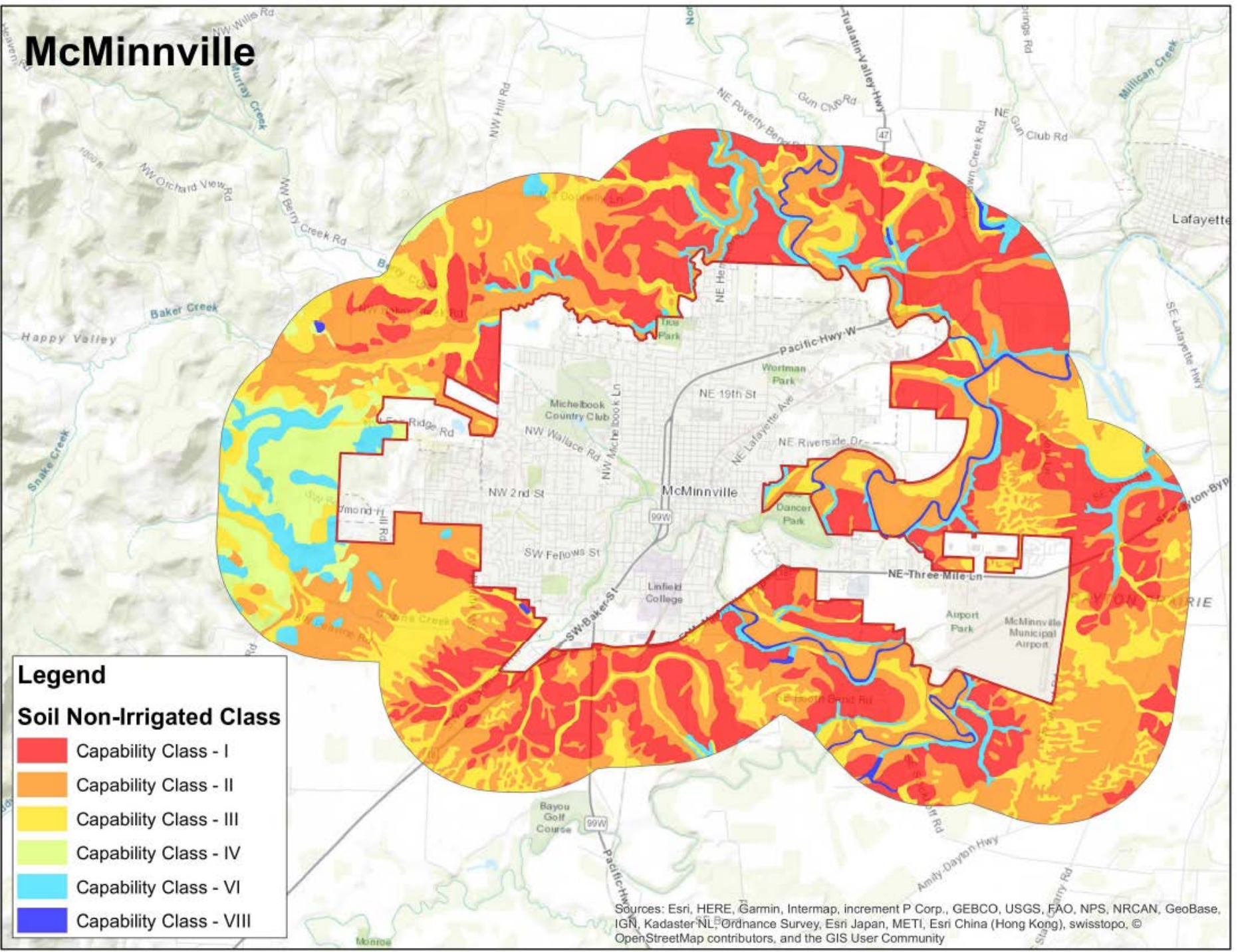
14,887 in 1-mile buffer
13,552 is EFU
1,335 is Exception



- Legend**
- Low-Medium Density Residential
 - High Density Residential
 - Commercial
 - Public/Open Space/Conservation
 - Industrial
 - Exclusive Farm Use
 - Mixed Farm-Forest
 - Primary/Secondary Forest
 - Rural Residential
 - Rural Commercial
 - Rural Industrial
 - Other

Source: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL/Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

McMinnville



Legend

Soil Non-Irrigated Class

- Capability Class - I
- Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - VI
- Capability Class - VIII

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

POTENTIAL PATHS FORWARD

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POTENTIAL PATHS FORWARD

1. URA/UGB
2. UGB
 - a. Dust off 2003 Submittal, resubmit with revised findings
 - b. New alternatives analysis
 - c. Concurrent with URA
3. REGIONAL PROBLEM SOLVING
 - a. RPS – 2003 UGB Plan
 - b. RPS – URA/UGB
4. LEGISLATIVE BILL
5. QUASI-JUDICIAL UGB AMENDMENTS
6. DO NOTHING (Wait for a state-wide fix)
7. NEGOTIATE A DEAL

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CITY COUNCIL DIRECTED STAFF TO EVALUATE RESPONDING TO THE 2012 REMAND OF THE 2003 MGMUP

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MGMUP (2003-2023) UGB HISTORY

- ❑ **1994 – 2000 Coordinated Population Forecast, Draft HNA work**
- ❑ **2001: HNA Adopted.**
Appealed to LUBA. Remanded back to City.
- ❑ **2002: City started work on the UGB Alternatives Analysis (2003-2023)**
- ❑ **2003: Ordinance No. 4795 (EOA) and Ordinance No. 4976 (MGMUP)**
- ❑ **2004: LCDC Hearing on MGMUP**
Objections Filed. LCDC Remands to the City.
- ❑ **2006: Ordinance No. 4840 and 4841 – Amended MGMUP**
Approved by DLCD Staff. Appealed to LCDC. LCDC Affirms DLCD Staff Decision.
Appealed to Court of Appeals.:

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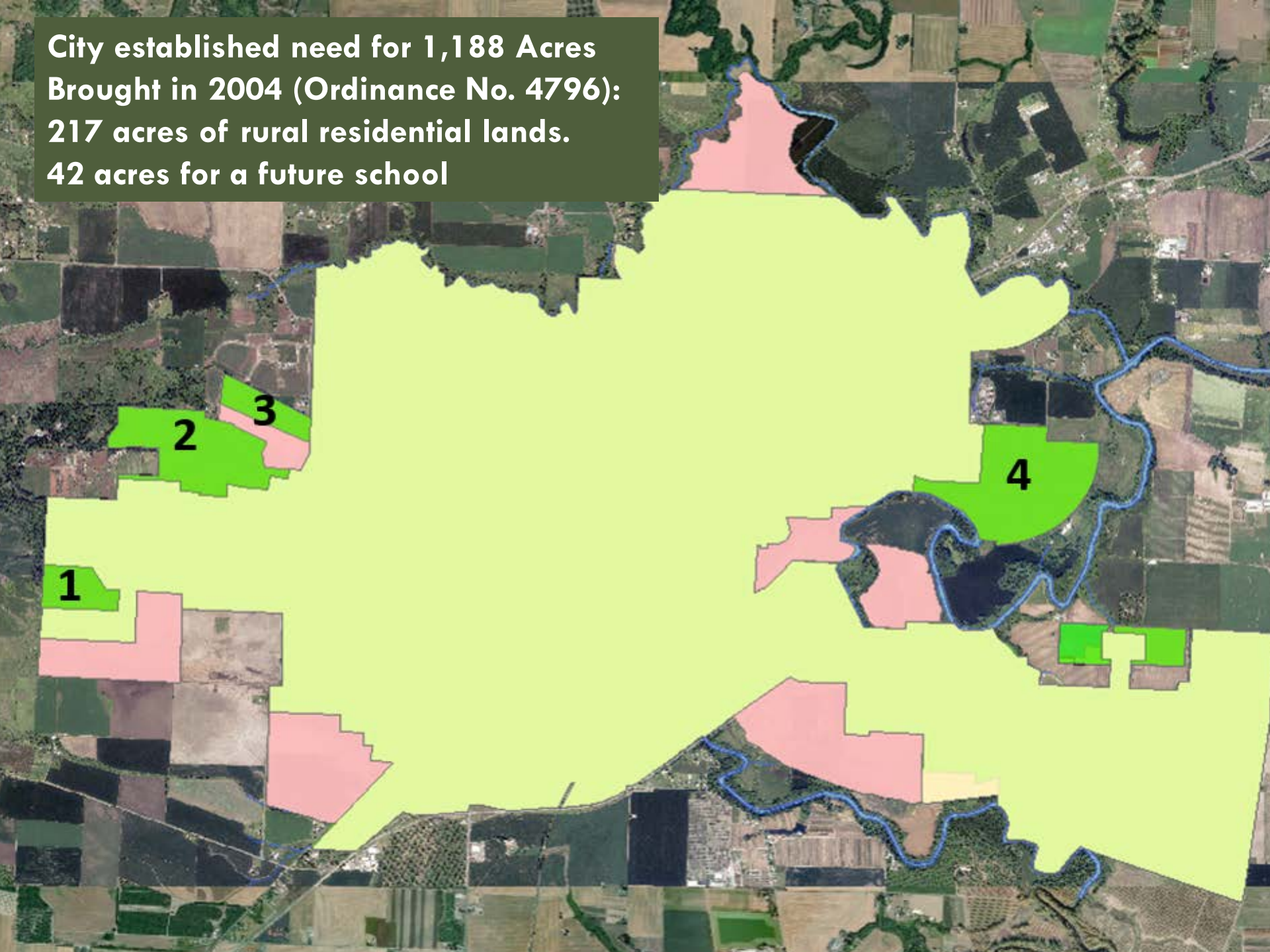
MGMUP (2003-2023) UGB HISTORY

- ❑ **2011: Court of Appeals Decision – One Assignment of Error.**
Remanded back to LCDC.
- ❑ **2012: LCDC remanded back to the City of McMinnville**
(Yamhill County was not part of the remand).
- ❑ **2013 :** City adopts Ordinance No. 4961, “unwinding all of its work”, electing to delay a response to the remand.
- ❑ **2014 – 2015:** DLCD Rulemaking
- ❑ **2016:** New rules become effective. All UGB work prior to new rules can still move forward under previous rules.

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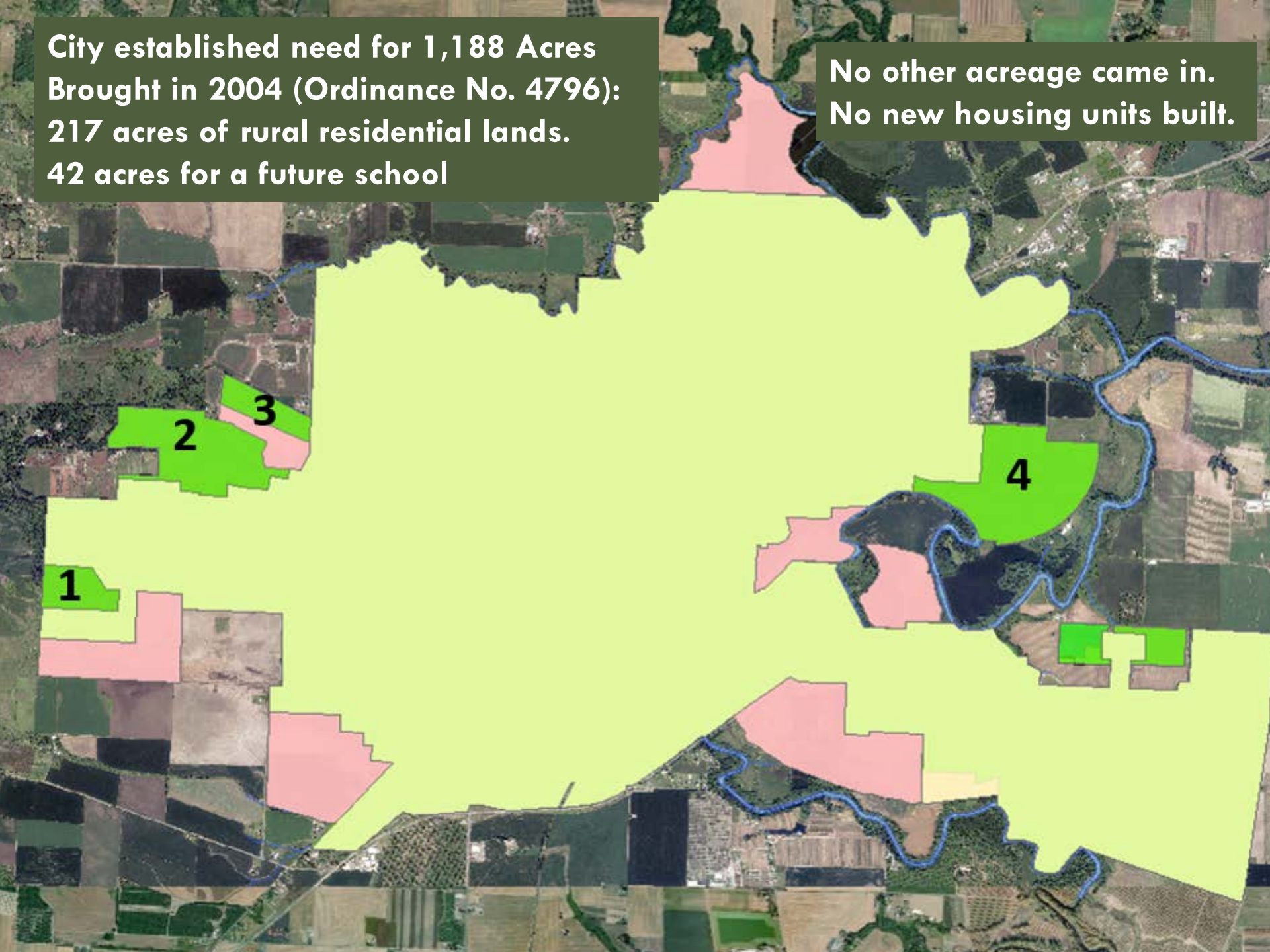


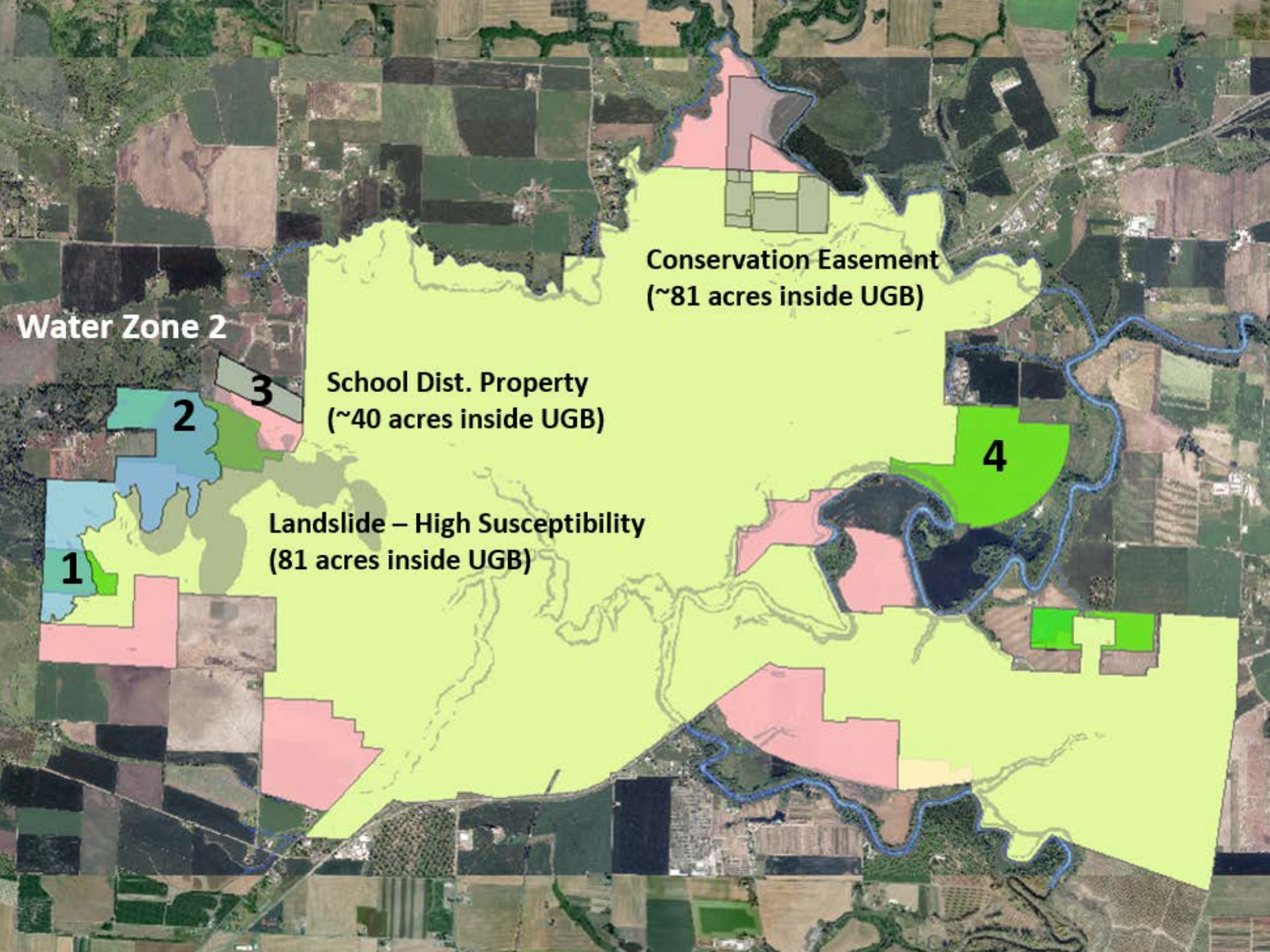
**City established need for 1,188 Acres
Brought in 2004 (Ordinance No. 4796):
217 acres of rural residential lands.
42 acres for a future school**



**City established need for 1,188 Acres
Brought in 2004 (Ordinance No. 4796):
217 acres of rural residential lands.
42 acres for a future school**

**No other acreage came in.
No new housing units built.**





**Conservation Easement
(~81 acres inside UGB)**

Water Zone 2

**School Dist. Property
(~40 acres inside UGB)**

**Landslide - High Susceptibility
(81 acres inside UGB)**

2

3

1

4

LEGAL VIABILITY

- **McMinnville can legally respond to LCDC's remand. (DLCD supports this interpretation).**
- **Pursuant to statutes and administrative rules in effect at the time of the submittal - 2006.**

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REMAND OVERVIEW

Remand Review – *What's in the Court of Appeals decision?*

- **General critique of buildable land analysis and how to do it correctly.**
- **Specific critique of the UGB analysis to include/exclude areas.**

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REMAND OVERVIEW

Remand Review – What is in the Court of Appeals decision?

- Buildable land – Cost does not make land un-buildable.
- Solution - revise BLI maps to only exclude hazards, steep slopes, and “topographic/physical” barriers.

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REMAND OVERVIEW

Remand Review – What is in the Court of Appeals decision?

- From buildable land maps, select land to include in the UGB based on statutory priorities.
- Skip “priority” areas only if they cannot meet a specific land need.

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REMAND OVERVIEW

Remand Review – What is in the Court of Appeals decision?

- From buildable land maps, select land to include in the UGB based on statutory priorities.
- Skip “priority” areas only if they cannot meet a specific land need.

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REMAND OVERVIEW

Remand Review – What did DLCD’s remand order say?

- Follow the Court’s instructions, or
- Proceed “in any other manner that complies with the statewide planning goals”.

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REMAND OVERVIEW

Response – Remand Work Outline

- Re-Map Buildable Land
- Cost to Serve Analysis
- Land Development Cost Analysis
- Refine Housing Need Analysis
- Revise UGB Expansion Map
- Revise Plan Documents/Findings

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REMAND OVERVIEW

Buildable Lands

- **Most land in expansion areas will be classified as buildable.**
- **Exclude: flood plains, steep slopes, severe and high risk landslide.**
- **Topographic/Physical Barriers: Baker Creek, Yamhill River.**

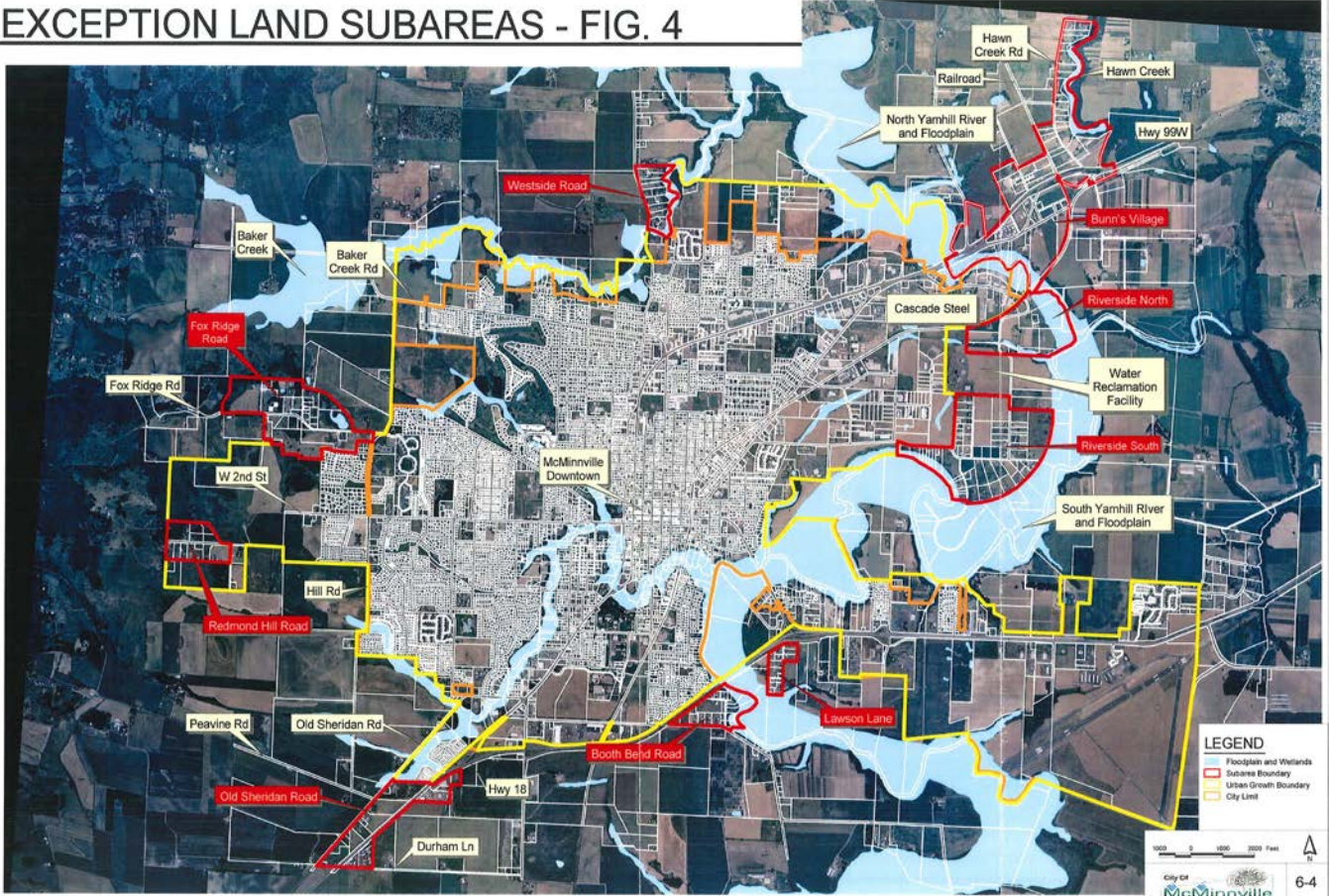
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CANDIDATE EXPANSION AREAS

2003 Study Areas
Figure 4

EXCEPTION LAND SUBAREAS - FIG. 4



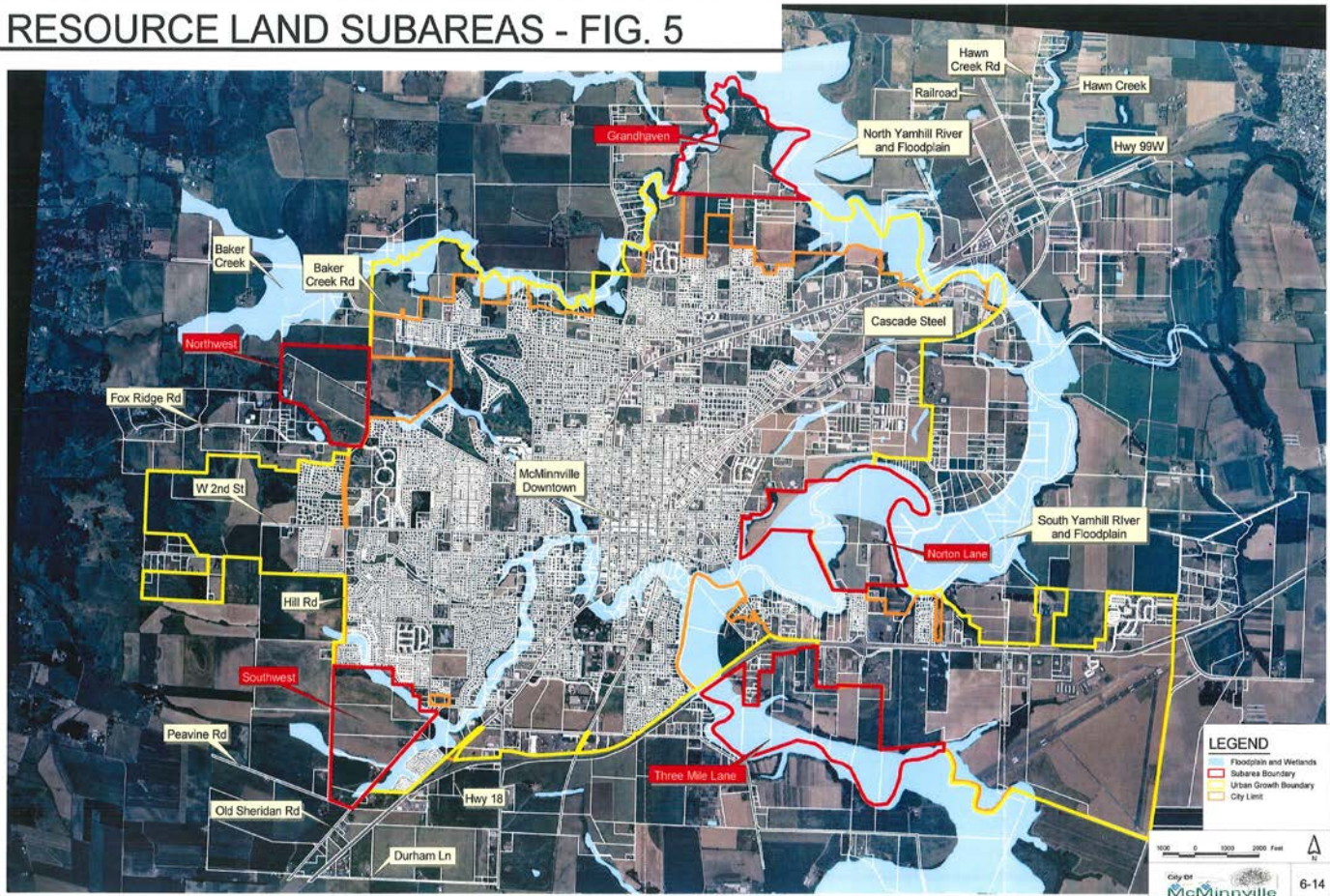
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CANDIDATE EXPANSION AREAS

RESOURCE LAND SUBAREAS - FIG. 5

2003 Study Areas
Figure 5



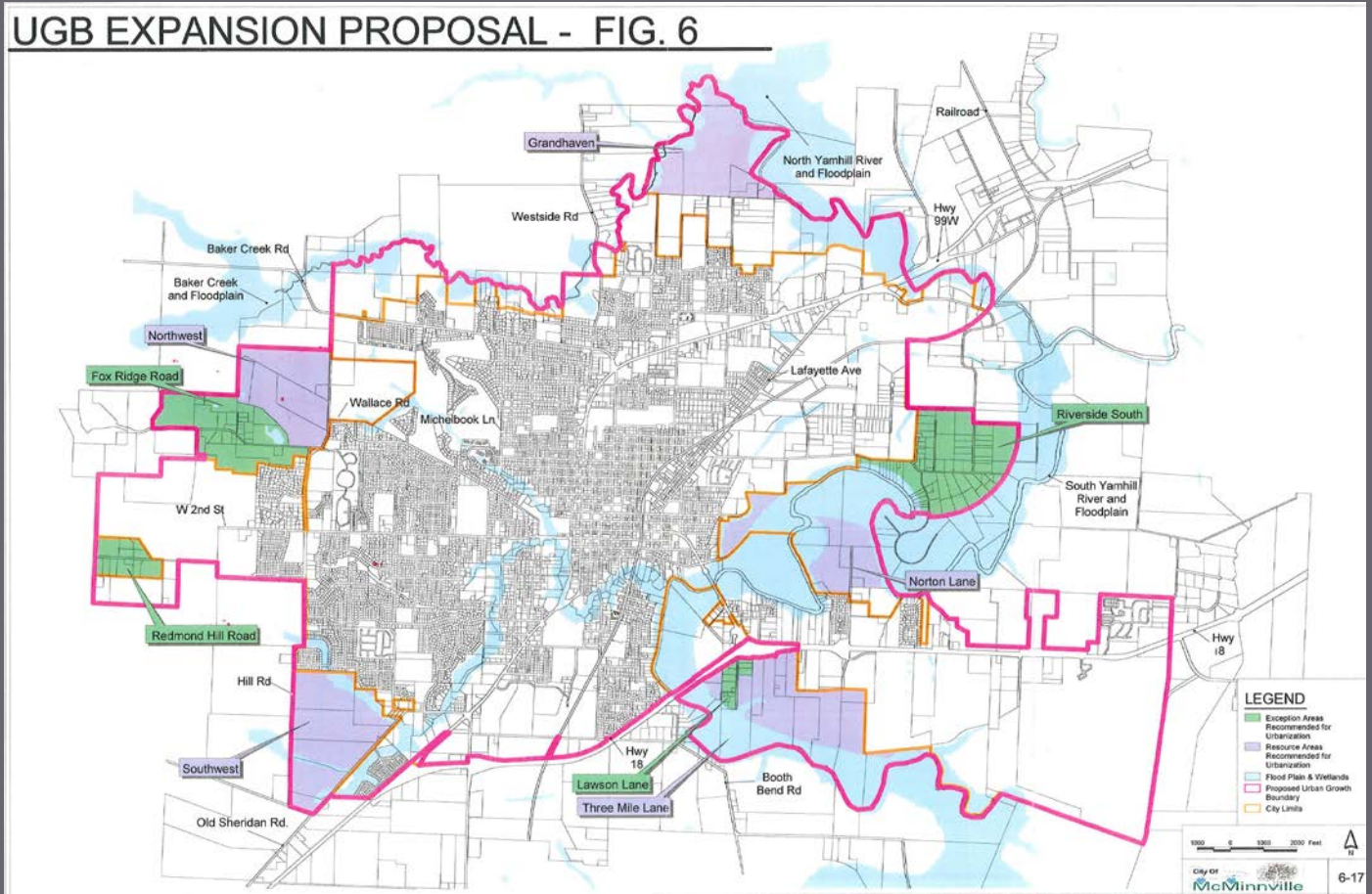
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CANDIDATE EXPANSION AREAS

2003 UGB Areas
Figure 6

UGB EXPANSION PROPOSAL - FIG. 6

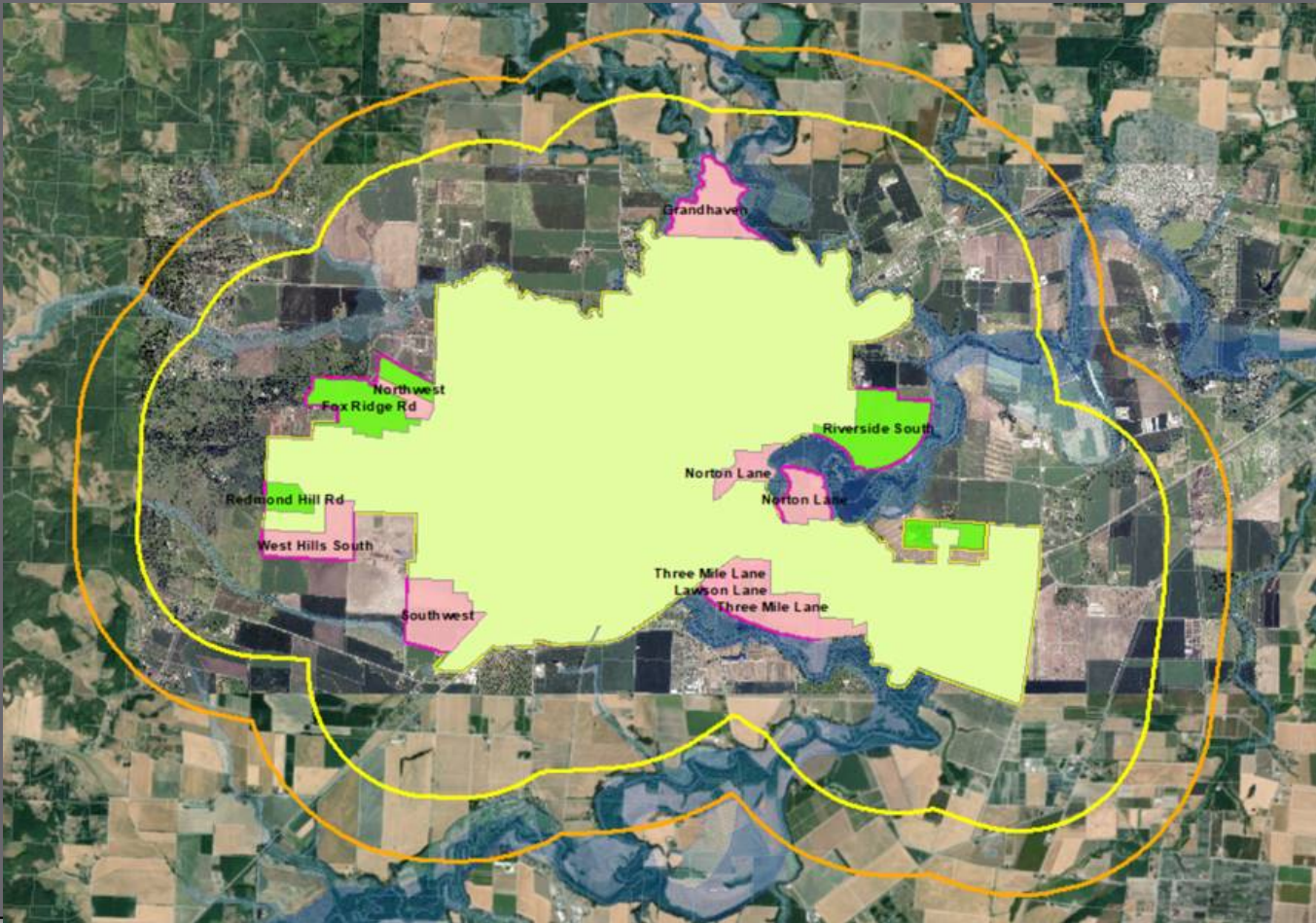


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CANDIDATE EXPANSION AREAS

2006 UGB Proposal
Figure 6



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REMAND OVERVIEW

Cost to Serve Study

- Water, sewer, and roads.
- Serviceability cost rating: low, medium, high cost/buildable acre.
- Consultant support: Jacobs Engineering.

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REMAND OVERVIEW

Land Development Cost Analysis

- “typical” 5-acre sites in West Hills, Riverside South, and 3-Mile Lane.
- Feasibility and cost/dwelling to develop SFR and MFR.
- Professional development support.

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REMAND OVERVIEW

Refine Housing Land Needs Analysis

- Use data from the 2001 HNA.
- Define land needs and cost parameters for housing types from executive to affordable.
- In-house work product.

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REMAND OVERVIEW

Revise UGB Expansion Map

- Follow Court of Appeals screening process to justify inclusions and exclusions.
- Use 2006 plan designations and zoning (NAC, R-5 zone).
- In-house product.

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REMAND OVERVIEW

Revise Plan Documents/Findings

- Use 2006 amendments where possible.
- Revise Appendix C to document UGB land selection process.
- Outline implementation steps (e.g. NAC plans, County growth management agreement).

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REMAND – Response Work Program Costs

Task	Est Cost	Assigned to:
Buildable Land Map	\$ 6,000	Planning (In process)
Serviceability Analysis	30,000	Public Works, MWL, Jacobs Eng.
Development Cost	22,000	Planning w/ developers
Affordable Housing Land Need	2000	Planning, ECONW (in process)
Map/Plan Amendments	15,000	Planning (In process)
Findings	8,000	
Sub-total	<u>\$ 83,000</u>	
Note also need to update Public Facility Plans	\$500,000	Parks, Transportation, WW, Water, Storm

Plus legal expenses, estimated to be \$50,000 - \$100,000

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REMAND OVERVIEW – PROS AND CONS

PROS:

- Builds upon previous work and investment, has community support.
- All of the challenges have been legally resolved, except for one. (Coordinated Population Forecast, Housing Needs Analysis, Efficiency Measures, Park Land, etc.)
- Court decision lays out path for response.

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REMAND OVERVIEW – PROS AND CONS

CONS:

- One assignment of error is a big one – priority structure.
- Cannot use new rules adopted in 2016 which allows for impractical infrastructure analysis.

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“NEW WORK” - OVERVIEW

- **What is the New Work? Where are we?**
 - ▣ **Overview/Recap of Steps**
 - ▣ **New Work Status**
 - ▣ **Summary of Need**
- **Next Steps & Requirements**
- **Cost of Next Steps**
- **Decisions/Actions Which can be Appealed**

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WHAT IS THE NEW WORK?

- **Started 2018**
 - ▣ Planning for UGB for 2021-41, Urban Reserve -2067
- **So far:**
 - ▣ Draft Needs analysis (residential, employment, other – public/semi-public)
 - ▣ Draft Buildable Lands in UGB to determine sufficiency
 - ▣ Have not yet begun evaluating expansion areas per new rules
- **Not yet vetted through public process or adopted.**
- **Unknown: challenges or appeals at any step in process**
 - ▣ (MUAMC public hearing, CC public hearing, DLCD)

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STATUS



STEP	TASK
1	Determine the Need
2	Evaluate Alternatives to Meet the Need – Pt 1
3	Evaluate Alternatives to Meet the Need – Pt 2
4	Develop and Select the Preferred Alternative
5	Adopt the Plan
6	Adopt Supporting Plans
6	Implement the Plan

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STATUS OF STEP 1 - NEEDS ANALYSIS TASKS

Needs Analysis Tasks:

- Housing Needs Analysis and BLI
- EOA and BLI, Public/Semi Public Land Needs
- Urbanization Report
- Housing Strategy (not a land use document)

All Items:

- Complete Remaining Items in Drafts
- Distribute to PAC for review
- Public vetting
- Public hearing process for adoption

Need to Submit PAPA “Notice of Proposed Amendment” for Drafts to DLCD in May

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NEXT STEPS

STEP	TASK
1	Determine the Need
2	Evaluate Alternatives to Meet the Need – Pt 1
3	Evaluate Alternatives to Meet the Need – Pt 2 Develop and Select the Preferred Alternative
4	Adopt the Plan
5	Adopt Supporting Plans
6	Implement the Plan



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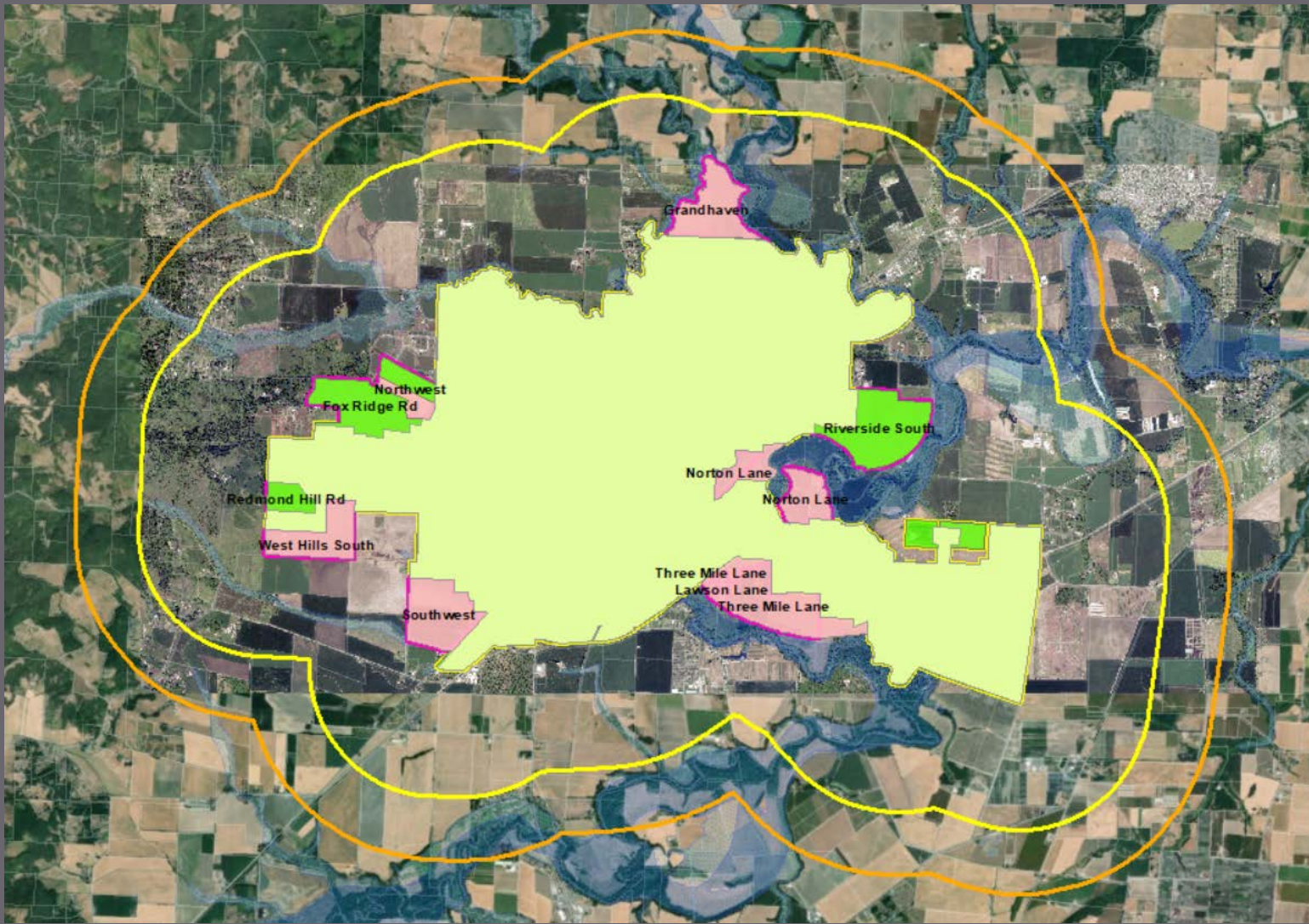
ANALYSIS – ESTABLISH PRELIMINARY STUDY AREA

- **Establish Preliminary Study Area (for UGB):**
 - All land within an Urban Reserve (not applicable), *and*
 - All lands within 1 mile from the UGB, *and*
 - All exception areas contiguous to an exception area that includes land within 1 mile of the UGB and that are within 1.5 miles of the UGB.

- At the discretion of the local government, the preliminary study area can contain lands in addition to those above.

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Current UGB

7,530 ac
11.8 Sq Mi

1 Mile

~15,000 ac
23 Sq Mi

1.5 Mile

Add 1/2 Mile:
Addl ~8,000 ac
Addl ~13 Sq Mi

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ANALYSIS –EXCLUSIONS FROM PRELIMINARY STUDY AREA

City can exclude land from preliminary study area if it is:

- ❑ Impracticable* to provide necessary public facilities or services to the land (see next slide)
- ❑ Subject to significant development **hazards**, due to risks more specifically described for landslides, flooding, tsunamis (those described in OAR)
- ❑ Consists of significant scenic, natural, cultural, or recreational resources (those listed in OAR)
- ❑ Owned by the federal government and managed primarily for rural uses.

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ANALYSIS – EXCLUSIONS FROM PRELIMINARY STUDY AREA

*“Impracticable” to provide necessary public facilities or services to the land:

- Area at least 5 ac: $> 75\%$ area is slope $> 25\%$, but not if excluding area with 20 ac or more with slope $< 25\%$
- **Isolated** from existing service networks by physical, topographic, or other impediments* to service provision...if impracticable to serve during planning period, based on evaluation of:
 - Amount of development likely during planning period
 - Likely cost of facilities and services
 - Substantial evidence how similarly situated land in the region has/hasn't developed over time

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ANALYSIS – EXCLUSIONS FROM PRELIMINARY STUDY AREA

- ***Impediments:**

- Rivers/water bodies requiring new bridge crossings to serve
- Topo features (canyons/ridges) >40% slope, vert. >80'
- Freeways, rail lines, restricted access corridors – requiring grade separation to serve
- [Official] significant scenic, natural, cultural, recreational resources that would prohibit or significantly impede public facilities and services

- **Not an allowable exclusion:**

- Existing development patterns, but may affect capacity

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ANALYSIS – REFINED STUDY AREA

After allowed exclusions from preliminary study area:

- If not already 2x deficiency, adjust area to include 2x amount of land needed to address deficiency, by expanding distance

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EVALUATE LAND IN STUDY AREA FOR INCLUSION IN UGB

- Evaluate all land in study area:
 - ▣ Apply Land Priorities
 - ▣ Include as much land in highest priority before next priority

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NEW WORK PROGRAM COSTS

Task	Est Cost	Assigned to:
Need Analysis Completion	\$20,000	Planning (In process)
Alternatives Analysis	\$205,000	Planning, Public Works, MWL, Consultants
Map/Plan Amendments	\$15,000	Planning, Consultants
Findings	\$20,000	
Sub-total	<u>\$ 260,000</u>	
Note also need to update Public Facility Plans	\$815,000	Parks, Transportation, WW, Water, Storm

Plus legal expenses, estimated to be \$50,000 - \$250,000 depending upon the legal challenges along the way

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Potential Areas for Appeal

Basically, any decision, analysis, or assumption that isn't a "safe harbor" is subject to appeal at each step of the process.

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Potential Areas for Appeal

1. Needs Analysis: Housing, Employment, Other Lands; Needs, BLI, Capacity, Surplus/Deficit

2. UGB/UR Expansion Study Areas Analysis: Analysis of areas eligible for inclusion

3-4. UGB/UR Expansion Proposal and Plan: Selection of proposed expansion area from eligible areas; Comprehensive Plan map for expansion areas; Comprehensive Plan policies

5. Supporting Plans: Public facility plans; Goal 5 & Goal 7 resource plans

6. Implementation: Area Planning; Code Amendments, Efficiency Measures, and Rezoning; Etc.

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NEW WORK OVERVIEW – PROS AND CONS

PROS:

- Investment in HNA/EOA has occurred.

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NEW WORK OVERVIEW – PROS AND CONS

CONS:

- Exposure to significantly more challenges and appeals = time and money.
- Costs of alternatives analysis and new public facility planning. = \$1,100,000
- McMinnville will be the test case for new rules in a environment that has historically been strife with challenges, opposition and legal appeals.

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A COMPARISON SNAPSHOT

	REMAND	NEW WORK
TIME	December, 2020 Submittal	December, 2022/23 Submittal
MONEY	\$83,000 (Plus Public Facility Plans, estimated to be \$500,000)	\$260,000 (Plus Public Facility Plans, estimated to be \$815,000)
RISKS – APPEALS	Appeals resolved on all issues but one.	Adoption process has not started yet, everything is on the table for challenges and appeals
OUTCOMES	Satisfy a land need for a total population of 44,055	Satisfy a land need for a total population of 47,498

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LEVERAGING INVESTMENT IN NEW WORK

Options for Use of “New Work”

New Work – Instead of Remand

UGB: 2021-2041, UR: -2067

New Work – In Addition to Remand

-Urban Reserve Only

Add Urban Reserve to “Remand UGB” (2023-2053)

-UGB Update Only

(After remand completion, update UGB to 2021-2041)

-UGB Update + Urban Reserve

(After remand completion: (UGB 2021-41, UR -2067)

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PUTTING IT ALL IN PERSPECTIVE



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GROWTH PLANNING – MCMINNVILLE, Moving Forward Mindfully



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REFERENCE SLIDES IF NEEDED

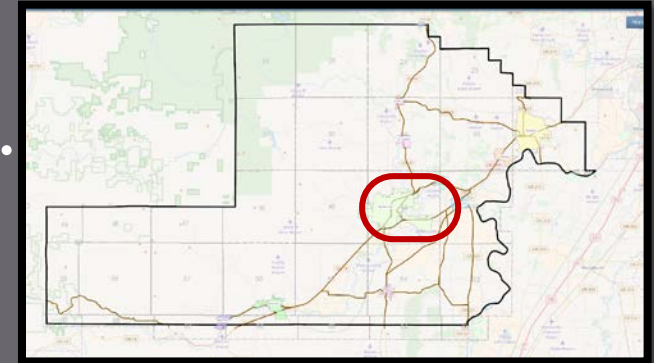
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PUTTING IT ALL IN PERSPECTIVE

Yamhill County has 458,240 acres of land.

of that, 7,552 acres are in McMinnville's UGB (1.6% of total county land)



Since 1973, cities in Yamhill County have added 847 acres of land to their UGBs, (0.2% growth).

Yamhill County's population has increased by 140% in that timeframe.

CITY COUNCIL WORK SESSION, 01.22.20



PUTTING IT ALL IN PERSPECTIVE

If McMinnville expanded its UGB by 1200 acres to accommodate the growth of 12,800 people

That would be 0.3% of Yamhill County's overall acreage.
And 0.002% of statewide acreage.

Yamhill County has 192,251 EFU acres. If the city expanded by 1200 acres on to only EFU land, the city would be absorbing 0.6% of Yamhill County EFU land. 6/10 of 1%.

McMINNVILLE CITY CLUB, 01.14.20

