



December 1, 2020

Mayor Scott Hill
McMinnville City Council
230 NE Second Street
McMinnville, OR 97128

Dear Mayor Hill and Council Members,

1000 Friends of Oregon is a non-profit, charitable organization dedicated to working with Oregonians to support livable communities. Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents. Our organizations' memberships include McMinnville and county residents who support the mission and values of the Oregon land use program.

1000 Friends and FYC appreciate the work of the Council, your staff, the consultant, and other participants in drafting the revised Urban Growth Boundary (UGB) proposal that is before you. We support your efforts to plan for and shape the community's future and we continue to maintain a keen interest in the outcome.

In addition to the revised UGB proposal, we have reviewed the revised McMinnville Growth Management and Urbanization Plan (MGMUP), the proposed comprehensive plan and zoning ordinance amendments (Appendices D and E), and other related documents, and offer the following comments:

I. Proposed UGB expansion

There are good reasons that under state land use laws, farmland is the last resort for urban expansion. Farmland is not undeveloped land waiting for urbanization. It is already-developed industrial land that supports what is, by some measures, the leading industry in Yamhill County; agriculture. Agricultural products grown in Yamhill County were valued at over \$314 million in 2017, a 12% increase in value in just 5 years. Leading crops include fruits, tree nuts, berries, nursery crops, and milk.¹ Local jobs and our local economy depend on these lands. In 2018, agriculture, food manufacturing and beverage manufacturing had a total of 22,270 jobs with payroll of \$807 million in Yamhill, Polk, and Marion counties. That represented 13 percent of all the private sector jobs in the three counties and more than 11 percent of the region's private sector payroll.² Urbanizing farmland is sometimes necessary, but we should not pretend there is no economic or environmental cost.

¹ Yamhill County Profile, US Census of Agriculture, 2017.

² "Agriculture in Marion, Polk, and Yamhill Counties," Oregon Employment Department, 2019

The revised proposal before the Council does a much better job of protecting high-value farmland than the previous one. In contrast to the previous proposal, the proposed expansion avoids top-quality irrigated farmland and instead directs more growth to exception areas and other agricultural lands with poorer soils.

While no plan is perfect, the proposed UGB amendment does a good job of responding to the Court of Appeals remand and we do not oppose it.

II. McMinnville Growth Management and Urbanization Plan Implementation

The MGMUP contains several positive elements that, in many ways, complement the recently adopted Great Neighborhood Principles. In particular, the text describes compact, pedestrian-friendly Neighborhood Activity Centers (NACs) where people of varying incomes can live together in a variety of housing types within walking distance of neighborhood services.

As your staff report points out, the success of the plan depends on its implementing comprehensive plan and zoning ordinance measures. We are concerned that in some respects, the proposed implementing amendments to the Comprehensive Plan and Zoning Ordinance fall short of the laudable prose in the text and will not result in the positive development pattern that the text says the city aspires to.

A. High-Density and Medium-Density Housing

1. McMinnville's comprehensive plan defines high-density housing as anything over 8 units per acre and medium-density housing as 4-8 units per acre.

The Neighborhood Activity Center guidelines in proposed plan policy 188.03 (Appendix D), zoning ordinance 17.06.425 (Appendix E), and at p. 88 and 100 of the MGMUP, seemingly prohibit, or at least strongly discourage, high-density housing beyond 1/8 mile (660 feet) from the central "focus" area of an NAC.

These same guidelines seemingly prohibit, or at least strongly discourage, high-density housing more than 1/4 mile (1320 feet) from the central "focus" area of an NAC.

These policies effectively dictate that all housing more than 440 yards from an NAC focus area should be less than 4 du/net acre. This is inconsistent with the recently adopted Great Neighborhood Principles and inconsistent with House Bill 2001, the "missing middle" housing bill that recently passed the legislature. These policies are also inconsistent with the transit-supportive development that the NACs are intended to provide.

As DLCDC noted 16 years ago when reviewing the city's prior submission:

[McMinnville] is required to plan for and allow transit supportive uses, including medium- and high-density residential development, within one-quarter mile of transit routes.

1000 Friends state Policy 188.03 should be amended since this policy restricts high density housing to no more than 660 feet from the edge of a NAC focus area and medium density housing to no more than 1,320 feet from the edge of a NAC focus area... We agree with the exception that the policy should be rewritten to avoid delineating areas of medium- and high-density housing so narrowly.

* * *

As noted in the exception, this policy states that the “maximum distance” high-density housing can be located away from the edge of a Focus Area is 660 feet, while the “maximum distance” from the edge of the Focus Area for medium-density housing is 1,320 feet. This policy, even in the context of a guideline, appears to indicate that high-density housing is not allowed (or is certainly discouraged from being located) more than 660 feet from the edge of a Focus Area. By definition, this policy states that medium- or low-density housing are the only appropriate uses beyond this 660-foot distance.

McMinnville’s zoning ordinance states that the minimum lot size in the R-3 zone (a medium-density zone) is 6,000 square feet. Therefore, this policy limits high-density housing to no further than 660 feet from the edge of a Focus Area, and that beyond this line, residential development with minimum lot sizes of 6,000 square feet are allowed. 6,000 square foot lots can be a component of a transit-oriented development, but it is inconsistent with transit-oriented development principles to preclude higher-density housing types from being located more than 660 feet from a transit stop or neighborhood center.

* * *

While we support the efforts of this policy to encourage a gradient of densities within NACs through guidelines, this policy is written in such a way as to too narrowly prescribe the precise limitations for the location of high- and medium-density housing. Should market conditions desire higher-density housing options, this policy would preclude those housing types from being located in close proximity to the NAC focus areas. This policy can and should be written to be more clearly a guideline that encourages a gradient of densities while at the same time not precluding high- and medium-density housing types from being located within walking distance of the NAC focus areas.³

These overly-restrictive guidelines are at odds with the city’s stated goals and aspirations. They may also prevent the city from meeting the “needed housing” housing targets that underlie the

³ Agenda Item 7c, April 21-23, 2004, LCDC Meeting Referral of the City of McMinnville’s Periodic Review Task I and UGB Amendment, Responses to Exceptions.

MGMUP.⁴ We recommend that the city council strike them, while retaining the text within the MGMUP that generally directs higher density housing towards the center of an NAC.⁵

2. We strongly support the proposed re-adoption of the proposed R-5 multi-family zone. Historically in McMinnville, land in the R-4 zone has been used for lower-density housing, resulting in an acute shortage of land to site apartments. We are concerned, however, that the city may be planning to designate an inadequate amount of R-5 land. While both the 2003 MGMUP and the Revised Buildable Lands Analysis project a need for 72 acres of R-5 land to accommodate 1,083 units⁶, the text of the MGMUP asserts that half this need - 36 acres - has been met through rezoning for other higher-density development within existing UGB, mostly to R-4 and C-3. These developments include both single-family attached housing and apartments.⁷

The conclusion that the city has already met half of its need for R-5 land is wrong. First, a portion of the development that the city's conclusion relies upon was single-family attached housing. None of the projected need for R-5 land is to accommodate this housing-type; all 72 acres of the R-5 land is to meet the projected need for apartments.⁸ Second, in addition to the R-5 land need, the city also needs land in the medium density R-3 zone to meet the need for single-family attached housing and in the existing high-density R-4 zone for both single-family attached housing and for additional apartments. Arguably, a portion of this need for single-family attached housing and for apartments in the R-4 zone that has been met by the developments listed in the technical memorandum. The city has already determined that this need is separate from the need for 72 acres of R-5 land.

The city has an obligation under statewide planning goal 10 to provide adequate land for all needed housing types, to meet the needs of current and future McMinnville families. Both the 2003 MGMUP and the Revised Buildable Lands Analysis conclude that the city needs to plan and zone 72 acres of R-5 land in order to meet this obligation. We strongly recommend that the city do so.

B. Commercial Areas in Neighborhood Activity Centers

The Neighborhood Activity Centers are intended to be compact, pedestrian-friendly, and transit-supportive.

The Neighborhood Activity Center guidelines in proposed plan policy 188.05 (Appendix D), zoning ordinance 17.06.425 (Appendix E), and at p. 88 of the MGMUP describe the ranges of land (in acres) and built space (in square feet) for retail commercial, office, and institutional uses that "should" be provided and are acceptable for the NACs. The ratio of acres to the square feet of building space are typically referred to as Floor Area Ratios (FARs).

⁴ Revised Buildable Land Analysis, November 18, 2020, Tables 7 & 8, pp. B-11 -12

⁵ MGMUP, p. 86: "Surrounding the activity center are **support areas**, which include the highest-density housing within the neighborhood, with housing densities progressively decreasing outward."

⁶ See MGMUP. P. 54 and Revised Buildable Land Analysis, November 18, 2020, Table 8, p. B-12

⁷ The actual rezonings and resulting development that the city relies upon are listed in Technical Memorandum #17 at p. Attachment 152 of Appendix D of the MGMUP.

⁸ revised Buildable Lands Analysis (Table 8), p. B-12

The initial drafts had a very low-floor area ratio of .23, a ratio of land to built space consistent with auto-oriented development surrounded by large asphalt parking areas. The latest drafts, dated November 18, revise the retail commercial land range to 2.5-10 acres from the previous 5-10 acres, thus providing for a much more compact, walkable ratio at the low-end of the range while leaving the upper end reflective of auto-oriented development. The ratio of land to built space for office and institutional uses also remain unchanged, and reflect an auto-oriented development pattern, rather than the compact, pedestrian-friendly, and transit-supportive development the city intends.

We recommend that for all 3 uses - retail commercial, office, and institutional - the city revise ratio of land to built space to better reflect the compact, pedestrian-friendly, and transit-supportive development it intends.

C. Park land

The city's justification for roughly 1/3 of the buildable land proposed for inclusion in the UGB is a need for park land. The city has no realistic funding mechanism to acquire this much developable land, which is now privately owned. It will be challenging at best to ensure this land is not instead used for low-density sprawling residential development.

The proposed park zone will help, but it is not proposed for adoption at this time. Even when adopted, it will not be enough. The city will not only need to move expeditiously to adopt the park zone, it will also need to commit to (a) ensuring that the Framework, Area, and Master Planning Processes designate and zone roughly 1/3 of the acreage as parkland; and (b) not annexing excess residentially-zoned into the city; land that was justified as park land.

III. Conclusion

The proposed UGB amendment does a good job of responding to the Court of Appeals remand. The success of the plan depends on successful implantation measures. Our comments above outline several areas of concern regarding these implementation measures and we hope these comments are helpful. Please include them in the official record of this proceeding and notify us of your decision this matter.

Sincerely,

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cc: DLCD
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