



**CITY OF MCMINNVILLE**  
**PLANNING DIVISION**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128  
503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**FINDINGS OF FACT AND CONCLUSORY FINDINGS FOR AMENDING THE *MCMINNVILLE COMPREHENSIVE PLAN* BY ADOPTING THE *THREE MILE LANE AREA PLAN* AND ITS APPENDICES AS A SUPPLEMENTAL DOCUMENT TO THE *MCMINNVILLE COMPREHENSIVE PLAN* AND AMENDING THE *MCMINNVILLE COMPREHENSIVE PLAN, VOLUME II, CHAPTER VI, TRANSPORTATION SYSTEM, TO ADD A PROPOSAL.***

**DOCKET:** G 7-21

**REQUEST:** The City of McMinnville is proposing amendments to the *McMinnville Comprehensive Plan*, by adopting the *Three Mile Lane Area Plan* and its appendices, final draft dated November 8, 2022, as a supplemental document to the *McMinnville Comprehensive Plan*, and adding a proposal to Chapter VI of the *McMinnville Comprehensive Plan*, Volume II, entitled, "Transportation System".

**LOCATION:** Three Mile Lane Area

**APPLICANT:** City of McMinnville

**STAFF:** Heather Richards, Community Development Director

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** December 16, 2021, 6:30 PM (Zoom Meeting)  
January 20, 2022, 6:30 PM (Zoom Meeting)  
February 17, 2022, 6:30 PM (Zoom Meeting)  
March 17, 2022, 6:30 PM (Zoom Meeting)

**DECISION-MAKING BODY:** McMinnville City Council

**DATE & TIME:** May 10, 2022, 7:00 PM, In-Person, (200 NE Second Street) and Virtual (Zoom)  
June 14, 2022, 7:00 PM, In-Person, (200 NE Second Street) and Virtual (Zoom)  
July 16, 2022, 7:00 PM, In-Person, (200 NE Second Street) and Virtual (Zoom)  
September 13, 2022, 7:00 PM, In-Person, (200 NE Second Street) and Virtual (Zoom)  
November 8, 2022, 7:00 PM, In-Person, (200 NE Second Street) and Virtual (Zoom)

**PROCEDURE:** The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.

**CRITERIA:** Amendments to the *McMinnville Comprehensive Plan* must be consistent with the applicable portions of ORS 197 relative to comprehensive plan amendments, OAR, 660, Division 18, Oregon State Land-Use Goals (Goal 1 – Citizen Involvement; Goal 2: Land Use Planning; Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 8 – Recreational Needs; Goal 9 – Economic Development; Goal 10 – Housing; Goal 12 – Transportation; and Goal 14 – Urbanization), and the Goals and Policies in Volume II of the Comprehensive Plan as well as the Purpose of the Zoning Ordinance.

**APPEAL:** The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

**DECISION**

Based on the findings and conclusions, the McMinnville City Council **APPROVES** the legislative zoning and comprehensive plan text amendments in Docket G 7-21.

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**DECISION: APPROVAL**

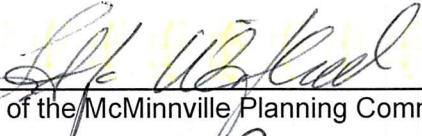
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11/08/2022

City Council: \_\_\_\_\_  
 Remy Drabkin, Interim Mayor of McMinnville

Date: \_\_\_\_\_



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

Date: 11/14/2022



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

Date: 11/14/2022

## **EXECUTIVE SUMMARY:**

### **1.0 INTRODUCTION:**

This findings document presents the findings of the McMinnville City Council. The findings in this document address the relevant legal standards in State of Oregon statutes and administrative rules that are applicable to this legislative action which is described below.

- 1.) *Adopt the Three Mile Lane Area Plan and its appendices as a supplemental document to the McMinnville Comprehensive Plan.*

The *Three Mile Lane Area Plan* includes the final plan document (Plan) and five appendices:

*Three Mile Lane Area Plan*

- Appendix A: Public Involvement
- Appendix B: Existing Conditions
- Appendix C: Case Study Report
- Appendix D: Evaluation and Screening
- Appendix E: Implementation

These documents can be found on the project website at: [G 7-21 - Three Mile Lane Area Plan \(3MLAP\) Comprehensive Plan Amendment | McMinnville Oregon.](#)

- 2) *Amend the Comprehensive Plan, Volume II, Chapter VI, Transportation System, to add a proposal after policy 132.23.00 (below) that reads as follows (on the next page):*

132.23.00 *The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city's land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law. Ord. 4922, February 23, 2010)*

20.05 *The comprehensive plan map amendments and any associated rezones consistent with the Three Mile Lane Area Plan can be initiated by the City or property owners through future map amendment applications, at which time any necessary changes to the McMinnville Transportation System Plan would need to be made. Until the comprehensive plan map amendments are adopted for individual properties, the properties would continue to be subject to the use provisions of current Comprehensive Plan map and zoning map designations and provisions of any property-specific planned development overlay zones.*

These findings explain how the City's proposed *Three Mile Lane Area Plan* satisfies applicable land use law and rules of the State and the City of McMinnville. The applicable State land use laws are those identified either in the listed Oregon Revised Statutes (ORS) or the listed Oregon Administrative Rules (OAR), most of which relate to acknowledged comprehensive plan amendments and Statewide Land Use Planning Goals (Goals). The applicable City land use laws are cited either as policies and regulations from McMinnville's Comprehensive Plan or from the McMinnville Municipal Code. The findings also refer to evidence in the existing planning record.

Generally, findings summarize more detailed analysis found in referenced supporting documents in order to address the relevant legal standards and help the reader understand the proposal. The findings are more easily understood if the reader has access to the key documents supporting the proposal such as the record. The record and key documents supporting the findings are also posted on the City's website.

The findings reference documents and evidence in the planning record (Docket G7-21). The full record is available on the City's web site via the following link: [G 7-21 - Three Mile Lane Area Plan \(3MLAP\) Comprehensive Plan Amendment | McMinnville Oregon](#).

## **2.0 SUMMARY OF FINDINGS**

This summary provides an overview of the applicable state law and local rules as they pertain to the *Three Mile Lane Area Plan*. Since the proposed action of adopting the *Three Mile Lane Area Plan* as a supplemental document to the *McMinnville Comprehensive Plan* does not actually amend the *McMinnville Comprehensive Plan* Map or the McMinnville Transportation System Plan, these findings are focused on the policies within the Area Plan document and how they are compliant with state laws and administrative rules, and the *McMinnville Comprehensive Plan* and McMinnville Municipal Code.

### **2.1 Summary of Findings Regarding State Law**

As the findings demonstrate, the City finds that the adoption of the *Three Mile Lane Area Plan* as a supplemental document to the *McMinnville Comprehensive Plan* and the added proposal to Chapter VI, Transportation System of the *McMinnville Comprehensive Plan* are consistent with all applicable Statewide Planning Goals, Statutes, and Administrative Rules.

### **2.2 Summary of Findings Regarding Local Law**

The City finds that the *Three Mile Lane Area Plan* and the new proposed for Chapter VI, Transportation System, *McMinnville Comprehensive Plan* are consistent with the *McMinnville Comprehensive Plan* and McMinnville Municipal Code.

## **3.0 FINDINGS OF FACT – General Findings and Fact Base Incorporated by Reference**

This findings document provides conclusory findings regarding consistency with applicable provisions of state and local law. Supporting these is a factual basis upon which the conclusory findings rest.

The fact base includes the data referenced in the *Three Mile Lane Area Plan* and its Appendices and is also supplemented with the new information that was generated as the public record and incorporated into these findings by reference. These include the following:

- Written staff reports and power points at the Planning Commission (12.16.21, 01.20.22, 02.17.22, 03.17.22) and City Council meetings (05.10.22, 06.14.22, 07.26.22, 09.13.22, 11.08.22).



- Public Testimony provided, both written and oral, provided at the Planning Commission (01.20.22, 02.17.22) and City Council meetings (05.10.22, 06.14.22, 07.26.22, 09.13.22).
- Size of Retail Development, entered into the public record as Attachment A of the staff report dated July 26, 2022.
- Answers to Council Zack Geary's Questions From an Email Dated June 14, 2022, entered into the public record as Attachment B of the staff report dated July 26, 2022.
- Memorandum, Recommended Amendments to the *Three Mile Lane Area Plan* – Based on Public Testimony Received, dated September 13, 2022 and, entered into the public record as Attachment B of the staff report dated September 13, 2022.
- Public Testimony Received, entered into the public record as Attachment C of the staff report dated September 13, 2022.
- *Three Mile Lane Area Plan* Table – Public Engagement Record, entered into the public record as Attachment D of the staff report dated September 13, 2022.
- Frequently Asked Questions, *Three Mile Lane Area Plan*
- *Three Mile Lane Area Plan*, Design Booklet
- *Green Cities – Three Mile Lane Regenerative Design*, University of Oregon, Summer, 2017
- MAC Town 2032, Economic Development Strategic Plan
- Oregon Highway 18 Corridor Refinement Plan, 199
- Oregon Highway Plan

#### **4.0 CONCLUSORY FINDINGS**

This findings document provides the conclusory findings regarding consistency of the proposed *McMinnville Comprehensive Plan* amendment with applicable law. It incorporates findings of fact and a fact base from other supporting documents and appendices by reference.

The City Council finds that based on the findings contained in this findings report, adopting the *Three Mile Lane Area Plan* as a supplemental document to the *McMinnville Comprehensive Plan* and adding a proposal to the *McMinnville Comprehensive Plan, Volume II, Chapter VI, Transportation System* as described in Section 1.2 of this findings document is consistent with all of the applicable state laws, land-use goals, and *McMinnville Comprehensive Plan* goals and policies.

## **1.0 COMPREHENSIVE PLAN AMENDMENT SUMMARY**

### **1.1 Adopt the *Three Mile Lane Area Plan* and its appendices as a supplemental document to the *McMinnville Comprehensive Plan*.**

The *Three Mile Lane Area Plan* includes the final plan document (Plan) and five appendices:

*Three Mile Lane Area Plan (November 8, 2022)*

- Appendix A: Public Involvement
- Appendix B: Existing Conditions
- Appendix C: Case Study Report
- Appendix D: Evaluation and Screening
- Appendix E: Implementation.

#### **1.1.1 Background of the *Three Mile Lane Area Plan***

The Three Mile Lane area is a unique district in the southeast portion of the City of McMinnville. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. The area is bifurcated by Oregon Highway 18 and is separated from the rest of the City of McMinnville by the Yamhill River which has one immediate bridge crossing providing access to the rest of the city, the Yamhill River Bridge on the western side of the study area. And it is anchored on eastern side of the study area by the McMinnville Municipal Airport. The study area includes a wide range of existing uses, including the Evergreen Aviation and Space Museum, the Chemeketa Community College (CCC) Yamhill Valley campus, Willamette Valley Medical Center, and existing residential neighborhoods. Along with these existing uses, the area contains a significant amount of vacant land. The *Three Mile Lane Area Plan* (3MLAP) is intended to create an implementable vision for the area's future land uses and multi-modal transportation system.

As an Area Plan, the *Three Mile Lane Area Plan* shall serve as a guiding document for land uses and public facilities in the delineated area of this plan. Specific standards for development will be identified in McMinnville's Master Plans and Municipal Code. Public facility plans will be updated to reflect the new comprehensive plan designations in the area.

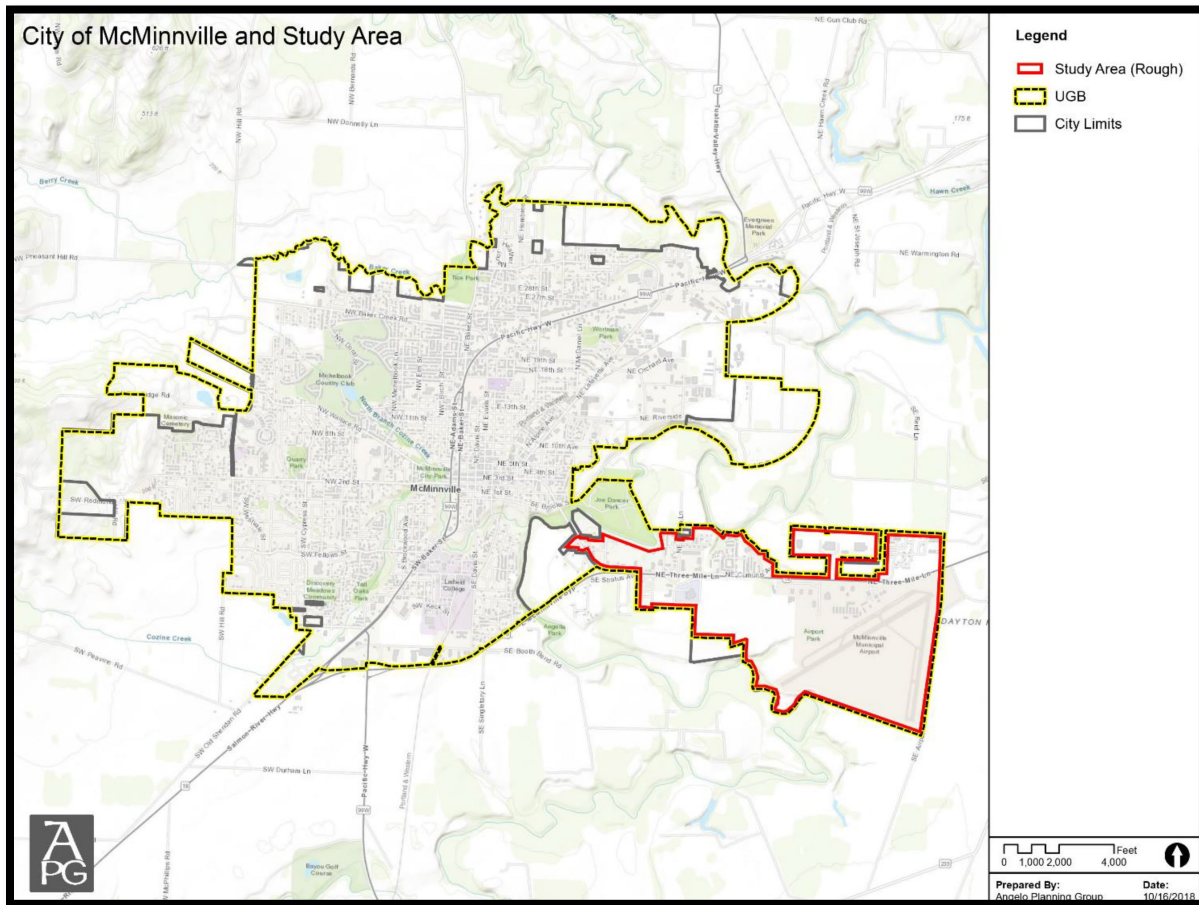
The *Three Mile Lane Area Plan* was developed over four years (2018 – 2022) in collaboration with the Oregon Department of Transportation (ODOT), Department of Land Conservation and Development (DLCD), and a local Project Advisory Committee. It was funded by a Transportation Growth Management grant. A consultant team comprised of Angelo Planning Group, David Evans and Associates, Inc., Leland Consulting Group and Walker Macy worked with the project management team and the project advisory committee to develop the plan. ODOT served as the project manager and contract manager.

The project has immense potential to transform the Three Mile Lane Area for both current and future residents and businesses. It provides the opportunity for the City to be much more efficient with land uses, allowing for higher-density housing development and job creation in the area. The plan will help the City work towards increasing much-needed affordable housing, providing needed commercial amenities within the community for a growing population, allowing for the expansion of a health care campus, and reducing greenhouse gas emissions by providing more amenities in close proximity to residential neighborhoods in this area as well as commercial amenities that city residents drive to other

cities to access. The plan also allows for the location of grocery stores in a residential area that is currently a food desert. The plan identifies opportunities for more off-road trails and bicycle/pedestrian connectivity throughout the designated area. The 3MLAP also highlights an opportunity for a high-density business office and industrial incubator district adjacent to the airport. And lastly, the 3MLAP creates a much stronger multi-modal connection between the Three Mile Lane Area and the rest of the City of McMinnville via the new Yamhill River Bridge and proposed nature trails to Joe Dancer Park and Galen McBee Park.

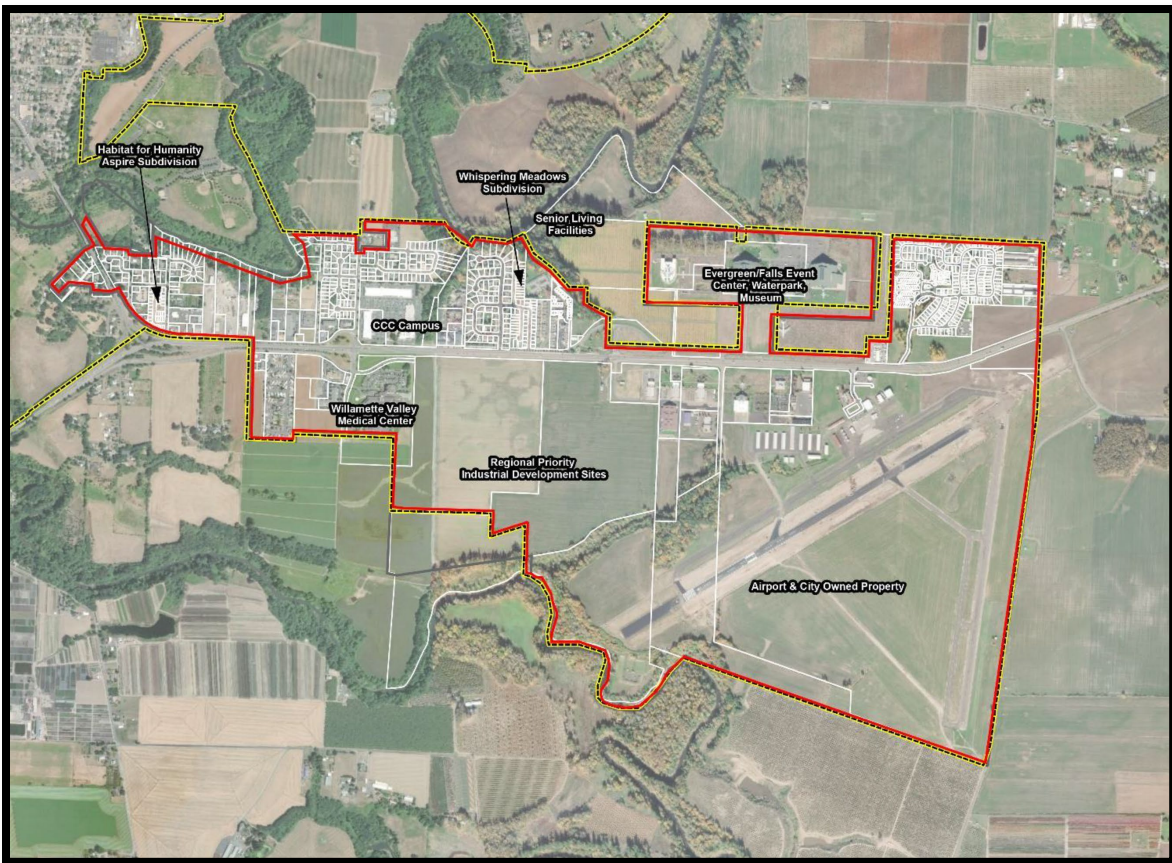
**1.1.2 Three Mile Lane Study Area**

All of the land within the Three Mile Lane study area is currently within the city limits with existing comprehensive plan map and zoning map designations. Please see Maps 1, 2, 3, and 4.

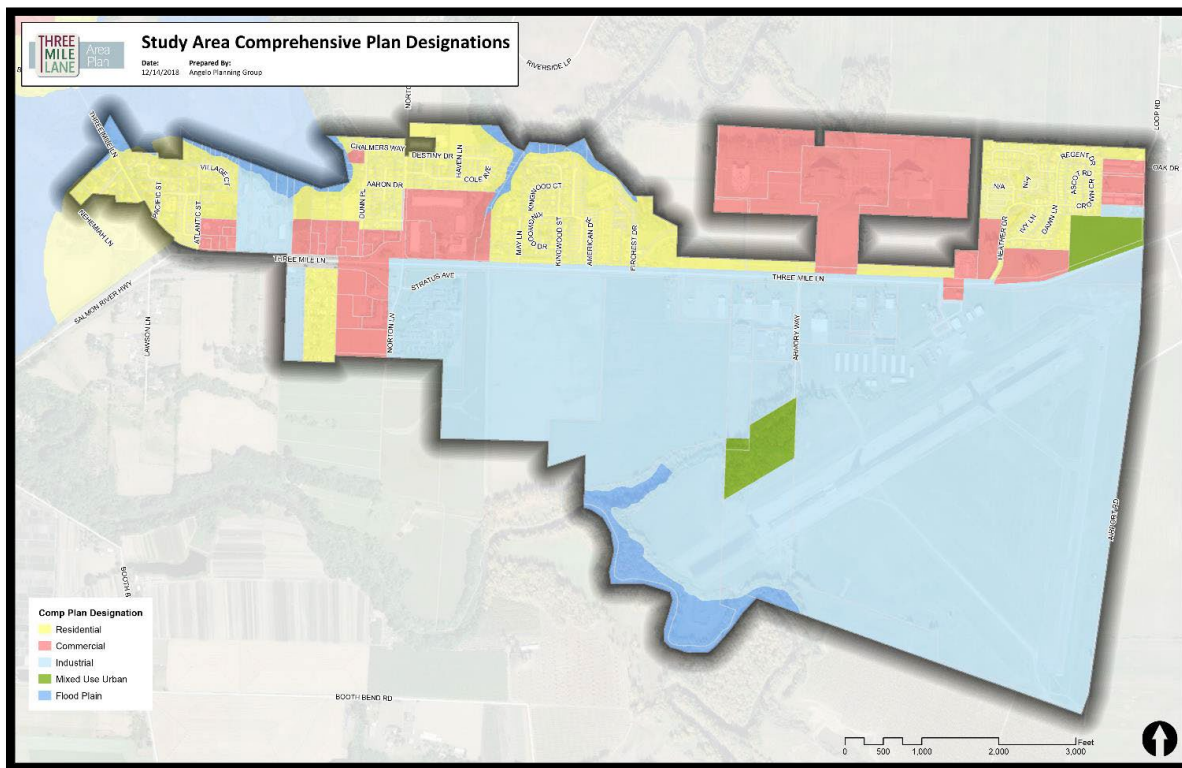


**Map 1: Three Mile Lane Study Area in relationship to the city limits.  
The subject area is on the Southeastern side of the city.**

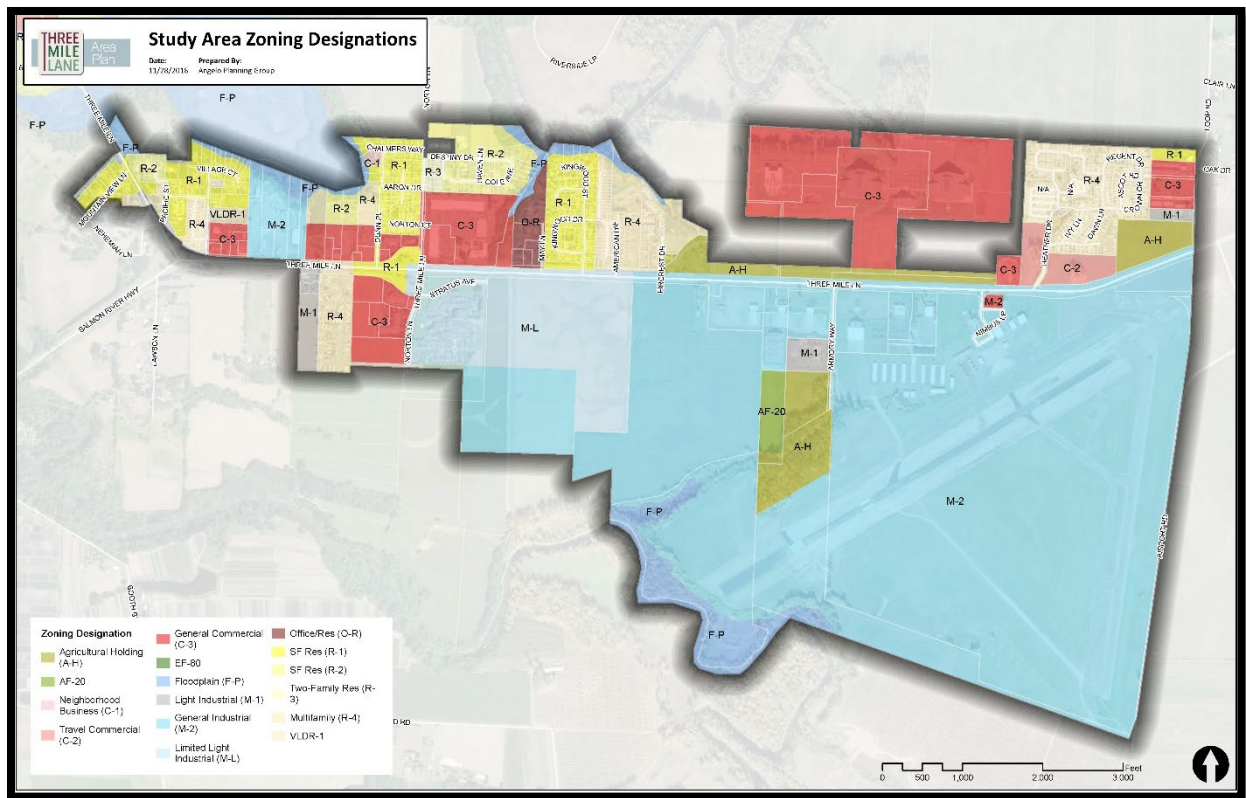




**Map 2: Three Mile Lane Study Area with Major Elements Identified.**



**Map 3: Three Mile Lane Study Area – Comprehensive Plan Map Designations**



**Map 4: Three Mile Lane Study Area – Zone Map Designations**

**1.1.3 History of the Planning Process**

The *Three Mile Lane Area Planning* effort started in 2017 as part of a summer collaborative planning project with the University of Oregon (Green Cities Plan). Then in 2017, the City applied for a Transportation and Growth Management Grant from the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD) to conduct an area planning process for the Three Mile Lane Area. The grant was awarded. A scope of work was developed in partnership with ODOT and DLCD in early 2018 and consultants were hired in the summer of 2018.

The scope of work was based on a land-use and transportation study of approximately 1340 acres of land currently within the city limits on both the north and south side of Highway 18 from the eastern entrance of the city by the McMinnville Airport to the Yamhill River Bridge for the planning horizon of 2021-2041, and strived to answer the questions of:

- How can this area best serve McMinnville now and into the future?
- How does that future vision impact the state and local transportation systems?
- Does the current *McMinnville Comprehensive Plan Map* support the future vision?

A project advisory committee consisting of community stakeholders worked with the consultant team, ODOT and City representatives on the development of the plan (Table 1).



**Table 1, Project Advisory Committee**

<b>Three Mile Lane Area Plan Citizen Advisory Committee (CAC)</b>	
<b>Planning Commission</b>	Lori Schanche
<b>City Council</b>	Zach Geary Scott Hill Wendy Stassens
<b>Representatives of Property and Business Owners in the Study Area</b>	Robert Banagay Paul Davis Danielle Hoffman Peter Hoffstetter Kit Johnston Stewart Kircher Chris Norville Alan Roodhouse Chris Shelby Mary Stern
<b>Partner Agencies</b>	Scott Cooper – MEDP Kitri McGuire – Visit McMinnville Gioia Goodrum – McMinnville Chamber of Commerce
<b>Community Stakeholders</b>	Courtney Cunningham Ken Denier Alan Fox Phil Frischmuth David Hayes Galen McBee
<b>Technical Advisory Committee (TAC)</b>	
<b>Planning Staff</b>	Heather Richards Jamie Fleckenstein Chuck Darnell Tom Schauer
<b>Engineering Staff</b>	Mike Bisset
<b>Parks and Recreation Staff</b>	Susan Muir
<b>McMinnville Water and Light</b>	John Dietz
<b>ODOT</b>	Michael Duncan Dan Fricke Keith Blair Dorothy Upton Jenna Berman Kristie Gladhill
<b>DLCD</b>	Angela Carnahan
<b>YCTA</b>	Cynthia Thompson

Over the course of three years, the project team conducted an extensive public engagement process utilizing a variety of tools. Public open houses, town halls, focus groups and charrettes were utilized to collect public feedback and input. (Please see Appendix A of the 3MLAP and Attachment D of this staff report).

- The City hosted three public workshops. Invitations to the public workshops were provided in both English and Spanish. Spanish invitations were distributed through the Latino Advisory Council and provided at the Virginia Garcia Clinic in the study area. Spanish translation was provided at the public workshops upon request.
- The project team hosted three focus group interviews. One of the focus groups represented organizations and agencies that served Title VI populations in the study area.

- The project team conducted two planning charrettes with community stakeholders to discuss future land-uses, needs and opportunities.
- The project team conducted two surveys during the course of the project planning period.
- The project included numerous City Council updates, which were part of the regularly scheduled McMinnville City Council meetings that were open to the public and broadcast with subtitles via McMinnville Media.
- The project team maintained a project website at [www.ThreeMileLane.com](http://www.ThreeMileLane.com).
- The project team distributed flyers and meeting invitations through the Latino Advisory Council, a network of businesses, agencies, and non-profit partners serving the Latino community in McMinnville.
- The project team provided project updates and invitations to meetings and events via its social media to the community-at-large and direct mailings for households in the project area.
- The project team created press releases and flyers for all public events which were advertised in local newspapers and distributed to public spaces such as the McMinnville Public Library, the McMinnville Community Center and through the McMinnville School District information portal.
- Five work session public meetings, all noticed and open to the public, were held in conjunction with McMinnville Planning Commission and City Council meetings.
- Five public hearing meetings, all noticed and open to the public, were held at the McMinnville Planning Commission and City Council.
- A city-wide mailer was sent out, a public open house was conducted and three virtual public information sessions were provided in between the public hearings at the City Council to inform the public about the Plan and how to participate in the public hearing process.

Please see Table 2 below for the public engagement record.

**Table 2: Record of Public Engagement**

Type of Meeting	Date	Notes
Design Charrette (Green Cities, U of O)	July 29, 2017	Mailing to all property owners in the area, social media notification, newspaper articles.
Mailing to all property owners in the area	December 9, 2018	Mailing introducing the project and the project website inviting people to participate and sign up for an interested stakeholder email distribution group

**Table 2: Record of Public Engagement (Cont.)**

Type of Meeting	Date	Notes
Focus Groups	January 22, 2019	Invited stakeholders representing community leaders in affordable housing, economic development, tourism
Technical Advisory Committee	March 13, 10:00 – 12:00	
Design Charrette	March 14, 2019	Property Owners
Citizen Advisory Committee Meeting	March 14, 2019, 4:00 – 6:00 PM	
Design Charrette	April 4, 2019 6:00 – 9:00 PM	Project Advisory Committee
Public Open House	April 10, 2019, 4:30 – 6:30 PM	Mailing to everyone in the area, social media notification, Press Release Newspaper Article
Public Survey (Online and Hard Copy)	April 1 – April 24, 2019	Social media notification, press releases, newspaper article, McMinnville Public Library, Public Open House
Project Advisory Committee Meeting	June 12, 2019 5:30 – 7:30 PM	
Design Charrette	July 11, 2019 (Part of Town Hall)	Open to General Public – social media notification, press release, newspaper articles
Town Hall	July 11, 2019	Mailing to everyone in the area, social media notification, newspaper articles
City Council Presentation	August 13, 2019	At City Council meeting
Planning Commission Presentation	September 19, 2019	At Planning Commission meeting
Technical Advisory Committee Meeting	April 7, 2021, 9:00 – 12:00	Conducted via Zoom
Project Advisory Committee Meeting	April 7, 2021 5:00 – 9:00 PM	Conducted via Zoom
Virtual Public Open House	April 26 – May 17, 2021	Social media notification, newspaper articles
Joint City Council / Planning Commission Work Session	May, 11, 2021	
Planning Commission Work Session	November 17, 2021	
Planning Commission Public Hearing	January 20, 2022	
Planning Commission Public Hearing	February 17, 2022	
City Council Public Hearing	May 10, 2022	
City Council Public Hearing	June 14, 2022	

**Table 2: Record of Public Engagement (Cont.)**

Type of Meeting	Date	Notes
Virtual Public Information Session	July 14, 2022	City Wide Mailing Social Media Newspaper Article
Public Open House	July 18, 2022	City Wide Mailing Social Media Newspaper Article
Virtual Public Information Session	July 20, 2022	City Wide Mailing Social Media Newspaper Article
City Council Public Hearing	July 26, 2022	City Wide Mailing Social Media Newspaper Article

#### 1.1.4 The Goals of the *Three Mile Lane Area Plan*

The *Three Mile Lane Area Plan* has five project goals:

1. **ECONOMIC DEVELOPMENT: Support and enhance the district’s economic vitality and marketability.**  
*This plan aims to support development of significant industrial and commercial parcels within the study area, enhance existing business by diversifying goods and services available in the area, and increase tourism. Alternatives will be evaluated qualitatively for how well they address the area’s development/redevelopment potential.*
2. **COHESIVE LAND USE PLAN: Provide opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district.**  
*The study area contains several existing residential neighborhoods, including assisted-living and manufactured home residences, as well as major employers and tourism destinations. This plan aims to provide a mix of land uses that support one another to create a unique part of the city in both an economic and environmentally sustainable way.*
3. **TRANSPORTATION: Enhance multi-modal connections throughout the district.**  
*This plan aims to create a complete, multimodal transportation network that serves the north and south side of OR 18 within the district, and that connects the business community, the hospital, residential neighborhoods, and tourism amenities to each other and to the city center. Alternatives will be evaluated through criteria measuring transportation safety and performance for all modes of travel: pedestrian, bicycle, transit, freight, and personal vehicles.*
4. **AESTHETICS AND DESIGN: Create an aesthetically pleasing gateway to the City of McMinnville.**  
*The study area is a primary gateway to the City of McMinnville. Alternatives will be evaluated qualitatively for how well they provide an identity for the district, reflect McMinnville’s intrinsic character, and highlight the landscape features of the district. Incorporation of sustainable features and technologies is desired.*

**5. RESIDENTIAL QUALITY OF LIFE: Improve the district for existing and future McMinnville residents in the area.**

*The City of McMinnville's Great Neighborhood Principles identifies amenities and facilities that should be present in all residential areas, including a variety of housing types, pedestrian and bicycle connectivity, preservation of scenic views and natural features, access to open space, and access to commercial necessities. This plan aims to support those Great Neighborhood Principles for residents in the study area by providing multi-modal connectivity, single-family, missing middle and multi-family housing, provisions for open spaces, and commercial amenities, such as grocery stores, restaurants, and more.*

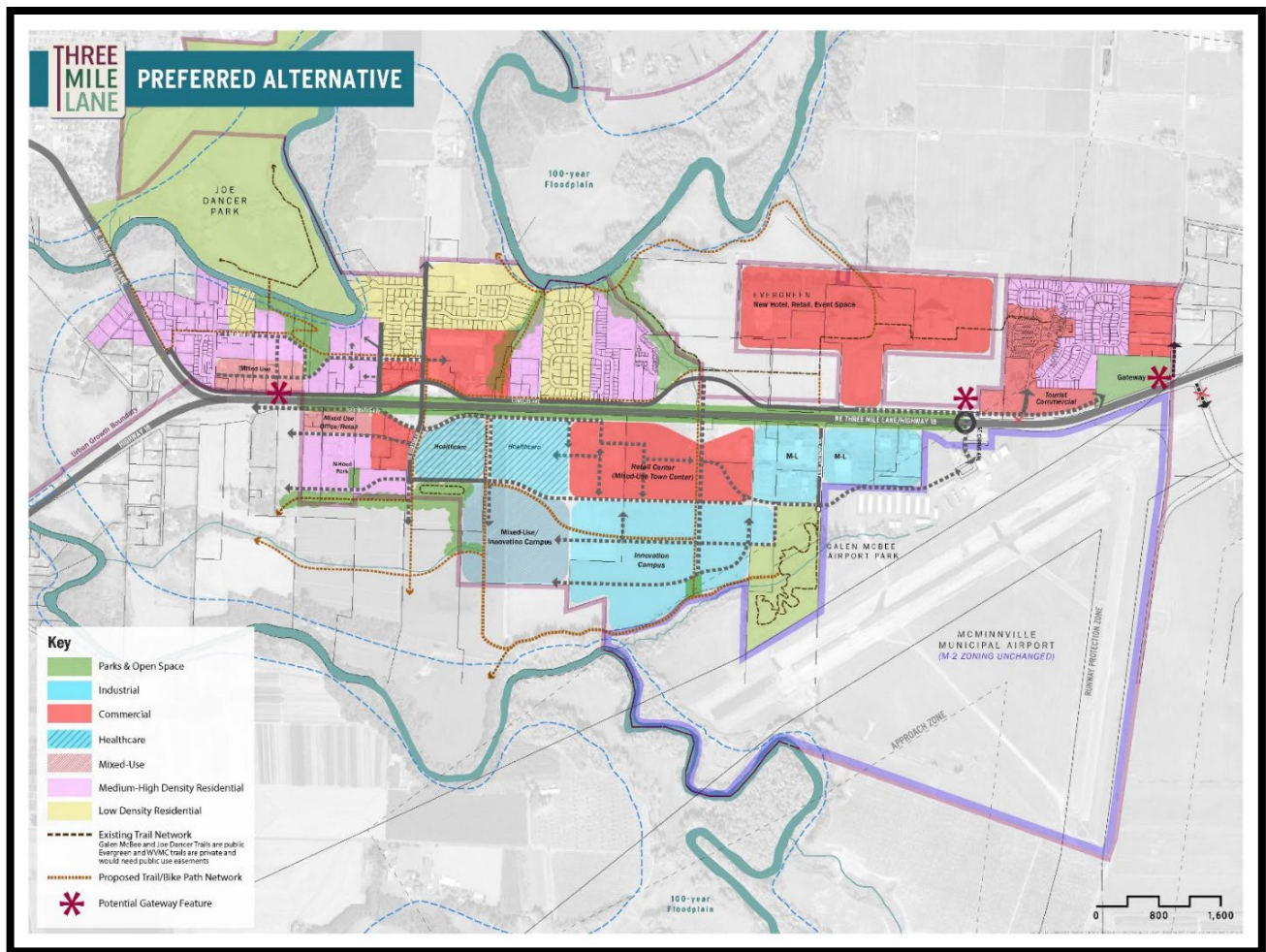
**1.1.5 Three Mile Lane Area Plan Land Use Vision**

The *Three Mile Lane Area Plan* is predicated on a "Preferred Land Use Alternative" (Figure 1). The preferred land-use alternative represents the community's vision for how this study area will develop over the next twenty years (2021-2041) to serve the community's current and future land-use needs. This is a high-level vision map and is not scaled but is illustrative of general locational intent.

The adoption of the *Three Mile Lane Area Plan* does not amend the *McMinnville Comprehensive Plan Map* or *Zoning Map*. That will need to be executed in future land-use processes.

The defining characteristics south of the highway include a mixed-use high-density residential neighborhood with neighborhood-serving commercial amenities west of the hospital, a large (40 – 60 acres (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain)) area envisioned as a future retail center ("Mixed-Use Town Center"), and a large (140 – 160 acres) site for a potential corporate "Innovation Campus" to the south of this retail center, and a trail system connecting all of these developments to the existing Airport Park. To the west, in areas near SE Norton Lane and the Willamette Valley Medical Center, opportunities for an expanded healthcare campus and offices are envisioned. North of the highway is another proposed mixed-use high-density residential neighborhood with neighborhood-serving commercial amenities west of the Physicians Medical Center on the current Baker Rock site, continued development of the tourism attraction at the Evergreen Campus, and tourism commercial amenities on the site south of the Olde Stone Village at the eastern gateway to the study area, and a trail system connecting all of these developments to existing Joe Dancer Park.





**Figure 1: Three Mile Lane Area Plan Preferred Land Use Vision**

In order to enable the preferred land-use community vision to develop, three areas of comprehensive plan map amendments are recommended. (Figure 2). The adoption of the *Three Mile Lane Area Plan* does not amend the Comprehensive Plan Map. Those amendments will be undertaken either by future city initiatives or private property owner initiatives.

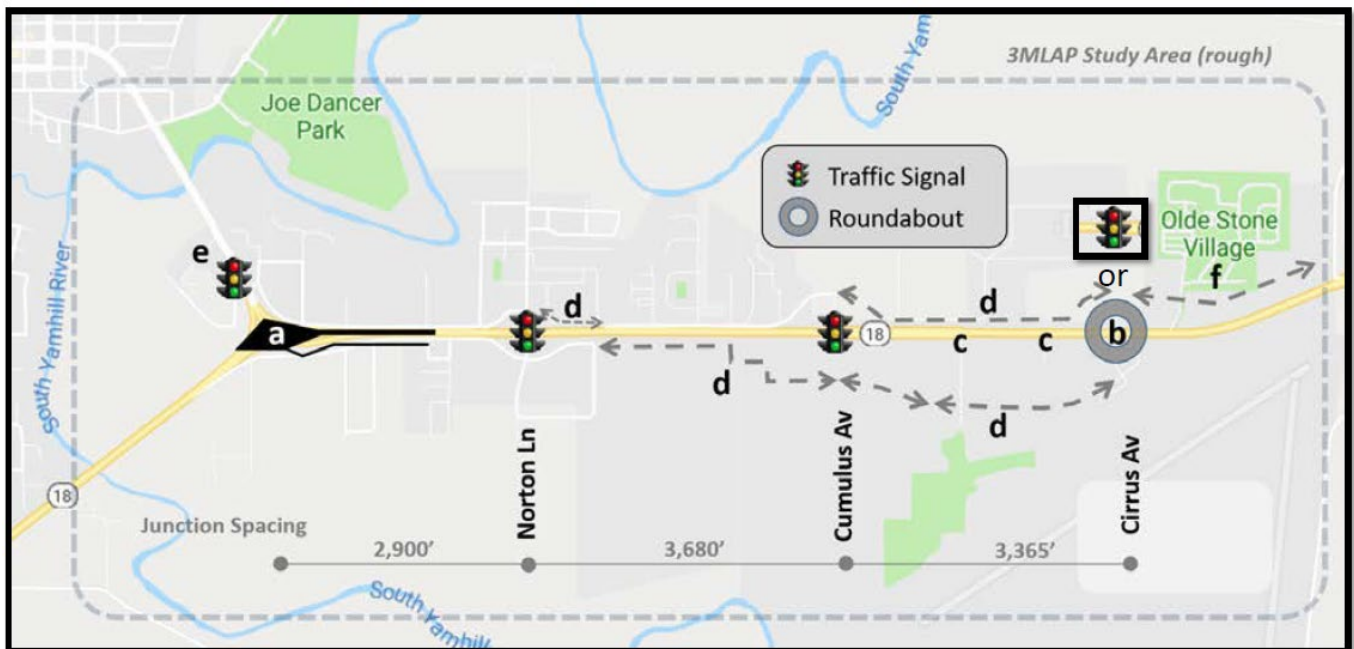


**Figure 2: Three Comprehensive Plan Map Amendments Needed to Support Vision**

### 1.1.6 Three Mile Lane Area Plan Transportation Facility Plan

The preferred transportation facilities plan illustrates the transportation elements that are expected to be needed to be implemented to ensure that the local and state transportation facilities still function at their standard of functionality as the study area develops to full buildout in 2041. (Figure 3) This transportation facilities plan builds on the **Oregon Highway 18 Corridor Refinement Plan** developed in 1996 for this section of Highway 18 and identifies those elements of that plan that are necessary to maintain the throughput and functionality of Highway 18 as a state expressway and freight route.

To analyze the impact of the community land-use vision on the state and local transportation facilities in the study area, ODOT updated the Transportation Model for the City of McMinnville for this project, and then the existing land-use opportunities were analyzed for transportation compliance with the *Oregon Highway Plan* and Oregon Administrative Rules, Division 51 standards (OAR 734-051), and then the proposed community vision was analyzed for transportation compliance with the *Oregon Highway Plan* and Oregon Administrative Rules, Division 51 standards (OAR 734-051) at a future buildout scenario of 2041. However, the transportation facilities have not been analyzed under OAR 660-012 (the “Transportation Planning Rule”) and that analysis will occur when property is redesignated or re-zoned per OAR 660-012-0060, since this action by itself does not create a “significant effect” on the transportation facilities.



**Figure 3, Preferred Three Mile Lane Area Plan Transportation Facility Design**

- a) Three Mile Lane interchange - reconstructed for full directional access and crossing, with new connector to Stratus Avenue.
- b) Cirrus Avenue – appropriate traffic control, which could include a traffic signal, roundabout, or other measures approved by ODOT.
- c) Removal of at-grade street and driveway accesses to OR 18 in the section between Cumulus Avenue and the eastern edge of the study area, including Loop Road and Cruickshank Road

(Cruickshank Road is not shown, as Cruickshank Road is external to the Three Mile Lane Study area).

- d) New east-west frontage streets north and south of OR 18, linking Cirrus Avenue, Cumulus Avenue and Norton Lane.
- e) New traffic signal (or roundabout) at Three-Mile Lane and Cumulus Avenue.
- f) Loop Road - disconnect from OR 18 and realign to new Cirrus Avenue connector and roundabout.

### **1.1.7 Three Mile Lane Area Plan Policies**

The *Three Mile Lane Area Plan* also has a list of policies that will guide development and future planning decisions in the Three Mile Lane area. These policies implement the *Three Mile Lane Area Plan* goals and describe how McMinnville's Great Neighborhood Principles area expected to be expressed in future growth and development of the Three Mile Lane area.

1. *Require future development to be consistent with the design elements of the Three Mile Lane Area Plan.*
2. *Public improvements and private development shall strive to protect tree groves and mature individual trees.*
3. *Riparian corridors and adjacent native landscape shall be protected.*
4. *The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.*
5. *Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.*
6. *New gathering spaces will be designed to incorporate natural areas and views.*
7. *Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy.*
8. *A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.*
9. *The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.*
10. *Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the Three Mile Lane Area Plan and in compliance with Transportation System Plan standards.*
11. *New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.*

12. *New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.*
13. *New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.*
14. *Encourage mixed-use development where feasible.*
15. *Proposed site landscape for new development should strive to reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees – and consider functional site planning of vineyard and farm complexes as conceptual models.*
16. *New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.*
17. *Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.*
18. *Encourage a diversity of future housing forms, types, and design that respect the current character of the area.*
19. *Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.*
20. *Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, winemaking).*
21. *New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.*
22. *Public safety services shall be considered as part of master planning, including access, response times and opportunity for substations if needed.*
23. *Ensure that no incompatible heavy industrial uses area allowed along Highway 18 in the Three Mile Lane Area or as part of the Innovation Campus.*
24. *Natural features shall be inventoried and protected as much as possible within new development plans.*

### **1.1.8 Three Mile Lane Area Plan Implementation Recommendations**

The *Three Mile Lane Area Plan* also has an action plan of implementation. (Table 3),



**Table 3: Implementation Recommendations**

Policy	Overlay Amendment	Recommended Future Action
<p><b>1. Require future development to be consistent with the design elements of the <i>Three Mile Lane Area Plan</i>.</b></p>	<p>Include specific development standards (see amendments in this table) in the Three Mile Lane Planned Development Overlay to implement the <i>Three Mile Lane Area Plan</i>. Note that the review and approval process for land use applications is through Three Mile Lane Design Review, Director's Review with Notification.</p> <p>Require Industrial development proposals over [10] acres to be subject to Planned Development Overlay (Chapter 17.51) and Planning Commission approval.</p> <p>Require Mixed-Use and Commercial, proposals over [5] acres to be subject to Planned Development Overlay (Chapter 17.51) and Planning Commission approval.</p> <p>In the Innovation Campus allow office uses that support products and services that are manufactured or developed on-site or that serve as corporate offices for products that are manufactured elsewhere.</p> <p>Housing development shall be consistent with the clear and objective design standards of Chapter 17.11 of the McMinnville Municipal Code.</p>	
<p><b>2. Public improvements and private development shall strive to protect tree groves and mature individual trees.</b></p>		<p>Identify tree groves and tree types to be protected and designate as significant or historic trees.</p>
<p><b>3. Riparian corridors and adjacent native landscapes shall be protected.</b></p>	<p>Require mapping and protection of stream corridors and re-vegetation with native plantings.</p>	



**Table 3: Implementation Recommendations (cont.)**

Policy	Overlay Amendment	Recommended Future Action
<p><b>4. The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.</b></p>	<p>Require viewshed analysis as part of Design Review.</p>	
<p><b>5. Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.</b></p>	<p>Require connection to the proposed trail, trail right-of-way dedication, and trail construction as part of Design Review/development approval.</p>	
<p><b>6. New gathering spaces will be designed to incorporate natural areas and views.</b></p>	<p>When proposed as part of a Planned Development master plan, require gathering spaces to be designed to incorporate natural areas and views as a condition of approval.</p>	
<p><b>7. Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy</b></p>	<p>Require native landscaping and plantings of all development through Design Review.</p>	<p>Develop and define approved planting list and approved tree list.</p>
<p><b>8. A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.</b></p>	<p>Apply pedestrian walkway and connectivity standards to all non-residential development. Note: Pedestrian walkway standards, currently are applied to Large Format Retail; site design requires connections between buildings and from building entrances to streets (§17.56.05 O.C.2).</p>	
<p><b>9. The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.</b></p>	<p>Require transportation improvements consistent with the Area Plan through Design Review.</p>	

**Table 3: Implementation Recommendations (cont.)**

Policy	Overlay Amendment	Recommended Future Action
<p><b>10. Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the <i>Three Mile Lane Area Plan</i> and in compliance with Transportation System Plan standards.</b></p>	<p>Require transportation improvements consistent with the Area Plan through Design Review.</p>	
<p><b>11. New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.</b></p>	<p>Requirements for commercial building size and massing. Standards for parking maximums for all uses. Parking lot location requirements for commercial uses</p>	<p>Additional guidelines or standards are related to façade treatments. 17.56.050 Development Standards</p>
<p><b>12. New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.</b></p>	<p>Require as part of Design Review:</p> <ul style="list-style-type: none"> <li>• Standards for non-residential buildings to include minimum pedestrian shelter coverages. along ground floor elevations/ street frontages and main entrances.</li> <li>• Residential design features to include clear and objective building design standards/architectural elements.</li> </ul>	<p>Additional guidelines or standards related to facade treatments</p>
<p><b>13. New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.</b></p>	<p>Require as part of Design Review:</p> <ul style="list-style-type: none"> <li>• New requirements for building orientation (set-to, building orientation).</li> <li>• Additional guidelines or standards related to facade treatments, including transparency.</li> <li>• Provision of on-street parking for ground-floor commercial uses (new requirements allowing on-street spaces to be counted toward parking minimums, new cross-section standards for streets with ground-floor retail).</li> </ul>	
<p><b>14. Encourage mixed-use development where feasible.</b></p>		<p>Consider additional guidelines or requirements for the Mixed-Use area.</p>

Policy	Overlay Amendment	Recommended Future Action
<p><b>15. Proposed site landscaping for new development should strive to reflect patterns of wine industry-eg, rows of vines, southern orientation, shelter belts of trees - and consider functional site planning of vineyard and farm complexes as conceptual models.</b></p>	<p>Require landscaping proposed as part of a Planned Development master plan to demonstrate how it reflects existing patterns.</p>	
<p><b>16. New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.</b></p>	<p>Buffer/ perimeter requirements for new non-residential development adjacent to a dissimilar use.</p>	<p>Determine if specific buffering requirements are needed for proposed development abutting land zoned exclusive farm use.</p>
<p><b>17. Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.</b></p>		<p>Develop design guidelines or architectural standards.</p>
<p><b>18. Encourage a diversity of future housing forms, types, and design that respect the current character of the area.</b></p>	<p>Buffer/ perimeter requirements for new non-residential development adjacent to a dissimilar use.</p>	<p>Evaluate Zoning Ordinance to ensure there are clear and objective design standards for new residential development</p>
<p><b>19. Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.</b></p>	<p>Requirements for landscape buffering fronting Three Mile Lane.</p> <p>Requirements for non - residential development related to building facades, including addressing blank walls and requiring articulation and materials or color variation</p>	<p>Develop design guidelines to cohesive visual character along the corridor.</p>
<p><b>20. Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, winemaking).</b></p>		<p>Develop design guidelines or architectural standards.</p>

Policy	Overlay Amendment	Recommended Future Action
<p><b>21. New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.</b></p>	<p>Requirements for non-residential development related to building facades, including addressing blank walls and requiring articulation and materials or color variation.</p>	<p>Develop additional design guidelines or standards related to façade treatments; define acceptable color palate.</p>
<p><b>22. Public safety services shall be considered as part of master planning, including access, response times and opportunity for substations if needed.</b></p>		<p>Meet with public safety partners to assess needs in the Three Mile Lane Area and ensure that future master planning addresses needs.</p>
<p><b>23. Ensure that no incompatible heavy industrial uses are allowed along Highway 18 or as part of the Innovation Campus.</b></p>		<p>Rezone M2 land to M1 land.</p>
<p><b>24. Natural features shall be inventoried and protected as much as possible in development plans.</b></p>	<p>Require all planned developments to provide an inventory of natural features that must be approved prior to any removal or demolition.</p>	<p>Define natural features that need to be inventoried.</p>

**1.2 Amend the McMinnville Comprehensive Plan, Volume II, Chapter VI, “Transportation System”, to add a proposal after policy 132.23.00.**

132.23.00 The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city’s land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law.  
Ord. 4922, February 23, 2010)

**New Proposal:**

*20.05 The comprehensive plan map amendments and any associated rezones consistent with the Three Mile Lane Area Plan can be initiated by the City or property owners through future map amendment applications, at which time any necessary changes to the McMinnville Transportation System Plan would need to be made. Until the comprehensive plan map amendments are adopted for individual properties, the properties would continue to be subject to the use provisions of current Comprehensive Plan map and zoning map designations and provisions of any property-specific planned development overlay zones.*

The City of McMinnville will be updating its Transportation System Plan in the next couple of years and the preferred transportation facility plan identified in the *Three Mile Lane Area Plan* will be incorporated into that process.

## 2.0 PROCEDURAL FINDINGS

1. On June 8, 2017, the City of McMinnville applied for a Transportation and Growth Management Grant for a *Three Mile Lane Area Plan*. The project was described as:

*This project will develop an Area Plan for the Three Mile Lane corridor in McMinnville (approx. 1340 acres), updating the 1981 Three Mile Lane Overlay District and the 1996 Highway 18 Corridor Refinement Plan, integrating land uses (residential, industrial, commercial, tourism, hospital and airport) and a multi-modal transportation system (vehicular/bike/ped/transit) that serves both local and state transportation needs and provides active connectivity amongst the land uses on the Three Mile Lane corridor as well as with the city center. The area plan will also provide a vehicle to maximize the opportunities for job creation, housing, and resiliency planning in the corridor by leveraging the land assets to their highest and best use for affordable housing, industrial development, tourism development, hospital expansion, airport expansion and gateway improvements. Due to significant recent private investment in the corridor, this planning process is a needed, timely project.*

*This project will produce the following deliverables: 1) a Three Mile Lane Area Plan adopted by the City of McMinnville with an articulated vision for the area, goals and objectives, performance metrics and a recommended implementation plan; 2) amendments to the Three Mile Lane Overlay District with design and development standards; 3) Comprehensive Plan Map Amendments; 4) zoning ordinance text amendments relative to the tourism commercial zone and the creation of an airport zone; and 5) potential amendments to the 1996 Highway 18 Corridor Refinement Plan and the 2010 McMinnville Transportation System Plan if needed.*

2. On July 29, 2017, the City partnered with the University of Oregon to host a Three Mile Lane Design Charrette. This then resulted in the publication of the “Three Mile Lane, Regenerative Design” Plan, produced by the University of Oregon, School of Planning, Public Policy and Management, Summer, 2017



Invitation to U of O Design Charrette, July 29, 2017



Cover of Three Mile Lane U of O Publication

3. On August 17, 2017, the City received a letter from the Transportation and Growth Management Program indicating that the grant had been awarded for the Three Mile Lane Overlay/Area Plan Update.



4. On October 15, 2018, an Intergovernmental Agreement was signed between the City of McMinnville and the Oregon Department of Transportation for the *Three Mile Lane Area Plan* project.
5. On December 9, 2018, a mailing was sent out to all property owners within the study area to advise them of the planning effort.
6. January 22, 2019, the City hosted three focus groups representing community leaders in affordable housing, economic development and tourism.
7. On March 14, 2019, the City hosted a design charrette with property owners in the study area.
8. On April 4, 2019, the City hosted a design charrette with the Project Advisory Committee.
9. On April 10, 2019, the City hosted a public open house.
10. April 1 – April 24, the City hosted a public survey.
11. July 11, 2019, the City hosted a Town Hall and design charrette for the general public.
12. August 13, 2019, a presentation was provided to the City Council.
13. September 19, 2019, a presentation was provided to the Planning Commission
14. April 26 – May, 2021, the City hosted a virtual public open house.
15. May 11, 2021, the City hosted a joint work session with the Planning Commission and City Council.
16. October 24, 2021, Notice of a first evidentiary hearing was provided to the Oregon Department of Land Conservation and Development.
17. November 17, 2021, a work session was conducted with the Planning Commission.
18. November 24, 2021, Docket G 7-21 was distributed to partner agencies for comments.
19. November 24, 2021, a public hearing notices was mailed out to all property owners in the study area and within 500 feet of the study area.
20. December 7, 2021, public hearing notice was published in the News Register.
21. December 16, 2021, the Planning Commission held a duly noticed public hearing to consider the request. At that meeting, they voted to continue the public hearing to January 20, 2022, 7:00 PM.
22. January 20, 2022, the Planning Commission continued the public hearing. At that meeting, they voted to continue the public hearing to February 17, 2022, 7:00 PM.
23. February 17, 2022, the Planning Commission continued and then closed the public hearing.
24. March 17, 2022, the Planning Commission deliberated and voted to recommend approval of Docket G 7-21 to the McMinnville City Council.

25. May 3, 2022, public hearing notice for City Council public hearing was published in the News Register.
26. On May 10, 2022, the McMinnville City Council hosted a duly noticed public hearing to consider the Planning Commission recommendation and voted to continue the public hearing to June 14, 2022.
27. On June 14, 2022, the McMinnville City Council continued the public hearing and voted to continue the hearing to July 26, 2022.
28. July 12, 2022, a postcard mailer was mailed to every address within the City of McMinnville notifying them of the proposal and the continued public hearing to July 26, 2022.
29. On July 14, 2022, the City hosted a virtual public information session.
30. On July 18, 2022, the City hosted a public open house.
31. On July 20, 2022, the City hosted a virtual public information session.
32. July 26, 2022, the City Council continued and closed the public hearing, keeping the record open until August 15, 2022.
33. September 13, 2022, the McMinnville City Council deliberated on the proposal and asked staff to amend the plan with five amendments.
34. November 8, 2022, City Council considered and voted on an Ordinance of adoption.

### **3.0 AGENCY COMMENTS RECEIVED**

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Docket G7-21 was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Wastewater Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; Oregon Department of Transportation, Oregon Department of Land Conservation and Development, and Northwest Natural Gas. The following comments were received:

- McMinnville Wastewater

Just want to make sure as planning goes forward, that everyone is aware that Wastewater flow from this area will all have to travel through the Three Mile #1 Pump station. This station has a 16" force main that will go across the new bridge. Replacing the old 12" force main that went under the river. We will make sure this information is considered as the Conveyance master plan gets started this spring/summer.

- McMinnville Water and Light

In general, the plan does not address the potable water or electricity systems in the planning area.<sup>1</sup> The Plan does not analyze public facilities (such as water and power) or address overall capacities of such facilities in relation to the City's adopted facility master plans. See Planning Ord. section 17.10.070(K).

Electric comment:

1. Current electric infrastructure does not yet support the planned development.
2. MW&L foresees requirements to serve the planning area with additional electric transmission and substation capacity. Plans for additional electric transmission and substation capacity are not incorporated into the planning documents.
3. Example access issue: Slide 66 (Major Collector) shows a PUE with no dimensions. Though, typical is 10'. Slide 67 (Residential) shows a 2' PUE of each side of the street. This does not allow sufficient space to place underground electric utilities.

Water comment:

1. Water to the planning area is delivered from across the Yamhill River via a 12" and a 24" water main.
2. Current water system infrastructure can support the planned development. However, future water-utility plans for the area include a raw water line (from the Willamette River) and a water treatment plant (in or adjacent to the planning area). These future facilities are not addressed in the plan documents.
3. Example of potential use conflict. Final Design Booklet - Page 2: This document shows parks and open space on south (and north) side of Three Mile Lane. This location may be a location to install the new Willamette raw water line or extend the existing 24" main (possibly under 6' sidewalk). Roundabouts intersecting the future ROW may present challenges for location of water transmission facilities. Additional easements, if foreseen and required in the planning process, may allow water transmission facilities to be placed outside of the right-of-way where placement of water transmission facilities in the ROW conflicts with other uses (such as roundabouts).
4. Example access issue. Power Point Presentation (PPP) - Page 66 shows the 6' walk and a 2' PUE (see comment above). A 2' PUE is an inadequate width for water utilities.

- Oregon Department of State Lands

Congratulations on your years of effort on this planning area. The Statewide Wetlands Inventory shows several areas of "Predominantly Hydric Soils" where there is a higher likelihood of unmapped wetlands. It also includes several tributaries of, and the South Yamhill River that is designated "Essential Salmonid Habitat." Please (continue to) use the SWI to help guide the development of the area and the wetland land use notice process. Remember that the first two steps in wetland mitigation are avoidance and minimization. Identifying the location and extent of wetlands and waters is the best first step in accomplishing these steps. Additionally, just as humans need safe transportation corridors, so too do other species need safe travel corridors. Identifying wetlands, waters and other important habitat areas provides a good basis for planning for these areas, wildlife travel corridors, and limiting the potentially deleterious intersections between these and human development.

- Oregon Department of Transportation (01.14.22)

Congratulations on completion of your City of McMinnville, Three Mile Lane Overlay/Area Plan. ODOT Region 2 is pleased to have participated in the development of your Area Plan and is supportive of its content and your adoption. We appreciate the difficult choices that were made regarding the projects and programs that are identified as likely to be funded as well as the policy context that you have established. As noted in the Area Plan, a good portion of the forecasted funding that was identified in the Area Plan's financial analysis section as reasonably likely to be available for the financially constrained projects and programs (identified on the state highway system and included in the Area Plan) are not secured at this time. Consequently, actual project and program implementation will be dependent on those funding forecasts being fully realized. ODOT Region 2 looks forward to working with you to implement your Area Plan as resources allow.

- Comcast

As the City of McMinnville Planning Commission moves forward with the *Three Mile Lane Area Plan* that has been developed in collaboration with ODOT and local Project Advisory Committee, Comcast would like to be included in all planning, minutes, notes and meetings regarding this proposal mixed use growth and private development project.

As you can see from the attached map one of our Comcast Head End offices serving video, voice and internet services for the Three Mile Lane area is located on 4025 SE Nimbus Lane along (Hwy18) along with extensive aerial and underground facilities coming from Dayton and serving the local area as well as McMinnville proper.:

## **4.0 PUBLIC TESTIMONY RECEIVED**

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### **4.1 Introduction**

The Planning Commission hosted four meetings to discuss the *Three Mile Lane Area Plan* (December 16, 2021, January 20, 2022, February 17, 2022, and March 17, 2022). At the first meeting on December 16, 2021, the public hearing was continued to January 20, 2022, without a staff report or public testimony. Then, the Planning Commission heard from a staff report and public testimony on January 20, 2022, and February 17, 2022, closed the public hearing on February 17, 2022, and deliberated and voted to recommend the adoption of Docket G 7-21 to the McMinnville City Council on March 17, 2022.

The City Council elected to also host a public hearing prior to their consideration and the first City Council public hearing was conducted on May 10, 2022. That public hearing was continued to June 14, 2022, which was again continued to July 26, 2022. At their July 26 City Council meeting, the City Council closed the public hearing but kept the public record open until August 15 for additional written testimony. On September 13, 2022, the City Council deliberated and voted to direct staff to add five amendments to the *Three Mile Lane Area Plan* for consideration of the adoption of Docket G 7-21 by ordinance on November 8, 2022.

### **4.2 Notice Provided**

Notice of the first evidentiary public hearing (12.16.21) was sent out to all property owners within the study area and all property owners within 500 feet of the study area on November 24, 2021. Notice was also advertised in the News Register on December 7, 2021. The News Register then covered the

public hearings with the Planning Commission with several news articles.

Then the City noticed the first public hearing with the McMinnville City Council by advertising it in the News Register on May 3, 2022. Similar to the planning commission public hearings, the News Register then published several articles about the public hearing process with the City Council.

At their public hearing on June 14, 2022, the City Council expressed some concern that the public testimony they were hearing was not a diverse representation of McMinnville's demographics and asked that staff make a concerted effort to reach out to the community to let them know about the City Council decision regarding the *Three Mile Lane Area Plan*.

The City then sent out a postcard mailing to every address in McMinnville to let them know about the continued public hearing on July 26, 2022, and a series of information sessions that staff was providing for people to learn more about the proposal prior to deciding to testify. Virtual public information sessions were hosted on July 14 and July 20, 2022. And a public open house was hosted on July 18, 2022. (Entered into the public record as part of the July 26, 2022, staff report to the City Council).

Notice was also provided through a variety of social media platforms, email distribution groups and non-profit newsletters in the community.

City staff also provided presentations on the proposal and the public hearing process to several non-profit groups in the area.

**City of McMinnville**

Be part of the conversation  
**3 Mile Lane Area Plan**

**What is an area plan?** An area plan is a “vision” developed by community members that tells us how a community wants to see an area develop in the future. These plans are meant to help us prepare for infrastructure and amenities to support development. The exact locations, engineering, and design of public improvements occur in the future. Development is always based on the maps designation and zoning.

**Where is this?** The Three Mile Lane Area Plan encompasses 1,340 acres of land on either side of Highway 18. This land is located within the city limits and is zoned for development whether the Three Mile Lane Area Plan is adopted or not. It is not a matter of if it develops, but **how** it will develop. The most controversial aspect of the plan appears to be a proposed 40 acre commercial zone. (See map above for study area and location of proposed commercial site).

**Why do I care?** Housing, trails, industrial and mixed-use development are included in the plan. Also included is a 40 acre site of mixed-use retail. McMinnville residents currently spend over 100 million dollars on merchandise outside of our City limits. (Yes that’s true.) Some people believe that McMinnville does not need more shopping or retail opportunities. Tell us what *you* think.

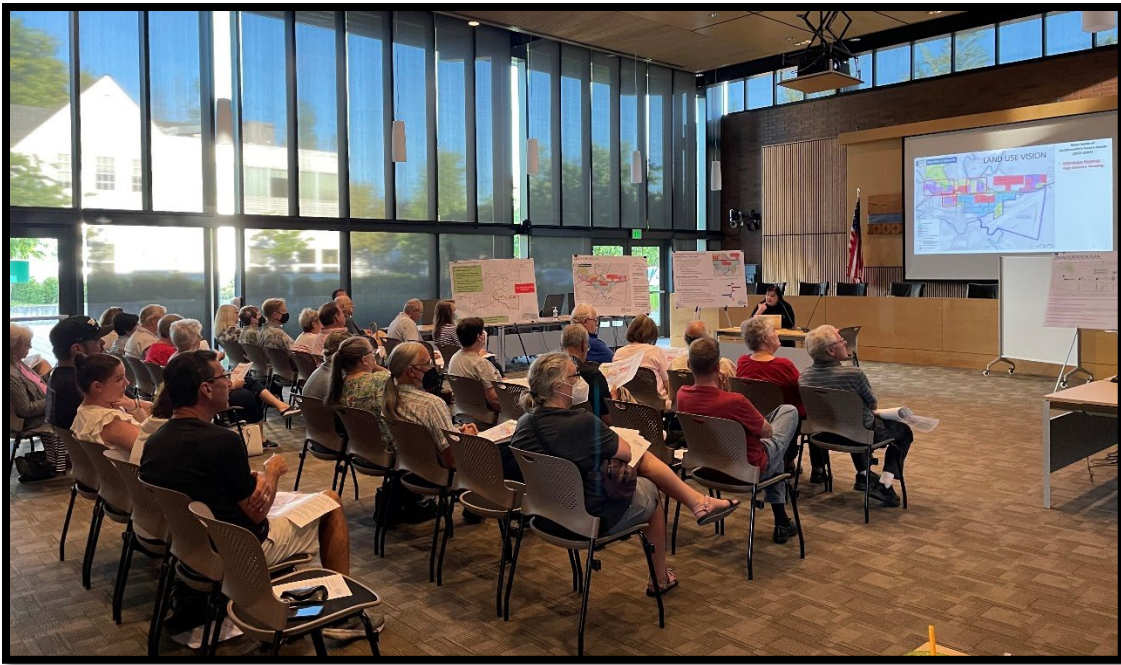
231 NE 5th Street,  
McMinnville, OR 97128

503-474-5107

heather.richards@mcminvilleoregon.gov  
<https://bit.ly/3NyOTM2>

*Postcard mailing to every address within the city limits, July 10 - 18*





*Photo of the public open house on July 18, 2022.*

### **4.3 Written Testimony Received**

One hundred sixty-two (162) written testimonials were received. Many people submitted multiple testimonials. Five (5) people submitted five (5) testimonials or more. People provided written testimony in advance of the first evidentiary hearing on December 16, 2021, and through the close of the public record on August 15, 2022. Written testimony was accepted via email and direct mail.

<b>RECEIVED FROM:</b>	<b>DATE:</b>
<b>Lisa Baker</b> , (no address provided)	December 3, 2021
<b>Nolan Chard</b> , (no address provided)	December 8, 2021
<b>Rick Rozanski</b> , (no address provided)	December 8, 2021
<b>Friends of Yamhill County / 1000 Friends</b> , PO Box 1083, McMinnville / 454 Willamette Street, Ste 213, Eugene	January 12, 2022
<b>Mark Davis</b> , 652 SE Washington Street	January 12, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Laine Dr.	January 12, 2022
<b>Naomi Zwerdling</b> , ODOT Region 2	January 14, 2022
<b>Terry Peasley</b> , 1051 SE Shady Street	January 14, 2022
<b>Nicholas Giannettino</b> , 1151 SW Mill Street, Sheridan	January 17, 2022
<b>Dee Goldman</b> , 1235 NW Cedar Street McMinnville and 19755 NE Kens Hill Lane Newberg	January 17, 2022
<b>Jason Lett</b> , PO Box 697, Dundee	January 17, 2022
<b>Nanette Pirisky</b> , 1505 NE 9 <sup>th</sup> Avenue	January 17, 2022
<b>Jim Parker</b> , (no address provided)	January 17, 2022
<b>Tim Cross</b> , 1102 SW Russ Lane	January 18, 2022
<b>Lynn Crowell</b> , 1737 SW Songbird Street	January 18, 2022

<b>Mark Davis</b> , 652 SE Washington Street	January 18, 2022
<b>Ellie Gunn</b> , 652 SW Washington Street	January 18, 2022
<b>Jim Kreutzbender</b> , 1317 NE 9 <sup>th</sup> Street	January 18, 2022
<b>Susan Marrant</b> , 1125 NW Yamhill Street	January 18, 2022
<b>Patty O’Leary</b> , (no address provided)	January 18, 2022
<b>Tom Abrego</b> , 19105 NE Trunk Road	January 19, 2022
<b>Mark Davis</b> , 652 SE Washington Street	January 18, 2022
<b>John Englebrecht</b> , (no address provided)	January 19, 2022
<b>Robin Ricker</b> , 526 NW 13 <sup>th</sup> Street	January 19, 2022
<b>Mike Sullivan</b> , 1727 NE 18 <sup>th</sup> Street	January 19, 2022
<b>Peter Crockett</b> , PO Box 817, Carlton	January 19, 2022
<b>Joni Zimmerman</b> , 1101 W Sheridan Street, Newberg	January 19, 2022
<b>Rich Blaha</b> , 724 NE Autumn Ridge Road	January 20, 2022
<b>Ron and Connie Hutchinson</b> , PO Box 489, Yamhill	January 20, 2022
<b>Kathryn Jernstedt</b> , 81565 NE Mineral Springs Road, Carlton	January 20, 2022
<b>Ilsa Perse</b> , 5765 NE Mineral Springs Road, Carlton	January 20, 2022
<b>SuAnn Reddick</b> , 14700 Hidden Hills Road	January 20, 2022
<b>Sam Sweeney</b> , 1070 Ferry Street, Dayton	January 20, 2022
<b>Marilyn Walster</b> , 14286 NW Old Moores Valley Road, Yamhill	January 20, 2022
<b>Frankie and Linda Sadoval</b> , 825 SW Blaine Street	January 20, 2022
<b>David Hallett</b> , Chemeketa Community College	January 26, 2022
<b>Mark Davis</b> , 652 SE Washington Street	February 15, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Laine Drive	February 16, 2022
<b>Friends of Yamhill County / 1000 Friends</b> , PO Box 1083, McMinnville / 454 Willamette Street, Ste 213, Eugene	February 16, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane	February 16, 2022
<b>Ilsa Perse</b> , 5765 NE Mineral Springs Road, Carlton	February 17, 2022
<b>Eleanor Fuhrer</b> , 15654 SW Shilo Way	March 26, 2022
<b>John Dolan</b> , 1795 NW Wallace Rd	March 27, 2022
<b>Scott Neubig</b> , (no address provided)	March 28, 2022
<b>James Culbert</b> , 572 NW Wallace Road	March 28, 2022
<b>Larry Larson</b> , (no address provided)	March 29, 2022
<b>Kari Moser</b> , (no address provided)	March 29, 2022
<b>Jim Kreutzbender</b> , 1317 NE 9 <sup>th</sup> Street	March 30, 2022
<b>Steve and Catherine Olsen</b> , 2650 NW Pinot Noir Drve	March 30, 2022
<b>Michael Rice</b> , 1989 NW Birch Street	March 31, 2022
<b>Jill Poyer</b> , (no address provided)	April 21, 2022
<b>Dianne Gluskoter</b> , 640 SE Washington Street	April 21, 2022
<b>Terry Peasley, Sandy Kollenburn</b> , 1051 SE Shady Street	April 25, 2022

<b>Marcia Thomassen</b> , 16845 SE Walnut Hill Road, Amity	April 25, 2022
<b>Tim Cross</b> , 1102 SW Russ Lane	May 2, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane	May 2, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Laine Drive	May 2, 2022
<b>Phyllice Bradner</b> , 203 SE Davis Street	May 2, 2022
<b>Peter and Linda Enticknap</b> , 2019 NW Doral Street	May 3, 2022
<b>Mike Sullivan</b> , 1727 NE 18 <sup>th</sup> Street	May 3, 2022
<b>Nanette Pirisky</b> , 262 NE Dunn Place	May 4, 2022
<b>Tad Beckwith</b> , (no address provided), Dayton	May 5, 2022
<b>Ramsey McPhillips</b> , 13000 SW McPhillips Road	May 6, 2022
<b>Kathleen McKinney</b> , 2160 NE Village Court	May 6, 2022
<b>Crownhill Farm</b> , 18155 NW Baker Creek Road	May 7, 2022
<b>Peter Gladheart</b> , 5075 Winter's Hill Road, Dayton	May 7, 2022
<b>Rick Nhys</b> , Greenlight Engineering	May 8, 2022
<b>Jake Rockwood</b> , 5765 Mineral Springs Road, Carlton	May 9, 2022
<b>Ron and Connie Hutchinson</b> , 13270 Rowland Rd, Carlton	May 9, 2022
<b>Amanda Winter</b> , (no address provided)	May 9, 2022
<b>Currents Gallery</b> , 532 NE Third Street	May 9, 2022
<b>Mark Davis</b> , 652 SE Washington Street	May 9, 2022
<b>Ilsa Perse</b> , 5765 NE Mineral Springs Road, Carlton	May 9, 2022
<b>Jason Lett</b> , The Eyrie Vineyard	May 9, 2022
<b>Bill Bordeaux</b> , (no address provided)	May 9, 2022
<b>Robin Ricker</b> , 526 NW 13 <sup>th</sup> Street	May 9, 2022
<b>Steve Rupp</b> , PO Box 622	May 9, 2022
<b>Yamhill County Parkway Committee</b> , PO Box 480	May 9, 2022
<b>Britt Block</b> , 845 SE Morgan Lane	May 10, 2022
<b>Eleanor Fuhrer</b> , 15654 SW Shilo Way	May 29, 2022
<b>Patty O'Leary</b> , (no address provided)	June 5, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Laine Drive	June 6, 2022
<b>Charles Hillstead</b> , 1256 NW Oakmont Court	June 7, 2022
<b>Sharon Morgan</b> , 367 SE Cowls Street	June 8, 2022
<b>Dahe Good</b> , The Good Land Company	June 9, 2022
<b>Linda Peterson</b> , 4155 NE Three Mile Lane, Space 64	June 9, 2022
<b>Marie Vicksta</b> , 247 NW 12 <sup>th</sup> Street	June 13, 2022
<b>Patty O'Leary</b> , (no address provided)	June 13, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane	June 14, 2022
<b>Gioia Goodrum</b> , Chamber of Commerce	June 21, 2022
<b>Amy Bizon</b> , (no address provided) gave street but not address (Lawson Lane)	July 6, 2022

<b>Donna Anessi</b> , 24075 NE Sunnycrest Road, Newberg	July 7, 2022
<b>Sid Friedman</b> , (no address provided)	July 10, 2022
<b>Julia Anderson</b> , 1607 NW Meadows Drive	July 15, 2022
<b>Greg Crafton</b> , (no address provided)	July 16, 2022
<b>Michael Bilbrey</b> , 2951 SW Redmond Hill Road	July 16, 2022
<b>Neil Wright</b> , (no address provided)	July 16, 2022
<b>Kathleen McKinney</b> , 2160 NE Village Court	July 17, 2022
<b>Brad Thompson</b> , (no address provided)	July 17, 2022
<b>Christa Brandenburg</b> , PO Box 1712	July 18, 2022
<b>Dorothy Mayes</b> , (no address provided)	July 18, 2022
<b>Hannah Reid</b> , (no address provided)	July 18, 2022
<b>Tim Cross</b> , 1102 SW Russ Lane	July 18, 2022
<b>Angie Brown</b> , 1359 SW Fellows Street	July 18, 2022
<b>Anna Stahl</b> , 350 NW Meadows Drive	July 18, 2022
<b>Denise Murphy</b> , 957 NW Cascade Way	July 18, 2022
<b>Patti Webb</b> , 340 NE 27 <sup>th</sup> Street	July 18, 2022
<b>Sid Friedman</b> , 14286 NW Old Moores Valley Road, Yamhill	July 18, 2022
<b>Steve Ryan</b> , 11995 Fox Ridge Road	July 18, 2022
<b>Chuck Hottle</b> , 604 NE Galloway Street	July 19, 2022
<b>Kathleen Culbert</b> , (no address provided)	July 20, 2022
<b>Paul and Linette Studebaker</b> , (no address provided)	July 20, 2022
<b>Sherri Young</b> , 2946 NE Evans Street, #72	July 20, 2022
<b>Mike Colvin</b> , 3120 NE Grandhaven Drive	July 21, 2022
<b>Kyle Dautermann</b> , 122 NE Kingwood Drive	July 22, 2022
<b>Patty O'Leary</b> , (no address provided)	July 22, 2022
<b>Jerry and Barbara Thomas</b> , Olde Stone Village, Space 6	July 22, 2022
<b>Marie Vicksta, Wes Robinson</b> , 247 NW 12 <sup>th</sup> Street	July 24, 2022
<b>Nanette Pirisky</b> , 262 NE Dunn Place	July 24, 2022
<b>Peter Gladheart</b> , 5075 Winter's Hill Road, Dayton	July 24, 2022
<b>Dennis Goecks</b> , (no address provided)	July 24, 2022
<b>Friends of Yamhill County / 1000 Friends</b> , PO Box 1083, McMinnville / 454 Willamette Street, Ste 213, Eugene	July 25, 2022
<b>Ron and Connie Hutchinson</b> , (no address provided), Yamhill	July 25, 2022
<b>Dana Krawczuk</b> , Stoel Rives LLP	July 21 & 25, 2022,
<b>Anna Rufo</b> , (no address provided)	July 26, 2022
<b>Arnie Hollander</b> , 13440 SW McCabe Chapel Road	July 26, 2022
<b>Dave Anderson</b> , 1340 SW Fleishauer Lane	July 26, 2022
<b>Heather Peck</b> , Oregon Department of Aviation	July 26, 2022
<b>Kurt Wiley</b> , (no address provided)	July 26, 2022



<b>Kyle Putnam</b> , Linfield College Professor no address resident provided	July 26, 2022
<b>Ruth Robinson</b> , (no address provided)	July 26, 2022
<b>Susan Watkins</b> , 13440 SW McCabe Chapel Road	July 26, 2022
<b>Liz Goings</b> , 2126 NW Elm Street	July 27, 2022
<b>Kitri McGuire</b> , Visit McMinnville	July 28, 2022
<b>Jeff Kizer</b> , 1602 Riverside Drive, #33	July 28, 2022
<b>Patty O'Leary</b> , 2325 Homer Ross Loop	July 28, 2022
<b>Patricia Ridenour</b> , (no address provided)	July 29, 2022
<b>Roger Redl</b> , PO Box 322	July 29, 2022
<b>Dean Klaus</b> , 450 NW 7 <sup>th</sup> Street	August 1, 2022
<b>Rachel Spiegelman</b> , Drake Farms	August 2, 2022
<b>Carole Hansen</b> , 1110 SW Tall Oaks Drive	August 3, 2022
<b>Arnie Hollander</b> , 13440 SW McCabe Chapel Road	August 3, 2022
<b>Evelyn Stuart</b> , (no address provided)	August 5, 2022
<b>Jon Steinhart</b> , (no address provided)	August 5, 2022
<b>Leslie Perrin</b> , (no address provided)	August 7, 2022
<b>Todd Haddican</b> , Skylines Homes	August 9, 2022
<b>Anne Redl</b> , PO Box 322	August 11, 2022
<b>Patty O'Leary</b> , 2325 Homer Ross Loop	August 12, 2022
<b>Patty O'Leary</b> , 2325 Homer Ross Loop	August 12, 2022
<b>Michael Barton</b> , PO Box 480	August 14, 2022
<b>Yamhill County Parkway Committee</b> , PO Box 480	August 14, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane	August 14, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Laine Drive	August 15, 2022
<b>Mark Davis</b> , 652 SE Washington Street	August 15, 2022
<b>Jeb Bladine</b> , PO Box 1487	August 15, 2022
<b>Todd Severson</b> , (no address provided)	August 15, 2022
<b>Ramsey McPhillips</b> , McPhillips Farms	August 15, 2022
<b>Patty Herzog</b> , McMinnville Economic Development Partnership	August 15, 2022
<b>Friends of Yamhill County / 1000 Friends</b> , PO Box 1083, McMinnville / 454 Willamette Street, Ste 213, Eugene	August 15, 2022
<b>Dave Haugeberg representing Chehalem Valley Chamber of Commerce</b> , (no address provided)	August 15, 2022
<b>Arthur Van Uchelen</b> , 2817 NE Redwood Dr.	August 15, 2022
<b>Patricia Traboldt</b> , 1315 SW Melrose Avenue	August 15, 2022



#### 4.4 Oral Testimony Received

Twenty-three (23) people provided verbal testimony on the five different days of public hearings on January 20, February 17, May 10, June 14, and July 26. One person testified at all five public hearings. Four people testified four times. Oral testimony was accepted during the hearings either in person at the Civic Hall at 200 NE Second Street, or on ZOOM virtually. All meetings were recorded. Below is a list of the people who testified and the hearing date that they testified.

<b>PROVIDED BY:</b>	<b>DATE:</b>
<b>Sid Friedman</b> , Friends of Yamhill County – PO Box 1083, McMinnville, OR	January 20, 2022
<b>Mark Davis</b> , no address provided	January 20, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Lane Dr., McMinnville	January 20, 2022
<b>Rebecca Hillyer</b> , Chemeketa Community College, 4000 Lancaster Dr. NE, Salem, OR	January 20, 2022
<b>Ilsa Perse</b> , no address provided	January 20, 2022
<b>Sid Friedman</b> , Friends of Yamhill County – PO Box 1083, McMinnville, OR	February 17, 2022
<b>Mark Davis</b> , 652 SW Washington Street, McMinnville	February 17, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Lane Dr., McMinnville	February 17, 2022
<b>Jim Kreutzbender</b> , 1317 NE 9 <sup>th</sup> Street, McMinnville	February 17, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane, McMinnville	February 17, 2022
<b>Ilsa Perse</b> , no address provided	February 17, 2022
<b>Adrian Lambricht</b> , 1130 Tall Oaks Dr., McMinnville	February 17, 2022
<b>Mark Davis</b> , 652 SW Washington Street, McMinnville	May 10, 2022
<b>Sid Friedman</b> , Friends of Yamhill County – PO Box 1083, McMinnville, OR	May 10, 2022
<b>Jason Lett</b> , no address provided	May 10, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane, McMinnville	May 10, 2022
<b>Kari Moser</b> , 2256 SW Redmond Hill Rd., McMinnville	May 10, 2022
<b>Marilyn Kosel</b> 516 NE 3 <sup>RD</sup> Street, McMinnville	May 10, 2022
<b>Victoria Keister</b> , no address provided	May 10, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Lane Dr., McMinnville	May 10, 2022
<b>Duncan Scott</b> , 1388 NW Meadows Lane, McMinnville	May 10, 2022
<b>Charles Gibbins</b> , 1408 NE 10 <sup>th</sup> Ave., McMinnville	May 10, 2022
<b>Ilsa Perse</b> , 5765 NE Mineral Springs Rd., Carlton	May 10, 2022
<b>Linda Peterson</b> , 4155 NE Three Mile Lane, #64, McMinnville	May 10, 2022
<b>Ilsa Perse</b> , 5765 NE Mineral Springs Rd., Carlton	June 14, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane, McMinnville	June 14, 2022
<b>Sid Friedman</b> , Friends of Yamhill County – PO Box 1083, McMinnville	June 14, 2022
<b>Jeff Knapp</b> , 1036 NE Cows St., McMinnville	June 14, 2022

<b>Duncan Scott</b> , 1388 NW Meadows Lane, McMinnville	June 14, 2022
<b>Rob Hallyburton</b> , Friends of Yamhill County, PO Box 1083, McMinnville	July 26, 2022
<b>Rick Nys</b> , Greenlight Engineering, 13554 Rogers Road, Lake Oswego 97035	July 26, 2022
<b>Mark Davis</b> , Friends of Yamhill County, PO Box 1083, McMinnville	July 26, 2022
<b>Marni Cochran</b> , 182 NW Valleys Edge Street, McMinnville	July 26, 2022
<b>Ramsey McPhillips</b> , 13000 Phillips Road., McMinnville	July 26, 2022
<b>Steve Iversen</b> , 1033 SW Courtney Lane Dr., McMinnville	July 26, 2022
<b>Margaret Cross</b> , 1102 SW Russ Lane, McMinnville	July 26, 2022
<b>Sandy Feston</b> , 2150 NE Grandhaven Street, McMinnville	July 26, 2022
<b>Ilsa Perse</b> , 5765 NE Mineral Springs Rd., Carlton	July 26, 2022
<b>Victoria Keister</b> , 1653 SW Bonnie Jean Place, McMinnville	July 26, 2022
<b>Jeff Knapp</b> , no address provided	July 26, 2022
<b>Heather Miller</b> , McMinnville DT Association Board of Directors (No address provided)	July 26, 2022
<b>Tamara Chilla</b> , First & Irvine, McMinnville	July 26, 2022

#### **4.5 History of Public Testimony**

Prior to the meeting on December 16, 2022, the City sent out a mailing to all property owners within the study area and within 500 feet of the study area to apprise them of the upcoming public hearing. The City received three communications – one from Nolan Chard who was supportive of the proposed **Plan** and one from Rick Rozanski and Lisa Baker, who were both concerned about the feasibility of a trail system in the Central Neighborhood District near the Kingwood and Norton Crest subdivisions. With topography and soil challenges, they both recommended that an exact location for the trail needed to be further studied.

After the December 16, 2021, planning commission meeting, Friends of Yamhill County sent out an alert email to their membership and email distribution group. This alert generated a significant amount of testimony that was entered into the record for the January 20, 2022, planning commission public hearing.

After hearing testimony on January 20, 2022, the Planning Commission continued the public hearing to February 17, 2022, and asked staff to bring the transportation consultants and ODOT representatives to the February meeting to address some of the transportation issues that were raised during the January 20, 2022, public hearing testimony.

At the February 17, 2022 meeting, Andrew Mortensen, Senior Transportation Planner with David Evans and Associates, Inc., and lead Project Manager for the consultant team, and Naomi Zwerdling, Planning and Development Review Manager, ODOT, Region 2, and Michael Duncan, Senior Region Planner, Transportation and Growth Management Project Manager for ODOT, Region 2, provided testimony about the transportation evaluation and analysis of the planning effort, and answered in more detail questions that the Planning Commission and public testimony had about the particular design of the transportation elements identified in the Plan and the performance of the transportation system.

The Planning Commission then heard more public testimony on February 17, 2022, and elected to close the public hearing. At their meeting on March 17, 2022, the Planning Commission deliberated and

voted to recommend the approval of Docket G 7-21 to the McMinnville City Council with two amendments to the *Three Mile Lane Area Plan*:

- 1) Add a provision for the future evaluation and consideration of a bicycle/pedestrian overpass on Highway 18 when the need and opportunity arose.

*The following language was added to the Three Mile Lane Area Plan document, page 53.*

### **Future Bicycle/Pedestrian Overpass Consideration**

#### OR-18/Norton Avenue – Potential Bicycle / Pedestrian Overpass

In the adoption process of the 3MLAP, the City identified a future potential need for a bicycle/pedestrian overpass at OR 18/Norton Avenue to facilitate a separated bicycle and pedestrian crossing opportunity. This was not calculated as a need by the 3MLAP transportation analysis.

The City should continue to evaluate the bicycle and pedestrian movements from north to south at this intersection for mobility and safety, and explore opportunities to fund and implement this improvement proactively if determined to be warranted by the community.

- 2) Amend the language associated with Great Neighborhood Principle #11 on page 18 of the *Three Mile Lane Area Plan* to read, “*Allow for a mix of housing forms and types that serve a variety of household incomes and respect the current character of Three Mile Lane.*”

During the Planning Commission public hearing process, much of the testimony focused on opposition to the proposed comprehensive plan map amendment for additional commercial land on the south side of Highway 18, and the impact of that amendment to the functionality of Highway 18. After hearing from the transportation consultant and ODOT representatives, the Planning Commission voted that the *Three Mile Lane Area Plan* as proposed met all of the state standards for mobility and functionality of an expressway.

Friends of Yamhill County and 1000 Friends also proposed five amendments to the **Plan**, per the following:

- Reject the redesignation of industrial land to accommodate a new “Town Center/Large Format Retail Shopping Center”.
- Prioritize the neighborhood serving commercial uses, a pedestrian overpass, and the park near the recently approved apartments, using the Neighborhood Activity Overlay provisions that are already in the code.
- Include the commercially-designated island of land recently added to the UGB, north of the expressway. This land is surrounded by, and is functionally an integral part of, the Three Mile Lane Area.
- Encourage geographically and/or vertically mixed use on the Baker Rock/Cal Portland site.
- Reconsider appropriate commercial uses near the Loop Rd. gateway to the City.

The Planning Commission elected not to move forward with these recommendations except for the

inclusion of the consideration of a pedestrian overpass based on the following:

- *Reject the redesignation of industrial land to accommodate a new “Town Center/Large Format Retail Shopping Center”.* The only place in the *Three Mile Lane Area Plan* where a “Large Format Retail Shopping Center” is discussed is on page 13 of the *Three Mile Lane Area Plan* when describing the results of the market analysis in Appendix B. Pages 26 – 30 of the *Three Mile Lane Area Plan* describe a Retail Center and Innovation Center where the retail center is further described as a mixed-use “town center” *that offers gathering spaces, walkable streets, and more dining options than typical strip suburban developments or enclosed shopping centers.* The project advisory committee was very intentional in describing a mixed-use town center and not a large format retail shopping center in their description of preferred land uses in the *Three Mile Lane Area Plan* with examples of other mixed-use town centers to emulate in terms of design and development standards (ie Orenco Station and the Old Mill District). During the Planning Commission public process the preferred land-use alternative map (Figure 6) labeled the commercial site as a “Retail Center” and a recommendation during Planning Commission deliberation was to change the map label to “Mixed-Use Town Center” to more accurately reflect the *Three Mile Lane Area Plan* document. This was brought to the McMinnville City Council as a recommendation from staff at the City Council meeting on May 10, 2022.
- *Prioritize the neighborhood serving commercial uses, a pedestrian overpass, and the park near the recently approved apartments, using the Neighborhood Activity Overlay provisions that are already in the code* – The two mixed-use area sites on the proposed land-use vision map (Figure 6) prioritize neighborhood-serving commercial uses. Language for consideration of a pedestrian overpass was added to the *Three Mile Lane Area Plan* document.
- *Include the commercially-designated island of land recently added to the UGB, north of the expressway. This land is surrounded by, and is functionally an integral part of, the Three Mile Lane Area.* The *Three Mile Lane Area Plan* scope of work was developed and negotiated in early 2018. ODOT then updated its transportation model in 2019, and the transportation scenarios were developed in 2020, with a final draft of the Plan in April 2021. The McMinnville City Council did not provide direction to work on an urban growth boundary amendment until March 2020. The draft map for the urban growth boundary amendment was not final until November 2020. The City adopted the urban growth boundary amendment in December 2020, and it was not acknowledged by the state until April 2021. Throughout the process, city staff met with ODOT and DLCD representatives to confirm decision-making milestones and assumptions relative to the traffic modeling and transportation scenarios based on the state regulations. When Friends of Yamhill County and 1000 Friends of Oregon suggested that the traffic modeling needed to be redone to include the recently amended urban growth boundary amendment in April 2021, city staff consulted with legal counsel and DLCD representatives. Both indicated that the *Three Mile Lane Area Plan* transportation modeling did not need to be amended. (Please see email with DLCD re: traffic modeling (Docket G 7-21), entered into the public record as an attachment to the May 10, 2022 City Council staff report). If the City wanted to amend the transportation modeling in the *Three Mile Lane Area Plan* it would be responsible for the associated costs. In order to incorporate the recent urban growth boundary amendment, ODOT will need to update its transportation model (approximately 6 – 9 months) and new transportation scenarios would need to be analyzed. The City is working with ODOT to update the transportation model for its Transportation System Plan update planned in 2022-2024. Part of the proposed recommendation for G 7-21 is to amend the McMinnville Transportation System Plan to be consistent with the *Three Mile Lane Area Plan*.
- *Encourage geographically and/or vertically mixed use on the Baker Rock/Cal Portland site* - The Baker Rock/Cal Portland site is recommended to be a mixed-use development (page 21 and 22 of the Plan),

- *Reconsider appropriate commercial uses near the Loop Rd. gateway to the City* - The uses near the Loop Road gateway are currently identified as tourist commercial, and the project advisory committee did not recommend changing the underlying comprehensive plan map designation or the zoning for this area.

Margaret Cross provided public testimony at the Planning Commission recommending that the City engage in a new public process for the *Three Mile Lane Area Plan* to encourage more participation in the dialogue and to overcome the potential impacts of COVID on the process. The Planning Commission considered her recommendation and concluded that the public process utilized was comprehensive and that the City did not have the resources to continue with a new public process.

On March 17, 2022, the Planning Commission voted unanimously to recommend approval of the *Three Mile Lane Area Plan* to the McMinnville City Council with the two amendments discussed above.

On March 25, 2022, Mark Davis published a "Viewpoint" in the *News-Register*, entitled "Don't Turn Bypass into a Bottleneck" encouraging people to send in testimony to the McMinnville City Council in anticipation of a future City Council decision on the Plan. This generated several emails to the City Recorder's office.

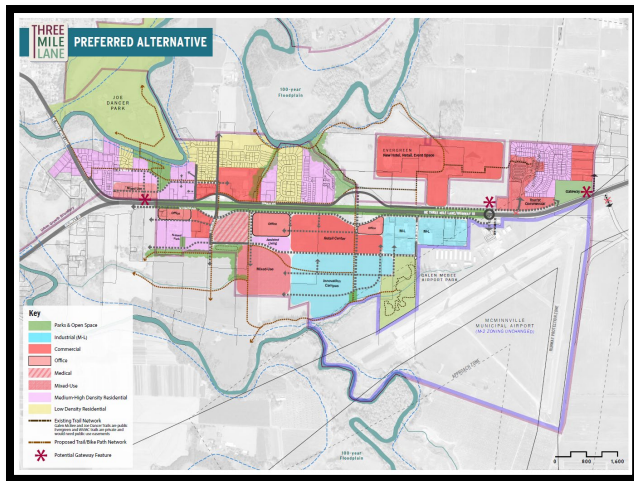
On April 20, 2022, Friend of Yamhill County emailed a "Call to Action" to their membership and email distribution group encouraging people to submit Letters to the Editor of the *News-Register* and testimony to the City Council in anticipation of a future City Council decision on the Plan. This generated several emails to the City as well.

At their public hearing on May 10, 2022, City Council heard a staff report and public testimony. At this meeting, staff recommended two amendments as part of the staff report relative to two different figures in the *Three Mile Lane Area Plan*:

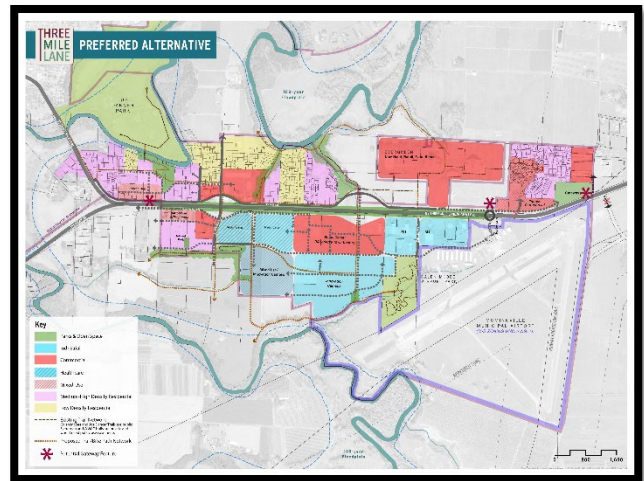
- 1) a revised Community Land-Use Vision Preferred Alternative Map to better reflect the proposed underlying comprehensive plan designations needed to facilitate the community vision per below; and
- 2) proposed language and figure indicating that the proposed traffic improvement at Cirrus Avenue and Highway 18 has not yet been decided and could be a signal or a roundabout.

Staff recommended amending the community land-use vision map to more clearly reflect the narrative in the plan document, with descriptions per the following: Mixed-Use Area, Tourist Commercial, Health Care Area, Retail Center (Mixed-Use Town Center) / Innovation Campus, and underlying colors that more clearly illustrate the comprehensive plan designation needed to achieve that vision. Note that Hospital, Medical and Hospital Ancillary Uses, Medical Professional Uses, Research and Development Offices, Business School or Trade College, and other similar uses are all allowed in McMinnville's industrial zones.



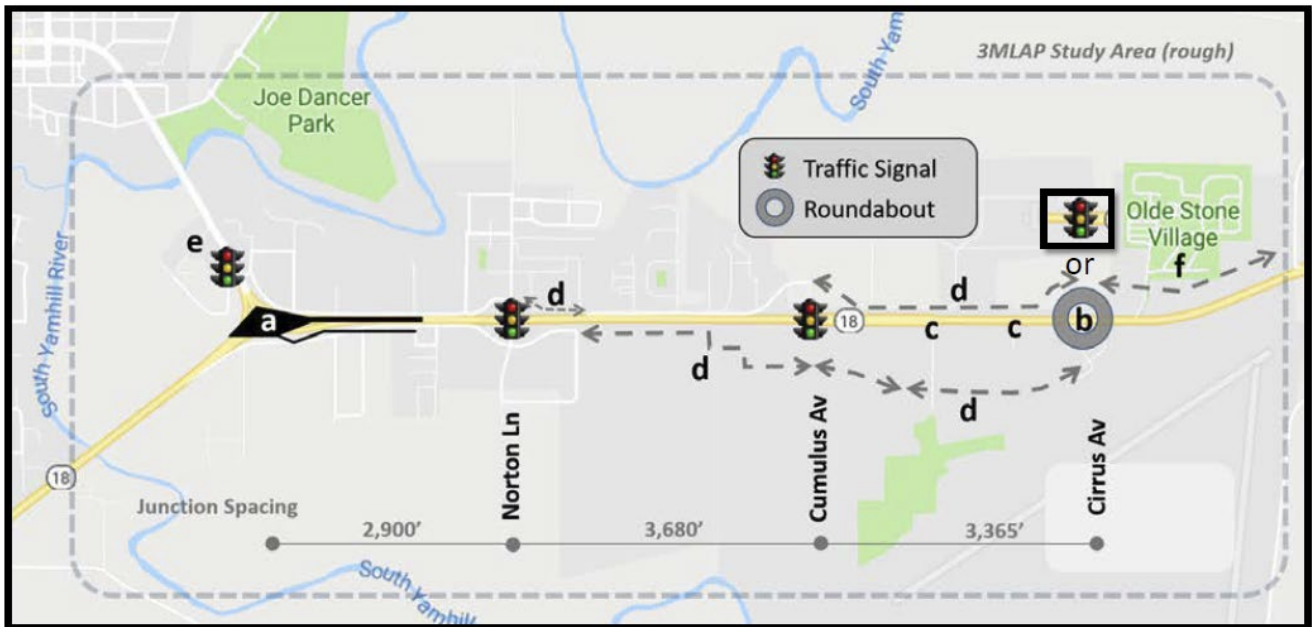


Original Preferred Alternative Land-Use Vision Map



Amended Preferred Alternative Land-Use Vision Map

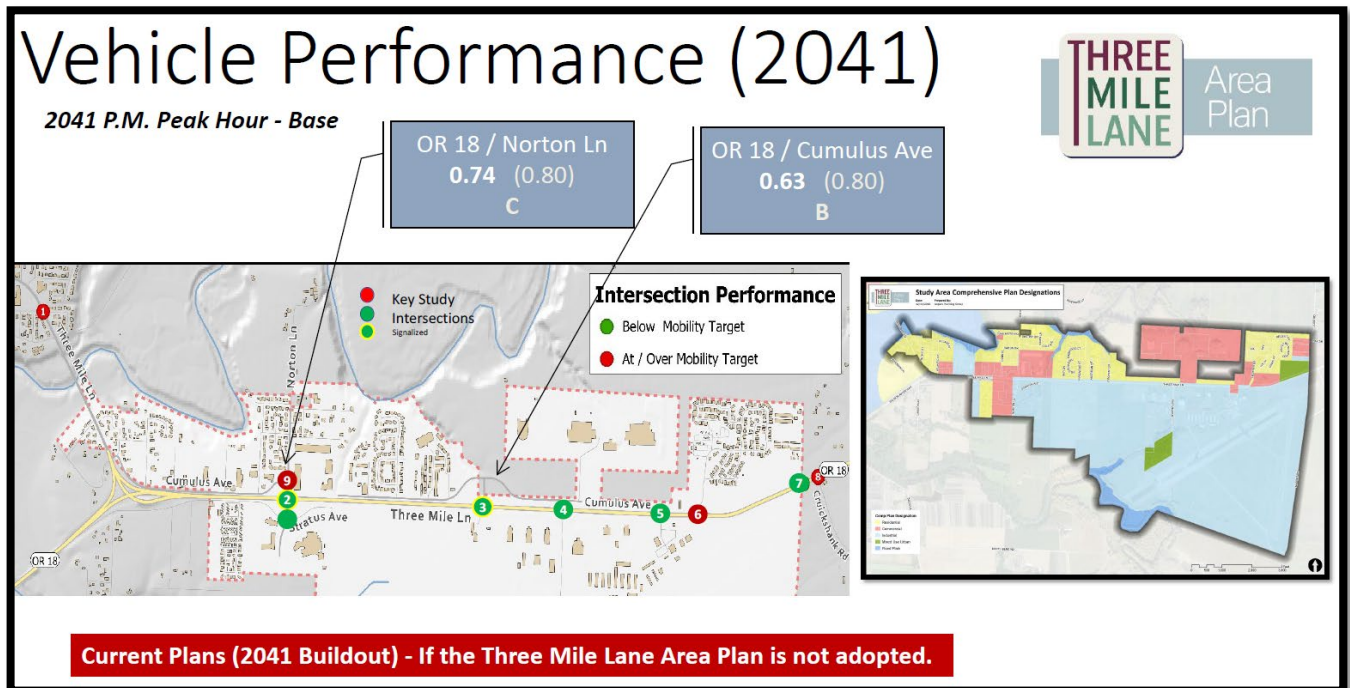
Staff also recommended amending the Preferred Transportation Facility Figure showing both a signal and roundabout at Cirrus Ave, as both ODOT and the City of McMinnville wanted to evaluate the best traffic control method at this intersection when it was warranted.



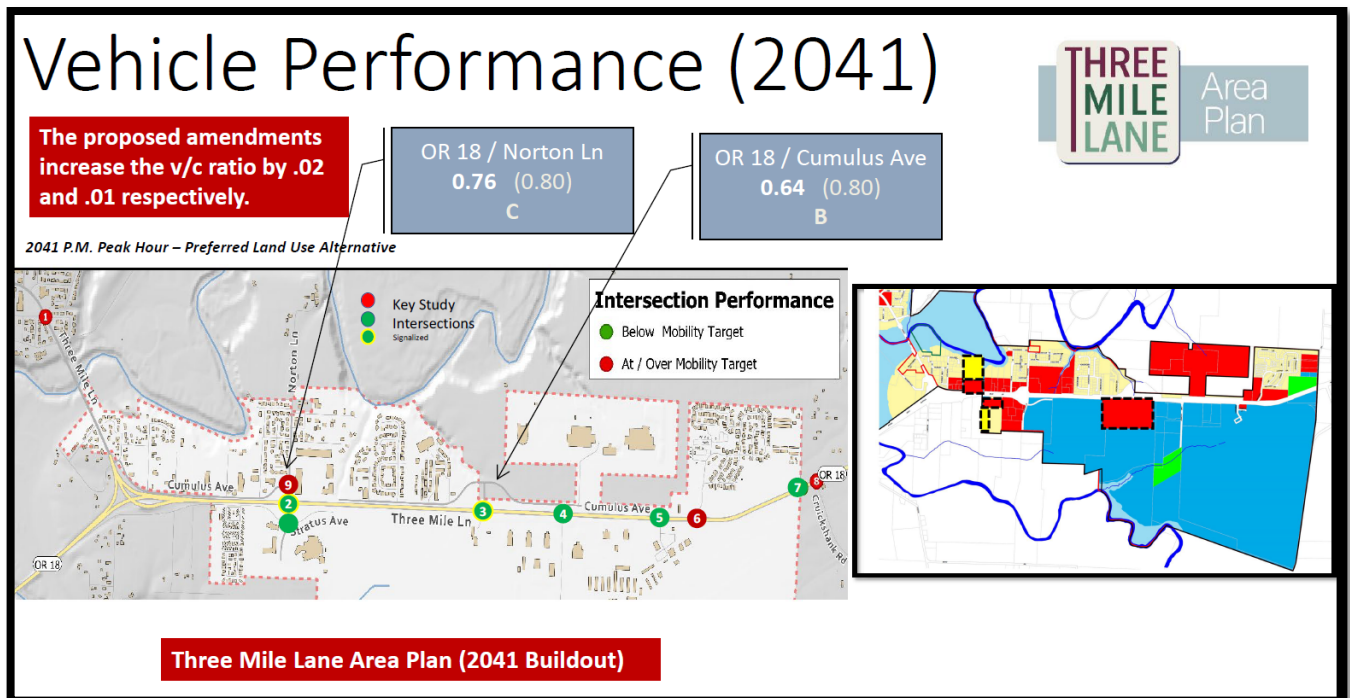
**Managing the Highway System:** The City Council heard testimony at the May 10, City Council public hearing concerned about the impact of the proposed *Three Mile Lane Area Plan* on Highway 18, especially relative to its functionality as an expressway and freight route.

The adopted Oregon Highway Plan (OHP) classifies Highway 18 as state expressway and freight route. To protect the functionality of its highway system, ODOT’s Oregon Highway Plan has standards that manage the functionality of the highway as congestion grows on the system. The standard for a state expressway and freight route is to not allow intersections to exceed 80% of its vehicular capacity at peak travel times. (v/c ratio = 0.80).

To study the impact of the preferred community land-use vision on the highway facility, the consultant team and ODOT modeled the transportation performance of the highway at 2041 with the full build-out of the existing land within the city limits developed per the existing comprehensive plan map designations. This is the measurement of what is forecasted to happen without adopting the proposed comprehensive plan map amendments in the *Three Mile Lane Area Plan*. That analysis showed that, at the peak hour of the day, the two highway intersections performed at 74% and 63% of capacity (or 0.76 and 0.64) respectively per the illustration below. This means that with full build-out of the current land within the city limits at the current comprehensive plan map designations, the highway operates within the state adopted standards for state expressways and freight routes. (See figure below).



Then the consultant team and ODOT modelers analyzed what would happen to the two Highway 18 intersections if the land in the study area developed per the comprehensive plan map amendments needed to support the community vision for the Three Mile Lane Study Area at full build-out in 2041. With those amendments, the performance of the two intersections went from 74% and 63% of capacity to 76% and 64% of capacity at the transportation peak hour. A difference of 2% and 1% increase in capacity respectively. And the system still operates within the adopted state standards for state expressways and freight routes. See figure below.



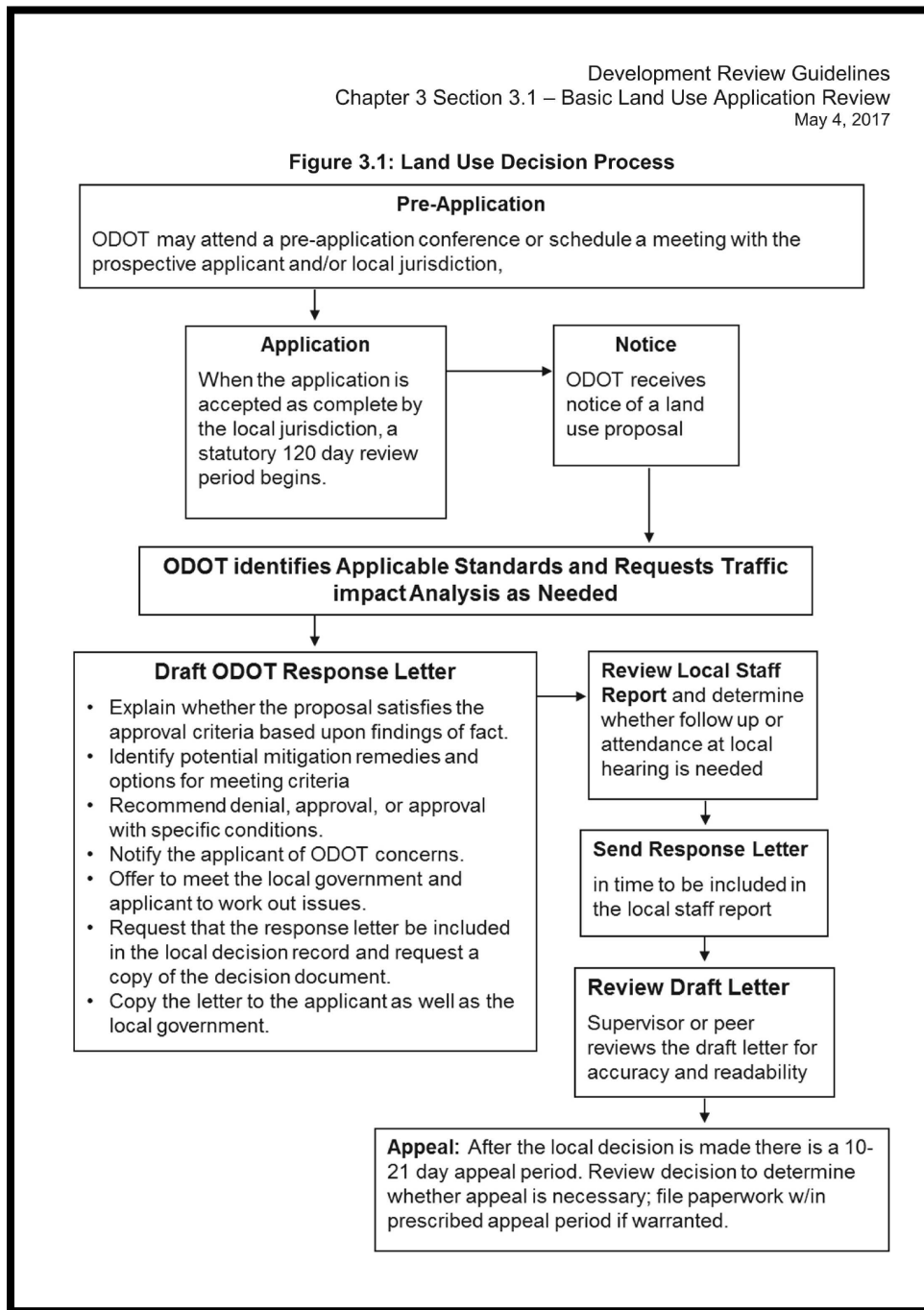
City Council asked for the process for ODOT review of land-use applications at the May 10, 2022 public hearing. Below is ODOT’s response.

*For comp plan amendments and zone changes ODOT reviews according to the requirements of the TPR – OAR 660-012-0060 – and the OHP Mobility Policy (1F.) Note that action 1F.2 states, in the case of plan amendments and zone changes, the analysis year is 15 years or the horizon year of the local TSP, whichever is greater. The policy also establishes standards for mitigation where the mobility target is met and where it is exceeded prior to development. The policy also establishes a threshold for where an increase in traffic is not considered significant (small increase in traffic) where the target has already been exceeded.*

*For development review (site plans, conditional use permit, etc.) ODOT’s review is limited to the Agency’s statutory authority to regulate access to state highways and to require mitigation for project-related impacts. ODOT has limited ability to require off-site mitigation and it must be directly related to the impacts of the project.*

*The Development Review Guidelines take a deep dive into this, but unfortunately contain no easy to read one-pagers. <https://www.oregon.gov/odot/Planning/Documents/Development-Review-Guidelines.pdf>*

Flow Chart from the ODOT Design Review Guidelines , page 58.



*Email from Michael Duncan, Senior Region Planner,  
TGM Grant Manager, Region 2, Oregon Department of Transportation, June 1, 2022*

After hearing testimony on May 10, 2022, the City Council elected to continue the public hearing to June 14, 2022, asking staff to bring back some information on the process for reviewing land-use developments and their relative impact to both state and local transportation facilities.



Based on the testimony they read and heard, City Council asked staff to research several different items at the June 14, 2022 public hearing to bring back for the continued public hearing on July 26, 2022. The results of that research is encapsulated below:

- 1) *How much of the Retail Leakage in the Three Mile Lane Area Plan Market Analysis can be attributed to e-commerce (online shopping)?*

The same question was posed in July, 2021. Staff reached out to Chris Zahas, Managing Principal of Leland Consulting Group that worked on the *Three Mile Lane Area Plan* Market Analysis with the question at that time.

His email response on July 1, 2022, was that although the data is not provided with online leakage versus bricks and mortar leakage, the industry standard and assumption for this analysis in 2019 was 11% of retail leakage could be attributable to online shopping. In his discussion with staff in July, 2021, he stated that due to COVID the industry standard had increased to 15%.

Staff conducted some additional research and found several articles written in 2021 that reaffirmed Chris Zahas' assumption that online shopping had increased to 15% by 2021 due to COVID. However, new data in 2022 is showing that consumers are returning to bricks and mortar in most industries and the online share of spending is trending down from 15% in 2022.

An article from World Economic Forum, March 21, 2022, "Is the E Commerce Trend Coming to An End?" states that, "On average, the online share of total spending rose sharply from 10.3 percent in 2019 to 14.9 percent at the peak of the pandemic, but then fell to 12.2 percent in 2021."

- 2) *For perspective on the discussion relative to retail sizes, what are the sizes of the larger retailers in McMinnville, Newberg and Sherwood, and what are the standard industry size ranges of different retailers?*

Attachment A to the July 26, 2022 staff report provided the size ranges of different retailers in McMinnville, Newberg and Sherwood, and the standard industry range of store sizes for some brand name retailers. In McMinnville, Lowe's is the largest retailer, with a building footprint of approximately 170,000 square feet. Walmart's building footprint is approximately 118,000 square feet. In Newberg, the building footprint of Fred Meyer's is 180,000.

- 3) *Councilor Geary's Questions about V/C ratios. Councilor Geary provided several detailed questions about v/c ratios – how they are calculated and applied in transportation analysis. Staff reached out to the Transportation Engineers and Planners at David Evans and Associates (consultant on the Three Mile Lane Area Plan) and Oregon Department of Transportation – Region 2 (Project Manager of the Three Mile Lane Area Plan).*

Attachment B to the July 26, 2022 staff report provided their answers.

Staff recommended that the City Council continue the June 14, 2022, public hearing to July 26, 2022, in order to engage more people in the discussion and to allow people the time necessary to obtain the information they needed so that they could be part of the discussion. A large portion of the public testimony during the Planning Commission public hearings and the City Council public hearings has been from representatives, board members, and members of Friends of Yamhill County.

Staff sent out a mailing to every address in McMinnville that was delivered on July 14 with the intent of letting all McMinnville residents and businesses know about the planning discussion underway and



encouraging them to participate in the dialogue if they wanted to do so. Public Information Sessions were offered on July 14, July 18 and July 20, to share information about the plan, outline the dialogue that has been occurring at the City Council level and provide information to people on how they can communicate with City Council either informally by contacting them or formally by providing testimony.

By this time, the recommendation to redesignate 40 – 60 acres of industrial land on the south side of the intersection of Cumulus and Highway 18 to proposal to a commercial comprehensive plan designation to support a future Retail Center, “*Mixed-Use Town Center*” has become the most controversial aspect of the *Three Mile Lane Area Plan*.

Public testimony showed that the community (testimony has been provided by both City of McMinnville residents and residents of Yamhill County) did not have consensus on whether or not this aspect of the Plan should be adopted as recommended.

The City Council and Planning Commission heard testimony from people who:

- 1) Supported the Mixed-Use Town Center proposal as they feel that McMinnville needs more commercial options for its residents and for the industrial land to be successfully developed it will need the commercial development to help offset the public transportation improvements needed to develop the site – ie keep the recommendation as is with a commercial comprehensive plan map designation and recommended principles for future design and development standards to be added to the Three Mile Lane Overlay District.
- 2) Would prefer that the retail opportunities be limited to neighborhood-serving commercial – ie reduce the size and limit the zoning options to something akin to the C1 (Neighborhood Commercial) zone.
- 3) Would prefer that the retail opportunities be limited to just those commercial needs associated with the Industrial development – ie keep the industrial commercial plan map designation for the entire site with an allowance in a planned development for a supportive industrial campus serving commercial.
- 4) Would prefer that no retail be allowed on this site at all - ie keep the industrial commercial plan map designation for the entire site and limit options for retail.

On July 26, 2022, the City Council closed the public hearing and kept the record open until August 15, 2022.

Then on September 13, 2022, the City Council deliberated. After deliberation, they voted to request that the staff make five amendments to the *Three Mile Lane Area Plan* for consideration of adoption at the November 8, 2022, City Council meeting. Those five amendments were:

- Make a note in any section that discusses the size of the proposed Mixed-Use Town Center, that it is intended to be 33 net buildable acres as originally modeled in the transportation scenario, for clarifying purposes.
- Amend policy #1 of the implementation recommendations in Table 4 of the planning document to reduce the size of mixed-use and commercial developments that are subject to a planned development overlay from ten acres to five acres. (page 46 of the *Three Mile Lane Area Plan*.)
- Add a policy to consider the needs of public safety services when master planning in the study area to both the Policies discussion on page 38 of the *Three Mile Lane Area Plan* and Table 4, Implementation Recommendations on page 50 of the planning document.

- Add a policy in Table 4, Implementation Recommendations, pages 46 – 50 of the plan document, that proposes rezoning M2 industrial land associated with the Innovation Campus to M1 industrial land.
- Add a policy to inventory and protect significant natural features as much as possible in the study area to both the Policies discussion on page 38 of the *Three Mile Lane Area Plan* and Table 4, Implementation Recommendations on page 50 of the planning document.

## **5.0 CONCLUSORY FINDINGS**

The Conclusory Findings are the findings regarding consistency with the applicable regulations and criteria for the proposal. For an amendment to an acknowledged comprehensive plan, the amendment should be consistent with Oregon Revised Statutes, Oregon Administrative Rules, Oregon Land Use Goals, the *McMinnville Comprehensive Plan* and the McMinnville Municipal Code.

### **5.1 ALIGNMENT WITH OREGON REVISED STATUTES**

ORS = Oregon Revised Statutes

OAR = Oregon Administrative Rule

#### **ORS 197.175, Cities' and Counties' Planning Responsibilities**

- (1) *Cities and counties shall exercise their planning and zoning responsibilities, including, but not limited to, a city or special district boundary change which shall mean the annexation of unincorporated territory by a city, the incorporation of a new city and the formation or change of organization of or annexation to any special district authorized by [ORS 198.705 \(Definitions for ORS 198.705 to 198.955\)](#) to [198.955 \(Disposition of assets\)](#), [199.410 \(Policy\)](#) to [199.534 \(Legislative annexation of territory to cities and districts\)](#) or [451.010 \(Authorization to establish master plans and service districts\)](#) to [451.620 \(Procedures for district formed subject to specified dissolution date\)](#), in accordance with ORS chapters 195, 196 and 197 and the goals approved under ORS chapters 195, 196 and 197. The Land Conservation and Development Commission shall adopt rules clarifying how the goals apply to the incorporation of a new city. Notwithstanding the provisions of section 15, chapter 827, Oregon Laws 1983, the rules shall take effect upon adoption by the commission. The applicability of rules promulgated under this section to the incorporation of cities prior to August 9, 1983, shall be determined under the laws of this state.*
- (2) *Pursuant to ORS Chapters 195, 196 and 197, each city and county in this state shall:*
  - (a) *Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;*
  - (b) *Enact land use regulations to implement their comprehensive plans;*
  - (c) *If its comprehensive plan and land use regulations have not been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the goals;*
  - (d) *If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations; and*
  - (e) *Make land use decisions and limited land use decisions subject to an unacknowledged amendment to a comprehensive plan or land use regulation in compliance with those land use goals applicable to the amendment.*

**FINDING:** Per ORS 197.175(2)(a – e), Docket G 7 -21 is in compliance with the goals approved by the Land Conservation and Development Commission as provided below, and the implementation recommendations found in Table 4 of the *Three Mile Lane Area Plan* provides actions to ensure that local land-use regulations are amended to be in compliance with the amended acknowledged *McMinnville Comprehensive Plan* after the *Three Mile Lane Area Plan* is adopted as a supplemental document to the *McMinnville Comprehensive Plan*.

**ORS 197.340 Weight Given to Goals in Planning Practice**

- (1) *The Land Conservation and Development Commission, the Department of Land Conservation and Development, other state agencies and local governments shall give the goals equal weight in any matter in which the goals are required to be applied.*
- (2) *The commission and the department shall consider and recognize regional diversity and differences in regional needs when making or reviewing a land use decision or otherwise applying the goals.*

**FINDING:** Per ORS 197.340(1) all land-use goals were considered equally in developing the *Three Mile Lane Area Plan*.

**ORS 197.610 Submission of Proposed Comprehensive Plan or Land Use Regulation Changes to Department of Land Conservation and Development.**

- (1) *Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.*

**FINDING:** Docket G 7-21 was provided to the Director of the Department of Land Conservation and Development at least 20 days in advance of the first evidentiary hearing.

- (2) *If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.*

**FINDING:** Not applicable.

- (3) *Submission of the proposed change must include all of the following materials:*
  - (a) *The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;*
  - (b) *If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;*
  - (c) *A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;*
  - (d) *The date set for the first evidentiary hearing;*
  - (e) *The form of notice or a draft of the notice to be provided under [ORS 197.763 \(Conduct of local quasi-judicial land use hearings\)](#), if applicable; and*

- (f) *Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.*

**FINDING:** All required elements were provided as part of the notice to DLCD. .


- (4) *The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:*
- (a) *Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and*
  - (b) *Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.*

**FINDING:** Notice was provided.

- (5) *When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.*
- (6) *If, after submitting the materials described in subsection (3) of this section, the proposed change is altered to such an extent that the materials submitted no longer reasonably describe the proposed change, the local government must notify the Department of Land Conservation and Development of the alterations to the proposed change and provide a summary of the alterations along with any alterations to the proposed text or map to the director at least 10 days before the final evidentiary hearing on the proposal. The director shall cause notice of the alterations to be given in the manner described in subsection (4) of this section. Circumstances requiring resubmission of a proposed change may include, but are not limited to, a change in the principal uses allowed under the proposed change or a significant change in the location at which the principal uses would be allowed, limited or prohibited.*

**FINDING:** The original proposal was not changed substantially. The City did not enact any amendments to the original proposal that was significantly different from the original *Three Mile Lane Area Plan*. A redlined draft of the *Three Mile Lane Area Plan* with all proposed amendments was provided as an attachment to the staff report dated November 8, 2022. The staff reports for both the July 26, 2022, City Council public hearing and the September 13, 2022, City Council meeting had attachments with a memorandum describing any amendments made to the plan based on staff review of the public testimony. The basis for making any recommended amendments was whether the proposed amendment clarified the original intent of the planning document. If the proposed amendment was perceived as a significant departure from the original planning document, staff did not recommend the amendment. Please see an extract of the memorandum below.

Attachment B



**City of McMinnville**  
PLANNING

City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## MEMORANDUM

**DATE:** September 13, 2022  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Planning Director  
**SUBJECT:** Recommended Amendments to the Three Mile Lane Area Plan – Based on Public Testimony Received

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Mayor and Councilors,

Staff reviewed the public testimony received relative to recommended amendments to the Three Mile Lane Area Plan and is making a recommendation to incorporate the amendments identified in the attached Three Mile Lane Area Plan document. New language is identified by red font, and deleted language is identified by strike-through font.

Since this plan is the product of a public process with a final recommendation from a Project Advisory Committee comprised of community volunteers and the Planning Commission after a series of public hearings and consideration, staff filtered the recommendations through a lens of whether or not the recommended amendment represented a substantive departure from the overall intention of the Plan or whether or not the amendments reflected clarification of the recommended intention of the project advisory committee and planning commission.

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*SPECIFIC SUGGESTED AMENDMENTS TO THE THREE MILE LANE AREA PLAN PER PUBLIC TESTIMONY (Updated for September 13, 2022, City Council Meeting)*

1)	Neighborhood Activity Center on Stratus Avenue west of the hospital.	It does not appear that there is enough land in this area to meet the NAC Code (both mixed-use neighborhood sites are about 50% of the overall area discussed in the NAC). However, the general purpose of the NAC is reflective of the PAC and PC recommendation for these sites. Per the McMinnville Zoning Ordinance, NACs are incorporated through planned development overlays. Perhaps language about incorporating the intent of the NAC or creating an overlay that provides similar attributes to the NAC could be added to the Plan where appropriate.  <i>Provided recommended amendment.</i>
2)	Remove the reference to a "Mixed-Use Town Center" and replace it with a "Neighborhood Retail Center District Overlay", utilizing the same parameters in the Neighborhood Activity Center overlay, and amend the McMinnville Municipal Code, Chapter 17.50 to reflect the new overlay.	The Neighborhood Activity Center is reliant upon the adjacency of high-density residential development. Residential development is not recommended for this section of the Three Mile Lane Area Plan and therefore the same parameters would not apply. The discussion that resulted in the recommendation for a Mixed-Use Town Center evolved over about twelve months with consultant help identifying community need, what types of retail would respond to that need, what types of retail could help fund the infrastructure for the surrounding industrial land, etc. That same type of analysis, evaluation and due diligence was conducted when the Neighborhood Activity Center was derived. If the City Council wants to change the make-up of the retail site, a similar due diligence is recommended.  <i>Wait for policy direction.</i>
3)	Rezone M2 Land to ML	This would need to be conducted through a separate legislative process with property owner notice and public hearings but could be a recommendation of the Plan. Need to be careful that it is not so narrow that the Innovation Center is not viable. Needs further review. This was not a recommendation of the PAC or PC directly, but the Innovation Campus definitely does not contemplate heavy industrial uses.  <i>Wait for Policy direction.</i>
4)	Amend the section "Economy", pages 12- 13 of the Plan.	Perhaps remove the first paragraph. The rest is the summary of the data in the market analysis.  <i>Provided recommended amendment.</i>

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In addition, the McMinnville City Council directed staff to make five discreet amendments after their September 13, 2022 deliberation per the following:

- Make a note in any section that discusses the size of the proposed Mixed-Use Town Center, that it is intended to be 33 net buildable acres as originally modeled in the transportation scenario, for clarifying purposes.
- Amend policy #1 of the implementation recommendations in Table 4 of the planning document to reduce the size of mixed-use and commercial developments that are subject to a planned development overlay from ten acres to five acres. (page 46 of the *Three Mile Lane Area Plan*.)
- Add a policy to consider the needs of public safety services when master planning in the study area to both the Policies discussion on page 38 of the *Three Mile Lane Area Plan* and Table 4, Implementation Recommendations on page 50 of the planning document.
- Add a policy in Table 4, Implementation Recommendations, pages 46 – 50 of the plan document, that proposes rezoning M2 industrial land associated with the Innovation Campus to M1 industrial land.
- Add a policy to inventory and protect significant natural features as much as possible in the study area to both the Policies discussion on page 38 of the *Three Mile Lane Area Plan* and Table 4, Implementation Recommendations on page 50 of the planning document.

(7) *When the director determines that a proposed change to an acknowledged comprehensive plan or a land use regulation may not be in compliance with land use statutes or the statewide land use planning goals, including administrative rules implementing either the statutes or the goals,*



*the department shall notify the local government of the concerns at least 15 days before the final evidentiary hearing, unless there is only one hearing or the proposed change has been modified to the extent that resubmission is required under subsection (6) of this section.*

**FINDING:** The City did not receive a notice from DLCD. On March 17, 2022, Gordon Howard, Community Services Division Manager, Department of Land Conservation and Development, sent an email to Heather Richards, Planning Director, City of McMinnville, stating, “*Nicole and I have discussed with Matt and we have no concerns with your planning for the Three Mile Lane area at this time,*” after an inquiry was made. This was entered into the record on March 17, 2022.

(8) *Notwithstanding subsection (7) of this section, the department may provide advisory recommendations to the local government concerning the proposed change to the acknowledged comprehensive plan or land use regulation.*

**FINDING:** No advisory recommendations were provided. The regional representative from DLCD sat on the Project Advisory Committee for the planning effort and the DLCD TGM grant representative and Planning Services Division Manager met with the project management team on a couple of occasions to discuss process and decision-making milestones to ensure compliance with state regulations.

**ORS 197.615 Submission of Adopted Comprehensive Plan or Land Use Regulation Changes to Department of Land Conservation and Development.**

- (1) *When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the decision to the Director of the Department of Land Conservation and Development within 20 days after making the decision.*
- (2) *The submission must contain the following materials:*
  - (a) *A copy of the signed decision, the findings and the text of the change to the comprehensive plan or land use regulation;*
  - (b) *If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;*
  - (c) *A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under [ORS 197.610 \(Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development\)](#) and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and*
  - (d) *A statement by the individual transmitting the submission, identifying the date of the decision and the date of the submission.*
- (3) *The director shall cause notice of the decision and an explanation of the requirements for appealing the land use decision under [ORS 197.830 \(Review procedures\)](#) to [197.845 \(Stay of decision being reviewed\)](#) to be provided to:*
  - (a) *Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and*
  - (b) *Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.*
- (4) *On the same day the local government submits the decision to the director, the local government shall mail, or otherwise deliver, notice to persons that:*

- (a) *Participated in the local government proceedings that led to the decision to adopt the change to the acknowledged comprehensive plan or the land use regulation; and*
  - (b) *Requested in writing that the local government give notice of the change to the acknowledged comprehensive plan or the land use regulation.*
- (5) *The notice required by subsection (4) of this section must state how and where the materials described in subsection (2) of this section may be obtained and must:*
- (a) *Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;*
  - (b) *List the locations and times at which the public may review the decision and findings; and*
  - (c) *Explain the requirements for appealing the land use decision under [ORS 197.830 \(Review procedures\)](#) to [197.845 \(Stay of decision being reviewed\)](#).*

**FINDING:** The City will submit the amendments as described in ORS 197.615.

### **ORS 197.627 Meaning of Compliance with the Goals for Certain Purposes**

*For the purposes of acknowledgment under [ORS 197.251 \(Compliance acknowledgment\)](#), board review under [ORS 197.805 \(Policy on review of land use decisions\)](#) to [197.855 \(Deadline for final court order\)](#), review of a proposed regional problem-solving agreement under [ORS 197.652 \(Regional problem-solving process\)](#) to [197.658 \(Modifying local work plan\)](#) or periodic review under [ORS 197.628 \(Periodic review\)](#) to [197.651 \(Appeal to Court of Appeals for judicial review of final order of Land Conservation and Development Commission\)](#), “compliance with the goals” means the comprehensive plan and regulations, on the whole, conform with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature. [Formerly 197.747]*

**FINDING:** The City concurs with ORS 197.627 and has reviewed Docket G 7-21 for compliance with the state land-use goals as a whole for conformity with the purpose of the goals.

### **ORS 197.829 Board to Affirm Certain Local Government Interpretations**

- (1) *The Land Use Board of Appeals shall affirm a local government’s interpretation of its comprehensive plan and land use regulations, unless the board determines that the local government’s interpretation:*
- (a) *Is inconsistent with the express language of the comprehensive plan or land use regulation;*
  - (b) *Is inconsistent with the purpose for the comprehensive plan or land use regulation;*
  - (c) *Is inconsistent with the underlying policy that provides the basis for the comprehensive plan or land use regulation; or*
  - (d) *Is contrary to a state statute, land use goal or rule that the comprehensive plan provision or land use regulation implements.*
- (2) *If a local government fails to interpret a provision of its comprehensive plan or land use regulations, or if such interpretation is inadequate for review, the board may make its own determination of whether the local government decision is correct.*

**FINDING:** The City concurs with ORS 197.829

### **OAR 660-018-0010 Definitions and Computation of Time**

- (1) *For the purpose of this division, the definitions in ORS 197.015 apply. In addition, the following definitions apply:*

- (a) *“A change” to an acknowledged comprehensive plan or land use regulation means an amendment to the plan or implementing land use regulations, including an amendment to the plan text or map. This term includes additions and deletions to the acknowledged plan or regulations, the adoption of a new plan or regulation, or the repeal of an acknowledged plan or regulation.*
  - (b) *“Date of Decision” means the date on which the local government adopts the change.*
  - (c) *“Date of Mailing” means the date the documents are postmarked or the date of U.S. Postal Service proof of mailing.*
  - (d) *“Decision” means a local government adoption of a change to a comprehensive plan or land use regulation. Except where adoption is required by ORS 197.646 for new statutes or rules, a local government denial of a proposed change shall not be considered a “Decision” for purposes of notices of adoption otherwise required by this division.*
  - (e) *“Final Evidentiary Hearing” means the last hearing where all interested persons are allowed to present evidence and rebut testimony on a proposal to adopt a change to a comprehensive plan or land use regulation. A hearing held solely on the record of a previous hearing held by the governing body or its designated hearing body is not a “final evidentiary hearing.”*
  - (f) *“First Evidentiary Hearing” means the first hearing conducted by the local government where interested persons are allowed to present and rebut evidence and testimony on a proposal to adopt a change to a comprehensive plan or land use regulation. “First evidentiary hearing” does not include a work session or briefing where public testimony is not allowed.*
  - (g) *“Map Change” means a change in the designation or boundary of an area as shown on the comprehensive plan map, zoning map or both, including an area added to or removed from a comprehensive plan or zoning map.*
- (2) *Computation of time: for purposes of this division, the time within which a particular act must be done, such as “35 days before,” is computed as follows. The first day of the designated period to complete the task, notice, objection or appeal shall not be counted. The last day of the period shall be counted unless it is a Saturday, Sunday or legal holiday under ORS 187.010 or 187.020. In that event the period shall run until the end of the next day that is not a Saturday, Sunday or legal holiday.*

**FINDING:** Per OAR 660-018-0010(1)(a), Docket G 7-21 is recognized as a change to an acknowledged comprehensive plan.

**OAR 660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation**

- (1) *Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department’s Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.*
- (2) *The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:*
  - (a) *The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;*
  - (b) *If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;*

- (c) *A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;*
  - (d) *The date set for the first evidentiary hearing;*
  - (e) *The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and*
  - (f) *Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.*
- (3) *The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.*
- (4) *If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:*
- (a) *The local government provides notice to the department of the proposed change identifying it as a change described under this section, and includes the materials described in section (2) of this rule, 35 days before the proposed change is adopted by the local government, and*
  - (b) *The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.*
- (5) *For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035(1)(c), the proposed change is considered to have been “submitted” on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.*

**FINDING:** The City provided all of the applicable materials in OAR 660-018-0020 in a notice to the Director of the Department of Land Conservation and Development 35 days in advance of the first evidentiary hearing.

#### **OAR 660-018-0035 Department Participation**

- (1) *When the department determines that a proposed change to an acknowledged comprehensive plan or a land use regulation may not be in compliance with land use statutes or the statewide land use planning goals, including administrative rules implementing either the statutes or the goals, the department shall notify the local government of the concerns at least 15 days before the final evidentiary hearing, unless:*
- (a) *The local government holds only one hearing on the proposal, in which case the notification must occur prior to the close of the hearing;*
  - (b) *The proposed change has been modified to the extent that resubmission is required under OAR 660-018-0045; or*



- (c) *The local government did not submit the proposed change within 35 days in advance of the final hearing in accordance with OAR 660-018-0020(1), regardless of the circumstances that resulted in that delay.*
- (2) *Notwithstanding section (1) of this rule, the department may provide advisory recommendations to the local government concerning a proposed change to the acknowledged comprehensive plan or land use regulation at any time prior to the adoption of the change.*

**FINDING:** DLCD did not provide any notice of non-compliance or advisory recommendations to the City.

#### **OAR 660-018-0040 Submittal of Adopted Change**

- (1) *When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation it shall submit the decision to the department, with the appropriate notice forms provided by the department, within 20 days.*
- (2) *For purposes of the 20-day requirement under section (1) of this rule, the proposed change is considered submitted to the department:*
  - (a) *On the day the applicable notice forms and other required documents are received by the department in its Salem office, if hand-delivered or submitted by electronic mail or similar electronic method, or*
  - (b) *On the date of mailing if the local government mails the forms and documents.*
- (3) *The submission to the department must in a format acceptable to the department and include all of the following materials:*
  - (a) *A copy of final decision;*
  - (b) *The findings and the text of the change to the comprehensive plan or land use regulation;*
  - (c) *If a comprehensive plan map or zoning map is created or altered by the proposed change:*
    - (A) *A map showing the area changed and applicable designations; and*
    - (B) *Electronic files containing geospatial data showing the area changed, as specified in section (5) of this rule, if applicable.*
  - (d) *A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under OAR 660-018-0020 and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and*
  - (e) *A statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.*
- (4) *Where amendments or new land use regulations, including supplementary materials, exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be included with the submittal to the director.*
- (5) *For local governments that produce geospatial data describing an urban growth boundary (UGB) or urban or rural reserve that is created or altered as part of an adopted change to a comprehensive plan or land use regulation, the submission must include electronic geospatial data depicting the boundary change. Local governments that create or alter other zoning or comprehensive plan maps as geospatial data are encouraged but not required to share this data with the department. Geospatial data submitted to the department must comply with the following standards endorsed by the Oregon Geographic Information Council:*
  - (a) *Be in an electronic format compatible with the State's Geographic Information System software standard described in OAR 125-600-7550; and*



- (b) *Be accompanied by metadata that meets at least the minimum requirements of the federal Content Standard for Digital Geospatial Metadata.*
- (6) *Local government must notify the department of withdrawals or denials of proposals previously sent to the department under requirements of OAR 660-018-0020.*
- (7) *If a local government did not submit a notice of a proposed change to a comprehensive plan or land use regulation to the department as required by OAR 660-018-0020, the transmittal must clearly indicate which provisions of OAR 660-018-022 are applicable.*  
*NOTE: ORS 197.610 clearly requires all adopted plan and land use regulation amendments and new land use regulations to be submitted to the director even if they were not required to be submitted for review prior to adoption.*
- (8) *ORS 197.620 provides that a local government may cure the untimely submission of materials by either postponing the date for the final evidentiary hearing by the greater of 10 days or the number of days by which the submission was late; or by holding the evidentiary record open for an additional period of time equal to 10 days or the number of days by which the submission was late, whichever is greater. The local government shall provide notice of such postponement or record extension to the department.*

**FINDING:** The City will provide all of the appropriate materials per OAR 660-018-0040.

## **5.2 ALIGNMENT WITH OREGON LAND USE GOALS**

The foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources.

Most goals are accompanied by guidelines, which are suggestions about how a goal may be applied. As noted in [Goal 2](#), guidelines are not mandatory.

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

Local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be acknowledged. It then becomes the controlling document for land use in the area covered by that plan.

Per ORS 197.175(2)(a), and ORS 197.627, an amendment to an acknowledged comprehensive plan must be in conformity with the purpose of the overall goals.

**5.2.1. Oregon Statewide Planning Goal #1, Citizen Involvement (OAR 660-015-0000(1)) – To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

*The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the ongoing land-use planning process.*

*The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.*

*Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.*

*The citizen involvement program shall incorporate the following components:*

*1. Citizen Involvement -- To provide for widespread citizen involvement. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process. The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement. If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.*

**FINDING:** Chapter X of the *McMinnville Comprehensive Plan* outlines compliance with Oregon State Land-Use Goal #1. The Planning Commission has been identified as the Committee for Citizen Involvement for the City of McMinnville per *McMinnville Comprehensive Plan* Policy #190.00. The Planning Commission hosted a public hearing to consider this proposed amendment initially on December 16, 2021, which was then continued to January 20, 2022, and February 17, 2022. The City Council then elected to also host a public hearing which was first held on May 10, 2022, and then continued to June 14, 2022, and July 26, 2022. The City also worked to engage the public in a variety of different ways both during the informative process of the planning effort with a project advisory committee, open houses, design charrettes and surveys as well as during the public hearing process with information provided on social media platforms, in virtual meeting sessions, a public open house and a mailer that went to all addresses within the city limits. Please see Table 2, the public engagement record provided in "Section 1.0, Comprehensive Plan Amendment Summary" of this document.

There are no conflicts created by the proposed amendments related to Goal 1.

## **5.2.2 Oregon Statewide Planning Goal #2, Land Use Planning (OAR 660-015-0000(2)) –**

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.*

### **GUIDELINES A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES**

*Preparation of plans and implementation measures should be based on a series of broad phases, proceeding from the very general identification of problems and issues to the specific provisions for dealing with these issues and for interrelating the various elements of the plan. During each phase opportunities should be provided for review and comment by citizens and affected governmental units. The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases. The number of phases needed will vary with the complexity and size of the area, number of people involved, other governmental units to be consulted, and availability of the necessary information.*

*Sufficient time should be allotted for: (1) collection of the necessary factual information (2) gradual refinement of the problems and issues and the alternative solutions and strategies for development (3) incorporation of citizen needs and desires and development of broad citizen support (4) identification and resolution of possible conflicts with plans of affected governmental units.*

**FINDING:** The City of McMinnville has an acknowledged adopted Comprehensive Plan that provides a land use planning process and policy framework for all decisions and actions related to the use of land. The Comprehensive Plan is implemented through the McMinnville Municipal Code.

The *Three Mile Lane Area Plan* is an incremental implementation measure of the *McMinnville Comprehensive Plan* for a distinct area within the city limits. The City, working in partnership with ODOT, hired a consultant team that spent four years collecting data and engaging the public on the best options for the Three Mile Lane Area to serve the community as it grew to a population of 45,000 by 2041. The plan itself identifies the opportunities and constraints of the area, including the potential conflicts and solutions in the area. The appendices to the plan provide the data analysis and public engagement record.

There are no conflicts created by the proposed amendments related to Goal 2.

### **5.2.3 Oregon Statewide Planning Goal #3, Agricultural Lands (OAR 660-015-0000(3)) – To preserve and maintain agricultural lands.**

*GUIDELINES A. PLANNING 1. Urban growth should be separated from agricultural lands by buffer or transitional areas of open space. 2. Plans providing for the preservation and maintenance of farm land for farm use, should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

**FINDING:** All of the land within the Three Mile Lane study area is within the city limits and zoned for development. However, it is bordered by farm land to the north, south, and east and the City has proposed a policy to protect that urban/rural transition. One of McMinnville's Great Neighborhood Principles is "Urban/Rural Interface". Policy #16 on page 38 of the planning document responds to this principle by mandating that, "New development should consider adjacency to agricultural fields and respect this heritage through careful transitions." This is achieved in the implementation recommendations of Table 4 by creating buffer perimeter treatments between development and adjacent farm uses (page 49 of the plan).

There are no conflicts created by the proposed amendments related to Goal 3.

### **5.2.4 Oregon Statewide Planning Goal #4, Forest Lands (OAR 660-015-0000(4)) – To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

**FINDING:** There is no state identified forest land within the study area. However, there are mature copses of trees throughout the study area that the City wants to preserve as much as possible. Policy #2 of the *Three Mile Lane Area Plan* on page 37 of the plan states that, "public improvements and private development shall strive to protect tree groves and mature individual trees." This will be

achieved by inventorying tree groves and tree types to be protected and designate as significant or historic trees. (Table 4, Implementation Recommendations, page 46 of the plan).

There are no conflicts created by the proposed amendments related to Goal 4.

**5.2.5 Oregon Statewide Planning Goal #5, Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR 660-015-0000(5)) – To protect natural resources and conserve scenic and historic areas and open spaces.**

**FINDING:** Natural resources, scenic and historic areas and open spaces are all critical elements of the *Three Mile Lane Area Plan*. Policies were developed to inventory and protect these features as part of the *Three Mile Lane Area Plan* (Policies #3, #4, #5, #6, #20, and #24 all speak to identifying these resources, pages 37 and 38 of the plan). Below is a table of those policies and implementation strategies as depicted in Table #4 of the plan, pages 46 – 50.

Policy	Overlay Amendment	Recommended Future Action
3. Riparian corridors and adjacent native landscapes shall be protected.	Require mapping and protection of stream corridors and re-vegetation with native plantings.	
4. The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.	Require viewshed analysis as part of Design Review.	
5. Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.	Require connection to the proposed trail, trail right-of-way dedication, and trail construction as part of Design Review/development approval.	
6. New gathering spaces will be designed to incorporate natural areas and views.	When proposed as part of a Planned Development master plan, require gathering spaces to be designed to incorporate natural areas and views as a condition of approval.	
20. Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, winemaking).		Develop design guidelines or architectural standards.

<p><b>24. Significant natural features shall be inventoried and protected as much as possible in development plans.</b></p>	<p>Require all planned developments to provide an inventory of natural features that must be approved prior to any removal or demolition.</p>	<p>Define natural features that need to be inventoried.</p>
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Appendix B and D of the plan have data on natural resources, scenic and historic areas, and open spaces.

There are no conflicts created by the proposed amendments related to Goal 5.

**5.2.6 Oregon Statewide Planning Goal #6, Air, Water and Land Resources Quality**

**(OAR 660-015-0000(6))** – *To maintain and improve the quality of the air, water and land resources of the state.*

**FINDING:** Due to the mixed-use land use vision of the study area, Policy #23 states, “Ensure that no incompatible heavy industrial uses are allowed along Highway 18 in the Three Mile Lane Area or as part of the Innovation Campus,” (page 38 of the plan). This policy is implemented by recommending rezoning the M2 (General Industrial) property on the south side of Highway 18 to M1 (Light Industrial), (page 50 of the plan).

There are no conflicts created by the proposed amendments related to Goal 6.

**5.2.7 Oregon Statewide Planning Goal #7, Areas Subject to Natural Disasters and Hazards**

**(OAR 660-015-0000(7))** – *To protect people and property from natural hazards.*

**FINDING:** There are no known natural hazards in the study area.

There are no conflicts created by the proposed amendments related to Goal 7.

**5.2.8 Oregon Statewide Planning Goal #8, Recreational Needs (OAR 660-015-0000(8))** –

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.*

**FINDING:** The Three Mile Lane Study Area has a community park on each end of the study area – Joe Dancer Park on the northwestern edge, and Galen McBee Airport Park on the southeastern edge. However, the residents and employees of the Three Mile Lane Study Area are cut off from both parks due to both natural and non-natural barriers. Joe Dancer Park is cut off from the study area due to the Yamhill River, and Galen McBee Airport Park is hard to reach due to private property adjacencies and the McMinnville Municipal Airport. The *Three Mile Lane Area Plan* identified the need for a trail system that connected people (residents and employees) to these two parks and other natural amenities in the study area. This trail system runs east to west on both the north side of Highway 18 and the south side of Highway 18. (See Figure 6, page 22 of the plan).

Policy #5, “Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and Galen McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority (page 37 of the plan). This will be achieved by requiring connection to the proposed trail, trail right-of-way dedication, and trail construction



as part of Design Review/development approval (Table 4, Implementation Recommendations, page 47 of the plan).

There are no conflicts created by the proposed amendments related to Goal 8: Recreational Needs.

### **5.2.9 Oregon Statewide Planning Goal #9, Economic Development (OAR 660-015-0000(9)) –**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens*

#### GUIDELINES

##### A. PLANNING

1. *A principal determinant in planning for major industrial and commercial developments should be the comparative advantage of the region within which the developments would be located. Comparative advantage industries are those economic activities which represent the most efficient use of resources, relative to other geographic areas.*

2. *The economic development projections and the comprehensive plan which is drawn from the projections should take into account the availability of the necessary natural resources to support the expanded industrial development and associated populations. The plan should also take into account the social, environmental, energy, and economic impacts upon the resident population.*

3. *Plans should designate the type and level of public facilities and services appropriate to support the degree of economic development being proposed.*

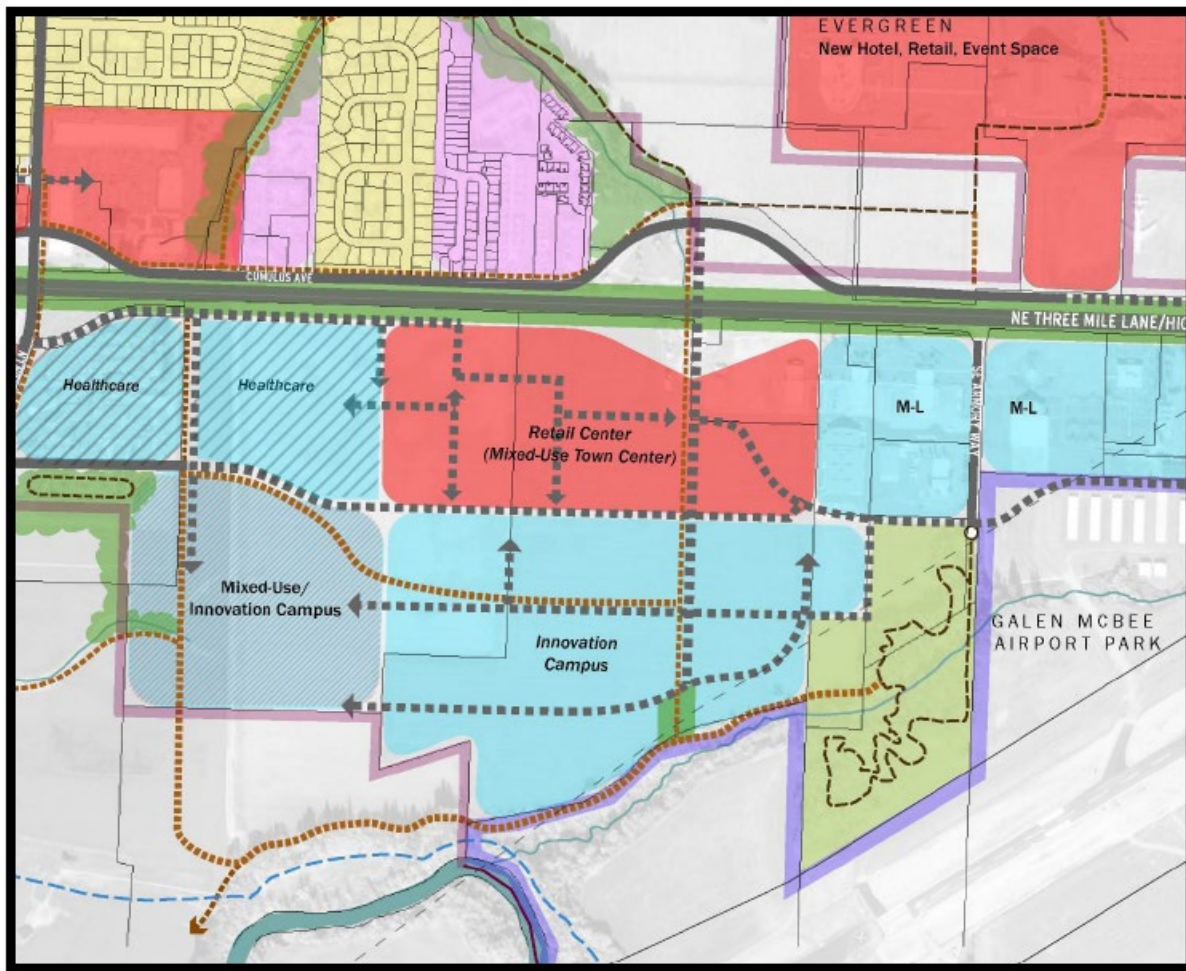
4. *Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development. 5. Plans directed toward diversification and improvement of the economy of the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

**FINDING:** One of the five goals of the *Three Mile Lane Area Plan* is economic development.

#### **GOAL 1: ECONOMIC DEVELOPMENT - Support and enhance the district's economic vitality and marketability.**

*This plan aims to support development of significant industrial and commercial parcels within the study area, enhance existing business by diversifying goods and services available in the area, and increase tourism. Alternatives will be evaluated qualitatively for how well they address the area's development/redevelopment potential. (Page 16 of the plan).*

The *Three Mile Lane Area Plan* achieves this goal by designating 140 – 160 acres of land as an Innovation Campus for high-density industrial research and development jobs and connecting that campus with a commercial Mixed-Use Town Center.



*Close-Up of Figure 6 – Preferred Land-Use Vision highlighting the Innovation Campus and Mixed-Use Town Center.*

Appendix B, “Existing Conditions” of the plan identified the opportunity associated with 200 acres of vacant industrial land located adjacent to the McMinnville Municipal Airport with an access point at a signalized intersection with Highway 18. Most of the land is in a few large parcels and zoned for industrial use. The 200 acres are also located in an Opportunity Zone. The acreage is contiguous, topographically flat with infrastructure nearby. However, it had not been developed for the forty years that it was in the city limits. The *Three Mile Lane Area Plan* project team heard that the infrastructure was too expensive to support industrial development. With its proximity to Highway 18, the transportation improvements, and water and wastewater improvements prevented industrial projects from moving forward on the land.

A *Three Mile Lane Area Plan* Market Analysis was conducted to understand the market opportunities and constraints for economic development in the Three Mile Lane Area. (Appendix B, McMinnville *Three Mile Lane Area Plan*, Market Analysis, April 16, 2019, Leland Consulting Group). That market analysis showed that the Three Mile Lane study area was positioned for detached single housing units that provided homeownership opportunities, low-rise and multiplex residential rental opportunities, new retail development, some new office development, industrial development, lodging and tourism activities (pages 13 and 14 of the plan).

All of these elements were incorporated into the *Three Mile Lane Area Plan*. Particular to economic development was the Innovation Campus concept on the large industrial site and a Mixed-Use Town Center on the same site fronting the Cumulus Avenue and Highway 18 intersection.

The project advisory committee recommended the industrial rezone to commercial acreage after reviewing the most recent acknowledged Economic Opportunity Analysis adopted in 2013, that showed a surplus of 236 industrial acres and a deficit of 36 commercial acres (planning horizon 2013-2033), and had a recommendation to rezone at least 36 acres of industrial land to commercial land to satisfy the deficit leaving surplus industrial land supply (McMinnville 2013 Economic Opportunity Analysis – Ordinance No. 4976). See figure below from the 2013 EOA – page 56).

**Figure 26. Comparison of Land Demand to Supply (2013-33)**

Acres by Plan Designation				
	Commercial	Industrial	Total	Comments
<b>Vacant Land Demand</b>				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
<b>Totals</b>	<b>166.8</b>	<b>153.2</b>	<b>319.9</b>	Employment land demand
<b>Available Land Supply</b>				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
<b>Surplus/(Deficit)</b>	<b>(35.8)</b>	<b>235.9</b>	<b>200.1</b>	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10<sup>th</sup> of an acre.  
 Source: E. D. Hovee & Company, LLC.

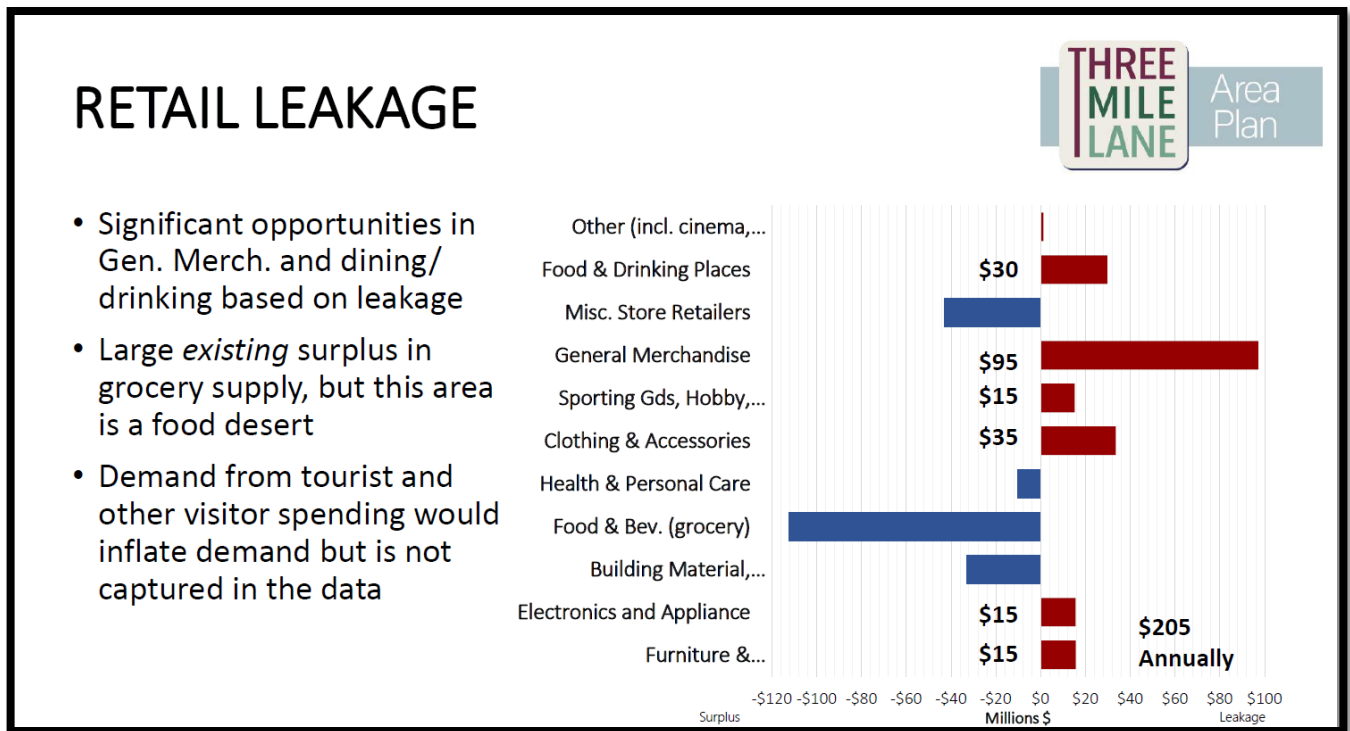
However, the balance of land demand and supply is different for commercial than for industrial uses. As with the prior 2001/03 EOA projections, an anticipated surplus is indicated for industrial lands versus a shortfall associated with commercial lands:

- Commercial land demand is expected to exceed supply – resulting in a forecast shortfall of an estimated 36 acres through 2033.
- Industrial land demand is anticipated to come in well under the BLI supply – resulting in a surplus forecast at close to 236 acres over the 20-year planning horizon.

Assuming that the Step 9 estimated commercial land shortfall of approximately 36 acres is addressed by re-designating at least this amount of acreage from industrial to commercial use, there would still remain an industrial surplus of up to 200 acres (above and beyond forecast 20-year industrial land needs). Per the Advisory Committee, this excess inventory is recommended to be allocated as a strategic reserve for currently unforeseen industrial and commercial development opportunities that might arise over the 20-year time horizon. This represents an increase from the 46-acre industrial land reserve provided with the most recent prior (2003) EOA update.

*Recommendation of the EOA Advisory Committee, McMinnville 2013 EOA, page 57*

At the same time, the 2019 Leland Consulting market analysis in Appendix B of the *Three Mile Lane Area Plan* showed significant retail leakage in McMinnville for general provisions and restaurants. See below.



This retail leakage was challenged during the public hearing process on the premise of two different positions – 1) how much of the retail leakage was due to online shopping; and 2) how much of it is actually to other communities. Based on an email response from Leland Consulting Group (entered into the record on July 26, 2022), the market analysis conducted in 2019 probably had an online retail shopping component of approximately 11%, and after the pandemic it is estimated to be conservatively 15 – 20% based on the same email from Chris Zahas from Leland Consulting Group and an article in the World Economic Forum, March 21, 2022, “Is the E-Commerce Trend Coming to an End?” (entered into the public record on July 26, 2022).

Additionally, Leland Consulting Group provided placer data for the July 26, 2022, public hearing illustrating shopping trips by McMinnville residents from July 1, 2021, to July 1, 2022, to three different types of stores (Target, Fred Meyer and Costco). The placer data showed that McMinnville households drove to Sherwood, Newberg, Salem, Tigard and Wilsonville 277,500 times in a twelve-month period to shop for provisions they could not find in McMinnville.

With the results of the 2013 McMinnville EOA illustrating a deficit of commercial land and a surplus of industrial land in McMinnville, the retail leakage shown in the 2019 Leland Consulting Group Market Analysis and the placer data provided by Leland Consulting Group for the July 26, 2022 public hearing, and the inability of industrial development to located on the 200 acre industrial site for forty years due to infrastructure and land costs associated with the location of the site, the City elected to recommend a comprehensive plan map amendment as part of the *Three Mile Lane Area Plan* to redesignate 40 – 60 acres (33 net buildable acres) of industrial land to commercial land on the south side of Highway 18 by the intersection of Highway 18 and Cumulus Avenue.

With this recommendation, the *Three Mile Lane Area Plan* meets the intent, purpose and guidelines of Oregon Land Use Goal 9 in a variety of ways.

1) The Plan identifies the opportunity for a 140 – 160-acre Industrial Innovation Campus adjacent to the McMinnville Municipal Airport to respond to the growing entrepreneurial industrial space needs in McMinnville, research and development offices, flex space, production, education, etc., in a campus



environment that promotes employee well-being, resource efficiencies and a distinctive sense of place with access to Highway 18 and the McMinnville Municipal Airport.

2) The *Three Mile Lane Area Plan* also identifies a 40 – 60 acre (33 net buildable acres) commercial site as frontage on Highway 18 adjacent to the Innovation Campus to respond to the residential and employee need for additional commercial amenities in McMinnville and the ability to offset the infrastructure costs of developing the vacant industrial land with commercial development.

3) The *Three Mile Lane Area Plan* updated the McMinnville Transportation Model and conducted traffic scenarios based on a planning horizon of 2021-2041 to identify the transportation infrastructure necessary to support the Innovation Campus and commercial site.

4) The concept for the Innovation Campus was derived from the work of the McMinnville economic development agencies (McMinnville Economic Development Partnership, McMinnville Downtown Association, Visit McMinnville, and McMinnville Chamber of Commerce) developing the MAC Town 2032 Economic Development Strategic Plan (Resolution 2019-16, March 12, 2019), where it was identified that McMinnville needed a business campus for growing businesses and new businesses. Two of the primary goals of the MAC Town 2032 Economic Development Strategic Plan are to “Sustain and Innovate within Traditional Industry and Advanced Manufacturing”, and to do so by “connecting traditional industry and advanced manufacturing to innovation resources for sustainable growth,” (page 30 of the MAC Town 2032 Economic Development Strategic Plan), and “Foster Opportunity in Technology and Entrepreneurship” by “becoming a place where small and medium technology firms can relocate and grow” (page 33 of the MAC Town 2032 Economic Development Strategic Plan).

***Oregon Administrative Rule, Chapter 660, Division 9, has additional regulations for conformance with Oregon Land Use Goal 9. OAR 660-009-0010 is relevant to Docket G 7-21***

#### **OAR 660-009 Intent and Purpose**

*The intent of the Land Conservation and Development Commission is to provide an adequate land supply for economic development and employment growth in Oregon. The intent of this division is to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state. The purpose of this division is to implement Goal 9, Economy of the State (OAR 660-015-0000(9)), and ORS 197.712(2)(a) to (d). This division responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that comprehensive plans are based on information about state and national economic trends (ORS 197.717(2)).*

#### **OAR 660-009-0010 Application**

- (1) *This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.*
- (2) *Comprehensive plans and land use regulations must be reviewed and amended as necessary to comply with this division as amended at the time of each periodic review of the plan pursuant to ORS 197.712(3). Jurisdictions that have received a periodic review notice from the Department (pursuant to OAR 660-025-0050) prior to the effective date of amendments to this division must comply with such amendments at their next periodic review unless otherwise directed by the Commission.*



- (3) *Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:*
- (a) *There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and*
  - (b) *That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.*
- (4) *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*
- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
  - (b) *Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
  - (c) *Adopt a combination of the above, consistent with the requirements of this division.*
- (5) *The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.*
- (6) *The amendments to this division are effective January 1, 2007. A city or county may voluntarily follow adopted amendments to this division prior to the effective date of the adopted amendments.*

**FINDING:** Per Oar 660-009-0010(4), for a post-acknowledgment plan amendment under that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, a city and county must:

- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
- (b) *Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
- (c) *Adopt a combination of the above, consistent with the requirements of this division.*

Per the discussion above, the City finds that the redesignation of industrial land to commercial land identified in the *Three Mile Lane Area Plan* is consistent with the City's most recent economic opportunities analysis, the 2013 McMinnville Economic Opportunities Analysis that showed a surplus of industrial land and a deficit of commercial land and recommended redesignating at least 36 acres of industrial land to commercial land.

Additionally, the proposed redesignation of industrial land to commercial land in the *Three Mile Lane Area Plan* meets the following *McMinnville Comprehensive Plan* policies:

- 21.00 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the City. Such uses shall locate according to the goals and policies in the comprehensive plan.

- 21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan. (Ord.4796, October 14, 2003)
- 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)
- 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.
- 26.00 The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.

And the following *McMinnville Comprehensive Plan* proposal:

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment. (Ord. 5098, December 8, 2020)

There are no conflicts created by the proposed amendments related to Goal 9: Economy.

**5.2.10 Oregon Statewide Planning Goal #10, Housing (OAR 660-015-0000(10))** – *To provide for the housing needs of citizens of the state.*

**FINDING:** The amendments provide for McMinnville’s housing needs and help address McMinnville’s share of “the housing needs of citizens of the state” by identifying several high-density residential development opportunities as well as mixed-use neighborhood opportunities on both the north side of the study area and the south side of the study area.

The amendments are intended to help better *“encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”*

McMinnville’s most recent acknowledged Housing Needs Analysis (HNA) and Buildable Lands Inventory was conducted in 2001 and amended in 2003. A resulting UGB amendment to meet the needs identified in the HNA was only just acknowledged in 2021. The City of McMinnville will be updating its Housing Needs Analysis and Buildable Lands Inventory in 2022 and 2023 in compliance with HB 2003 (2019 Legislative Session). These proposed amendments will be considered as part of the Buildable Lands Inventory and Housing Needs Analysis update.

Additionally, the City of McMinnville just adopted Ordinance No. 5113, amending the McMinnville Municipal Code, adding Chapter 17.11, “Residential Design and Development Standards” to allow for

all types of housing, including middle housing, in the R1, R2, R3 and R4 zones, and to provide clear and objective standards for the development of each housing type. All new housing in the Three Mile Lane area will need to comply with these standards which is reinforced in the implementation program of Policy #1, Table 4, Implementation Recommendations, on page 46 of the *Three Mile Lane Area Plan*.

There are no conflicts created by the proposed amendments related to Goal 10: Housing.

**5.2.11 Oregon Statewide Planning Goal #11, Public Facilities and Services (OAR 660-015-0000(11))** – *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**FINDING:** All of the land within the study area is currently within the city limits and served by public facilities and services. The overall comprehensive plan map amendments that are recommended encompass 5.6% of the overall land area. Comprehensive Plan Map amendments and Zone Changes will be initiated either by the City or the property owner. The City is embarking on an update to its Transportation System Plan, Parks, Recreation and Open Space Plan, Wastewater Conveyance Plan and Water Master Plan over the next three years. The *Three Mile Lane Area Plan* will help with that process in terms of refining the land-use vision for this area. After that update the City will be able to move forward with the comprehensive plan redesignations. In the meantime, the property owner can initiate a quasi-judicial land-use application for the comprehensive plan map amendments and potential zone changes and as part of that application they will need to provide a public facility service feasibility study based on the existing master plans and models.

City Council did have a concern about the provision of public safety services in terms of levels of service and response time in this area of the community due to its unique location. Policy #22 identifies the need for “Public safety services to be considered as part of master planning, including access, response times and opportunity for substations if needed,” (page 38 of the plan).

There are no conflicts created by the proposed amendments related to Goal 11.

**5.2.12 Oregon Statewide Planning Goal #12, Transportation (OAR 660-015-0000(12))** – *To provide and encourage a safe, convenient, and economic transportation system.*

*A transportation plan shall*

- (1) *consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian;*
- (2) *be based upon an inventory of local, regional and state transportation needs;*
- (3) *consider the differences in social consequences that would result from utilizing differing combinations of transportation modes;*
- (4) *avoid principal reliance upon any one mode of transportation;*
- (5) *minimize adverse social, economic and environmental impacts and costs;*
- (6) *conserve energy;*
- (7) *meet the needs of the transportation disadvantaged by improving transportation services;*
- (8) *facilitate the flow of goods and services so as to strengthen the local and regional economy; and*
- (9) *conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.*

**GUIDELINES**

**A. PLANNING**

1. *All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.*
2. *Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the state provided that such use is not inconsistent with the environmental, energy, land-use, economic or social policies of the state.*
3. *No major transportation facility should be planned or developed outside urban boundaries on Class 1 and II agricultural land, as defined by the U.S. Soil Conservation Service unless no feasible alternative exists.*
4. *Major transportation facilities should avoid dividing existing economic farm units and urban social units unless no feasible alternative exists.*
5. *Population densities and peak hour travel patterns of existing and planned developments should be considered in the choice of transportation modes for trips taken by persons. While high density developments with concentrated trip origins and destinations should be designed to be principally served by mass transit, low-density developments with dispersed origins and destinations should be principally served by the auto.*
6. *Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources*

**FINDING:** The *Three Mile Lane Area Plan* identifies how to improve the existing transportation system in the study area for multi-modal mobility and for marginalized populations in the area. Policies supporting trails (#8), safe bicycle routes (#9), and maintaining the existing street grid (#10) are all proposed policies to improve transportation access and safety in the study area.

A preferred transportation facility plan based on compliance with the Oregon Highway 18 Corridor Refinement Plan, the Oregon Highway Plan and the McMinnville Transportation Plan strives to improve safety and mobility on Highway 18 by eliminating uncontrolled local access points and working towards only a limited number of controlled access points to the highway system.

A local frontage road system provides an opportunity to reduce vehicular trips on Highway 18 and provide better access for local residents to the study area neighborhoods, employment lands and commercial amenities.

Appendix B provides an existing conditions report of the transportation system currently, and then Memorandum #8c in Appendix D provides an analysis of how the transportation system would function with and without the preferred land-use vision enacted in a twenty-year planning horizon (2021-2041). All intersections and transportation systems perform in the same manner whether the comprehensive plan map redesignations recommended in the *Three Mile Lane Area Plan* are enacted or not

***Oregon Administrative Rule, Chapter 660, Division 12, has additional regulations for conformance with Oregon Land Use Goal 12. However, OAR 660-012 is not applicable to Docket G 7-21***

#### **OAR 660-012-0060 Plan and Land Use Regulation Amendments**

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the*

amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection (e) or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.
  - (a) Adopting measures that demonstrate allowed land uses are consistent with the performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses consistent with the requirements of this division. Such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
  - (c) Amending the TSP to modify the performance standards of the transportation facility.
  - (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
  - (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:
    - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;
    - (B) The providers of facilities being improved at other locations provide written statements of approval; and
    - (C) The local jurisdictions where facilities are being improved provide written statements of approval.
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without ensuring that the allowed land uses are consistent with the performance standards of the facility where:
  - (a) In the absence of the amendment, planned transportation facilities, improvements, and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the



performance standard for that facility by the end of the planning period identified in the adopted TSP;

- (b) *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
  - (c) *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
  - (d) *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.*
- (4) *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*
- (a) *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*
  - (b) *Outside of interstate interchange areas, the following are considered planned facilities, improvements, and services:*
    - (A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*
    - (B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements, or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*
    - (C) *Transportation facilities, improvements, or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*
    - (D) *Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*
    - (E) *Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement, or service is reasonably likely to be provided by the end of the planning period.*
  - (c) *Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C) are considered planned facilities, improvements, and services, except where:*
    - (A) *ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*
    - (B) *There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*
  - (d) *As used in this section and section (3):*

- (A) *Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*
  - (B) *Interstate highway means Interstates 5, 82, 84, 105, 205, and 405; and*
  - (C) *Interstate interchange area means:*
    - (i) *Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or*
    - (ii) *The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*
  - (e) *For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement, or service is a planned transportation facility, improvement, or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements, and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*
- (5) *The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional, or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.*
- (6) *If a local government is determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2) using a performance standard based on projected levels of motor vehicle traffic, then the local government shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d);*
- (a) *Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10 percent fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10 percent reduction allowed for by this subsection shall be available only if uses that rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;*
  - (b) *Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10 percent reduction required in subsection (a);*
  - (c) *Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b), it shall ensure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with OAR 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that ensure compliance with these rule requirements at the time of development approval; and*
  - (d) *The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments that accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a). The commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances that provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.*

- (7) *Amendments to acknowledged comprehensive plans and land use regulations that meet all of the criteria listed in subsections (a)–(c) shall include an amendment to the comprehensive plan, transportation system plan, the adoption of a local street plan, access management plan, future street plan, or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):*
- (a) *The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;*
  - (b) *The local government has not adopted a TSP or local street plan that complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro’s requirement for street connectivity as contained in Title 1, Section 3.08.110 of the Regional Transportation Functional Plan; and*
  - (c) *The proposed amendment would significantly affect a transportation facility as provided in section (1).*
- (8) *A “mixed-use, pedestrian-friendly center or neighborhood” for the purposes of this rule, means:*
- (a) *Any one of the following:*
    - (A) *An existing central business district or downtown;*
    - (B) *An area designated as a central city, regional center, town center, or main street in the Portland Metro 2040 Regional Growth Concept;*
    - (C) *An area designated in an acknowledged comprehensive plan as a transit-oriented development or a pedestrian district; or*
    - (D) *An area designated as a special transportation area as provided for in the Oregon Highway Plan.*
  - (b) *An area other than those listed in subsection (a) which includes or is planned to include the following characteristics:*
    - (A) *A concentration of a variety of land uses in a well-defined area, including the following:*
      - (i) *Medium to high density residential development (12 or more units per acre);*
      - (ii) *Offices or office buildings;*
      - (iii) *Retail stores and services;*
      - (iv) *Restaurants; and*
      - (v) *Public open space or private open space that is available for public use, such as a park or plaza.*
    - (B) *Generally include civic or cultural uses;*
    - (C) *A core commercial area where multi-story buildings are permitted;*
    - (D) *Buildings and building entrances oriented to streets;*
    - (E) *Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;*
    - (F) *A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;*
    - (G) *One or more transit stops (in urban areas with fixed route transit service); and*
    - (H) *Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.*
- (9) *Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
- (a) *The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
  - (b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
  - (c) *The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

- (10) *Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan, or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay, or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.*
- (a) *A proposed amendment qualifies for this section if it:*
- (A) *Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and*
  - (B) *Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.*
- (b) *For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:*
- (A) *With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;*
  - (B) *Entirely within an urban growth boundary;*
  - (C) *With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;*
  - (D) *With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and*
  - (E) *Located in one or more of the categories below:*
    - (i) *At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;*
    - (ii) *Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or*
    - (iii) *Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.*
- (c) *When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.*
- (A) *The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:*
    - (i) *Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;*
    - (ii) *Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and*
    - (iii) *Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.*
  - (B) *If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.*
- (d) *A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.*
- (e) *A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay, or travel time.*



- (11) *A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.*
- (a) *The amendment must meet paragraphs (A) and (B) of this subsection.*
- (A) *Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.*
- (B) *Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.*
- (C) *For the purpose of this section:*
- (i) *“Industrial” means employment activities generating income from the production, handling, or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment, and research and development.*
- (ii) *“Traded-sector” means industries in which member firms sell their goods or services into markets for which national or international competition exists.*
- (b) *A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within 45 days.*
- (c) *A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:*
- (A) *Proposed amendment.*
- (B) *Proposed mitigating actions from section (2) of this rule.*
- (C) *Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the performance standards of transportation facilities.*
- (D) *Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.*
- (E) *Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.*

**FINDING:** Adopting the *Three Mile Lane Area Plan* as a supplemental document to the *McMinnville Comprehensive Plan* does not change the comprehensive plan designation, or the zoning for any property, or authorize any development in the Three-Mile Lane area, and thus does not trigger the provisions of OAR 660-012 (Transportation Planning Rule) because there is no significant effect that results from this action per OAR 660-012-0060. Instead, as described in the amendment to the Comprehensive Plan, Chapter VI, Transportation System, the proposed amendments associated with Docket G 7-21 set the stage for such actions in the future, which will then necessitate further land-use approvals and findings for compliance to evaluate whether those actions have a significant effect on the transportation facilities.



The City is amending the *McMinnville Comprehensive Plan* to add a proposal to Chapter VI, "Transportation System" per the following:

20.05 *The comprehensive plan map amendments and any associated rezones consistent with the Three Mile Lane Area Plan can be initiated by the City or property owners through future map amendment applications, at which time any necessary changes to the McMinnville Transportation System Plan would need to be made. Until the comprehensive plan map amendments are adopted for individual properties, the properties would continue to be subject to the use provisions of current Comprehensive Plan map and zoning map designations and provisions of any property-specific planned development overlay zones.*

This states that when the City or a private property owner wants to amend the comprehensive plan map in the Three Mile Lane study area they will need to create findings of compliance with OAR 660-012, Transportation Planning Rule, and amend the McMinnville Transportation System Plan as appropriate.

The City is adopting this proposal into the *McMinnville Comprehensive Plan* as it will be updating its Transportation System Plan in 2022-2024 with the same planning horizon as the *Three Mile Lane Area Plan* (2021-2041) and at that time will conduct the additional analysis necessary for the transportation system plan update. The city has chosen to update its transportation system plan in this manner to incorporate the new urban growth boundary into the overall transportation system for a more comprehensive analysis of the system altogether.

The transportation analysis conducted as part of the *Three Mile Lane Area Plan* was to set the stage for the City of McMinnville's upcoming Transportation System Plan update planned for 2022-2024, identifying future land uses in this study area per the community's vision.

The analysis in Appendix D of the *Three Mile Lane Area Plan*, Memorandum #8c, dated March 31, 2021, followed all of the analysis requirements of the Oregon Highway Plan and demonstrates that the proposed comprehensive plan map amendments in the *Three Mile Lane Area Plan* do not degrade the functionality of Highway 18 below the targeted mobility standards of the Oregon Highway Plan or the Oregon Highway 18 Corridor Refinement Plan. Loop Road and Cruickshank Road are identified as two intersections that exceed the performance standards of the Oregon Highway Plan but they are also recommended to be closed as intersections as part of the preferred transportation facility plan in this longer planning horizon.

There are no conflicts created by the proposed amendments related to Goal 12: Transportation.

**5.2.13 Oregon Statewide Planning Goal #13, Energy Conservation (OAR 660-015-0000(13))** – *To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

#### GUIDELINES

##### A. PLANNING

1. *Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization.*

2. *The allocation of land and uses permitted on the land should seek to minimize the depletion of non-renewable sources of energy.*
3. *Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.*
4. *Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency.*
5. *Plans directed toward energy conservation within the planning area should consider as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output. Renewable energy sources include water, sunshine, wind, geothermal heat and municipal, forest and farm waste. Whenever possible land conservation and development actions provided for under such plans should utilize renewable energy sources.*

**FINDING:** The *Three Mile Lane Area Plan* meets the purpose of Goal 13, Energy Conservation in many different ways:

- The land-uses identified are higher density land-uses than currently described in the area.
- The plan provides a bicycle/pedestrian on-road and off-road network to encourage more active trans mobility for residents and employees in the study area to travel to other destination points in the study area.
- The planned Mixed-Use Town Center will help to reduce the known 277,500 out-of-town vehicular trips that McMinnville households are taking to access general provisions in other communities. (Placer data provided by Leland Cosulting Group, July 26, 2022).
- Policies in the plan encourage native plantings (#7), local materials (#21), and mixed-use development where possible (#14), (pages 38 and 39 of the plan).

There are no conflicts created by the proposed amendments related to Goal 13: Energy Conservation.

**5.2.14 Oregon Statewide Planning Goal #14, Urbanization (OAR 660-015-0000(14))** – *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

#### GUIDELINES

##### A. PLANNING

1. *Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account*
  - (1) *the growth policy of the area;*
  - (2) *the needs of the forecast population;*
  - (3) *the carrying capacity of the planning area; and*
  - (4) *open space and recreational needs.*
2. *The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.*
3. *Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

4. *Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.*

**FINDING:** The *Three Mile Lane Area Plan* is in conformance with the purpose of Oregon Land Use Goal 14 by promoting higher land-use efficiencies in the area for both housing and employment lands, and serving McMinnville’s needs for higher-density housing and commercial land supply.

The *Three Mile Lane Area Plan* meets a commercial land deficit identified in the 2013 McMinnville Economic Opportunities Analysis by redesignating surplus industrial land into needed commercial land.

The *Three Mile Lane Area Plan* also meets a *McMinnville Comprehensive Plan* proposal that was adopted as a land-use efficiency in December 2020, as part of an urban growth boundary amendment to meet demonstrated commercial land need (2003 Economic Opportunity Analysis) by redesignating industrial land surplus into commercial land.

48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment. (Ord. 5098, December 8, 2020)

There are no conflicts created by the proposed amendments related to Goal 14: Urbanization.

### **5.3 Alignment with McMinnville’s Comprehensive Plan**

McMinnville's Comprehensive Plan has been divided into three interrelated volumes. Volume I, providing the background information, is both the narrative of and supporting documentation for the goals and policies developed by the community. It is a reference resource that can be used to interpret the intent of the goal and policy statements. Volume II contains the actual goal and policy statements. These statements are the culmination of the research inventories and projections of Volume I and reflect the directives of the statewide planning goals and the interests of the community as expressed through the citizen involvement process in adopting the plan. All future land use decisions must conform to the applicable goals and policies in this volume. Volume III consists of the implementing ordinances and measures created to carry out the goals and policies of the plan. Principal among these are the Comprehensive Plan and Zoning Maps, the annexation, zoning and land division ordinances, and the planned development overlays placed on areas of special significance.

Volume II, Goals and Policies, contains the goal, policy, and proposal statements which are applied to all land use decisions. Goal, policy, and proposal statements each have different purposes: goal statements are the most general principles; policy statements are directed to specific areas to further define the goal statements; and proposals are possible courses of action open to the City which shall be examined to further implement the goal and policy requirements. Each of these statement types is further defined below:

**GOALS:** are the broadly-based statements intended to set forth the general principles on which all future land use decisions will be made. Goals carry the full force of the authority of the City of McMinnville and are therefore mandated.

**POLICIES:** are the more precise and limited statements intended to further define the goals. These statements also carry the full force of the authority of the City of McMinnville and are therefore mandated.

**PROPOSALS:** are the possible courses of action available to the City to implement the goals and policies. These proposals are not mandated; however, examination of the proposals shall be undertaken in relation to all applicable land use requests.

The implementation of these goal, policy, and proposal statements occurs in one of two ways. First, the specific goal, policy, or proposal is applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements. These ordinances and measures are included in Volume III of the *McMinnville Comprehensive Plan*, including the McMinnville Municipal Code and independent ordinances.

Volume II is arranged in the following chapters:

- Chapter II     Natural Resources
- Chapter III    Cultural, Historical, & Educational Resources
- Chapter IV     Economy of McMinnville
- Chapter V     Housing and Residential Development
- Chapter VI     Transportation System
- Chapter VII    Community Facilities
- Chapter VIII   Energy
- Chapter IX     Urbanization
- Chapter X     Citizen Involvement and Plan Amendment

The applicable goals and policies of Volume II of the *McMinnville Comprehensive Plan* are addressed below.

### **5.3.1 Chapter II (Natural Resources)**

#### ***WATER***

**Goal II 1:** *To preserve the quality of the air, water and land resources within the planning area.*

*Policies:*

- 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.*
- 10.00 *The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality, the Mid-Willamette Valley Council of Governments, and other appropriate agencies and interests to maintain water quality and to implement agreed upon programs for management of the water resources within the planning area.*

**FINDING:** The City of McMinnville does not allow development within its floodplain. Policy #3 of Table 4, Implementation Recommendations, of the *Three Mile Lane Area Plan* (page 46 of the plan document) will require Riparian corridors and adjacent native landscapes to be protected by requiring mapping and protection of stream corridors and re-vegetation with native plantings:

## **NOISE**

### *Policies:*

- 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.*

**FINDING:** The City worked with the McMinnville Airport Commission and the Oregon Department of Aviation to identify potential noise incompatibility issues with new residential development in the study area and the McMinnville Municipal Airport. Based on the input of the Airport Commission and the Oregon Department of Aviation, the City elected to locate permanent residential development on the southern side of Highway 18, only west of the Willamette Valley Medical Center, approximately one mile in distance from the airport runway zones, and west of the Evergreen Aviation and Space Museum campus on the northern side of Highway 18. (See email from Heather Peck, Oregon Department of Aviation, dated July 26, 2022, entered into the record on July 26, 2022).

*According to FAA Order 5190.6B "The general rule on residential use of land on or near airport property is that it is incompatible with airport operations because of the impact of aircraft noise and, in some cases, for reasons of safety, depending on the location of the property." "Incompatible land use at or near airports may result in the creation of hazards to air navigation and reductions in airport utility resulting from obstructions to flight paths or noise-related incompatible land use resulting from residential construction too close to the airport."*

*(Excerpt from email from Heather Peck,  
Planning and Programs Manager, Oregon Department of Aviation)*

Lodging in the Mixed-Use Town Center site south of Highway 18 and the tourist commercial site on the northeastern edge of Highway 18 has been identified as an allowed adjacent use to the McMinnville Municipal Airport as the overnight occupants are transitory. Currently, there is a manufactured home park just across Highway 18 from the McMinnville Municipal Airport, "Olde Stone Village" that predates this planning effort.

### **5.3.3 Chapter IV (Economy of McMinnville)**

**Goal IV 1:** *To encourage the continued growth and diversification of McMinnville's economy in order to enhance the general well-being of the community and provide employment opportunities for its citizens.*

## **COMMERCIAL DEVELOPMENT**



**Goal IV 2:** *To encourage the continued growth of McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the City and county residents.*

**Policies:**

*21.00 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the City. Such uses shall locate according to the goals and policies in the comprehensive plan.*

**FINDING:** The McMinnville Market Analysis conducted in April, 2019 for the *Three Mile Lane Area Plan* showed a retail leakage of approximately \$205 million dollars per year in McMinnville, mostly for general merchandise (Appendix B, Existing Conditions). It was estimated that 11% of the retail leakage was due to online shopping. Placer data provided by Leland Consulting Group for the July 26 City Council public hearing showed that in the timeframe of July 2021 – July 2022, City of McMinnville households made 277,500 vehicular trips to Newberg, Salem, Tigard and Wilsonville to shop at Target, Fred Meyer and Costco.

The *Three Mile Lane Area Plan* has identified a 40 – 60 acre (33 net buildable acres) Mixed-Use Town Center as a means of providing needed commercial amenities to McMinnville households both now and into the future as the community grows to 45,000 people.

*21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)*

*21.05 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan. (Ord.4796, October 14, 2003)*

**FINDING:** The last acknowledged Economic Opportunity Analysis conducted by the City of McMinnville was in 2013. That EOA identified a deficit of 36 acres of commercial land and a surplus of 236 acres of industrial land (page 56 of the McMinnville EOA, 2013). The EOA Advisory Committee recommended that the City redesignate at least 36 acres of industrial land to commercial land to meet the identified need. The *Three Mile Lane Area Plan* recommends that 40 – 60 acres (33 net buildable acres) of industrial land be redesignated to commercial land on the south side of Highway 18.

**Figure 26. Comparison of Land Demand to Supply (2013-33)**

<b>Acres by Plan Designation</b>				
	<b>Commercial</b>	<b>Industrial</b>	<b>Total</b>	<b>Comments</b>
<b>Vacant Land Demand</b>				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
<b>Totals</b>	<b>166.8</b>	<b>153.2</b>	<b>319.9</b>	Employment land demand
<b>Available Land Supply</b>				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
<b>Surplus/(Deficit)</b>	<b>(35.8)</b>	<b>235.9</b>	<b>200.1</b>	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10<sup>th</sup> of an acre.  
 Source: E. D. Hovee & Company, LLC.

However, the balance of land demand and supply is different for commercial than for industrial uses. As with the prior 2001/03 EOA projections, an anticipated surplus is indicated for industrial lands versus a shortfall associated with commercial lands:

- Commercial land demand is expected to exceed supply – resulting in a forecast shortfall of an estimated 36 acres through 2033.
- Industrial land demand is anticipated to come in well under the BLI supply – resulting in a surplus forecast at close to 236 acres over the 20-year planning horizon.

*Assessment of Economic Land Supply Need, McMinnville EOA 2013, page 56*

Assuming that the Step 9 estimated commercial land shortfall of approximately 36 acres is addressed by re-designating at least this amount of acreage from industrial to commercial use, there would still remain an industrial surplus of up to 200 acres (above and beyond forecast 20-year industrial land needs). Per the Advisory Committee, this excess inventory is recommended to be allocated as a strategic reserve for currently unforeseen industrial and commercial development opportunities that might arise over the 20-year time horizon. This represents an increase from the 46-acre industrial land reserve provided with the most recent prior (2003) EOA update.

*Recommendation of the EOA Advisory Committee, McMinnville 2013 EOA, page 57*

**21.02** *The City shall encourage and support the start up, expansion or relocation of high-wage businesses to McMinnville.*

- 1. The City shall coordinate economic efforts with the Greater McMinnville Area Chamber of Commerce, McMinnville Industrial Promotions, McMinnville Downtown Association, Yamhill County, Oregon Economic and Community Development Department, and other appropriate groups.*
- 2. Economic development efforts shall identify specific high-wage target industries and ensure that adequately sized, serviced, and located sites exist within the McMinnville urban area for such industries. (Ord.4796, October 14, 2003)*

**FINDING:** In 2018, the City worked with McMinnville Economic Development Partnership, McMinnville Downtown Association, Visit McMinnville, McMinnville Chamber of Commerce and McMinnville

Industrial Promotions to develop the MAC Town 2032 Economic Development Strategic Plan (Resolution 2019-16, March 12, 2019). This strategic plan identified 3 goals and 5 targeted sectors per below:

**Strategic Framework**

**FOUNDATIONAL GOALS AND STRATEGIES...**  
*are meant to be broadly beneficial across multiple industry sectors.*

- 1. Accelerate Growth in Living-Wage Jobs Across a Balanced Array of Industry Sectors**
- 2. Improve Systems for Economic Mobility and Inclusion**
- 3. Maintain and Enhance our High Quality of Life**

**TARGET SECTOR GOALS AND STRATEGIES...**  
*are intended to pursue opportunities and improve outcomes within clusters or sectors of related industries.*

- 4. Sustain and Innovate within Traditional Industry and Advanced Manufacturing**
- 5. Foster Opportunity in Technology and Entrepreneurship**
- 6. Be a Leader in Hospitality and Place-Based Tourism**
- 7. Align and Cultivate Opportunities in Craft Beverages and Food Systems**
- 8. Proactively Assist Growth in Education, Medicine and Other Sciences**

*Page 7 of the MAC Town 2032 Economic Development Strategic Plan*

The *Three Mile Lane Area Plan* responds to targeted sectors 4, 5,6,7 and 8 with the proposed land-use vision incorporating an Innovation Campus, a Health Care Center, and Commercial Tourism development.

*21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)*

**FINDING:** The Innovation Center identified in the *Three Mile Lane Area Plan* provides an opportunity for local businesses to start-up, grow and thrive by co-locating entrepreneurs, flex space, education, research and development and production support.

**Goal IV 3:** *To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood serving and other commercial lands and discouraging strip development.*

*22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*

*23.00 Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

24.00 *The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

**FINDING:** The proposed design and development standards in the Mixed-Use Town Center in the *Three Mile Lane Area Plan* requires a compact commercial development that is:

- Human-scale development that is pedestrian friendly.
- Walkable, narrow main streets connecting through the center, with parallel or angled on-street parking in front of retail storefronts.
- Public gathering spaces, bordered by dining and entertainment attractions, featuring play areas and flexible space for programmed public events.
- Shared parking lots, generally located behind buildings, featuring wide pedestrian walkways, EV charging stations, bicycle parking, and transit stops. As well as integrated stormwater treatment and ample landscaping including shade trees.
- Sustainable high-quality architecture, themed in a regionally appropriate way, with buildings placed in prominent locations that contribute to the quality of the pedestrian experience, versus behind large surface parking lots.
- Building edges that create ‘frontage’ on walkable streets or pedestrian walks, with higher-quality materials, generous windows and pedestrian-scale signage in the first 20-30’ of elevation.
- Proximity and connection to a mix of other uses, to encourage walking from residential or office areas to the retail center.
- Generous landscape buffers between the retail center and roadways or parking lots while maintaining maximum visibility for retailers.
- A prominent entry to the site, with signage or a gateway feature.

*(page 29 of the Three Mile Lane Area Plan)*

24.50 *The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)*

**FINDING:** The last acknowledged Economic Opportunity Analysis conducted by the City of McMinnville was in 2013. That EOA identified a deficit of 36 acres of commercial land and a surplus of 236 acres of industrial land (page 56 of the McMinnville EOA, 2013). The EOA Advisory Committee recommended that the City redesignate at least 36 acres of industrial land to commercial land to meet the identified need. The *Three Mile Lane Area Plan* recommends that 40 – 60 acres (33 net buildable acres) of industrial land be redesignated to commercial land on the south side of Highway 18.

25.00 *Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.*

**FINDING:** The proposed Mixed-Use Town Center will not conflict with adjacent uses (Industrial Campus and Healthcare Campus) and city services can be made available to serve the scale of development.

26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

**FINDING:** The Mixed-Use Town Center is located on Highway 18 where there is sufficient land for internal traffic circulation systems, adequate parking and service areas.

27.00 *Neighborhood commercial uses will be allowed in neighborhood activity centers and in other suitable neighborhood locations. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers. (Ord. 5098, December 8, 2020)*

**FINDING:** Two mixed-use developments with neighborhood-serving commercial uses are identified in the *Three Mile Lane Area Plan*. Although not large enough for a neighborhood activity center, both sites can incorporate the guiding principles of neighborhood activity centers.

*Design Policies:*

29.00 *New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.*

30.00 *Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.*

31.00 *Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms. (Ord.4796, October 14, 2003)*

33.00 *Encourage efficient use of land for parking; small parking lots and/or parking lots that are broken up with landscaping and pervious surfaces for water quality filtration areas. Large parking lots shall be minimized where possible. All parking lots shall be interspersed with landscaping islands to provide a visual break and to provide energy savings by lowering the air temperature outside commercial structures on hot days, thereby lessening the need for inside cooling. (Ord.4796, October 14, 2003)*

34.00 *The City of McMinnville shall develop and maintain guidelines concerning the size, placement, and type of signs in commercial areas.*

35.00 *The City of McMinnville shall encourage the development of a sign system that directs motorists to parking areas.*

**FINDING:** The traffic analysis in Appendix D of the plan and the design and development standards identified in the plan through the policies on pages 37 and 38 and Table 4 on pages 46 – 50 will ensure that the Mixed-Use Town Center can achieve the above comprehensive plan policies.



- An in-depth traffic analysis was conducted to evaluate the impact of the Mixed-Use Town Center site on the local and state transportation systems.
- There are no adjacent residential neighborhoods that traffic will impact.
- There is efficient land for parking and the proposed design standards recommend a grid system of small parking lots with pedestrian and human scale development.
- Landscaping standards are proposed in the *Three Mile Lane Area Plan* for the Mixed-Use Town Center.
- Per the implementation recommendations for Policy #1 on page 46 of the plan, all commercial and mixed-use developments over five acres will be subjected to a planned development overlay with design and development standards.

### **INDUSTRIAL DEVELOPMENT**

**Goal IV 5:** *To continue the growth and diversification of McMinnville's industrial base through the provision of an adequate amount of properly designated lands.*

**Goal IV 6:** *To ensure industrial development that maximizes efficiency of land uses, that is appropriately located in relation to surrounding land uses, and that meets necessary environmental standards.*

- 48.00 *The City of McMinnville shall encourage the development of new industries and expansion of existing industries that provide jobs for the local (McMinnville and Yamhill County) labor pools.*
- 49.00 *The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.*
- 49.01 *The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods. (Ord. 4961, January 8, 2013)*
- 49.02 *The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord. 4961, January 8, 2013)*
- 49.03 *In designating new industrial properties, and in redesignating properties to industrial zoning from other designations, the City shall work to provide employment opportunities in locations that are reasonably accessible to McMinnville residents, while minimizing the need to drive through existing or planned residential neighborhoods. (Ord. 4961, January 8, 2013)*

**FINDING:** The Industrial Innovation Campus will have direct access to an arterial (Highway 18) and will be reasonably accessible to McMinnville residents while minimizing the need to drive through existing or planned residential neighborhoods.

- 50.00 *The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.*

51.00 *The City of McMinnville shall encourage the location of airport-related industrial uses only on the industrial land which is adjacent to the airport. Those lands so reserved shall be designated in the planned development overlay covering this area.*

52.00 *The City of McMinnville shall create a new "limited light industrial" zone which shall be placed on the industrial areas on the south side of Three Mile Lane in those areas where residential development is expected on the north side of the road. The new zone will allow only those types of industrial uses that will not conflict with the residential uses.*

**FINDING:** The Industrial Innovation Campus is located south of Highway 18, adjacent to the McMinnville Municipal Airport with the opportunity to serve airport-related industrial uses. The *Three Mile Lane Area Plan*, Policy #23, will ensure that no incompatible heavy industrial uses will be allowed along Highway 18 by rezoning the M2 (General Industrial) land to M1 (Light Industrial).

54.00 *The City of McMinnville shall establish industrial planned development ordinances which shall be placed over the future industrial areas designated on the McMinnville Comprehensive Plan Map, the industrial reserve area, and certain existing industrially designated areas within the city limits. The overlay shall also be applied to any areas which are in the future designated for future industrial use through an amendment to the comprehensive plan map. The overlays shall provide standards to control the nuisance and negative environmental effects of industries. These controls shall cover, but not be limited to, the following areas:*

1. *Landscaping and screening*
2. *Noise suppression*
3. *Light and heat suppression*
4. *Pollution control for air, water, and land*
5. *Energy impacts*
6. *Traffic impacts*

**FINDING:** The entire Three Mile Lane study area is encompassed in a planned development overlay (Ordinance No. 4131 as amended by Ordinance No. 4572). Per the *Three Mile Lane Area Plan* implementation recommendations for Policy #1, all industrial development proposals over ten acres will be subjected to an individual planned development overlay as well to incorporate design and development standards.

#### **5.3.4 Chapter V (Housing and Residential Development)**

**Goal V 1:** *To promote development of affordable, quality housing for all city residents.*

64.00 *The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.*

**FINDING:** The Housing Authority of Yamhill County is building a 175 unit apartment complex in the Three Mile Lane study area.

**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.*

69.00 *The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.*

**FINDING:** The *Three Mile Lane Area Plan* is demonstrative of this type of innovative land use program, by designing and planning an area where housing, commercial amenities and industrial development co-exist in a cohesive way. One of the five goals of the *Three Mile Lane Area Plan* is a cohesive land use plan.

**GOAL 2: COHESIVE LAND USE PLAN - Provide opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district.**

*The study area contains several existing residential neighborhoods, including assisted-living and manufactured home residences, as well as major employers and tourism destinations. This plan aims to provide a mix of land uses that support one another to create a unique part of the city.*

*(Page 16 of The Three Mile Lane Area Plan)*

### **5.3.5 Chapter VI (Transportation System)**

**Goal VI 1:** *To encourage the development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.*

119.00 *The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

120.00 *The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

121.00 *The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*

130.05 *In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.*

131.00 *The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.*

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. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)*

132.25.00      132.56.10      *Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel. (Ord. 4922, February 23, 2010)*

132.26.00      *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.*

**FINDING:** The *Three Mile Lane Area Plan* relies on an existing planned transportation system with enhanced active trans infrastructure to support more bicycle and pedestrian connectivity and mobility in the study area.

132.30.00      *The implementation of transportation system and transportation demand management measures, provision of enhanced transit service, and provision of bicycle and pedestrian facilities in the McMinnville planning area shall be embraced by policy as the first choice for accommodating travel demand and relieving congestion in a travel corridor, before street widening projects for additional travel lanes are undertaken.*

**FINDING:** One of the goals of the *Three Mile Lane Area Plan* is to preserve the functionality and mobility of Highway 18 by encouraging local trips on a multi-modal local system.

**GOAL 3: TRANSPORTATION - Enhance multi-modal connections throughout the district.**

*This plan aims to create a complete, multimodal transportation network that serves the north and south side of OR 18 within the district, and that connects the business community, the hospital, residential neighborhoods, and tourism amenities to each other and to the city center. Alternatives will be evaluated through criteria measuring transportation safety and performance for all modes of travel: pedestrian, bicycle, transit, freight, and personal vehicles.*

*(Page 16 of the Three Mile Lane Area Plan)*

132.39.00      *The City of McMinnville shall coordinate its transportation planning and construction efforts with those of Yamhill County and the Oregon Department of Transportation (ODOT). McMinnville’s transportation plan shall be consistent with those developed at the regional and state level. (Ord. 4922, February 23, 2010)*

132.40.00      *Mobility standards will be used to evaluate the transportation impacts of long-term growth. The City should adopt the intersection mobility standards as noted in Chapter 2 of the Transportation System Plan. (Ord. 4922, February 23, 2010)*

132.44.00      *The City should continue to coordinate with ODOT in the administration of jointly adopted plans to manage access and highway improvements as noted in Chapter 2 of the Transportation System Plan. (Ord. 4922, February 23, 2010)*

**FINDING:** The *Three Mile Lane Area Plan* was developed in coordination with ODOT.

- 132.59.10 *Airport area land use – Do not permit land uses within airport noise corridors that are not noise compatible, and avoid the establishment of uses that are physical hazards to air traffic at the McMinnville Airport. (Ord. 4922, February 23, 2010)*

**FINDING:** Although promoted by some people who testified during the public hearing, the City elected not to place residential development adjacent to the McMinnville Municipal Airport due to potential noise incompatibility as pointed out by the Oregon Department of Aviation in written testimony provided on July 26, 2022. (See email from Heather Peck. Oregon Department of Aviation, dated July 26, 2022, entered into the record on July 26, 2022).

### **5.3.6 Chapter IX (Urbanization)**

**Goal IX 2:** *To establish a land use planning framework for application of the goals, policies, and proposals of the McMinnville Comprehensive Plan.*

- 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.*
- 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.*
- 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.*

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.*
- 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:*

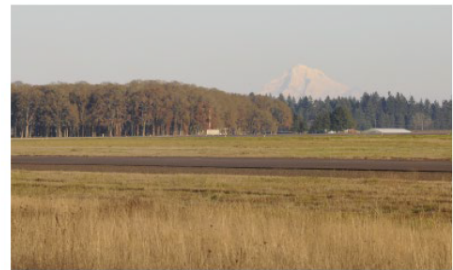
- a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
- b. *Opportunities for public art provided in private and public spaces.*
- c. *Neighborhood elements and features including, but not limited to, signs, 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. (Ord 5066 §2, April 9, 2019)*

**FINDING:** The Great Neighborhood Principles were a foundational element of the *Three Mile Lane Area* planning process.

Pages 17, 18 and 19 of the *Three Mile Lane Area Plan* describe how the Great Neighborhood Principles will be achieved in the *Three Mile Lane Area Plan*. This analysis was then developed into policies on pages 37 and 38 of the plan, which were then developed into implementation recommendations on pages 46 – 50 of the plan. Please see below.

#### 1. *Natural Feature Preservation*

- Strive to protect tree groves
- Strive to protect individual trees
- Protect riparian corridors and adjacent native landscape



#### 2. *Scenic Views*

- Provide and protect views to rolling hills and volcanoes
- Provide visual and physical access to North Yamhill River
- Orient streets and open spaces to views



#### 3. *Parks and Open Spaces*

- Connect to Galen McBee Airport Park
- Connect to Joe Dancer Park
- Create new gathering spaces that incorporate natural areas and views
- Plant landscapes that incorporate natives and exhibit seasonal variation



#### 4. *Pedestrian Friendly*

- Provide a network of sidewalks and trails to connect people to key locations
- Incorporate shade streets with mature tree canopy

5. *Bike Friendly*

- Plan safe routes for residents and touring cyclists

6. *Connected Streets*

- Connect to existing street grid in the Three Mile Lane area

7. *Accessibility*

- Design new development for ease of use by all ages and abilities

8. *Human Scale Design*

- Respect typical scale of commercial uses in McMinnville
- Design to reflect the micro-climate—outdoor life, porches, balconies
- Promote inclusion and interaction within the right-of-way

9. *Mix of Activities*

- Encourage mixed-use development where feasible

10. *Urban-Rural Interface*

- Reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees
- Consider adjacency to agricultural fields and respect this heritage through careful transitions
- Design simple roof forms (industrial and agricultural). Height and distinctive forms of silos can be inspiration
- Consider functional site planning of vineyard and farm complexes as conceptual model for new development

11. *Housing for Diverse Incomes and Generations*

- Allow for a mix of housing forms and types that serve a variety of household incomes and respect the current character of Three Mile Lane



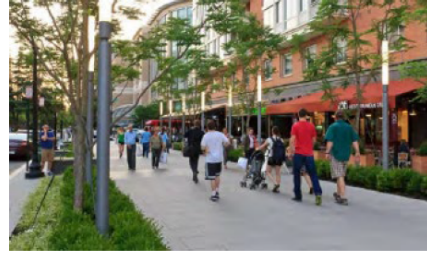


12. *Housing Variety*

- Respect existing variety of housing types in Three Mile Lane and ensure diversity of design for future housing

13. *Unique and Integrated Design Elements*

- Ensure visibility from highway; Welcome to McMinnville
- Make functions of sites visible (airplanes, winemaking); continue expression of industry/making where applicable
- Aviation legacy: display large planes; consider sensation of low-flying planes, potential visual impact of sites from the air
- Consider local and/or sustainable materials for cladding and building structure (timber, corrugated steel cladding, red brick)
- Use vibrant color



187.80.20 *Area Plans shall be adopted by the City Council as guiding land use documents. The Area Plan will be adopted as a supplement to the McMinnville Comprehensive Plan. (Ord 5106, October 26, 2021; Ord. 5098, December 8, 2020)*

48.15 *The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district's economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district, enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the City of McMinnville. (Ord. 5098, December 8, 2020)*

48.70 **Redesignation to Commercial.** *As an identified efficiency measure necessary to reduce the needed size of the "Phase 2" UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the "Phase 2" UGB amendment. (Ord. 5098, December 8, 2020)*

**FINDING:** The *Three Mile Lane Area Plan* is being adopted as a guiding land use document as a supplement to the *McMinnville Comprehensive Plan*.

All new housing development will need to comply with the clear and objective residential design and development standards in McMinnville's Municipal Code, Chapter 17.11.

The proposed Mixed-Use Town Center site in the *Three Mile Lane Area Plan* complies with proposal 48.70 to redesignate 40 acres of property along the south side of the Highway 18 frontage from industrial to commercial.



### **5.3.7 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 land use policies and codes.*

**Goal X 3:** *To periodically review and amend the McMinnville Comprehensive Plan to reflect changes in community circumstances, in citizen desires and in the statewide goals.*

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.*

189.00 *The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*

190.00 *The City of McMinnville shall appoint a representative Planning Commission that will serve as the officially recognized Committee for Citizen Involvement (CCI) for the City of McMinnville. This Commission will be made up of representatives of all geographical areas of the City, and shall hold public forums and public hearings on major comprehensive plan text amendments, comprehensive plan and zoning map amendments, zoning ordinance text amendments and changes in the urban growth boundary and/or urban growth management agreements.*

193.00 *The City of McMinnville shall continue to engage citizens in community advisory positions for input on the major elements of the comprehensive plan by creating special citizen advisory bodies and ad-hoc committees comprised of volunteers representing a broad cross-section of the community to provide input on every major comprehensive planning effort and other related land use planning matters.*

194.00 *The City of McMinnville shall strive to include youth members on City committees involved in land use planning, and work with the McMinnville School District, local private schools and service groups to encourage youth involvement in land use planning activities.*

195.00 *The City of McMinnville shall assure that technical information is available to citizens in an understandable form and when needed provide translations of information to non-English speaking members of the community,*

**FINDING:** The Planning Commission has been identified as the Committee for Citizen Involvement for the City of McMinnville per *McMinnville Comprehensive Plan* Policy #190.00. The Planning Commission hosted a public hearing to consider this proposed amendment initially on December 16, 2021, which was then continued to January 20, 2022, and February 17, 2022. The City Council then elected to also host a public hearing which was first held on May 10, 2022, and then continued to June 14, 2022, and July 26, 2022. The City also worked to engage the public in a variety of different ways both during the informative process of the planning effort with a project advisory committee, open houses, design charrettes and surveys as well as during the public hearing process with information

provided on social media platforms, in virtual meeting sessions, a public open house and a mailer that went to all addresses within the city limits. Please see Table 2, the public engagement record provided in “Section 1.0, Comprehensive Plan Amendment Summary” of this document.

The City provided translators at the public open house and town hall, and provided the survey in Spanish and English.

As part of the outreach to engage citizens and stakeholders in developing the *Three Mile Lane Area Plan*, the City made special efforts to involve a broad range of participants. The public outreach process is summarized below:

- The *Three Mile Lane Area Plan* was developed in conjunction with a Project Advisory Committee. The Project Advisory Committee reviewed draft work products, advised on public involvement, and considered public input when making recommendations. The Project Advisory Committee included a Citizen Advisory Committee with representatives from the following identified demographics:

Accessibility Advocates  
 Active Transportation Advocates  
 Architects or Developers  
 Property Owners and Business Owners  
 Business Owners  
 Chemeketa Community College  
 Transit Riders or YCTA Board Member  
 Planning Commission  
 City Council  
 Linfield College  
 School District  
 Housing Advocates  
 Senior Citizens  
 Working Professionals  
 Young Adults  
 Youth  
 Latino Representatives

- The City hosted three public workshops. Invitations to the public workshops were provided in both English and Spanish. Spanish invitations were distributed through the Latino Advisory Council and provided at the Virginia Garcia Clinic in the study area. Spanish translation was provided at the public workshops upon request.
- The City hosted three focus group interviews. One of the focus groups represented organizations and agencies that served Title VI populations in the study area.
- The project included numerous City Council updates, which were part of the regularly scheduled McMinnville City Council meetings that were open to the public and broadcast with subtitles via McMinnville Media.
- The City maintained a project website at [www.ThreeMileLane.com](http://www.ThreeMileLane.com).



## **5.4 Alignment with McMinnville Municipal Code**

### **5.4.1 Chapter 17.03, General Provisions**

#### 17.03.020 Purpose.

*The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title 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, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare. (Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**FINDING:** The purpose of the *Three Mile Lane Area Plan* is to develop a proactive land-use plan for an area that is roughly 1340 acres that encourages orderly and appropriate physical development in the Three Mile Lane Area to create public facility and land-use efficiencies, respond to community needs for housing, jobs, commercial options, public amenities and safe multi-modal infrastructure thereby promoting public health, safety, convenience and general welfare.

#### 17.03.025 Consistency with Plan and Laws.

*Each development and use application and other procedure initiated under this title shall be consistent with the adopted Comprehensive Plan of the City of McMinnville, the provisions of this title, and all other applicable local ordinance, State laws and regulations.*

**FINDING:** As demonstrated in this decision document, the *Three Mile Lane Area Plan* is consistent with the adopted *McMinnville Comprehensive Plan*, the provisions of Title 17 of the McMinnville Municipal Code and all other applicable local ordinances, State laws and regulations.

### **5.4.2 Chapter 17.06, Definitions**

#### 17.06.015 General Definitions.

**Comprehensive Plan** – A plan developed by the City to implement the statewide planning goals of the Land Conservation and Development Commission.

**Comprehensive Plan Map** – A map that describes the long-term direction and vision for the growth and development of McMinnville through specific land use designations including “residential,” “industrial,” or “commercial.”

**Comprehensive Plan Text Amendment or Comprehensive Plan Map Amendment** – A land use process through which either comprehensive plan text or a specific land use designation as noted on the comprehensive plan map may be changed.

**FINDING:** Adopting the *Three Mile Lane Area Plan* as a supplemental document to the *McMinnville Comprehensive Plan* is an amendment to the *McMinnville Comprehensive Plan*. Adding proposal 20.05 to Chapter VI, “Transportation System”, of the *McMinnville Comprehensive Plan* is a Comprehensive Plan Text Amendment. The Comprehensive Plan Map is not being amended with this action.



### **5.4.3 Chapter 17.10, Area and Master Planning Process**

#### 17.10.030 Procedures.

- A. Area Plan Requirement. *Prior to annexation or comprehensive plan map amendment, zone change, or development of any land in Urban Holding (UH) Comprehensive Plan Map designations, the City must review and adopt an Area Plan, if applicable.*

#### 17.10.040 Area Plan Process.

- A. *The City Council shall initiate an Area Planning process for lands that are designated as Urban Holding (UH) on the McMinnville Comprehensive Plan Map.*
- B. *Property owners may initiate the Area Planning process, if the City Council has not yet initiated or completed an Area Plan for land designated on the Comprehensive Plan Map as Urban Holding (UH) in a UGB expansion area.*
1. *Area Planning may be initiated by property owners for lands 100 acres or greater in size.*
- C. *The City Council shall adopt an Area Plan as a guiding land use document. An Area Plan shall be adopted as a supplement to the McMinnville Comprehensive Plan through a legislative land use proceeding if it was initiated by the City Council or either a quasi-judicial or legislative land use proceeding, depending on its size and the number of properties it covers, if it was initiated by an application. (Ord. 5106 §2, 2021)*

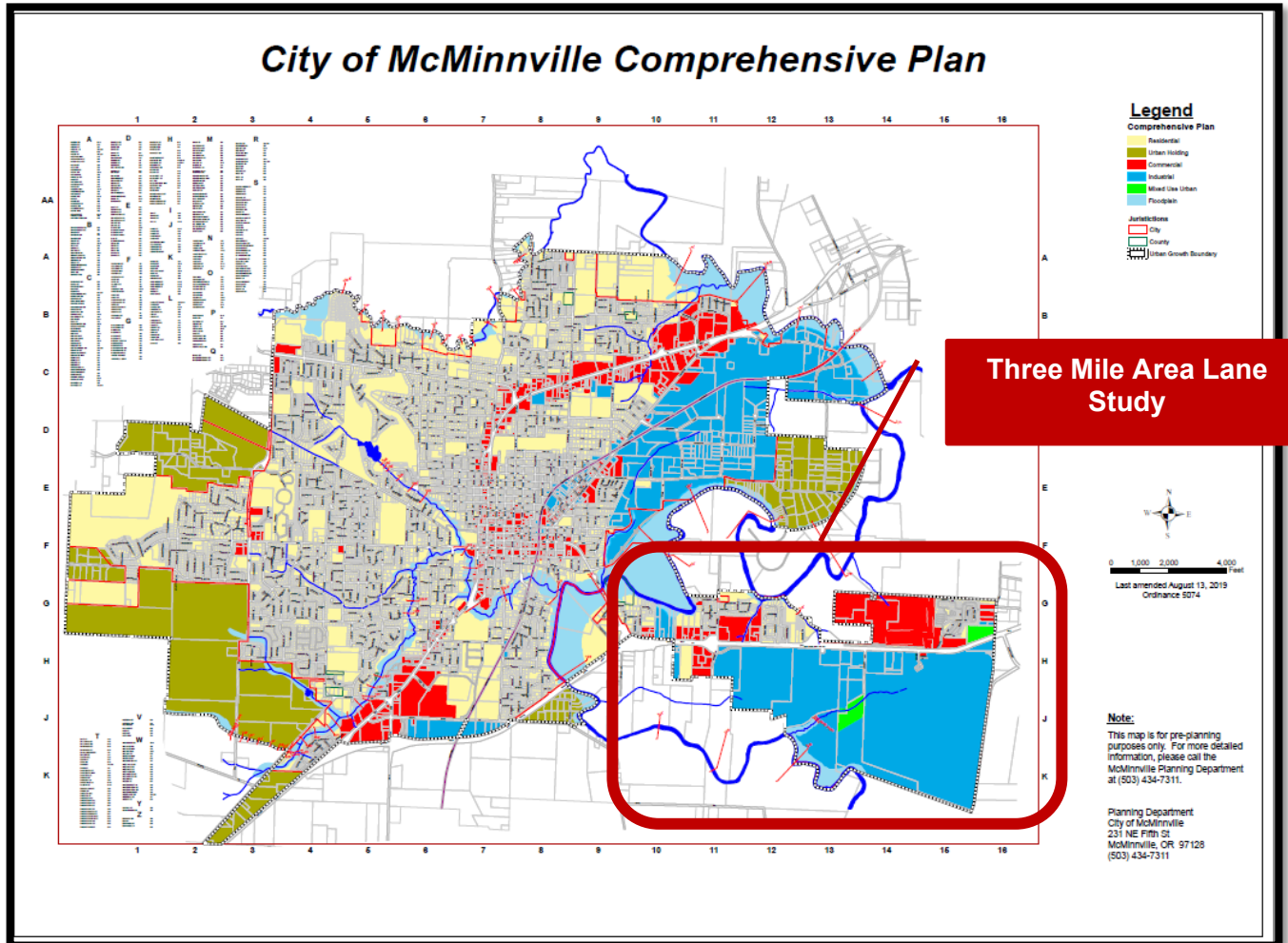
#### 17.10.050 Area Plan Scope and Components.

- A. *Area Plans shall more specifically identify land uses, their locations, and their relationship to public facilities, natural resources, and existing urban uses. The land uses identified in an Area Plan must be consistent with the applicable Framework Plan and the identified land use needs for the Urban Holding (UH) area.*
- B. *Principles and Standards for Area Plans.*
1. *Area Plans must embody the development principles of the applicable Framework Plan, UGB expansion plan, McMinnville Comprehensive Plan, and any other City land use policies and standards.*
    - a. *2003-2023 McMinnville Growth Management and Urbanization Plan (MGMUP). The MGMUP provides guidance for the planning and development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. Therefore, Area Plans for UH areas within the MGMUP areas will be developed to be consistent with:*
      1. *The guidelines and characteristics of the Traditional Neighborhood model, as described in the McMinnville Growth Management and Urbanization Plan.*
      2. *The potential identification of locations that would be suitable for Neighborhood Activity Centers (NACs) to meet neighborhood commercial land needs as identified in the MGMUP Framework Plan, and also support surrounding residential development, as described in the McMinnville Growth Management and Urbanization Plan.*
      3. *The City's adopted Great Neighborhood Principles, as described in Comprehensive Plan Policies 187.10 through 187.50.*

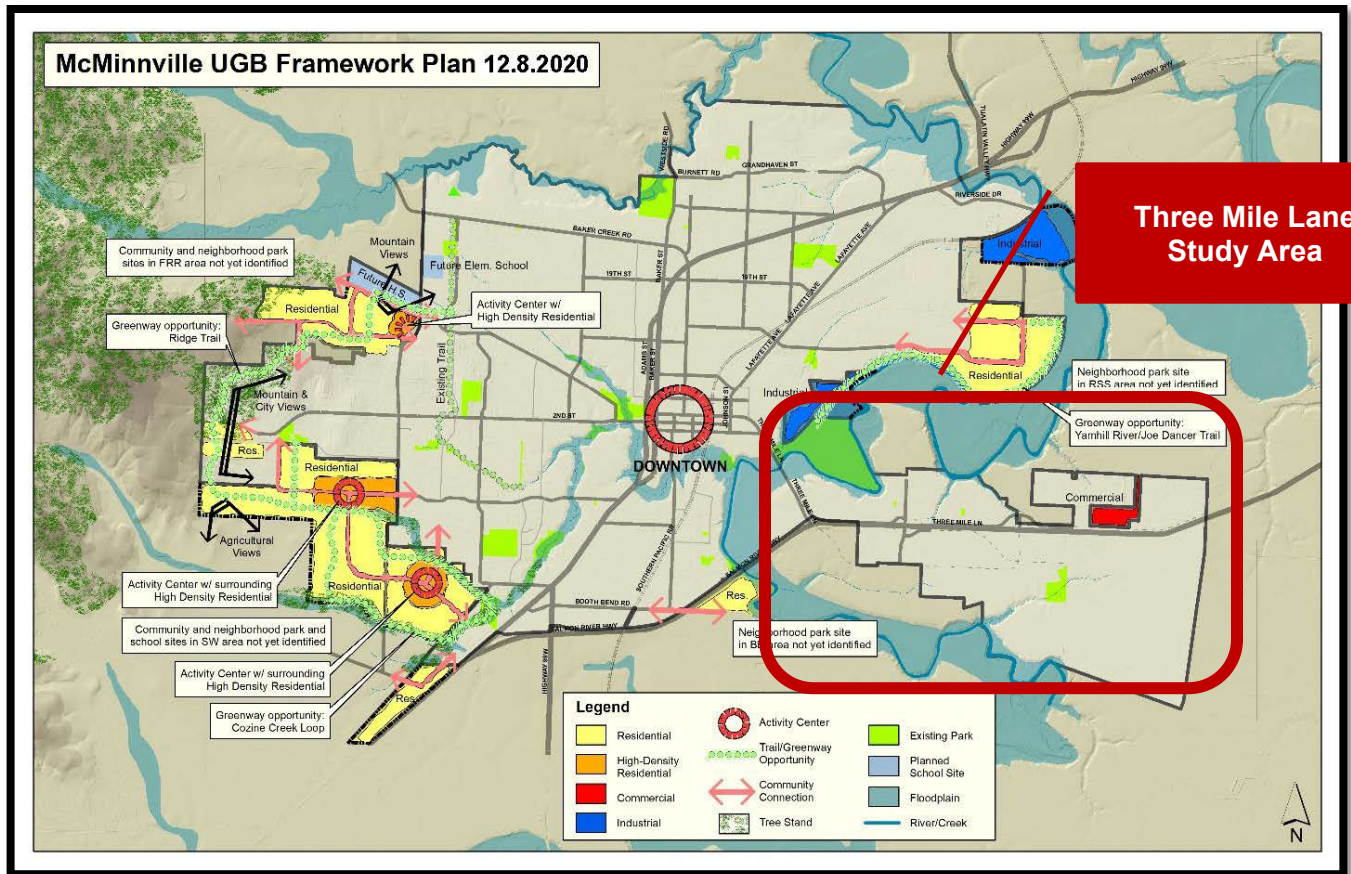
**FINDING:** Although Sections 17.030, 17.040, and 17.050 do not apply to this action since the study area does not include any land that is designated as UH (Urban Holding) on the *McMinnville Comprehensive Plan Map* (see map below), the Plan does embody the development principles associated with the Great Neighborhood Principles as described in *Comprehensive Plan Policies 187.10 through 187.50*, per the discussion of Great Neighborhood Principles on pages 17 and 18 of the *Three Mile Lane Area Plan* document. The *Three Mile Lane Area Plan* also contemplates incorporating the principles of the Neighborhood Activity Centers in the two mixed-use areas described in the land-use vision. Although both sites are too small to meet all of the criteria identified for Neighborhood



Activity Centers, the same guiding principles of neighborhood-serving commercial uses with adjacent high-density residential development that radiates out to lower-density residential development is incorporated. Neither of the mixed-use sites was identified in McMinnville's Growth Management and Urbanization Plan and the McMinnville Framework Plan as future neighborhood activity centers (see Framework Plan map below).



McMinnville Comprehensive Plan Map. Gold area is UH Comprehensive Plan Designation



McMinnville Framework Plan Map. Neighborhood Activity Centers are the Bold Red Circles

**5.4.4 Chapter 17.51, Planned Development Overlay**

**17.51.010 Purpose.**

The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

- A. The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)

- B. *The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)*
  - 1. *A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.*
  - 2. *The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;*
- C. *The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;*
- D. *A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)*
- E. *A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*
- F. *A property owner shall not be required to pay an additional fee when the planned development overlay was originally initiated by the Council or Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

17.51.020 Standards and requirements.

*The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:*

- A. *The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;*
- B. *Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

17.51.030 Procedure.

*The following procedures shall be observed when a planned development proposal is submitted for consideration:*

- A. *An applicant shall submit twenty-one (21) copies of a preliminary development plan to the Commission for study at least thirty days prior to the Commission meeting at which it is to be considered. The preliminary plan shall include the following information:*
  - 1. *Proposed land uses, building locations and housing unit densities.*
  - 2. *Proposed circulation pattern indicating the status of street ownership.*
  - 3. *Proposed open space uses.*
  - 4. *Proposed grading and drainage pattern.*
  - 5. *Proposed method of water supply and sewage disposal.*



6. *The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.*
7. *Relation of the proposed development to the surrounding area and the comprehensive plan;*
- B. *Prior to discussion of the plan at a Commission meeting, copies shall be submitted by the Planning Director to City departments for study and comment;*
- C. *The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:*
  1. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*
  2. *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*
  3. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*
  4. *The plan can be completed within a reasonable period of time;*
  5. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*
  6. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*
  7. *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;*
- D. *If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;*
- E. *The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;*
- F. *Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 (Applications and Review Process) of this ordinance;*
- G. *Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved site plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the City 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 him 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;*

**FINDING:** There are several existing planned development ordinances in the Three Mile Lane study area. Docket G 7-21 does not change those existing planned development ordinances. However, Table 4, Implementation Recommendations of the *Three Mile Lane Area Plan* (pages 46 – 50 of the plan document) does recommend amending the existing *Three Mile Lane Area Planned development ordinance*, Ordinance No. 4131 amended by Ordinance No. 4572 (see Overlay Amendments column), and requiring Mixed-Use and Commercial developments over five acres to be subject to a planned development overlay, and Industrial developments over ten acres to be subject to a planned development overlay. (Policy #1 on Table 4, Implementation Recommendations, page 46 of the *Three Mile Lane Area Plan*. At that time the provisions of this chapter will apply.

For amendments to the existing Three Mile Lane Planned Development Overlay, Section 17.51.010(B) shall apply. For Mixed-Use, Commercial and Industrial development proposals, Section 17.51.010(A) shall apply.

#### **5.4.5 Chapter 17.72, Applications and Review Process**

##### 17.72.050 Application Decision Time Limit.

*The City shall take final action on all land use requests that are wholly within the authority and control of the City within 120 days from the date the application is deemed complete. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time. The 120 day period does not apply to an amendment of the comprehensive plan or a land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development (DLCD) as required by ORS 197.610.*

**FINDING:** The 120 day application decision time limit does not apply to an amendment of the comprehensive plan.

##### 17.72.080 Legislative or Quasi-Judicial Hearings.

*The applications listed in this Chapter are either legislative or quasi-judicial in nature and are subject to a public hearing before the Planning Commission or City Council.*

- A. *A requested amendment to the text of the zoning ordinance or comprehensive plan would call for a legislative-type hearing, the purpose of which is to obtain public input primarily on matters of policy. A legislative amendment may be initiated by the City Council, the Planning Commission or by the Citizens' Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment.*
- B. *An application that is site specific (such as a zone change or annexation request) would call for a quasi-judicial hearing. The decisions made as a result of such hearings must be based upon testimony submitted and supported by Findings of Fact. An amendment that is site specific may be initiated by the City Council, the Planning Commission, the Citizens' Advisory Committee or by application of the property owner.*

**FINDING:** An amendment to the comprehensive plan is a legislative hearing process. The *Three Mile Lane Area Plan* was initiated by a Citizens' Advisory Committee.

##### 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*
    - d. *Application with Director's decision for which a public hearing is requested.*
  2. *Tentative Subdivisions (up to 10 lots)*

**FINDING:** Per Section 17.72.095(A)(1)(a), a neighborhood meeting was not required.

##### 17.72.120 Applications – Public Hearings.

*The Planning Commission shall hold at least one public hearing on the following land use applications.*

- *Annexation*
- *Appeal of a Planning Director's Decision*
- *Application with Director's decision for which a public hearing is requested*
- *Comprehensive Plan Map Amendment*
- *Comprehensive Plan Text Amendment*



- *Conditional Use Permit*
- *Demolition of National Register of Historic Places Structure (Public hearing held by the Historic Landmarks Committee)*
- *Planned Development*
- *Planned Development Amendment*
- *Tentative Subdivision (more than 10 lots)*
- *Urban Growth Boundary Amendment*
- *Variance*
- *Zone Change*
- *Zoning Ordinance Text Amendment*
- *Any application listed in Section 17.72.110 for which a public hearing is requested.*
- *requested.*

*The above applications are subject to the following submittal, notice, and hearing requirements:*

- A. *Applications must be filed not less than 35 (thirty-five) days prior to the date of the public hearing. Applications other than those involving text amendments or other legislative matters shall be reviewed for completeness as outlined above in Section 17.72.040.*
- B. *The Director shall send a copy of the proposal to any agency or City department identified by the Director as having interest in the proposal including those agencies and departments responsible for determining compliance with state and federal requirements. The notified agency may provide written comment regarding the proposal.*
- C. *An application to amend the comprehensive plan map, zoning ordinance text, comprehensive plan text or other application requiring notice to the Department of Land Conservation (DLCD) and Development Commission as a "post acknowledgment plan amendment" shall be submitted to the Planning Department a minimum of 55 (fifty-five) days prior to the date of the public hearing so that notice of the application can be provided to the DLCD.*
- D. *Notice of the public hearing shall be published in a newspaper of general circulation in the City, not less than five (5) days nor more than 15 (fifteen) days prior to the date of the public hearing.*
- E. *Written notice of a variance request shall be mailed to the applicant and all property owners within 100 feet of the exterior boundary of the subject property, and within 200 feet of the exterior boundary of the subject property for an application for a conditional use permit not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.*
- F. *Written notice of a request for applications other than those involving text amendments or other legislative matters shall be mailed to the applicant and all property owners within 300 feet of the exterior boundary of the subject property, not fewer than 20 (twenty) nor more than 30 (thirty) days prior to the date of the public hearing.*
- G. *Written notice of an application to change a zone for all or part of a mobile home park shall be provided for the tenants of a mobile home park at least 20 (twenty) days but not more than 40 (forty) days before the date of the first public hearing on the applications.*

**FINDING:**

- The proposal was sent to a list of interested partner agencies as described in Section 3.0 of this decision document.
- Notice was provided in advance of the initial evidentiary public hearing (Planning Commission December 16, 2021) to the Department of Land Conservation and Development.
- Notice of the Planning Commission public hearing and the City Council public hearing was published in the News Register not less than five days nor more than 15 days prior to the public hearing date
- Written notice of the initial public hearing with the Planning Commission (December 16, 2021) was provided to all property owners within the study area and within 500 feet of the study area.
- Written notice of the July 26, 2022 continued public hearing at the City Council was provided to all mailing addresses within the city limits.

17.72.130 Public Hearing Process.

*Public hearings shall be conducted as per requirements of McMinnville Ordinance No. 3682, as amended;*

- A. *A staff report shall be submitted to the review body, and shall be made available to the public at least seven (7) days before the date of the public hearing. Any public hearing may be continued to a specific date, time and location by oral announcement of that specific date, time, and location prior to the hearing being recessed. This announcement is sufficient notice to all applicants, adverse parties, and interested persons, and no further notice is required.*
- B. *Legislative hearings: Within 45 days following the public hearing on a comprehensive plan text amendment or other legislative matter, unless a continuance is announced, the Planning Commission shall render a decision which shall recommend either that the amendment be approved, denied, or modified:*
  1. *Upon reaching a decision the Planning Commission shall transmit to the City Council a copy of the proposed amendment, the minutes of the public hearing, the decision of the Planning Commission, and any other materials deemed necessary for a decision by the City Council;*
  2. *Upon receipt of the decision of the Planning Commission, the City Council shall:*
    - a. *Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or*
    - b. *Adopt an ordinance effecting the proposed change in an amended form, or*
    - c. *Refuse to adopt the amendment through a vote to deny, or*
    - d. *Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.120(D).*

**FINDING:** Both the public hearing at the Planning Commission and at the City Council was conducted per McMinnville Ordinance No. 3682 as amended. A staff report was provided 7 days in advance of the public hearing, and all continuances were announced with specific dates, times and locations prior to the public hearing being recessed.

The Planning Commission voted on a recommendation to the McMinnville City Council (March 17, 2022) 28 days after closing the public hearing (February 17, 2022).

Upon receipt of the Planning Commission recommendation, the City Council called for a public hearing on the proposal for May 10, 2022 and noticed the public hearing appropriately.

**5.4.6 Chapter 17.74, Review Criteria**17.74.010 Purpose.

*The purpose of this chapter is to provide the approval criteria for the following applications:*

- *Comprehensive Plan Map Amendment*
- *Conditional Use Permit*
- *Planned Development Amendment*
- *Variance-Administrative*
- *Variance*
- *Zone Change (Planned Development)*

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. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**FINDING:** Chapter 17.74 does not apply as Docket G 7-21 is not a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, Variance – Administrative, or Variance. The *Three Mile Lane Area Plan* does identify future implementation steps that include Comprehensive Plan Map amendments, Zone Changes, and Planned Development Amendments that will need to meet the criteria of this chapter of the McMinnville Municipal Code.