

## ORDINANCE NO. 5023

### **AN ORDINANCE AMENDING THE MCMINNVILLE ZONING ORDINANCE SPECIFIC TO SECTION 17.53.101(L) LAND DIVISION STANDARDS – STREET GRADES AND CURVES) TO ALLOW LOCAL STREET GRADES UP TO AND INCLUDING FIFTEEN (15) PERCENT.**

#### RECITALS:

In recent years, local development has encountered challenges to subdivision design (e.g., street grade, street orientation, lot configuration) in the McMinnville West Hills area due to the existence of numerous steep slopes and associated ravines traversing the hillside often at discordant angles. As urban development continues to move into more geographically challenging areas, increasing the allowable street grade for local streets may help to further efficient development supportive of greater densities and help provide additional residential housing opportunities for area residents; and

In concert with the McMinnville Engineering Department and Fire Department, staff drafted proposed amendments (G 2-17) to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.53.101(L) (Land Division Standards – Street Grades and Curves) for consideration by the McMinnville Planning Commission and the McMinnville City Council; and

A Planning Commission work session on this matter was held on April 20, 2017. The first public hearing before the McMinnville Planning Commission was held on May 18, 2017, after due notice had been provided in the local newspaper on Tuesday, May 9, 2017. At the May 18, 2017, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission closed the public hearing, deliberated and, and voted unanimously to recommend approval of G 2-17 to the City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan text amendment criteria listed in Section 17.72.020 of the McMinnville Zoning Ordinance based on the material submitted and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

#### **NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts the Findings of Fact, Conclusionary Findings and Decision as documented in Exhibit A for G 2-17; and
2. That Chapter 17.53.101 (Streets) – (L) Grades and curves, is amended as provided below. Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font. The specific adopted amendments are as follows:

Chapter 17.53.101 (Streets) – (L) Grades and curves

Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street **except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:**

1. **A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.**
2. **Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).**

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept ~~steeper grades and~~ sharper curves.”

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 13<sup>th</sup> day of June 2017, by the following votes:

Ayes: \_\_\_\_\_

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

\_\_\_\_\_

MAYOR

Attest:

Approved as to form:

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
CITY ATTORNEY



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
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**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.53 (LAND DIVISION STANDARDS) OF THE MCMINNVILLE ZONING ORDINANCE.**

**DOCKET:** G 2-17

**REQUEST:** The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions related to street grade limitations and requirements.

**LOCATION:** N/A

**ZONING:** N/A

**APPLICANT:** City of McMinnville

**STAFF:** Ron Pomeroy, Principal Planner

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** May 18, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**DECISION MAKING BODY:** McMinnville City Council

**DATE & TIME:** June 13, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Engineering Department, McMinnville Fire Department, McMinnville Building Department, and McMinnville Public Works Department. No comments in opposition have been received.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 2-17) to the McMinnville City Council.

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**DECISION: APPROVAL**  
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City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

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

Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

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

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

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

## Application Summary:

The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions related to maximum street grade of non-arterial and non-collector streets.

The maximum street grade allowed for construction of local streets (non arterial and non collector streets) is currently limited by Section 17.53.101(L) of the McMinnville Zoning Ordinance to a grade not to exceed 12 (twelve) percent. While the Planning Commission is provided the ability to approve steeper grades where existing conditions, particularly topography, make it otherwise impractical to create buildable lots, this action requires approval of a Variance or Planned Development application and is somewhat costly for the applicant in time and treasury.

In recent years, local development has encountered challenges to subdivision design (e.g., street grade, street orientation, lot configuration) in the McMinnville West Hills area due to the existence of numerous steep slopes and associated ravines traversing the hillside often at discordant angles. As urban development continues to move into more geographically challenging areas, increasing the allowable street grade for local streets may help to further efficient development supportive of greater densities and help provide additional residential housing opportunities for area residents.

In concert with the McMinnville Engineering Department and Fire Department, staff has drafted the following proposed amendments to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.53.101(L) (Land Division Standards – Grades and Curves) for consideration by the McMinnville Planning Commission and the McMinnville City Council.

The main topics that are proposed to be amended relate to street grade, length of steep street section, and residential fire suppression and are as follows:

Chapter 17.53.101 (Streets) – (L) Grades and curves, showing proposed amendments and deletions of existing text, are provided below. Text proposed to be added is shown in **bold underlined** font while text proposed to be removed is shown in ~~strikeout~~ font. The specific amendments that are being proposed are as follows:

“Chapter 17.53.101 (Streets) – (L) Grades and curves.

Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street **except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:**

3. **A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.**
4. **Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).**

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept ~~steeper grades and~~ sharper curves”

### **CONDITIONS OF APPROVAL**

None.

### **ATTACHMENTS**

Public Notices (*on file*)

Public Comments (*on file*)

Planning Commission Meeting Minutes, May 18, 2017 (*on file*)

### **COMMENTS**

This matter was referred to the following public agencies for comment: McMinnville Engineering Department, McMinnville Fire Department, McMinnville Building Department, and McMinnville Public Works Department. No comments in opposition have been received.

### **FINDINGS OF FACT**

1. The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions related to allowable street grade for non-arterial and non-collector streets.
2. The maximum street grade allowed for construction of local streets (non arterial and non collector streets) is currently limited by Section 17.53.101(L) of the McMinnville Zoning Ordinance to a grade not to exceed 12 (twelve) percent. While the Planning Commission is provided the ability to approve steeper grades where existing conditions, particularly topography, make it otherwise impractical to create buildable lots, this action requires approval of a Variance or Planned Development application and is somewhat costly for the applicant in time and treasury.

In concert with the McMinnville Engineering Department and Fire Department, staff has drafted the following proposed amendments to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.53.101(L) (Land Division Standards – Grades and Curves) for consideration by the McMinnville Planning Commission and the McMinnville City Council.

3. This matter was referred to the following public agencies for comment: McMinnville Engineering Department, McMinnville Fire Department, McMinnville Building Department, and McMinnville Public Works Department. No comments in opposition have been received.
4. Public notification of the public hearing held by the Planning Commission was published in the May 9, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

## **CONCLUSIONARY FINDINGS**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

*Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*

*Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:*

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*
- 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

*Policy 123.00 The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the property development and maintenance of the road network within the urban growth boundary.*

**Finding:** Goal VI 1 and Policies 117.00, 118.00, and 123.00 are satisfied by this proposal in that in that the proposed modifications would allow and enable the safe provision or access to each residential lot approved through land use reviews. The proposed modifications to local streets are designed in a manner to work with existing topography and reduce the amount of cut and fill that would otherwise need to occur to establish a street network in such affected areas while maintaining public safety and maintenance standards. Approval of these modifications will support a continued implementation of Complete Streets networks and designs by supporting additional opportunities for residential street connectivity. Additionally, these proposed modifications were developed in cooperation with the City of McMinnville Engineering and Fire Departments.

*Policy 132.31.00 The City of McMinnville shall make the design, construction, and operation of a safe transportation system for all modes of travel a high priority.*

*Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation*

system.

*Policy 132.33.00 The McMinnville transportation system shall be designed with consideration of the needs of persons with disabilities by meeting the requirements set forth in the Americans with Disabilities Act (ADA).*

*Policy 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:*

- 1. Pedestrian circulation;*
- 2. Enhancement of emergency vehicle access;*
- 3. Reduction of emergency vehicle response times;*
- 4. Reduction of speeds in neighborhoods; and,*
- 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.*

*Policy 132.52.00 Compliance with ADA Standards – The City shall comply with the requirements set forth in the Americans with Disabilities Act regarding the location and design of sidewalks and pedestrian facilities with the City’s right-of-way.*

*Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

*Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

Finding: Policies 132.31.00, 132.32.00, 132.33.00, 132.41.00, 132.52.00, 153.00, and 155.00 are satisfied by this proposal in that in that the proposed modifications would ensure the operation of a safe transportation system for all modes of travel by, in part, supporting the rapid movement of fire, medical, and police vehicles through McMinnville’s residential neighborhoods. Additionally, the proposed modifications allow for coordination with the national Public Right of Way Accessibility Standards (PROWAG) utilized by the McMinnville Engineering Department ensuring compliance with applicable Americans With Disabilities Act (ADA) requirements for street and intersection construction. These amendments, drafted with the assistance with the McMinnville Engineering and Fire Departments, would enhance the accessibility and operation of emergency vehicles to developed residential land in topographically challenging areas.

**GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertized public hearing(s). All members of the public have



access to provide testimony and ask questions during the public review and hearing process.

5. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

General Provisions:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

RP:sjs