



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

## STAFF REPORT

**DATE:** June 13, 2017  
**TO:** Mayor and City Councilors  
**FROM:** Ron Pomeroy, Principal Planner  
**SUBJECT:** **Ordinance No. 5023 – G 2-17** (Zoning Ordinance Text Amendment to amend Chapter 17.53.101(L) (Land Division Standards – Street Grades and Curves))

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### **Council Goal:**

Promote Sustainable Growth and Development

### **Report in Brief:**

This is the consideration of Ordinance No. 5023 (attached to this Staff Report), an ordinance amending Chapter 17.53.101(L) of the McMinnville Zoning Ordinance, (Land Division Standards – Street Grades and Curves) to allow local street grades up to and including fifteen (15) percent grades.

On May 18, 2017, the McMinnville Planning Commission voted to recommend to the McMinnville City Council that they approve the proposed McMinnville Zoning Ordinance Text Amendment.

Exhibit A of Ordinance No. 5023 contains the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings.

### **Background:**

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.

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. Currently 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. And due to the safety implications of street grades for emergency responders, the City felt it was more appropriate to establish a maximum threshold for street grades.

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### *Attachments:*

*Ordinance No. 5023 including Exhibit A – G 2-17 Decision Document*

*Attachment 1: Table of Maximum Street Grades in Oregon*

*Attachment 2: Public Notices*

*Attachment 3: Public Testimony Received*

*Attachment 4: Draft Planning Commission Meeting Minutes, May 18, 2017*

Staff researched what other municipalities did in terms of street grades and worked with local partners, including the McMinnville Fire Department and Engineering to draft a code that the City feels is safe and allows development to occur in the West Hills. (Please see Attachment 1 of this staff report).

Through these discussions, and some informal positive vetting with a local developer currently challenged with this limitation, staff is proposing amendments to a specific element of the Land Division Standards chapter of the McMinnville Zoning Ordinance. The proposed amendments address three areas: 1) street grade; 2) length of the steep street section; and, 3) residential fire suppression and are summarized below.

### 1) Street Grade

The City of Tigard has years of experience in allowing steep street residential development in numerous hillside areas; perhaps most notably in the Bull Mountain area located near the City's southern edge and west of Highway 99W. McMinnville Planning staff contacted the Tigard Engineering Department and discusses their City's allowance for the development of steeper streets. They indicated that some streets with up to an 18 percent grade have been locally permitted although this circumstance is not desirable from the engineering or fire safety perspective and not common. Rather, construction of local residential streets with grades up to 15 (fifteen) percent are permitted as a city standard as found in Tigard's development ordinance (Section 18.810.030(N)).

McMinnville Planning staff shared this information with the McMinnville Fire Department and found a commonality in that the McMinnville Fire Department also allows for street grades of up to 15 (fifteen) percent for construction in rural areas. There are also other provisions that apply to the often uneven and gravel based rural roads that are not applicable to paved streets constructed to urban standards located within the city limits. The McMinnville Fire Department concurs with and supports an amendment to allow local residential streets to be constructed with grades up to and including 15 (fifteen) percent with provisions noted below.

The Planning Department also recently discussed the possibility of this amendment with a developer currently facing this type of design challenge. In those discussions the developer, and their associated engineers, voiced great support for adoption of an amendment to increase the local residential street grade limitation from 12 (twelve) to 15 (fifteen) percent. Such an amendment would allow for additional flexibility in the design of the local street network and may result in the creation of additional residential building lots rather than the result of potentially oversized lots due to accessibility constraints.

### 2) Length of Steep Street Section

In considering adoption a standard to allow local streets of steeper grades, consideration of the practical movement and operation of Fire Department apparatus along those grades is critical. Increased grades place additional strain on the heavier Fire Department vehicles and can have the effect of decreasing speed of reaching their emergency destination. Shorter lengths of steeper grades can be more easily accommodated by these vehicles as the flatter intersections or sections of shallower grade act as "refuges" allowing the heavier vehicles to regain momentum. In rural areas, the McMinnville Fire Department allows street lengths with grades of 15 (fifteen) percent to be no more than 200 feet in length to help mitigate the grade effect on speed described above. In urban areas, it is recommended that the 200 foot maximum length for street lengths with grades of 15 (fifteen) percent also be adopted. This maximum street section length exhibiting an increased grade is based on Fire

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Department operational constraints. In particular, operation of the fire engine's pumps while the engine is parked on grades exceeding 12 (twelve) percent can cause increased load on the pumps potentially leading to equipment failure. Additionally, having "refuges" of shallower street grade spaced no more than 200 feet apart allows an operationally safer angle on which to park the engine and operate the pumping system. As seen in the recommended code amendments below, these "refuges" would be a minimum of 75-feet in length and may often be found to occur at street intersections which are already locally constructed to national recommended Public Rights-of-Way Accessibility Guidelines (PROWAG) allowing a maximum five (5) percent slope. This also allows the Fire Department to pull hoses feet in any direction to reach all properties.

### 3) Residential Fire Suppression

For residences where access would be provided by streets with grades exceeding the City's historic standard of 12 (twelve) percent, additional street design standards and fire safety measures are recommended. This is to help provide an extra measure of safety not only for the individual residence that may be at risk, but also for additional adjacent or nearby residences that could easily be affected should there be an occurrence of a large residential fire. In response to that concern, it is recommended not only by the McMinnville Fire Department and the McMinnville Building Official, but is also becoming an industry standard, that residences that can only be reasonably reached by travel along a street with a grade exceeding 12 (twelve) percent must be provided with a residential fire suppression sprinkler system prior to the issuance of the final occupancy for the residence.

A draft version of 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:

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"

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*Attachments:*

*Ordinance No. 5023 including Exhibit A – G 2-17 Decision Document*

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**Discussion:**

The Planning Commission received both written and oral testimony in support and opposition to this legislative text amendment.

Supportive testimony focused on the following elements:

- Reasonable accommodations
- Opens up development in the West Hills and helps to preserve land better suited for farming.

Oppositional testimony focused on the following elements:

- Concern about the grade of the streets relative to safety (fire apparatus capacity, skateboarders, vehicular speeds)
- Concern about the ability for fire apparatus and school buses to navigate the street grade.
- Concern about whether or not all homes over a 12% street grade need to be sprinklered even if the home is built on one of the flat plateaus.

Representatives from McMinnville Fire and McMinnville Engineering were available to address the questions and concerns.

All written public testimony received by the Planning Commission is provided as Attachment 3 to this staff report. And Attachment 4 is the draft Planning Commission meeting minutes summarizing the oral testimony of the public hearing.

**Fiscal Impact:**

There is no anticipated fiscal impact to the City of McMinnville with this decision.

**Council Options:**

1. **ADOPT** Ordinance No. 5023, approving G 2-17 and adopting the Decision, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5023.

**Recommendation/Suggested Motion:**

Staff recommends that the Council adopt Ordinance No. 5023 which would approve the application for a planned development amendment as the proposal meets the policies of the McMinnville Comprehensive Plan and the criteria of the McMinnville Zoning Ordinance.

**“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5023.”**

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**Attachments:**

Ordinance No. 5023 including Exhibit A – G 2-17 Decision Document

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Attachment 4: Draft Planning Commission Meeting Minutes, May 18, 2017

## 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  
231 NE FIFTH STREET  
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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

**EXAMPLE STREET GRADE POLICIES - Residential Streets**

Jurisdiction/Reference	Max Grade	Max Street Grade Policy
AASHTO*	15%	Grades for local residential streets should be as level as practical, consistent with the surrounding terrain. Grades for local residential streets should be less than 15%.
City of Beaverton	15%	Maximum street gradients shall be fifteen (15) percent for local streets and neighborhood routes....Grades in excess of fifteen (15) percent must be approved by the City Traffic Engineer on an individual basis
City of Canby	15%	Maximum street gradients shall be fifteen (15) percent for collector, and local streets....Grades in excess of the standards must be approved by the City Administrator...
City of Eugene	20%	New street grades in excess of 20% are prohibited. Maximum grade of 15% with up to 200' lengths of grade up to 20% is allowed.
City of Portland	22%	Grades for newly platted local service streets, whether public or private....shall not exceed 18%. Where designs limiting the grade to 18% are impractical, maximum grades up to 22% will be approved when the Fire Chief finds conditions offered by the developer will reduce the risks associated with potential delayed response.
City of Gresham	15%	Local streets may exceed 12%, but in no case permitted to exceed 15%. The Engineer may approve a grade greater than 12%...
City of Silverton	15%	Street other than arterials and collectors shall be 12%, except that 15% grades, not exceeding 200' and not at intersections, are allowed.
City of Tigard	15%	Grade shall not exceed 12% on local or residential access streets, except that those streets may have segments with grades up to 15% for distances of no greater than 250 feet.
City of West Linn	15%	Maximum grades for neighborhood route / local / cul-de-sac streets shall be 15%, except as approved by the City Engineer.

\* AASHTO: American Association of State Highway and Transportation Officials (AASHTO) - *A Policy on Geometric Design of Highways and Streets, 6th Edition, 2011*: The intent of this reference is to provide guidance to the designer by referencing a recommended range of values.

NOTICE

Planning Commission

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 18<sup>th</sup> day of May, 2017, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, relating to the following matter:

**MODIFICATION OF AN EXISTING PLANNED DEVELOPMENT –  
WEST HILLS PROPERTIES, LLC**

DOCKET NUMBER: ZC 6-17

West Hills Properties, LLC, is requesting approval to amend Planned Development Ordinance No. 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also requested is approval to amend an approved residential subdivision and phasing plan on approximately 132 acres of land. The subject site is located north of West Second Street, west of NW Mt. Mazama Street and south of NW Fox Ridge Road and is more specifically described as Tax Lot 801, Section 24, T. 4 S., R. 5 W., W.M.

**AMENDMENTS TO THE McMINNVILLE ZONING ORDINANCE**

DOCKET NUMBER: G 2-17

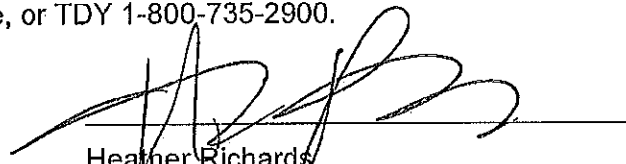
The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions to allow local street grades up to and including fifteen (15) percent.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE Fifth Street, McMinnville, Oregon, during working hours, and on the City of McMinnville website at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

For additional information please contact the Planning Department at the above address or by phone at (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.



Heather Richards  
Planning Director

**Publish in the Tuesday, May 9, 2017, News Register**

**ZONING TEXT AMENDMENT (G 2-17)  
 PLANNING COMMISSION PUBLIC HEARING (MAY 18, 2017) ITEM C  
 NEIGHBORHOOD SUBMISSION TO PUBLIC RECORD**

Steep Street Zoning Text Amendments

The proposed revision of City Code for road gradients allows for up to 15% gradients. This should not be accepted for the following reasons:

- 1) Increases speed through residential area with accompanying car accidents
- 2) Increased legal risk to town due to skateboard injuries; creates "Attractive Nuisance"

1) Increased speed through residential area with accompanying car accidents

Experience with the road gradient along the existing NW Horizon Drive provides ample reason to hold to the existing code limit of 10% for collector roads and 12% for residential streets.

A survey of roadway gradients along NW Horizon Drive revealed a two-block stretch between the intersection of NW Horizon Drive and Mt. Bachelor (near the top of the current hill) and 2571 NW Horizon Drive (below the intersection with Hillcrest Street) where the gradient averages around 10%, but has a couple of stretches that exceed that value to as high as 12.5%. Details are provided in Appendix A.

Many drivers start at the top of the hill at the intersection with Mt. Mazama, accelerating down the hill. Their acceleration is due to both the road gradient and the natural use of vehicle accelerators. Many do not apply brakes. Speeds estimated to be around 35 mph are achieved by the intersection with NW Morningview Court and 40 mph at the intersection with Mt. Jefferson Way, a block further down. The intersection of NW Horizon Drive and Mt. Jefferson Way is where the road gradient notably eases to less than 2% as it continues east toward Hill Road. Nonetheless, inattentive drivers (there are many) might continue to accelerate to the intersection with NW Wintergreen before finally slowing toward the stop at Hill Road.

Note that the existing NW Horizon Drive uses a meandering course, very similar to the roads proposed in the Hillcrest Development. Visibilities are impacted by both the road curves and the road gradient. One cannot see from the top of NW Horizon Drive to the intersection with NW Hillcrest Street, let alone down to the easing of the slope at Mt. Jefferson Way. It is a wonder we have not had more accidents along this stretch of Horizon Drive. It already leads to high caution by Horizon Drive residents as they back out onto the street when exiting their garages. We have seen multiple near-misses.

2) Increased legal risk to town due to skateboard/bicycle injuries creates; "Attractive Nuisance"

Another activity takes place on this stretch of NW Horizon Drive. Skateboarders rate this slope as one of the top skateboard slopes in Yamhill County. There apparently is either a webpage or Facebook page that rates road slopes around the County. This attracts skateboarders and other gravity device users such as bicycles to test the NW Horizon Street hill. We have observed both minor and at least one major spill by skateboarders. The major spill resulted in hospitalization. We have observed skateboarders being pulled with a rope back up the hill by automobiles. although City Police have been notified on a number of occasions, this falls low in their priority list. It remains a traffic hazard.



Hence, skateboarders are already drawn to the area of NW Horizon Street due to the existing steep slopes beyond planning code as well as internet postings and word of mouth. A number of them have already been injured including trips to the hospital. Building more "skating" slopes with over 10% grade just a few blocks away increases litigation risks that the town should have known better from its learning's on Horizon Drive and not allowed further steep slope construction to create a new and potentially dangerous "Attractive Nuisance" for youth. In speaking with one injured youth to ask if he needed a ride home he indicated that was not possible since he rode the bus down from Portland to skate Horizon Drive, because comments suggest it is the "best hill" in the whole area.

#### SUMMARY

Using road gradients of 15% as a normal matter of development should be rejected. Any code change to allow this should require methods to control speed (speed bumps?) and grade/distance limits to reduce attractiveness of hilly road to skating and bicycle activity.

William A. Decker, LTC USA Ret, Retired NASA Research Engineer  
2474 NW Horizon Drive  
McMinnville, OR 97128

## APPENDIX A ROAD GRADIENT SURVEY ON HORIZON DRIVE

To help place the proposed 15% road gradient into perspective, a survey of grades on the existing NW Horizon Drive was made. The measurement device used was a digital level, sold by MicroMark and others. This particular device is only 2 inches square, so some local measurement error can be expected. Nonetheless, the measurements are representative and serve to visualize the impact of the proposed grades in the new development.

The survey was conducted working eastbound (downhill) from the middle of the intersection of NW Horizon Drive and NW Mt. Mazama. Gradient measurements were made in roughly the center of the reference address lots. The street name references are for the middle of the intersection.

Table 1. NW Horizon Drive Gradient Survey

NW Horizon Dr. Address	Gradient percent
Mt. Mazama	4.0 %
2663	7.3%
Mt. Bachelor	10.0%
2615	12.5%
2585	9.3%
2571	11.0%
2542	3.75%
2513	6.4%
2474	7.25%
2448	5.6%
Mt. Jefferson Way	1.75%

The measured gradients confirm the visual impression of NW Horizon Drive. It begins with a very steep gradient at or exceeding the 10 % gradient specified in City Code. This steep section extends more than two blocks. There is a brief section of relief, followed by another moderately steep (7.25%) section before becoming gentler by the point NW Horizon Drive reaches the Mt. Jefferson Way intersection.

William A. Decker  
2474 NW Horizon Drive  
McMinnville, OR 97128

May 13, 2017

**C. Zoning Text Amendment (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 to allow local street grades up to and including fifteen (15) percent.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Planning Director Richards gave the staff report. These were proposed modifications to the residential street grade standards. The Commission would be making a recommendation to the City Council. In recent years there had been more residential development occurring in the west hills. In the process of examining where the City could grow, it was decided that McMinnville's growth would happen on the western side of the City in the hills area because the area was not good for crop growing. As they were continuing to expand in to the hills, there were constraints in terms of development because they were no longer building on flat lands. Because of the steeper slopes, steeper streets were being created. Currently the zoning ordinance limited street grades to 6% on arterials, 10% on collectors, and 12% on any other streets. It also stated where existing conditions, particularly topography, made it otherwise impractical to provide buildable lots, the Planning Commission could accept steeper grades and sharper curves. Staff thought it would be good to put some parameters on these exceptions.

Planning Director Richards explained that staff had talked to other communities to see what they were doing in terms of steep street grades. It was not unusual for cities to have a 15% or more grade. They also discussed this with partners such as the Fire Department and Engineering Department. Some of the considerations from the Fire Department were fire engines could safely navigate 15% grades in most weather situations, the engines could provide service to grades up to 12% without risking damage to their pumping systems but above the 12% it put undue stress on the pumping systems, fire hoses could be pulled a distance of just over 100 feet, and consequently any street section between 12% and 15% grade could be no longer than 200 feet in length, a street section less than 12% grade must be provided between steeper sections to enable safety equipment operations, and a refuge area less than 12% grade was needed and it needed to be at least 75 feet in length. Staff also talked to the Building Department about what needed to be considered for homes built above 12% grade. They recommended requiring fire sprinkling in homes above 12% grade. The Engineering Department recommended accessibility guidelines for how people navigated intersections, and it was recommended they were not to exceed 5%.

Planning Director Richards explained that public testimony had been received which expressed concerns about how steep streets increased vehicular speeding and attracted skateboarding which were liabilities to the community. Staff recommended language be added to this chapter of the zoning ordinance that said grades would not exceed 6% on arterials, 10% on collectors, or 12% on any other streets with the exception that any local street grade exceeding 12% shall be reviewed for approval by the Fire Code Official during a land use application review process. When a local residential street was approved to exceed 12%, the following shall be required: a maximum of 200 feet of roadway length may be allowed with a grade between 12% and 15% for any one section, the roadway

grade must reduce to no more than 12% for a minimum of 75 linear feet of roadway length between each section for firefighting operations, fire sprinklers shall be installed in all residential and commercial structures that accessed a road constructed at a grade higher than 12%, and the approval of the fire sprinklers shall be accomplished in accordance with the provisions in the Oregon Revised Statutes. Staff recommended deleting the language that gave the Commission the discretion to increase the grade in land use applications as other partners were comfortable with what the maximum standards were. Staff recommended the Commission recommend approval of these changes to the City Council.

William Decker, McMinnville resident, said staff had done a good job of answering the question of could they go to higher grades than what was in the City code. The real question was should they, and he thought the answer was no. This was based on the current conditions on Horizon Street. He conducted a survey on Horizon, which was a collector street that went above the 10% that it should have been limited to. The neighbors on Horizon experienced traffic that routinely was speeding on the hill. Skateboarders were attracted to the hill as well. There was a website that rated skateboard hills in Yamhill County and this one was in the top ten. There had been many skateboard accidents. It put the City at risk and the homeowners did not appreciate it either.

Robert Galati, McMinnville resident, said the amendment to the grade was consistent with what other cities did. However, the language regarding what the limits were was somewhat ill-defined. He asked where the maximum of 15% and 200 feet were measured from: the point of vertical curvature, beginning or ending point of a vertical curve, point of intersection on a vertical curve, or the point of a vertical curve where the grade going downhill began to exceed 12%? If they had a 200 foot vertical curve, the portion that exceeded 12% could take up 25 or 35 feet of the overall length. If they began the assessment of grade at the end point, and said 200 feet from the end point of the vertical curve, they were really saying they were 225 or 235 feet in length. They needed to clearly identify the impacts of vertical curvature, both crest and sag curves. He thought it would be beneficial if the actual length would be the portion of the road that exceeded the 12%, not on a straight grade but including vertical curvature.

Brad Bassitt, McMinnville resident, asked why homes that had access by a grade greater than 12% needed sprinklers.

Fire Marshal Debbie McDermott answered that Oregon statutes said this was an alternative to allow steeper streets to be built. Commissioner Geary said they were assuming there would be a delayed response from the Fire Department to get there and in inclement weather they might not be able to get there at all.

Mr. Bassitt said he lived on a very flat street and nothing stopped people from speeding. People sped on flat land just as much as sloped land. They should not be limiting what could be built on just because of speeding.

Vickie Gross, McMinnville resident, concurred with Mr. Decker's comments regarding skateboarders. They were on Mt. Mazama Street as well. She had observed skateboards going from the top of the hill at Horizon Drive and Mt. Mazama continuing all the way down Mazama and crossing 2<sup>nd</sup> Street without regard for the stop sign. They also came down

the hill and made a left turn onto Mt. Hood and the visibility for skateboarders was not good on Mt. Hood. They were not using sidewalks, but were using the thoroughfares. She also observed school buses as they had attempted to climb up Mt. Mazama every morning with groaning and grating of the buses. The School District was not consulted in this process. They had a lot of hills that bicyclists used for training. There was a problem with the stop sign on Mt. Mazama and 2<sup>nd</sup> Street. The bike lane ended at that corner and the traffic continued on 2<sup>nd</sup> Street as a merged area. The bicyclists that flew down the hills were entering the access points at a higher speed and made it difficult for traffic to observe them.

Howard Aster, McMinnville resident, was in favor of these changes. He had been building homes in McMinnville since 1981. Most of the homes were on flat lots, but as the City grew to the west it was hillier land. This was a good time for the City to pass these amendments as it would help developers build better and safer neighborhoods. Most of the hilly land was poor quality for agriculture which meant that less good quality farmland would be used to build houses on.

Nick Scarla, McMinnville resident, said the land they had to build on would create steep streets. People were speeding on Baker Creek, which was flat. The speeding issue was not relevant. There were skateboarders and bicyclists who would seek out steep streets, and he did not think they should stop a subdivision from coming in because of it. He asked regarding the fire sprinklers, did other cities, like Tigard, require fire sprinklers?

Fire Marshal McDermott said yes, other cities required them over a certain percentage of slope. Other communities had a much larger fire service and the operation needs would not be at the same level. They had to look at the City's operational abilities as well as what their engine manufacturer specs allowed. Those specs stated the steepest maximum the engines could operate was 12%.

Mr. Scarla was not opposed to fire sprinklers, but it might be an issue with affordable housing. The more things that had to be added to a house, the more they lost affordability.

John Dan, McMinnville resident, was in favor of the amendments. He doubted that in inclement weather a fire engine could get up a 10% or 12% grade. Was it due to response time that the fire sprinklers were being required?

Fire Marshal McDermott stated that this winter the fire engines did get stuck due to snow and ice. These conditions and steeper streets were new. They were looking at how to provide the best possible response and ensure people's homes were safe. It would be a slower deployment and the fire sprinklers would help save homes and the people in them.

Mr. Dan asked if it would make more sense to limit the sprinkler requirement to homes that were built on a grade that was steeper than 12% rather than homes that were accessed by a grade steeper than 12%. There might be homes on a flat street that were accessed by a road that was 13% grade and they were required to have sprinklers when it did not seem like it would take much more time to deploy there.

Mike Ard was a professional transportation engineer with 20 years of practice in the field. Regarding the specificity of the tangent point of crest and sag vertical curves, he did not

think there was ambiguity in the way the Code was written. It stated that any slope in excess of 12% or between 12% and 15% needed to be no greater than 200 feet long. He thought it was a firm point of demarcation where the 200 foot limits existed. Regarding the sprinklers, he deferred to the Fire Department requirements for their apparatus. There was some ambiguity with saying anything accessed by a road greater than 12% required sprinklers. There were situations where there was a connected street network where a street would be in excess of 12% and an alternative path was available that was less than 12%. The language could be changed to say that if the primary point of access was off of a greater than 12% grade, they might be required to install fire sprinklers even though there was an alternative route available.

Fire Marshal McDermott said that could be clarified if it was any access point or the main access point or if there were alternatives. The straightest route would be the main access point.

Larry Snider, McMinnville resident, lived on Horizon Drive. There were speeders in the neighborhood. The important issue was safety. Someone driving on a flat road could stop a lot faster than someone driving on a 10% to 12% grade. It was not a safe situation. People tended to back out up the hill and then come down the hill. It was difficult to see the traffic when backing out, especially those going at high speed.

Cheryl Nangerom, McMinnville resident, also lived on Horizon Drive. She had some issues regarding the planned development nearby. She was concerned about the traffic coming out onto Horizon Drive down Mt. Mazama to 2<sup>nd</sup> and no changes were going to be made at the intersection of Hill Road and 2<sup>nd</sup> and Horizon Drive and no left turn signals were going to be installed because they thought the traffic would be handled by the streets. Right now 2<sup>nd</sup> and Hill Road was a problem as a four way stop. Limited intersections in this development and no extra access to a bigger collector would create more traffic problems because of the grade at the intersections.

Chair Hall thought that testimony was more relevant to the next public hearing.

Mark Davis, McMinnville resident, supported the proposed changes for the same reasons Mr. Aster stated.

Commissioner Geary asked if all of Horizon exceeded the maximum slope requirement. City Engineer Mike Bissett said the design grade on Horizon was 12%. He did not know what the Code requirements were at that time or if an exception was given for the slope at the time of development.

Chair Hall closed the public hearing.

Commissioner Schanche thought everything had been looked at carefully. Would the requests for grades greater than 12% come to the Planning Commission?

Planning Director Richards stated any local street grade exceeding 12% would be reviewed for approval by the Fire Code Official.

Commissioner Chroust-Masin was in favor of these amendments. They were running out of flat lands and had to go to the hills. New housing had to go somewhere and it would preserve agricultural land.

Commissioner Geary thought this was headed in the right direction to increase the ability to build out in the hills. However there were enough questions raised and items that needed to be discussed further and he preferred to send it back to staff to review and to make it a more robust document.

Commissioner Chroust-Masin was not opposed to bringing it back to the next meeting.

Commissioner Schanche asked what needed to be further investigated. Commissioner Geary said the issue of where to measure the grade needed to be addressed, they needed to explore the verbiage of alternative routes and the fire sprinkler requirement, and they needed to come up with creative solutions to Fire Department response time and ways to address safety for slopes above 12%.

Chair Hall said there were two types of safety issues that had been brought up, those involving the Fire Department and those involving speeding and skateboarding. They could not change human nature. Speed humps or mobile traffic control devices might be needed, but those issues should be dealt with separately and should not factor into whether or not they approved the amendments. They were trying to address the Fire Department and safety issues through these amendments. He did not think they needed to postpone the decision.

Commissioner Schanche agreed they did not need to postpone it. She thought it had been looked at thoroughly and was in support.

Commissioner Geary stated he was in favor overall, but given the testimony received that night, he thought more due diligence was needed on the issues that were raised.

Commissioner Butler thought a lot of good work had been done. She did not think it needed to be continued. She was in favor of moving forward.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the City of McMinnville, Commissioner Schanche MOVED to recommend to the City Council approval of G 2-17 and the zoning text amendments as recommended by staff. SECONDED by Commissioner Butler. The motion PASSED 4-1 with Commissioner Geary opposed.