



City of McMinnville
Planning Department
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MINUTES

September 17, 2020
Planning Commission
Regular Meeting

6:30 pm
Zoom Online Meeting
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Robert Banagay, Erin Butler, Susan Dirks, Gary Langenwaller, Roger Lizut, Beth Rankin, Lori Schanche and Ethan Downs – Youth Liaison

Members Absent:

Staff Present: Heather Richards – Planning Director, and Chuck Darnell – Senior Planner

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

Planning Director Richards introduced Ethan Downs the new Youth Liaison to the Planning Commission.

2. Approval of Minutes

- **May 21, 2020**

Commissioner Schanche noted two street names were spelled incorrectly on the first page of the minutes.

Commissioner Langenwaller moved to approve the May 21, 2020 meeting minutes as amended. The motion was seconded by Commissioner Dirks and passed 8-0.

3. Citizen Comments

None

4. Work Session:

- **HB 2001 – Missing Middle Housing Code Update**

Planning Director Richards gave a presentation on HB 2001. The bill required cities of certain sizes to allow “middle housing” in areas and properties that allowed for the development of detached single family dwellings. It included duplexes, triplexes, quadplexes, cottage clusters, and townhouses. Cities with a population over 25,000 shall allow the development of all middle housing types in areas zoned for residential use and a duplex on each lot or parcel zoned for residential use. In McMinnville, development of detached single family dwellings was allowed in R-1, R-2, R-3, R-4, and O-R. Cities were required to adopt land use regulations and

Comprehensive Plan amendments to address HB 2001 by June 30, 2022. There was a process to allow cities to identify infrastructure issues and request an extension to address issues. The extension requests were due by June 30, 2021. DLCD set up a rule making committee for HB 2001/2003 that had three separate subcommittees: Missing Middle Housing Code, Infrastructure Constraints, and Housing Production Strategy. The Rule Making Committee developed model codes for missing middle housing and proposed draft rules that cities needed to follow to implement HB 2001. There was a public hearing scheduled with LCDC for the Missing Middle OARs that were proposed for large cities on September 25. Staff had concerns about the parking standards. The proposed rule stated no more than one off-street parking space could be required per dwelling unit. The premise was that providing off-street parking was expensive and lead to less affordable housing, that to encourage reduction in greenhouse gas emissions they needed to discourage vehicle ownership, and that developers would do the right thing and respond to the marketplace. Additional needed parking would be provided with on-street parking availability. They assumed that missing middle housing equated to similar size as single dwelling units. McMinnville's current parking standards for multiple-family dwellings were one and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which was expressly reserved for senior or handicapped persons. The parking standards for single family and two-family dwellings were two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms. The concern was one size did not fit all and it should be a local decision. This was due to the following reasons: not all communities had reliable alternative modes of transportation to support employment, amenities, and school activities, developers did not always do the right thing and built to the minimum standards of the community, there was no empirical truth to the assumption that missing middle housing equated to the same size as a single dwelling unit, savings did not translate to the end user in a private market of more demand than supply, the City would need to amend the Comprehensive Plan to rely on on-street parking for residential parking needs, and fear of creating systemic inequality for lower-income households.

Planning Director Richards said another topic to be aware of was the language about master planned communities. They would need to get a legal opinion about whether or not it applied to planned developments in McMinnville. The concern was that developments like Baker Creek North that had recently been approved could be 280 lots of 4-plexes, which would quadruple the density in the neighborhood. The limitation was cities could not reduce density to lower than 15 units per acre. The Comprehensive Plan designations and density allocations needed to be changed to accommodate this. She expected it to be legally challenged. There was an opportunity to evaluate infrastructure for support of increased density in single family neighborhoods. There was a prescriptive process for review and approval of an extension if significant deficiency could be shown. McMinnville received \$100,000 to evaluate transportation, wastewater, water, and stormwater infrastructure systems. That work would begin soon in coordination with utility providers. If an extension was needed, the request must be submitted by June 30, 2021. Regarding ADUs, they could not regulate home ownership for the primary dwelling and could not require off-street parking. The City's code would need to be amended to accommodate the parking provisions and that work was planned to be part of the larger site and design review package.

- **Urban Growth Boundary Update**

Planning Director Richards said the City would be responding to the LCDC remand to the City of McMinnville for the MGMUP 2003-2023 which was first submitted in 2003 and modified in 2005. The LCDC remand was based on the Court of Appeals remand to LCDC. The Court's decision was that the City erred in its application of ORS 197.298 and that a correct application

of the law could compel a different result. That meant the City needed to determine the land needed, refine the study area, identify buildable land in the study area, apply ORS 197.298 land selection for locational analysis, and evaluate land per Goal 14 location factors. For determining the need, they would use the HNA and BLI in the public record for the remand which was for the 20 year planning horizon of 2003-2023. The population forecast in 2023 was 44,055 with 2.54 persons per household and number of new housing units was 6,014. The buildable land needed at that time was 1,125.8 acres, 1,019.8 acres of residential and 106 acres of commercial. The summary of need was: 1,189 housing units, 54 acres for public schools, 254 acres for public parks, 47.60 acres for religious, 27.50 acres for other, 106 acres for commercial, and there was a surplus of 46 acres of industrial. The overall goal for density was 5.7 units per acre. The priority land selection scheme was to first look at land established in Urban Reserves, then exception land and farm or forest land (other than high value farm land) surrounded by exception land, then marginal lands designated pursuant to ORS 197.247, and last was farm and forest land. Surrounding McMinnville was high value farm land. Higher priority would be given to land of lower capability as measured by the capability classification system. Land of lower priority under subsection 1 may be included in an Urban Growth Boundary if land of higher priority was found to be inadequate to accommodate the amount of land estimated in subsection 1 for one or more of the following reasons: specific types of identified land needs could not be reasonably accommodated on higher priority lands, future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints, or maximum efficiency of land uses within a proposed Urban Growth Boundary required inclusion of lower priority lands in order to include or to provide services to higher priority lands.

Planning Director Richards discussed the process the City used for identifying the buildable land in the study area. She showed maps of the Court's direction regarding the study areas, physical barriers, resulting study areas after applying the barrier filters, further revisions, and priority selections. In 2008 a conservation easement was placed on 170 acres of land in the Grandhaven area. Of these, 81 acres were in the existing UGB. That land was designated for residential development on the plan map. The easement in effect removed the land from the City's buildable inventory and removed an additional 15 acres from the buildable land inventory due to lack of access for a total of 96 acres. Steep slopes greater than 25% were also removed as they were topographical barriers. The alternatives analysis had to be approaches for the UGB expansion within the 2003 planning and legal framework. They had to meet the principles and objectives of the original MGMUP, achieve the stated need for McMinnville's future, apply it to the priority structure in ORS 197.298, and apply the Goal 14 (Urbanization) Factors. The principles in the original MGMUP included: contain urban expansion within natural and physical boundaries, encourage development consistent with "smart growth" principles, allow increased densities to help meet housing needs, minimize public facilities costs, avoid identified hazards and natural resources, respect historic development patterns and land uses, and comply with state land use laws. They had to establish a methodology for applying the Goal 14 factors. The factors related to UGB amendments were: Factors 1 & 2 which related to land need for housing, employment, etc. These were acknowledged for McMinnville and were not applicable to where the boundary was drawn. Factors 3-7 were called the "location" factors. They were applicable for deciding where to expand the UGB. Factor 3 was about the orderly and economic provision for public facilities and services. The screening criteria were the costs to extend water, sewer, and roads outside the UGB and the costs to expand capacity in the UGB. Factor 4 was about maximum efficiency of land uses within and on the fringe of the existing urban area. The screening criteria were urban integration, development costs, suitability for bike/ped, commercial, multi-story development, and parks/schools. Factor 5 was about environmental, energy, economic, and social consequences. The screening criteria were critical wildlife habitat, natural hazards, affordable housing suitability, and neighborhood commercial suitability. Factor 6 was about the retention of agricultural land as defined, with Class I being the highest priority for retention and

Class VI the lowest priority. The screening criterion was the non-irrigated soil classification map. Factor 7 was about compatibility of the proposed urban uses with nearby agricultural activities. The screening criteria were high value farmland and perimeter proximity to the high value farmland.

Planning Director Richards explained the priority selection and application of the Goal 14 factors for the exception areas and lower value resource lands, higher value resource lands with low Goal 14 factor scores, and alternatives. She reviewed how the alternatives achieved the stated need and City Council discussed which scenario to use. The Council concurred to use Alternative 3B with some tweaks and wanted to hold a public open house in October. In November there would be a joint City Council/County Commission public hearing, and in December there would be separate City Council and County Commission deliberation meetings. The plan was to send the submittal to DLCD by December 31, 2020.

There was discussion regarding how responding to the court remand held the City to the planning horizon to 2023 and if they were successful, the next step was to move forward with an Urban Reserve Area process. There was further discussion regarding the missing middle housing and how cities should not anticipate more than 3% increase in density, anticipated legal challenges to the remand work, and timeline of the remand review.

5. Work Session: Goal 7 Natural Hazards Study Discussion

This agenda item was not discussed.

6. Commissioner Comments

None

7. Staff Comments

Planning Director Richards said Commissioner Perron had resigned from the Commission. The vacancy was currently being advertised.

8. Adjournment

Chair Hall adjourned the meeting at 8:02 p.m.



Heather Richards
Secretary