



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311

www.mcminnvilleoregon.gov

Planning Commission
McMinnville Civic Hall, 200 NE 2nd Street
November 17, 2016
6:30 p.m.

Commission Members	Agenda Items
Wendy Stassens Chair	1. Call to Order
John Tidge Vice-Chair	2. Citizen Comments
Martin Chroust-Masin	3. Approval of Minutes: October 20, 2016 (Exhibit 1)
Zack Geary	4. Public Hearing (Quasi Judicial)
Roger Hall	A. <u>Zone Change, Planned Development Amendment, & Subdivision (ZC 1-16, ZC 2-16 & S 3-16)</u> (Exhibit 2)
Charles Hillistad	Continuance Requested
Jack Morgan	Request: Approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 9.4 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 23 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15 feet. Concurrently, the applicant is requesting approval of a tentative phased subdivision plan on approximately 40 acres of land that, if approved, would provide for the construction of 213 single-family homes and one multiple-family development.
Nanette Pirisky	Location: South of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.
Erica Thomas	Applicant: Baker Creek Development, LLC

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.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

B. Conditional Use & Variance (CU 8-16 & VR 2-16) (Exhibit 3)

Request: McMinnville School District is requesting approval of a conditional use permit to allow for a change in the use of the existing McMinnville High School site to accommodate a new vocational technical school, expanded athletic facilities, field improvements, and new parking areas. The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district.

Location: 615 NE 15th Street and is more specifically described as Tax Lots 2600 & 3000, Section 16CA, T. 4 S., R. 4 W., W.M, and Tax Lot 1590, Section 16CC, T. 4 S., R. 4 W., W.M.

Applicant: McMinnville School District #40

5. Old/New Business**6. Commissioner/Committee Member Comments****7. Staff Comments****8. Adjournment**

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City of McMinnville
Planning Commission
Regular Meeting

October 20, 2016
6:30 p.m., McMinnville Civic Hall
McMinnville, Oregon

MINUTES

Members Present: Chair Wendy Stassens, Vice Chair John Tidge, Commissioners Martin Chroust-Masin, Zack Geary, Roger Hall, Charles Hillestad, Jack Morgan, and Nanette Pirisky

Members Absent: Commissioner Erica Thomas

Staff Present: Chuck Darnell – Associate Planner, David Koch, - City Attorney, Heather Richards – Planning Director, and Sarah Sullivan – Permit Technician.

1. Call to Order

Chair Stassens called the meeting to order at 6:30 p.m. and called for any citizen comments. There were none.

2. Citizen Comments

None

3. Approval of Minutes: September 15, 2016

Chair Stassens called for action on the Planning Commission minutes from the September 15, 2016 meeting. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Geary. Motion PASSED with one abstention.

4. Public Hearing (Legislative): G 1-16

Request: The City of McMinnville is proposing to amend Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance to add provisions related to the time period for providing notice of sign noncompliance, deadlines for property owners to appeal such notice and request an exception, additional grounds for granting an exception to the enforcement of the sign ordinance, and amendments to remove content-based sign regulations.

Applicant: City of McMinnville

Chair Stassens opened the public hearing at 6:35 p.m. She called for abstentions, objection to jurisdiction, and disclosures. There were none.

Chair Stassens asked for the staff report and recommendations.

Associate Planner Chuck Darnell introduced himself to the Commissioners as the newest member of the Planning Department. Mr. Darnell explained the proposed amendments to the Sign Ordinance, specific to the amortization and content neutrality. He gave a brief summary of the original ordinance adopted in 2008.

Mr. Darnell explained the original amortization period and the reasoning for the need to extend the deadline, specific to staff numbers, resources available to conduct a survey of non-

conforming signs, and notice to the property owner not being sent. He stated that the change would allow for a survey to be conducted for non-compliance signs and a notice to be sent to property owners, which would then provide them with six (6) months to bring non-compliant signs into compliance.

Mr. Darnell also noted that there would be an exemption process, allowing property owners to demonstrate their sign is in compliance with the regulations of the Sign Ordinance. He said that based on the exemption request, the review could either be done by the Planning Director or would be heard before the Planning Commission.

Mr. Darnell stated the last amendment would be regarding content neutrality, citing "Reed vs City of Gilbert." He stated that the amendments to this reference were minor, rephrasing "Menu Board" with "Drive-up Services" and allowing additional free standing signs for business with Drive-up services, which he explained ties the regulation to the use, not the message.

Chair Stassen asked if there were any questions for staff.

Commissioner Hilestad asked City Attorney David Koch about the reasoning for amending the amortization period and why notice is required.

Mr. Koch explained that way part of the original ordinance approved in 2008 and the procedures and requirements still apply.

Discussion ensued regarding the purpose of changing "menu board" to "drive-up service" and the number of signs allowed.

Commissioner Hillestad expressed his concern regarding the term "drive-up order station" and the definition. He suggested adding the wording **drive up** in front of order station within the "Drive-up Services" section.

Some additional discussion occurred regarding the Planning Director's approval of sign exemption requests, the allowance of school and church signs within residential neighborhoods, and the priority in terms of work load for the Planning Department to complete the inventory and notification of non-compliant signs.

Chair Stassen asked if anyone in the audience would like to speak.

Jared Miller, 914 SE Ford Street, thanked staff and Mr. Koch for providing an explanation to the changes.

Chair Stassen asked if there were any questions for Mr. Miller. There were none.

Chair Stassen closed the public hearing at 7:00 p.m.

Chair Stassen asked if the Commissioner's would like to discuss the amendments and proposed changes by Commissioner Hilestad, which was to add the words **drive-up** in front of order station within Section 16.62.070(F).

Commissioner Morgan **MOVED** to recommend that, based on the testimony and materials submitted, the amendments proposed, and the addition of **drive-up** in front of *order station* within Section 16.62.070(F), the City Council approve the proposed amendments.

SECONDED by Commissioner Hall. The motion **PASSED** unanimously.

5. Public Hearing (Legislative): G 2-16

Request: The City of McMinnville is proposing to amend Section 17.64.040(A)(6) (Marijuana Related Activities – Performance Standards) of the McMinnville Zoning Ordinance to add a reference to the Oregon Administrative Rule definition of “school,” and to delete the reference to “state licensed preschool.”

Applicant: City of McMinnville

Chair Stassens opened the public hearing at 7:03 p.m. She called for abstentions, objection to jurisdiction, and disclosures. There were none.

Chair Stassens asked for the staff report and recommendations.

Planning Director Heather Richards explained that the changes to the ordinance reflected the discussion from the September work session. She stated that she would like to add one more suggested amendment to the text amendment represented in the staff report, relevant to Section 17.064.40(A)(6)(a) and that was to delete “*Public, private or parochial elementary or secondary*” so that the final recommended amended text would say “School as defined by Oregon Administrative Rules 333-008-1110(2)”. She explained that this will allow the state to amend the definition of School, without the City having to amend its ordinances. Ms. Richards also noted the removal of “State Licensed Preschool” from the ordinance.

Chair Stassens asked if any members of the audience wished to speak. There were none.

Chair Stassens closed the public hearing at 7:05 p.m.

Chair Stassens asked the Commissioners if they wished to discuss the amendments. All were in agreeance with the proposed amendments.

Commissioner Morgan MOVED to recommend that, based on the testimony and materials submitted, the amendments proposed, and the strikethrough of *Public, private or parochial elementary or secondary*, the City Council approve the proposed amendments.

SECONDED by Commissioner Hall. The motion PASSED unanimously.

6. Old/New Business

Ms. Richards explained that there were two (2) items to discuss under Old/New Business: 1) being the annual review of the Gospel Rescue Mission conditional use permit (CU 2-15) approval; and 2) a brief presentation regarding the zoning map and future changes.

Gospel Rescue Mission. Ms. Richards stated that per the original approval of CU 2-15, there was a condition for an annual review of the facility to see if any complaints had been made. She explained that at this time the facility was still under construction and not operating, therefore there was nothing to report. Ms. Richards suggested that the Commission, per the approval, review the annual report next year.

Zone Map. Ms. Richards said that staff was working to established long range planning goals. She explained, referencing a zoning map, the different uses within residential zones, specific to parks, public facilities, and airport land inside the security fence. Ms. Richards indicated that currently there are many uses in residential and employment lands that would make more sense

in other dedicated zones, such as parks which are on residential land in a park zone, schools and government buildings which are on residential or commercial property in a public facilities zone, Linfield Campus land which is in a commercial zone rezoned to a special district University zone, and land which is inside the security fence at the airport that is currently zoned industrial in an airport zone. Then the zoning map would be illustrative of actual land-uses and the building lands inventory would be a truer representation of land available for different land use classifications.

Ms. Richards stated that this is just the beginning discussions for potential new zone classifications. She said this would give a better understanding of the land needs within the city for residential, commercial, and industrial zoned properties.

Commissioner Morgan asked if there was a way to show vacant land within each zone.

Ms. Richards explained that staff was working on gathering that information for a housing needs analysis and buildable lands inventory. She mentioned that there has been no state acknowledged inventory since 2001.

Ms. Richards stated that there would be continued discussion and possible work sessions with the Commission about establishing the additional zones.

7. Commissioner Comments

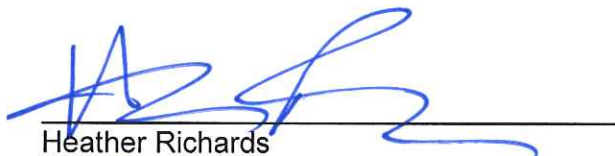
None

8. Staff Comments

Ms. Richards explained that the Commission would have three (3) items before them at the November Planning Commission Meeting: 1) Baker Creek Development, a zone change, planned development amendment, and tentative 213 lot subdivision, 2) McMinnville High School conditional use permit, to expand the school facilities and a variance request to the maximum height allowed; and 3) The final discussion regarding the Citizen's Advisory Committee and the creation of Ad-Hoc committees.

9. Adjournment

Commissioner Croust-Masin MOVED to adjourn the meeting; SECONDED by Commissioner Hilestad. Motion PASSED unanimously and Chair Stassens adjourned the meeting at 7:33 p.m.



Heather Richards
Secretary



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PLANNING DEPARTMENT**
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MCMINNVILLE, OR 97128

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EXHIBIT 2 - STAFF REPORT

DATE: November 17, 2016
TO: Planning Commission Members
FROM: Ron Pomeroy, Principal Planner
SUBJECT: ZC 1-16/ZC 2-16/S 3-16 (Baker Creek Development, LLC)

Report in Brief:

This is a public hearing to consider land use applications requesting approval of two zone change requests, a proposed residential tentative subdivision plan and modification to Planned Development Ord. No. 4626 to add additional land area and permit certain setback modifications.

Please note: Staff is recommending that the public hearing be opened and continued to December 15, 2016, due to the need to review supplemental information received on Monday, November 7, 2016. When the applicant provided the supplemental information they also requested a sixty (60) day extension on the 120-day review period.

Background:

This proposal is for land in an area of town that is locally referred to as the Shadden Claim area and more specifically located near the intersection of NW Baker Creek Road and NW Hill Road. The proposal submitted by the applicant is fairly complex. In that regard, the applicant provided the Planning Department with additional information via email after 5:00 p.m. on November 4, 2016, that modified certain elements of the proposal.

Discussion:

As the Commission is aware, land use applications in Oregon are subject to the "120 day rule" wherein the public review process, inclusive of appeals, must be complete. The applicant's submittal was deemed complete on Thursday, September 29, 2016, and the 120-day "clock" was started on that day. In light of the recent modifications to the applicant's submittal, the Planning Department requested that the applicant provide the City with a 60-day extension to the 120-day rule in order to be afforded sufficient time within which to review and consider this information. That extension to March 28, 2017, was granted by the applicant.

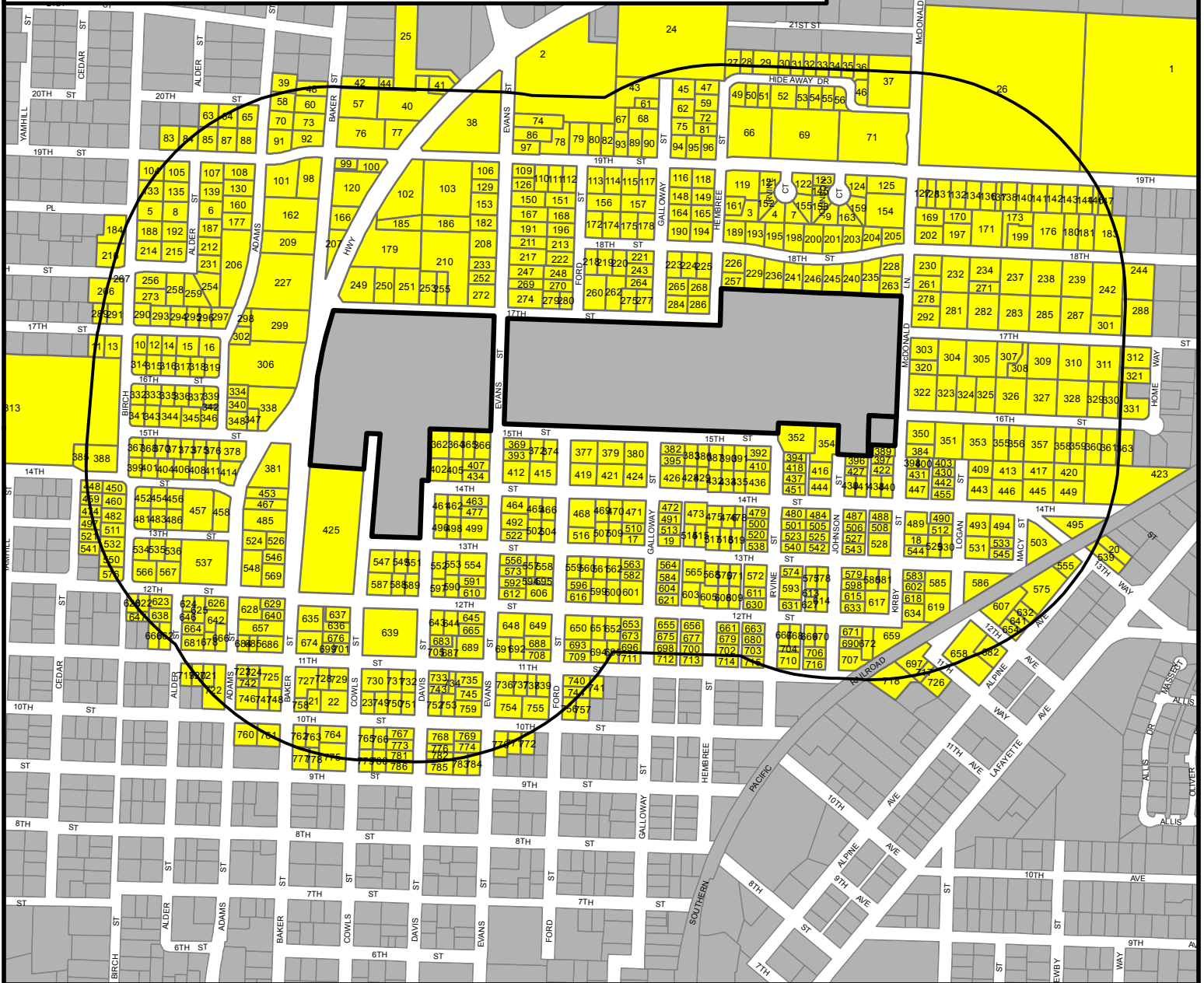
Fiscal Impact:

None

Recommendation/Suggested Motion:

That the Planning Commission open and, without receiving testimony, continue this public hearing to December 15, 2016, at 6:30 p.m.

Notification Map



CU 8-16/VR 2-16

McMinnville School District is requesting approval of a conditional use permit to allow for a change in the use of the existing McMinnville High School site to accommodate a new vocational technical school, expanded athletic facilities, field improvements, and new parking areas. The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district.

Recorded Owner:

McMinnville School District #40
1500 NE Baker Street
McMinnville, OR 97128

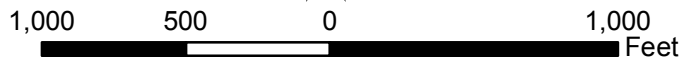


Geographic Information System

APPROVED BY: PLANNING COMMISSION

CITY COUNCIL

ATTESTED TO BY: _____



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EXHIBIT 3 - STAFF REPORT

DATE: November 17, 2016
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: Public Hearing: CU 8-16/VR 2-16 – McMinnville High School Expansion

Report in Brief:

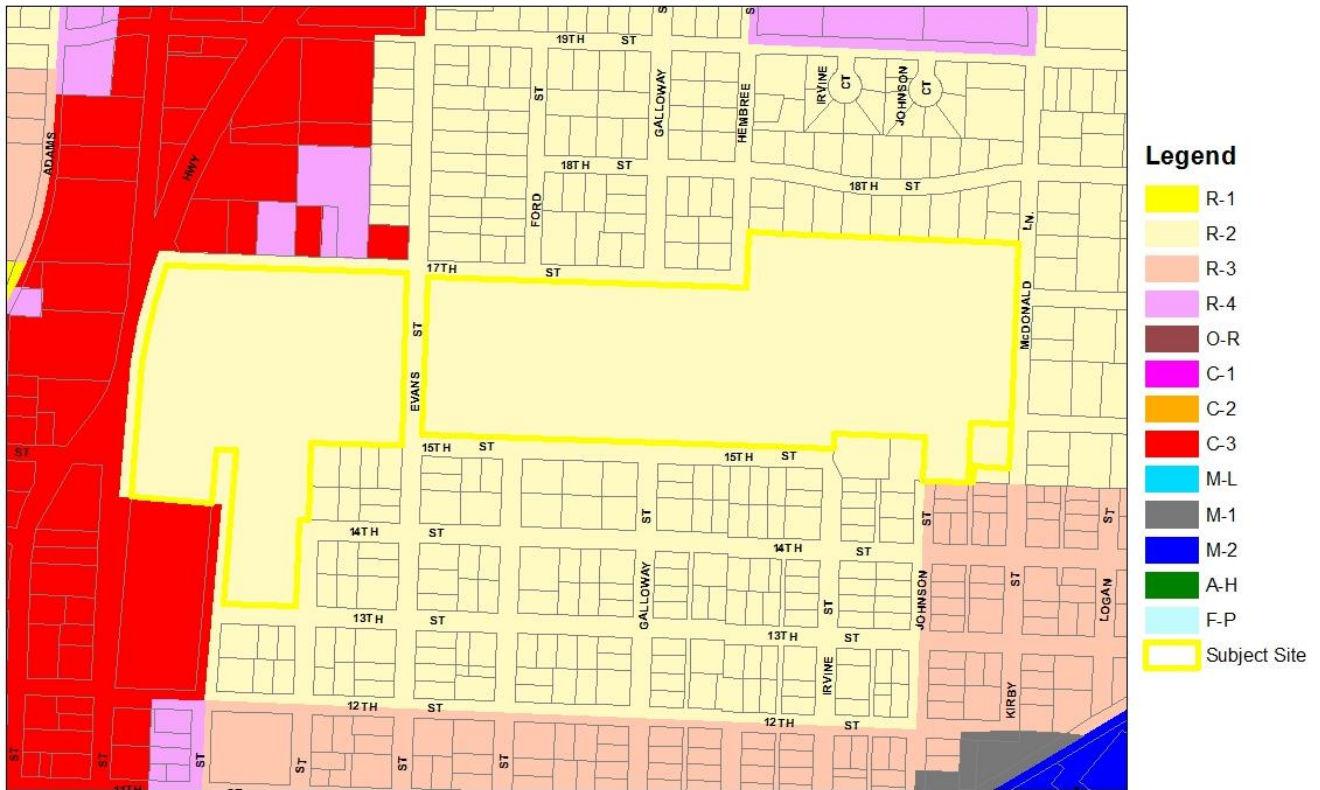
This is a public hearing to consider the McMinnville School District's application requesting approval of a conditional use permit to expand McMinnville High School on its current site to add a new vocational technical school with four additional classrooms, incorporate additional athletic facilities including an auxiliary gym, weight training facilities, and locker rooms, upgrading of Baker Field to synthetic turf, addition of walking paths and timer controlled lighting around Baker Field, and new parking areas with 46 additional parking spaces (CU 8-16). The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district (VR 2-16).

The property in question is 615 NE 15th Street and is more specifically described as Tax Lots 2600 & 3000, Section 16CA, T. 4 S., R. 4 W., W.M, and Tax Lot 1590, Section 16CC, T. 4 S., R. 4 W., W.M. The applicant is McMinnville School District represented by Ben Schonberger, Winterbrook Planning.

Exhibit A to this staff report contains the Findings of Fact, Decision, Conditions of Approval, Comments, Attachments and Conclusionary Findings.

Background:

The subject site is located on multiple parcels, and is generally located east of NE Baker Street (Highway 99W), south of NE 17th Street, west of NE McDonald Lane, and north of NE 15th Street. The combined area of the parcels is approximately 38.42 acres, and all parcels are zoned R-2 (Single-Family Residential) and designated as Residential on the City's Comprehensive Plan Map. Properties adjacent to the subject site are mainly zoned R-2 (Single-Family Residential), with some properties north and west of the subject site zoned R-4 (Multiple-Family Residential) and C-3 (General Commercial). These multiple family and commercially zoned properties are located west of NE Baker Street (Highway 99W) and north of NE 17th Street. A visual of the subject site and a reference map showing the zoning of surrounding properties are provided below:



The site is currently developed and used as the McMinnville High School campus. Specifically, the high school building, parking lots, and football stadium are located on the parcel between NE Evans Street and NE McDonald Lane. The parcel between NE Baker Street and NE Evans Street contains other athletic fields, and the smallest parcel that fronts NE McDonald Lane near NE 16th Street currently contains a school district maintenance building.

The site is provided access by main entrances from NE 15th Street on the south side, between NE Galloway Street and NE Irvine Street, and from NE 17th Street on the north side, near NE Hembree Street.

The McMinnville High School building was originally constructed in the 1950s, and has been expanded multiple times since the original construction. The most recent expansion occurred in 2007 when a

conditional use permit was granted by the Planning Commission to allow for the addition of 63,000 square feet to the existing high school to accommodate additional students. On May 27, 2016, an \$89.4 million bond measure was passed by McMinnville voters to authorize funds for capital improvements at McMinnville School District facilities. A portion of those funds are being used to expand the high school property as proposed in this request.

Discussion:

This land use review includes requests for both a conditional use permit and a variance. To move forward with this project, a conditional use permit is required because the proposed improvements would be an expansion of the existing use of the site as the McMinnville High School (MHS) campus beyond that which is currently allowed through an existing conditional use permit. A variance is required because one portion of the proposed building would be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the R-2 (Single-Family Residential) zoning district.

The Planning Commission's responsibility regarding these types of land use requests is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the conditional use and variance requests.

Conditional Use Review:

In reviewing a conditional use request, the Planning Commission must weigh the proposed uses appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed.

The improvements to the MHS site are being proposed to improve high school facilities and programs on the existing high school site, rather than building a second high school facility or expanding facilities off-site. The proposed improvements include:

- New vocational/technical building (Technology Center) to be located west of the existing stadium.
- Centralized athletic complex that will replace the main gymnasium, auxiliary gym, locker rooms, and yoga/dance facilities.
- Replacement classrooms in the central high school building.
- New field house to be located southeast of the existing stadium.
- Improvements to Baker Field, located between NE Evans Street and NE Baker Street, including installation of field turf, timer controlled lighting, restrooms, and new pathways.
- Expanded parking lot west of the stadium and north of the Technology Center to accommodate more parking and improve bus and vehicular flow through the site.

The plan to expand the current MHS site came out of the School District's Long Range Facilities Task Force, which had determined that there is not a sufficient student population to justify two separate high schools and had recommended these improvements to the MHS site instead. The expansion of the existing MHS site is also being proposed because the current high school is centrally located and easily accessible for students throughout the school district.

The School District has conducted a public outreach process to make property owners in the immediate vicinity of the high school aware of potential activities that could be occurring on the existing MHS site. The School District has maintained a mailing list of about 300 property owners, all of whom were invited to open public meetings in September 2016. The purpose of these open public meetings was to discuss the proposed improvements included in this conditional use and variance request, and a total of 47 people attended two separate meetings. Some key land use-related issues that were raised by attendees of those meetings included construction phasing, parking supply, vehicular circulation and bus access, and building aesthetics.

Evaluation of Review Criteria:

The potential impacts of a proposed conditional use on the abutting properties and surrounding neighborhood should be minimized through the design, location, and operating characteristics of the proposed development. In order to ensure that the proposed use and development is appropriate and has minimal impacts on the surrounding neighborhood, the Planning Commission must find that the following criteria are being met:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

Comprehensive Plan Policies: A number of Comprehensive Plan goals and policies relate to the proposed development. In particular, Comprehensive Plan Chapter III (Cultural, Historical, and Education Resources) includes goals and policies applicable to this request. Those goals and policies, which are identified and explained in detail in the Findings of Fact in Exhibit A, state that the City of McMinnville shall allow future community center type facilities to locate in appropriate areas, and that the City of McMinnville shall cooperate and coordinate with the McMinnville School District in planning for school facilities.

Zoning District Requirements: The property in question is located in the R-2 (Single-Family Residential) zone, and the proposed use, a school, is allowed as a conditional use in the R-2 zone (Section 17.15.020).

The lot size is greater than the minimum lot size in the R-2 zone and the existing buildings comply with all applicable setbacks with one exception. One portion of the main building does encroach into the required 20 foot rear yard setback in the R-2 zone (Section 17.15.040). The north side of the building is setback only 17 feet from the north property line, and this area is treated as the rear yard. However, because the building was constructed prior to adoption of the current setback requirements of R-2 zone, this portion of the building would be considered legally nonconforming. There are two additional structures on the north side of the property, between NE Galloway Street and NE Hembree Street, which are also nonconforming because they do not meet the required 20 foot rear yard setback. These structures include a greenhouse and storage shed, but they will be removed during the proposed expansion. The greenhouse will be relocated to an area east of the site of the proposed Technology Center. These modifications will ultimately decrease the number of nonconforming structures on the site. All new buildings being proposed will be built to meet required setbacks or within existing building envelopes. The buildings being removed or relocated are shown below, with existing conditions on the left and the same area after the proposed improvements are completed on the right:



While the parking areas are being located closer to property lines and therefore closer to adjacent properties, the School District is proposing to design the parking areas in such a way as to minimize potential impacts to surrounding properties and uses. The parking area on the north side of the site, between NE Hembree Street and the existing stadium, will be set back 32 feet from the property line. Extensive landscaping will be installed in that setback area to provide screening between the parking area and the surrounding uses. This landscaping, as proposed, will include 10 Tupelo trees, 38 Shore Pine trees, 81 Viburnum, as well as a continuous five foot tall evergreen hedge. The parking area on the south side of the site, between the Technology Center and NE 15th Street, will remain as it is currently being used today and as approved in the conditional use permit from 2007, which is separated from the property line with an existing landscaped setback area 17-feet in width.

- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;

Harmony in Scale, Bulk, Coverage, and Density: The existing McMinnville High School site is quite large, at approximately 38.42 acres. The proposed improvements would, for the most part, be constructed within portions of the site that are already developed and used for school activities. The amount of open space and greenspace on the site is generally consistent with the development pattern and building coverage of the surrounding residential development, but at a larger scale because of the size of the site. The one area of proposed improvements that would not be constructed within existing developed portions of the site is the new parking area that would be constructed north of the Technology Center. This will be replacing existing open space and practice fields, but is being designed in such a way as to reduce the aesthetic impacts to abutting properties. A large buffer area is being provided between the parking area and the property line, with extensive landscaping to provide screening. The interior and other edges of the parking area are also being landscaped to provide additional screening and buffering.

The School District is also proposing some changes to the site that would reduce impacts to abutting properties and the surrounding neighborhood. As mentioned previously, two structures on the north side of the property, between NE Galloway Street and NE Hembree Street, are legally nonconforming because they do not meet the required 20 foot rear yard setback. These structures include a greenhouse and storage shed, but they will be removed during the proposed expansion, therefore reducing the impacts and encroachments into areas near abutting properties. On the southeast corner of the site, the School District will be removing an existing maintenance facility and replacing it with a field house. The removal of the existing maintenance facility is possible because the school district is in the process of acquiring property in a more industrial area to centralize their maintenance activities; the Commission may recall their recent review of CU 7-16 in August, 2016, approving this use for property located on NE Lafayette Avenue. The new field house will be constructed to meet all required setbacks, and this use will be less impactful on abutting properties and the surrounding neighborhood. The field house should not have as much traffic and noise as the existing maintenance facility, as it will be used mainly for school athletic programs and athletic equipment storage.

The main expansion components of the proposed improvements that will impact scale and bulk include the Technology Center and the replacement athletic facility, which is the proposed 53 ½ foot tall portion of the building. The Technology Center will be constructed on an inner portion of the overall MHS site, which results in the new building incorporating and blending into the existing development of the site. It will be centrally located and easily accessible from both parking areas and the central high school building. The replacement athletic facility will be constructed within the existing central high school building envelope. It is proposed to be constructed to a maximum of 53 ½ feet in height, which is about 22 feet taller than the tallest point of the existing building. However, the athletic facility will have a shed

roof, with only the northern portion of the building being 53 ½ feet in height, and the remainder of the building transitioning back down to the existing building height. The height of the proposed replacement athletic facility will require a variance, so the building height will be discussed in more detail below.

Availability of Public Facilities and Utilities: Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the proposed utilities on the site associated with the expansion.

Traffic, Circulation, and Parking: The School District did complete a transportation analysis to account for the additional 100 students that could be accommodated on the site after the expansion. The analysis showed that the existing street network could easily accommodate the anticipated traffic from the proposed expansion. The site will still be accessed from the same primary locations, from NE 15th Street on the south side, between NE Galloway Street and NE Irvine Street, and from NE 17th Street on the north side, near NE Hembree Street. However, internal circulation within the site will be improved. A dedicated bus lane will be provided through the new parking areas on the north side of the site, keeping bus traffic and vehicle traffic separated.

The parking areas on the site were described in detail above, and actually exceed the minimum requirements of the McMinnville Zoning Ordinance. The School District will be providing 46 new parking spaces as part of the proposed expansion. The total number of parking spaces required after the completion of the proposed expansion is 401 spaces, and after incorporating the additional 46 spaces, the School District will be providing 467 parking spaces throughout the site. While it may not alleviate the entire issue, the 46 new parking spaces being provided on the site should reduce on-street parking in the areas surrounding the high school.

- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;

The McMinnville High School campus has existed in its current location since the 1950s and is established in its current location and within the existing neighborhood. There have been multiple successful expansions and modifications completed in the past. With this currently proposal the School District has provided evidence of a substantial effort being placed on mitigating potential issues between the school and the surrounding neighborhood, which the District remains committed to continue into the future.

The main impacts of the school on the surrounding area, as evident in the types of questions that arose at the September 2016 public meetings, are construction impacts, impacts from sporting events, and on-street parking on the surrounding public streets during school operations. The School District is proposing to complete the proposed improvements over a 2 ½ year period beginning in February 2017. The construction activities will be coordinated to occur, as much as possible, during the summer months when the use of the school is much lower than the school year. Some construction will need to take place during the school year, but by completing much of the construction during the summer, impacts to the surrounding neighborhood should be minimized.

The School District has provided evidence of their efforts in mitigating other impacts from sporting events and on-street parking on surrounding public streets. The stadium lights have been improved with timers that shut lights off at consistent times in the night. All lighting associated with the proposed improvements will be designed to be directed away from surrounding residential uses, and will be hooded to focus and direct light to the athletic fields and parking areas.

The School District, as described above, has kept in contact with a list of about 300 property owners in the surrounding neighborhoods. Various high school student groups have also begun to work on community outreach. A yard trash removal program has been initiated by the high school, with multiple

student groups policing and picking up trash around the school property. The Associated Student Body Leadership Group, which consists of about 40 students, has also started to provide outreach to the community, including a neighborhood leaf raking program, door-to-door communication of high school activities, and communication of future heavy parking events that will occur at the school. City staff acknowledge that the School District has taken the initiative to address the major impacts that the neighborhood has brought forward in the past.

- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

The site and the proposed buildings have been designed in such a way as to blend in with the existing development of the site and the existing structures. The School District is also proposing to make improvements to the site where possible. As described in more detail above, nonconforming structures are being removed, heavier uses (maintenance facility) are being relocated off-site, and buffering and landscaping are being incorporated into the site to provide space and screening between the high school and the surrounding neighborhood. The new buildings associated with this expansion will be constructed to blend in with the existing buildings on the site. The Technology Center will include a brick veneer along the south elevation that will be most visible from off-site, but will also incorporate more modern building materials such as anodized aluminum windows and metal wall panels. The replacement athletic facility will be constructed of materials consistent with other portions of the central high school building.

- E. The proposal will preserve environmental assets of particular interest to the community;

There are no city-inventoried environmental assets within the site. In past conditional uses analyses, this criteria was deemed to not be applicable.

- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The School District has intent and capability to develop the land as proposed. The district is committed to completing the proposed improvements in a timely manner, and given the passage of the 2016 bond measure, has the financial capacity to complete the proposed improvements.

Variance Review:

One of the main improvements being proposed is the replacement of existing athletic facilities in the central campus building with a new athletic facility. The School District is attempting to use space within the existing MHS site as efficiently as possible. The incorporation of all of the athletic facilities on the site in one updated athletic facility allows the high school to retain all of the athletic facilities on one campus, while still providing space for other necessary activities, such as the new Technology Center, improved athletic fields, and additional parking spaces.

The School District is also attempting to expand the school within the existing building envelope as much as possible, so as not to expand outward and closer to abutting properties. The proposed replacement athletic facility would be constructed in the location of existing athletic facilities in the central high school building, near the north side of the site. In order to accommodate all of the required athletic facilities, including indoor basketball courts, training areas, locker rooms, and weight training facilities, in one central location, the School District is proposing to construct a building that is taller than the maximum allowable height in the R-2 zone.

The maximum height allowed in the R-2 zone is 35 feet (Section 17.15.050). The replacement athletic facility is proposed to be constructed at 53 ½ feet. However, a special exception to building height is permitted for public buildings, which includes educational institutions and schools. Under this exception, a school may be erected to a height not exceeding 60 feet, provided that required yards are

increased one foot for each one foot of additional building height above the height regulations for the zone (Section 17.54.040(A)). Under this exception, the proposed 53 ½ foot building would be permitted if the required yard could be increased by 18 ½ feet. The rear yard setback in the R-2 zone is 20 feet (Section 17.15.040), and would need to be increased by 18 ½ feet to 38 ½ feet to allow for the proposed 53 ½ foot tall building.

The existing central high school building currently does not meet the required 20 foot rear yard setback because it was constructed prior to the adoption of the current setback requirements for the R-2 zone. Therefore, the School District does not have the ability to increase the yard setback to provide for the taller building. This situation has led to the request for the variance, which is to allow for the construction of the 53 ½ foot building without increasing the required rear yard setback to 38 ½ feet.

Evaluation of Review Criteria:

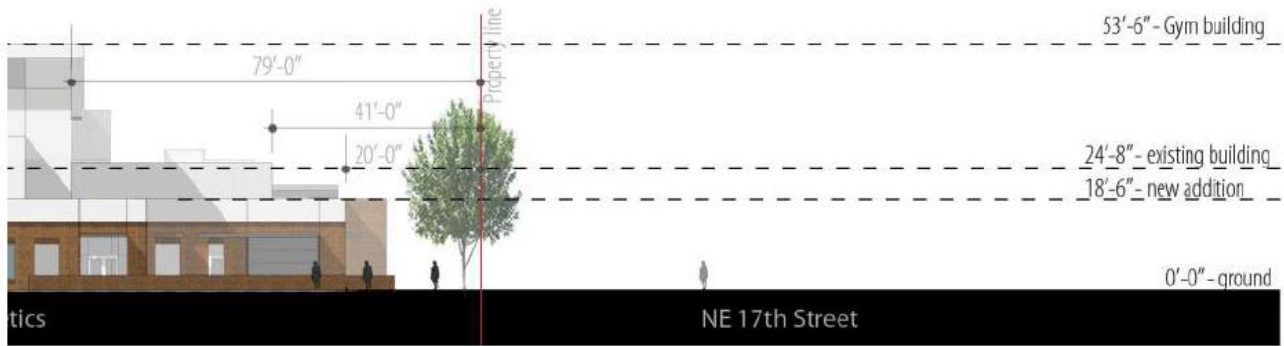
In reviewing variance requests, the Planning Commission must determine whether, owing to special and unusual circumstances related to a specific piece of property, strict application of the McMinnville Zoning Ordinance would cause an undue or unnecessary hardship. In order to grant a variance, the Planning Commission must show that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;

McMinnville High School is the only high school site in the City of McMinnville and is fully established in its current location. The high school was also originally constructed prior to the adoption of the McMinnville Zoning Ordinance, and therefore was not constructed with any knowledge of what the required setbacks would be in the zoning district. These characteristics represent extraordinary circumstances that do not generally apply to other properties in the vicinity.

The construction of the building prior to the adoption of the McMinnville Zoning Ordinance also creates a situation in which the required yard cannot be increased to allow for the taller building that is being proposed. The norther portion of the building, which is existing single story classroom space, is currently setback only 17 feet from the rear property line. In order to create the 38 ½ foot yard setback that would be required to construct a 53 ½ foot tall building, the existing single story building would need to be removed. This is not possible because the space is needed to meet the high school's programmatic needs.

Also, an exceptional circumstance exists in that the portion of the building that is being proposed to be constructed at 53 ½ feet in height is actually setback a greater distance from the property line and would meet the required yard setback if constructed on its own. The wall of the proposed taller portion of the building is actually set back 79 feet from the rear property line. This is more than double the yard setback that would be required to allow the 53 ½ foot tall building on its own. As described above, the existence of the existing single story building, which was constructed before the McMinnville Zoning Ordinance was adopted, is located in the area that would be used for the increased yard setback and is not able to be removed. A visual of the proposed 53 ½ foot tall building and the setbacks is provided below:



- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;

The existing use of the property as a high school is allowed under previous conditional use permits that have been granted to the School District. The McMinnville Zoning Ordinance states that a conditional use shall become a property right (Section 17.74.060(A)). The School District, in planning for growth and incorporation of additional school activities, had a reasonable expectation that they could continue to use the existing MHS site based on the property right granted to them in the form of the previous conditional use permits. In order to preserve that property right, the School District is arguing that the height variance will be necessary and will allow them to provide necessary facilities at a location in which significant investment and planning has occurred.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

The purpose of the McMinnville Zoning Ordinance, in general, is to encourage appropriate and orderly physical development in the city and to promote public health, safety, and general welfare. The School District has provided many arguments for how the proposed development is appropriate and orderly, as described in more detail in the conditional use review above. Staff believes that the proposed 53 ½ foot tall portion of the building has been designed in such a way as to be incorporated effectively into the existing site, therefore not conflicting with public health, safety, or welfare.

The replacement athletic facility is proposed to be located centrally within the site and within the envelope of the existing central high school building. The portion of the building that will be constructed at 53 ½ feet in height will be setback 79 feet from the property line. This will provide for adequate space, light, and air between the taller building and any other building located on abutting property, and will not create an environment in which the tall building is encroaching on abutting properties. The building will also be constructed with a stepped design that would transition from the tallest portion of the building down towards the property line. This will assist in relieving any potential aesthetic impact of the taller portion of the building. The School District has provided visual examples to better reflect the impact of this stepped design, and a rendering showing the proposed 53 ½ foot tall building from NE 17th Street is provided below:



D. The variance requested is the minimum variance which would alleviate the hardship.

The School District has provided details on the proposed construction of the replacement athletic facility. The building has been designed to be only as tall as necessary to accommodate the activities that will need to occur within the building. The building will include indoor basketball courts, training areas, locker rooms, and weight training facilities. A certain roof height is required for each type of facility within the building. However, in order to minimize the overall height of the building, the facilities within the building have been organized so that the 53 ½ foot tall roof is not required over the entire building. This results in a building with a shed roof. The shed roof at its tallest point is 53 ½ feet tall where roof heights must be provided for locker rooms and the indoor basketball courts, but the roof height transitions down to the west to better blend in to the existing structure and minimize the variance being requested.

Based on the observations and arguments described above, and the findings of fact and conclusionary findings attached as Exhibit A, staff is recommending that the conditional use permit and variance be approved with the following conditions:

1. That prior to the release of building permits for the proposed development, the School District shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
2. That any outside lighting shall have hoods or shoebox-type fixtures to direct light both downward and away from the nearby residences and any public right-of-way.
3. That the School District shall coordinate with McMinnville Water and Light on electric and water service to the property. If the proposed expansion requires the addition/extension/relocation of any water main, water meters, fire lines, or fire hydrants an Extension Agreement and engineered drawings will be required between McMinnville Water and Light and the School District. All costs will be at the School District's expense.
4. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

Fiscal Impact:

None.

Recommendation/Suggested Motion:

Based on the observations and arguments described above, and the findings of fact, conditions of approval and conclusionary findings attached as Exhibit A, staff is recommending that the conditional use permit and variance be approved.

Suggested Motion: **“I move to approve the McMinnville School District’s application for a conditional use permit (CU 8-16) and variance request (VR 2-16) per the Findings of Fact, Decision, Conditions of Approval, and Conclusionary Findings in Exhibit A.”**

CD:sjs

EXHIBIT A

FINDINGS OF THE MCMINNVILLE PLANNING COMMISSION FOR MCMINNVILLE HIGH SCHOOL FOR APPROVAL OF A CONDITIONAL USE PERMIT AND VARIANCE REQUEST

- DOCKET:** CU 8-16 & VR 2-16
- REQUEST:** The applicant is requesting approval of a conditional use permit to allow for a change in the use of the existing McMinnville High School site to add a new vocational technical school with four additional classrooms, incorporate additional athletic facilities including an auxiliary gym, weight training facilities, and locker rooms, upgrading of Baker Field to synthetic turf, addition of walking paths and timer controlled lighting around Baker Field, and new parking areas with 46 additional parking spaces. The applicant is also requesting approval of a variance to allow for a portion of the building to be constructed at 53 ½ feet in height, which is greater than the maximum height of 35 feet that is allowed in the zoning district.
- LOCATION:** The property in question is located at 615 NE 15th Street and is more specifically described as Tax Lots 2600 & 3000, Section 16CA, T. 4 S., R. 4 W., W.M, and Tax Lot 1590, Section 16CC, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site is designated as Residential on the McMinnville Comprehensive Plan Map, and is zoned R-2 Single Family Residential.
- APPLICANT:** McMinnville School District
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** November 17, 2016. Meeting held at the Civic Hall, 220 NE 2nd Street, McMinnville Oregon
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. As of the date of completion of this report, no comments in opposition to this application had been received from these agencies.

DECISION AND CONDITIONS OF APPROVAL

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Conditional Use Permit (CU 8-16) and Variance Request (VR 2-16) for the McMinnville High School **subject to the conditions of approval below.**

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

1. That prior to the release of building permits for the proposed development, the School District shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
2. That any outside lighting shall direct light both downward and away from the nearby residences and any public right-of-way.
3. That the School District shall coordinate with McMinnville Water and Light on electric and water service to the property. If the proposed expansion requires the addition/extension/relocation of any water main, water meters, fire lines, or fire hydrants an Extension Agreement and engineered drawings will be required between McMinnville Water and Light and the School District. All costs will be at the School District's expense.
4. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

COMMENTS

Copies of the application and requests for comment were forwarded to all necessary public agencies and other city departments. The City Engineer and Community Development Department responded and did not have any comments or suggested conditions of approval for either the conditional use or variance request. McMinnville Water and Light provided the following comments:

- Applicant should contact McMinnville Water and Light to discuss electric service to new buildings and upgrades to existing electric services if necessary.
- Applicant should contact McMinnville Water and Light for exact water main sizes around the McMinnville High School, as well as all the different water meters and fire lines serving all of the facilities. If this project requires the addition/extension/relocation of any water main, water meters, fire lines, or fire hydrants an Extension Agreement and engineered drawings will be required between McMinnville Water and Light and the owner. All costs will be at the owner's expense.

McMinnville Water and Light also provided some comments related to the proposed landscaping that may be in conflict with water and electric utilities. They have stated that some of the species of trees being proposed may cause problems with overhead power lines at full maturity. Staff is suggesting that the landscape plan be reviewed in detail by the Landscape Review Committee, and the species of trees could be modified if necessary to allow for planting of species that would not conflict with utilities at full maturity.

Notice of the conditional use and variance request was also mailed to property owners within 1,000 feet of the subject site. As of the date this report was written, no written comments had been received by the Planning Department.

ATTACHMENTS: (due to size of attachments please use the following link, <http://www.mcminnvilleoregon.gov/planning/page/mcminnville-high-school-expansion>)

1. Applications for Conditional Use and Variance
2. Applicant Narrative, including:
 - a. Lighting Specifications
 - b. Transportation Impact Study
3. Project Drawings, including:
 - a. Existing High School Context Site Plan
 - b. Proposed Circulation Plan

- c. Proposed Building Expansion Plan (Schematic)
 - d. Proposed Building Elevations (Schematic)
 - e. Proposed Building Elevations
 - f. Proposed Building Elevations
 - g. SE Axonometric View (Schematic)
 - h. SW Axonometric View (Schematic)
 - i. Landscape Plan (West)
 - j. Landscape Plan (East)
 - k. Existing Conditions (West)
 - l. Existing Conditions (East)
 - m. Site Plan West (detailed)
 - n. Site Plan East (detailed)
 - o. Proposed Parking and Circulation Plan (detailed)
 - p. Existing Utility & Easements
 - q. Proposed Utility & Easements
 - r. Partial Site Plan Photometric Calculations
 - s. Partial Site Plan Electrical
4. List of Property Owners to Whom Notice Was Sent
 5. Vicinity Map
 6. Affidavit of Publication

FINDINGS OF FACT

Goals and Policies from the McMinnville Comprehensive Plan which are applicable to the request are as follows:

CHAPTER III CULTURAL, HISTORICAL, AND EDUCATIONAL RESOURCES

GOAL III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

Policies:

13.00 The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.

GOAL III 3: TO PROVIDE FOR THE EDUCATIONAL NEEDS OF McMINNVILLE THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.

Policies:

18.00 The City of McMinnville shall cooperate with the McMinnville School District in the planning for future schools.

CHAPTER VI TRANSPORTATION SYSTEM

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.

Parking Policies:

126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

CHAPTER VII COMMUNITY FACILITIES AND SERVICES

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

Sanitary Sewer System Policies:

136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Storm Drainage Policies:

142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Water System Policies:

144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

CHAPTER VIII ENERGY

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Energy Conservation Policies:

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

1. The following sections of the McMinnville Zoning Ordinance are applicable to this request:

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.

Policies:

- 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.

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.

ZONING

17.15.020 Conditional uses. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

J. Public or private school;

17.15.040 Yard requirements. In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

A. A front yard shall not be less than twenty feet;

B. A rear yard shall not be less than twenty feet;

C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet.

17.15.050 Building height. In an R-2 zone, a building shall not exceed a height of thirty-five feet.

PARKING

17.60.060 Spaces—Number required.

B. Institutional land use category:

10. Senior high school: One space per classroom plus one space per administrative employee plus one space per each six students or one space per four seats or eight feet of bench length in the main auditorium or gymnasium, whichever is greater.

GENERAL REGULATIONS

17.54.040 Exceptions to Building Height. The following exceptions to building height are permitted.

A. Public Buildings. Public, quasi-public or public-service buildings, hospitals, educational institutions or schools may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when permitted in a zone with lower height regulations, provided that required yards are increased one foot for each foot of additional building height above the height regulations for the zone.

CONDITIONAL USE

17.74.030 Authorization to Grant or Deny Conditional Use. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

17.74.040 Placing Conditions on a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;

L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

VARIANCE

17.74.100 Variance-Planning Commission Authority. The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

17.74.110 Conditions for Granting Variance. A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

CONCLUSIONARY FINDINGS OF APPROVAL

The subject requests comply with the applicable McMinnville Comprehensive Plan Goals and Policies, as well as with the applicable McMinnville Zoning Ordinance regulations. The applicant has submitted a detailed set of findings relative to this request, and staff has completed a thorough review of the proposal in relation to the review criteria established in the McMinnville Zoning Ordinance for conditional uses and variances. Staff supports approval of the conditional use and variance requests, based on the analyses and findings described in the staff report, and the conclusionary findings as follows:

1. The requests satisfy the applicable McMinnville Comprehensive Plan Goals and Policies as follows:
 - a. Goal III 1 and Plan Policy 13.00 are satisfied in that the proposed expansion of the existing school will allow for the enhancement of the existing facility in an appropriate area and will mitigate any potential impacts on surrounding land uses through the design of the site and efficient integration of additional school activities on the existing site.
 - b. Goal III 3 and Plan Policy 18.00 is satisfied in that the McMinnville School District has coordinated with the City of McMinnville and is proposing to expand the existing high school to accommodate additional education needs of the students in the City of McMinnville and the McMinnville School District. The site has been designed to integrate into the existing buildings and site, and will provide additional facilities to more efficiently handle school activities on the existing site.
 - c. Goal VI 1 and Plan Policies 126.00 and 127.00 are satisfied in that the School District will be providing parking spaces in excess of the minimum number required by the McMinnville Zoning Ordinance, which should reduce the amount of on-street parking in the areas surrounding the high school.

- d. Goal VII 1 and Plan Policies 136.00, 142.00, 144.00, and 147.00 are satisfied in that the existing high school site is adequately served by public and private utilities, and the proposed expansion can either be accommodated by the utilities that currently serve the site or, if necessary, it is possible to upgrade utilities to accommodate the expansion.
 - e. Goal VIII 2 and Plan Policy 178.00 is satisfied in that the School District will be expanding the existing high school facilities in their current location and therefore be developing in a compact urban development pattern to provide for conservation of all forms of energy.
2. The requests satisfy the applicable McMinnville Zoning Ordinance regulations as follows:
- a. Section 17.03.020 is satisfied for the reasons described in conclusionary finding number 1 related to the applicable Comprehensive Plan Goals and Policies.
 - b. Section 17.15.020 is satisfied because the proposed and existing use is permitted as a conditional use in the R-2 Single Family Residential zone, subject to receiving approval of the conditional use permit request.
 - c. Section 17.15.040 is satisfied in that all new buildings will be constructed within existing building envelopes on the site or will meet required yard setbacks. Two nonconforming structures that currently do not meet required setbacks will be either relocated or removed as part of the expansion improvements.
 - d. Section 17.15.050 will be satisfied, subject to receiving approval of the variance request to allow for the taller building within a portion of the existing central high school building on the site.
 - e. Section 17.60.060 will be satisfied in that the School District is providing 46 additional parking spaces on the site, which exceeds the minimum of 21 spaces that would be required for the expansion improvements. The total number of parking spaces required after the expansion is 401 and the School District will be providing 467 spaces, which shows a significant effort to provide for additional parking to reduce on-street parking in the surrounding neighborhood.
 - f. Section 17.54.040 will be satisfied, subject to the approval of the variance, in that the portion of the building that is being constructed at 53 ½ feet in height will be located within the existing building envelope and the wall of the taller building will be 79 feet from the property line, which is more than double the required setback of a 53 ½ foot tall educational building under the building height exception requirements.
 - g. Section 17.74.030 will be satisfied in that the proposed expansion of the existing high school site will be consistent with Comprehensive Plan policies, particularly because the additional educational facilities will be in an existing school site which is an appropriate area for such facilities to be located. The design of the proposed expansion improvements will mitigate any potential impacts on the abutting properties and surrounding neighborhood through building design, building within existing building envelopes where possible, constructing new buildings to meet setback requirements, providing landscaping and buffering spaces, and improving vehicular and pedestrian circulation within the site. The proposed improvements will be attractive and will be incorporated into the existing site and will complement the existing buildings on the site. The applicant also has a bona fide intent to develop and use the land as proposed, as the bond measure provided the funding necessary to complete the proposed expansion improvements.
 - h. Section 17.74.040 is satisfied in that the conditions recommended by staff will ensure that the site is developed as proposed, and the conditions will also protect the best interest of the surrounding area and the community as a whole.
 - i. Sections 17.74.100 and 17.74.110 are satisfied in that the applicant has demonstrated that special and unusual circumstances related to the specific property in question result in a hardship and the need for a variance. The subject site is the only established high school in the City of McMinnville, and the original building was constructed prior to the adoption of the current R-2 requirements of the McMinnville Zoning Ordinance. This creates a difficulty in providing all necessary educational activities within the existing building envelope and still meet all zoning regulations. The variance would preserve a property right that the School District has to continue to operate the site as a high school, as was previously allowed with prior conditional use permits. The taller building that is being proposed will be incorporated

into the existing building envelope of the central high school building, and the wall of the tallest portion of the building will actually be constructed 79 feet from the property line. This taller building would greatly exceed the required yard setback if the older portion of the building did not exist, and the overall building will be designed to step down toward the property line to still provide adequate air, space, and light between buildings on abutting properties. The taller portion of the building has also been designed as a shed roof to only be as tall as necessary to accommodate the required activities within the building, therefore creating a situation in which the minimum variance is being requested.

CD:sjs