



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
March 16, 2017

5:00 PM Work Session

6:30 PM Regular Meeting

Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.

If you wish to address Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."

Commission Members	Agenda Items
Roger Hall, Chair Zack Geary, Vice-Chair Erin Butler Martin Chroust-Masin Susan Dirks Lori Schanche Erica Thomas John Tiedge	<p>5:00 PM - WORK SESSION – CONFERENCE ROOM</p> <p>1. Call to Order</p> <p>2. Discussion Items</p> <ul style="list-style-type: none"> • I.T. Assistance • Discussion on Land Use Documents <p>3. Adjournment</p>

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.



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Commission Members	Agenda Items
Roger Hall, Chair Zack Geary, Vice-Chair Erin Butler Martin Chroust-Masin Susan Dirks Lori Schanche Erica Thomas John Tiedge	<p>6:30 PM – REGULAR MEETING – COUNCIL CHAMBERS</p> <ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Approval of Minutes: February 16, 2017 (Exhibit 1) 4. Public Hearing (Quasi Judicial) <ol style="list-style-type: none"> A. <u>Comprehensive Plan Amendment and Zone Change (CPA 1-17, ZC 1-17, & ZC 2-17)</u> (Exhibit 2) <p>Request: Approval of a comprehensive plan map amendment on a portion of a parcel of land from a mixed residential and commercial designation to only a commercial designation. The applicant is also requesting a rezoning of the northern portion of the same parcel from a mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single-Family Residential) to only R-1, and a rezoning of the southern portion of the same parcel from a mixed zoning of C-3 (General Commercial), EF-40, and R-1 to only C-3. The applicant intends to construct a single family home on the northern portion of the parcel and continue to operate the existing commercial business on the southern portion of the parcel. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1 from the partition request being zoned R-1 and the proposed Parcel 2 from the partition request being zoned C-3.</p>

Location: 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

Applicant: Creekside Homes, LLC, on behalf of Jae and Ayliah Chon

B. **Zoning Text Amendment (G 1-17)** (Exhibit 3)

Request: Approval to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

Applicant: City of McMinnville

5. Old/New Business

- City Council and Planning Commission Training March 18, 2017

6. Commissioner/Committee Member Comments

7. Staff Comments

8. Adjournment



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MINUTES

February 16, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Martin Chroust-Masin, Charles Hillestad, Lori Schanche, and Erica Thomas

Members Absent: Commissioners Jack Morgan, Nanette Pirisky, and John Tiedge

Staff Present: Mike Bisset – City Engineer, Chuck Darnell – Associate Planner, Ron Pomeroy – Principal Planner, Heather Richards – Planning Director, and Sarah Sullivan – Permit Technician

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes: January 19, 2017

Chair Hall called for action on the Planning Commission minutes from the January 19, 2017 meeting. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented, SECONDED by Commissioner Geary. Motion PASSED unanimously.

4. Action Item: Zone Change, Planned Development Amendment, & Subdivision (ZC 1-16, ZC 2-16 & S 3-16) *Public Hearing was conducted on January 19, 2017. At that meeting the public hearing was closed but the record was held open for written testimony until February 2, 2017, followed by rebuttal testimony until February 9, 2017.*

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 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 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 residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes and the construction of 65 multiple-family dwellings on one lot.

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.

Applicant: Baker Creek Development, LLC

Chair Hall explained that the public hearing for the Baker Creek Development proposal occurred at the January 19, 2017 Planning Commission meeting. He stated that the hearing was closed to public testimony, but the record had been left open for additional written testimony.

Chair Hall asked staff to provide an update to the request.

Principal Planner Ron Pomeroy thanked the Commission and provided a PowerPoint presentation calling attention to the fact that Conditions No. 4 and 43 in the written staff report that was originally provided with the meeting packet errantly included some editorial marks, such as itemized deletions that were internal edits and should not have been included. Mr. Pomeroy said the staff report was updated to remove the draft edits and that it was emailed out on February 15, 2017. Mr. Pomeroy also clarified that additional language was added to Condition No. 2, in his presentation.

Mr. Pomeroy gave a brief history of the site, the application request, and the previous Planning Commission meeting. He explained that the applicant was requesting an amendment to the original Shadden Claim Planned Development from 1996, adding 58 vacant acres to the planned development. Mr. Pomeroy also noted the approximate 3.8 acres zoned C-3 (General Commercial) which will remain for a 65 unit multi-family development.

Mr. Pomeroy explained the applicant was also requesting that the remaining R-1 and County EF-80 areas be rezoned to R-1 PD, and developed at a density of less than six (6) dwelling units per acre, under the six (6) dwelling units per acre maximum of the Westside sewer unit capacity requirement.

The applicant also requested setbacks, lot widths and building envelope widths less than the minimum standards of the R-1 zone as part of the planned development amendment. The applicant's request of alternating three (3) foot and five (5) foot setbacks, creating a minimum distance between structures would be at eight (8) feet. He stated that developments have historically been approved with a minimum setback of 10 feet between structures.

Mr. Pomeroy indicated that eight (8) communications were received during the time allocated for additional written testimony. The rebuttal testimony from the applicant was received on February 6, 2017. He said the general concerns from the testimony received were: 1) the City of McMinnville's inclusion into the CC&R's; 2) the maximum building height allowance for the multi-family development; 3) clarification of the location of the additional play lot in BCW; and, 4) the carryover of the original maintenance requirement

for the original Shadden Claim development. Mr. Pomeroy stated the concerns were valid and staff took into account the concerns when amending the conditions of approval.

Mr. Pomeroy addressed the concern of the multi-family development, by pointing out that Condition of Approval No. 2 in the decision document had been modified to limit the multi-family development, no more than 65 units, with a building height not to exceed 35 feet.

Mr. Pomeroy explained that Condition No. 4 addressed the mini park/play lot, which the applicant proposed to locate between Lots 123 and 124 of the BCW plan. He stated staff agreed to this proposal and amended Condition No. 4 to reflect the location. He indicated that the park location was outside the multi-family parcel, adjacent to a public street, and at a distance from the proposed new city park.

Mr. Pomeroy stated that Condition No. 7 was a carry-over from the original Shadden Claim development, but indicated that the reference to VJ2 in 7(e) no longer applies. He said that staff recommended removing Condition 7(e) completely as reflected in the decision document.

Mr. Pomeroy said that Condition No. 43 was amended to clarify the phasing plan, noting that the phasing plan would be valid for five (5) years from the date of approval. Also required is that the developer request approval from the Planning Commission for any major changes to the planned development. He said that minor changes could be approved by the Planning Director, and the Planning Director would determine what constituted and major or minor change.

In closing, Mr. Pomeroy recommended that the Planning Commission, based on the testimony received, findings of fact, and the conclusionary finding, recommend to the City Council approval of the zone change applications (ZC 1-17 and ZC 2-17) and approve the subdivision request (S 3-17), with the conditions of approval in the decision document entitled Exhibit A of the provided staff report.

Chair Hall asked if there were any questions for Mr. Pomeroy.

There were none.

Chair Hall asked the Commission if they wished to discuss the applications, clarifying that they would recommend a decision to the City Council for the two zone change applications and make a decision on the tentative subdivision plan application.

Each of the Commissioners' statements are, generally, provided as follows:

Martin Chroust-Masin:

Some of the parts of the proposal are really interesting and I like them. For instance the setback requirements where you have eight foot and five foot and mixing those, that's good.

I have a problem and I am somewhat disappointed with the amount of space that was allocated for the multi-family dwellings. The City really has a tough time getting land, new land, into the city as everybody knows when they try to go through an urban growth

amendment it's like pulling teeth from an elephant going through the state. The state just won't let go of it, the land, without it being difficult. So we are running out of land. There isn't that much land for higher density residential developments and this little corner of the whole thing is really small. I would like a little bigger size.

The other thing that bothers me is that, on the other hand, you have properties that are 19,000 square feet. I thought we were really supposed to be going for smaller lots. A 19,000 square foot lot is a little in excess to me, and I don't know why they couldn't just divide it a little bit more into more manageable lots, smaller lots.

So those two things really bother me.

Erica Thomas:

I'm not a huge fan personally of super dense housing but I think this is a nice mix of different sized houses and different sized lots for people in our community. My only thing is that I'd like to see more open space.

Charles Hillestad:

For me, this was a difficult decision. I read the material, I heard to the testimony, and I revisited the site. Let me start by saying that I commend your efforts. I believe that McMinnville needs greater densities, among other things to lease as much agricultural land in production as possible. As a result, I would be willing to support your requests for reduced setback distances and smaller lot sizes and I like that there was a mixture there, although I wish you had allocated more land to multi-family.

I believe McMinnville needs, as well, more affordable housing. In fact, given the latest market, more housing period. I commend you for wanting to help fill that need with smaller houses and less land costs. Thank you.

I believe also McMinnville needs, to the extent possible, to minimize vehicle use especially as the arterials start to become crowded. And it's not just the traffic jams and air pollution to which they contribute, it's also all the associated space that must be given over to them for garages, driveway, parking lots, etc. There are better uses of that valuable and inherent irreplaceable land.

However, and you probably deduced a "however" was coming, the parking in the more densely packed portion of your project seems to me to not have enough parking. There are probably others on the Commission who will disagree with me, but I think both that the squeezed portion of your project will have more cars than anticipated and the lack of parking spaces that I think are needed will be disruptive. It has always amazed me how much animosity

parking disputes can generate. It tends to disrupt neighborhood cohesion and potentially harm desirability of the neighborhood.

I also wonder in passing about locating the trash and recycling containers. I wonder about pick-up ease given the proposed parking configurations. There are now up to four containers per household. They take up my entire driveway for example. So are they going to block driveways or block on street parking? But that is a minor point and if that alone was in question, I would approve your proposal. The key thing for me though was the parking in the western half of the site (Phases 1 and 3).

If your project was within walking distance to downtown I'd gladly approve it. If your project was within walking distance of a major employer, or even some of the concentrated shopping malls along Hwy 99, I would gladly approve it. If the bus service had more frequent, as well as earlier and later service along Hill Street, I'd also reconsider. Or, if you had your own shuttle service. Each of those, to me, would have likely reduced the total number of vehicles needing a place to park.

I see that the problem, however, is having a residential subdivision, particularly that western half there, I don't have any problem with the eastern half of it, where it is likely that disputes will be generated because there will be more cars, I believe, than can be conveniently parked relatively close by to the others homes. Just as a suggestion, if my vote was needed to pass the proposal, you might look at what neighborhoods like Shadow Wood and Tanglewood have done to handle this very problem. Essentially, some cutouts for parking that are open to everybody.

Alternatively, maybe a reconfiguration is possible although I doubt it. It looks like you've squeezed just as much as you possible can in there. I suspect that to get more parking a few lots might have to be sacrificed to get enough to make me at least feel comfortable that you meet the parking goals of the City. But, that is merely offering some thoughts, trying to be helpful. Perhaps you have some better ideas.

In any event, I'm just trying to articulate why I am, and reluctantly, very reluctantly, coming to the conclusion the proposal is not quite there yet to satisfy all the criteria for approval. I am hoping that you will find a way to solve the parking issue or convince me that the units will have significantly less vehicles, or significantly smaller vehicles than normal.

Lori Schanche:

I spent a lot of time looking at this proposal. There are a few things that bothered me. One is that I really don't think that the petitioner put much effort into preparing things. I mean, I think their thoughts

of using five foot and three foot to make eight foot, that's quite creative, but I really had to hunt through everything and try to find answers. I would like to complement staff. I feel that they've done a great job of putting everything together.

But I too am having issues with this project. One is the parking and I think there are some other comments forthcoming on that. I feel that, overall, this project does not meet our goal in the Comprehensive Plan, Goal 1, to promote affordable quality housing for all city residents. Because Policy 59 states, in part, um, "housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City." And when I look at the petitioners wanting to scale down the setbacks it just really bothers me. They're creating this R-4 Modified with only a three foot interior side yard. I understand that this is part of what is happening all over Oregon and all over the U.S., but it just does not feel like McMinnville to me, and that's my concern. I feel like we have a development that is already started and then we're going to jamb in a bunch of really big houses on really little lots and we had had to push just to get the extra tot lot. I've not seen any additional walkways and other amenities that would really, really help make this development much nicer, if we were to go and approve the smaller setbacks.

Zack Geary:

I too have a few prepared remarks and would to lead by saying that staff has done a herculean effort to prepare this in a digestible size. Thank you very much.

The appearance and treatment of spaces between and around buildings is of great importance. The landscape specifically that is dedicated to the public and open is of comparable importance to the buildings themselves in a development such as this and should likewise be treated as such. The aim of a Planned Development should be to result in a benefit to the community, the environment and to the landscape.

This application, to me, repeatedly fails to warrant a departure from standard regulation. I am however amenable to a give and take relationship of land development overall and in McMinnville specifically but the applicant seems demonstrably to be unable to give as much as they want to take. Which to me voids a collaborative relationship necessary to warranting a Planned Development such as this. I recognize the incredible need for high density housing as Martin so keenly pointed out. Our buildable land is precious and rare. But I also know that we shouldn't rush through permanent development just because they were the first through the door and they have a proposed solution to an identified need.

For these reasons and echoing Commissioner Hillestad and Commissioner Schanche, I find myself unable to give my full support to this proposal in front of me.

Roger Hall:

Lori's not the only who's spent considerable time thinking about their proposal and I found myself going back in my mind to what has happened in our society generally over the last two or three decades and I realized yesterday that if I had been asked to make a decision on this proposal 15 or 20 years ago, I would have probably not looked at it very favorably because most of the folks in my generation grew up in that post war period where everybody wanted to move to the suburbs to create what I tend to think of as suburban mansions.

But that's not what's happened in the last 15 or 20 years. There's a growing awareness that many people, partly in my generation, partly in the millennial generation, are looking for smaller properties, and are not looking to take care of yards and trimming and that sort of thing, so I recognize a need here.

I also think that what I've seen does fit the requirements with regard to what's needed to pass a proposal of this type so I'm more inclined to vote for it than I would have as I've said in days of yore. But, those are my thoughts.

Chair Hall asked the commission if there were additional comments.

There were none.

Chair Hall asked if the Commissioners were ready to make a motion.

Commissioner Chroust-Masin MOVED to DENY ZC 1-16, ZC 2-16, and S 3-16. Motion passed unanimously.

Chair Hall informed the applicant that the Planning Commission decision could be appealed to City Council.

5. Old/New Business

- Work Session: Proposed Zoning Ordinance Text Amendments, Landscape Review and Trees

Chair Hall asked staff to present the discussion item.

Chuck Darnell, Associate Planner, explained the purpose of the work session for the text amendments to Chapters 17.57 (Landscaping) and 17.58 (Trees) of the Zoning Ordinance. He stated that the Landscape Review Committee has met, discussed, and reviewed the proposed changes. Mr. Darnell explained that tonight's meeting was just a work session to inform the commission of the proposed changes and to discuss any

changes or suggestions to the proposed amendments. He informed them the public hearing would be on the March Planning Commission agenda.

Mr. Darnell explained the main amendments to the Chapter 17.57 (Landscaping). He described the changes to the Bylaws, which will consolidate all committees to one section of the City Code.

Mr. Darnell explained the changes to the review timeline and inspection process once the landscaping has been installed. He explained that currently the code states that the landscape plan must be reviewed with 10 days of submittal. The changes will be to allow for a 30 day review period. He also stated that the code says the Parks Department will inspect installed landscaping, but the practice has been for Planning Department staff to inspect the landscaping per the approved plan.

Mr. Pomeroy expressed that this inspection practice has been in place since he's been here, over 20 years.

Commissioner Hillestad asked staff if the City has a Forester.

Mr. Pomeroy answered no the City does not have a certified Arborist.

Mr. Darnell explained that the current practice is for Planning and the Public Works Superintendent to review the submitted landscape plan and make recommendations to the Landscape Review Committee (LRC). The landscape installation is then inspected by the Planning Department before building permits can be finalized.

Mr. Darnell then gave a brief overview of the amendments to Chapter 17.58 (Trees). He explained that proposed amendments include changes to review process, the definition of what constitutes a tree in the right-of-way, specific to when sections of the tree trunk cross over from public to private property, and exemptions to requiring LRC approval when the tree is causing immediate damage to public infrastructure.

Mr. Darnell explained that amendments were being proposed to the review period as well, changing the process from 15 days to 30 days, making the review for trees and landscape plans consistent. He also noted the appeal period for denied plans would be 15 days instead of 5 days.

Mr. Darnell said there would also be some minor changes to the planting standards, referencing specifications created in 2014, for both the downtown and other areas outside of the downtown. He said the proposed amendments will also allow the standards to be superseded by improved standards, if the City adopts them in the future, without modifying the code.

Mr. Darnell explained that the amendments would specify a specific time allowance to replace trees, which would be six (6) months from the approval. Also, if location is not appropriate for a street tree, an alternate location sited to replace the tree. Mr. Darnell said that there would also be an added statement to require ongoing maintenance of the trees.

Mr. Darnell asked the Commission if there were any questions he could address regarding the amendments, stating that the LRC had reviewed and accepted the amendments.

Commissioner Schanche asked about planting a replacement tree in another location if the current location was not appropriate for a new tree. Mr. Darnell stated that the City would advise the applicant on the location of a replacement tree, if that was required by the Landscape Review Committee.

Commissioner Hillestad asked about the cost to remove and replace trees, and if there could be stricter penalties for removing a tree without City approval. Mr. Darnell stated that the ordinance provided staff with the ability to enforce tree removals. Commissioner Schanche stated that there was specific language in the ordinance that defined how to determine the value of a tree that had been removed.

Commissioner Hillestad asked if there had been discussion about notifying surrounding property owners of tree removal requests. Mr. Darnell stated that there was currently no requirement to provide property owner notification. The Commission discussed options for providing public notification, including providing notice in the newspaper, mailing notice to surrounding property owners, or providing a sign at the tree to be removed.

Planning Director Richards stated that if public notification was to occur, the City would need to define exactly what type of input and involvement the public would be able to provide. She stated that there would need to be specific review criteria referenced and provided to the public to allow them to provide input in the process.

The Commission discussed whether they wanted to require property owner notification. Staff stated that they would review the criteria and explore options for a process, and report back at the next meeting.

Mr. Darnell said that he would take the feedback and make any necessary changes to the amendments, and that they would be discussed at the public hearing in March.

Discussion ended at 7:41 p.m.

- Work Session: Long-Range Strategic Planning

Planning Director Heather Richards introduced the discussion for Long-Range Strategic Planning and the importance of it to the City. Ms. Richards stated that long range planning has been deferred for years, due to limited resources.

Ms. Richards said there are two types of planning, current and long range planning. Current planning includes administering the zoning ordinance, land use applications, zoning maps, and land use decisions. Long range planning plans for the future growth of the community, including land inventory, infrastructure growth, and a vision for the next 20 years of development. She indicated that as part of the long range planning strategies, policies, such as the Comprehensive Plan and development codes, the Zoning Ordinance needed to be amended to meet current community values.

Ms. Richards provided a PowerPoint illustrating future needs pertaining to code and plan updates and the resources needed to complete the studies and amendments, including

estimated costs and staff time/capacity. She also explained some partnerships available with the University of Oregon and Portland State University, which would provide students to compete projects and studies based in McMinnville for their class completion.

Some discussion occurred about the buildable lands inventory, prior history of building permit activity, employment and population estimates, housing needs (including affordable and work-force housing), a 20-year land supply, and amending the urban growth boundary if necessary.

Ms. Richards read the current Planning Department Mission Statement. She also provided a snapshot of the next 5 years and the work plan set forth. Ms. Richards explained that there were potential changes to the Citizen Advisory Committee such that instead of one committee, there would be many Ad-Hoc committees established for specific projects. She explained that each sub-committee would have representative from the Planning Commission and the Planning Department.

The commissioners expressed their gratitude to the Planning staff for the work being done and that they look forward to participating in the long-range strategic planning.

The discussion ended at 8:27 p.m.

6. Committee/Commissioner Comments

Commissioner Chroust-Masin asked what was on the March agenda.


Ms. Richards said that the Landscape and Tree amendments would be brought back for a public hearing and Mr. Darnell said that there would also be a comprehensive plan amendment and two zone change requests for the Jae's Landing property.

7. Staff Comments

There were no additional staff comments.

8. Adjournment

Commissioner Chroust-Masin MOVED to adjourn the meeting; SECONDED by Commissioner Geary. Motion PASSED unanimously and Chair Hall adjourned the meeting at 8:29 p.m.



Heather Richards
Secretary



City of McMinnville
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EXHIBIT 2 - STAFF REPORT

DATE: March 16, 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: CPA 1-17/ZC 1-17/ZC 2-17

Report in Brief:

This is a public hearing to consider applications for a Comprehensive Plan Map Amendment (CPA 1-17) and Zone Changes (ZC 1-17 and ZC 2-17) on an existing parcel and lot of record. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map, and there are also three (3) different zoning designations that apply to portions of the parcel, including EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial). These applications will create single use zone properties.

The applicant intends to construct a single family home on the northern portion of the property and continue to operate the existing commercial business on the southern portion of the property. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1, the northern parcel, from the partition request being designated Residential and zoned R-1, and the proposed Parcel 2, the southern parcel, from the partition request being designated Commercial and zoned C-3.

The specific request is to designate the northern portion of the parcel as only Residential on the Comprehensive Plan Map, and to rezone the northern portion from a mixed zoning of EF-40 and R-1 to only R-1. The applicant is also requesting to designate the southern portion of the parcel as only Commercial on the Comprehensive Plan Map, and to rezone the southern portion from a mixed zoning of C-3, EF-40, and R-1 to only C-3.

Background:

The subject site is located on an existing single parcel, and is generally located north of Highway 99W and NE 27th Street, east of NE Elaine Drive, and west of the Walmart site and other smaller commercial development accessed from NE 27th Street. The subject site is currently the location of Jae's Landing restaurant and pub. Properties adjacent to the subject site to the west and north are zoned R-1 (Single-Family Residential) and R-2 (Single-Family Residential), and properties to the east and south, across Highway 99W, are zone C-3 (General Commercial). The subject site is currently shown on the

Attachments:

Attachment A – CPA 1-17 Decision Document

Attachment B – ZC 1-17 Decision Document

Attachment C – ZC 2-17 Decision Document

zoning map to have three (3) zoning designations and is shown on the Comprehensive Plan map to have two (2) land use designations. A visual of the subject site and reference maps showing the zoning and comprehensive plan map designations of the subject site and the surrounding properties are provided below:

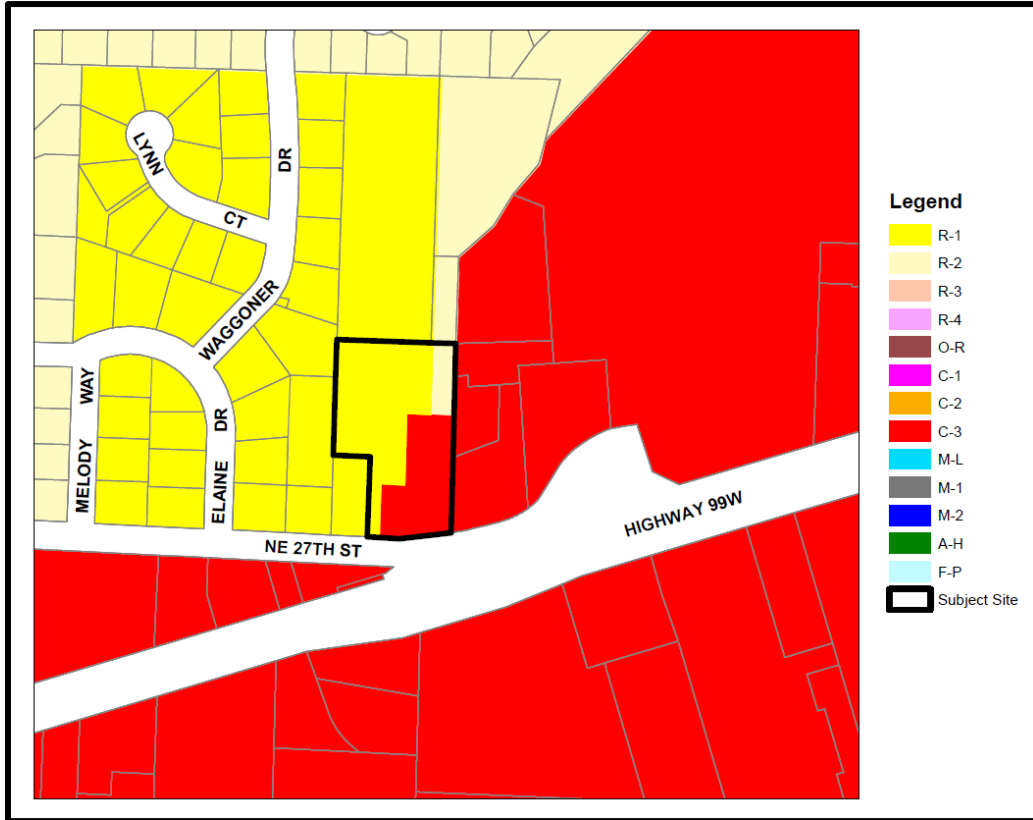
Site Reference Map



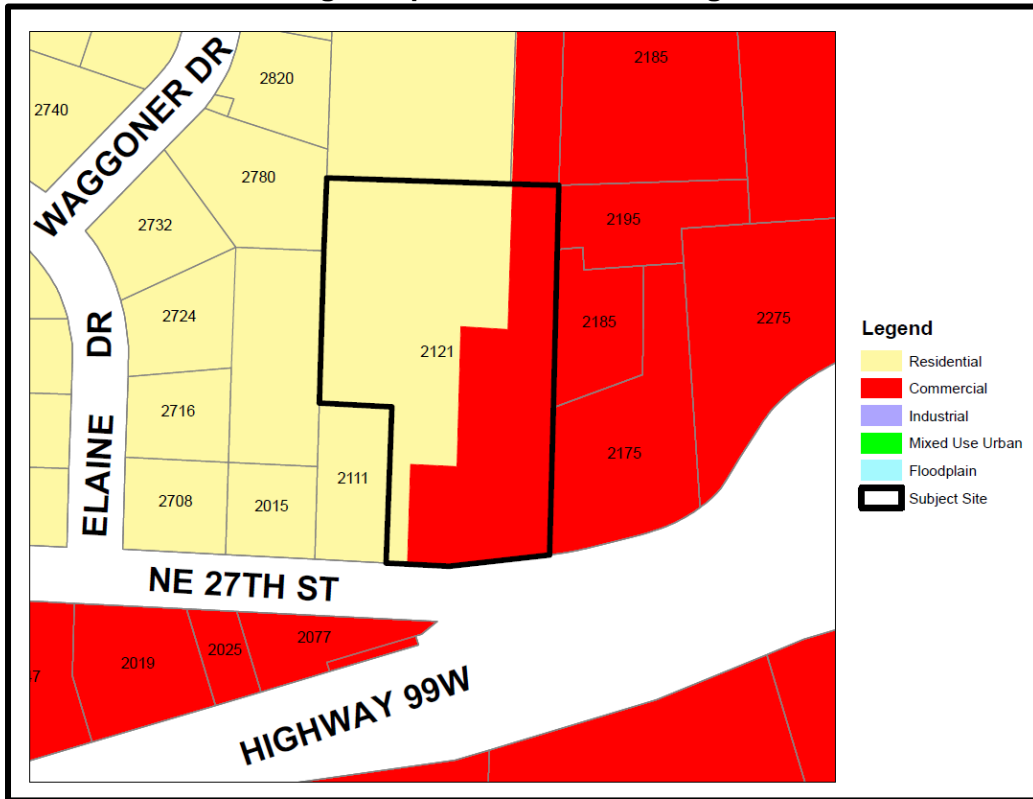
Attachments:

- Exhibit A – CPA 1-17 Decision Document
- Exhibit B – ZC 1-17 Decision Document
- Exhibit C – ZC 2-17 Decision Document

Existing Zoning



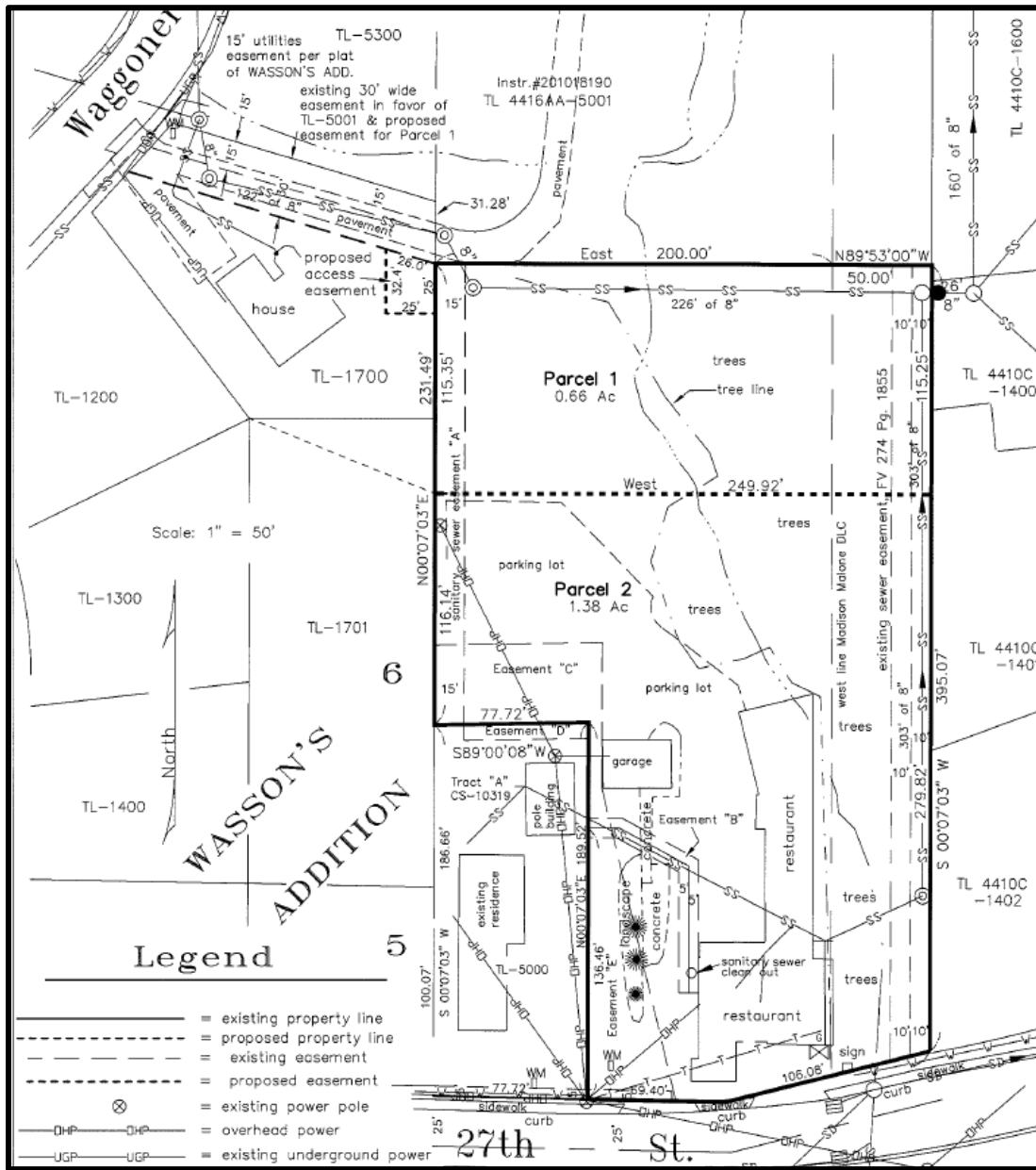
Existing Comprehensive Plan Designations



Attachments:

- Exhibit A – CPA 1-17 Decision Document
- Exhibit B – ZC 1-17 Decision Document
- Exhibit C – ZC 2-17 Decision Document

The existence of multiple comprehensive plan designations and zoning designations on the subject site was discovered when the property owner requested a partition of the exiting parcel and lot of record to allow for the construction of a single family home on a newly created parcel on the northern portion of the existing parcel. The tentative partition plan is provided below. For the purposes of this report, the northern portion of the original parcel will be described as Parcel 1 and the southern portion of the original parcel will be described as Parcel 2 per the tentative partition plan.



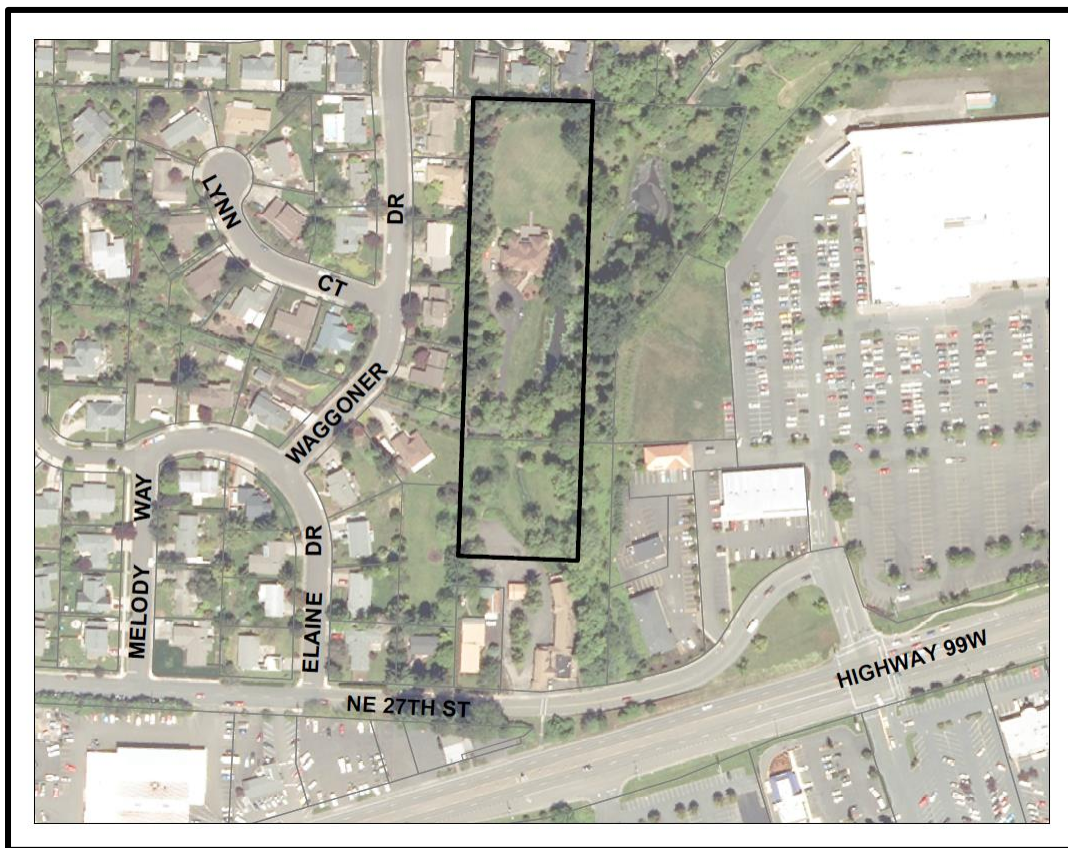
Upon investigating the existing zoning further, it was determined that there was an error in how the existing zoning of the property was displayed on the McMinnville Zoning Map.

- Attachments:
- Exhibit A – CPA 1-17 Decision Document
 - Exhibit B – ZC 1-17 Decision Document
 - Exhibit C – ZC 2-17 Decision Document

The existing McMinnville Zoning Map shows a narrow portion of the northeast corner of the subject site to be zoned R-2, with the remainder of the site split between R-1 and C-3. However, upon further investigation it was determined that the northeast corner of the site actually retains a county zoning classification from when it was originally annexed into the city. The subject site and the parcel that is now the existing lot of record was on the edge of a number of annexations in the past, which resulted in portions of the site retaining different zoning classifications.

Below is a brief summary of the past land use applications and annexations that impacted the subject site:

- ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86: This series of land use decisions brought the northern portion of the subject site into the city limits, and also rezoned the northern portion of the site to R-1 Single Family Residential. The minor partition separated a larger existing parcel into two parcels, and allowed for a single family home to be constructed on a new parcel to the north of the subject site. That single family home to the north still exists today, and is located on the large parcel immediately north of the subject site. This large parcel is still shown on the McMinnville Zoning Map as R-1 Single Family Residential.
 - The property included in those land use decisions is shown below:



- ANX 2-83 and ZC 5-91: This annexation brought in a narrow portion of the subject site (the eastern 50 feet of the subject site) as part of a larger annexation which included other property to the east. The majority of the property from the 1983 annexation (ANX 2-83) was rezoned from the county zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) to a C-3 General Commercial Planned Development zone in 1991 (ZC 5-91). This rezoning included the existing

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Walmart site and the other commercial development to the east of the subject site. However, the rezoning did not include the eastern 50 feet of the subject site. Therefore, that portion of the site retains its county zoning (EF-40).

- The property included in ANX 2-83 and ZC 5-91 is shown below. The property that was annexed is outlined in black, and the property that was included in the zone change process is shown with black cross-hatching. The subject site (the site included in the land use decisions at hand today) is shown in red.



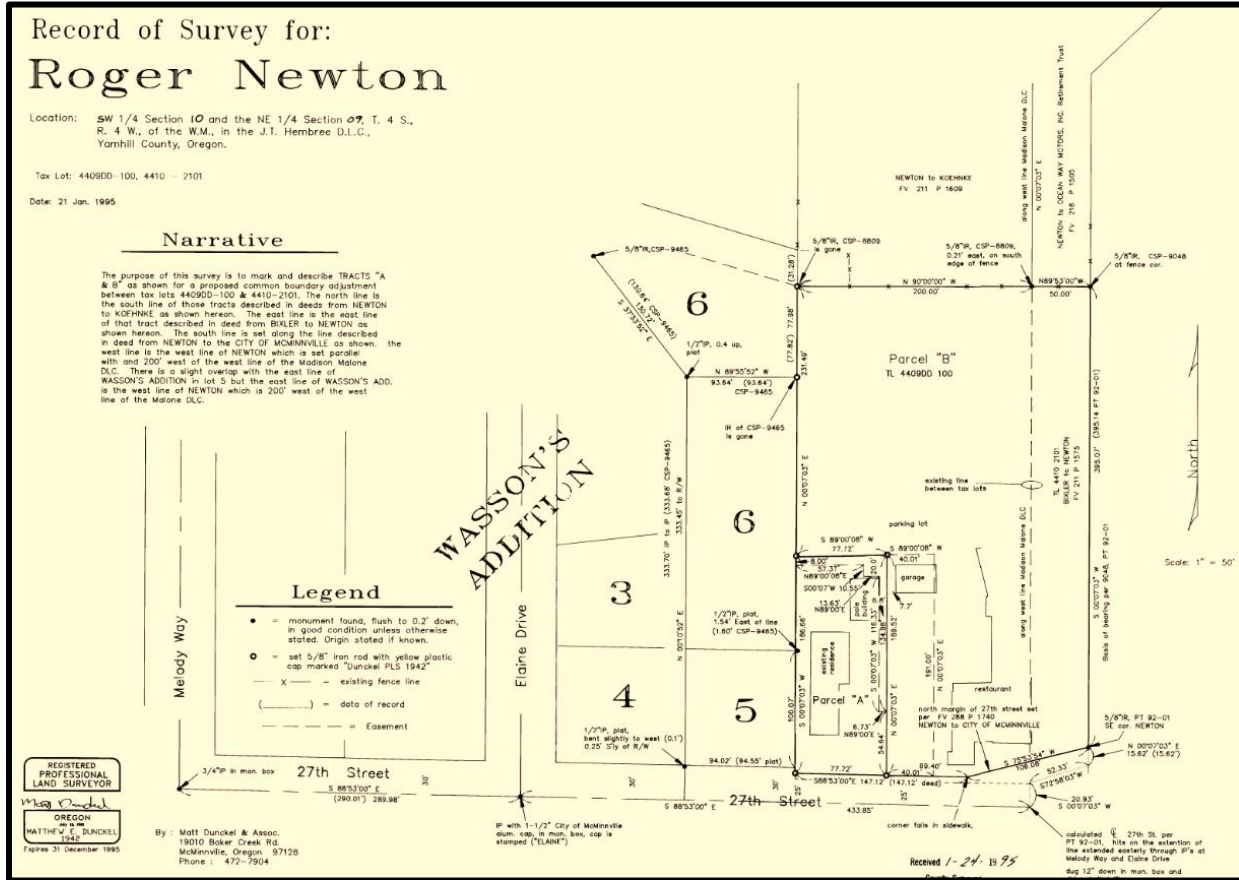
- Survey recorded with Yamhill County in 1995: The property owners at the time that this survey was recorded owned the restaurant that still exists on the subject site today and the single family home to the west. Both of those structures were located on one parcel, and the property owners had also, at some point in time, acquired a narrow parcel 50 feet in width to the east of the restaurant. The survey that was recorded in 1995 combined that narrow 50 foot parcel with the parcel to the west, and also partitioned off a parcel for the existing single family home. The City of McMinnville has no record of this partition taking place, so the existing parcels and lots of record were created without approval from the City but were still recorded with the county surveyor's office.

The parcel with the single family home now exists as Tax Lot 5000, Section 16AA, T. 4 S., R. 4 W., W.M., and the subject site exists as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M. The current owners of the subject site acquired the property after the survey in 1995, so were not the owners at the time the existing lot of record was created.

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- The survey recorded in 1995 is shown below:

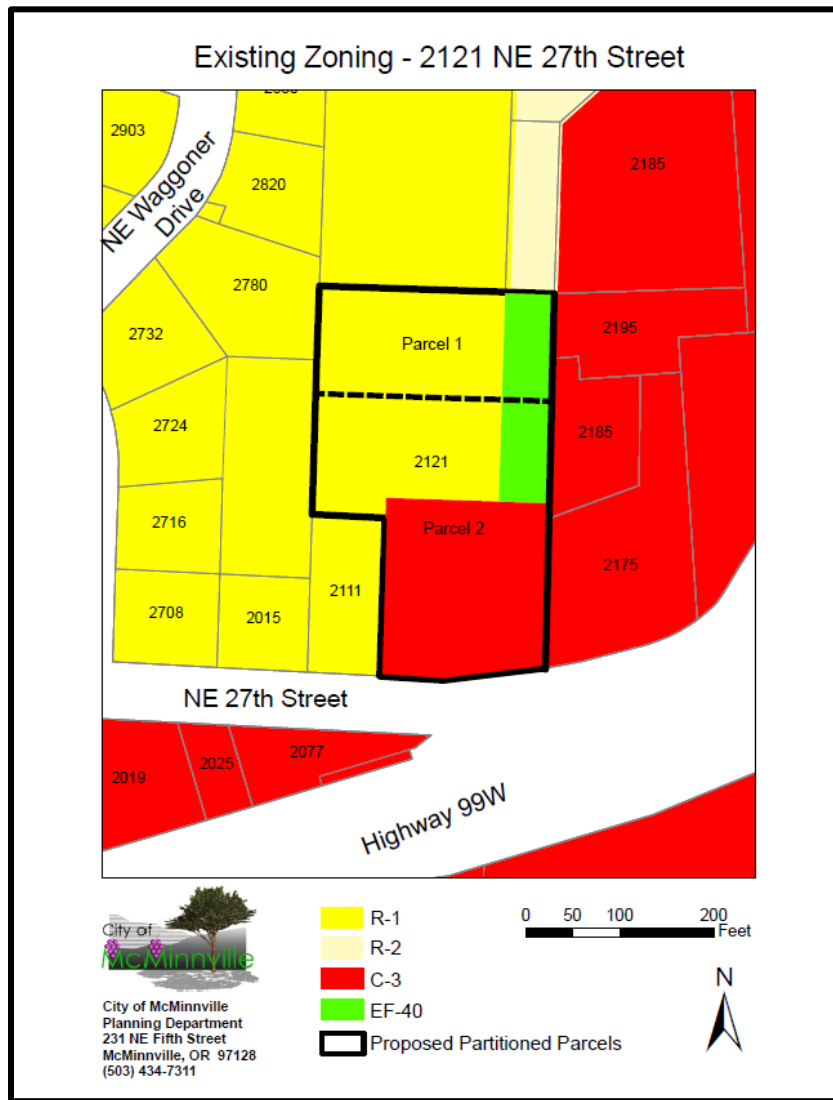


- ANX 2-96: This annexation brought the property to the north of the subject site into the city limits. The property that was included in this annexation was eventually developed as single family residential, and is now shown on the zoning map as (R-2 Single-Family Residential). This property includes the Bixler and Gerhard subdivisions. This annexation and the subsequent subdivisions did not include the subject site.

In summary, after discovering the information from those land use decisions, and also after analyzing older official zoning documents, staff determined that the actual existing zoning of the subject site is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single-Family Residential), and C-3 (General Commercial). The older official zoning documents show the zoning as being more consistent with the existing uses of the property, and staff believes that there was an error in the depiction of the zoning districts on historic zoning maps or possibly when the zoning information was transferred to a Geographic Information Systems (GIS) database.

The actual existing zoning of the subject site, based on staff's findings, is shown below:

Attachments:
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 Exhibit C – ZC 2-17 Decision Document



Discussion:

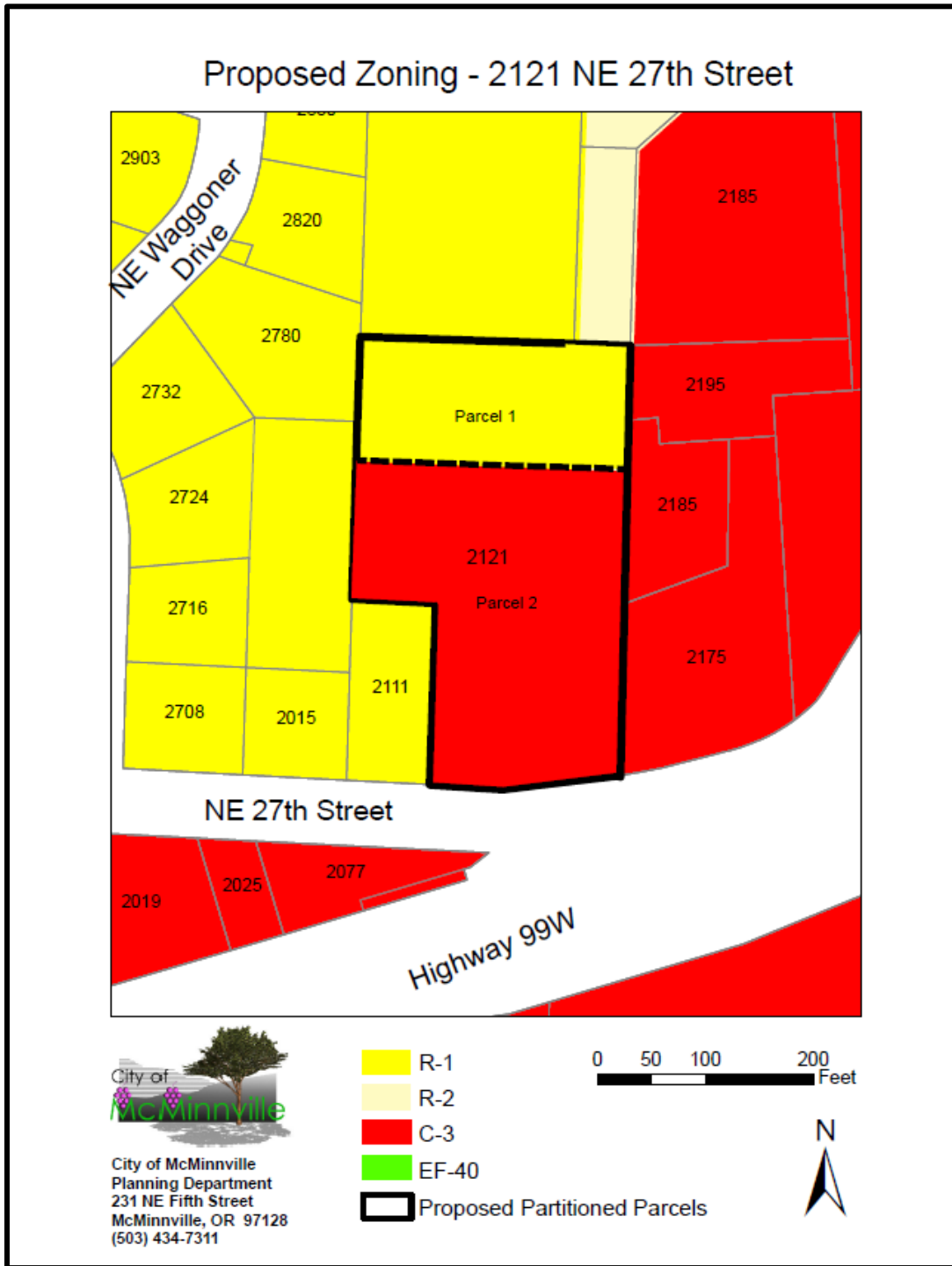
The applicant is requesting a comprehensive plan map amendment to designate the newly created Parcel 1 (the northern portion of the original parcel) as strictly Residential and then to rezone that same parcel from a mixed zoning of EF-40 and R-1 to only R-1. The applicant is also requesting to designate the newly created Parcel 2 (the southern portion of the original parcel) as strictly Commercial on the Comprehensive Plan Map, and to rezone Parcel 2 from a mixed zoning of C-3, EF-40, and R-1 to only C-3.

The applicant intends to construct a single family home on Parcel 1 and continue to operate the existing commercial business on Parcel 2.

The proposed zoning of the subject site and the two newly created parcels, if approved, is shown below. The comprehensive plan designations would mirror the zoning, with the northern parcel being designated as Residential and the southern parcel being designated as Commercial.

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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 recommend approval of the comprehensive plan map amendment and zone change requests, or approval with conditions, to the City Council, or to deny the requests.

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In reviewing a comprehensive plan map amendment or zone change, the Planning Commission must ensure that the proposal satisfies all relevant requirements of the McMinnville Zoning Ordinance. The Planning Commission must also make findings of fact that address the relevant review criteria for comprehensive plan map amendments and zone changes.

Comprehensive Plan Map Amendment Review:

The review criteria relevant to this request are as follows:

1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Applicable Comprehensive Plan goals and policies, as well as staff's findings of whether the proposed amendment meets the goals and policies, are listed below:

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF MCMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.03: The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled businesses.

Finding: Goal IV 2 and Policy 21.03 are satisfied in that the existing commercial business located on the southern parcel, which is proposed to be designated as entirely Commercial on the Comprehensive Plan map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be Residential on the Comprehensive Plan map, to serve as their primary residence.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

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

Finding: Goal IV 3 and Policy 22.00 are satisfied as the majority of the southern parcel is already designated as Commercial on the Comprehensive Plan map. The proposed designation of the entire southern parcel as Commercial will appropriately provide commercial designations on the Comprehensive Plan map to accommodate existing commercial development and will allow for maximum and most efficient use of the existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utility capacities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding

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land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Policy 27.00 is satisfied as, while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00: City land development ordinance shall provide opportunities for development of a variety of housing types and densities.

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that a majority of the northern parcel is already designated as Residential on the Comprehensive Plan map. The designation of the entire northern parcel as Residential will allow for the development of housing in an area of the City that has historically been vacant land and underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

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

Finding: As described above, the northern portion of the subject site has historically been an area of the City that is vacant and underutilized. A majority of the northern parcel is already designated as Residential on the Comprehensive Plan map, and a majority of the southern parcel is already designated as Commercial. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional development within the City that is also consistent and compatible with the surrounding area. Goal V 2 and Policy 69.00 are met by this proposal.

Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*

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2. *Storm sewer and drainage facilities (as required).*
3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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.

Policy 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.

Policy 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.

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 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.

Policy 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.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*

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3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. 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 and in making 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: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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 VII 3 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 McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

2) The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

The existing Comprehensive Plan map designations that apply to the subject site are irregular and do not follow any particular property line, existing or previous. It appears that a similar issue may have occurred in the transition between earlier historic Comprehensive Plan map documents or during the transition to a Geographic Information Systems (GIS) database, which may have occurred with the zoning designations as well, resulting in an inaccurate designation of land uses on the subject site. The proposed amendment to the Comprehensive Plan map would more consistently designate the subject

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site, based on proposed property lines and existing and historical uses. The northern portion of the site would become only Residential, and the southern portion of the site would become only Commercial.

The southern portion of the site has historically been used as a restaurant as far back as the early 1980s, which was documented in the previous land use decisions described above. The commercial use likely even predates the 1980s.

The current restaurant use currently extends to the north and west, outside of the portion of the site that is shown as Commercial on the current Comprehensive Plan map. The proposed adjustment of the designations on the site would more accurately designate the existing and historic uses of the southern portion of the site as a commercial establishment.

The retention of the northern portion of the site as Residential is also more consistent with the pattern of development in the surrounding area and is more compatible with surrounding land uses. The creation of this new parcel on the northern portion of the site, and the future proposed development of the parcel with a single family home, will provide for a buffer between the existing commercial use and the surrounding neighborhood.

Based on the history of the site and the proposed use of the northern portion of the site as a single family home, staff believes that the proposed amendment is orderly and timely. The amendment would more accurately depict the existing conditions of the site, the historic uses of the site, and would blend in with the pattern of development and uses in the surrounding area.

3) Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the access to the southern parcel from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards. Additionally, at the time of building permits, the driveway along Waggoner Drive to serve the northern parcel will be required to meet PROWAG standards.

Zone Change (ZC 1-17) Review:

There are two zone changes to review separately. The first zone change is to rezone the northern portion of the property from a mixture of R-1 (Single Family Residential) and EF-40 (Exclusive Farm Use – 40-acre Minimum) to only an R-1 zone. The review criteria relevant to this request are as follows:

1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

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Applicable Comprehensive Plan goals and policies, as well as staff's findings of whether the proposed amendment meets the goals and policies, are listed below:

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00: City land development ordinance shall provide opportunities for development of a variety of housing types and densities.

Finding: A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The rezoning of the entire northern parcel as R-1 Single Family Residential will allow for the development of an additional housing opportunity on land that has remained underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities and therefore Goal V 1 and Policy 58.00 are satisfied.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

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

Finding: As described above, the northern portion of the subject site has historically been a location that is partially vacant and underutilized. A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional residential development within the City that is also consistent and compatible with the surrounding uses. Therefore Goal V 2 and Policy 69.00 are met by this proposal.

Policy 71.06: Low Density Residential Development (R-1 and R-2) should be limited to the following:

1. *Areas which are committed to low density development and shown on the buildable lands inventory as "developed" land [...]*
3. *Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands.*

Finding: Policy 71.06 is satisfied by the proposal in that the use of the R-1 Single Family Residential zoning district, as stated in the Comprehensive Plan, should be limited to particular areas that warrant low density development. The northern parcel that is proposed to be rezoned to R-1 Single Family Residential meets two of the applicable criteria required by this Comprehensive Plan policy for the application of the R-1 zoning classification. The existing area is already primarily committed to low density residential development, as a majority of the northern parcel is already zoned R-1 Single Family Residential from a previous land use decision (ZC 12-86). Development limitations also exist on the site. A mapped stream corridor runs through the middle of the northern parcel, running north and eventually entering the North Yamhill River, which limits the actual developable area within the northern parcel.

Policy 71.07: The R-1 zoning designation shall be applied to limited areas within the McMinnville urban growth boundary. These include: [...]

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2. *Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities.*

Finding: As stated above, the use of the R-1 Single Family Residential zoning district should be limited to particular areas that warrant low density development. The northern parcel resulting from the recent partition approval and is proposed to be rezoned to R-1 Single Family Residential also meets one of the necessary criteria to satisfy this Comprehensive Plan policy. The application of the R-1 Single Family Residential zone to the entire northern parcel is warranted because the majority of the northern parcel has already been approved for such density during a previous land use decision (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). Also, the application of the R-1 Single Family Residential zone is warranted because the surrounding neighborhood and properties are also zoned R-1 and are developed as single family residential. Policy 71.07 has been satisfied by this proposal.

Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
2. *Storm sewer and drainage facilities (as required).*
3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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.

Policy 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.

Policy 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.

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 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.

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Policy 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.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. 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 and in making 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: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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.

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Finding: Goal VII 3 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 McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

2) The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

The property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". The property owner's desire to construct a single family home on the northern parcel triggers the requirement to rezone the property to a city zone from the county zoning that a portion of the site retains from the original annexation. Therefore, this zone change request is orderly and timely.

The majority of the northern parcel is already zoned R-1 Single Family Residential, which occurred after a separate annexation and rezoning process was approved by the City in 1986 (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). The small portion of this northern parcel that still retains its county zoning would be rezoned to R-1, establishing one single zoning district on the northern parcel. The classification of R-1 is consistent with surrounding zoning, as there are single family homes in existing R-1 zoned subdivisions to the north and west of the subject site. The rezoning of the northern parcel to R-1 is also consistent with the pattern of development in the surrounding neighborhood, and the use of this portion of the site as single family residential will provide for an additional buffer between the existing commercial use on the southern portion of the site and the existing residential development to the north and west.

3) Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the driveway along Waggoner Drive to serve the northern parcel was required to be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

Zone Change (ZC 2-17) Review:

The second zone change is to rezone the southern portion of the property from a mixture of R-1 (Single Family Residential), EF-40 (Exclusive Farm Use – 40-acre Minimum), and C-3 (General Commercial) to only a C-3 zone. The review criteria relevant to this request are as follows:

Attachments:

Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Applicable Comprehensive Plan goals and policies, as well as staff's findings of whether the proposed amendment meets the goals and policies, are listed below:

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF MCMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.03: The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled businesses.

Finding: Goal IV 2 and Policy 21.03 are satisfied by this proposal as the existing commercial business located on the southern parcel, which is proposed to be rezoned as entirely C-3 General Commercial on the official Zoning map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be rezoned to R-1 Single Family Residential on the Zoning map, to serve as their primary residence.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

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

Finding: Goal IV 3 and Policy 22.00 are satisfied in that the majority of the southern parcel is zoned C-3 General Commercial on the official Zoning map. The proposed rezoning of the entire southern parcel to C-3 General Commercial will appropriately provide commercial designation on the Zoning map to accommodate existing commercial development and will allow for maximum and most efficient use of existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utilities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Attachments:

Exhibit A – CPA 1-17 Decision Document
 Exhibit B – ZC 1-17 Decision Document
 Exhibit C – ZC 2-17 Decision Document

Finding: Policy 27.00 is met as while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

Policy 32.00: Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.

Finding: The existing commercial use on the southern parcel is not a large, intense commercial use, but it is adjacent to residential zones and uses. To be more compatible with the existing surrounding uses, staff is suggesting that a condition of approval be included to require landscaping to be provided on the north and west property lines of the southern parcel to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as is allowed by Comprehensive Plan Policy 32.00.

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.

Policy 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.

Policy 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.

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 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.

Policy 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.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available,*

Attachments:

Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. 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 and in making 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: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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 VII 3 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 McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

- 2) The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.**

Attachments:

Exhibit A – CPA 1-17 Decision Document
Exhibit B – ZC 1-17 Decision Document
Exhibit C – ZC 2-17 Decision Document

The same issue of the county zoning being retained from the original annexation of the property exists on the southern portion of the site, as the northeast corner of the proposed southern parcel still retains an EF-40 zoning classification. The request would bring that portion of the site into a city zone, and would decrease the number of zoning districts that apply to the single parcel.

The southern portion of the site, as described above, has been functioning as a commercial establishment for many years. The existing use of the subject site as a commercial actually extends outside of the portion of the site that is shown on the Zoning Map as C-3 General Commercial. The main developed portion of the southern parcel is the actual restaurant building, which fronts onto NE 27th Street, but the parking lot for the building does extend to the north and west outside of the C-3 areas as shown on the zoning map. There is no record of when the use enlarged to this size, and it may have existed in its current footprint as long as a commercial use was conducted at the site.

Based on that existing use and the pattern of development in the area, staff believes that the request is orderly and timely. The request would rezone the entire southern parcel to a single zoning district, removing a county zoning, reducing the number of zoning districts on one parcel from three to only one, and would more accurately represent the existing and historical use of the southern portion of the subject site.

The southern parcel is primarily zoned C-3 General Commercial, so the request wouldn't change the overall development of the area. The property immediately to the west and south along NE 27th Street and Highway 99W is all zoned and used as C-3 General Commercial as well. Therefore, the proposed rezoning is consistent with the development and use of the surrounding area.

3) Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. As part of the minor partition process, the access to the southern property from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

CPA 1-17

Attachments:

Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

The Planning Department recommends that the Commission make the following motion recommending approval of CPA 1-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE CPA 1-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

ZC 1-17

The Planning Department recommends that the Commission make the following motion recommending approval of ZC 1-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 1-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

ZC 2-17

The Planning Department recommends that the Commission make the following motion recommending approval of ZC 2-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 2-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

CD:sjs

Attachments:

Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

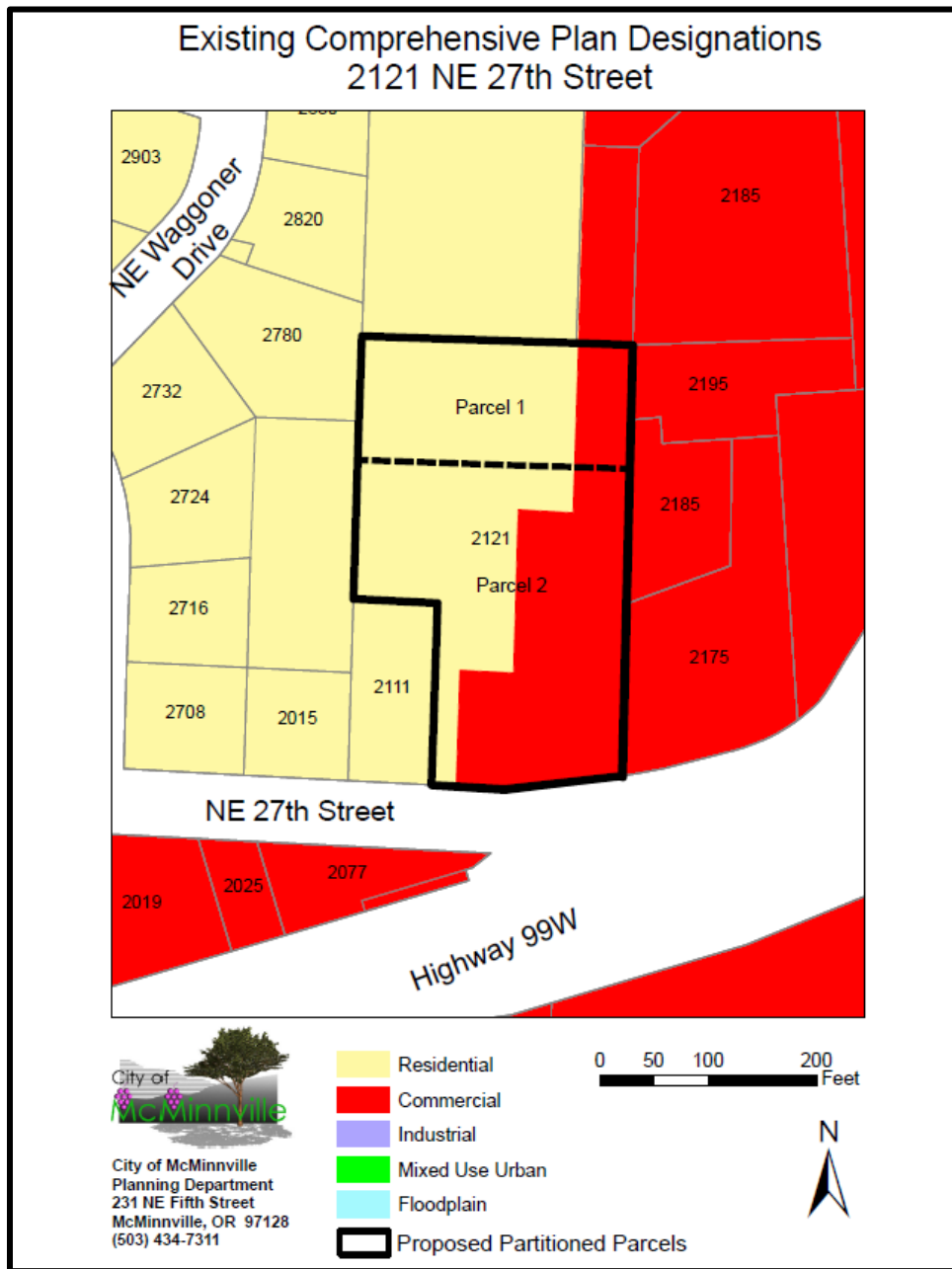
DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT TO THE PROPERTY AT 2121 NE 27TH STREET.

- DOCKET:** CPA 1-17 (Comprehensive Plan Map Amendment)
- REQUEST:** The applicant is proposing to re-designate the land uses shown on the Comprehensive Plan map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial.
- LOCATION:** The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).
- APPLICANT:** Creekside Homes, LLC, on behalf of Jae & Aylih Chon
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** April 25, 2017. Meeting held at the Civic Hall, 200 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. Their comments are provided in this exhibit.

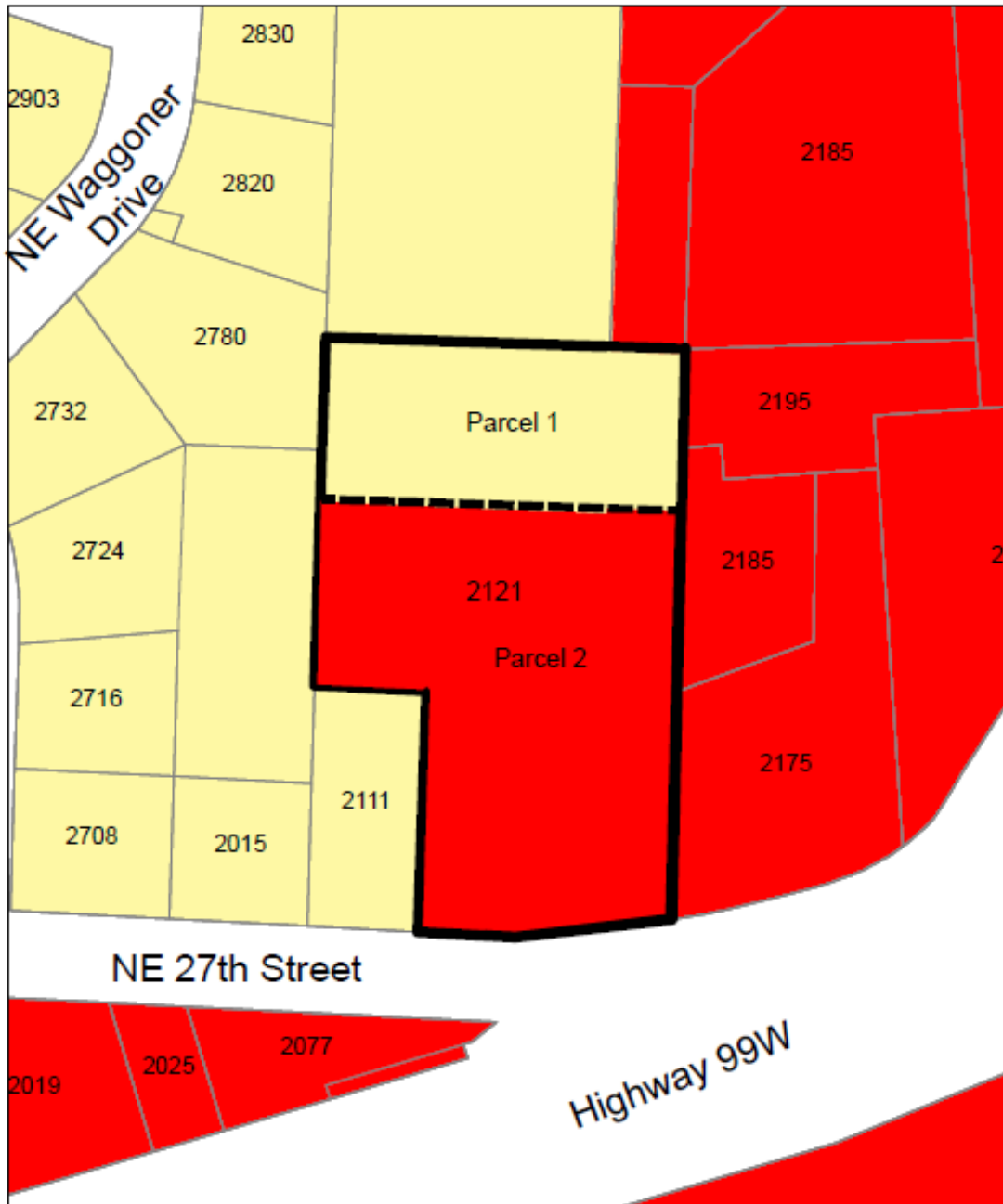
Application Summary:

The applicant is proposing to re-designate the land uses shown on the Comprehensive Plan map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial.

The existing and proposed Comprehensive Plan designations are shown below:

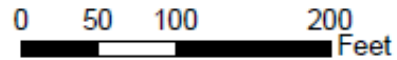


Proposed Comprehensive Plan Designations 2121 NE 27th Street



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

-  Residential
-  Commercial
-  Industrial
-  Mixed Use Urban
-  Floodplain
-  Proposed Partitioned Parcels



CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

CPA 1-17 is **approved** subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be designated Residential and the proposed Parcel 2 from the partition request (MP 7-16) be designated Commercial on the McMinnville Comprehensive Plan Map.

ATTACHMENTS

1. CPA 1-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

McMinnville Engineering Department

We have reviewed proposed CPA 1-17, ZC 1-17, and ZC 2-17, and do not have any comments. We recently reviewed proposed MP 7-16 for these properties, and would note that the infrastructure requirements associated with that approval have not been completed, and the partition plat has not been recorded.

FINDINGS OF FACT

1. Creekside Homes, LLC is proposing to re-designate the land uses shown on the Comprehensive Plan Map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.

4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF MCMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.03: The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled businesses.

Finding: Goal IV 2 and Policy 21.03 are satisfied in that the existing commercial business located on the southern parcel, which is proposed to be designated as entirely Commercial on the Comprehensive Plan map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be Residential on the Comprehensive Plan map, to serve as their primary residence.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

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

Finding: Goal IV 3 and Policy 22.00 are satisfied as the majority of the southern parcel is already designated as Commercial on the Comprehensive Plan map. The proposed designation of the entire southern parcel as Commercial will appropriately provide commercial designations on the Comprehensive Plan map to accommodate existing commercial development and will allow for maximum and most efficient use of the existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utility capacities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Policy 27.00 is satisfied as, while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00: City land development ordinance shall provide opportunities for development of a variety of housing types and densities.

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that a majority of the northern parcel is already designated as Residential on the Comprehensive Plan map. The designation of the entire northern parcel as Residential will allow for the development of housing in an area of the City that has historically been vacant land and underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

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

Finding: As described above, the northern portion of the subject site has historically been an area of the City that is vacant and underutilized. A majority of the northern parcel is already designated as Residential on the Comprehensive Plan map, and a majority of the southern parcel is already designated as Commercial. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional development within the City that is also consistent and compatible with the surrounding area. Goal V 2 and Policy 69.00 are met by this proposal.

Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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.

Policy 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.

Policy 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.

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 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.

Policy 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.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. 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 and in making 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: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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 VII 3 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 McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

A. Site built single-family dwelling [...]

17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]

17.12.060 Density Requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].

Finding: The portion of the subject site that will be designated as Residential on the Comprehensive Plan map will meet the minimum lot size and density requirements. Based on the applicant's intended development of the site for a single family residential home, the proposed use of the property will be permitted.

C-3 General Commercial Zone:

17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020.

C-2 Travel Commercial Zone:

17.30.010 Permitted Uses. In a C-2 zone, the following uses and their accessory uses are permitted:

F. Restaurant

Finding: The portion of the subject site that will be designated as Commercial on the Comprehensive Plan map is currently used as a restaurant, and the applicant is proposing to continue to operate that business. The existing and proposed future use of the site as a restaurant will be permitted.

Review Criteria:

17.74.020 Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The existing Comprehensive Plan map designations that apply to the subject site are irregular and do not follow any particular property line, existing or previous. It appears that a similar issue may have occurred in the transition between earlier historic Comprehensive Plan map documents or during the transition to a Geographic Information Systems (GIS) database, which occurred with the zoning designations as well, resulting in an inaccurate designation of land uses on the subject site. The proposed amendment to the Comprehensive Plan map would more consistently designate the subject site, based on proposed property lines and existing and historical uses. The northern portion of the site would become only Residential, and the southern portion of the site would become only Commercial.

The southern portion of the site has historically been used as a restaurant as far back as the early 1980s, which was documented in the previous land use decisions described above. The commercial use likely even predates the 1980s.

The current restaurant use currently extends to the north and west, outside of the portion of the site that is shown as Commercial on the current Comprehensive Plan map. The proposed adjustment of the designations on the site would more accurately designate the existing and historic uses of the southern portion of the site as a commercial establishment.

The retention of the northern portion of the site as Residential is also more consistent with the pattern of development in the surrounding area and is more compatible with surrounding land uses. The creation of this new parcel on the northern portion of the site, and the future proposed development of

the parcel with a single family home, will provide for a buffer between the existing commercial use and the surrounding neighborhood.

Based on the history of the site and the proposed use of the northern portion of the site as a single family home, staff believes that the proposed amendment is orderly and timely. The amendment would more accurately depict the existing conditions of the site, the historic uses of the site, and would blend in with the pattern of development and uses in the surrounding area.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the access to the southern parcel from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards. Additionally, at the time of building permits, the driveway along Waggoner Drive to serve the northern parcel will be required to meet PROWAG standards.

CD:sjs



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE ON THE NORTHERN PORTION OF THE PROPERTY AT 2121 NE 27TH STREET.

DOCKET: ZC 1-17 (Zone Change)

REQUEST: The applicant is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1.

LOCATION: The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential).

APPLICANT: Creekside Homes, LLC, on behalf of Jae & Ayliah Chon

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 25, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

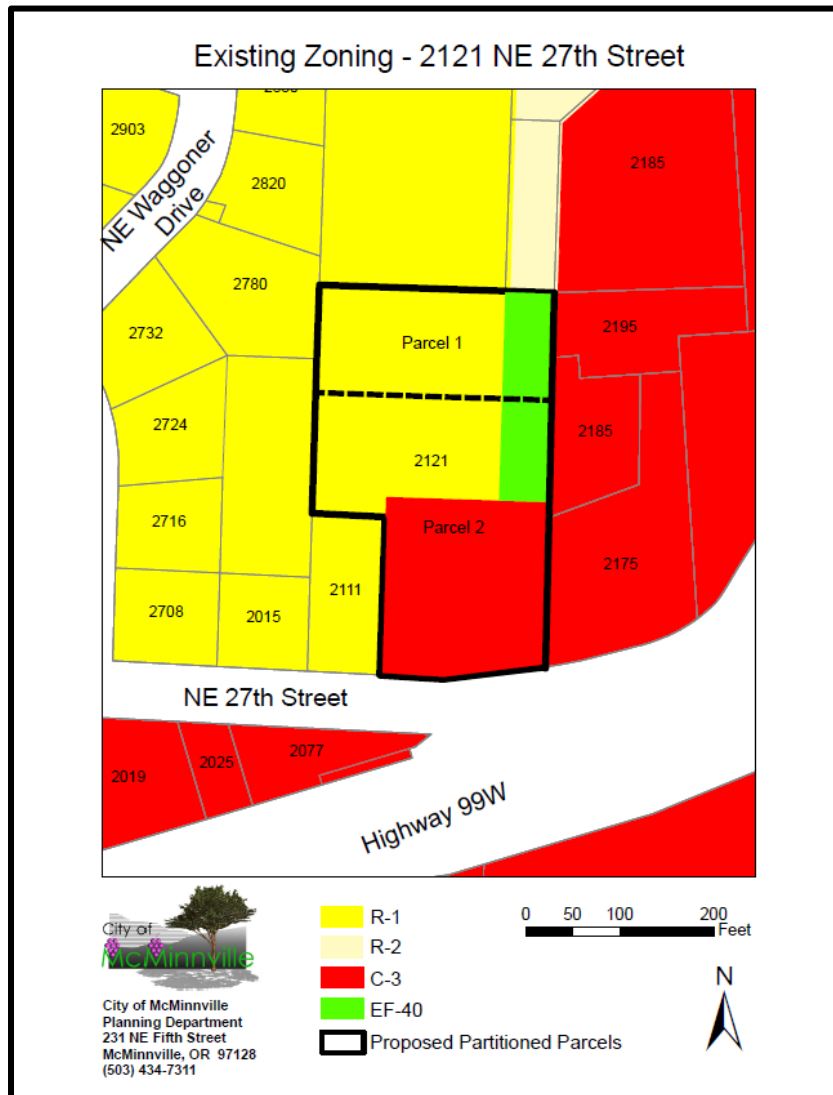
COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

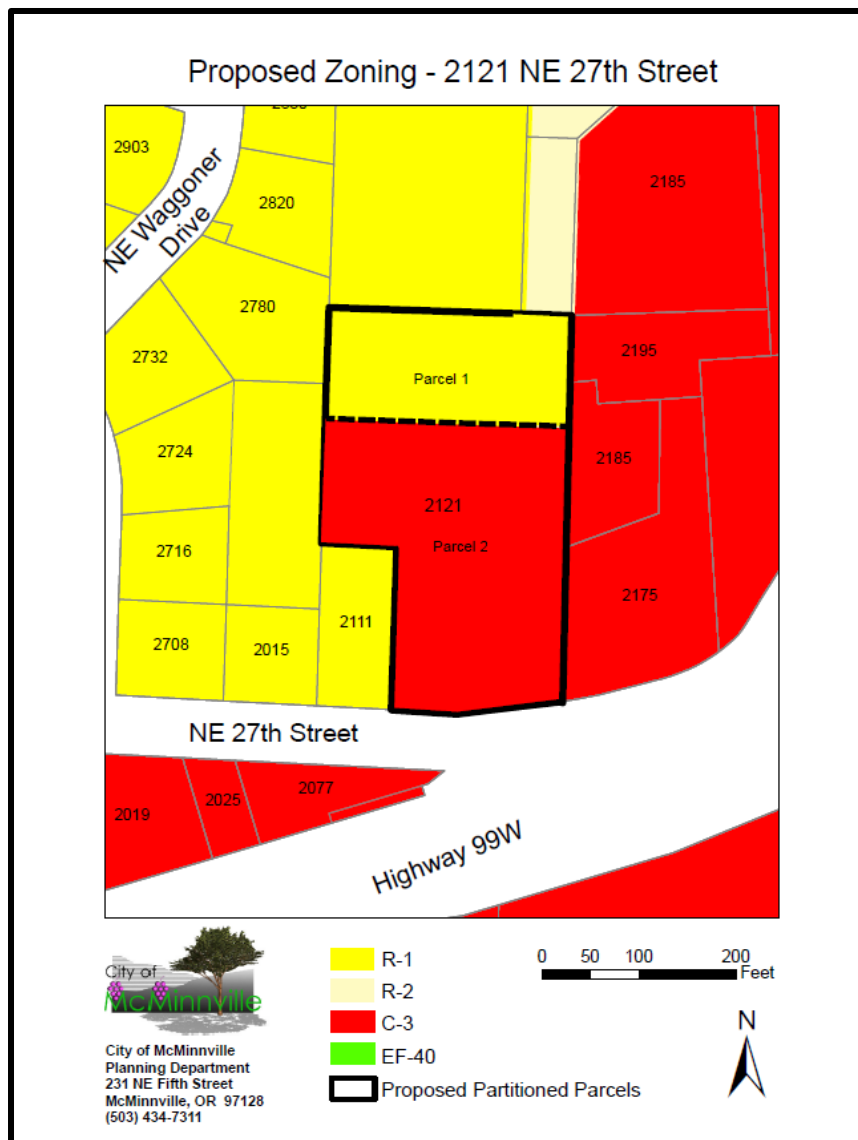
Application Summary:

The applicant is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1.

The property owner’s request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that “a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone”. The property owner’s desire to construct a single family home on the northern parcel triggers the requirement to rezone the property from the county zoning that a portion of the site retains from the original annexation to a city zone.

The existing and proposed zoning of the subject site are shown below:





CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

ZC 1-17 is approved subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be rezoned to R-1 Single Family Residential.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.

ATTACHMENTS

1. ZC 1-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

McMinnville Engineering Department

We have reviewed proposed CPA 1-17, ZC 1-17, and ZC 2-17, and do not have any comments. We recently reviewed proposed MP 7-16 for these properties, and would note that the infrastructure requirements associated with that approval have not been completed, and the partition plat has not been recorded.

FINDINGS OF FACT

1. Creekside Homes, LLC is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980. The applicant has also concurrently applied for a designation of the entire site as only Residential on the Comprehensive Plan Map (CPA 1-17).
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00: City land development ordinance shall provide opportunities for development of a variety of housing types and densities.

Finding: A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The rezoning of the entire northern parcel as R-1 Single Family Residential will allow for the development of an additional housing opportunity on land that has remained underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities and therefore Goal V 1 and Policy 58.00 are satisfied.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

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

Finding: As described above, the northern portion of the subject site has historically been a location that is partially vacant and underutilized. A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional residential development within the City that is also consistent and compatible with the surrounding uses. Therefore Goal V 2 and Policy 69.00 are met by this proposal.

Policy 71.06: Low Density Residential Development (R-1 and R-2) should be limited to the following:

1. *Areas which are committed to low density development and shown on the buildable lands inventory as “developed” land [...]*
3. *Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands.*

Finding: Policy 71.06 is satisfied by the proposal in that the use of the R-1 Single Family Residential zoning district, as stated in the Comprehensive Plan, should be limited to particular areas that warrant low density development. The northern parcel that is proposed to be rezoned to R-1 Single Family Residential meets two of the applicable criteria required by this Comprehensive Plan policy for the application of the R-1 zoning classification. The existing area is already primarily committed to low density residential development, as a majority of the northern parcel is already zoned R-1 Single Family Residential from a previous land use decision (ZC 12-86). Development limitations also exist on the site. A mapped stream corridor runs through the middle of the northern parcel, running north and eventually entering the North Yamhill River, which limits the actual developable area within the northern parcel.

Policy 71.07: The R-1 zoning designation shall be applied to limited areas within the McMinnville urban growth boundary. These include: [...]

2. *Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities.*

Finding: As stated above, the use of the R-1 Single Family Residential zoning district should be limited to particular areas that warrant low density development. The northern parcel resulting from the recent partition approval and is proposed to be rezoned to R-1 Single Family Residential also meets one of the necessary criteria to satisfy this Comprehensive Plan policy. The application of the R-1 Single Family Residential zone to the entire northern parcel is warranted because the majority of the northern parcel has already been approved for such density during a previous land use decision (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). Also, the application of the R-1 Single Family Residential zone is warranted because the surrounding neighborhood and properties are also zoned R-1 and are developed as single family residential. Policy 71.07 has been satisfied by this proposal.

Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
2. *Storm sewer and drainage facilities (as required).*
3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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.

Policy 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.

Policy 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.

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 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.

Policy 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.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. 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 and in making 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: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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 VII 3 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 McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling [...]

17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]

17.12.060 Density Requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [..].

Finding: The portion of the subject site that will be zoned R-1 Single Family Residential will meet the minimum lot size and density requirements. Based on the applicant's intended development of the site for a single family residential home, the proposed use of the property will be permitted.

Review Criteria:

17.74.020 Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". The property owner's desire to construct a single family home on the northern parcel triggers the requirement to rezone the property to a city zone from the county zoning that a portion of the site retains from the original annexation. Therefore, this zone change request is orderly and timely.

The majority of the northern parcel is already zoned R-1 Single Family Residential, which occurred after a separate annexation and rezoning process was approved by the City in 1986 (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). The small portion of this northern parcel that still retains its county zoning would be rezoned to R-1, establishing one single zoning district on the northern parcel. The classification of R-1 is consistent with surrounding zoning, as there are single family homes in existing

R-1 zoned subdivisions to the north and west of the subject site. The rezoning of the northern parcel to R-1 is also consistent with the pattern of development in the surrounding neighborhood, and the use of this portion of the site as single family residential will provide for an additional buffer between the existing commercial use on the southern portion of the site and the existing residential development to the north and west.

The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the driveway along Waggoner Drive to serve the northern parcel was required to be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

CD:sjs



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE ON THE SOUTHERN PORTION OF THE PROPERTY AT 2121 NE 27TH STREET.

DOCKET: ZC 2-17 (Zone Change)

REQUEST: The applicant is proposing to rezone the southern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 2 from the partition request being zoned C-3.

LOCATION: The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).

APPLICANT: Creekside Homes, LLC, on behalf of Jae & Aylih Chon

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

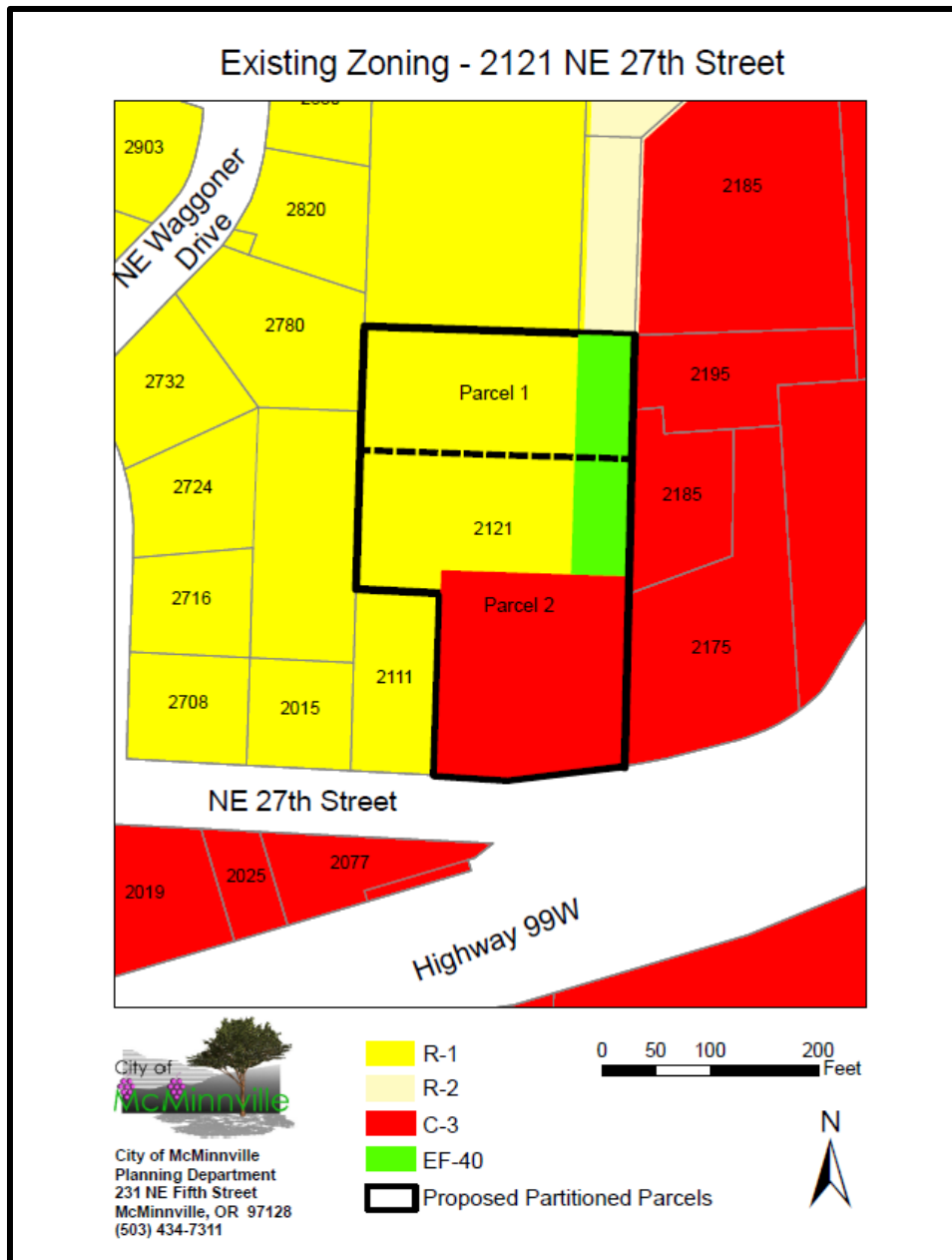
DATE & TIME: April 25, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

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. Their comments are provided in this exhibit.

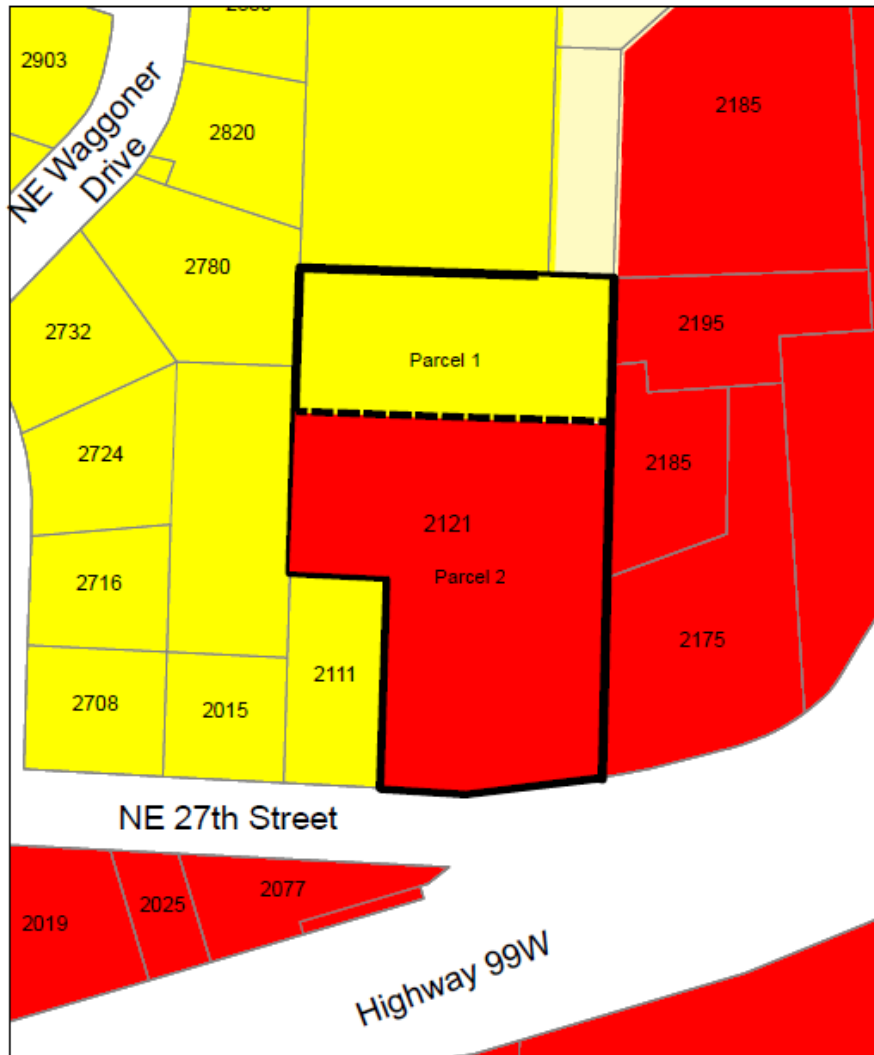
Application Summary:

The applicant is proposing to rezone the southern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 2 from the partition request being zoned C-3.

The existing and proposed zoning of the subject site are shown below:



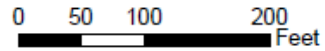
Proposed Zoning - 2121 NE 27th Street



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

- R-1
- R-2
- C-3
- EF-40

Proposed Partitioned Parcels



CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

ZC 2-17 is **approved** subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 2 from the partition request (MP 7-16) be rezoned to C-3 General Commercial.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.
4. Prior to any future building permits being issued for the southern parcel to be zoned C-3 General Commercial, the applicant shall install landscaping on the north and west property lines of the southern parcel to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as required by Comprehensive Plan Policy 32.00. At such time, the applicant shall submit a landscape plan to be reviewed and approved by the Landscape Review Committee subject to the provisions in Chapter 17.57 (Landscaping) of the McMinnville Zoning Ordinance.

ATTACHMENTS

1. ZC 2-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

McMinnville Engineering Department

We have reviewed proposed CPA 1-17, ZC 1-17, and ZC 2-17, and do not have any comments. We recently reviewed proposed MP 7-16 for these properties, and would note that the infrastructure requirements associated with that approval have not been completed, and the partition plat has not been recorded.

FINDINGS OF FACT

1. Creekside Homes, LLC is proposing to rezone the southern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 2 from the partition request being zoned C-3. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

2. The site is currently zoned EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980. The applicant has also concurrently applied for a designation of the entire site as only Commercial on the Comprehensive Plan Map (CPA 1-17).
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF MCMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.03: The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled businesses.

Finding: Goal IV 2 and Policy 21.03 are satisfied by this proposal as the existing commercial business located on the southern parcel, which is proposed to be rezoned as entirely C-3 General Commercial on the official Zoning map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be rezoned to R-1 Single Family Residential on the Zoning map, to serve as their primary residence.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

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

Finding: Goal IV 3 and Policy 22.00 are satisfied in that the majority of the southern parcel is zoned C-3 General Commercial on the official Zoning map. The proposed rezoning of the entire southern parcel to C-3 General Commercial will appropriately provide commercial designation on the Zoning map to accommodate existing commercial development and will allow for maximum and most efficient use of existing commercially designated lands.

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

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utilities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Policy 27.00 is met as while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

Policy 32.00: Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.

Finding: The existing commercial use on the southern parcel is not a large, intense commercial use, but it is adjacent to residential zones and uses. To be more compatible with the existing surrounding uses, staff is suggesting that a condition of approval be included to require landscaping to be provided on the north and west property lines of the southern parcel to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as is allowed by Comprehensive Plan Policy 32.00.

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.

Policy 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.

Policy 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.

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 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.

Policy 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.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. 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 and in making 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: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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 VII 3 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 McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

C-3 General Commercial Zone:

17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020.

C-2 Travel Commercial Zone:

17.30.010 Permitted Uses. In a C-2 zone, the following uses and their accessory uses are permitted:

F. Restaurant

Finding: The portion of the subject site that will be rezoned to C-3 General Commercial is currently used as a restaurant, and the applicant is proposing to continue to operate that business. The existing and proposed future use of the site as a restaurant will be permitted.

Review Criteria:

17.74.020 Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance states that "a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone". While the property owner is not proposing to complete any construction on the southern portion of the subject site at the time of this application, the proposed amendment would remove county zoning from the northeast corner of the proposed southern parcel. This portion of the site still retains an EF-40 (Exclusive Farm Use – 40-acre Minimum) zoning classification from when it was annexed into the city. The request would bring that portion of the site into a city zone, and would decrease the number of zoning districts that apply to the single parcel.

The southern portion of the site, as described above, has been functioning as a commercial establishment for many years. The existing use of the subject site as a commercial actually extends outside of the portion of the site that is shown on the Zoning Map as C-3 General Commercial. The main developed portion of the southern parcel is the actual restaurant building, which fronts onto NE 27th Street, but the parking lot for the building does extend to the north and west outside of the C-3 areas as shown on the zoning map. There is no record of when the use enlarged to this size, and it may have existed in its current footprint as long as a commercial use was conducted at the site.

Based on that existing use and the pattern of development in the area, staff believes that the request is orderly and timely. The request would rezone the entire southern parcel to a single zoning district, removing a county zoning, reducing the number of zoning districts on one parcel from three to only one, and would more accurately represent the existing and historical use of the southern portion of the subject site.

The southern parcel is primarily zoned C-3 General Commercial, so the request wouldn't change the overall development of the area. The property immediately to the west and south along NE 27th Street and Highway 99W is all zoned and used as C-3 General Commercial as well. Therefore, the proposed rezoning is consistent with the development and use of the surrounding area.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. As part of the minor partition process, the access to the southern property from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

CD:sjs



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	<u>CPA-1-17</u>
Date Received	<u>1/30/17</u>
Fee	<u>\$347.50</u>
Receipt No.	<u>17M0013</u>
Received by	<u>CD</u>

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other Builder

Applicant Name Creekside Homes LLC Phone 503-389-5195

Contact Name Demian Coatty / Andrew Burton Phone 503-883-3764
(If different than above)

Address 219 NE Hwy 99W

City, State, Zip McMinnville OR 97128

Contact Email demian@creeksidehomes.net

Property Owner Information

Property Owner Name Jae Chon / Ayluh Chon Phone 503-504-8906
(If different than above)

Contact Name Jae Chon Phone 503-504-8906

Address 1356 NW Zinfandel Ct.

City, State, Zip McMinnville OR 97128

Contact Email vinideuskorea@hotmail.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 2121 NE 27th St McMinnville OR 97128

Assessor Map No. R4 416 AA 05002 Total Site Area 1.9 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation _____ Zoning Designation _____

This request is for a:

Comprehensive Plan Amendment

Zone Change

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.

- Request to change the Comprehensive Plan map designation of the newly created southern parcel from a mixture of commercial and residential to only commercial

- Request to change the designation of the newly created northern parcel from a mixture of commercial and residential to only residential

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2).

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. _____

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. _____

Rezoning both Northern and Southern parcels from old County zoning to current City zoning and consolidating each to one zone is both orderly and timely and falls in line with what is currently in the surrounding area

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. _____

- The southern parcel is commercial use and is consistent with the surrounding area on 27th st.

- The ^{newly designated} Northern parcel is/will be residential only and is consistent with the residential neighborhoods behind it


7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- A legal description of the parcel(s), preferably taken from the deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.



Applicant's Signature

1/30/17

Date



Property Owner's Signature

1/30/17

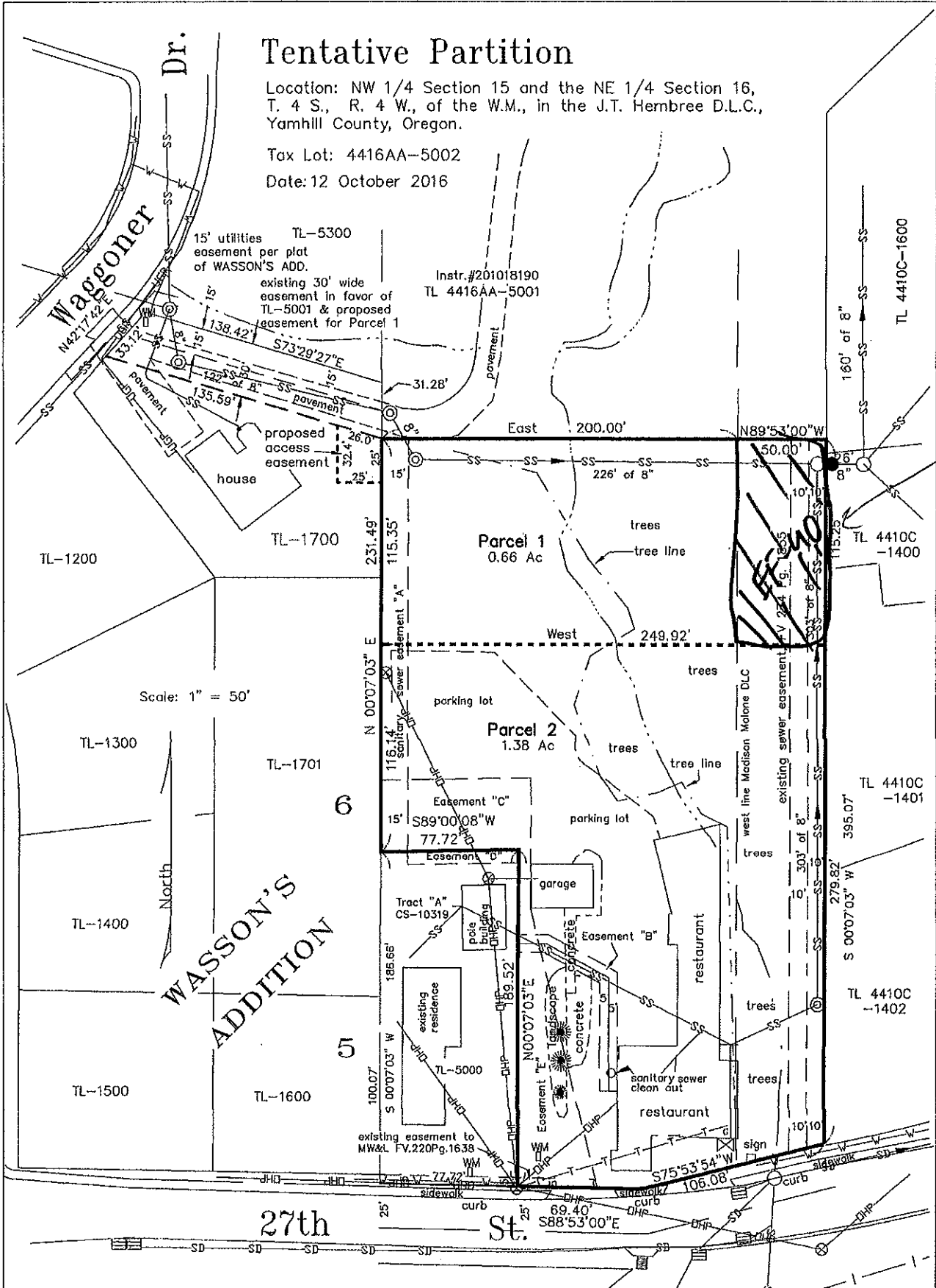
Date

Tentative Partition

Location: NW 1/4 Section 15 and the NE 1/4 Section 16,
T. 4 S., R. 4 W., of the W.M., in the J.T. Hembree D.L.C.,
Yamhill County, Oregon.

Tax Lot: 4416AA-5002

Date: 12 October 2016



*Old County
Zoning*

Existing Easements

- Easement "A" - Easement for sanitary sewer in favor of TL 5000
- Easement "B" - Easement for sanitary sewer in favor of TL 5000
- Easement "C" - Easement for road purposes in favor of TL 5000
- Easement "D" - Easement for parking in favor of TL 5002
- Easement "E" - Easement for road purposes in favor of TL 5000

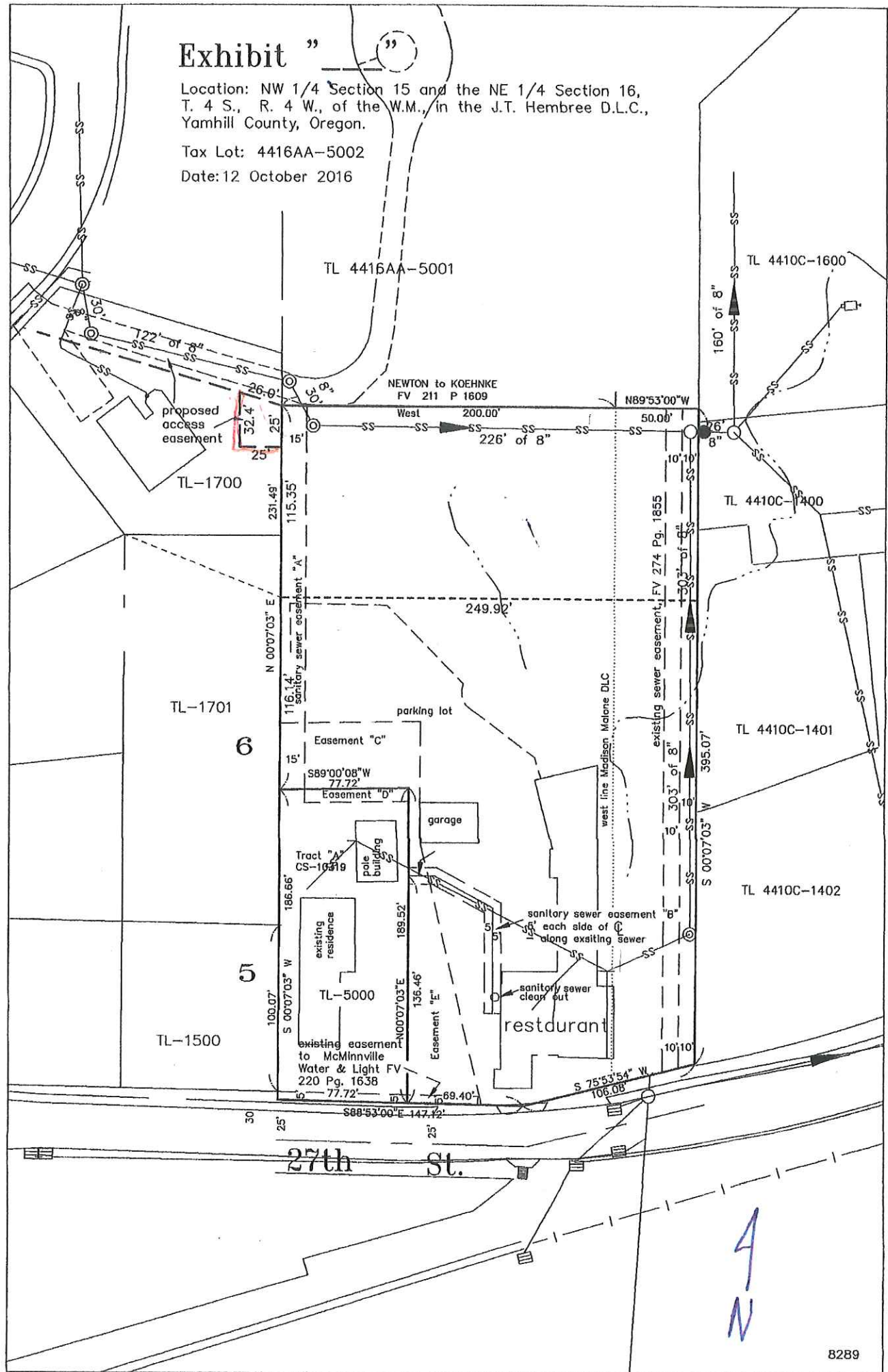
By: Matt Dunkel
Leland MacDonald & Assoc., LLC
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Email: matt@macdonaldsurveying.com

Exhibit "

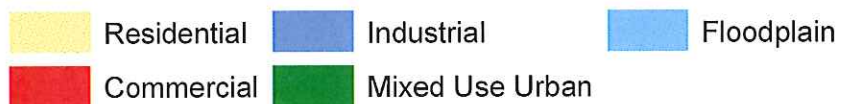
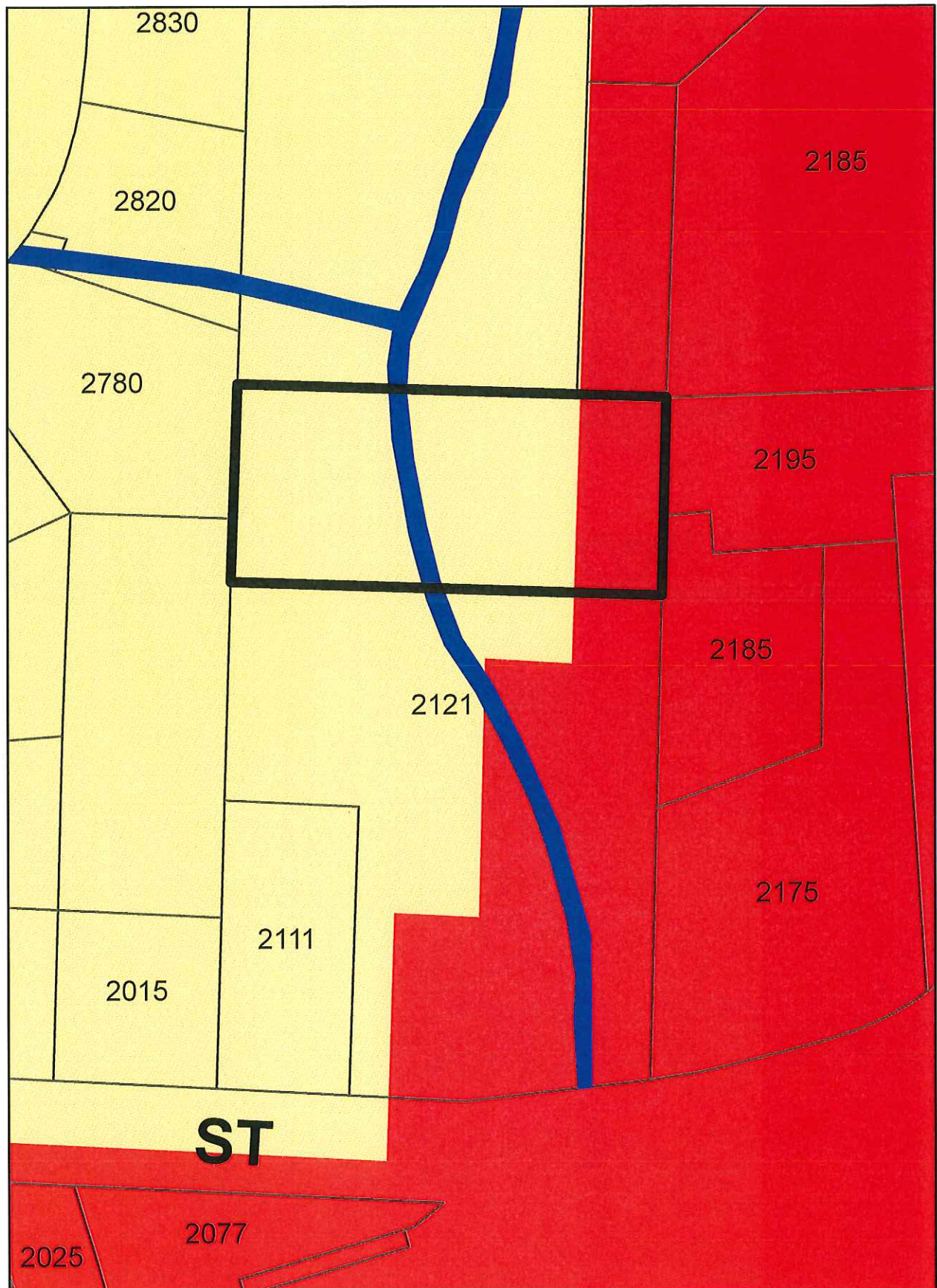
Location: NW 1/4 Section 15 and the NE 1/4 Section 16,
T. 4 S., R. 4 W., of the W.M., in the J.T. Hembree D.L.C.,
Yamhill County, Oregon.

Tax Lot: 4416AA-5002

Date: 12 October 2016



Existing Comprehensive Plan Map Designations



16 November 2016

CHON - Legal Description (preliminary) Parcel 1 (0.66 Ac.)

A tract of land in Sections 15 and 16, Township 4 South, Range 4 West, Yamhill County, Oregon, being a portion of that tract of land described in deed from ROGER A. NEWTON and SHIRLEY J. NEWTON to JAE WAN CHON and AYLIIH T. CHON and recorded in Instrument Number 200420361, Yamhill County Deed Records, and being more particularly described as follows:

Beginning at the northwest corner of said CHON tract which is also the southwest corner of that tract of land described in deed from NEWTON to KOENKE and recorded in Film Volume 211 Page 1609; thence East 200.00 feet along the south line of said KOENKE tract to the southeast corner of said tract, which is also the southwest corner of that tract of land described in deed from NEWTON to KOENKE and recorded in Film Volume 218 Page 1575; thence South $89^{\circ} 53'$ East 50.00 feet to an iron rod at the southeast corner of said tract, which is on the east line of that tract of land described in deed from BIXLER to NEWTON and recorded in Film Volume 211 Page 1575; thence South $00^{\circ}07'03''$ West 115.25 feet along the east line of said tract; thence West 249.92 feet to the East line of Lot 6 of WASSON'S ADDITION to McMinnville; thence North $00^{\circ}07'03''$ East 115.35 feet along said east line to the point of beginning.

TOGETHER WITH AN access and utilities easement the perimeter of this is more particularly described as follows: Beginning at the northeast corner of Lot 6 of WASSON'S ADDITION to McMinnville; thence South $00^{\circ}07'03''$ West 31.28 feet to a point that is 30.00 feet southwesterly of the north line of said Lot 6 when measured at right angles; thence continuing South $00^{\circ}07'03''$ West 25.00 feet along the east line of said Lot 6; thence West 25.00 feet; thence North $00^{\circ}07'03''$ East 32.4 feet parallel with and 25 feet west of the east line of said Lot 6 to a point that is 30.00 feet southwesterly of the north line of said Lot 6 when measured at right angles; thence North $73^{\circ}29'27''$ West 135.59 feet parallel with and 30.00 feet southwesterly of the north line of said Lot 6 to the east margin of Waggoner Drive; thence North $42^{\circ}17'42''$ East 33.12 feet along said east margin to the northwest corner of said Lot 6; thence South $73^{\circ}29'27''$ East 138.42 feet along the east line of said Lot 6 to the point of beginning.

16 November 2016

CHON – Legal Description (preliminary) Parcel 2 (1.38 Ac.)

A tract of land in Sections 15 and 16, Township 4 South, Range 4 West, Yamhill County, Oregon, being a portion of that tract of land described in deed from ROGER A. NEWTON and SHIRLEY J. NEWTON to JAE WAN CHON and AYLIH T. CHON and recorded in Instrument Number 200420361, Yamhill County Deed Records, and being more particularly described as follows:

Beginning on the east line of said CHON tract which is also the east line of that tract of land described in deed from BIXLER to NEWTON and recorded in Film Volume 211 Page 1575 at a point that is thence South 00°07'03" West 115.25 feet from the northeast corner of said CHON tract; thence continuing South 00°07'03" West 279.82 feet along said line to the north margin of 27th Street; thence South 75°53'54" West 106.08 feet along said north margin; thence North 88°53'00" West 69.40 feet along said north margin; thence North 00°07'03" East 189.52 feet; thence South 89°00'08" West 77.72 feet; thence North 00°07'03" East 116.14 feet; thence East 249.92 feet to the point of beginning.



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	<u>201-17</u>
Date Received	<u>1/30/17</u>
Fee	<u>\$797.50</u>
Receipt No.	<u>17M0013</u>
Received by	<u>CD</u>

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other Builder

Applicant Name Creekside Homes LLC Phone 503-389-5195
 Contact Name Demian Crotty/Andrew Burton Phone 503-883-3764
 (If different than above)
 Address 219 NE Hwy 99W
 City, State, Zip McMinnville OR 97128
 Contact Email demian@creeksidehomes.net

Property Owner Information

Property Owner Name Jae Chon / Ayliah Chon Phone 503-504-8906
 (If different than above)
 Contact Name Jae Chon Phone 503-504-8906
 Address 1356 NW Zinfandel Ct
 City, State, Zip McMinnville OR 97128
 Contact Email vinideuskorea@hotmail.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 2121 NE 27th St. McMinnville OR 97128
 Assessor Map No. R4 416-AA-05002 Total Site Area 1.9 acres
 Subdivision _____ Block _____ Lot _____
 Comprehensive Plan Designation _____ Zoning Designation _____

This request is for a:

Comprehensive Plan Amendment

Zone Change

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. - Zone change for newly created Northern Parcel (parcel to construct home)

- Request to rezone the entire property from a mixture of R-1 and EF-40 zones to R-1 Single Family Residential

- Reason for request to use R-1 Residential for construction of family residence behind restaurant

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2).

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. _____

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. _____

The proposed Amendment is required as a condition of approval of the partition application. This application is submitted in order to rezone parcel 1 from its existing County zoning to a city zone

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. _____

The neighborhoods directly around the area of the partition request are R-1 family Residential and have single family residences which are on Elaine Dr / Waggoner Dr. & Karen Ct. to be specific, the residence to be built on the partition side would reflect what is in surrounding area

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.

All public utilities are already running through an easement for an adjoining property and will be tapped into for the single family residence to be constructed at the partition site

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

NO traffic to be affected

Approximately 2-3 Additional trips per day on Waggoner dr.

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to an **electronic copy** with the submittal.
- A legal description of the parcel(s), preferably taken from the deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature

Date 1/30/17

Property Owner's Signature

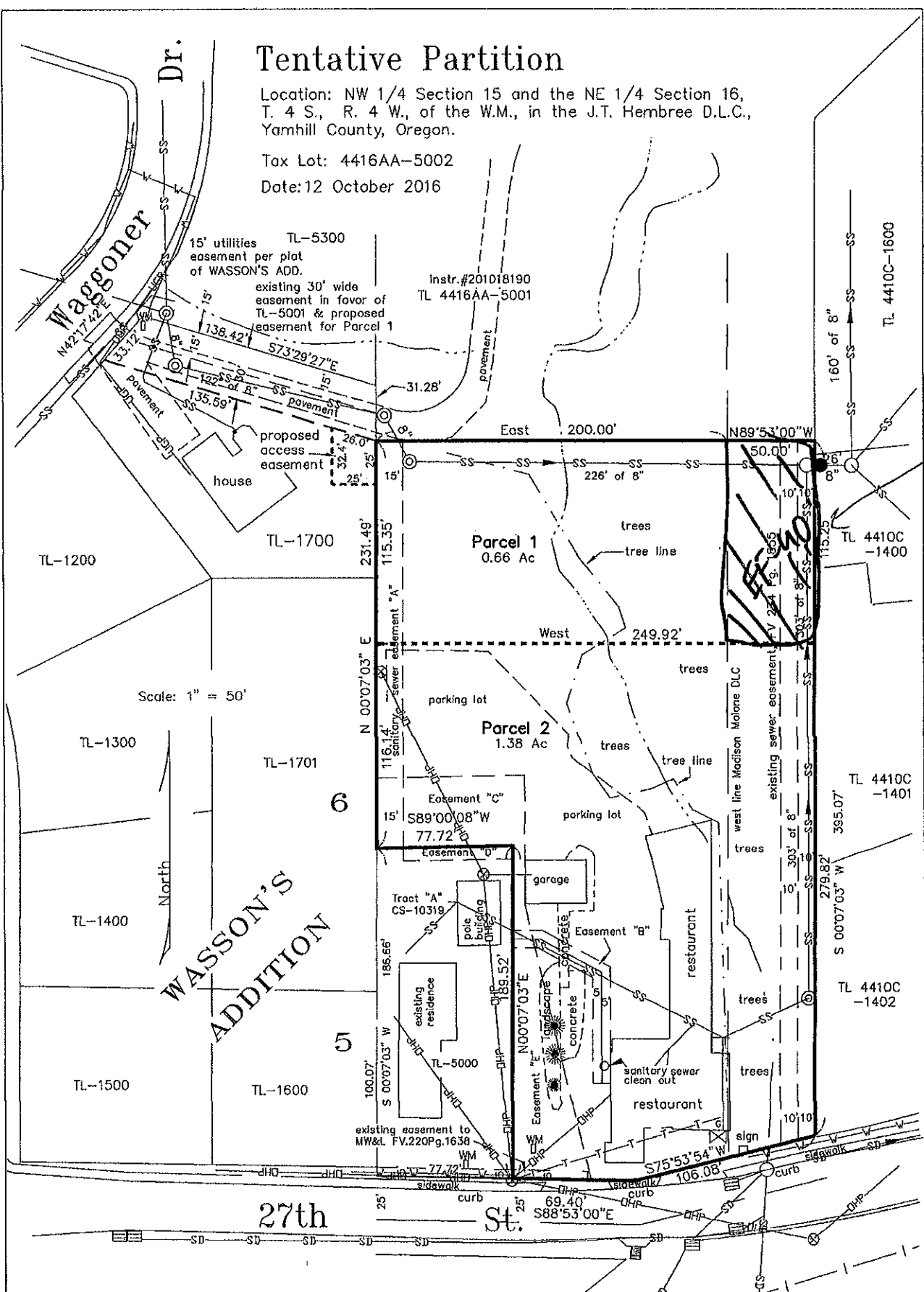
Date 1/30/17

Tentative Partition

Location: NW 1/4 Section 15 and the NE 1/4 Section 16,
T. 4 S., R. 4 W., of the W.M., in the J.T. Hembree D.L.C.,
Yamhill County, Oregon.

Tax Lot: 4416AA-5002

Date: 12 October 2016



Old County zoning

Existing Easements

- Easement "A" - Easement for sanitary sewer in favor of TL 5000
- Easement "B" - Easement for sanitary sewer in favor of TL 5000
- Easement "C" - Easement for road purposes in favor of TL 5000
- Easement "D" - Easement for parking in favor of TL 5002
- Easement "E" - Easement for road purposes in favor of TL 5000

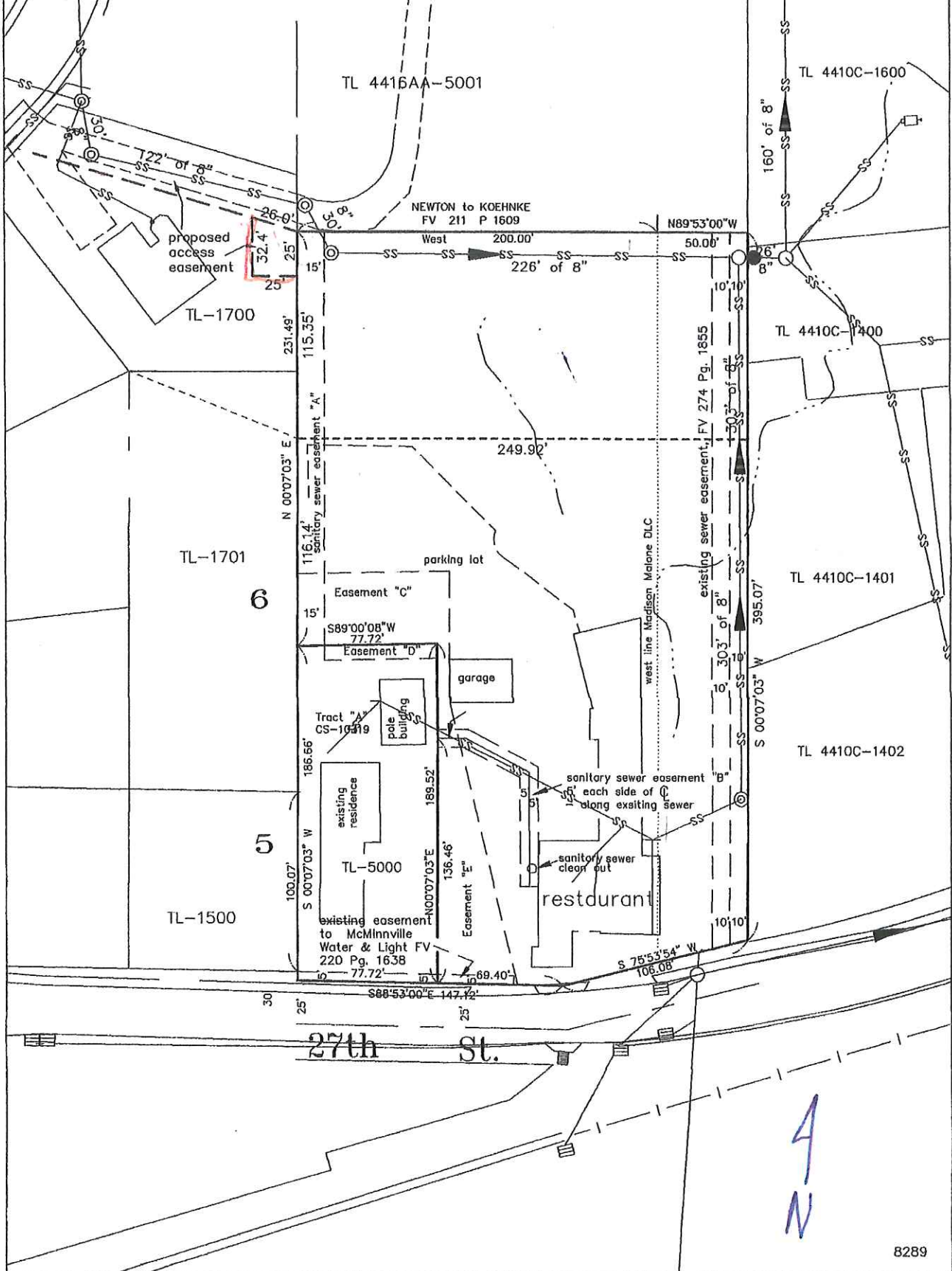
By: Matt Dunckel
Leland MacDonald & Assoc., LLC
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Email: matt@macdonaldsurveying.com

Exhibit

Location: NW 1/4 Section 15 and the NE 1/4 Section 16,
T. 4 S., R. 4 W., of the W.M., in the J.T. Hembree D.L.C.,
Yamhill County, Oregon.

Tax Lot: 4416AA-5002

Date: 12 October 2016



A. 4. 2010
MCMIAPPY.LLC

SE 1/4 SE 1/4 SEC 9 T45 R34 W 4
CAMHEL COUNTY

KEY

- R-1
- R-2
- AF
- C-3

HUNNITT ADD
R-1

ELIZABETH ADD
R-2

615 S HWY 158-0281
ORA 4-98 Ord. No. 4837
ZC 11-98 Ord. No. 4837

REQUIRE LIST ADD
R-2 PD
ZC 12-94 Ord. No. 4579
S 9-04



SEE MAP 4 4 1994

16 November 2016

CHON - Legal Description (preliminary) Parcel 1 (0.66 Ac.)

A tract of land in Sections 15 and 16, Township 4 South, Range 4 West, Yamhill County, Oregon, being a portion of that tract of land described in deed from ROGER A. NEWTON and SHIRLEY J. NEWTON to JAE WAN CHON and AYLIIH T. CHON and recorded in Instrument Number 200420361, Yamhill County Deed Records, and being more particularly described as follows:

Beginning at the northwest corner of said CHON tract which is also the southwest corner of that tract of land described in deed from NEWTON to KOENKE and recorded in Film Volume 211 Page 1609; thence East 200.00 feet along the south line of said KOENKE tract to the southeast corner of said tract, which is also the southwest corner of that tract of land described in deed from NEWTON to KOENKE and recorded in Film Volume 218 Page 1575; thence South $89^{\circ} 53'$ East 50.00 feet to an iron rod at the southeast corner of said tract, which is on the east line of that tract of land described in deed from BIXLER to NEWTON and recorded in Film Volume 211 Page 1575; thence South $00^{\circ}07'03''$ West 115.25 feet along the east line of said tract; thence West 249.92 feet to the East line of Lot 6 of WASSON'S ADDITION to McMinnville; thence North $00^{\circ}07'03''$ East 115.35 feet along said east line to the point of beginning.

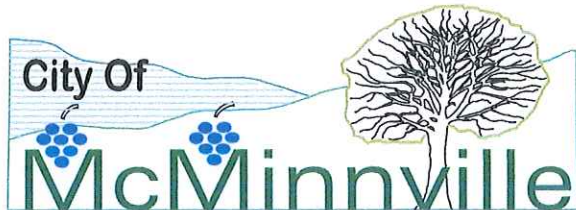
TOGETHER WITH AN access and utilities easement the perimeter of this is more particularly described as follows: Beginning at the northeast corner of Lot 6 of WASSON'S ADDITION to McMinnville; thence South $00^{\circ}07'03''$ West 31.28 feet to a point that is 30.00 feet southwesterly of the north line of said Lot 6 when measured at right angles; thence continuing South $00^{\circ}07'03''$ West 25.00 feet along the east line of said Lot 6; thence West 25.00 feet; thence North $00^{\circ}07'03''$ East 32.4 feet parallel with and 25 feet west of the east line of said Lot 6 to a point that is 30.00 feet southwesterly of the north line of said Lot 6 when measured at right angles; thence North $73^{\circ}29'27''$ West 135.59 feet parallel with and 30.00 feet southwesterly of the north line of said Lot 6 to the east margin of Waggoner Drive; thence North $42^{\circ}17'42''$ East 33.12 feet along said east margin to the northwest corner of said Lot 6; thence South $73^{\circ}29'27''$ East 138.42 feet along the east line of said Lot 6 to the point of beginning.

16 November 2016

CHON - Legal Description (preliminary) Parcel 2 (1.38 Ac.)

A tract of land in Sections 15 and 16, Township 4 South, Range 4 West, Yamhill County, Oregon, being a portion of that tract of land described in deed from ROGER A. NEWTON and SHIRLEY J. NEWTON to JAE WAN CHON and AYLIH T. CHON and recorded in Instrument Number 200420361, Yamhill County Deed Records, and being more particularly described as follows:

Beginning on the east line of said CHON tract which is also the east line of that tract of land described in deed from BIXLER to NEWTON and recorded in Film Volume 211 Page 1575 at a point that is thence South 00°07'03" West 115.25 feet from the northeast corner of said CHON tract; thence continuing South 00°07'03" West 279.82 feet along said line to the north margin of 27th Street; thence South 75°53'54" West 106.08 feet along said north margin; thence North 88°53'00" West 69.40 feet along said north margin; thence North 00°07'03" East 189.52 feet; thence South 89°00'08" West 77.72 feet; thence North 00°07'03" East 116.14 feet; thence East 249.92 feet to the point of beginning.



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	<u>ZC 2-17</u>
Date Received	<u>1/30/17</u>
Fee	<u>\$398.75</u>
Receipt No.	<u>17M0013</u>
Received by	<u>CD</u>

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other Builder

Applicant Name Creekside Homes LLC Phone 503-389-5195

Contact Name Demian Cratty / Andrew Burton Phone 503-883-3764
(If different than above)

Address 219 NE Hwy 99W

City, State, Zip McMinnville OR 97128

Contact Email demian@creeksidehomes.net

Property Owner Information

Property Owner Name Jae Chon / Ayliah Chon Phone 503-504-8906
(If different than above)

Contact Name Jae Chon Phone 503-504-8906

Address 1356 NW Zinfandel Ct.

City, State, Zip McMinnville OR 97128

Contact Email vinideuskorea@hotmail.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 2121 NE 27th St McMinnville OR 97128

Assessor Map No. R4 446 AA 05002 Total Site Area 1.9 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation _____ Zoning Designation _____

This request is for a:

Comprehensive Plan Amendment

Zone Change

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.

- Zone change for newly created southern parcel
(the parcel that contains the restaurant)
- Request to rezone the entire property from a mixture of C-3, R-1, and EF-40 zones to C-3 General Commercial
- Reason for request is to clean up the old county zoning to the city zoning
- Intended use of this portion of the southern parcel is to remain the same as a restaurant

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2).

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. _____

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. _____

This Rezoning is appropriate in order to bring all zoning current with the city and is a requirement by the city as a condition of approval for the partition Request for the Newly Created Northern Parcel

6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. _____

The southern portion that the rezoning Request is being submitted is located off of 27th St. which is surrounded by commercial business's

7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.

N/A - Nothing is being constructed on this southern portion. Only a Rezone is being requested


8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

N/A
Existing use is not changing so no expected change in traffic

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- A legal description of the parcel(s), preferably taken from the deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

1/30/17
Date


Property Owner's Signature

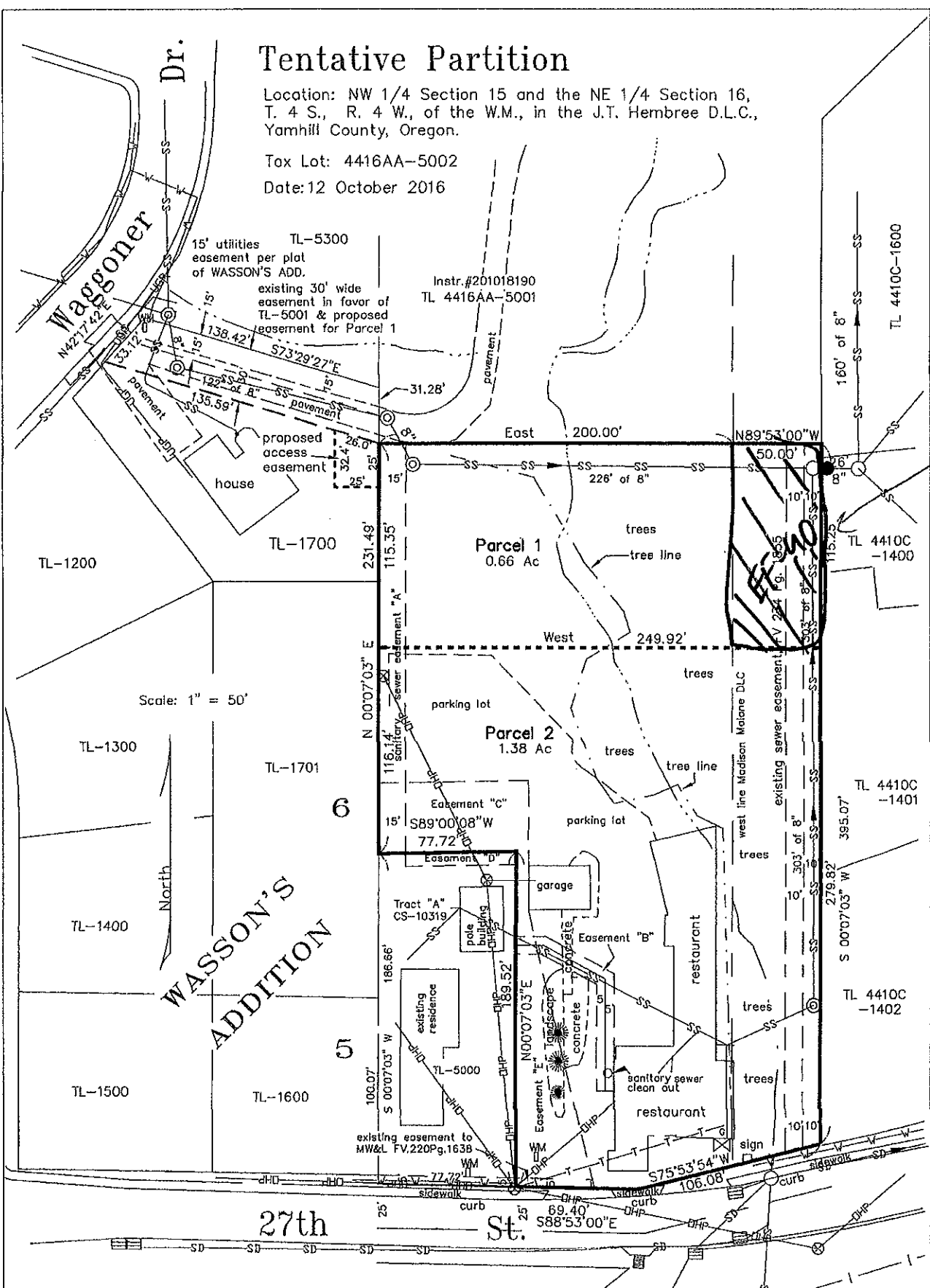
1/30/17
Date

Tentative Partition

Location: NW 1/4 Section 15 and the NE 1/4 Section 16,
T. 4 S., R. 4 W., of the W.M., in the J.T. Hembree D.L.C.,
Yamhill County, Oregon.

Tax Lot: 4416AA-5002

Date: 12 October 2016



Scale: 1" = 50'

WASSON'S
ADDITION

Old
County
Zoning

Existing Easements

- Easement "A" - Easement for sanitary sewer in favor of TL 5000
- Easement "B" - Easement for sanitary sewer in favor of TL 5000
- Easement "C" - Easement for road purposes in favor of TL 5000
- Easement "D" - Easement for parking in favor of TL 5002
- Easement "E" - Easement for road purposes in favor of TL 5000

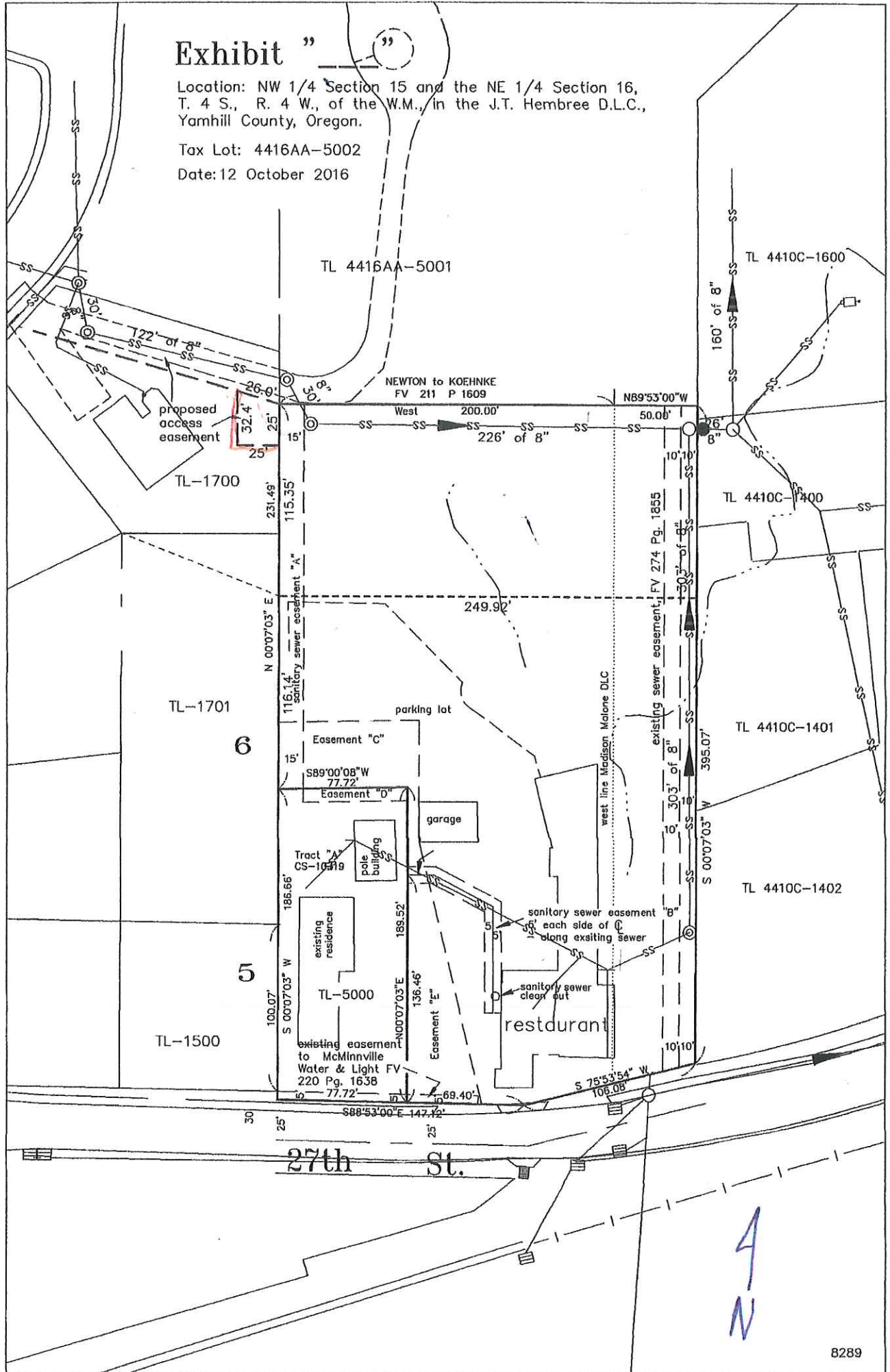
By: Matt Dunckel
Leland MacDonald & Assoc., LLC
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Email: matt@macdonaldsurveying.com

Exhibit " "

Location: NW 1/4 Section 15 and the NE 1/4 Section 16,
T. 4 S., R. 4 W., of the W.M., in the J.T. Hembree D.L.C.,
Yamhill County, Oregon.

Tax Lot: 4416AA-5002

Date: 12 October 2016



4. 2015
RECOMMENDED

SE 1/4-21-174-355 & 145-844 & M
CANNON CEMETERY

KEY

- R-1
- R-2
- R-3
- PD
- C-3

BENNETT ADD
R-1

ELIZABETH ADD
R-2

570-155-0201
CRS 4-86 Ord No. 4837
20-11-86 Ord No. 4837

REURENS 1ST ADD
R-2 PD

12-84 Ord No. 4579
5-9-84



SEE MAP 4 174-355

SEE MAP 4 174-355

16 November 2016

CHON – Legal Description (preliminary) Parcel 1 (0.66 Ac.)

A tract of land in Sections 15 and 16, Township 4 South, Range 4 West, Yamhill County, Oregon, being a portion of that tract of land described in deed from ROGER A. NEWTON and SHIRLEY J. NEWTON to JAE WAN CHON and AYLIIH T. CHON and recorded in Instrument Number 200420361, Yamhill County Deed Records, and being more particularly described as follows:

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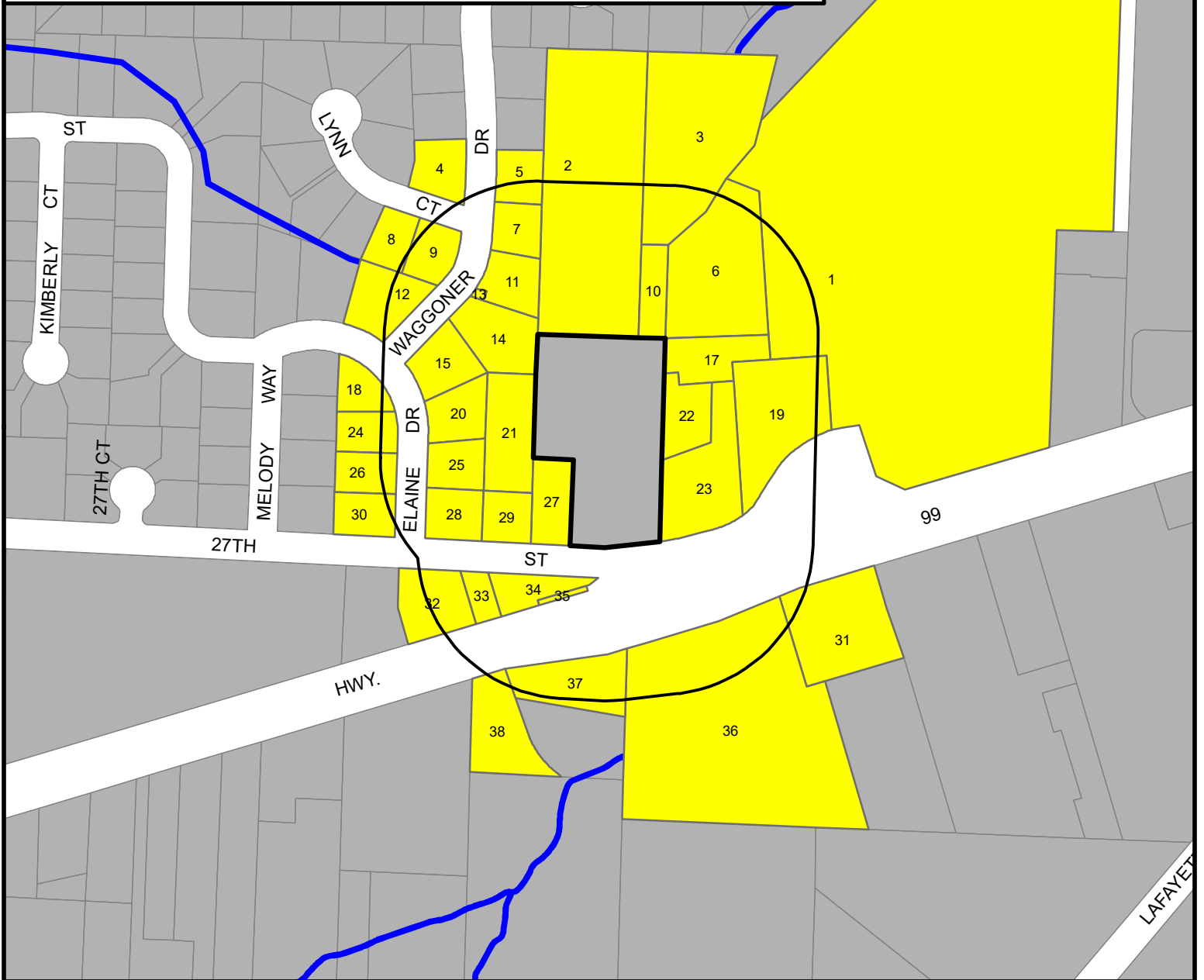
16 November 2016

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Notification Map



CPA 1-17/ZC 1-17/ZC 2-17

Creekside Homes, LLC, on behalf of Jae and Ayliah Chon, is requesting approval of a comprehensive plan map amendment on a portion of a parcel of land from a mixed residential and commercial designation to only a commercial designation. The applicant is also requesting a rezoning of the northern portion of the same parcel from a mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single-Family Residential) to only R-1, and a rezoning of the southern portion of the same parcel from a mixed zoning of C-3 (General Commercial), EF-40, and R-1 to only C-3. The applicant intends to construct a single family home on the northern portion of the parcel and continue to operate the existing commercial business on the southern portion of the parcel. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1 from the partition request being zoned R-1 and the proposed Parcel 2 from the partition request being zoned C-3.

Recorded Owner:

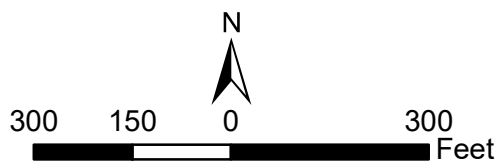
Jae & Ayliah Chon
1356 NW Zinfandel Court
McMinnville, OR 97128



Geographic Information System

APPROVED BY: PLANNING COMMISSION
CITY COUNCIL

ATTESTED TO BY: _____



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

PUBLIC HEARING NOTICE



NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 16th day of March, 2017, at the hour of 6:30 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter.

COMPREHENSIVE PLAN AMENDMENT, ZONE CHANGE, 2121 NE 27TH STREET

DOCKET NUMBER: CPA 1-17/ZC 1-17/ZC 2-17

Creekside Homes, LLC, on behalf of Jae and Aylh Chon, is requesting approval of a comprehensive plan map amendment on a portion of a parcel of land from a mixed residential and commercial designation to only a commercial designation. The applicant is also requesting a rezoning of the northern portion of the same parcel from a mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single-Family Residential) to only R-1, and a rezoning of the southern portion of the same parcel from a mixed zoning of C-3 (General Commercial), EF-40, and R-1 to only C-3. The applicant intends to construct a single family home on the northern portion of the parcel and continue to operate the existing commercial business on the southern portion of the parcel. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1 from the partition request being zoned R-1 and the proposed Parcel 2 from the partition request being zoned C-3.

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 Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.12 (R-1 Single Family Residential), Chapter 17.33 (C-3 General Commercial), Section 17.72.120 (Applications – Public Hearings), and Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria).

The referenced zoning ordinance criteria is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours, and is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

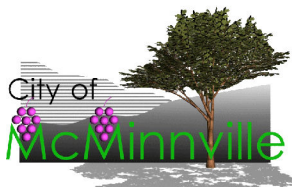
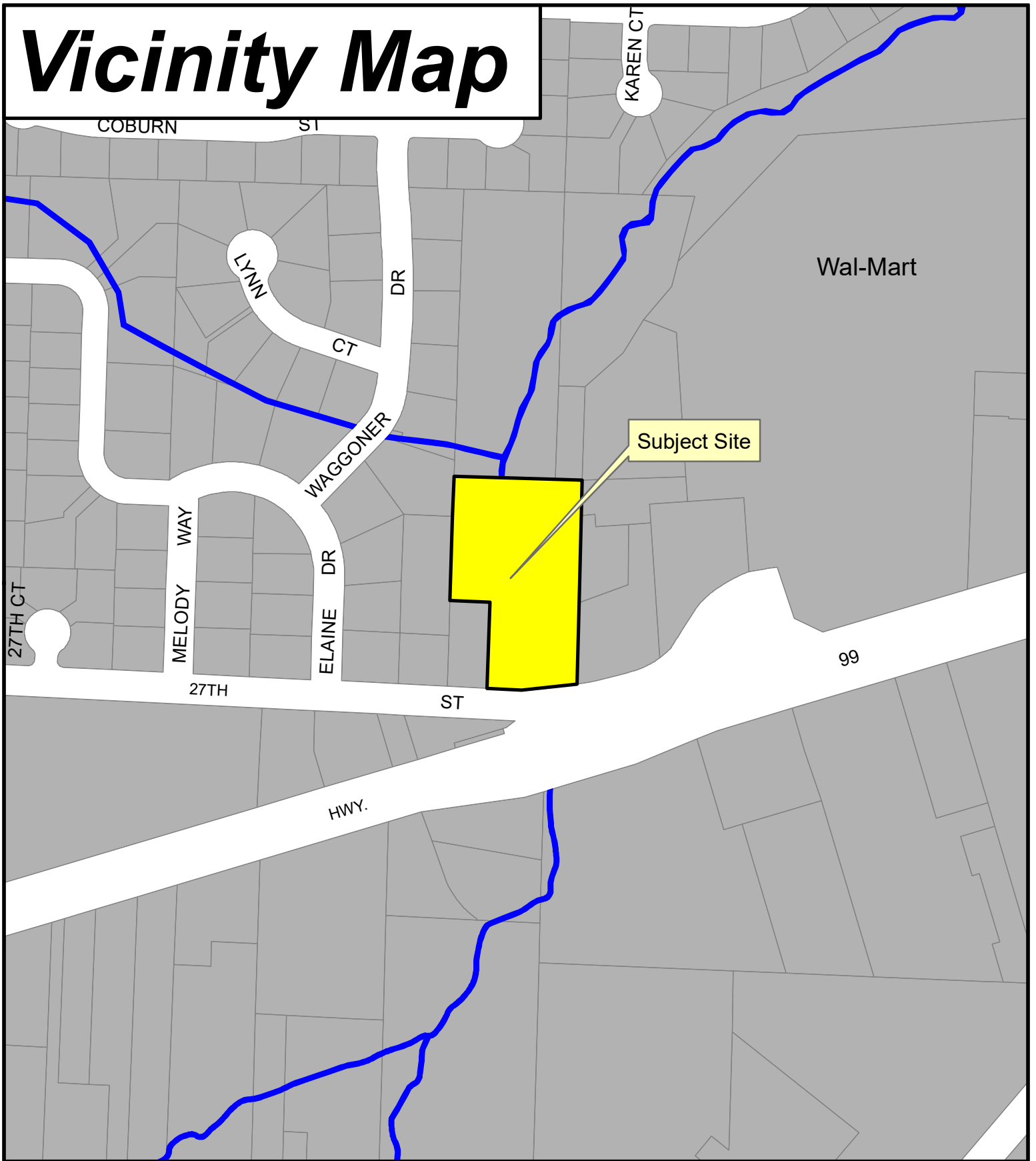
For additional information please contact Chuck Darnell, Associate Planner, at the above address, or by phone at (503) 434-7330.

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.

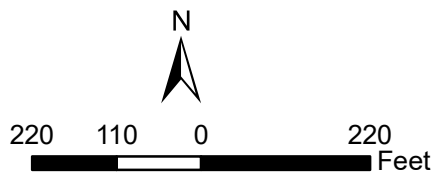
Heather Richards
Planning Director

(Map of area on back)

Vicinity Map



Geographic Information System



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

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4410C 01100	2445 NE HIGHWAY 99W	WAL-MART REAL ESTATE BUSINESS TRUST	PROPERTY TAX DEPT 0555	PO BOX 8042	BENTONVILLE AR	72716
2	R4416AA05001	2800 NE WAGGONER DR	MENDENHALL DAVID	MENDENHALL SHERRI L	900 RANCH RD	COPPER CANYON TX	76226
3	R4410C 01600		MENDENHALL DAVID	MENDENHALL SHERRI L	900 RANCH RD	COPPER CANYON TX	76226
4	R4409DD01900	2921 NE WAGGONER DR	HOFFMAN FLORENCE	HOFFMAN FLORENCE M	1025 SW TALL OAKS DR	MCMINNVILLE OR	97128
5	R4409DD00400	2920 NE WAGGONER DR	PARKINSON BRECKINRIDGE	PARKINSON BRECKINRIDGE & JUANITA	2920 NE WAGGONER DR	MCMINNVILLE OR	97128
6	R4410C 01200	2185 NE HIGHWAY 99W	RPC DEVELOPMENT	RPC DEVELOPMENT CO	PO BOX 25501	PORTLAND OR	97298
7	R4416AA05100	2830 NE WAGGONER DR	BUCHHEIT LONNIE	BUCHHEIT LONNIE & WENDY TRUST	2830 NE WAGGONER DR	MCMINNVILLE OR	97128
8	R4416AA05500	2907 NE LYNN CT	SCHNEIDER MARGARET	SCHNEIDER MARGARET	2907 NE LYNN CT	MCMINNVILLE OR	97128
9	R4416AA05400	2903 NE LYNN CT	BACH CONNIE	BACH CONNIE	2903 NE LYNN CT	MCMINNVILLE OR	97128
10	R4410C 01500		MENDENHALL DAVID	MENDENHALL SHERRI L	900 RANCH RD	COPPER CANYON TX	76226
11	R4416AA05200	2820 NE WAGGONER DR	FAHEY PENNY	FRASIER HERBERT F TRUST	2820 NE WAGGONER DR	MCMINNVILLE OR	97128
12	R4416AA00100	2740 NE ELAINE DR	JACOBS VINCL	JACOBS VINCL D & NORMA J	2740 ELAINE DR	MCMINNVILLE OR	97128
13	R4416AA05300		THE PUBLIC	THE PUBLIC			
14	R4416AA01700	2780 NE WAGGONER DR	HOOPER GARY	HOOPER GARY F & JULIANNE	2780 WAGGONER DR	MCMINNVILLE OR	97128
15	R4416AA01200	2732 NE ELAINE DR	GROSSMANN ROBERT	GROSSMANN FAMILY TRUST	2732 NE ELAINE DR	MCMINNVILLE OR	97128
17	R4410C 01400	2195 NE 27TH ST	YAMHILL COMMUNITY	COMMUNITY HOME BUILDERS	PO BOX 1193	MCMINNVILLE OR	97128
18	R4416AA00400	2731 NE ELAINE DR	EDWARDS GARY	EDWARDS TERI L	2731 NE ELAINE DR	MCMINNVILLE OR	97128
19	R4410C 01300	2275 NE ELAINE ST	S & G PROPERTIES NORTHWEST LLC	% ISLER & CO JOHN CHAMBERS	1300SW 5TH AVE SUITE 2900	PORTLAND OR	97201
20	R4416AA01300	2724 NE ELAINE DR	TAUB EDWARD	KISHIYAMA SHIRLEY S	2724 NE ELAINE DR	MCMINNVILLE OR	97128
21	R4416AA01701		NEWTON SHIRLEY	NEWTON SHIRLEY J	2111 NE 27TH ST	MCMINNVILLE OR	97128
22	R4410C 01401	2185 NE 27TH ST	ANDEREGG FRED	ANDEREGG JOINT LIVING TRUST	15528 SE ANDEREGG PKWY	DAMASCUS OR	97089
23	R4410C 01402	2175 NE 27TH ST	WANG PROPERTY	WANG PROPERTY INVESTMENTS INC	10777 SE RIDGEWAY DR	HAPPY VALLEY OR	97086
24	R4416AA00700	2723 NE ELAINE DR	FERDIG SKIPPY	FERDIG SKIPPY D	2723 NE ELAINE DR	MCMINNVILLE OR	97128
25	R4416AA01400	2716 NE ELAINE DR	KEFFER GERALD	KEFFER ANITA G	PO BOX 631	MCMINNVILLE OR	97128
26	R4416AA00800	2715 NE ELAINE DR	ERICKSON BRANDON	ERICKSON BRANDON J	2715 NE ELAINE DR	MCMINNVILLE OR	97128
27	R4416AA05000	2111 NE 27TH ST	NEWTON SHIRLEY	NEWTON SHIRLEY J TRUSTEE	2111 NE 27TH ST	MCMINNVILLE OR	97128
28	R4416AA01500	2708 NE ELAINE DR	HUNTER KATHRYN	HUNTER KATHRYN A	2708 NE ELAINE DR	MCMINNVILLE OR	97128
29	R4416AA01600	2015 NE 27TH ST	WORRIX MARILYN	WORRIX MARILYN D TRUST	516 NE 3RD ST	MCMINNVILLE OR	97128
30	R4416AA01100	2705 NE ELAINE DR	KOWOLIK JOHN	KOWOLIK JOHN P	2705 NE ELAINE DR	MCMINNVILLE OR	97128
31	R4415BB00900	2250 NE HIGHWAY 99W	BIG ISLAND	BIG ISLAND MARINA LLC	PO BOX 707	BEAVERCREEK OR	97004
32	R4416AA01803	2019 NE HIGHWAY 99W	GRB PROPERTIES	GRB PROPERTIES LLC	1400 NE 19TH ST	MCMINNVILLE OR	97128
33	R4416AA01802	2025 NE HIGHWAY 99W	FOURIER JAN	FOURIER JAN J & FRANCES N	PO BOX 1032	LAFAVETTE OR	97127
34	R4416AA01804	2077 NE HIGHWAY 99W	FOURIER JAN	FOURIER JAN J & FRANCES N	PO BOX 1032	LAFAVETTE OR	97127

Date Sent 2/24/17

Sent By 

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
35	R4416AA01890	2180 NE HIGHWAY 99W	OREGON STATE REEF MCMINNIVILLE PLAZA LLC	PROPERTY SUPERVISOR	109 TRANSPORTATION	SALEM OR	97310
36	R4415BB01002	2090 NE HIGHWAY 99W	VIA FERRATA	C/O DEERING MANAGEMENT GROUP	4800 SW MACADAM AV STE 120	PORTLAND OR	97239
37	R4416AA03200	2046 NE HIGHWAY 99W	FFN PROPERTIES	FFN PROPERTIES LLC	1546 NW MEDINAH DR	MCMINNIVILLE OR	97128
38	R4416AA03202	2046 NE HIGHWAY 99W	FFN PROPERTIES	DEMIAN CRATTY	2046 NE HIGHWAY 99W	MCMINNIVILLE OR	97128
Applicant	R4416AA05002	2121 NE 27TH ST	CHON JAE	CHON AYIHI T	1356 NW ZINFANDEL CT	MCMINNIVILLE OR	97128

Date Sent 2/14/17
 Sent By [Signature]



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

www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: March 16, 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: G 1-17 - Landscape and Tree Zoning Text Amendments

Report in Brief:

This is a public hearing to review and consider proposed amendments to the Landscaping (Chapter 17.57) and Trees (Chapter 17.58) chapters of the McMinnville Zoning Ordinance (Ord. 3380).

Background:

The Landscaping chapter (Chapter 17.57) of the McMinnville Zoning Ordinance establishes the regulations for landscaping of particular properties within the city including the process of review by the Landscape Review Committee, and the criteria that are used to review landscaping plans. The chapter also establishes which districts and uses are required to have landscaping, and how much of a site must be landscaped.

The Trees chapter (Chapter 17.58) of the McMinnville Zoning Ordinance establishes regulations for tree removal and installation of street trees, as well as the review processes and review criteria for each. Regulations related to the protection of trees are also included in this chapter as well as situations in which street tree planting is required, and the street tree standards that must be followed when planting and maintaining street trees.

Discussion:

The Planning Commission's responsibility regarding this type of legislative request is to conduct a public hearing and, at its conclusion, render a decision to recommend approval of the zoning text amendments as recommended, or as amended, to the City Council, or deny the proposed zoning text amendments.

The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016. The discussions focused on reviewing the existing text and identifying areas that were in need of updates, as the chapters had not been updated in many years. The Landscape Review Committee discussed the existing chapters at their October 6, 2016 regular meeting, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that staff advance the proposed zoning text amendments, which have been endorsed by the Landscape Review Committee, for review and consideration by the Planning Commission.

Attachments: Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for the Approval of Legislative Amendments to Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance

The main topics that are proposed to be amended in the Landscaping and Trees chapters include the following:

- Purpose and intent of the Landscaping chapter
- Refinements to the review processes for landscape plans, street tree plans, and tree removal requests
- Requirements for maintaining approved landscape plans and street tree plans
- Relocation of Landscape Review Committee bylaws from Zoning Ordinance to City Code
- Situations when street tree standards and removal processes are applicable
- Requirements for planting and replacing street trees
- Ability to update street tree planting standards and approved street tree list

The Planning Commission discussed the amendments proposed by the Landscape Review Committee during a work session discussion on February 16, 2017. Commissioners provided comments and questions to staff related to the inspection of landscaping after installation, the penalties for the removal of trees, requirements for street tree replacement, and pruning of trees. Staff has thoroughly reviewed the regulations related to those topics, and believes that the existing ordinance language and the proposed amendments address the issues and questions discussed at the work session meeting.

The Planning Commission also discussed the potential for providing notification to surrounding property owners when a street tree removal request is submitted to the City. Currently, there is no property owner notification required for the review of street tree removal requests.

After reviewing the applicable review criteria that must be satisfied to allow for the removal of a street tree, staff is suggesting that the City continue to process street tree removal requests without property owner notification for the following reasons including the criteria (listed in Section 17.58.050) that must be satisfied as follows:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures.

Those review criteria are measurable and generally there is not much discretion in determining whether a particular request meets the criteria. The Landscape Review Committee reviews all requests for street tree removals, except in the instance of a hazardous tree posing imminent danger to the public or any private property owner, or if the tree is impacting public infrastructure that the adjacent property owner is not responsible for. If a request is ever questionable, staff requires that an arborist's report be submitted along with the application, which provides a professional assessment of whether a tree is damaged, diseased, or required to be removed. Also, it is always the intent of the Landscape Review Committee to require that a replacement tree be installed if an existing street tree needs to be removed. This practice results in no loss in the number of trees located in the public right-of-way.

An additional consideration in street tree removal requests is that, much like sidewalk maintenance, the care and preservation of street trees are the responsibility of the adjacent property owner. That results in the adjacent property owner being liable for any damage or injury that a jeopardized street tree may cause. For that reason, if a property owner is attempting to resolve an identified safety concern, such

as an unsafe, dead, or diseased tree, a tree that is impacting public improvements, or a tree that is creating accessibility and mobility issues, staff believes that the property owner should have the ability to move forward with a tree removal as simply as possible. Staff believes that the existing review by the Landscape Review Committee, along with the need for an arborist report and Planning and Public Works department staff reviewing the request, ensures that trees are not removed unless they meet the necessary review criteria. Introducing a public notification process could potentially lengthen the timeframe for which a tree removal request is processed and thereby continue to serve as a public safety hazard and place additional risk and liability on the property owner requesting to remove the tree. Staff feels that this would not be in the best interest of the City or individual property owners.

Draft versions of the chapters, showing proposed amendments and deletions of existing text, are attached to this staff report. 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 17.57 - Landscaping

1) Section 17.57.010:

Existing Language:

The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. [...]

Suggested Amendment:

~~17.57.010 Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs.~~ **The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:**

- A. **Promote McMinnville as a community that cares about its appearance.**
- B. **Promote the enhancement of its urban forest and tree canopy.**
- C. **Encourage the preservation of existing trees.**
- D. **Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.**
- E. **Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.**
- F. **Unify development and enhance and define public and private places.**
- G. **Provide guidelines and standards that will:**
 - a. **Reduce soil erosion and the volume and rate of discharge of storm water runoff.**

- b. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
- c. Mitigate the loss of natural resources.
- d. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
- e. Provide for the creation of safe, attractively landscaped areas adjacent to public streets.
- f. Require the planting of street trees along the City's rights-of-way.
- g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
- h. Provide shade, and seasonal color.
- i. Reduce glare, noise and heat.

It is further recognized that good landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020.

Reasoning for Amendment: The more comprehensive purpose and intent statement proposed will provide a framework and objectives for the City of McMinnville to follow in the administration of the landscaping program. The Landscape Review Committee can use the purpose and intent statements when considering individual landscape plans to ensure that they are achieving the broad goals of the City in terms of landscaping.

2) Section 17.57.030(B):

Existing Language:

- B. Landscaping review shall occur within ten working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his presence shall not be necessary for action to be taken on the plans. A failure to review within ten working days shall be considered as approval of the plan;

Suggested Amendment:

- B. Landscaping review shall occur within ~~ten~~ **30 (thirty)** working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his presence shall not be necessary for action to be taken on the plans. A failure to review within ~~ten~~ **30 (thirty)** working days shall be considered as approval of the plan;

Reasoning for Amendment: Review period changed from ten (10) working days to 30 (thirty) calendar days, to more accurately reflect existing practice and provide for sufficient staff time to thoroughly review plans. The language will require that review take place within 30 (thirty) days, which will provide flexibility for the Landscape Review Committee to meet earlier to review a plan if necessary.

3) Section 17.57.030(D-E):

Existing Language:

- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (or Director of Parks and Recreation) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. [...]
- E. All completed landscape projects shall be inspected by the Director of Parks and Recreation [...].

Suggested Amendment:

- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (~~or Director of Parks and Recreation~~) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. [...]
- E. All completed landscape projects shall be inspected by the ~~Director of Parks and Recreation~~ **Planning Director or their designee**. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, **as determined by the Planning Director or their designee**, as long as they do not alter the character and aesthetics of the original plan.

Reasoning for Amendment: This language already existed, but as amended would clearly allow for staff to make the determination of whether minor changes in landscaping were acceptable when completing their landscaping inspections.

4) Section 17.57.040(F)

Existing Language: Section 17.57.040 lists the information that must be included on submitted landscape plans.

Suggested Amendment: The Landscape Review Committee is suggesting that additional information be required to be included on submitted landscape plans, which will be **inserted** as F, and existing F will become G:

- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;**

Reasoning for Amendment: Irrigation or watering facilities are a requirement for landscaped areas, and having this listed in the information that must be included on plans will ensure that applicants are aware of that up front.

5) Section 17.57.050(C):

Existing Language:

- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Suggested Amendment:

- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. **Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director’s decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.**

Reasoning for Amendment: The amendment will allow for the Planning Director and staff to allow for minor changes to occur without requiring a new review by the Landscape Review Committee. Considering that landscaping is an evolving feature of a site and may need to be replaced or updated periodically, the proposed amendments allow for that to occur. Staff will now have discretion in allowing for minor changes, as long as the character and aesthetics of the landscape plan are not being altered and the changes result in like-for-like replacements.

- 6) Section 17.57.080:

Existing Language:

Currently states that Landscape Review Committee “shall consist of three members and two alternate members”. It goes on to state that only regular committee members may vote, and that alternate members can only vote in the absence of regular committee members.

Suggested Amendment:

The City will be removing Section 17.57.080 (Plan review committee) in its entirety from the zoning ordinance and then adopting the Landscape Review Committee bylaws as a section of the City Code relating to all city commissions and committees. The Landscape Review Committee would become a committee with 5 (five) regular members and a majority of active members would constitute a quorum. Committee members would still serve three (3) year terms, as they currently do today. A draft version of the City Code language that the City is proposing is attached for your review.

Reasoning for Amendment: The City will be formalizing the bylaws for all City committees, and will consolidate those bylaws into one section in the City Code for consistency.

Chapter 17.58 - Trees

- 1) Section 17.58.020:

Existing Language: Section 17.58.020 defines the types of trees that are applicable to the requirements of the Trees chapter of the zoning ordinance.

Suggested Amendment:

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. **All trees or street trees planted within any public property or public right-of-way in accordance with an approved street tree plan or landscape plan;**
- C. All trees planted ~~in or upon~~ **with trunks located completely or partially within** any public area or right-of-way;
- D. All trees ~~planted in or upon~~ **with trunks located completely within** any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- E. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

Reasoning for Amendment: The existing language is somewhat vague on when a tree is located in the right-of-way, which has led to some difficulty in consistently interpreting the ordinance language. The proposed amendment would clearly identify when the provisions of the Trees chapter are applicable. The proposed amendment is consistent with past practice, as the City has treated trees located partially within the right-of-way as street trees in the past.

2) Section 17.58.040(A):

Existing Language:

- A. [...] Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen days of submittal. [...]

Suggested Amendment:

- A. The removal or major pruning of a tree, **as defined in Section 17.58.020,** ~~within the public right-of-way~~ shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, ~~and~~ the reasons for the desired action, **and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal.** Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within ~~fifteen~~ **30 (thirty)** days of submittal. Requests for tree removal within the downtown ~~tree zone~~ **area** shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or his designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning ~~Director~~ **Director**, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if notice of intent to appeal is filed with the Planning Department within ~~five~~ **15 (fifteen)** days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

Reasoning for Amendment: Review period changed from fifteen (15) days to 30 (thirty) calendar days, to more accurately reflect existing practice and provide for sufficient staff time to thoroughly review plans. The language will require that review take place within 30 (thirty) days, which will provide

flexibility for the Landscape Review Committee to meet earlier to review a request if necessary. The requirement for the applicant to provide the costs associated with the removal and replacement of a tree has been added to ensure that property owners are aware of the costs associated with their requests up front. Knowing this information up front may reduce the number of trees that are removed and then not replaced.

3) Section 17.58.040(D):

Existing Language:

- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. [...]

Suggested Amendment: Add the following statement:

- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. **Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.**

Reasoning for Amendment: Oftentimes, a tree is removed because it is causing damage to adjacent public infrastructure, and a replacement tree in the exact same location would either continue to cause the same issues or may not actually meet the current required setbacks from certain infrastructure. In those cases, the Committee will have the ability to require a replacement tree to be planted in another location that does meet all necessary setback and spacing requirements.

4) Section 17.58.040(F):

Suggested Amendment: Insert the following standard as F, existing standards F – I become standards G – J:

- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision.**

Reasoning for Amendment: The Landscape Review Committee, when approving a tree removal, has normally provided a timeframe for the removal to be completed. The proposed amendment would formalize that timeframe for removal as six months.

5) Section 17.58.040(H):

Existing Language:

- H. Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications. Such design specifications may include tree root barriers, watering tubes or structures, and removable pavers, and shall graphically describe the proper method for planting trees within the downtown tree zone to minimize the potential for sidewalk / tree root conflict.

Suggested Amendment:

- H. ~~Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications.~~ **The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees within the downtown tree zone and for street trees outside the downtown tree zone.** Such design specifications may **be periodically updated by the City to** include **specifications such as** tree root barriers, watering tubes or structures, **tree grates,** and removable pavers, and shall graphically describe the proper method for planting trees within the downtown tree zone to minimize the potential for sidewalk / tree root conflict.

Reasoning for Amendment: The ordinance will now specifically reference the design drawings and specifications that are used by the City and have been, since they were adopted in May 2014, shared with property owners completing a tree replacement. The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

6) Section 17.58.050:

Existing Language: This section defines the review criteria that are required to be met to allow for major pruning or tree removal.

Suggested Amendment: Insert the following statement:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. ~~Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.~~
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- E. **Verification of tree health or a tree's impacts on infrastructure may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.**

Reasoning for Amendment: The proposed amendment would allow for the City to require an arborist's report for verification of either tree health or a tree's impacts to public or private infrastructure. The existing language only allows for the City to require an arborist's report and professional opinion on tree health. If a tree removal request based on infrastructure impacts is ever questionable, the City would have the ability to request an arborist's report for additional evidence to support removal.

7) Section 17.58.060(B):

Existing Language: This section explains situations which allow for an exemption from a permit to remove or prune trees.

Suggested Amendment: **Insert** the following exemption as B, existing exemptions B and C become C and D:

- B. Tree Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the Planning Director or their designee. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City’s annual tree planting program.**

Reasoning for Amendment: This exemption will allow for the City to remove a street tree if it is causing damage to public infrastructure that the adjacent property owner is not responsible for. This more accurately reflects existing practice, and allows for the City to efficiently handle situations in which trees are causing damage to public infrastructure.

8) Section 17.58.090(A):

Existing Language:

- A. The species of the street trees to be planted shall be chosen from the approved street tree list unless approval of another species is given by the McMinnville Landscape Review Committee.

Suggested Amendment:

- A. The species of the street trees to be planted shall be chosen from the ~~approved street tree list~~ **McMinnville Street Tree List, as approved by Resolution 2016-22**, unless approval of another species is given by the McMinnville Landscape Review Committee. **The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.**

Reasoning for Amendment: The proposed amendment specifically references the existing Street Tree List and the resolution that approved it. This also allows for the McMinnville Street Tree List to be updated, as the landscaping and arborist industry is continually changing. This will allow for the City to respond those industry changes, which could include the introduction of new successful tree species, strategies for combating invasive species or new tree diseases, and changes in the range of certain species based on fluctuations in weather and climate.

9) Section 17.58.090(D):

Existing Language: This standard is related to the minimum planting strips required for certain types of roadways.

Suggested Amendment:

- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width.

Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. **These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.**

Reasoning for Amendment: The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

10) Section 17.58.090(G):

Existing Language:

- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the downtown tree zone shall follow the design drawing, or modified design, approved by the Planning Director.

Suggested Amendment:

- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the downtown tree zone shall follow the design drawing, ~~or modified design, approved by the Planning Director~~ **or updated design drawings and specifications as periodically developed and adopted by the City.**

Reasoning for Amendment: The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

11) Section 17.58.120:

Existing Language:

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.

Suggested Amendment: Keep the existing language, but add the following as an additional provision:

- B. **Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.**

Reasoning for Amendment: The intent of a street tree plan or landscape plan is that the trees included in that plan be continually maintained. This amendment will ensure that street trees are maintained in perpetuity, which better aligns with the purpose of the Trees chapter. Specifically, the purpose statement refers to the City establishing and maintaining the maximum amount of tree cover on public and private lands in the city, and also to provide tree-lined streets throughout the city.

There are a number of Comprehensive Plan policies related to landscaping and street trees. Those policies, as well as staff's findings of whether the proposed amendments meet the goals and policies are identified in the attachment to this staff report, "Decision, Conditions of Approval, Findings of Fact

and Conclusionary Findings for the Approval of Legislative Amendments to Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.”

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends that the Commission make the following motion recommending approval of G 1-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMINNVILLE, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE G 1-17 AND THE ZONING TEXT AMMENDMENTS AS RECOMMENDED BY STAFF.

CD



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.57 (LANDSCAPING) AND CHAPTER 17.58 (TREES) OF THE MCMINNVILLE ZONING ORDINANCE.

DOCKET: G 1-17

REQUEST: The City of McMinnville is proposing to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 25, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition have been provided.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 1-17) to the McMinnville City Council.

////////////////////////////////////
DECISION: APPROVAL
////////////////////////////////////

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 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016. The discussions focused on reviewing the existing text and identifying areas that were in need of updates, as the chapters had not been updated in many years. The Landscape Review Committee discussed the existing chapters at their October 6, 2016 regular meeting, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that staff advance the proposed zoning text amendments, which have been endorsed by the Landscape Review Committee, for review and consideration by the Planning Commission and the McMinnville City Council.

The main topics that are proposed to be amended in the Landscaping and Trees chapters include the following:

- Purpose and intent of the Landscaping chapter
- Refinements to the review processes for landscape plans, street tree plans, and tree removal requests
- Requirements for maintaining approved landscape plans and street tree plans
- Relocation of Landscape Review Committee bylaws from Zoning Ordinance to City Code
- Situations when street tree standards and removal processes are applicable
- Requirements for planting and replacing street trees
- Ability to update street tree planting standards and street tree list

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

1. Proposed Amendments to Chapter 17.57 – Landscaping
2. Proposed Amendments to Chapter 17.58 – Trees
3. Staff Report for G 1-17 provided to Planning Commission on March 16, 2017

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition were received.

FINDINGS OF FACT

1. The City of McMinnville is proposing to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements
2. The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that those proposed zoning text amendments, being fully endorsed by the Landscape Review Committee, be brought forward for review and consideration by the Planning Commission.
3. This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition have been provided.
4. Public notification of the public hearing held by the Planning Commission was published in the March 7, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.
5. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

Policy 32.00: Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.

Finding: Policy 32.00 is satisfied in that the updated purpose and intent statement includes an objective that will ensure that landscaping will be used to provide for visual and sound barriers between land uses. Specifically, the objective will state that landscaping will be used to promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties. Another objective included in the updated purpose and intent statement is that landscaping will be used to provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

Policy 39.00: The City of McMinnville shall encourage and allow the development of pocket parks, landscaping, and other natural amenities to provide a visual contrast between streets and parking lots and buildings to enhance the general appearance of the downtown.

Finding: Policy 39.00 is satisfied in that the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 46.01: The City shall, through its Landscape Review Committee, develop a list of street trees acceptable for planting within the public rights-of-way, parks and open spaces, and downtown. In addition, the committee shall develop standards for the planting of these trees, particularly within the downtown area, such that sidewalk and tree root conflicts are minimized. This effort should be coordinated with McMinnville Water and Light in an effort to minimize conflicts with utility lines.

Finding: Policy 46.01 is satisfied as the amendments will specifically reference the McMinnville Street Tree List that was adopted by the City in 2016, and also provides the Landscape Review Committee with the ability to periodically update the McMinnville Street Tree List, as the landscaping and arborist industry is continually changing. This will allow for the City to respond those industry changes, which could include the introduction of new successful tree species, strategies for combating invasive species or new tree diseases, and changes in the range of certain species based on fluctuations in weather and climate.

Policy 46.02: The City shall, as funding permits and generally in the following order, periodically inventory trees within its public rights-of-way, parks and open spaces, and downtown area in order to assess the overall health of the city's urban forest and to determine those specific trees that may require maintenance, or removal and replacement. As a goal, the City seeks to maintain a diverse urban forest in terms of age and species.

Finding: Policy 46.02 is satisfied in that the City will continue to have the ability to inventory trees. The objectives in the proposed purpose and intent statement are also consistent with the goal of maintaining a diverse urban forest in terms of age and species. Specifically, the objectives are to promote the enhancement of the City's urban forest and tree canopy and encourage the preservation of existing trees.

GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.

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

- 1. Landscaping and screening*

Finding: Goal IV 6 and Policy 54.00 are satisfied in that the updated purpose and intent statement includes an objective that will ensure that landscaping will be used to provide for visual and sound barriers between land uses. Specifically, the objective will state that landscaping will be used to promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties. Another objective included in the updated purpose and intent statement is that landscaping will be used to provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 89.00: Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.

Finding: Goal V 2 and Policy 89.00 are satisfied in that the zoning standard requiring that landscaping be provided within multiple-family developments will not be removed, and the updated purpose and intent statement will provide objectives that will better guide the appropriate installation of landscaping within multiple-family developments.

Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

- 1. Major, minor arterials.
–Landscaping should be encouraged along public rights-of-way.*
- 2. Major, minor collectors.
–Landscaping should be encouraged along public rights-of-way.*
- 3. Local Streets
–Landscaping should be encouraged along public rights-of-way.*

Finding: Goal VI 1 and Policy 122.00 are satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

- 2. Incorporate features that create a pedestrian friendly environment, such as: [...]
g. Street furniture, street trees, and landscaping*

Finding: Policy 132.24.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

Finding: Policy 132.38.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained. Also, the landscaping and street tree standards will not preclude innovative or unique streetscaping designs or materials to be utilized.

Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

- 3. Landscaping barriers between roadway and non-motorized uses;*
- 4. Landscaping that promotes a residential atmosphere;*

Finding: Policy 132.43.05 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 132.47.00: The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.

Finding: Policy 132.47.00 is satisfied in that the proposed amendments specifically reference the most current design drawings and specifications for the installation of street trees within the public right-of-way. Also, the proposed amendments include the ability for new standards and specifications to supersede those referenced in the ordinance, should the City ever update them or adopt new standards.

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 VII 3 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 McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

CD:sjs

Chapter 17.57

LANDSCAPING

Sections:

- 17.57.010 Purpose and intent.
- 17.57.020 Definitions.
- 17.57.030 Plans—Submittal and review—Approval—Time limit for completion.
- 17.57.040 Plans—Information to be included.
- 17.57.050 Area determination—Planning factors.
- 17.57.060 Zones where required.
- 17.57.065 Specific uses requiring landscaping.
- 17.57.070 Central business district.
- 17.57.080 Plan review committee.
- 17.57.090 Credit for work in public right-of-way.
- 17.57.100 Appeal—Planning Commission to act.

17.57.010 Purpose and intent. ~~The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs.~~ **The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:**

- A. **Promote McMinnville as a community that cares about its appearance.**
- B. **Promote the enhancement of its urban forest and tree canopy.**
- C. **Encourage the preservation of existing trees.**
- D. **Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.**
- E. **Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.**
- F. **Unify development and enhance and define public and private places.**
- G. **Provide guidelines and standards that will:**
 - a. **Reduce soil erosion and the volume and rate of discharge of storm water runoff.**
 - b. **Aid in energy conservation by shading structures from energy losses caused by weather and wind.**

- c. Mitigate the loss of natural resources.
- d. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
- e. Provide for the creation of safe, attractively landscaped areas adjacent to public streets.
- f. Require the planting of street trees along the City's rights-of-way.
- g. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
- h. Provide shade, and seasonal color.
- i. Reduce glare, noise and heat.

It is further recognized that good landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this section, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

17.57.030 Plans—Submittal and review—Approval—Time limit for completion.

- A. At the time the applicant applies for a building permit, he shall submit, for the Landscape Review Committee, five copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
 - 1. The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.
 - 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;
- B. Landscaping review shall occur within ~~ten~~ **30 (thirty)** working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his presence

shall not be necessary for action to be taken on the plans. A failure to review within ~~ten~~ **30 (thirty)** working days shall be considered as approval of the plan;

- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;
- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (~~or Director of Parks and Recreation~~) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City;
- E. All completed landscape projects shall be inspected by the ~~Director of Parks and Recreation~~ **Planning Director or their designee**. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, **as determined by the Planning Director or their designee**, as long as they do not alter the character and aesthetics of the original plan. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Plans—Information to be included. The following information shall be included in the plans submitted under Section 17.57.030:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained, the general area with the number of trees involved may be given in lieu of listing and locating each tree;

- B. The location in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. **The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;**
- G. All of the information on the plot plan for the building permit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
 - 1. Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 4. A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.
 - 5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition;

however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.

a. ALC (additional <u>lot coverage</u>)	X	% of landscaping required	X	Total lot area
ELC (existing lot coverage)				

b. Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;

B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;

C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. **Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.** (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);

- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);
- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.065 Specific uses requiring landscaping.

- A. Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- B. Utility substations, subject to the landscaping requirements of commercial uses.
- C. Mobile home park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments. (Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Central business district. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

~~17.57.080 Plan review committee. All required landscape plans shall be submitted to and reviewed by the Landscape Review Committee.~~

- ~~A. The review committee shall be appointed by the Common Council while meeting in regular session and shall consist of three five members and two alternate members. At such time as the ordinance codified in this chapter is enacted, the Common Council shall, at a regularly scheduled meeting, appoint a review committee with initial terms of one, two and three years, respectively for the regular members and three year terms for each alternate member. The terms shall be computed from the first Tuesday in January 1978. The Council shall designate the alternate members as first and second alternates. Thereafter, The review committee members appointed and in place as of January 1, 2017 shall finish their appointed term. The Council shall appoint or reappoint members as existing terms expire, and the review committee members as appointed shall serve a three-year term, commencing with January of each year. Common Council members, Planning Commissioners, Airport Commissioners, and Water and Light Commissioners shall not serve as review committee members;~~

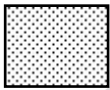
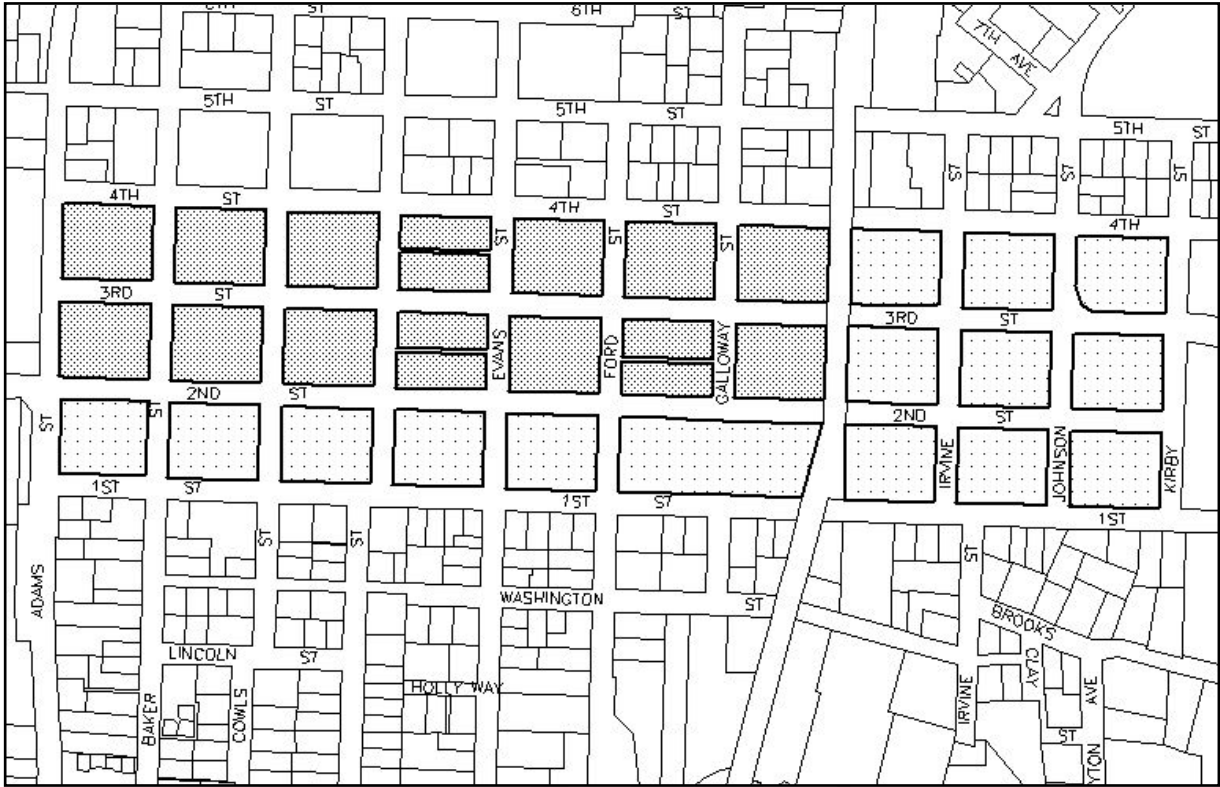
~~B. A majority of the active Landscape Review Committee members shall constitute a quorum. In the event that a regular committee member cannot attend a meeting or cannot participate because of a conflict of interest, the first alternate member shall vote in place of the absentee. In the event two committee members cannot attend a meeting or cannot participate because of a conflict of interest, the first and second alternate members shall vote in place of the absentees. The alternate committee members shall not participate as a voting member of the review committee unless acting in the absence or disqualification of a regular member. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

17.57.090080 Credit for work in public right-of-way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.400090 Appeal—Planning Commission to act when.

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within five days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;
- C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS



No Required Landscaping



One-Half Required Landscaping

Chapter 17.58

TREES

(as adopted by Ord. 4654B Dec. 9, 1997)

Sections:

- 17.58.010 Purpose.
- 17.58.020 Applicability.
- 17.58.030 Definitions.
- 17.58.040 Tree Removal/Replacement.
- 17.58.050 Review Criteria.
- 17.58.060 Permit Exemptions.
- 17.58.070 Topping.
- 17.58.075 Protection of Trees.
- 17.58.080 Street Tree Planting - When Required.
- 17.58.090 Street Tree Standards.
- 17.58.100 Street Tree Plans.
- 17.58.110 Street Tree Planting.
- 17.58.120 Street Tree Maintenance.

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. **All trees or street trees planted within any public property or public right-of-way in accordance with an approved street tree plan or landscape plan;**
- C. All trees ~~planted in or upon~~ **with trunks located completely or partially within** any public area or right-of-way;
- D. All trees ~~planted in or upon~~ **with trunks located completely within** any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- E. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 4654B §1, 1997).

17.58.030 Definitions. For the purpose of this section, refer to Section 17.06.045 for Tree related definitions. (Ord. 4952 §1, 2012).

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree, as defined in Section 17.58.020, ~~within the public right-of-way~~ shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, ~~and the reasons for the desired action,~~ and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal. Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within ~~fifteen~~ 30 (thirty) days of submittal. Requests for tree removal within the downtown ~~tree zone~~ area shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or his designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning ~~Director~~ Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if notice of intent to appeal is filed with the Planning Department within ~~five~~ 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current downtown tree zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be

required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. **The applicant shall complete the tree removal, and tree removal if required, within six months of receiving notification of the Landscape Review Committee's decision.**
- G. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.
- H. The pruning and removal of street trees within the downtown tree zone shall be the responsibility of the City, and shall be undertaken at public expense.
- I. ~~Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications~~ **The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees within the downtown tree zone and for street trees outside the downtown tree zone.** Such design specifications may **be periodically updated by the City to** include **specifications such as** tree root barriers, watering tubes or structures, **tree grates,** and removable pavers, and shall graphically describe the proper method for planting trees within the downtown tree zone to minimize the potential for sidewalk / tree root conflict.
- J. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the downtown tree zone. In order to implement this policy, the Planning Director shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the downtown tree zone. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. ~~Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.~~
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

- E. **Verification of tree health or a tree's impacts on infrastructure may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.**

17.58.060 Permit Exemptions.

- A. Hazardous Tree - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.
- B. **Tree Impacting Public Infrastructure – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the Planning Director or their designee. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City's annual tree planting program.**
- C. Maintenance - Regular pruning maintenance which does not require the removal of over 20 percent of the tree's canopy, tree topping, or the disturbance of over 10 percent of the tree's root system is exempt from the provisions of this ordinance.
- D. Removal of downtown trees at the direction and initiative of the City Planning Director. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the McMinnville Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees

- A. It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.
- B. It shall be unlawful for any person to attach or keep attached to any street or public tree or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.
- C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any street tree or public tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.
- D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the Landscape Review Committee. Utility pole installations are exempted from these requirements. During such excavation or construction, any such person shall guard any street tree or public tree within the drip line, or as may be required by the Landscape Review Committee.
- E. All building material or other debris shall be kept outside of the drip line of any street tree or public tree. (Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the approved street tree list **McMinnville Street Tree List, as approved by Resolution 2016-22,** unless approval of another species is given by the McMinnville Landscape Review Committee. **The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.**
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the downtown tree zone, consideration shall be given to the height of adjacent buildings.
- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb. **These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.**
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.
- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the downtown tree zone shall follow the design drawing, ~~or modified design,~~

~~approved by the Planning Director~~ **updated design drawings and specifications as periodically developed and adopted by the City.**

- H. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.
- I. Maintenance of street trees, other than those located in the downtown tree zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the downtown tree zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans

- A. Submittal.
 - 1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.
 - 2. Commercial, Industrial, Parking Lots, and Multi-family Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.
- B. Street Tree Plan Content. At a minimum, the street tree planting plan should:
 - 1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
 - 2. Indicate whether existing trees will be retained, removed or relocated;
 - 3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
 - 4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
 - 5. Indicate the location of proposed and existing utilities and driveways; and
 - 6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting

- A. Residential subdivisions and partitions.
 - 1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.
- B. Commercial, Industrial, Multi-family, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, multi-family, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City. (Ord. 4654B §1, 1997).
- B. **Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.**