



City Council Meeting Agenda

Tuesday, August 23, 2022

6:00 p.m. – City Council Work Session Meeting

7:00 p.m. – City Council Regular Meeting

Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.

The public is strongly encouraged to relay concerns and comments to the Council in one of three ways:

- Email at any time up to **12 p.m. on Monday, August 22nd** to claudia.cisneros@mcminnvilleoregon.gov
- If appearing via telephone only please sign up prior by **12 p.m. on Monday, August 22nd** by emailing the City Recorder at claudia.cisneros@mcminnvilleoregon.gov as the chat function is not available when calling in zoom;
- Join the zoom meeting use the raise hand feature in zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide your First and Last name, Address, and contact information (email or phone) to the City.**

You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331, Frontier 29 or webstream here:

www.mcm11.org/live

CITY COUNCIL WORK SESSION & REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/83332467492?pwd=aEJBbzhWS1ZmdEhqaTJvZ05kdFZtQT09>

Zoom ID: 833 3246 7492

Zoom Password: 406595

Or you can call in and listen via zoom: 1-253- 215- 8782

ID: 833 3246 7492

6:00 PM – COUNCIL WORK SESSION – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER
2. FIRE CONSOLIDATION CITY COUNCIL NEXT STEPS
3. ADJOURNMENT

7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT –

The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. The Mayor will read comments emailed to City Recorded and then any citizen participating via Zoom.

4. PUBLIC HEARING

- a. Public Hearing to consider Ordinance 5123, authorizing a new City Services Charge for residents and businesses in McMinnville that will support core city services including police; fire and ambulance; parks and recreation; library; park maintenance; planning and community development; homeless and housing support; and administrative activities dedicated to serving and protecting the public.

5. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports

6. CONSENT AGENDA

- a. Consider the Minutes of the October 21, 2020 City Council Work Session Meeting.
- b. Consider the Minutes of the October 27, 2020 City Council Regular Meeting.
- c. Consider the Minutes of the November 10, 2020 City Council Work Session & Regular Meeting.
- d. Consider the Minutes of the December 1, 2020 City Council Special Called Urban Growth Boundary (UGB) Amendment Public Meeting.
- e. Consider the Minutes of the December 2, 2020 City Council Special Called Urban Growth Boundary (UGB) Amendment Public Meeting.
- f. Consider request from Roman Vineyards LLC dba: Comaine de Broglie for Winery 2nd Location, OLCC Liquor License located at 455 NE Irvine Street.

7. RESOLUTIONS

- a. Consider **Resolution No. 2022-56**: A Resolution Awarding the Contract for the Fox Ridge Road Area Plan, to HHPR .

8. ORDINANCE

Consider the first reading with a possible second reading of **Ordinance No. 5121**: An Ordinance Approving a Comprehensive Plan Map Amendment from Industrial to Commercial and Approving a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) for Property of Approximately 0.9 Acres Located at 455 NE Irvine Street (Tax Lots R4421bd 2400 & 2601).

- a. Consider the first reading with a possible second reading of **Ordinance No. 5122**: An Ordinance Amending Planned Development Ordinance No. 4688 Approving an Application for a Planned Development Amendment, and Approving Applications for a Large Format Commercial Review with Waivers, a Landscape Plan Review, and a Partition, for Property of Approximately 1.8 Acres Located at the Southwest Corner of Booth Bend Road and Highway 99 (Tax Lot R4429CA 00300).
- b. Consider the first reading of **Ordinance No. 5123**: An Ordinance Authorizing a City Services Charge and Declaring an Emergency.

9. ADJOURNMENT OF REGULAR MEETING



STAFF REPORT

DATE: August 15, 2022
TO: Mayor and City Councilors
FROM: Rich Leipfert, Fire Chief
SUBJECT: Fire Department Consolidation Petition and Supporting Documentation:



COMMUNITY SAFETY & RESILIENCY

Proactively plan for & responsively maintain a safe & resilient community.

OBJECTIVE/S: Provide exceptional police, municipal court, fire, emergency medical services EMS, utility services and public works

Report in Brief:

Since 2018 the City has been working through studies to determine the feasibility of consolidating fire services. The Fire Department Consolidation Feasibility Report has determined that consolidation is operationally and fiscally feasible.

Background:

The City of McMinnville and its partners completed the Fire Department Consolidation Feasibility and Implementation Study. The report identifies that consolidating departments is feasible. After conducting strategic planning, stakeholder focus meetings and public meetings, it was identified that the McMinnville Rural Fire Protection District and the City of McMinnville were interested in moving the consolidation question forward to a vote of the public.

Initiating a ballot measure for a new tax rate and a new service area places the following requirements on the city. The first is to consent to the economic feasibility statement. The second is to pass a resolution in support of the petition

for the new district and tax rate. The resolution and feasibility statement address transfer of current city assets and debts to the new district as well as City tax rate.

Discussion:

The purpose of the presentation is to advise the Council on next steps. We are seeking approval of staff's recommendation on the transfer of assets and debts as well as direction on the implementation of the remaining taxing authority should the election be successful. This subject is critical to the messaging.

There are deadlines for some of the information being presented at the work session.

Items included in the resolution will need specific direction by September 13th Council meeting.

- Asset and Debt transfer
- Real property leases
- Ambulance Billing accounts
- Volunteer retirement fund
- City retention of current taxing authority used by the Fire Department

Staff recommends that the City retains its current taxing authority and suggest that the council approve the resolution with that included.

The decision about how much and when the City exercises that taxing authority should be informed by the polling that is forthcoming from our consulting firm. We are currently working with the consultant on the best timing for that polling work.



City of McMinnville

FIRE DEPARTMENT

Attachments:

Attachment #1: Draft Economic Feasibility Statement

Attachment #2: Draft Resolution

Attachment #3: Draft 1st Year Budget

Fiscal Impact: No changes

Economic Feasibility Statement
for the Consolidation and Formation of the new
McMinnville Fire District

DRAFT

McMinnville Fire District Economic Feasibility Statement

ECONOMIC FEASIBILITY STATEMENT (ORS 198.749)

Before circulating a petition for formation of a district, the person(s) designated on the petition as the chief petitioner(s) must complete an economic feasibility statement for the proposed district. The economic feasibility statement shall form the basis for the proposed tax rate sufficient to support the services and functions to be provided by the proposed district. The statement must include:

A description of the services and functions to be performed or provided by the proposed district; and

An analysis of the relationships between those services and functions and other existing or needed government services; and

A proposed first year and third year line-item operating budget for the new district that demonstrates its economic feasibility.

PURPOSE:

This statement is prepared and adopted by the chief petitioners for formation of a fire district pursuant to ORS 198.749. The name of the proposed district is McMinnville Fire District. A map of the proposed district will be included with the prospective petition documents. The district includes the City of McMinnville and McMinnville Rural Protection District within Yamhill County in the State of Oregon.

FEASIBILITY OF CREATING A NEW FIRE DISTRICT:

The McMinnville Fire Department currently provides fire protection, emergency medical, and fire prevention services within the McMinnville City Limits and to the McMinnville Rural Fire Protection District boundaries.

FIRE SERVICES EVALUATION AND RECOMMENDATIONS:

The City of McMinnville Fire Department was founded prior to 1900. The Department is overseen by an appointed Fire Chief who answers to the McMinnville City Manager and elected seven-member City Council including a Mayor. In 1945, The City of McMinnville Fire Department entered into an Intergovernmental Agreement with the McMinnville Rural Fire Protection District for fire protection and fire prevention services, ambulance service coverage to the area is provided as well through a contract service agreement with Yamhill County. In 2018 the fire department was tasked to evaluate the feasibility to consolidate or merge the municipal department and the rural fire protection district. Emergency Service Consulting, Inc. (ESCI), completed a “Consolidation Feasibility Study” in December 2020. which can be found on both the City’s and the District’s websites. The feasibility study included an analysis of the delivery of fire, emergency medical, and prevention services throughout many Yamhill and Polk County fire agencies including the McMinnville Fire Department and the McMinnville Rural Fire Protection District response areas.

Emergency Service Consulting International as well as fire district formation experts identified several deficiencies in the existing fire agencies and several critical issues which should be addressed by the local communities.

The following summarizes some of the findings:

MANAGEMENT AND GOVERNANCE:

The City of McMinnville Fire Department and the McMinnville Rural Fire Protection District have outdated strategic plans or coordinated response plans that provide guidance for the future.

The separation of governing bodies creates management and budget inefficiencies and obstacles to implementing long term improvements to facilities, fire apparatus, and equipment.

Generally, the funding for these entities are provided by a combination of City general fund dollars, ambulance fees, contracted rates from the McMinnville Rural Fire Protection District, and miscellaneous revenues. The two fire agencies have been inadequately funded for many years resulting in a backlog of vehicle and equipment replacement, facility improvements and expansion (alternate fire stations) and response personnel needs.

FIRE DEPARTMENT SAFETY AND OPERATIONAL DEFICIENCIES:

The City of McMinnville Fire Department provides all emergency operations and prevention services for both agencies. They have been experiencing a decline in volunteer fire and emergency medical responders. As these numbers continue to decline, service demands have increased resulting in a decrease service level. Although the City of McMinnville Fire Department has had some increase in career staff the financial constraints of the current funding model leave it very understaffed for a number of calls for service.

Regulatory agencies and courts hold small rural fire districts to the same training standards and operational requirements as all other districts, large or small, providing the same level of service. These constraints have exacerbated an already depleted volunteer response as training must be completed, documented, and reevaluated several times throughout the year requiring a larger time requirement than in previous years.

The City of McMinnville Fire Department and the McMinnville Rural Fire Protection District do not meet national standards for service due to call volume, concurrent calls, fire station locations and staffing levels.

Important pre-incident plans to safely and effectively mitigate high hazard fire and specialty incidents have not been developed for important target hazards, placing those facilities at higher risk.

FIRE DEPARTMENT FACILITIES AND EQUIPMENT:

The City of McMinnville Fire Department and the McMinnville Rural Fire Protection district have one fire station and one sub-station combined. The main station is not reinforced for a seismic event and is subject to collapse during a major earthquake. The sub-station is a converted private residence and houses only an ambulance with a two-person crew.

The main fire station was built in 1986 is approaching end of life. It is located on the busiest intersection in the community and has undersized or inadequate vehicle bays, inadequate equipment storage, minimal training space, and no future availability for offices and meeting areas as the department grows.

The City of McMinnville Fire Department has an aging fleet with several fire response apparatuses that are at end of life and require replacement. The McMinnville Rural Fire Protection District has provided some upgraded vehicles and equipment to the McMinnville Fire Department throughout the years, but currently has no apparatus of their own.

VOLUNTEER AND CAREER FIREFIGHTERS:

Volunteer response is inconsistent and slow.

The City of McMinnville Fire Department and the McMinnville Rural Fire Protection District frequently must rely on neighboring fire districts to provide adequate responders to manage an emergency incident or fire adequately and safely.

McMinnville has followed the national and local trend with a decline in volunteer responders. This trend initiated in the 1980's and continues today.

Additional staff and volunteers are needed to have sufficient personnel for a moderate to high-risk incident.

Recruiting and retaining volunteer firefighters has become more difficult for many reasons but is mainly due to the time commitments required for training and emergency responses needed to meet the statutory requirements.

Most career firefighters live outside of these jurisdictions and are not available for emergency callback, or live so far away most incidents are mitigated or too far gone before they could feasibly assist.

The City of McMinnville Fire Department has one main station and one sub-station staffed with 24-hour career personnel coverage. The main station has a 24-hour fire engine that is almost exclusively staffed with an Engineer Driver and a Captain with designated firefighters available when fully staffed. This is below the national safety standards. The main station also houses three ambulances with two personnel that are all dual trained EMS/firefighters each and the sub-station houses an ambulance with two personnel.

McMinnville Rural Fire Protection District has no stations, vehicles, or staff (volunteer or career).

RECOMMENDATIONS:

Consolidation of the McMinnville Fire Department and the McMinnville Rural Fire Protection District will enhance operations, improve efficiencies and enable the new district to focus on providing excellent Fire Protection, Emergency Medical Services, and Fire Prevention Services.

A new fire district, with a single governing body, is proposed as the most efficient and cost effective way to organize fire protection, fire prevention, and emergency medical services for the new service area.

A new permanent tax rate will stabilize funding and is viewed as the fairest way to distribute costs among all property owners.

PROPOSAL FOR THE NEW MCMINNVILLE FIRE DISTRICT:

In May 2022, the City of McMinnville Fire Department and the McMinnville Rural Fire Protection District agreed to pursue the creation of a new fire district. The new district’s primary objectives will be to enhance and stabilize the service to the citizens within the existing fire and emergency medical service areas of The City of McMinnville Fire Department and The McMinnville Rural Fire Protection District.

The strategic planning group established the following goals to be accomplish under the district formation proposal:

1. Simplify governance of the district
2. Create an effective organizational structure
3. Establish a stable revenue base sufficient to pay for:
 - operations
 - training
 - maintenance of facilities and equipment
 - asset replacement planning and implementation
 - capital purchases
 - adequate staffing with projection for future needs
4. Provide the highest level of service to the community in a cost-effective manner.

The entities evaluated several options to achieve these goals. The final recommendation

Economic Feasibility Statement – McMinnville Fire District

was to dissolve the existing city municipal fire department and the rural fire protection district and form a new fire district. The proposal for the new fire district assumes the following:

The new "McMinnville Fire District" will provide fire protection, emergency medical services, and fire prevention within the boundaries of a new fire district. It will also provide emergency medical services to Ambulance Service Area (ASA) #2

The City of McMinnville Fire Department will cease to provide fire protection services on effective June 30, 2023.

The McMinnville Rural Fire Protection District will be dissolved and cease to exist on effective June 30, 2023, and will eliminate its permanent tax rate of \$0.9735 per thousand.

The new district would assume responsibility for the debt owed by The City of McMinnville Fire Department for apparatus and equipment already purchased.

All capital assets, equipment and supplies, excluding real property, in the existing City of McMinnville Fire Department will be transferred to the new district.

Real property (Fire Station) will be leased to the new district for \$1.00 per year for ten years with the property to be sold at that time and the proceeds split between the McMinnville Fire District and the City of McMinnville. The City of McMinnville will lease the asset (Fire Department Training area) to the McMinnville Fire District for \$1.00 per year for 100 years.

The City of McMinnville Fire Department will transfer the volunteer firefighter retirement reserve account and all ambulance collectables that are currently in the ambulance billing company, Systems Design West.

The McMinnville Rural Fire Protection Fire District intends to propose a Plan of Dissolution and Liquidation which would convey all, assets, and liabilities of the Existing District to the McMinnville Fire District ensuring the reserve funds are dedicated to substation construction that improves rural area service. The reserve accounts will be allocated according to their dissolution plan.

A tax rate of \$2.00 per \$1,000 will apply to all property within the newly created district. With an estimated 2023-2024 taxable assessed value of \$4,036,526,867. The new district will levy an estimated \$8,073,054 in property tax. Estimated tax revenues during its first year of operation will be \$7,588,671 estimating 6% uncollectable. Beginning balance, user fees, miscellaneous, contracted services and grants will provide an additional estimated amount of \$5,845,744 in revenue.

ADVANTAGES OF CREATING A NEW FIRE DISTRICT INCLUDE:

A new five-member board of directors chosen by registered voters in the new district will be elected in May 2023. This board will take office in July 2023. A newly consolidated district and board operates the fire protection, fire prevention and emergency medical service in accordance with best practices for its service area as a whole.

Fire protection services will be provided by one agency to all properties within the new fire district boundaries.

Ambulance services will be provided by the new district to Yamhill and Polk County Ambulance Service Area agreements.

Tax rates will be equalized for all properties within the district.

The revenues are sufficient to establish an equipment replacement program and capital reserve for the purchase of new fire stations, apparatus, and new safety equipment.

The revenues will pay for increasing response personnel as well as administrative support staff including human resources, financial director, and information technology.

BALLOT MEASURES FOR THE MAY 2023 ELECTION

The City Council from the City of McMinnville Fire Department and the Board of Directors of the McMinnville Rural Fire Protection District moved to proceed with a proposal to create the McMinnville Fire District and calling for an election in May 2023.

The McMinnville Fire District will be formed if voters approve all the following ballot measures at the May 2023 election:

Shall McMinnville Fire District be formed, have a tax rate of \$2.00 per \$1,000 assessed value beginning fiscal year 2023-24 and assume responsibility for the McMinnville Fire Department debt of \$588,000?

Shall the McMinnville Rural Fire Protection District be dissolved?

If either of the proposed ballot measures are not approved, then the new fire district is not formed.

DESCRIPTION OF PROPOSED SERVICES AND FUNCTIONS TO BE PROVIDED BY THE PROPOSED DISTRICT (ORS 198.749(1))

The new district shall have all authority of a fire district pursuant to ORS Chapter 478.005 to ORS 478.965. Specifically, it is proposed that the district will perform both fire

protection and emergency medical services. The new fire district will take over fire protection and emergency medical services for the newly formed district on **July 1, 2023**.

MCMINNVILLE FIRE DISTRICT AREA:

The district shall provide fire protection and emergency medical services within the 95+/- square mile area of the new fire district. The permanent population for the district is approximately 39,896.

The district will provide fire protection, fire suppression, rescue, emergency medical, fire prevention, and public education services to approximately 6,000+ commercial buildings. Fire and emergency medical services will be provided on Oregon State Highways including 12-miles Hwy 18, 10-miles of Hwy 99W, 3- miles of Hwy 47, and 6-miles of Hwy 233 .

B. FIRE STATIONS AND FIRE APPARATUS:

District offices will be in the existing City of McMinnville main fire station. The new district will have a total of two station, with two (2) of those stations having career personnel 24 hours per day. Plans include additional sub stations to improve response times throughout the new district.

CAREER PERSONNEL AND VOLUNTEERS:

The new fire district will continue to utilize volunteers whenever possible. All career and volunteer fire fighters will meet State of Oregon and National Standards in such areas as hazardous materials, rescue, emergency driving, safety equipment, first aid, building construction, incident command, structural and wildland firefighting. The new district will be able to add career staff to have a fully staffed 3-person engine and staffed 3-person truck company.

CALLS FOR SERVICE:

The City of McMinnville Fire and McMinnville Rural Fire Protection District respond to over 9000+ fire and medical response calls per year. A large percentage of all calls are responses are for emergency medical incidents, traffic accidents and fire related emergencies. McMinnville Fire District career and volunteer staff have firefighters who have received training in specialized areas such as vehicle extrication, rope rescue, wildland firefighting, and all hazards.

Many of the volunteer firefighters support the creation of a new district.

RELATIONSHIP TO OTHER GOVERNMENTAL SERVICES (ORS 198.749(2))

McMinnville Fire District will continue to have on-going working relationships with a variety of local governments and surrounding fire districts within Yamhill and Polk Counties, Grand Ronde, the State of Oregon, and many other local agencies.

McMinnville Fire District will also maintain our working relationship with the Oregon Department of Forestry and Bureau of Land Management for all forest lands and wildfire protection areas within the boundaries of the new fire district.

The petitioners believe the new fire district is a viable solution to ensure that adequate facilities, equipment, and staffing for fire protection and emergency medical services are available on a continued basis to all inhabitants within the fire district boundaries. The petitioners further believe the dissolution of the existing fire department and district and the formation of a new fire district will simplify government by eliminating unnecessary duplication of services. The creation of a new, larger fire district offers an opportunity for greater control over the growth and direction of fire and emergency medical services to the inhabitants of the district. The elected board of directors will make all decisions for the new district. Providing fire protection, prevention, and emergency medical services will be the board's only concern.

BUDGET (ORS 198.749(3))

During its first year of operation, the annual operating budget for the district will be approximately \$12,739,847. The primary sources of revenue in the first year will be from property taxes and ambulance fees. Other general fund revenues will come from fire call response fees, interest earnings, donations, and miscellaneous revenues. A loan from the **City of McMinnville** will be used to cover the gap until property tax payments in December 2023. Payment in full due within 30 days of tax receipts.

The district proposes to use property taxes as a stable, long term funding source to pay for the majority of its personnel, materials and services, and capital expenses. The district proposes to establish a permanent tax rate of \$2.00 per \$1,000 of assessed valuation. Collection of property taxes will begin in fiscal year 2023- 2024. The assessed values (Measure 50 taxable value) of all property within the district are estimated to be \$4,036,526,867, in FY 2023-24. Based upon this value, the district will levy \$8,073,054 in property taxes. Estimated tax revenues during its first year of operation will be \$7,588,671 estimating 6% uncollectable. Other general fund revenues in the amount of \$5,084,704 will make up the difference between the operating budget and property tax receipts. See Appendix 1 & Appendix 2 for detailed first-year and third-year proposed budget.

PERSONNEL SERVICES:

The proposed budget anticipates the new district will continue with the current administrative staff consisting of a Fire Chief, Operations Chief, Fire Marshal, and

Economic Feasibility Statement – McMinnville Fire District

Training Chief for the first three years as the fire district continues its path toward solidifying the organizational chart of the new fire district. The two agencies currently have joint policies, administration, operations, training, and logistics. The two agencies utilize the same volunteer association and will to continue to operate status quo.

In its first fiscal year, the new district will be composed of the following personnel:

Career Staff

- 1 - Fire Chief
- 1 - Assistant Chief of Operations
- 1 - Assistant Chief of Administration/ Fire Marshal
- 1 – Assistant Chief of Training
- 1 – Office Manager
- 1 – Operations Support Specialist
- 1- Deputy Fire Marshal
- 1- support Services Tech
- 3 -Battalion Chiefs
- 3- Captains
- 3-Apparatus Operators/Engineers
- 31 - Career Firefighter EMT/Paramedics
- 2- Paramedic only

Volunteers

32-Volunteers

Personnel costs for the new district will be approximately \$9,295,132 in 2023-2024. This cost includes the additional 3 support staff for the first year of operation.

MATERIALS AND SERVICE:

Materials and service expenses will average \$1,769,000 per year. They include general office supplies, equipment supplies for the fire trucks and rescue vehicles, replacement equipment for firefighters, maintenance of vehicles, safety equipment, training, and general administrative expenses for insurance, audit, legal, and other professional services.

CAPITAL RESERVES AND DEBT SERVICE:

The proposed budget is created with capital reserve funds to address future facility, apparatus, and major equipment improvements for the new district. The ESCI consultant's report identified significant deficiencies in fire apparatus, structural deficiencies, locations, or capacity problems in all McMinnville fire stations.

The capital reserve fund will be established in FY 2023-2024 to finance fire apparatus, vehicles and major pieces of equipment. Annually there will be a \$250,000 transfer from

general fund into the capital reserve fund. The transferred funds will be placed in the capital reserve fund to purchase future apparatus, fire equipment, and sub-station development. The proposed district budget anticipates the district will purchase apparatus per their apparatus replacement plan. Please see Appendix 3

EXISTING DEBT:

The new district is required to assume all fire protection related debt obligations of the City of McMinnville Fire Department and McMinnville Rural Fire Protection District. The City of McMinnville has an outstanding municipal loan for \$588,000. No other long term debt obligations will be assumed by the new district.

CONTINGENCIES:

The budget includes a general fund operating contingency to cover unanticipated operating expenses. An amount between 4-5% of the estimated annual personnel and materials and services costs is recommended. The new district will be placing \$250,000 per year into to an account until an adequate fund is established. User fee revenues help offset the estimated operating contingency need. Any unspent contingency and capital reserve funds will be retained for use in future years to support vehicle replacement, fire station improvements, and improved fire protection and emergency medical services.

BUDGET SUMMARY:

In summary, the proposed budget demonstrates the economic feasibility of the proposed district because it establishes a stable annual revenue base for the district by establishing a permanent tax rate of \$2.00 which will be used exclusively for fire protection and emergency medical services within the community.

The proposed budget will provide money to:

- set aside capital reserves to replace for fire apparatus and meet future facility needs.
- allow the district to hire additional staff
- provide sufficient annual revenues to pay for operating and maintenance expenses of the existing fire protection and emergency medical services currently provided by McMinnville Fire Department and McMinnville Rural Fire Protection District.
- provide sufficient annual revenues to retire existing debt of McMinnville Fire Department

Appendix 3

Name	License	Year	Make	Model	Replacement	
					Year	Cost
Remount Ford E450	E279643	2019	FORD	E450 VAN	2029	\$220,000.00
E450 Medic (pdx)	E235626	2005	FORD	E350 VAN	2022	\$250,000.00
Chev Medic	E266011	2015	CHEVROLET	EXPRESS 4500	2025	\$210,000.00
E450 Medic (pdx)	E235628	2005	FORD	E350 VAN	2024	\$250,000.00
Chev Medic	E254685	2012	CHEVROLET	EXPRESS 4500	2022	\$190,000.00
Ford E450	E269253	2016	FORD	E450 VAN	2026	\$210,000.00
Ford E450	E279613	2018	FORD	E450 VAN	2028	\$210,000.00
E1	E266040	2015	PIERCE	SABER-PUC	2040	\$525,000.00
E14	E224914	2003	H&W	Spartan 2000-2 EEZ2502	2033	\$515,000.00
E15	E194462	1994	H&W	Spartan 1000-EE2-006	2024	\$500,000.00
E16	E276252	1996	BME	BME 2160548	2030	\$450,000.00
BR1	E279643	2019	FORD	F550 PICKUP 4wd	2049	\$189,000.00
BR11	E249084	2010	FORD	F550 PICKUP 4wd	2040	\$185,000.00
SQ 1	E212130	2000	H&W	SPARTAN 100-EE2-823	2045	\$225,000.00
TR1	E266013	2015	PIERCE	ARROW XT	2045	\$950,000.00
WT1	E266039	2005	Freighliner	Converted into Tanker	2045	\$200,000.00
WT10	E168598	1985	International	F2275	2023	\$175,000.00
Car 12/C1	E258914	2013	CHEVROLET	TAHOE 4wd	2033	\$48,000.00
Car 13/DC12	E227119	2003	CHEVROLET	TAHOE 4wd	2022	\$45,000.00
Car 17	E227118	2003	CHEVROLET	TAHOE 4wd	2024	\$40,000.00
Car 1/DC1	E261887	2015	CHEVROLET	TAHOE 4wd	2028	\$48,000.00
Car 18 / FM1	E279605	2019	CHEVROLET	SILVERADO	2039	\$50,000.00
Car 14/FM-12	E235800	2006	FORD	F150 PICKUP 4wd	2030	\$42,000.00
UT1	E196145	1995	DODGE	3500 PICKUP 4wd		
C-12		2020	FORD	EXPLORER AWD	2040	\$450,000.00
Trailer	E237767	2006		MCI		
Trailer	FIT			FIT		
Trailer	Flatbed	1987		FlatBed		
Trailer	Smoke House			Smoke House		
Trailer	Conflag	2019		Conflag Trailer		
Trailer	Car Hauler	1993		Popcorn Wagon		

CITY OF MCMINNVILLE RESOLUTION #2023-XXX

A Resolution Approving the Petition for the Formation of McMinnville Fire District

WHEREAS, the McMinnville Fire Department provides service to the City of McMinnville, Oregon, a municipal corporation of the State of Oregon; and

WHEREAS, the McMinnville Fire Department and, the McMinnville Rural Fire Protection District; have a singular operation system to provide efficient and effective fire protection and emergency medical services within their respective areas; and

WHEREAS, the City of McMinnville Fire Department and the McMinnville Rural Fire Protection District (the Existing areas) desire to consolidate their governing structure by the dissolution of the Existing District and the formation of a new rural protection fire district to be known as the McMinnville Fire District; and

WHEREAS, the Boards of Directors of the McMinnville Rural Fire Protection District intends to initiate the dissolution of their district conditioned on voter approval of the formation of the McMinnville Fire District; and

WHEREAS, the McMinnville Rural Fire Protection District intends to propose a Plan of Dissolution and Liquidation which would convey all, assets, and liabilities of the Existing District to the McMinnville Fire District ensuring the reserve funds are dedicated to substation construction that improves rural area service; and

WHEREAS, The City of McMinnville intends to convey all vehicles, equipment, supplies, fire department liabilities, ambulance billing revenue and Volunteer LOSAP plan funds to the McMinnville Fire District. The City of McMinnville will lease the real property assets (Fire Station) to the McMinnville Fire District for \$1.00 per year for 10 years with the property to be sold at that time and the proceeded split between the McMinnville Fire District and the City of McMinnville. The City of McMinnville will lease the asset (Fire Department Training area) to the McMinnville Fire District for \$1.00 per year for 100 years; and

WHEREAS, Subject to the provisions of ORS 236.605 to 236.640, the employees of the City of McMinnville Fire Department shall be transferred to the McMinnville Fire District; and

WHEREAS, _____ and _____, Chief Petitioners, have prepared a Petition for the Formation of the McMinnville Fire District, attached as Exhibit A, to initiate the formation of the McMinnville Fire District; and

WHEREAS, the Oregon Constitution limits the general government tax rate to \$10 per \$1,000 of assessed value and the general governmental tax rate in the City of McMinnville in fiscal year 2023-2024 is \$7.7596 per \$1,000 of assessed value; and

WHEREAS, the Petition proposes a permanent tax rate for McMinnville Fire District of \$2.00 per \$1,000 of assessed value. The City would retain its taxing authority currently used for fire protection services. Therefore, the formation of the McMinnville Fire District new government tax rate would be \$9.7596 per \$1,000 of assessed value and would not cause compression of the general government tax rates within the City of McMinnville; and

WHEREAS, the boundary of the McMinnville Fire District is described in the Petition and the City of McMinnville is within the proposed McMinnville Fire District; and

WHEREAS, Oregon law requires that the Petition for the Formation of the McMinnville Fire District be accompanied by a certified copy of a resolution approving the petition by the governing body of any city within the boundaries of the proposed district.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of McMinnville, Oregon hereby approves the Petition for the Formation of the McMinnville Fire District attached as Exhibit A.
2. The City Recorder of the City of McMinnville, Oregon shall provide a certified copy of this Resolution to the Chief Petitioners.

ADOPTED this ____ day of _____, 2023, by the McMinnville City Council.

Mayor

, City Recorder

**FORM
LB-20**

**RESOURCES
GENERAL
Fund**

McMinnville Fire District
(Name of Municipal Corporation)

	Historical Data			RESOURCE DESCRIPTION	Budget for Next Year 2023-2024			
	Actual		Adopted Budget Year 2022-2023		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2020-2021	First Preceding Year 2021-2022						
				Beginning Fund Balance:				
1			\$ -	1. Available cash on hand* (cash basis) or	\$ 800,000			1
2			\$ -	2. Net working capital (accrual basis)	\$ -			2
3			\$ -	3. Previously levied taxes estimated to be received	\$ -			3
4			\$ -	4. Interest	\$ 50,000			4
5				5. OTHER FIRE RESOURCES				5
6			\$ -	6 Licenses & Permits	\$ 7,800			6
7			\$ -	7 Intergovernmental	\$ 55,120			7
8			\$ -	8 Charges for Services	\$ 42,120			8
9			\$ -	9 Fines & Forfeitures	\$ 624			9
10			\$ -	10 Misc Revenue	\$ 38,480			10
11				11				11
12				12				12
13				13				13
14				14 OTHER AMBULANCE RESOURCES				14
15			\$ -	15 Intergovernmental	\$ 1,174,160			15
16			\$ -	16 Charges for Services	\$ 3,651,440			16
17			\$ -	17 Miscellaneous	\$ 26,000			17
18				18				18
19				19				19
20				20				20
21				21				21
22				22				22
23				23				23
24				24				24
25				25				25
26				26				26
27				27				27
28				28. 5 Yr. Operation Levy	\$ -	\$ -		28
29	\$ -	\$ -	\$ -	29. Total resources, except taxes to be levied	\$ 5,845,744	\$ -	\$ -	29
30			\$ -	30. Taxes necessary to balance	\$ 7,588,671	\$ -		30
31				31. Taxes collected in year levied				31
32	\$ -	\$ -	\$ -	32. TOTAL RESOURCES	\$ 13,434,415	\$ -	\$ -	32

*Includes Unappropriated Balance Budgeted Last Year

DETAILED EXPENDITURES

**FORM
LB-31**

GENERAL

MCMINNVILLE FIRE DISTRICT

(Name of Organizational Unit - Fund)

Name of Municipal Corporation

Line Item	Historical Data			EXPENDITURE DESCRIPTION	# of FTE's	Range	Budget for Next Year 2023-2024			
	Actual		Adopted Budget Year 2022-2023				Proposed by Budget Officer	Approved by Budget Committee	Adopted by Governing Body	
	Second Preceding 2020-2021	First Preceding 2021-2022								
1				1 PERSONNEL SERVICES						1
2			\$ -	2 Salaries & Wages - Fire	17.6		\$ 2,009,317			2
3			\$ -	3 Fringe Benefits - Fire			\$ 1,304,897			3
4			\$ -	4 Salaries & Wages - Prevention & Life Safety	2		\$ 252,116			4
5			\$ -	5 Fringe Benefits - Prevention & Life Safety			\$ 155,867			5
6			\$ -	6 Salaries & Wages - Ambulance	26.1		\$ 2,984,250			6
7			\$ -	7 Fringe Benefits - Ambulance			\$ 1,102,937			7
8			\$ -	8 Salaries & Wages - Additional Staff & Support			\$ 318,000			8
9				9						9
10				10						10
11				11						11
12	\$ -	\$ -	\$ -	12 TOTAL PERSONNEL SERVICES			\$ 8,127,384	\$ -	\$ -	12
13				13						13
14				14 MATERIAL AND SERVICES						14
15			\$ -	15 Employee Events			\$ 8,798			15
16			\$ -	16 Travel & Education			\$ 71,550			16
17			\$ -	17 Fuel (Vehicle, Electric & NG)			\$ 135,150			17
18			\$ -	18 Insurance (Property & Liability)			\$ 126,098			18
19			\$ -	19 Telecommunications			\$ 55,120			19
20			\$ -	20 Uniforms			\$ 100,700			20
21			\$ -	21 Janitorial			\$ 14,840			21
22			\$ -	22 Material & Supplies			\$ 434,436			22
23			\$ -	23 Repairs & Maintenance			\$ 240,620			23
24			\$ -	24 Professional Services			\$ 320,350			24
25			\$ -	25 Maintenance & Rental Contracts			\$ 78,270			25
26			\$ -	26 Hydrant Rental, Hose/Ladder Testing & Replacement			\$ 93,810			26
27			\$ -	27 Education - Fire Prevention			\$ 5,300			27
28			\$ -	28 Credit Card Fees			\$ 1,696			28
29			\$ -	29 Dispatch Services			\$ 54,060			29
30				30						30
31				31 TOTAL EXPENDITURES						31
32				32 UNAPPROPRIATED ENDING FUND BALANCE						32
33				33 TOTAL						33

DETAILED EXPENDITURES

**FORM
LB-31**

GENERAL
(Name of Organizational Unit - Fund)

MCMINNVILLE FIRE DISTRICT
Name of Municipal Corporation

	Historical Data			EXPENDITURE DESCRIPTION	# of Empl y-ees	Range	Budget for Next Year 2023-2024			
	Actual		Adopted Budget Year 2022-2023				Proposed by Budget Officer	Approved by Budget Committee	Adopted by Governing Body	
	Second Preceding 2020-2021	First Preceding 2021-2022								
1				1 MATERIAL & SERVICES						1
2				2						2
3				3						3
4				4						4
5				5						5
6	\$ -	\$ -	\$ -	6 TOTAL MATERIAL & SERVICES			\$ 1,740,797	\$ -	\$ -	6
7				7						7
8				8 CAPITAL OUTLAY						8
9				9 Equipment						9
10				10 Building & Vehicles						10
11	\$ -	\$ -	\$ -	11 TOTAL			\$ -	\$ -	\$ -	11
12				12						12
13				13						13
14				14 TRANSFER						14
15	\$ -	\$ -	\$ -	15 CAPITAL IMPROVEMENT FUND			\$ 250,000			15
16			\$ -	16 TRANSER TO LOSAP FUND			\$ 22,000			16
17	\$ -	\$ -	\$ -	17 GENERAL OPERATING CONTINGENCY Total			\$ 250,000			17
18				18						18
19				19 DEBT SERVICE						19
20			\$ -	20 Principal Fire Vehicle Financing			\$ 93,677			20
21				21						21
22			\$ -	22 Interest			\$ 21,000			22
23				23 \						23
24				24						24
25				25 Unappropriated Ending Balance						25
26				26 For The Following Year						26
27				27 Interest						27
28				28						28
29	\$ -	\$ -	\$ -	29 TOTAL EXPENDITURES			\$ 10,504,858	\$ -	\$ -	29
30			\$ -	30 UNAPPROPRIATED ENDING FUND BALANCE			\$ 2,929,557	\$ -	\$ -	30
31	\$ -	\$ -	\$ -	31 TOTAL			\$ 13,434,415	\$ -	\$ -	31

LB-20 total resources: \$ 13,434,415 \$ - \$ -

**Form
OR-LB-11**

This fund is authorized and established by resolution / ordinance number
XX-XXX on (date) XX-XX-XXXX for the following specified purpose:
Purchase and Upkeep of Equipment and Building

**RESERVE FUND
RESOURCES AND REQUIREMENTS**

Year this reserve fund will be reviewed to be continued or abolished.
Date can not be more than 10 years after establishment.
Review Year:

CAPITAL IMPROVEMENT
Fund

MCMINNVILLE FIRE DISTRICT
(Name of Municipal Corporation)

	Historical Data			Description resources and requirements	Budget For Next Year 2023 - 2024			
	Actual		Adopted Budget Year 2022-2023		Proposed by Budget Officer	Approved by Budget Committee	Adopted by Governing Body	
	Second Preceding 2020-2021	First Preceding 2021-2022						
1				1 Resources				1
2				2 Cash on hand* (cash basis), or	\$ -			2
3				3 Working capital (accrual basis)				3
4				4 Previously levied taxes estimated to be received				4
5				5 Interest				5
6			\$ -	6 Transferred in from other funds	\$ 250,000	\$ -	\$ -	6
7				7				7
8				8				8
9				9				9
10	\$ -	\$ -	\$ -	10 Total resources, except taxes to be levied	\$ 250,000	\$ -	\$ -	10
11				11 Taxes estimated to be received				11
12				12 Taxes collected in year levied				12
13	\$ -	\$ -	\$ -	13 Total Resources	\$ 250,000	\$ -	\$ -	13
14				14 Requirements**				14
15				15 Org unit or prog & activity				15
16				16 Object classification				16
17	\$ -	\$ -	\$ -	17 Detail				2
18	\$ -	\$ -	\$ -	18 CAPITAL IMPROVEMENT				3
19				19 EQUIPMENT				4
20				20 BUILDING IMPROVEMENT				5
21				21				6
22				22				7
23				23				8
24				24				9
25				25				10
26				26				11
27				27				12
28				28				13
29			\$ -	29 RESERVED FOR FUTURE EXPENDITURE	\$ 250,000			14
30	\$ -	\$ -	\$ -	30 TOTAL REQUIREMENTS	\$ 250,000	\$ -	\$ -	16

150-504-011 (Rev. 11-16)

*The balance of cash, cash equivalents and investments in the fund at the beginning of the budget year.

**List requirements by organizational unit or program, activity, object classification, then expenditure detail. If the requirement is "not allocated", then list by object classification and expenditure detail.

**Form
OR-LB-11**

This fund is authorized and established by resolution / ordinance number
XX-XXX on (date) XX-XX-XXXX for the following specified purpose:
Volunteer Length of Service Awards Program

**RESERVE FUND
RESOURCES AND REQUIREMENTS**

Year this reserve fund will be reviewed to be continued or abolished.
Date can not be more than 10 years after establishment.
Review Year:

RESERVE
Fund

MCMINNVILLE FIRE DISTRICT
(Name of Municipal Corporation)

1	Historical Data			2	Description resources and requirements	Budget For Next Year 2023 - 2024			1	
	Actual		Adopted Budget Year 2022-2023			Proposed by Budget Officer	Approved by Budget Committee	Adopted by Governing Body		2
	Second Preceding 2020-2021	First Preceding 2021-2022								
1				1	Resources				1	
2			\$ -	2	Cash on hand* (cash basis), or	\$ 878,000			2	
3				3	Working capital (accrual basis)				3	
4				4	Previously levied taxes estimated to be received				4	
5			\$ -	5	Interest	\$ 25,500			5	
6			\$ -	6	Transferred in from other funds	\$ 22,000	\$ -	\$ -	6	
7				7					7	
8				8					8	
9				9					9	
10	\$ -	\$ -	\$ -	10	Total resources, except taxes to be levied	\$ 925,500	\$ -	\$ -	10	
11				11	Taxes estimated to be received				11	
12				12	Taxes collected in year levied				12	
13	\$ -	\$ -	\$ -	13	Total Resources	\$ 925,500	\$ -	\$ -	13	
14				14	Requirements**				14	
15				15	Org unit or prog & activity				15	
16			\$ -	16	Object classification				16	
17	\$ -	\$ -	\$ -	17	Detail	\$ 24,000			2	
18	\$ -	\$ -	\$ -	18	Distribution of Benefits				3	
19				19					4	
20				20					5	
21				21					6	
22				22					7	
23				23					8	
24				24					9	
25				25					10	
26				26					11	
27				27					12	
28				28					13	
29			\$ -	29	RESERVED FOR FUTURE EXPENDITURE	\$ 901,500			14	
30	\$ -	\$ -	\$ -	30	TOTAL REQUIREMENTS	\$ 925,500	\$ -	\$ -	16	
									17	

150-504-011 (Rev. 11-16)

*The balance of cash, cash equivalents and investments in the fund at the beginning of the budget year.

**List requirements by organizational unit or program, activity, object classification, then expenditure detail. If the requirement is "not allocated", then list by object classification and expenditure detail.

STAFF REPORT

DATE: August 23, 2022
TO: Jeff Towery, City Manager
FROM: Jennifer Cuellar, Finance Director
SUBJECT: City Services Charge Public Hearing and Ordinance

Strategic Priority and Goal:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief:

At the Council's 6/22/2021 meeting, the governing body adopted its 2021 Annual Goals; included among them is the following goal under City Government Capacity:

Right-Size Services: Address insufficient resources by finding new sustainable funding sources: Looking for ways to bring additional revenue into the City's general fund

The City Council and the Budget Committee recommended the city follow up on initiating a service fee, among other actions, to support general city services at its October 20, 2021, joint meeting. Resolution 2021-55 regarding sustainable funding sources was adopted by the City Council on November 9, 2021, which formalized the recommendation from the month before.

The FY2022-23 budget approved by the Budget Committee on May 18, 2022, did not include substantial new sustainable resources for the City's general fund and, to avoid budget service reductions for next year, \$1.8 million in American Rescue Plan Act (ARPA) funds were used to balance the budget.

At the June 28, 2022, Council meeting, Resolution 2022-51 passed, removing the \$1.8 million in ARPA supporting general services and replacing it with increased transient lodging tax revenue (\$163,000) and nine month's worth of a new city services charge (\$1.66 million) in the FY2022-23 McMinnville General Fund budget.

This evening's Council meeting includes a public hearing to receive testimony from McMinnville residents and businesses regarding proposed Ordinance 5123, establishing the city services charge as well as the first reading of this Ordinance. Also included is the draft resolution establishing city service charge rates.

Unfortunately, an updated implementation timeline means that the amount of revenue estimated to be raised by the city services charge will likely be reduced by over half a million dollars.

City Services Charge Implementation in FY2022-23:

City staff have been working with McMinnville Water and Light (MWL) colleagues to move forward the implementation of the city services charge. Unfortunately, the previous estimate that the city service charge could be brought online by October 2022 has been adjusted backwards. The updated timeline from MWL shows that January 2023 is the most likely initial month, though December 2022 might be possible if the contracting and testing phases go faster than anticipated.

A three-month delay on the estimate for nine months of the city services charge in FY2022-23 (\$1.66 million) means that the revenues will drop in this first implementation year by one-third, or an estimated \$554,000 based on the proposed \$13.00 residential monthly charge model. To raise the same \$1.66 million in FY2022-23, the fee would need to be a third again higher, or \$19.50 per month. If a December 2022 implementation month can be achieved, anticipated revenue loss drops to \$370,000 or, to avoid a revenue loss with a two-month delay, rates would have to be \$16.70 for the base residential charge. An attachment that outlines the impacts of increasing the city services charge level to maintain the same estimated FY2022-23 revenue from this source is included for reference.

While this delay has a significant impact on the current budget year, staff believes that the more important number to keep in mind is the total annual revenue estimate – the sustained annual contribution to support city services.

The one-time negative impact will be partially absorbed by higher than anticipated vacancy savings, particularly in public safety departments. A mid-year budget status review, when we know how FY2021-22 has closed, which month we will implement in and can better quantify the impact of labor market volatility on near term workforce costs at the city, will provide the opportunity to make programming adjustments, review options for other sustainable revenue sources (such as franchise fees) and/or update FY2022-23 reserve expectations

As noted in the June 28, 2022, staff report on the city services charge (attached), part of the implementation plan is to use current data and run the proposed rate model with that data, a process which will allow staff to refine revenue projections. It is staff's recommendation that if the annual revenue projections are within 5% of the original estimate (\$110,900 more or less than the original \$2,218,000 anticipated each year), the standard residential rate of \$13 per month should remain unchanged. If a larger annual variance appears likely, staff will bring this topic to Council for further discussion on the rate level.

The proposed Ordinance was provided to MWL staff for comment and updates to the initial draft were made to accommodate feedback received.

Next Steps:

In addition to following the process for considering and adopting Ordinance 5123 (first reading planned for on August 23, 2022, and second reading on September 13, 2022), Resolution 2022-57 adopting the rate schedule for the city services charge will be on your September 13, 2022, agenda.

A new rate schedule may be proposed for consideration by Council based on public testimony received in the public hearing, the results of refined revenue projections based on a \$13.00 per month residential charge model, and preferences for addressing the current year budget shortfall caused by the implementation delay.

Fiscal Impact:

Moving forward with the city services charge at the \$13.00 base rate, will generate an estimated \$1.1 million (over six months) or \$1.29 million (over seven months). This is \$554,000 or \$370,000 less than the anticipated revenue of \$1.66 million based on nine months of collections for the FY2022-23 budget.

This revenue loss for the current fiscal year will need to be addressed by one or a combination of actions:

- Higher city services charge level
- Additional new sustainable resources
- Cost savings (vacancy savings given the current labor market)
- Higher beginning general fund balance and/or lower general fund ending balance
- Programming reductions

Recommendation:

Adopt Ordinance 5123

Attachments:

1. Ordinance 5123
2. Draft Resolution 2022-57
3. Staff report of June 28, 2022, regarding city services charge implementation
4. Implementation Delay Financial Impacts Summary Information

ORDINANCE NO. 5123

AN ORDINANCE AUTHORIZING A CITY SERVICES CHARGE AND DECLARING AN EMERGENCY

WHEREAS, the City of McMinnville provides numerous general services funded by the General Fund of the city including but not limited to police, fire and ambulance services, library services, parks and recreation services, planning and development services, homeless and housing support services and administrative services dedicated to serving and protecting the public; and

WHEREAS, the City Council has determined that the current level of public services in McMinnville exceeds the capacity of the City General Fund to pay the costs of providing such services; and

WHEREAS, the City Council has determined that to ensure the continuation of such essential service, there is a need for additional funding resources; and

WHEREAS, public services are available for every developed property in the City; and

WHEREAS, the City has the authority to impose new fees to assure the continuation of essential non-proprietary services as determined by the City Council; and

WHEREAS, the City Council has solicited public comment and testimony regarding the proposed fee most recently on August 23, 2022; and

WHEREAS, the City Council finds it in the best interest of the community to create and implement a city services charge;

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

Section 1. PURPOSE OF CITY SERVICES CHARGE. The purpose of the city services charge is to provide funding for public services funded by the General Fund of the city. Public services safeguard, facilitate, and encourage the health, safety, and welfare of the residents and enterprises of the City of McMinnville. Stable and reliable public general services provide a multitude of economic and social benefits to the public, including, but not limited to:

- A. Protection of life and property;
- B. Reduction in the incidence of crime;
- C. Dependable response by First Responders;

- D. Recreation and Literacy Services; and
- E. Economic Development and support for businesses; and
- F. Support of persons in need of shelter and emergency services; and
- G. Various other general services of benefit to the public.

The McMinnville City Council finds and determines the necessity of this city services charge to provide a funding mechanism to help pay for the benefits of general public services and to provide an acceptable level of services to the community.

Section 2. DEFINITIONS. For purposes of this Ordinance, the following mean:

A. Non-Residential Unit. A Premise or a portion of a Premise not used for personal, domestic accommodation in independent living facilities. A Non-Residential Unit includes, but is not limited to, governmental, not-for-profit, business, commercial and industrial enterprises. Each portion of a Non-Residential Unit that has permanent provisions for distinct and defined access to an individual enterprise shall be considered as a separate Non-Residential Unit. Enterprises that provide senior living, assisted living, nursing care and similar services exclusively shall be considered non-residential.

B. Premise or Premises. A parcel or portion of a parcel of land within the corporate limits of the City of McMinnville that receives a direct or indirect benefit from public services. It is presumed that a Premise receives a direct or indirect benefit from public services if the Premise is developed. A Premise is presumed to be developed if served by general water service, or electric service or has improvements, including, but not limited to buildings, parking lots or outdoor storage.

C. Residential Unit. A Premise or a portion of a Premise with one or more rooms in a building or portion thereof designed for or that provides complete independent living facilities for one or more persons and includes permanent provisions for sleeping, cooking and sanitation. An accessory or ancillary residential unit on a Premise shall be considered as a separate residential unit. In Premises with two or more apartments, condominiums, mobile homes, or other residential units, each residential unit shall be considered as a separate residential unit for purposes of calculating the city services charge.

D. Residential Electrical Service. Electrical Service Residential electrical service shall be as defined for billing purposes by the McMinnville Water and Light Department, in its current electric service rate schedule.

E. General Service Water Account. A general service water account shall be as defined by the McMinnville Water and Light Department in its current water service rate schedule.

Section 3. ESTABLISHMENT OF CITY SERVICES CHARGE.

A. Except as exempted below, beginning at the earliest with the October 2022 utility bills, a city services charge is established and imposed upon all Premises within the McMinnville City limits.

B. Premises owned by the City of McMinnville are subject to the payment of any city services charge.

C. This Section Reserved.

D. The city services charge for each residential and non-residential electrical service utility account or for each general service water utility account shall be established by resolution as shown on any Resolution Adopting City Service Charge rates.

E. Residential Units and Non-Residential Units that are the basis for calculating the city services charge do not in any way create an obligation of the property or Premises and the obligation to pay the city services charge is a personal obligation of the customer responsible for payment of the City utility account. No lien will attach to any Premise because of the nonpayment of the city services charge.

F. All developed properties receive a direct or indirect benefit from public services. Unless specifically exempted, the city services charge applies to all City of McMinnville utility accounts, including those that serve local, state and federal governments, and to utility accounts that serve Premises that are entitled to an exemption from or deferral of ad valorem property taxes.

G. The city services charge described herein is not subject to the property tax limitations of Article IX, Sections 11b and 11(19) of the Oregon Constitution and is not a fee imposed on property or property owners by fact of ownership.

Section 4. AMOUNT OF CITY SERVICES CHARGE. The amount of the city services charge shall be set or modified by McMinnville Council Resolution. In addition, the Council may set by Resolution fees for extra services required in collecting delinquent customer accounts for the city services charge.

Section 5. ADJUSTMENT OF CITY SERVICES CHARGE. The amount of the city services charge shall automatically increase annually based upon the September CPI-U West C index figure published by the federal government. The adjustment shall not exceed five percent in one year. The City Council may elect to defer all or any portion any such increase by Resolution of the City Council.

Section 6. DEDICATED FUNDS.

Money received from the city services charge shall be used for any or all purposes funded by the City General Fund as determined each year during the budget process. The city services charge shall not be used for any other

governmental or proprietary functions of the City, and shall not accrue to or be available to the McMinnville Water and Light Department except to the extent of any actual cost of billing and collection costs incurred. Any revenues in excess of actual expenses as identified in the budget process shall be carried forward to the next year's General Fund budget.

Section 7. BILLING.

A. The customer(s) responsible for paying the City utility account is responsible for payment of the city services charge. For non-utility Premises, the property owner as set forth in the Yamhill County tax records shall be the responsible party.

B. The City shall collect the city services charge by adding the city services charge to the utility bill of each customer in the City of McMinnville. For non-utility accounts, the billing shall be mailed to the property owner's address as set forth in the County property records, unless such owner requests the billing be sent to a different address.

C. If a residential Premise has more than one utility account, the city services charge for the Premises shall be calculated for each Residential Unit on the Premise at the multi-family dwelling unit rate. Non-residential premise city service charges shall be based on water utility meters, whether one or more separate businesses operate on that premise.

D. Charges for electricity, water, wastewater and city services charge, may be billed on the same utility bill. If full payment of utility billing is not made, payment shall be applied in the following order:

- i. Electricity fee, Sewer fee and Water fee as normally allocated by the McMinnville Water and Light Department from such combined payment; and then to the:
- ii. City Services Charge.

E Pursuant to ORS 294.316(7), the Water and Light Department is a municipal utility operating under a separate Commission without ad valorem tax support. Pursuant to a billing services agreement between the City and the McMinnville Water and Light Department, the City may authorize the McMinnville Water and Light Department to perform the city service charge billing function at cost. The McMinnville Water and Light Department will continue to operate without General Fund support from the city service charge and shall otherwise keep Water and Light Department funds separate and apart from the General Fund.

Section 8. PAYMENT DUE DATE. The city services charge shall be due the same date as the utility bill.

Section 9. ADJUSTMENT OF ACCOUNTS.

A. Customers who believe their city services charge, as applied to their Premise, is not within the intent of this Ordinance may request, in writing, a review of their city services charge by the Finance Director. The Finance Director may initiate a review of a customer's city services charge.

i) If a customer's charge is reduced as a result of this review, the corrected city services charge shall begin with the next billing.

ii) If a customer's charge is increased as a result of this review, the corrected city services charge shall begin with the next billing.

B. If an existing customer has not been billed for the city services charge, the city services charge shall begin with the next billing and the customer may be billed retroactively, not to exceed one year.

C. Customers not satisfied with the results of the review by the Finance Director may appeal the Finance Director's decision to the McMinnville City Manager who shall determine, by preponderance of the evidence, whether the Finance Director's decision should be upheld or reversed, or upheld in part and reversed in part. A Notice of Appeal must be in writing and physically delivered to the Finance Director no later than fourteen (14) calendar days from the date of the Finance Director's decision. The hearing before the McMinnville City Manager shall be conducted no later than twenty (20) days from the date of the appeal, unless a different date is stipulated by the City and the customer, or good cause is shown for setting the matter forward. Testimony at the hearing shall be taken upon oath or affirmation of the witnesses. The City Manager shall consider only the matters set forth in the Notice of Appeal. The Findings and Decision of the City Manager shall be served upon the customer by first class mail within ten (10) days after the hearing concludes. The City Manager decision shall be effective ten (10) days following the date of the decision. The Findings and Decision of the City Manager shall be final and conclusive, subject only to writ of review under ORS 34.010 to 34.100, which shall be the sole remedy.

D. The Finance Director may write off closed accounts and retroactive bills if it is in the best interest of the City and may write off refunds, unless the customer requested otherwise, if the cost of making the refund would exceed the amount of the refund.

Section 10. DELINQUENCY.

A. A city services charge is delinquent if payment in full is not received on or before the due date.

B. If a customer's utility account is delinquent for city services charge only, and that delinquency does not exceed sixty (60) days, the City may not discontinue electric or water services billed on that account. However, the City may refuse to restore utility service or services to the Premises if the delinquent city services charges and other costs incurred are not paid.

C. Delinquent amounts owing may be collected by all legal means, including, but not limited to the referral or assignment to a collection agency.

Section 12. EMERGENCY. The City Council for the City of McMinnville deems it necessary for the preservation of the health, peace and safety of the City of McMinnville that this Ordinance take effect at once, and therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

ENACTED by the City Council on the _____ day of _____, 2022, by the following votes:

Ayes: _____

Nayes: _____

Abstained: _____

Absent: _____

DATED and signed by the Mayor this _ day of _____, 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

RESOLUTION NO. 2022-57

A Resolution adopting city service charge rates.

WHEREAS, the City Council of the City of McMinnville, has previously adopted Resolution 2021-55 authorizing the assessment and collection of a City Services Charge to add sustainable resources for city services supported by the General Fund; and

WHEREAS, Section 3 of Ordinance No. 5123 authorizes the City Council, by resolution, to specify the applicable rates for a City Services Charge, and the City Council desires to establish the following city services charges to be paid by the following categories of residents, businesses and property owners for properties located within the city limits.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. The City Council hereby adopts and establishes the following rates to be charged to the following categories of developed properties located within the city that are receiving utility services:

Rate Class that City Services Charge is based on	Device detail and/or size	Monthly Charge	Description	
Residential Electrical Service	Standard rate	\$13.00	Default – Standard Residential Electrical Service utility customer, unless otherwise identified as Multi-Family or Low Income below.	
Residential Electrical Service	Multi-Family (M.F.)	\$9.75 (75%)	Multi-Family residential customer in premises with two or more apartments, condominiums, mobile homes or other residential units unless otherwise identified as L.I. below.	
Residential Electrical Service	Low Income (L.I.)	\$1.30 (10%)	Low Income. Customers participating in federal or state low income assistance programs or the Customers Helping Customers program at McMinnville Water and Light within with last 24 months.	
General Service Water	5/8"	\$13.00	5/8" water meter	100% Standard rate
General Service Water	¾"	\$13.00	¾" water meter	100% Standard rate
General Service Water	1"	\$21.67	1" water meter	167% Standard rate

General Service Water	1 ¼"	\$26.00	1 1/4" water meter	200% Standard rate
General Service Water	1 ½"	\$43.33	1 1/2" water meter	333% Standard rate
General Service Water	2"	\$69.33	2" water meter	533% Standard rate
General Service Water	3"	\$198.67	3" water meter	1067% Standard rate
General Service Water	4"	\$216.67	4" water meter	1667% Standard rate
General Service Water	6"	\$433.33	6" water meter	3333% Standard rate
General Service Water	8"	\$693.33	8" water meter	5333% Standard rate
General Service Water	10"	\$1,820.00	10" water meter	14000% Standard rate

2. Residential city services charges will be based on residential electric service categories as noted in above table and all non-residential city services charges will be based on general service water meter size.

3. The City Services Charge will take effect as soon as is practical, but not earlier than October 1, 2022, and shall be implemented as a separate charge on the McMinnville Water and Light utility invoices received by utility customers for properties located within the City limits.

4. This resolution will take effect immediately upon passage and shall continue in full force and effect until revoked, replaced or modified.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the ___th day of _____, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this ___th day of _____ 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

ORDINANCE NO. 5123

AN ORDINANCE AUTHORIZING A CITY SERVICES CHARGE AND DECLARING AN EMERGENCY

WHEREAS, the City of McMinnville provides numerous general services funded by the General Fund of the city including but not limited to police, fire and ambulance services, library services, parks and recreation services, planning and development services, homeless and housing support services and administrative services dedicated to serving and protecting the public; and

WHEREAS, the City Council has determined that the current level of public services in McMinnville exceeds the capacity of the City General Fund to pay the costs of providing such services; and

WHEREAS, the City Council has determined that to ensure the continuation of such essential service, there is a need for additional funding resources; and

WHEREAS, public services are available for every developed property in the City; and

WHEREAS, the City has the authority to impose new fees to assure the continuation of essential non-proprietary services as determined by the City Council; and

WHEREAS, the City Council has solicited public comment and testimony regarding the proposed fee most recently on August 23, 2022; and

WHEREAS, the City Council finds it in the best interest of the community to create and implement a city services charge;

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

Section 1. PURPOSE OF CITY SERVICES CHARGE. The purpose of the city services charge is to provide funding for public services funded by the General Fund of the city. Public services safeguard, facilitate, and encourage the health, safety, and welfare of the residents and enterprises of the City of McMinnville. Stable and reliable public general services provide a multitude of economic and social benefits to the public, including, but not limited to:

- A. Protection of life and property;
- B. Reduction in the incidence of crime;
- C. Dependable response by First Responders;

- D. Recreation and Literacy Services; and
- E. Economic Development and support for businesses; and
- F. Support of persons in need of shelter and emergency services; and
- G. Various other general services of benefit to the public.

The McMinnville City Council finds and determines the necessity of this city services charge to provide a funding mechanism to help pay for the benefits of general public services and to provide an acceptable level of services to the community.

Section 2. DEFINITIONS. For purposes of this Ordinance, the following mean:

A. Non-Residential Unit. A Premise or a portion of a Premise not used for personal, domestic accommodation in independent living facilities. A Non-Residential Unit includes, but is not limited to, governmental, not-for-profit, business, commercial and industrial enterprises. Each portion of a Non-Residential Unit that has permanent provisions for distinct and defined access to an individual enterprise shall be considered as a separate Non-Residential Unit. Enterprises that provide senior living, assisted living, nursing care and similar services exclusively shall be considered non-residential.

B. Premise or Premises. A parcel or portion of a parcel of land within the corporate limits of the City of McMinnville that receives a direct or indirect benefit from public services. It is presumed that a Premise receives a direct or indirect benefit from public services if the Premise is developed. A Premise is presumed to be developed if served by general water service, or electric service or has improvements, including, but not limited to buildings, parking lots or outdoor storage.

C. Residential Unit. A Premise or a portion of a Premise with one or more rooms in a building or portion thereof designed for or that provides complete independent living facilities for one or more persons and includes permanent provisions for sleeping, cooking and sanitation. An accessory or ancillary residential unit on a Premise shall be considered as a separate residential unit. In Premises with two or more apartments, condominiums, mobile homes, or other residential units, each residential unit shall be considered as a separate residential unit for purposes of calculating the city services charge.

D. Residential Electrical Service. Electrical Service Residential electrical service shall be as defined for billing purposes by the McMinnville Water and Light Department, in its current electric service rate schedule.

E. General Service Water Account. A general service water account shall be as defined by the McMinnville Water and Light Department in its current water service rate schedule.

Section 3. ESTABLISHMENT OF CITY SERVICES CHARGE.

A. Except as exempted below, beginning at the earliest with the October 2022 utility bills, a city services charge is established and imposed upon all Premises within the McMinnville City limits.

B. Premises owned by the City of McMinnville are subject to the payment of any city services charge.

C. This Section Reserved.

D. The city services charge for each residential and non-residential electrical service utility account or for each general service water utility account shall be established by resolution as shown on any Resolution Adopting City Service Charge rates.

E. Residential Units and Non-Residential Units that are the basis for calculating the city services charge do not in any way create an obligation of the property or Premises and the obligation to pay the city services charge is a personal obligation of the customer responsible for payment of the City utility account. No lien will attach to any Premise because of the nonpayment of the city services charge.

F. All developed properties receive a direct or indirect benefit from public services. Unless specifically exempted, the city services charge applies to all City of McMinnville utility accounts, including those that serve local, state and federal governments, and to utility accounts that serve Premises that are entitled to an exemption from or deferral of ad valorem property taxes.

G. The city services charge described herein is not subject to the property tax limitations of Article IX, Sections 11b and 11(19) of the Oregon Constitution and is not a fee imposed on property or property owners by fact of ownership.

Section 4. AMOUNT OF CITY SERVICES CHARGE. The amount of the city services charge shall be set or modified by McMinnville Council Resolution. In addition, the Council may set by Resolution fees for extra services required in collecting delinquent customer accounts for the city services charge.

Section 5. ADJUSTMENT OF CITY SERVICES CHARGE. The amount of the city services charge shall automatically increase annually based upon the September CPI-U West C index figure published by the federal government. The adjustment shall not exceed five percent in one year. The City Council may elect to defer all or any portion any such increase by Resolution of the City Council.

Section 6. DEDICATED FUNDS.

Money received from the city services charge shall be used for any or all purposes funded by the City General Fund as determined each year during the budget process. The city services charge shall not be used for any other governmental or proprietary functions of the City, and shall not accrue to or be available to the McMinnville Water and Light Department except to the extent of any actual cost of

billing and collection costs incurred. Any revenues in excess of actual expenses as identified in the budget process shall be carried forward to the next year's General Fund budget.

Section 7. BILLING.

A. The customer(s) responsible for paying the City utility account is responsible for payment of the city services charge. For non-utility Premises, the property owner as set forth in the Yamhill County tax records shall be the responsible party.

B. The City shall collect the city services charge by adding the city services charge to the utility bill of each customer in the City of McMinnville. For non-utility accounts, the billing shall be mailed to the property owner's address as set forth in the County property records, unless such owner requests the billing be sent to a different address.

C. If a residential Premise has more than one utility account, the city services charge for the Premises shall be calculated for each Residential Unit on the Premise at the multi-family dwelling unit rate. Non-residential premise city service charges shall be based on water utility meters, whether one or more separate businesses operate on that premise.

D. Charges for electricity, water, wastewater and city services charge, may be billed on the same utility bill. If full payment of utility billing is not made, payment shall be applied in the following order:

i. Electricity fee, **Water fee and Sewer fee** as normally allocated by the McMinnville Water and Light Department from such combined payment; and then to the:

ii. City Services Charge.

E Pursuant to ORS 294.316(7), the Water and Light Department is a municipal utility operating under a separate Commission without ad valorem tax support. Pursuant to a billing services agreement between the City and the McMinnville Water and Light Department, the City may authorize the McMinnville Water and Light Department to perform the city service charge billing function at cost. The McMinnville Water and Light Department will continue to operate without General Fund support from the city service charge and shall otherwise keep Water and Light Department funds separate and apart from the General Fund.

Section 8. PAYMENT DUE DATE. The city services charge shall be due the same date as the utility bill.

Section 9. ADJUSTMENT OF ACCOUNTS.

A. Customers who believe their city services charge, as applied to their Premise, is not within the intent of this Ordinance may request, in writing, a review of their city services charge by the Finance Director. The Finance Director may initiate a

review of a customer's city services charge.

i) If a customer's charge is reduced as a result of this review, the corrected city services charge shall begin with the next billing.

ii) If a customer's charge is increased as a result of this review, the corrected city services charge shall begin with the next billing.

B. If an existing customer has not been billed for the city services charge, the city services charge shall begin with the next billing and the customer may be billed retroactively, not to exceed one year.

C. Customers not satisfied with the results of the review by the Finance Director may appeal the Finance Director's decision to the McMinnville City Manager who shall determine, by preponderance of the evidence, whether the Finance Director's decision should be upheld or reversed, or upheld in part and reversed in part. A Notice of Appeal must be in writing and physically delivered to the Finance Director no later than fourteen (14) calendar days from the date of the Finance Director's decision. The hearing before the McMinnville City Manager shall be conducted no later than twenty (20) days from the date of the appeal, unless a different date is stipulated by the City and the customer, or good cause is shown for setting the matter forward. Testimony at the hearing shall be taken upon oath or affirmation of the witnesses. The City Manager shall consider only the matters set forth in the Notice of Appeal. The Findings and Decision of the City Manager shall be served upon the customer by first class mail within ten (10) days after the hearing concludes. The City Manager decision shall be effective ten (10) days following the date of the decision. The Findings and Decision of the City Manager shall be final and conclusive, subject only to writ of review under ORS 34.010 to 34.100, which shall be the sole remedy.

D. The Finance Director may write off closed accounts and retroactive bills if it is in the best interest of the City and may write off refunds, unless the customer requested otherwise, if the cost of making the refund would exceed the amount of the refund.

Section 10. DELINQUENCY.

A. A city services charge is delinquent if payment in full is not received on or before the due date.

B. If a customer's utility account is delinquent for city services charge only, and that delinquency does not exceed sixty (60) days, the City may not discontinue electric or water services billed on that account. ~~However, the City may refuse to restore utility service or services to the Premises if the delinquent city services charges and other costs incurred are not paid.~~

C. Delinquent amounts owing may be collected by all legal means, including, but not limited to the referral or assignment to a collection agency.

Section 11. EMERGENCY. The City Council for the City of McMinnville deems

it necessary for the preservation of the health, peace and safety of the City of McMinnville that this Ordinance take effect at once, and therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

ENACTED by the City Council on the _____ day of _____, 2022, by the following votes:

Ayes: _____

Nayes: _____

Abstained: _____

Absent: _____

DATED and signed by the Mayor this _ day of _____, 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

STAFF REPORT

DATE: June 28, 2022
TO: Jeff Towery, City Manager
FROM: Jennifer Cuellar, Finance Director
SUBJECT: City Services Charge and replacing \$1.8 million in American Rescue Plan Act (ARPA) Funds in FY2022-23 budget

Strategic Priority and Goal:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

Report in Brief:

At the Council's 6/22/2021 meeting, the governing body adopted its 2021 Annual Goals; included among them is the following goal under City Government Capacity:

Right-Size Services: Address insufficient resources by finding new sustainable funding sources: Looking for ways to bring additional revenue into the City's general fund

The City Council and the Budget Committee recommended the city follow up on initiating a service fee, among other actions, to support general city services at its October 20, 2021, joint meeting. Resolution 2021-55 regarding sustainable funding sources was adopted by the City Council on November 9, 2021, which formalized the recommendation from the month before.

The FY2022-23 budget approved by the Budget Committee on May 18, 2022, did not include substantial new sustainable resources for the City's general fund and, to avoid budget service reductions for next year, \$1.8 million in ARPA funds were used to balance the budget.

At the May 24, 2022, Council meeting, Mayor Remy Drabkin received support from council to renew discussions regarding resource options that had been considered and recommended as part last year's effort to address insufficient resources available to the general fund in hopes of eliminating the need of utilizing ARPA funds for general operating needs.

City Services Charge Implementation in FY2022-23:

Setting a base monthly City Services Charge rate of \$13.00 will allow the Council to replace the \$1.8 million in ARPA dollars included in the FY2022-23 city budget

appropriation documents also included in the June 28, 2022, Council meeting packet.

McMinnville City Services Charge Rate Dashboard

Base Assumptions	EDU Factors	Monthly Charge
Base Rate per EDU/Month		\$ 13.00
Low Income Discount	10%	\$ 1.30
Multifamily Unit EDU %	75%	\$ 9.75

Customer Class	Uniform EDU Rate*
Residential**	\$ 1,475,916
Res Multi-Dwelling	\$ 343,161
General Service	\$ 398,736
TOTAL REVENUE	\$ 2,217,813
ANNUAL REVENUE (%)	
Residential**	66.55%
Res Multi-Dwelling	15.47%
General Service	17.98%
TOTAL	100.00%

* preferred option 3 structure, including use of electric meters for residential customers and update to remove multi-unit general service counts

** includes estimate for 1,000 low income discounts for residential payers

Considerable attention has been given to equity measures to apply discounts for residents in McMinnville who live in multi-family residential areas and for those who face economic hardship and qualify for other low-income assistance programs.

While we do not know the “burdened” rate of households in multi-family vs single-family (burdened is a calculation from the Department of Housing and Urban Development for households that pay more than 30% of their income on housing), we do know that 52% of renters in McMinnville are cost burdened, compared to 25% or homeowners. Based on this information and the general approach our rate consultant has seen other cities utilize for similar service charges, the proposed dwelling unit proportion to the base fee reflects a 25% discount for people who live in apartments and mobile home parks. For members of our community who meet standards utilized for federal assistance, the discount is 90%.

This rate structure should be sufficient to replace the ARPA funds currently supporting the general fund budget in combination with the additional resources estimated to be available due to updating the Transient Lodging Tax (TLT) dollars coming to the City both in FY2021-22 and FY2022-23.

It merits noting that local government budgets are appropriated by expenses, not revenues. Therefore, replacing one revenue source for another does not affect the

budget appropriation itself. In this case, because TLT revenues play a part in reaching the \$1.8 million level, a minor change to the general fund's ending fund balance (which is included in the budget appropriation) would be needed, an action which can be addressed as a FY2022-23 supplemental budget at a later date.

FY2022-23 ARPA replacement revenue	
1,663,360	City Services Charge Revenue est raised Oct 2022-Jun 2023
163,269	TLT increases already contemplated in Appropriated Budget
1,826,629	

The rate structure presented here is based on Option 3 out of the four possible designs prepared by the City's rate consultant. At the Council meeting on May 22,2022, staff received feedback from elected officials that the Option 3 was the preferred methodology.

The rate structure presented today has two updates to it based on discussions with McMinnville Water and Light on June 14, 2022:

1. Residential city service charges will be based on electric meters and will preserve the ability to also include a lower rate for multi-family housing residents. These measures will be critical in meeting equity objectives and reducing the impact of this charge on the most economically vulnerable members of the community.
2. General Service customers will continue to have their rate based on water meter size and that the model will remove the multi-site component previously used in Option 3 of the model. The thinking here is that it would be more equitable for small businesses that share a larger water meter to divide that cost with their co-tenants in whatever manner they agree to over issuing individual invoices at a cost determined by the City.

The rate summary underlying the above methodology applied to the \$13.00 base rate is below.

City Services Charge Rate Summary

Meter Size	Meters ¹	Meter Factor	\$/Month	
Residential	9,361	1.00	\$13.00	
Res low income discount	1,000	0.10	\$1.30	
Res multi fam discount	2,933	0.50	\$6.50	
Gen Svc 3/4"	349	1.00	\$13.00	
1"	211	1.67	\$21.67	
1 1/4"	-	2.00	\$26.00	
1 1/2"	119	3.33	\$43.33	
2"	142	5.33	\$69.33	
3"	22	10.67	\$138.67	
4"	20	16.67	\$216.67	
6"	4	33.33	\$433.33	
8"	-	53.33	\$693.33	No sewer customers with water meters this large
10"	-	140.00	\$1,820.00	No sewer customers with water meters this large

¹ Does not include MWL "Water Only" customers.

While the data set available regarding electric and water customers and rate structure calculations produce specific numbers, the actual numbers will vary. In addition, further work in partnership with McMinnville Water and Light and their billing software company will likely result in further updates to the rate model. Finally testing the data with a mock billing will further allow us insights to assure that no resident or business is inadvertently double billed based on water meters for general service (commercial and industrial customers) and electric meters for residential utility users. It is possible this work will allow a change, more likely a reduction, to the \$13.00 base rate.

Next steps:

In addition to continued work with McMinnville Water and Light, staff will also need to draft an ordinance establishing the City Services Charge and a resolution setting the rate, defining the rate structure, finalizing equity measures, and enumerating other details associated with a new revenue stream.

Fiscal Impact:

Moving forward with the City Services Charge at the \$13.00 base rate, in combination with TLT increases, will allow the City to remove ARPA dollars for general operating costs in the general fund in the FY2022-23 budget.

Recommendation:

Adopt Resolution 2022-51

Attachments:

Resolution 2022-51

RESOLUTION NO. 2022-51

A Resolution removing \$1.8 million in American Rescue Plan Act (ARPA) revenue for general operating purposes in the general fund.

RECITALS:

The City of McMinnville’s FY2022-23 budget includes \$1.8 million in ARPA funds for general operating purposes within the General Fund. Implementation of a City Services Charge during the first half of FY2022-23, in combination with higher estimates revenues from Transient Lodging Tax, will allow the city to remove the ARPA funds from the budget without negatively impacting FY2022-23 programming.

Whereas, Transient Lodging Tax projections have been increased for both FY2021-22 and FY2022-23 in prior resolutions, generating a projected \$163,000 in new revenue; and

Whereas, nine months of a new City Services Charge is estimated to raise \$1.66 million more in new revenues for the FY2022-23 period,

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:

1. The City will adopt a City Services Charge during FY2022-23, the program to be established with an upcoming Ordinance process and with detailed terms and conditions defined in a companion resolution, to be established during FY2022-23
2. The City will remove the \$1.8 million in ARPA general operating revenue for the General Fund from the FY2022-23 budget

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of June, 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of June, 2022.

MAYOR

Approved as to Form:

Attest:

CITY ATTORNEY

CITY RECORDER

City Services Charge Implementation Delay Financial Impacts Summary

FY2022-23 City Services Charge Estimates

To replace American Rescue Plan Act (ARPA) of \$1.8 million

1,663,360 City Services Charge Revenue est raised Oct 2022-Jun 2023

163,269 TLT increases already contemplated in Appropriated Budget

1,826,629

(369,636) Two month delay - Dec 2022 implementation

(184,818) One more month delay - Jan 2023 implementation

(554,453) Total potential delay financial impact on FY2022-23

City Services Charge Rates that raise \$1.66 million in FY2022-23

Meter Size	Meters ¹	Meter Factor	\$/Month for 9 months	\$/Month for 7 months	\$/Month for 6 months
Residential (electric meter)	9,361	1.00	\$13.00	\$16.70	\$19.50
Res low income discount	1,000	0.10	\$1.30	\$1.67	\$1.95
Res multi fam discount	2,933	0.75	\$9.75	\$12.53	\$14.63
Gen Svc 5/8" or 3/4" water meter size	349	1.00	\$13.00	\$16.70	\$19.50
Gen Svc 1" water meter size	211	1.67	\$21.67	\$27.83	\$32.50
Gen Svc 1 1/4" water meter size	-	2.00	\$26.00	\$33.40	\$39.00
Gen Svc 1 1/2" water meter size	119	3.33	\$43.33	\$55.67	\$65.00
Gen Svc 2" water meter size	142	5.33	\$69.33	\$89.07	\$104.00
Gen Svc 3" water meter size	22	10.67	\$138.67	\$178.13	\$208.00
Gen Svc 4" water meter size	20	16.67	\$216.67	\$278.33	\$325.00
Gen Svc 6" water meter size	4	33.33	\$433.33	\$556.67	\$650.00
Gen Svc 8" water meter size	-	53.33	\$693.33	\$890.67	\$1,040.00
Gen Svc 10" water meter size	-	140.00	\$1,820.00	\$2,338.00	\$2,730.00

¹ Does not include MWL "Water Only" customers.

Customer Rate Class	FY23 for 9 months	FY23 for 7 months	FY23 for 6 months
Residential*	\$ 1,106,937	\$ 1,105,991	\$ 1,106,937
Res Multi-Dwelling	\$ 257,371	\$ 257,151	\$ 257,371
General Service	\$ 299,052	\$ 298,796	\$ 299,052
TOTAL REVENUE	\$1,663,360	\$ 1,661,938	\$1,663,360
ANNUAL REVENUE (%)			
Residential*	66.55%	66.55%	66.55%
Res Multi-Dwelling	15.47%	15.47%	15.47%
General Service	17.98%	17.98%	17.98%
TOTAL	100.00%	100.00%	100.00%

Customer Class	Annual @ 13.00 base	Annual @ 16.70 base	Annual @ 19.50 base
Residential*	\$ 1,475,916	\$ 1,895,984	\$ 2,213,874
Res Multi-Dwelling	\$ 343,161	\$ 440,830	\$ 514,742
General Service	\$ 398,736	\$ 512,222	\$ 598,104
TOTAL REVENUE	\$ 2,217,813	\$2,849,037	\$ 3,326,720

* includes estimate for 1,000 low income discounts for residential payers

From: [Lia Harris](#)
To: [Public Comment Service Charge](#)
Subject: Isn't this what taxes and bonds are for?
Date: Tuesday, August 16, 2022 8:07:15 PM

This message originated outside of the City of McMinnville.

I gladly pay taxes to support my community it's and I always vote yes on bond measures for schools, fire department, library.

I am not in support of a services charge, especially if it is a flat rate, basically a regressive tax.

As a 20 year resident and owner of a very small business, I don't think an additional service charge is the right approach for McMinnville.

Thank you
Lia Harris
McMinnville

Sent from my iPhone

From: [Gioia Goodrum](#)
To: [Gioia Goodrum](#)
Subject: City Service Fees public hearing and Fire District Proposal tonight
Date: Tuesday, August 23, 2022 8:51:30 AM

This message originated outside of the City of McMinnville.

Dear McMinnville Chamber Member,

At next today's City Council meeting, there is a Public Hearing regarding the City Service Fees. As we have notified you in the past, the City Service Fees will impose a fee on water and electricity. The fees are to support city services such as library, public safety, park maintenance, planning and community development and homeless and housing support. The monthly fees range from \$9.75 for a condo or apartment to \$13.00 for a residential unit. General service water costs are determined by water meter size (5/8" – ¼" = \$13.00; 1" = 21.67; 1 ¼" = \$26.00; 1 ½" = 43.33; 2" = \$69.33; 3" = 198.67; 4" = 216.67; 6" = 433.33; 8" = 693.33; and 10" = 1,820.00). Council will then hear the first reading of the ordinance. Below is a link to the Council Packet for Tuesday. You can read the ordinance and resolution beginning on page 28 of 337.

Council will also be discussing the creation of a new Fire District, which would include the area currently serviced by the McMinnville Rural Fire District. The new district, if approved by the voters, would create a separate fire district from the current City Fire Department. The district would be funded by a separate tax, \$2.00 per \$1,000 applied to all property within the newly created district. The new McMinnville Fire District, if approved by the voters, will commence on June 30, 2023, while the City Fire Department and McMinnville Rural Fire District will be dissolved. You can read more about the fire district, the feasibility study and the proposed resolution – Petition for the Formation of the McMinnville Fire District on the link below

[City Council Work Session & Regular Meeting Packet](#)

If you have any questions, please do let me know.

Best,

Gioia

Gioia Goodrum, MBA, IOM

President/CEO

McMinnville Area Chamber of Commerce

503-472-6196



Convener, Catalyst, Champion

Stakeholder Members:



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CITY OF McMinnville
MINUTES OF CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, October 21, 2020 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:

<u>Present</u>	<u>Absent</u>
Remy Drabkin	Sal Peralta
Adam Garvin	
Zack Geary	
Wendy Stassens	
Kellie Menke, Council President	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Planning Director Heather Richards, Finance Director Jennifer Cuellar, Human Resources Manager Kylie Bayer, Police Chief Matt Scales, Senior Accountant Ronda Gretzon, Wastewater Services Manager Leland Koester, and members of the News Media – Jerry Eichten, McMinnville Community Media, and Dora Totoian, *News Register*.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:04 p.m. and welcomed all in attendance.

2. PRESENTATION/DISCUSSION: Classification and Compensation Analysis Consultant Recommendations

Human Resources Manager Bayer said this was an informational work session on the classification and compensation study that was done. The Council would not approve anything tonight. Staff would review the consultant’s work and make final recommendations for Council action at a later time.

Mike Verdoorn, Deeksha Garg, and Karen Welch, consultants, reviewed the study background including the phases and objectives. They discussed the classification study process, job evaluation method, decision band method, compensation study criteria, survey benchmarks, data collection methodology, adjustments, findings and analysis, and market results and comparisons. Overall the City’s average salary structure range minimum was highly competitive with the market average range minimum at 7.8% above market. However, the current average salary range maximum was

misaligned with the market at -20.5% below market. The current average range spread at 26% was narrow compared to the average market range spread of 62%. They then explained salary structure development, implementation costs to bring employees to the new range minimum and to bring employees to the appropriate progression step (or salary rate), phased cost implementation model, and conclusions and recommendations.

There was discussion regarding how sworn police and fire personnel were not included in the study, developing an implementation plan, minimum and maximum salary ranges, positions above the maximum and below the minimum, reasons to explain to the public why the increases were recommended when the pay structure was deemed to be competitive including no room to grow and maxing out early in a career and cost of turnover, impacts to being near the Metro area and other competitive jobs, wage compression, equity for long term employees, consistency in performance evaluations, and impact on the budget.

Human Resources Manager Bayer said the recommendations would help the City be aligned with the market and if they continued to maintain the system they would not need major adjustments in the future.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:30 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, October 27, 2020 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors: Present Absent
Remy Drabkin
Adam Garvin
Kellie Menke, Council President
Zack Geary
Wendy Stassens
Sal Peralta

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Police Chief Matt Scales, Finance Director Jennifer Cuellar, Parks and Recreation Director Susan Muir, Parks and Recreation Manager Anne Lane, Information Technology Director Scott Burke, Library Director Jenny Berg, Human Resources Manager Kylie Bayer, Fire Chief Rich Leipfert, Jerry Eichten, McMinnville Community Media, and Dora Totoian, News Register.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:02 p.m. and welcomed all in attendance.
2. CEREMONIES AND PROCLAMATIONS
 - 2.a. Meritorious Service Award

Police Chief Scales discussed the accomplishments of Officer Justin James and Corporal Brett Rudolph. He presented each officer with a Meritorious Service Award for their work.
 - 2.b. League of Oregon Cities Safety Award

Mayor Hill announced the City received the Silver Safety Award for an injury frequency rate of 0.6 in Fiscal Year 2019-20.
 - 2.c. Extra Mile Day Proclamation

Mayor Hill read the proclamation declaring November 1, 2020 as Extra Mile Day.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Tynan Pierce, McMinnville resident, spoke about White Bird Clinic's success as an alternative for dealing with mental health issues. He discussed funding options to bring the model to McMinnville.

Brittany Ruiz, McMinnville resident, was concerned about the vote that had taken place at the last Mac Pac meeting to move the McMinnville library. It was not on the agenda and no one was allowed to give public comment at the meeting. She thought it should have been more transparent.

4. PRESENTATION

- 4.a. McMinnville Economic Development Partnership (MEDP) Annual Update

Scott Cooper, Executive Director of MEDP, discussed MEDP's strategic goals, business highlights around town, MEDP highlights, Oregon Works program, Startup Bootcamp program, sparking inspiration, and 2020 MEDP award recipients. He then discussed what they planned for the year ahead.

There was discussion regarding concerns about Covid recovery, barriers to businesses coming to McMinnville, need for better infrastructure, airport needs to be a better attractor, utilizing the Strategic Plan in guiding MEDP's work, and setting measurable goals.

5. ADVICE/ INFORMATION ITEMS

- 5.a. Reports from Councilors on Committee & Board Assignments

Councilor Drabkin reported on the Affordable Housing Task Force and need for more members.

Councilor Geary reported on the Landscape Review Committee applications and the initial meeting of the Climate Friendly and Equitable Communities Rulemaking Advisory Council. He clarified the charge of Mac Pac's work and public engagement for public facilities and the recommendation for the library.

It was clarified that the library was on the Mac Pac meeting agenda.

Council President Menke reported on Visit McMinnville where kiosks and murals were discussed. She also reported on YCAP's financial aid and hotel program.

Councilor Garvin said there had been a discussion on minimum standards for the airport last week. There were openings on the Airport Commission.

Councilor Peralta said the Council of Governments held interviews for the Executive Director position. Three finalists would be moving forward in the process.

Mayor Hill said there was full funding for Phase 2 of the Bypass and they were looking into funding for Phase 3. Interviews had been held for the Budget Committee. He would be meeting with ODOT regarding truck routes. The City had received an award for their partnership with MDA. The Mid-Willamette Valley Area Commission on Transportation would be meeting next week regarding STIP funding.

5.b.

Department Head Reports

Parks and Recreation Director Muir announced the upcoming Halloween event at Joe Dancer Park.

Human Resources Manager Bayer gave an update on the DEI Advisory Committee.

Finance Director Cuellar said they would have to put in an extension with the auditors due to the Cares Act funding.

Police Chief Scales gave an update on the promotions in the Police Department. They had reconfigured the EOC and the department was going through DEI training.

City Manager Towery said the Council's DEI training was on Thursday. They would be contracting with Councilor Stassens for the Level 10 process once she was off the Council at the end of the year.

6.

CONSENT AGENDA

a. Consider request from Vista Hills Vineyard located at 2803 NE Orchard Ave for an OLCC Winery 1st Location Liquor License.

b. Consider request fromand....wine Company located at 2803 NE Orchard Ave for an OLCC Winery 1st Location Liquor License.

c. Consider Resolution No. 2020-64: A Resolution for City of McMinnville, Oregon Extending the City's Declaration of State of Emergency Expressed in Resolution 2020-18.

d. Consider the minutes of the February 11, 2020 City Council Work Session and Regular City Council Meeting.

Councilor Geary MOVED to adopt the consent agenda as presented; SECONDED by Council President Menke. Motion PASSED unanimously.

- 7.
- 7.a.

RESOLUTION

Consider **Resolution No. 2020-61**: A Resolution of the City of McMinnville Authorizing the City Manager to Execute a Second Amendment to the Personal Services Agreement with Ballard*King & Associates, Ltd. to continue the Facilities and Recreation Master Plan and Feasibility Study Project.

Parks and Recreation Manager Lane said they were requesting an amendment to an existing agreement to continue the work of Mac Pac and replacement of existing facilities.

There was discussion regarding the budget and what was included in the project.

*Councilor Geary MOVED to approve Resolution No. 2020-61, authorizing the City Manager to execute a second amendment to the personal services agreement with Ballard*King & Associates, Ltd. to continue the Facilities and Recreation Master Plan and Feasibility Study Project; SECONDED by Councilor Peralta. Motion PASSED 6-0 by the following vote:*

Aye – Councilors Drabkin, Geary, Garvin, Stassens, Peralta, and Menke

- 8. ADJOURNMENT: Mayor Hill adjourned the meeting at 8:34 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, November 10, 2020 at 5:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	
	Zack Geary	
	Kellie Menke, Council President	
	Remy Drabkin	
	Sal Peralta (joined at 5:55 p.m.)	
	Wendy Stassens	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Police Chief Matt Scales, Finance Director Jennifer Cuellar, Planning Director Heather Richards, Information System Director Scott Burke, Legal Counsel Spencer Parsons, Senior Planner Tom Schauer, Senior Planner Chuck Darnell, City Project Manager DJ Heffernan, and member of the News Media –and Jerry Eichten, McMinnville Community Media and Dora Totoian, News Register

1. CALL TO ORDER: Mayor Hill called the meeting to order at 5:30 p.m.

2. URBAN GROWTH BOUNDARY (UGB) REMAND UPDATE:

Planning Director Richards gave a legal/technical overview of the proposed UGB remand amendments. Staff would be bringing Council an ordinance that would adopt the McMinnville Growth and Urbanization Plan, add land to the Urban Growth Boundary, and assign Comprehensive Plan designations to the UGB land. She discussed the MGMUP Plan and appendices, 921.40 gross buildable acres to serve a future population of 44,055 people, and Comprehensive Plan Map amendment. This land would provide approximately 2,511 dwelling units, 254 acres of park land, 106 acres of employment land, and 121 acres of other public and semi-public uses. She gave a background on the MGMUP that was done in 2003 and failed attempts at increasing the UGB up to 2013 where the City elected to put the effort on hold due to depleted resources and battle fatigue. In January 2020, the Council directed staff to evaluate responding to the 2012 remand of the 2003 MGMUP and to prepare for a legislative fix at the same time. She explained the proposed boundary which followed the Court of Appeals roadmap for UGB analysis. She discussed the steps to determine the adequacy of the candidate lands and lands that should be included under Goal 14.

Project Manager Heffernan gave an overview of the Plan Map recommendation and study areas including the geography and screening criteria for both residential and commercial land needs. He

then showed maps of these areas. The Plan Map recommendation was to partition some study areas for efficiency including the southeast portion of NW-EX1B to avoid Class 1 soils, east portion of NA-EV to avoid better soils and vineyard, and a portion of WOSR-2 north of Cozine Creek to avoid ag lands and a difficult sewer fix south. The complete study areas included the exception areas OSR, RN, and BB and resource areas WH-S, SW-2, SW-06, and NL-W.

Planning Director Richards discussed the MGMUP amendments including the policies, text, code, framework plan, and area planning. She reviewed all of the appendices and discussed the adoption process and calendar.

There was discussion regarding exception lands and low likelihood of development, density, housing affordability, what was included in the appendices, and updating master plans.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:02 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL MEETING
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, November 10, 2020 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors: Present Absent
Remy Drabkin
Adam Garvin
Kellie Menke, Council President
Zack Geary
Wendy Stassens
Sal Peralta

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Planning Director Heather Richards, Police Chief Matt Scales, Finance Director Jennifer Cuellar, Information Technology Director Scott Burke, and Jerry Eichten, McMinnville Community Media and Dora Totoian, News Register .

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:05 p.m. and welcomed all in attendance.

2. PROCLAMATIONS

2.a. Small Business Saturday Proclamation

Mayor Hill read the proclamation declaring November 28, 2020 as Small Business Saturday.

2.b. Climate Change & Climate Action Proclamation

City Manager Towery discussed the engagements between staff and students on climate change. The proclamation was based on the resolution the students presented to Council last year.

Mayor Hill read the proclamation recognizing and prioritizing climate change and climate action.

Sophia Hampton and Ukiah Lomboy, McMinnville students, expressed thanks for the steps the City had taken and their willingness to continue to work on it.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Michael Wells, McMinnville resident, said fuel leaf blowers were bad for the environment. He would like the City to ban them and only allow battery or electric blowers.

Tynan and Eloise Pierce, McMinnville residents, asked about creating programs for tree planting/community gardens and affordable housing. Staff would follow up with them on their ideas.

4. ADVICE/ INFORMATION ITEMS

- 4.a. Reports from Councilors on Committee & Board Assignments

Councilor Geary gave an update on the Climate Friendly and Equitable Communities Rulemaking Advisory Committee and Project Advisory Committee for the 99W Active Transportation Concept Plan.

Councilor Garvin reported on YCOM's Minimum Standards Plan and Airport Commission interviews.

Councilor Peralta reported on the Council of Governments Executive Director recruitment and legislative priorities list.

Councilor Drabkin reported on the Affordable Housing Task Force meeting where group housing quarters and public transit were discussed. There was a need for service provider volunteers.

Council President Menke read the winter shelter press release.

Councilor Stassens discussed the MURAC façade improvement grant program awards.

Mayor Hill discussed meeting with Visit Newberg regarding tourism. At the final public hearing on Westside Road, it was determined that the road was not feasible to be used as a truck route instead of Highway 47. There had also been discussion regarding STIP funds for transportation projects.

- 4.b. Department Head Reports

City Recorder Cisneros discussed the League of Oregon Cities upcoming training.

City Manager Towery said applications were still being accepted for the City's new Diversity, Equity, and Inclusion Committee. Tomorrow was Veterans Day and City offices would be closed.

5.

CONSENT AGENDA

a. Consider request from Old Wagon Road Vineyards, LLC located at 645 NE 3rd St Suite 1 for an OLCC Winery 2nd Location Liquor License.

b. Consider request from Nayarit, Inc. located at 1310 NE Baker St for an OLCC Full On-Premises Commercial Liquor License.

Council President Menke MOVED to adopt the consent agenda as presented; SECONDED by Councilor Peralta. Motion PASSED unanimously.

6.

RESOLUTION

6.a.

Consider **Resolution No. 2020-65**: A Resolution appointing Debbie Harmon Ferry and Meredith Maxfield as representatives of the City of McMinnville Budget Committee.

Finance Director Cuellar discussed the Budget Committee recruitment and recommendation for two appointments.

Council President Menke MOVED to approve Resolution No. 2020-65, appointing Debbie Harmon Ferry and Meredith Maxfield as representatives of the City of McMinnville Budget Committee; SECONDED by Councilor Peralta. Motion PASSED 6-0 by the following vote:

Aye – Councilors Drabkin, Geary, Garvin, Stassens, Peralta, and Menke

7.

ADJOURNMENT: Mayor Hill adjourned the meeting at 7:48 p.m.

Claudia Cisneros, City Recorder

CITY OF McMinnville
CITY COUNCIL SPECIAL CALLED MEETING
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, December 1, 2020 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	
	Zack Geary	
	Kellie Menke, Council President	
	Remy Drabkin	
	Sal Peralta	
	Wendy Stassens (joined at 6:03 p.m.)	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Police Chief Matt Scales, Finance Director Jennifer Cuellar, Planning Director Heather Richards, Information System Director Scott Burke, Legal Counsel Spencer Parsons, Senior Planner Tom Schauer, Senior Planner Chuck Darnell, City Project Manager DJ Heffernan, Operations Chief Debbie McDermott, Associate Planner Jamie Fleckenstein, Public Information Officer Noelle Amaya, and member of the News Media –and Jerry Eichten, McMinnville Community Media and Dora Totoian, News Register

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:00 p.m.
2. PUBLIC HEARING:

- a. G 6-20/Ordinance **5098** – Urban Growth Boundary Amendment

Mayor Hill opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Council to hear this matter. There was none. He asked if any Councilor wished to make a disclosure or abstain from participating or voting on this application. There was none. He asked if any Councilor needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Planning Director Richards presented the staff report. Ordinance 5098 adopted the McMinnville Growth Management and Urbanization Plan (MGMUP), added land to the Urban Growth Boundary (UGB), assigned Comprehensive Plan designations to land in the UGB, adopted and/or amended selected Comprehensive Plan goals, policies, and proposals, and amended Section 17 of the Municipal Code. She discussed the appendices to the MGMUP, the guiding principles of the MGMUP, remand data set, maps of the 2004 UGB amendment which did not meet the City's land

needs, history of resubmitting new UGB amendments and how they were appealed, how eventually in 2013 the City elected to walk away, and the Court of Appeals determination. In January 2020, the Council directed staff to evaluate responding to the 2012 remand of the 2003 MGMUP. She showed more maps of the proposed UGB amendment and Comprehensive Plan Map amendment. They had followed the Court of Appeals roadman for the UGB analysis. She then described how they determined the land need.

Project Manager Heffernan reviewed how the study areas were identified, priority sequence of the study areas, evaluation for adequacy and suitability, and how the criteria were applied and ratings assigned to the areas to maintain consistency. They then had to determine the adequacy of the candidate lands and which lands should be included under Goal 14. He showed maps of the recommended areas for inclusion in the UGB.

Planning Director Richards explained the implementation methodology, what was included in each appendix, urban/rural impact, public engagement, public notices for the hearings, and written public testimony that had been received.

The Council asked questions about what was included in the passage of the ordinance, how the changes affected the TSP and updating the TSP, creating a tree preservation and protection plan, making changes to the “protecting areas of community importance” section, landscape requirements for downtown, making sure to update master plans, and area plans and flexibility for the neighborhood activity centers.

Public Testimony:

Ezra Hammer, Homebuilders Association, thanked staff for their work on this document and bringing a lot of different sides together. This proposal was an important first step.

Al Ashcroft, McMinnville resident, was concerned that his backyard would become the new Urban Growth Boundary. He did not think this process should be done during the pandemic where it was difficult to get input. He was concerned about the type of development that would occur at the back of his yard, flooding issues, Native American artifacts, and need for a west valley urban growth plan that tied the communities together.

Sid Friedman, Friends of Yamhill County, said the proposal was much better than the one before in protecting farmland. The success of the plan depended on the implementing plan policies and zoning ordinance amendments. Some of the amendments did not lead to the type of development the City aspired to, such as restricting the locations for medium and high density housing. They supported the R-5 zone, but thought there should be more and they needed to improve the neighborhood center guidelines to be more pedestrian friendly. The City also needed to make sure that they were able to get the park land needed.

There was discussion regarding siting high/medium density near mass transit.

Planning Director Richards explained the proposed Comprehensive Plan policies would disburse R-5 housing throughout the community. Staff would come back with reasons why there were 36 acres of R-5 land in the proposal.

Council President Menke said the indigenous lands would be addressed further down the road.

3. ADJOURNMENT: Mayor Hill adjourned the meeting at 7:51 p.m.

Claudia Cisneros, City Recorder

DRAFT

CITY OF McMinnville
CITY COUNCIL SPECIAL CALLED MEETING
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, December 2, 2020 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	
	Zack Geary	
	Kellie Menke, Council President	
	Remy Drabkin	
	Sal Peralta	
	Wendy Stassens	

Also present were City Manager Jeff Towery, City Attorney Amanda Guile-Hinman, City Recorder Claudia Cisneros, Planning Director Heather Richards, Legal Counsel Spencer Parsons, Senior Planner Tom Schauer, Senior Planner Chuck Darnell, City Project Manager DJ Heffernan, Associate Planner Jamie Fleckenstein, Systems Analyst Megan Simmons, and members of the News Media –and Phil Guzzo, McMinnville Community Media and Dora Totoian, News Register

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:00 p.m.
2. PUBLIC HEARING:
 - a. G 6-20/Ordinance **5098** – Urban Growth Boundary Amendment

Mayor Hill opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Council to hear this matter. There was none.

Planning Director Richards presented the staff report. She reviewed Ordinance 5098, McMinnville Growth Management and Urbanization Plan (MGMUP), remand data set, needed buildable acres, past Urban Growth Boundary expansion efforts, and Court of Appeals determination. In January 2020, the City Council directed staff to evaluate responding to the 2012 remand of the 2003 MGMUP. Staff was responding to the LCDC 2012 remand based on the 2011 Court of Appeals remand to LCDC. She explained the proposed UGB amendment and new Comprehensive Plan designations which resulted in 921.40 gross buildable acres to serve a future population of 44,055 people. That would be 2,511 dwelling units, 254 acres of park land, 106 acres of employment land, and 121 acres of other public and semi-public uses. She compared maps of the previous UGB amendment and maps of what was being proposed today.

Project Manager Heffernan discussed the proposed UGB boundary, which was determined by following the Court of Appeals roadmap for UGB analysis. He explained how the land need was

determined, identifying study areas, priority sequence of study areas, evaluation of the study areas for adequacy and suitability, and exception areas.

Planning Director Richards discussed the implementation process through the Framework Plan and area planning, Comprehensive Plan Map and policy amendments, Zoning Ordinance amendments, and long range planning. She reviewed the public engagement that had been done as well as notices for public hearings and written public testimony received. She then followed up on the questions from the December 1, 2020 hearing and she and Project Manager Heffernan discussed the public comments from the last hearing and staff's response.

The Council asked questions about Comprehensive Plan and Zoning Code amendments, pace of development, and change of street width in relation to bicycle and pedestrian safety.

Public Testimony:

Jennifer Redmond-Noble, McMinnville resident, discussed the proposed Urban Growth Boundary which included her property. She was concerned about houses bordering her land which would clash with the farming use. She suggested creating a buffer in that location.

There was discussion regarding regulations for buffers next to farm use and using the proposed greenway system as the buffer.

Joseph Wain, McMinnville resident, expressed concern about maintaining neighborhood character and open space as well as drainage issues in his area.

Christine Anderson, McMinnville resident, was concerned about protecting existing small farms.

Kari Moser, McMinnville resident, was concerned about high density and commuter housing.

Planning Director Richards explained the Housing Needs Analysis which showed a need for workforce housing.

Jerri Solan, McMinnville resident, discussed concerns regarding traffic, high density housing, losing the small town feel, and crime.

Project Manager Heffernan noted no one's property would be rezoned as a consequence of this action.

There was discussion regarding the process after tomorrow's public hearing.

3. ADJOURNMENT: Mayor Hill adjourned the meeting at 8:05 p.m.

Claudia Cisneros, City Recorder

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Roman Vineyards LLC dba: Comaine de Broglie
BUSINESS LOCATION ADDRESS: 455 NE Irvine Street
LIQUOR LICENSE TYPE: Winery 2nd location

Is the business at this location currently licensed by OLCC

Yes No

If yes, what is the name of the existing business:

Hours of operation: 11 am to 5 pm
Entertainment: Live music, recorded music
Hours of Music: during open hours
Seating Count: 182 total; 72 outdoor and 110 indoor

EXEMPTIONS:
(list any exemptions)

Tritech Records Management System Check: Yes No

Criminal Records Check: Yes No

Recommended Action: Approve Disapprove



Chief of Police / Designee

City Manager / Designee

Smothers
RECEIVED
 MAR 22 2022



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

OLCC - Eugene

1. Application: Do not include any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: <u>8/12/2022</u>
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Name of City or County: <u>McMinnville</u>
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	By: _____
<input type="checkbox"/> Distillery	Date: _____
<input type="checkbox"/> Full On-Premises, Commercial	OLCC USE ONLY
<input type="checkbox"/> Full On-Premises, Caterer	Date application received: <u>12/2/22</u>
<input type="checkbox"/> Full On-Premises, Passenger Carrier	Date application accepted: <u>12/2/22</u>
<input type="checkbox"/> Full On-Premises, Other Public Location	License Action(s): <u>N/O</u>
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input checked="" type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY** (example: corporation or LLC) or **INDIVIDUAL(S)**¹ applying for the license(s):

Roman Vineyards LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See) Domaine de Broglie		
4. Business Address (Number and Street Address of the Location that will have the liquor license) 455 NE Irvine St		
City McMinnville	County Yamhill	Zip Code 97128

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.

STAFF REPORT

DATE: August 23, 2022
TO: City Council
FROM: Monica Bilodeau, Senior Planner
SUBJECT: Fox Ridge Road Area Plan – Contact Award

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.</p>	 <p>HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.</p>
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OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

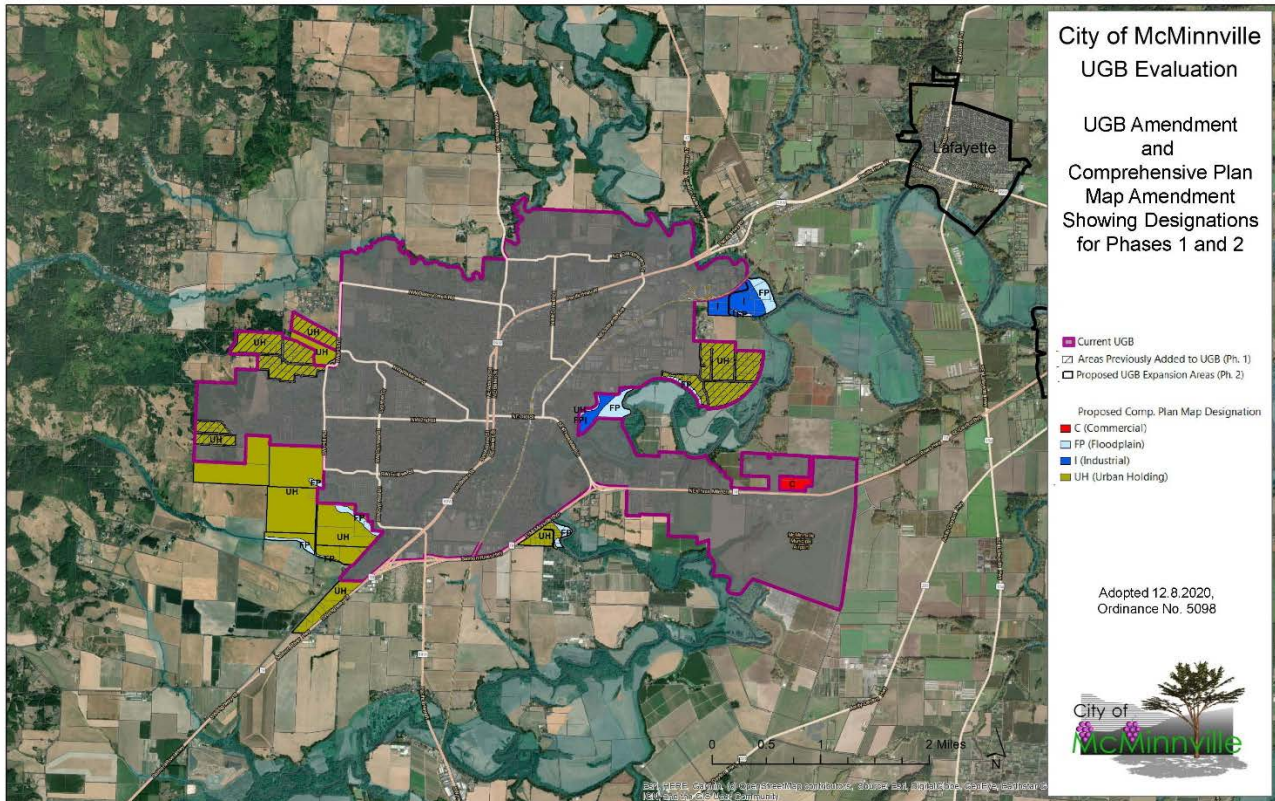
This action is the consideration of a resolution to award a contract with a budget not to exceed \$175,000 to HPR for the Fox Ridge Road Area Plan.

Background:

Recently the City of McMinnville amended its urban growth boundary (UGB) by adopting the McMinnville Growth Management and Urbanization Plan (MGMUP, [MGMUP 2003 UGB Remand Project | McMinnville Oregon](#)) (Ordinance No. 5098, December 8, 2020). The MGMUP amended McMinnville’s UGB by 924 gross buildable acres. Most of this acreage was placed into an Urban Holding (UH) comprehensive plan designation. Please see map below and Map 1 of Appendix B).

All land within a UH comprehensive plan designation needs to undergo an area planning process prior to annexation into the city limits, rezoning and development. Area planning can be initiated by the City or by private property owners.

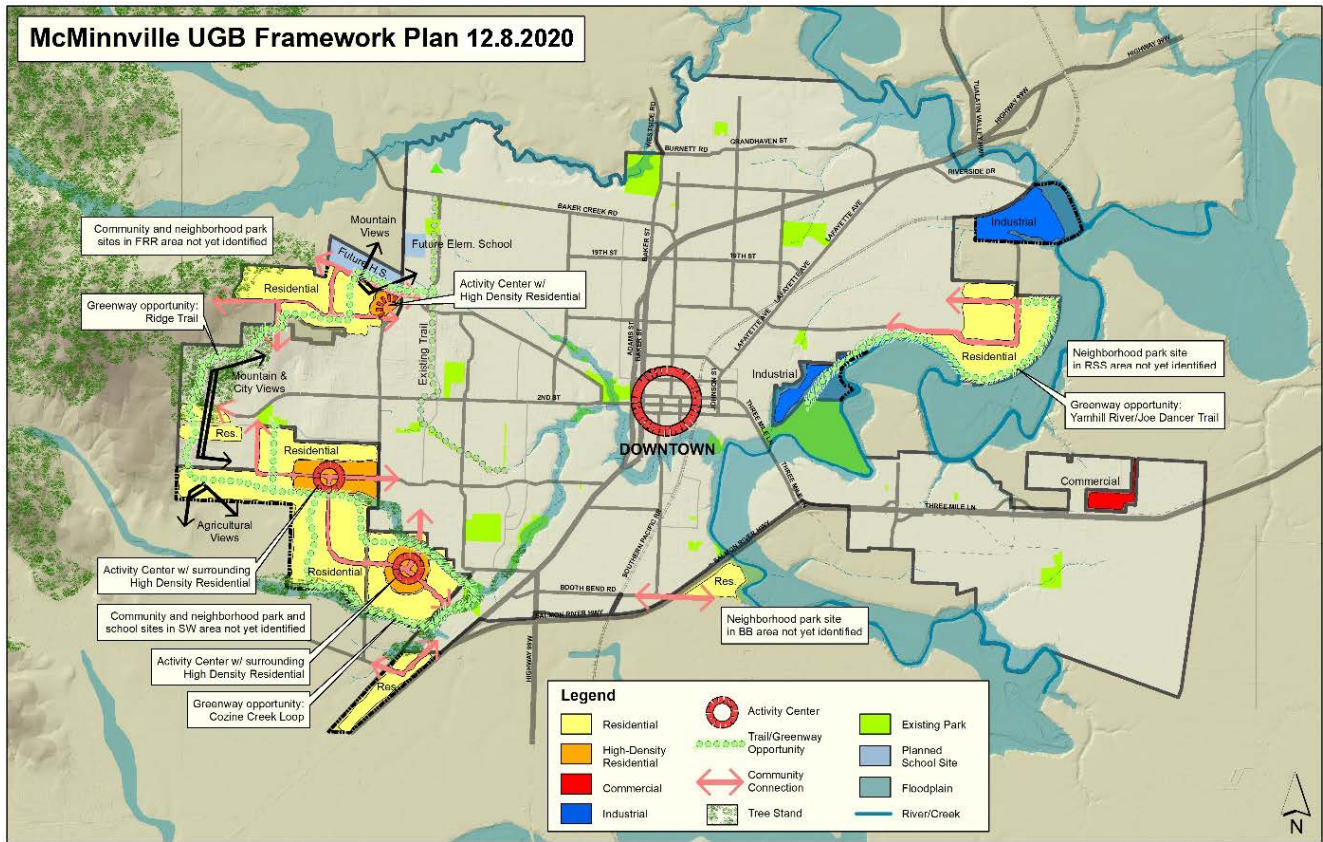
Map 1: MGMUP Comprehensive Plan Map Designations



Appendix G of the MGMUP is a Framework Plan identifying six different areas that will need area plans. The City of McMinnville has committed to investing in one area planning process each year. Please see Framework Plan Map below.

The MGMUP Framework Plan also identifies how McMinnville's future land need could and should be distributed throughout the six different area plans.

Map 2: MGMUP Framework Plan

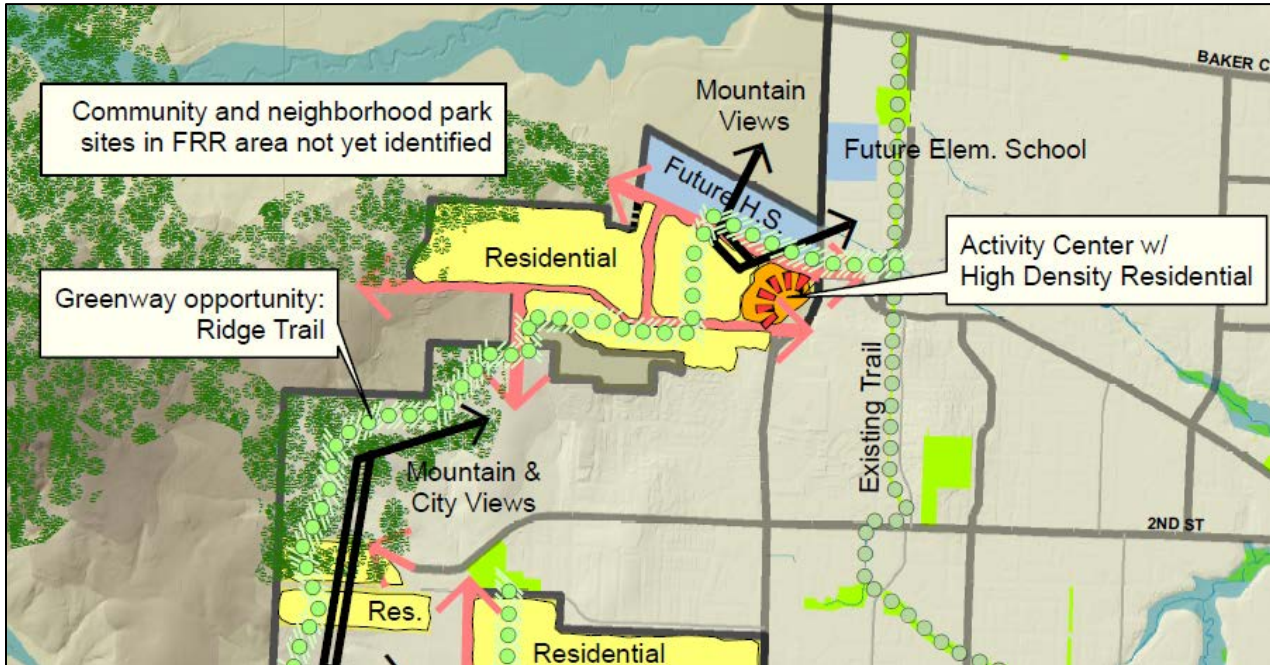


Potential Assignment of Land Need in Area Plans:

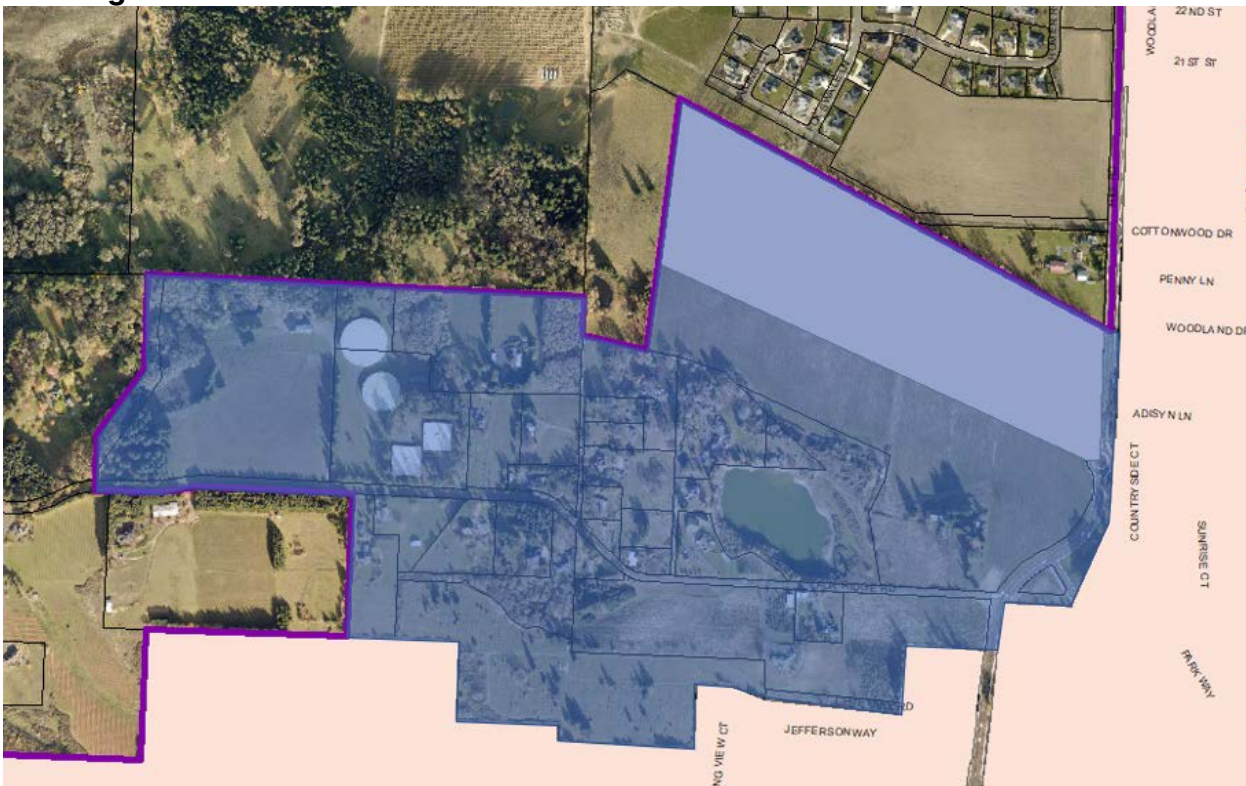
Land Need	Total Need	Southwest	Fox Ridge Road	Riverside South	Redmond Hill Road	Booth Bend Road	Riverside North
Residential							
R-5	36 acres						
Parks							
Neighborhood Park	88.11 acres						
Community Park	58.84 acres						
Greenways/Natural Areas	106.81 acres						
Schools	43 acres						
Commercial	39.3 acres						
Industrial	Surplus						

The first area plan that will be initiated by the City is the Fox Ridge Road Area Plan. The Fox Ridge Road Area is known as the area around Fox Ridge Road, and the future high school site as depicted in the illustration below. It is approximately 234 acres.

Fox Ridge Road Area as shown in MGMUP Framework Plan:



Fox Ridge Road Area shaded in blue



The Fox Ridge Road Area Plan will primarily be housing. However, the Fox Ridge Road Area Plan will include a significant land use within the site that is owned by the McMinnville School District and identified for the development of a future high school. The high school site will be within the northern portion of the Fox Ridge Road Area Plan. The Fox Ridge Road Area Plan should also provide an opportunity for a partial or half of a Neighborhood Activity Center (NAC) along the area's Hill Road frontage between the Wallace Road roundabout and the intersection of Fox Ridge Road. This modified and reduced NAC should be approximately 5 – 10 acres, with approximately 1 - 2 acres of neighborhood serving commercial and office development, approximately 2 acres of high-density residential development (R-5), and approximately 2 - 5 acres of medium density residential housing. The remainder of the residential land within Fox Ridge Road Area Plan will likely be suitable for lower density residential housing, where the lands begin to exhibit steeper slopes within the southern and western portions of the Fox Ridge Road area.

To further provide services to support this residential area and to accommodate the park land need identified in the MGMUP, the Fox Ridge Road Area Plan should incorporate one neighborhood park of approximately 3 - 5 acres in size. The neighborhood park should be placed to ensure that every residence is within a ½ mile of a neighborhood park, and due to slopes should likely be placed in the northern portion of the area. The Fox Ridge Road Area also includes a several natural and geographic features that provide an excellent opportunity for a natural resource community park. Natural greenspaces or greenways should be considered that could connect the Fox Ridge Road Area to the West Hills and Redmond Hill Road area, potentially in the form of a ridgeline greenway/greenspace. A greenway/greenspace could also serve to preserve the tree stands in the Fox Ridge Road and West Hills areas that currently provide habitat for protected avian species.

Connectivity and coordination with the development of the high school site will be important in the Fox Ridge Road Area Plan. Land uses should anticipate the development of this major community feature, and land uses should transition appropriately to surrounding areas. Any trail networks considered should incorporate connectivity to the high school site. Bike and pedestrian connectivity should also be considered in the Area Plan, with consideration of connecting to the existing trails and linear parks (BPA and Westside trail systems) that are located just east within the existing UGB and may be able to be linked via Wallace Road.

The Area Plan will be adopted as a supplement to the McMinnville Comprehensive Plan. and completed by the City and adopted by the City Council as a guiding land use document. Area plans must embody the development principles of the MGMUP, MGMUP Framework Plan, McMinnville Comprehensive Plan and any other applicable City land use policies and standards.

The MGMUP provides guidance for the planning and development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. Therefore, Area Plans for UH areas within the MGMUP areas will be developed to be consistent with:

- 1) The guidelines and characteristics of the Traditional Neighborhood model, as described in the McMinnville Growth Management and Urbanization Plan.
- 2) The potential identification of locations that would be suitable for Neighborhood Activity Centers (NACs) to meet neighborhood commercial land needs as identified in the MGMUP Framework Plan, and support surrounding residential development, as described in the McMinnville Growth Management and Urbanization Plan.
- 3) The City's adopted Great Neighborhood Principles, as described in Comprehensive Plan Policies 187.10 through 187.50.

Attachments:

1. Resolution No. 2022-56
2. Project Contract

Fiscal Impact:

The Fox Ridge Road Area Plan is a budgeted plan in the FY 22/23 budget - Long Range Planning Fund, the main revenue source being the general fund.

Recommendation:

Staff recommends that the City Council adopt the attached resolution awarding the Fox Ridge Road Area Plan to HHRP.

RESOLUTION NO. 2022-56

A Resolution Awarding the Contract for the Fox Ridge Road Area Plan, to HHPR.

RECITALS:

The City of McMinnville amended its urban growth boundary (UGB) by adopting the McMinnville Growth Management and Urbanization Plan (MGMUP, [MGMUP 2003 UGB Remand Project | McMinnville Oregon](#)) (Ordinance No. 5098, December 8, 2020).

The MGMUP amended McMinnville’s UGB by 924 gross buildable acres. Most of this acreage was placed into an Urban Holding (UH) comprehensive plan designation.

All land within a UH comprehensive plan designation needs to undergo an area planning process prior to annexation into the city limits, rezoning and development. Area planning can be initiated by the City or by private property owners.

The Fox Ridge Road Area Plan is approximately 234 acres of Urban Holding land that will be the first area to undergo the area planning process.

The Area Plan will be adopted as a supplement to the McMinnville Comprehensive Plan, completed by the City and adopted by the City Council as a guiding land use document. Area plans must embody the development principles of the MGMUP, MGMUP Framework Plan, McMinnville Comprehensive Plan and any other applicable City land use policies and standards.

The Fox Ridge Road Area Plan is a budgeted plan in the FY 22/23 budget - Long Range Planning Fund, the main revenue source being the general fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That entry into a contract with HHPR, not to exceed \$175,000 with an approximately 14 month timeline for the Area plan, is hereby approved.
2. That the City Manager is hereby authorized and directed to execute contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 23rd day of August 2022 by the following votes:

Ayes: _____

Nays: _____

Approved this 23rd day of August 2022.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

CITY OF McMinnville
PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (“Agreement”) for the Fox Ridge Road Area Plan (“Project”) is made and entered into on this ____ day of _____ 2022 (“Effective Date”) by and between the **City of McMinnville**, a municipal corporation of the State of Oregon (hereinafter referred to as the “City”), and _____ a(n) _____ [state] _____ [corporation/limited liability company, etc.] (hereinafter referred to as “Consultant”).

RECITALS

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

Section 1. Scope of Work

Consultant shall diligently perform the master planning services according to the requirements and deliverable dates identified in the Scope of Work for the Project, attached hereto as **Exhibit 1** and incorporated by reference herein (the “Services”).

Section 2. Term

The term of this Agreement shall be from the Effective Date until all Services required to be performed hereunder are completed and accepted, or no later than _____, 20____, whichever occurs first, unless earlier terminated in accordance herewith or an extension of time is agreed to, in writing, by the City.

Section 3. Consultant’s Services

3.1. All written documents prepared by Consultant in conjunction with the Services shall bear the signature, name, or logo of, or otherwise be identified as coming from, Consultant’s authorized Project Manager.

3.2. Consultant will not be deemed to be in default by reason of delays in performance due to circumstances beyond Consultant's reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts of third parties not under Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing; however, no additional compensation will be provided due to a Force Majeure event. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

3.3. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Work described herein.

3.4. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

Section 4. Compensation

4.1. Except as otherwise set forth in this **Section 4**, the City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed One hundred seventy-five thousand (\$175,000), for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Addendum to be executed between the City and Consultant.

4.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Work described on **Exhibit 1**, Consultant shall provide such additional services and bill the City at the hourly rates outlined on Consultant's Rate Schedule, as set forth in **Exhibit 2**. Any Additional work beyond the Scope of Work, or any compensation above the amount shown in **Subsection 4.1**, requires a written Addendum executed in compliance with the provisions of **Section 16**.

4.3. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

4.4. The City will be responsible for the direct payment of required fees payable to governmental agencies, including but not limited to plan checking, land use, zoning, and all other similar fees resulting from this Project, that are not specifically covered by **Exhibit 1**.

4.5. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, all work-related costs, expenses, salaries or wages, plus fringe benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or software charges, licensing, trademark, and/or copyright costs, office expenses, travel expenses, mileage, and all other indirect and overhead charges.

Section 5. City's Rights and Responsibilities

5.1. The City will designate a Project Manager to facilitate day-to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

5.2. Award of this contract is subject to budget appropriation. Funds are approved for Fiscal Year 2021-22. If not completed within this fiscal year, funds may not be appropriated for the next fiscal year. The City also reserves the right to terminate this contract early, as described in **Section 14**.

Section 6. City's Project Manager

The City's Project Manager is Monica Bilodeau. The City shall give Consultant prompt written notice of any re-designation of its Project Manager.

Section 7. Consultant's Project Manager

Consultant's Project Manager is Chris Green. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such re-designation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

Section 8. Project Information

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

Section 9. Subcontractors and Assignments

9.1. Unless expressly authorized in **Exhibit 1** or **Section 10** of this Agreement, Consultant shall not subcontract with others for any of the Services prescribed herein. Consultant shall not assign any of Consultant's rights acquired hereunder without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Some Services may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they intend to perform, and the City specifically agrees in writing to such subcontracting. The City hereby agrees that Consultant will contract with _____ to provide its _____ services, which is a critical part of this Agreement. Consultant acknowledges such work will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for work performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

9.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

9.3. Consultant shall include this Agreement by reference in any subcontract and require subcontractors to perform in strict compliance with this Agreement.

Section 10. Consultant Is Independent Contractor

10.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 4** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

10.2. Consultant may request that some consulting services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant acknowledges that if such services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. For all Services performed under subcontract to Consultant, as approved by the City, Consultant shall

only charge the compensation rates shown on the approved Rate Schedule (**Exhibit 2**). Rate schedules for named or unnamed subcontractors, and Consultant markups of subcontractor billings, will only be recognized by the City as set forth in Consultant's Rate Schedule, unless documented and approved, in writing, by the City pursuant to a modification to Consultant's Rate Schedule, per **Section 16** of this Agreement. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

10.3. Consultant shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise agreed to, in writing, by the City, Consultant shall require that all of Consultant's subcontractors also comply with, and be subject to, the provisions of this **Section 10** and meet the same insurance requirements of Consultant under this Agreement.

Section 11. Consultant Responsibilities

11.1. Consultant must make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the person furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

11.2. Consultant must comply with all applicable Oregon and federal wage and hour laws, including BOLI wage requirements, if applicable. Consultant shall make all required workers compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses.

11.3. No person shall be discriminated against by Consultant [or any subcontractor] in the performance of this Agreement on the basis of sex, gender, race, color, creed, religion, marital status, age, disability, sexual orientation, gender identity, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City. [References to "subcontractor" mean a subcontractor at any tier.]

Section 12. Indemnity

12.1. Indemnification. Consultant acknowledges responsibility for liability arising out of the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from

any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Agreement, or from Consultant's failure to perform its responsibilities as set forth in this Agreement. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other work performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 12.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant. As used herein, the term "Consultant" applies to Consultant and its own agents, employees, and suppliers, and to all of Consultant's subcontractors, including their agents, employees, and suppliers.

12.2. Standard of Care. In the performance of the Services, Consultant agrees to use at least that degree of care and skill exercised under similar circumstances by reputable members of Consultant's profession practicing in the Portland metropolitan area. Consultant will re-perform any Services not meeting this standard without additional compensation. Consultant's re-performance of any Services, even if done at the City's request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

Section 13. Insurance

13.1. Insurance Requirements. Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant's activities or work hereunder. Any and all agents, contractors, or subcontractors with which Consultant contracts to work on the Services must have insurance that conforms to the insurance requirements in this Agreement. Additionally, if a subcontractor is an engineer, architect, or other professional, Consultant must require the subcontractor to carry Professional Errors and Omissions insurance and must provide to the City proof of such coverage. The amount of insurance carried is in no way a limitation on Consultant's liability hereunder. The policy or policies maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

13.1.1. Commercial General Liability Insurance. Consultant and all subcontractors shall obtain, at each of their own expense, and keep in effect during the term of this Agreement, comprehensive Commercial General Liability Insurance covering Bodily Injury and Property Damage, written on an "occurrence" form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts: The

coverage shall be in the amount of **\$2,000,000** for each occurrence and **\$3,000,000** general aggregate and shall include Products-Completed Operations Aggregate in the minimum amount of **\$2,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**. All of the foregoing coverages must be carried and maintained at all times during this Agreement.

13.1.2. Professional Errors and Omissions Coverage. Consultant agrees to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000** per claim. Consultant shall maintain this insurance for damages alleged to be as a result of errors, omissions, or negligent acts of Consultant. Such policy shall have a retroactive date effective before the commencement of any work by Consultant on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years after termination of this Agreement.

13.1.3. Business Automobile Liability Insurance. If Consultant or any subcontractors will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant and its subcontractors have business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

13.1.4. Workers Compensation Insurance. Consultant, its subcontractors, and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

13.1.5. Insurance Carrier Rating. Coverages provided by Consultant and its subcontractors must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

13.1.6. Additional Insured and Termination Endorsements. The City will be named as an additional insured with respect to Consultant's liabilities hereunder in insurance coverages. Additional Insured coverage under Consultant's Commercial General Liability, Automobile Liability, and Excess Liability Policies, as applicable, will be provided by endorsement. Additional insured coverage shall be for both ongoing operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory.

Waiver of Subrogation endorsement via ISO Form CG 2404 or its equivalent shall be provided. The following is included as additional insured: “The City of McMinnville, its elected and appointed officials, officers, agents, employees, and volunteers.” An endorsement shall also be provided requiring the insurance carrier to give the City at least thirty (30) days’ written notification of any termination or major modification of the insurance policies required hereunder. Consultant must be an additional insured on the insurance policies obtained by its subcontractors performing work on the Services contemplated under this Agreement.

13.1.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the City. This Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days’ prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

13.2. Primary Coverage. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If insurance policies are “Claims Made” policies, Consultant will be required to maintain such policies in full force and effect throughout any warranty period.

Section 14. Early Termination; Default

14.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

14.1.1. By mutual written consent of the parties;

14.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; or

14.1.3. By Consultant, effective upon seven (7) days’ prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

14.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant

with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the ten (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

14.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

14.4. Termination under any provision of this Section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 18**, for which Consultant has received payment or the City has made payment.

Section 15. Suspension of Services

The City may suspend, delay, or interrupt all or any part of the Services for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within Consultant's control. The City shall not be responsible for Services performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Services and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

Section 16. Modification/Addendum

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 4** of this Agreement, or changes or modifies the Scope of Work or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) days after receipt, make a written request for modification to the City's Project Manager in the form of an Addendum. Consultant's failure to submit such written request for modification in the form of an Addendum shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Addendum. To be enforceable, the Addendum must describe with particularity the nature of the change, any delay in time the Addendum will cause, or any increase

Section 20. Miscellaneous Provisions

20.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

20.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

20.3. No Assignment. Consultant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

20.4. Adherence to Law. In the performance of this Agreement, Consultant shall adhere to all applicable federal, state, and local laws (including the McMinnville Code and Public Works Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform the Services described on **Exhibit 1**, shall be obtained and maintained throughout the term of this Agreement.

20.5. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. All contractual provisions required by ORS Chapters 279A, 279B, 279C, and related Oregon Administrative Rules to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

20.6. Jurisdiction. Venue for any dispute will be in Yamhill County Circuit Court.

20.7. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

20.8. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

20.9. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

20.10. Modification. This Agreement may not be modified except by written instrument executed by Consultant and the City.

20.11. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

20.12. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

20.13. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

20.14. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

20.15. Good Faith and Reasonableness. The parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City “sole discretion” or the City is allowed to make a decision in its “sole judgment.”

20.16. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

20.17. Interpretation. As a further condition of this Agreement, the City and Consultant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be

entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

20.18. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.

20.19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

20.20. Authority. Each party signing on behalf of Consultant and the City hereby warrants actual authority to bind their respective party.

The Consultant and the City hereby agree to all provisions of this Agreement.

CONSULTANT:

CITY:

CITY OF McMinnville

By: _____

By: _____

Print Name: _____

Print Name: _____

As Its: _____

As Its: _____

Employer I.D. No. _____

APPROVED AS TO FORM:

City Attorney
City of McMinnville, Oregon

HHPR REVISED PROJECT APPROACH

Project Approach

Task 1: Background and Analysis of Planning Context

Task 1.1: Kickoff Meeting

Task 1.1 sets the stage for the project. City staff, in partnership with the consultant team, will use this meeting as an opportunity to review the scope and schedule, go over team logistics including project management, roles, and discuss communication protocols for the project.

Deliverables: Agenda, project schedule, meeting notes.

Task 1.2: Document Review

The consultant team will review existing planning documents adopted by the City and current planning efforts impacting the Fox Ridge Road Area to ensure consistency with the findings, goals, and policies adopted in these documents, as well as state and regional planning frameworks. The consultant team will take special care to understand the Great Neighborhood Principles adopted in Comprehensive Plan Policies 187.10 through 187.50 as a model for future neighborhood development.

Deliverable: Memo summarizing consultant's findings, and any key issues identified that could impact the planning process.

Task 1.3: Economic Analysis for Neighborhood Activity Center (NAC)

Johnson Economics will perform a market/development analysis focusing on identifying highest and best uses for the 5–10-acre Neighborhood Activity Center (NAC) proposed for the Fox Ridge Road Area in the Framework Plan. The analysis will inform the process by looking at feasible development types for commercial the higher-density residential land in the NAC, and possible suggestions on configuration and siting considerations for the NAC.

Deliverable: Economic analysis memo.

Task 2: Initial Stakeholder Engagement

Key stakeholders include:

- ▶ McMinnville School District
- ▶ Property owners
- ▶ Area residents
- ▶ And others as identified by City staff

Task 2.1: Community Engagement Materials

SERA will prepare an Opportunities & Constraints Diagram for use throughout the Initial Community Engagement task. This diagram will summarize the opportunities for various land uses, development patterns, building relationships, open spaces, and connections – as well as any key constraints that would need to be overcome in order to realize those opportunities. To the extent feasible, HHPR will provide Spanish translations of outreach materials developed by the consultant team.

Deliverables: Opportunities and constraints diagram, draft language for electronic public outreach and/or surveys, database of comments received, draft survey questions or other agreed-upon form of electronic public outreach.

Task 2.2: City Council and Planning Commission Project Update #1

For this task, the consultant team will present at one (1) work session with the McMinnville Planning Commission and one (1) work session with the McMinnville City Council to discuss the project goals, findings from the economic analysis, and gather input to begin developing scenarios for consideration.

Deliverables: Update memo (1-2 pages) and project presentation.

Task 2.3: Advisory Group Meeting #1

In coordination with City staff, HHPR will facilitate an Advisory Group meeting of key stakeholders identified by the City. The meeting will review project goals, findings from the economic analysis, and gather input to begin developing scenarios for consideration.

Deliverables: Update memo (1-2 pages) and project presentation.

Task 3: Broad & Targeted Public Outreach

Task 3.1: Stakeholder Focus Groups

The consultant team, in coordination with City staff, will prepare for and conduct up to three focus group meetings to understand the perspective of closely involved stakeholders such as property owners, public agencies, nearby residents, and developers. Stakeholders will be identified at the kickoff meeting and focus groups will be sorted based on common interests, in order to allow more focused and detailed questions.

Deliverables: List of questions and notes summarizing each focus group.

Task 3.2: Community Design Workshop #1–Development Scenarios

SERA will lead a Community Design Workshop to engage stakeholders, City staff, and citizens in an interactive design session around potential development scenarios for the Fox Ridge Road area. The intent of this event will be to collaboratively develop a framework for future growth as well as a set of up to three (3) distinct development scenarios for the area. The team will test these scenarios in real time, considering land use, urban design, connectivity, access, infrastructure, and stakeholder concerns. The scenarios that emerge from this workshop will be further refined in Task 4.1.

Deliverables: Workshop materials, written summary of workshop results.

Task 3.3: Advisory Group Meeting #2

HHPR will facilitate a second Advisory Group meeting to review the outcomes of the community design workshop and provide guidance in interpreting stakeholder feedback and refining scenarios.

Deliverables: Agenda and meeting notes.

Task 4: PLAN DEVELOPMENT

Task 4.1: Development Scenarios / Preferred Development Scenario

Based on the results of the Task 3.2 Community Design Workshop, SERA will prepare a package of illustrative graphics, precedent imagery, and text describing the range of development scenarios explored for the Fox Ridge Road area. and the Preferred Development Scenario for the area. With input from City staff and the Advisory Group, the team will also identify a Preferred Development Scenario which will be the basis for subsequent project tasks.

Deliverables: Graphics and written descriptions for development scenarios, with additional detail describing preferred development scenario.

Task 4.2: Land Use Trip Generation and Land Use Scenarios

DKS will provide trip generation estimates for the three land use scenarios developed in Task 4.1.

Deliverable: Trip generation estimates for potential development scenarios.

Task 4.3: Advisory Group Meeting #3

The consultant team will prepare for and facilitate a third Advisory Group meeting to discuss the development scenarios, Preferred Development Scenario, and directions for goal and policy development.

Deliverables: Agenda and meeting notes.

Task 4.4: Prepare Draft Plan Goals, Policies, Implementation Measures

HHPR will prepare the first draft of the background, goals, and policies based on project goals and public input. The text portions of the draft will be crafted to incorporate visuals generated in Task 4.1 and throughout the process and be easy to navigate in an online format.

Deliverables: Draft plan content, including background and context, goals, policies, and summary of engagement process and input received.

Task 4.5: TPR Analysis and Goal 12 Findings

DKS will conduct an existing conditions analysis at up to 5 intersections (PM Peak hour only) and 20-year future forecasting for base year and future growth assumptions, based on PM Peak Hour growth assumptions with a model provided by the City. The analysis will include a future 20-year no-build and build analysis for the PM Peak hour and identify transportation infrastructure needs for the Fox Ridge Road Area based on the preferred development scenario in Task 4.1.

Deliverables: Transportation Planning Rule (TPR) analysis and findings for the Preferred Growth Scenario.

Task 4.6: Community Design Workshop #2 – Parks, Trails, Connectivity

HHPR Planners and Landscape Architects will lead a Community Design Workshop to engage stakeholders, City staff, and citizens focused on the developing concepts for the neighborhood park, trail system, and other recreation or open space opportunities identified in the Preferred Development Scenario. The workshop will explore design concepts for specific parks and trails, as well as possibilities for multimodal connections between parks, open spaces, the high school, and Neighborhood Activity Center. The concepts that emerge from this workshop will be further developed in Tasks 4.7 and 4.8.

Deliverables: Workshop materials, written summary of workshop results.

Task 4.7: Prepare Draft Local Street and Trail Connectivity Plan

SERA, DKS, and HHPR will collaborate on a local street and trail connectivity plan to accompany, enable, and enliven the Preferred Development Scenario. This plan will emphasize multi-modal access and connectivity with a goal of enabling safe, non-motorized movement to and through the Fox Ridge Road area.

Deliverables: Local Street and Trail Connectivity Plan, with concept graphics and supporting text.

Task 4.8: Prepare Neighborhood Park and Trail Design Concepts

HHPR will develop up to three (3) concept plans for the neighborhood park, as well as refining the trail alignment and section options developed in Task 4.5.

Deliverables: Concept plans for neighborhood park, trail sections. Concept map showing refined trail alignments where necessary.

Task 4.9: English/Spanish Translation of Plan Draft

HHPR will translate the draft Area Plan into Spanish, with an emphasis on facilitating public understanding of the plan concepts and encourage feedback from Spanish speakers during the refinement and revision process.

Deliverables: Spanish translation of the draft Area Plan.

Task 5: Plan Refinement

Task 5.1: Technical Review and Comment on Draft Plan

HHPR will distribute the draft plan to members of the consultant team and technical reviewers at City of McMinnville for review and commentary prior to revision.

Deliverables: Review draft to consultant team and technical reviewers.

Task 5.2: Advisory Group Meeting #4

The consultant team will prepare for and attend one (1) Advisory Group meeting to discuss feedback on the draft Area Plan and possible revisions prior to the adoption phase.

Deliverables: Agenda and meeting notes.

Task 5.3: Planning Commission and City Council Update #2

The consultant team will prepare for and attend one (1) Planning Commission and one (1) City Council work session to discuss feedback on the draft Area Plan and possible revisions prior to the adoption phase.

Deliverables: Update memo (1-2 pages) and project presentation.

Task 5.4: Finalize Plan Document and English/Spanish Translation

The consultant team will incorporate feedback received during 5.1 through 5.3 to prepare a revised “adoption-ready” draft of the proposed code language, consistent with locally adopted planning documents and regulations and Statewide Planning Goals.

Deliverables: Adoption-ready draft Area Plan document, with text sections in English and Spanish, and graphics incorporated throughout.

Task 6: Plan Review and Adoption

Task 6.1: Draft Compliance Findings and Supporting Documents for Approval Process

HHPR will prepare final supporting documents for the Area Plan, including findings for compliance with Oregon Land Use Planning Goals, the goals and policies of the McMinnville Comprehensive Plan, and city regulations.

Deliverables: Draft supporting memo summarizing the planning process, key policies, and draft findings related to compliance with Oregon Land Use Planning Goals and applicable local and regional policies.

Task 6.2: Hearings and Adoption

HHPR will prepare and present the Final Area Plan at one (1) Planning Commission hearing and one (1) City Council hearing for adoption.

Deliverables: Final supporting memo and project presentation.

PROJECT SCHEDULE

TASK	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
1.1 Kick-off Meeting	█	█											
1.2 Document Review	█	█											
1.3 Economic Analysis		█											
2.1 Community Engagement Materials			█										
2.2 City Council/Planning Commission #1			█										
2.3 Advisory Group Meeting #1			█										
3.1 Stakeholder Focus Groups				█									
3.2 Community Design Workshop				█	█								
3.3 Advisory Group Meeting #2					█								
4.1 Development /Preferred Development Scenarios						█	█						
4.2 Land Use Trip Generation and Land Use Scenarios							█						
4.3 Advisory Group Meeting #3							█						
4.4 Draft Plan Goals, Policies, Implementation Measures								█	█				
4.5 TPR Analysis and Goal 12 Findings							█	█					
4.6 Community Design Workshop #2								█					
4.7 Prepare Draft Local Street and Trail Connectivity Plan								█	█				
4.8 Prepare Neighborhood Park and Trail Design Concepts								█	█	█			
4.9 English/Spanish Translation of Plan Draft										█			
5.1 Technical Review and Comment on Draft Plan										█			
5.2 Advisory Group Meeting #4										█			
5.3 City Council/Planning Commission #2											█		
5.4 Finalize Plan Document & Translation												█	
6.1 Draft Compliance Findings & Supp. Docs for Approval												█	█
6.2 Hearings and Adoption													█

STAFF REPORT

DATE: August 23, 2022
TO: Mayor and City Councilors
FROM: Tom Schauer, Senior Planner
SUBJECT: Ordinance No. 5121 - CPA 1-22/ZC 2-22, Comprehensive Plan Map Amendment and Zone Change

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is the consideration of Ordinance No. 5121 approving a Comprehensive Plan Map amendment from Industrial to Commercial (Docket CPA 1-22) and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) (Docket ZC 2-22) for property of approximately 0.9 acres located at 455 NE Irvine Street (Tax Lots R4421BD 2400 & 2601). ***See Vicinity Map (Figure 1), Comprehensive Plan Map (Figure 2), and Zoning Map (Figure 3).***

Per Section 17.72.050 of the Zoning Ordinance, the application includes an amendment to the Comprehensive Plan and is not subject to the 120-day application processing timeline.

This is a quasi-judicial application subject to the procedures of Section 17.72.130 of the Zoning Ordinance. Per Section 17.72.130 of the Zoning Ordinance, The Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.

- a. If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council, a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the

Attachments:

1. CPA 1-22/ZC 2-22 Application
2. Minutes from July 21, 2022 Planning Commission Meeting
3. Ordinance No. 5121 with CPA 1-22/ZC 2-22 Decision Document

Planning Commission, and any other materials deemed necessary for decision by the City Council.

- b. If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.

Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:

- a. Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;
- b. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D)-(F)

The applicable criteria are provided in Section 17.74.020 of the Zoning Ordinance. The application is also subject to the applicable Goals and Policies of the Comprehensive Plan and applicable state law.

The Planning Commission held a public hearing on July 21, 2022 and voted 8-0 to recommended approval of the comprehensive plan map amendment and zone change to City Council based on the findings provided in the attached decision document.

Background:

The subject property is zoned M-1. **Figures 2a/2b and 3a/3b** show the existing and proposed Comprehensive Plan map designations and zoning of the subject property and surrounding properties. The subject property has previously been used as a winery and tasting room for Elizabeth Chambers Cellar. A winery is a permitted use in the M-1 zone, and a tasting room in conjunction with a winery is a permitted use in the M-1 zone, subject to limitations for tasting rooms:

Tasting Room. The floor area of the tasting room shall not exceed 400 square feet or 10 percent of the facility's onsite floor area, whichever is greater. In no instance shall a tasting room exceed 1,000 square feet in size. Tasting rooms do not include taverns, restaurants, or breweries, which are defined elsewhere.

The new owner is seeking the new Commercial/C-3 designation to allow the property to be used for commercial uses which are permitted in the C-3 zone, but are not permitted in the M-1 zone. The M-1 zone doesn't permit most uses which are permitted in the C-3 zone.

Permitted uses in the C-3 zone include uses such as retail, eating and drinking establishments, etc. The application indicates the types of leisure uses the applicant is considering. However, as a reminder, the application is for a map amendment, not an approval for a specific use. The proposed map amendment would not limit which C-3 permitted uses would be authorized on the subject property.

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The property is also located within the NE Gateway Planned Development Overlay District. This overlay district has three subareas, each of which has a different purpose and allows different permitted uses. The subject property is located within Subarea 1 of the NE Gateway Overlay. **See Figure 4.** The permitted uses in Subarea 1 generally allow for commercial uses, while restricting industrial uses. **See Figure 5.** This is somewhat different than Subarea 2, which allows for a mix of commercial, light industrial, and residential uses. For reasons discussed below, a change of use of the existing building from industrial use to commercial use could not occur without the proposed map amendment.

Discussion:

A recent legal opinion from the City Attorney interpreted the applicability provisions of the NE Gateway Overlay Ordinance 4971 as they pertain to permitted uses listed in the ordinance: The table of permitted uses authorized in the NE Gateway Overlay zone only becomes applicable to a property and supersedes those of the underlying zone when triggered by one of the actions or thresholds specified in the applicability provisions in Section 3(D) of the NE Gateway Overlay Zone Ordinance 4971. **See Figure 6.**

The legal opinion is based on a reading of legislative intent that the permitted use provisions in the NE Gateway Overlay zone would only be triggered by actions such as expansion or redevelopment in order to spur more significant investment through more substantial expansion and redevelopment. Therefore, if the uses for the applicable NE Gateway Subarea aren't permitted by the base zone, then the new uses permitted in the NE Gateway Overlay would only apply upon one of those situations occurring. However, this doesn't allow for adaptive reuse of existing buildings, including historic structures, to be converted from industrial to commercial use if located within NE Gateway Subarea 1 if the underlying base zoning isn't also commercial.

Because the M-1 zone generally permits industrial uses but not commercial uses, and the NE Gateway Overlay Subarea 1 generally permits commercial uses but not industrial uses, the relationship of the Zoning Ordinance to the NE Gateway Overlay Zone Ordinance 4971 presents some unique issues for use of the subject property. Some key provisions regarding uses are summarized below.

It is somewhat unique to have two zones apply to the same property that have different requirements for what uses are permitted, with the permitted uses based on whether there would be an expansion and how large the expansion would be.

Subarea 1 applies to six blocks. Of the six blocks located within Subarea 1 (**Figure 4**), five of those already have Commercial Comprehensive Plan designations and C-3 zoning (**Figures 2 and 3**). The subject property is the only one of six blocks in NE Gateway Subarea 1 that has an Industrial Comprehensive Plan designation and industrial zoning (together with an adjacent portion of the railroad right-of-way owned by the railroad to the west).

The use of the existing building couldn't currently be changed use from industrial to commercial per the M-1 zone unless it included a major expansion of more than 15%, triggering the NE Gateway Overlay. An industrial use is a permitted use in the M-1 zone,

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and could therefore be continued and could expand up to 15%, even though industrial use isn't permitted in NE Gateway Overlay Subarea 1. However, if there was a change of use to commercial in conjunction with an expansion of 15% or more, it would become subject to the use provisions of the NE Gateway Overlay.

However, a permitted industrial use in the M-1 zone located within Subarea 1 of NE Gateway Overlay would not be allowed to expand by more than 15%. ***Only a use permitted in NE Gateway Subarea 1 could expand by 15% or more due to the use provisions of the NE Gateway Overlay Zone. See Figure 7.***

The proposed map amendment would help address this issue by allowing most of the same commercial uses as permitted uses for this property in both the base zone and overlay zone regardless of whether or not the building is expanded and regardless of the size of the expansion, the same as already applies to the other five blocks within Subarea 1 of the Ne Gateway Overlay Zone.

While Subarea 2 of the NE Gateway is intended to allow for a mix of industrial, commercial, and residential uses, Subarea 1 is more narrowly focused on commercial use, without the same provisions allowing for light industrial use as a permitted use or as part of a mixed use development. ***See Figures 5 and 6.*** The proposed map amendment would help accomplish the purpose of NE Gateway Subarea 1.

Note: Industrial property to the west of the subject property on the west side of the railroad is not within the NE Gateway Overlay Zone.

The City is evaluating initiation of a legislative proposal that would specify how the use provisions of the NE Gateway Overlay Zone might supersede those of the underlying zone within the geographic boundary without requiring an action such as expansion or redevelopment. New development standards would still be triggered by the "applicability" provisions, which would continue to have thresholds that would trigger applicability of development standards.

For the subject property, the proposed map amendment would substantially resolve the issue of commercial use for this one remaining block within Subarea 1 that doesn't already have C-3 zoning. In addition, the map amendment would mean the use of the property could not return to industrial use once industrial has ceased, which is consistent with the intent described for NE Gateway Overlay Subarea 1. (Subarea 2 allows a mix of light industrial, commercial, and residential uses, allowing for changes between these uses over time).

The proposed map amendment to the Comprehensive Plan Map and the Zoning Map would be consistent with what is already envisioned and articulated for the NE Gateway Overlay zone, specifically for Subarea 1: allowing for a transition from industrial use to commercial use and/or mixed-use including residential and office. The NE Gateway Overlay Zone as articulated in Ordinance 4971 has already been adopted and in effect for several years.

The primary effect of the map amendment would be to allow for a change of use of existing buildings to commercial use, whereas currently a change to commercial use would only be allowed if the site was redeveloped or if the existing building was expanded by 15% or more.

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City Council Options:

1. **ADOPT THE ORDINANCE** approving CPA 1-22 and ZC 2-22 and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.
2. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting.
3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5121.

Recommendation:

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found that the applicable criteria were satisfied, as provided in the decision document, and **RECOMMENDED APPROVAL** of the applications.

Staff **RECOMMENDS ADOPTION OF THE ORDINANCE** approving the applications as recommended by the Planning Commission.

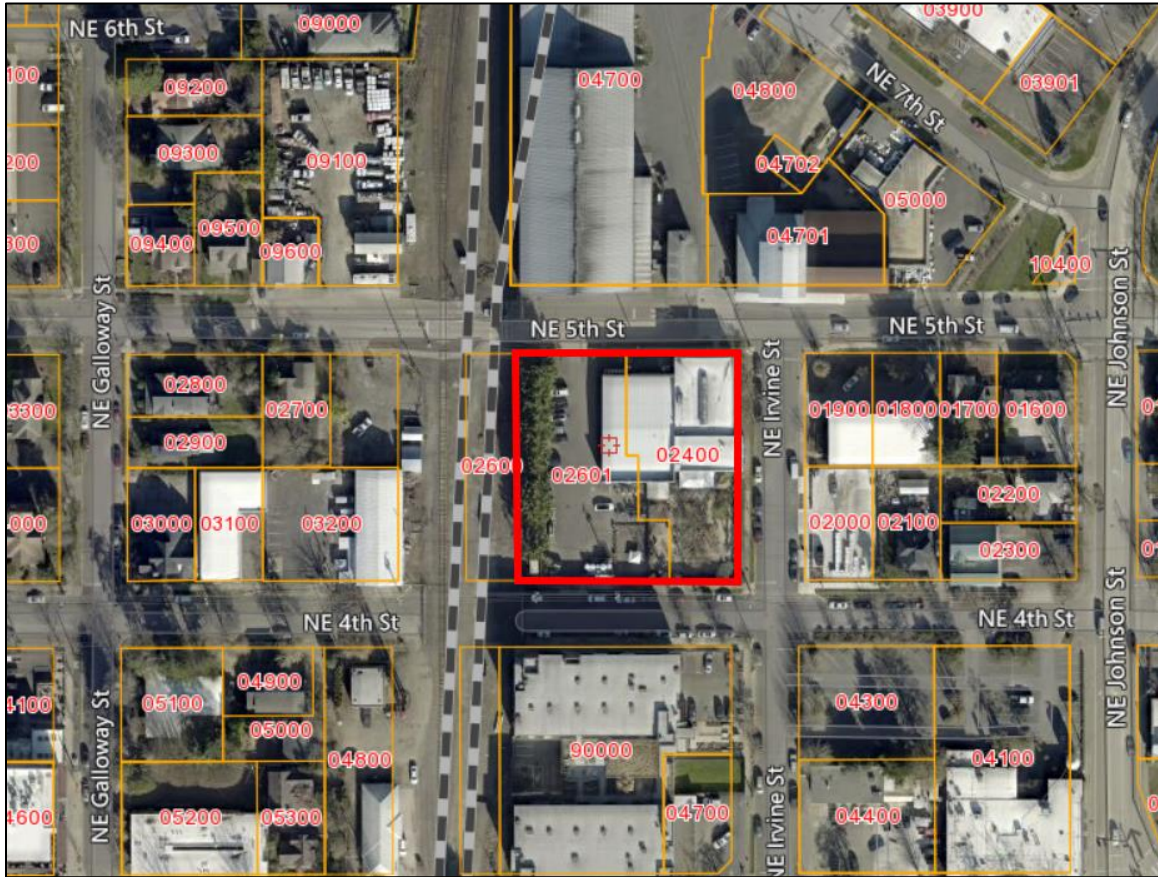
Suggested Motion:

“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5121.”

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Figure 1. Vicinity Map



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Figure 2a. Existing Comprehensive Plan Map

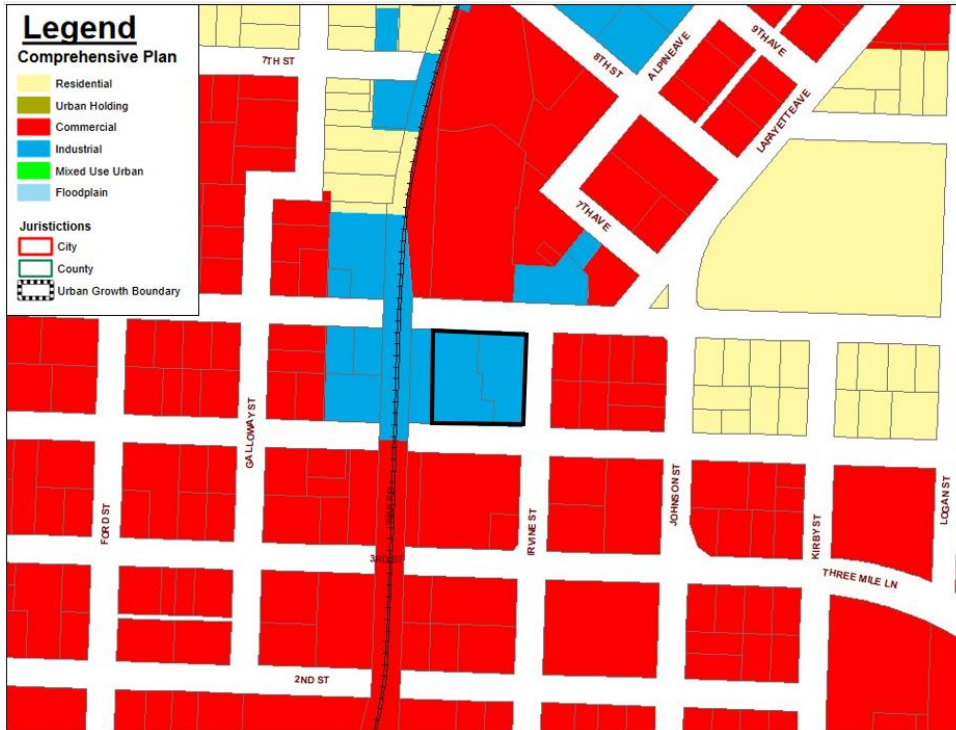
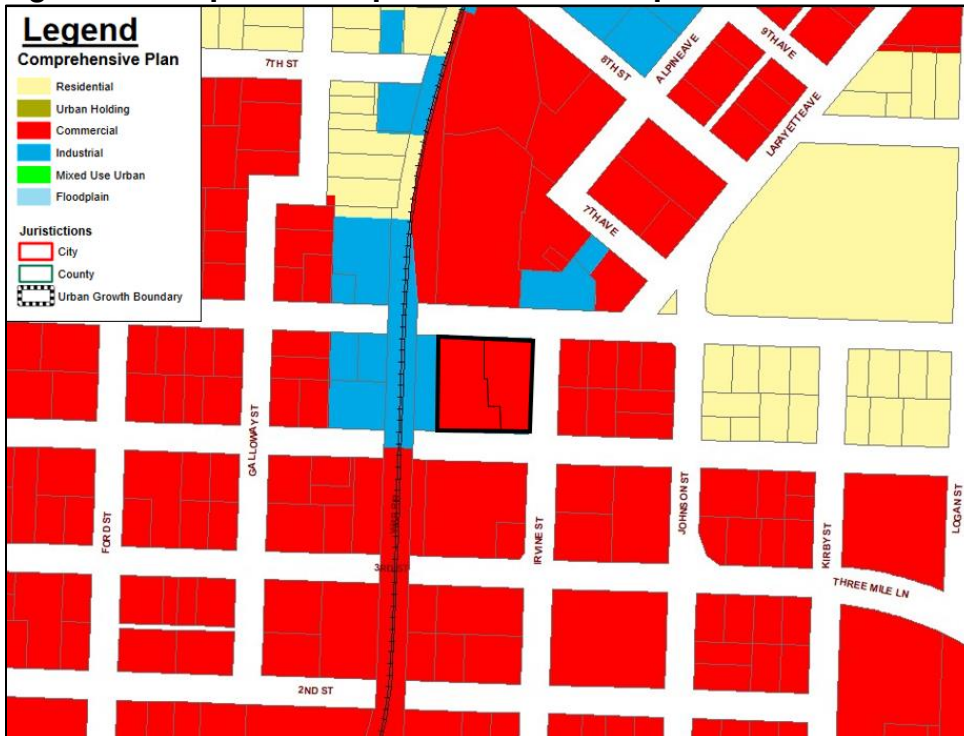


Figure 2b. Proposed Comprehensive Plan Map



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Figure 3a. Existing Zoning Map

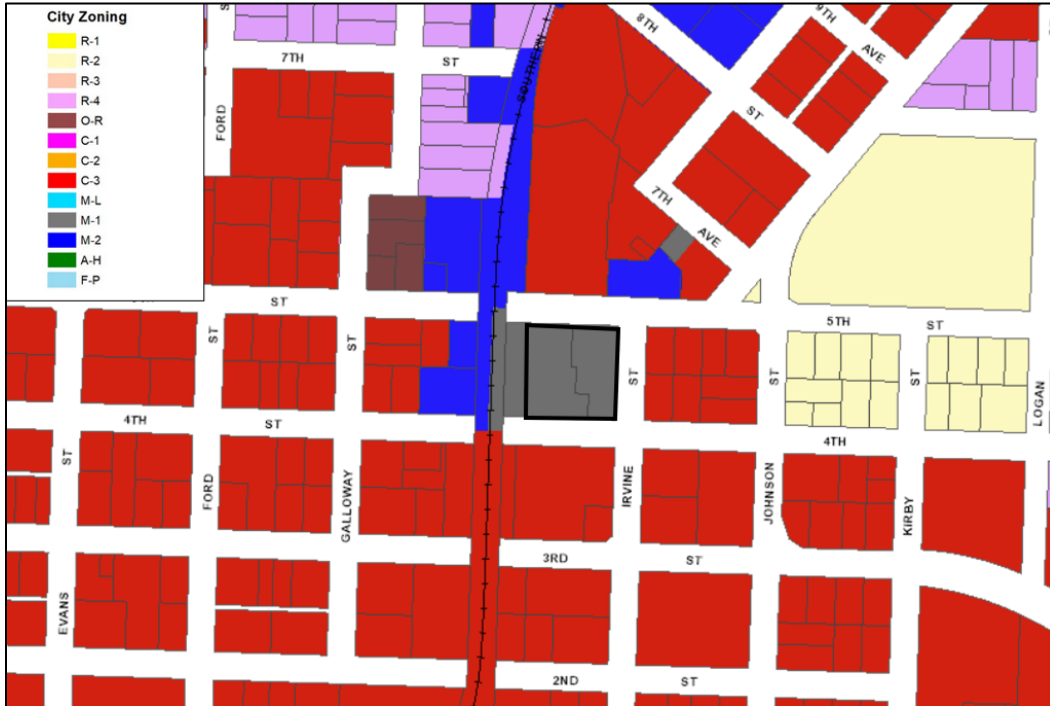
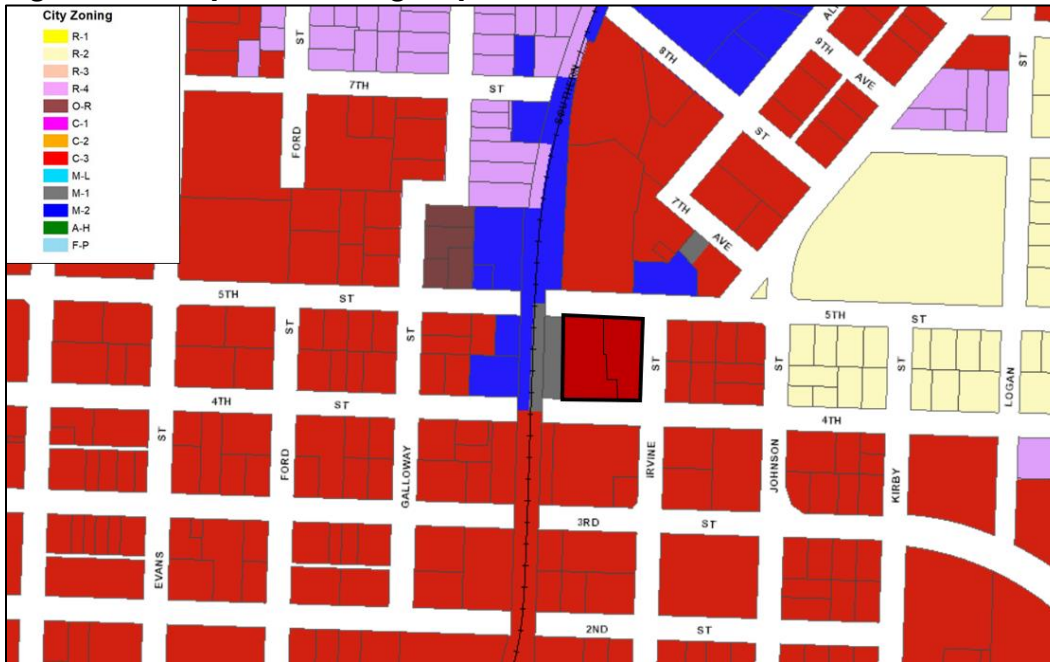


Figure 3b. Proposed Zoning Map



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Figure 4: NE Gateway Overlay Zone and Sub-Area Boundaries

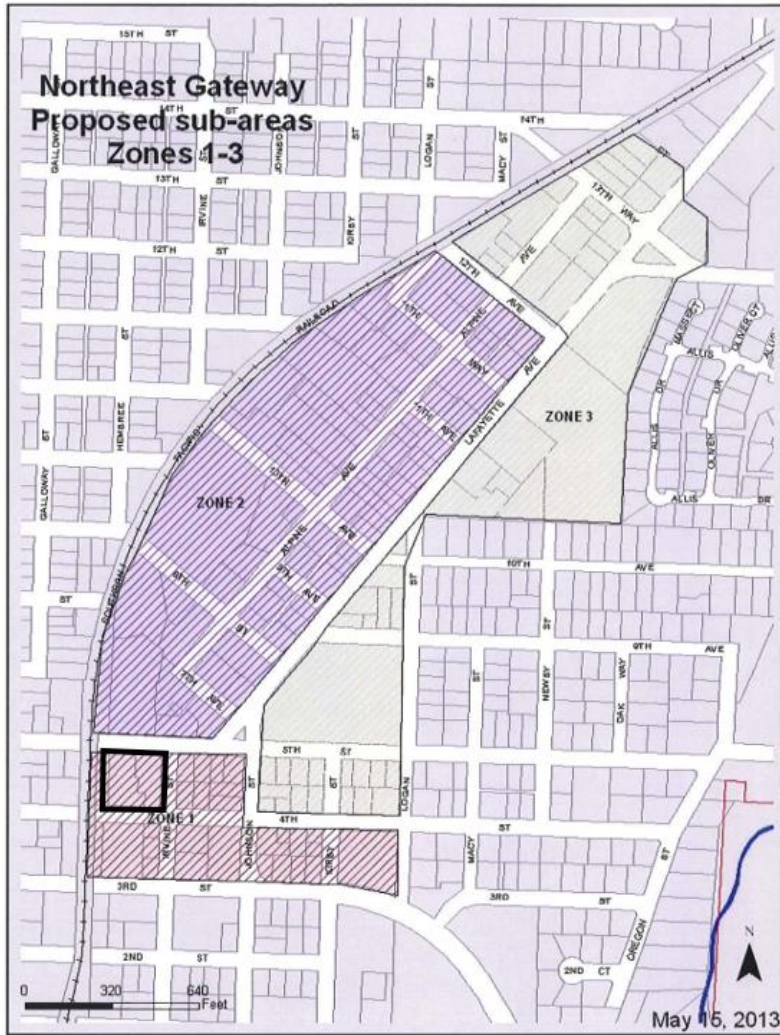


Figure 5: NE Gateway Overlay Permitted and Conditionally Permitted Uses.

Section 6 – Permitted and Conditionally Permitted Uses. One of the primary goals of the adopted NE Gateway Plan is to create a mixed-use neighborhood that allows for a variety of complementary uses within the same area. Thus the purpose of this section is to establish a list of such uses that would supplant traditional zoning for the area and help achieve this goal.

Table 1 describes the uses that are permitted or conditionally permitted in each of the three (3) Zones. The uses listed in **Table 1** supplant the uses that are currently permitted or conditionally permitted in the underlying zones as noted in the Zoning Ordinance. However, for properties zoned R-2 (Single-Family Residential) and R-4 (Multi-Family Residential) in Zone 3, the permitted and conditionally permitted uses listed in Chapters 17.15 and 17.21 respectively shall apply.

If a use is not listed in **Table 1** as either permitted or conditionally permitted, it should be considered a prohibited use. Alternatively, the procedure for determining the permissibility of a particular use that is not listed as permitted or conditionally permitted is stated in Section 17.54.010 (Classification of an Unlisted Use) of the Zoning Ordinance.

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Table 1

Use P - Permitted C -Conditionally Permitted	Zone	Zone	Zone
	1	2	3
Residential			
Single-Family	P ³	P ⁴	P -Only in R-2/R-4 zones
Social Relief Facility (up to 5 Individuals)	P	P	P
Two-Family	P	P	P ⁵
Multi-Family	P	P	P - Not permitted in R-2 zone
Group Living			
Assisted Living Facility/Nursing Home	C	C	C - Not permitted in R-2 Zone
Social Relief Facility (six or more)	C	C	C
Commercial			
Animal Grooming	P	P	P -Not permitted in Res zones
Call Center/Centralized Office	P	P	P -Not permitted in Res zones
Club/Lodge	C	C	C - Not permitted in Res zones
Commercial Recreation Center	C	C	C -Not permitted in Res zones
Conference Center	C	C	C -Not permitted in Res zones
Daycare (up to 12 individuals)	P	P	P
Daycare (more than 12 individuals)	C	C	C
Financial Services	P	P	P - Not permitted in Res zones
Food and Beverage Establishment (non-drive-through)	P	P	P - Not permitted in Res zones
Laundry Services	P	P	P - Not permitted in Res zones
Lodging: Bed and Breakfast/Vacation Home Rental	P	P	P - C in res zones
Lodging: Hotel/Motel	P	P	P -Not permitted in Res zones
Office Medical/Professional	P	P	P - Not permitted in Res zones
Parking Lot (non-accessory to existing use)	P	P	P - Not permitted in Res zones
Parking Lot (Public)	P	P	P - Not permitted in Res zones
Personal Services (including gym, spa, barber shop)	P	P	P - Not permitted in Res zones
Retail Sales(General) up to 25,000 square-feet on ground floor - non-auto	P	P	P -Not permitted in Res zones
Retail Sales(General) greater than 25,000 square-feet on ground floor - non-auto	P	C	C - Not permitted in Res zones
Repair /Service (non-auto)	P	P	P - Not permitted in Res zones
Theater	P	P	P - Not permitted in Res zones
Industrial			
Food/Beverage Manufacturing	-	P	-
Industry, Light ⁶	-	P	-

³ Permitted as mixed-use above first floor commercial

⁴ Permitted as mixed-use above first floor commercial

⁵ R-2 Standards in Chapter 17.15 apply to two-family in Zone 3

⁶ Manufacturing of goods carried out without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit.

Civic			
Church	C	-	C
College /University	C	C	C
Cultural Exhibit Center and Library	P	P	C
Government Building	C	C	C
School - Public or Private	C	C	C
Mixed-Use			
Artist Live/Work Space	P	P	P ⁷
Artist Live/Work Space with a Retail Component	P	P	P - Not permitted in Res zones
Food/Beverage Manufacturing with a Retail Component	P	P	P - Not permitted in Res zones
Commercial/Residential within Same Building	P	P	P - Not permitted in Res zones
Light Industrial with Residential Component above	-	P	-
Light Industrial with a Retail Component	-	P	-
Expansion of a Non-Conforming Use			
	-	-	-

Attachments:

1. CPA 1-22/ZC 2-22 Application
2. Minutes from July 21, 2022 Planning Commission Meeting
3. Ordinance No. 5121 with CPA 1-22/ZC 2-22 Decision Document

Figure 6: Applicability of NE Gateway Planned Development Ordinance:

Section 3 – Applicability of NE Gateway PDO. The provisions within the NE Gateway Planned Development Ordinance apply to an approximately 75-acre area located generally south of 14th Street, east of the Portland and Western Railroad, north of 3rd Street, and west of Logan Street and Lafayette Avenue, and as depicted in **Exhibit A**. The affected area is further divided into three zones (refer to map, **Exhibit B**), described as follows:

A. **Zone 1** is bordered by 3rd Street to the south, Logan Street to the east where it intersects with 4th Street, the railroad track to the west, and 5th Street to the north where it intersects with Johnson Street. The overall plan for this zone is a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.

...

D. The regulations contained in this ordinance apply to all new development within the area subject to this ordinance including the following:¹

1. New construction.
2. Any expansion of an existing development or structure involving the addition of 15 percent or more of the existing square footage of the building². Incremental additions over a period of three (3) consecutive years totaling 15 percent or more of the original square footage of the structure shall also be subject to the design standards in this ordinance.
3. New signage.
4. Parking lot design.
5. New roofing.
6. Changes to façade material (re-siding).
7. Window replacement/modification.

¹ In the case of an individual project such as a new roof or parking lot, the requirements of this ordinance are applicable to the proposed project only and not to the entire property or structure.
² Additions to existing buildings are not subject to the setback requirements as noted in Section 8

Figure 7: NE Gateway Non-Conforming Use Provisions.

Section 11 - Non-Conforming Uses. This Ordinance is intended to create a mixed-use neighborhood, a large component of which is dependent upon the extent to which the uses within the area provide a service to the immediate area and surrounding neighborhoods. Recognizing that certain existing uses are considered incompatible with the goals outlined in the NE Gateway Plan, and that property owners may have considerable investments in their property, the following shall apply to non-conforming uses within the NE Gateway.

A. Existing non-conforming uses shall be permitted to continue until they are changed to a conforming use, or until the existing non-conforming use is inactive for a period of 12 (twelve) consecutive months. Following a 12-month period of inactivity of a non-conforming use, neither the original non-conforming use nor a new non-conforming use shall be permitted on the property.

B. In the event that a structure containing a non-conforming use is destroyed by fire, accident, or act of God, the non-conforming use may resume upon the re- building of the structure provided that:

1. The structure is rebuilt and the non-conforming use resumes within 12 months of the event which ended the use, and;
2. The structure is rebuilt to comply with the design standards contained in Section 7 of this Ordinance.

C. The expansion of a structure housing a non-conforming use for the purpose of intensifying or increasing the non-conformity is not permitted.

Attachments:

1. CPA 1-22/ZC 2-22 Application
2. Minutes from July 21, 2022 Planning Commission Meeting
3. Ordinance No. 5121 with CPA 1-22/ZC 2-22 Decision Document



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.	CPA 1-22
Date Received	5/6/22
Fee	10,403.00
Receipt No.	200100
Received by	PA/IS

569-22-000172-PLNG

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

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

Applicant Name Steve Elzinga, Sherman Sherman Johnnie & Hoyt, LLP Phone (503) 364-2281

Contact Name _____ Phone _____
(If different than above)

Address 693 Chemeketa St NE

City, State, Zip Salem, OR 97301

Contact Email steve@shermlaw.com

Property Owner Information

Property Owner Name Carlton Hub, LLC Phone (503) 819-3000
(If different than above)

Contact Name Kellan Lancaster Phone _____

Address 15990 NW Red Shot Lane

City, State, Zip Carlton, OR 97111

Contact Email kellan.lancaster@theground.love

Site Location and Description

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

Property Address 455 NE Irvine Street, McMinnville, OR 97128

Assessor Map No. R4421BD 02400 and 02601 Total Site Area 0.9 Acres

Subdivision Rowlands Addition Block 16 Lot 1,2,3,6,7,8 + east 15ft 4&5

Comprehensive Plan Designation Industrial Zoning Designation M-1- Light Industrial

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. _____
Consistent with the city's overall land use pattern and strengthening the city's downtown commercial core, we request to amend the property's comprehensive plan designation from industrial to commercial and change the property's zoning from light industrial (M-1) to general commercial (C-3).
See attached narrative for details.

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). _____
See attached narrative on how all requirements are met.

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. _____
This application is not subject to a planned development overlay.

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 utilities are currently provided to existing building, and utility use is not expected to notably change.

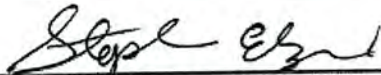
8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

See attached Transportation Planning Rule Analyses memo concluding that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worse case development scenario per OAR 660-012-0060.

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.
- Compliance of Neighborhood Meeting Requirements.
- 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

May 5, 2022
Date


Property Owner's Signature

May 2, 2022
Date

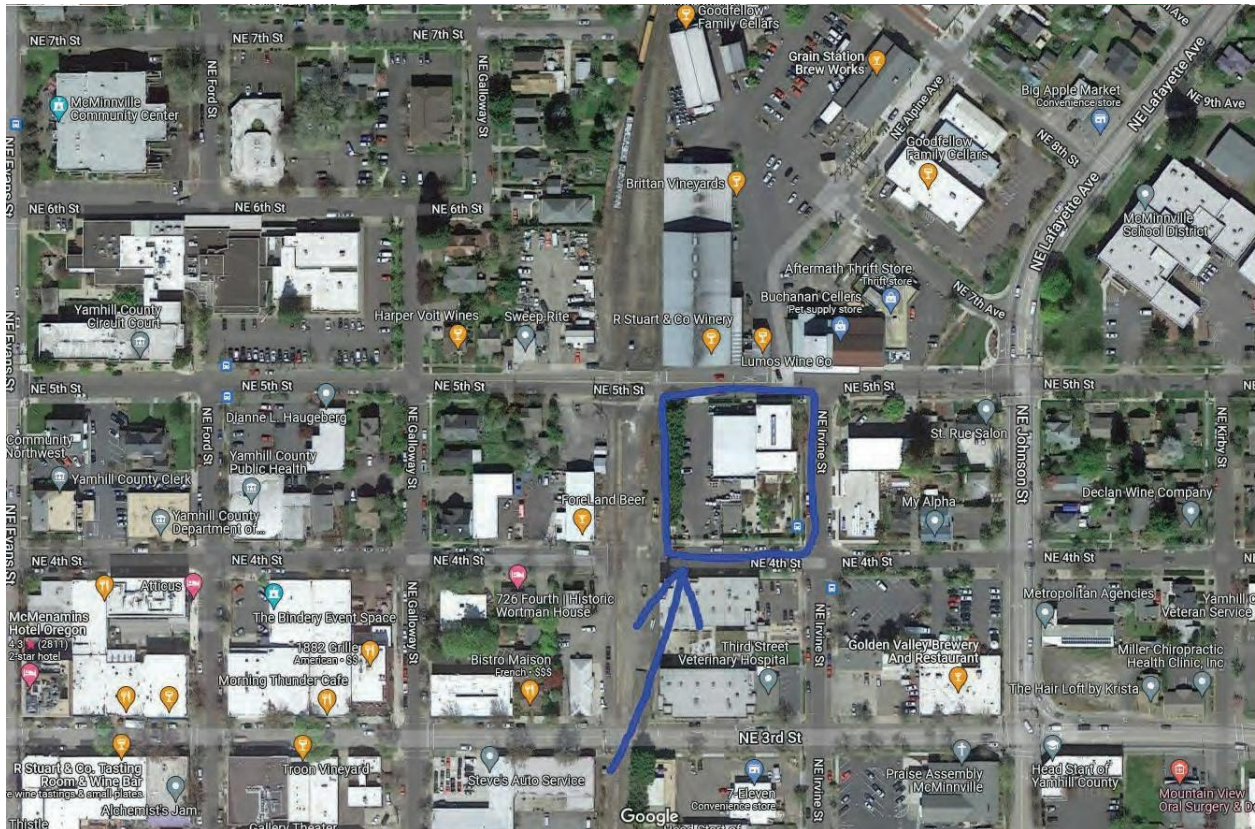
Application Supplemental Material

I. Introduction

Carlton Hub, LLC recently purchased the property at 455 NE Irvine St, the Elizabeth Chambers Cellars building. A picture of the building is below:



A satellite view of the property (circled) and surrounding area from [Google Maps](#) is below:



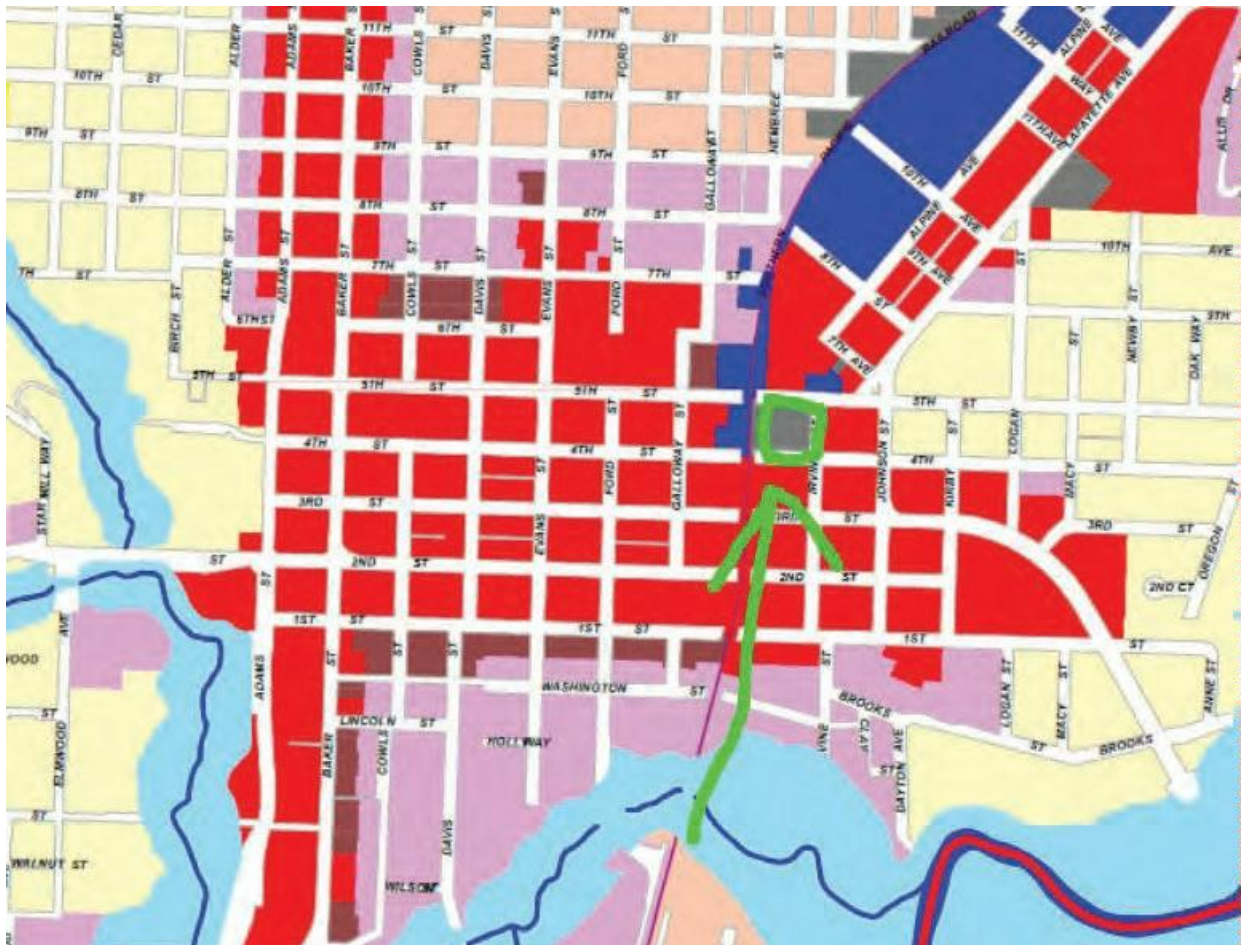
The existing site currently has a winery and tasting room, warehouse space, meeting room, kitchen, large patio, parking, and landscaping. Parts of the property have been used intermittently

for special events. Carlton Hub wants to operate a leisure business on the property, likely including a restaurant and other allowed commercial uses. This will fit in well with the current vibe of the adjacent central business district and help connect the trail from the commercial uses in Historic Downtown to the similar commercial uses along Alpine.

Unfortunately, the property's current light industrial (M-1) zoning places significant limits on property use for leisure businesses other than use as a tasting room. Also, the M-1 zoning allows uses like heavy manufacturing, dyeing facility, freight depot, or kennel that would not fit well in the area.

To allow more leisure business options aligned with surrounding property uses, Carlton Hub seeks a zone change to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial.

If a picture is worth a thousand words, the current zoning map is worth a million words here. The property is on a metaphorical lone island of light industrial zoning surrounded by a sea of commercial:



The property's zoning as light industrial (grey) is isolated. While there is a small amount of nearby general industrial (dark blue), most nearby properties are general commercial C-3 (red).

In fact, the property is immediately north of the central business district—just across 4th Street—and just south of Alpine, so it makes sense to change it to C-3 zoning as a link between the adjacent central business district and the neighboring Alpine commercial area.

This change is consistent with the city’s overall land use pattern, helps promote the current downtown commercial core, and is consistent with zoning and uses in the immediate vicinity.

II. This application satisfies all required criteria.

Approval for both a comprehensive plan amendment and a zone change is based on the same criteria list in McMinnville City Code 17.74.020.

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

This application is consistent with the city’s Comprehensive Plan both generally and in all important details, as explained below.

Chapter II Natural Resources

Goal II 1: To preserve the quality of the air, water, and land resources within the planning area.

This application is to re-zone and maximize use of underutilized property in the city’s downtown core, which will preserve undeveloped property near the city limits.

This application relates to a previously developed area, so it will not notably impact air, water, and land resources. No new emission sources are planned. The property is not in a flood plain and has no wetlands. There are no landslide hazards. The proposed leisure business will have less noise and air impact than the potential industrial uses currently allowed on the property.

Chapter III Cultural, Historic, and Educational Resources

Goal III 2: To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archaeological significance to the City of McMinnville.

The building on the property has been designated a distinctive historical resource by the city.¹ It was built in 1926-27 and was historically the city power plant. It has undergone interior alternation and had several subsequent additions since the 1990s that turned it into a winery and tasting room. Carlton Hub wants to preserve the existing structure and re-purpose it for commercial leisure uses.

Goal III 6: Increase heritage tourism

This commercial leisure business with help amplify and create synergy with existing heritage tourism downtown.

¹https://www.mcminnvilleoregon.gov/sites/default/files/archives/Historic_Resources/A_Book/a796_inventory.pdf

Chapter IV Economy of McMinnville

Goal IV 1: To encourage the continued growth and diversification of McMinnville's economy in order to enhance the general well-being of the community and provide employment opportunities for its citizens.

This application will help maximize the economic potential of the existing property to provide more jobs, services, and economic growth. By locating near other leisure businesses, Carlton Hub's leisure business will add to the synergy of the area, benefiting surrounding businesses as well as its own, and helping link downtown to Alpine.

Commercial Development

Goal IV 2: To encourage the continued growth of McMinnville as the commercial center of Yamhill County in or der to provide employment opportunities, goods, and services for the city and county residents.

Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.

This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.²

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041).³ In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.⁴

²City of McMinnville, Ordinance 4976: Economic Opportunities Analysis (2013), p. 56, [*****.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa_final_acknowledged_plan.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa_final_acknowledged_plan.pdf)

³ City of McMinnville, Draft Economic Opportunities Analysis (Feb. 2020), pp. 102-103, [*****.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville_economic_opportunities_analysis_v15_tracked.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville_economic_opportunities_analysis_v15_tracked.pdf)

⁴ *Id.* at p. 101, Ex. 57.

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

All existing downtown leisure businesses benefit from continued solidification of the city core as a local and regional center for leisure. Carlton Hub's business will have significant synergy with the nearby wineries and tasting rooms, and help link downtown to Alpine.

Goal IV 3: To ensure commercial development that maximizes efficiency of land use through utilization of existing commercial designated lands, through appropriately locating future neighborhood-serving and other 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.

Policy 23.00 Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

This application seeks to maximize efficiency of existing developed land for surrounding commercial leisure uses. Further, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current surrounding commercial leisure uses, so this zone change benefits the entire area by preventing industrial interference with existing surrounding commercial uses.

This application seeks to align with the current cluster of commercial leisure businesses in and around the central business district, which is just across the street from this property, and link to the cluster of commercial leisure businesses in the Alpine area just north of this property. This will help further encourage the walkable downtown/Alpine area.

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis.

This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.⁵

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land

⁵City of McMinnville, Ordinance 4976: Economic Opportunities Analysis (2013), p. 56, [*****.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa_final_acknowledged_plan.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa_final_acknowledged_plan.pdf)

(286-acre deficit projected by 2041).⁶ In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.⁷

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.

There is no better place to locate commercial uses than the location in this application, which is surrounded by other commercial uses. If this property were used for many of the currently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel), it would conflict with the surrounding commercial uses. Current city services adequate for commercial use are already present in this area.

Policy 26.00 The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.

The commercial leisure uses envisioned for this property are an ideal fit for the area, right next the central business district. The property has existing off-street parking as well as immediately adjacent street spaces. Once a specific use is determined, Carlton Hub will need to meet all requirements for that specific use and demonstrate such compliance in a separate application.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

Policy 30.00 Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.

The property has existing access that avoids residential neighborhoods. The proposed commercial leisure business is similar to use of the property as a tasting room, so there should not be a notable impact on traffic on adjacent streets.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

⁶ City of McMinnville, Draft Economic Opportunities Analysis (Feb. 2020), pp. 102-103, [*****.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville_economic_opportunities_analysis_v15_tracked.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville_economic_opportunities_analysis_v15_tracked.pdf)

⁷ *Id.* at p. 101, Ex. 57.

Policy 31.00 Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.

This property has good bicycle and pedestrian links with the surrounding area. Use as a commercial leisure business is consistent with these links. Notably, this property will help serve as a link between the downtown core and the Alpine area.

Goal IV 4: To promote the downtown as a cultural, administrative, service, and retail center of McMinnville.

Policy 36.00 The City of McMinnville shall encourage a land use pattern that:

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city; . . .*

This application promotes integrating commercial uses in the downtown core of the city, by shifting the small, isolated industrial property to commercial. This application will also link the commercial uses downtown with the commercial uses in the Alpine area.

Policy 41.00 The City of McMinnville shall encourage the expansion of retail and other commercial enterprises east of the railroad tracks and north and south of Third Street consistent with the adopted "Downtown Improvement Plan."

This application builds upon the recent expansion of the downtown commercial core east of the railroad tracks. This property is located just a block north of this policy's focus. Further, this property is a link between commercial uses downtown and along Alpine.

Policy 44.00 The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.

This property has an existing off-street parking lot.

Industrial Development

Goal IV 5: To continue the growth and diversification of McMinnville's industrial base through the provision of an adequate amount of properly designated lands.

As described above, both the 2013 and draft 2020 Economic Opportunities Analysis show a surplus of industrial land. Thus, removal of 0.9 acres from available industrial land will not hinder needed industrial growth.

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 49.00 The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.

This industrial property is surrounded primarily by commercial uses that would be harmed by many of the industrial uses currently allowed on the property. Aligning this property with surrounding commercial property serves the best interest of logical, orderly, and efficient development.

Policy 49.02 The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis.

Policy 50.00 The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.

The city encourages industrial uses primarily (1) adjacent to the airport and south of Three Mile Lane and (2) adjacent to the existing Riverside Drive industrial area—both of which are far from this property. Removing this property from industrial use is consistent with the city’s policy of encouraging industrial use elsewhere.

Chapter VI Transportation System

Goal VI 1: To encourage development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

This application fits into the existing transportation system as demonstrated by compliance with the goals and polices below.

Mass Transportation

Policy 100.00 The City of McMinnville shall support efforts to provide facilities and services for mass transportation that serve the needs of the city residents.

Policy 104.00 The City of McMinnville shall encourage a centrally located bus terminal, for intercity and intracity bus services.

Policy 105.00 The City of McMinnville shall examine the impacts of transportation proposals involving bus and/or rail terminals on surrounding land uses.

This property is in easy walking and biking distance from the McMinnville Transit Center (less than four blocks away), making it well suited for a leisure-based commercial use. Yamhill County Transit routes link the McMinnville Transit Center to regional transit centers in Hillsboro, Tigard, West Salem, and Grand Ronde, in addition to local cities like Lafayette, Dayton, Dundee, Newberg, Amity, Carlton, Yamhill, Sheridan, and Willamina.⁸ Commercial uses on this property (rather than industrial uses) will help link the trail between the transit center and commercial uses along Alpine.

⁸ <https://ycbus.org/routes-and-schedules/schedules/>

Rail

Policy 108.00 The City of McMinnville shall encourage the modification, relocation, or termination of rail activities that conflict with existing developed land uses in the city.

Policy 112.00 The City of McMinnville shall encourage, through zoning and other regulations, the location of industrial lands adjacent to rail lines in areas where industrial uses will be compatible with surrounding land uses, and where the goals and policies of this plan are met.

The property is adjacent to railroad property, but it is also an area where many industrial uses are not compatible with surrounding commercial uses. Notably, this property is buffered from the main railroad line by a 45-foot-wide-by-200-foot-deep parcel between Carlton Hub's property and the property on which the railroad line is located. This 45-foot-wide parcel is owned and used by the railroad as a storage area; it would remain in light industrial zoning after approval of this application. The city's policies on rail support this application.

Streets

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

Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

The property is already served by the existing street network, with existing safe and easy street access with driveways on both NE 5th St and NE 4th St.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

Parking

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

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

Policy 128.00 The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.

The property has an existing off-street parking lot as well as immediately adjacent street spaces. The property is also less than four blocks away from the public parking structure on NE Evans St.

Bike Paths

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

The property already has good bike access under the Bicycle System Plan with sharow designation on 5th Street and nearby bike lanes or shoulders on NE Lafayette Ave, Three Mile Ln, 2nd St, and 3rd St.⁹

Complete Streets

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.

The property has good access for walking, biking, bus transit, and driving, as noted in other sections of this application. In particular, the existing sidewalks are accessible and are shielded from traffic by street trees. The property has good walking access with the existing downtown sidewalk network.¹⁰ 5th St is designated for bike sharing. The property is less than four blocks away from the transit station and a public parking garage. The property has off-street parking.

Livability

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways

This application will help meet the goal of clustering commercial uses in the downtown core to minimize neighborhood disruption and encourage public transit, biking, and walking.

Chapter VII Community Facilities and Services

Goal VII 1: To provide necessary public and private facilities and utilities at levels commensurate with urban development . . .

All needed utilities are already provided for this property, including sewers, storm drainage, water, etc.

⁹ City of McMinnville, Transportation System Plan, Page 1-7 (Ex. 1-3), 3-27 (Ex 3-22), 6-6 (Ex 6-2), available at *****.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/mcminnville_tsp_2010.pdf

¹⁰ Page 3-24, Ex. 3-20, *****.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/mcminnville_tsp_2010.pdf

Water and Sewer – Land Development Criteria

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.*

This property already has full utilities. This application envisions a commercial leisure use similar to use as a tasting room, so there should not be notable impact on utilities.

Parks and Recreation

Goal VII 3: To provide parks and recreation facilities, open spaces, and scenic areas for the use and enjoyment of all citizens of the community.

Policy 166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

By utilizing an already-developed property in the downtown core, this application helps avoids further enrichment on open spaces and natural areas elsewhere.

Chapter VIII Energy

Goal VIII 1: To provide adequate energy supplies, and the systems necessary to distribute that energy, to service the community as it expands

Policy 171.00 The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.

By utilizing an already-developed property in the downtown core, this application helps minimize energy use. By locating near the current clusters of commercial leisure business in the downtown core and along Alpine, customers of the business at this property can easily walk to nearby similar businesses, which will reduce overall fuel use and lower carbon emissions.

Similarly, by locating in the already-developed downtown core, this application will not require any new energy system changes or development.

Energy Conservation

Goal VIII 2: To conserve all forms of energy through utilization of land use planning tools.

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

This application proposes further development within a compact urban core, which will help conserve all forms of energy. This application helps cluster commercial uses near other commercial uses instead of having a small, isolated island of industrial uses within an area that is predominately commercial. This promotes efficiency for customers moving between this commercial use and nearby commercial uses.

Chapter IX Urbanization

Goal IX 1: To provide adequate lands to service the needs of the projected population to the year 2023, and to ensure the conversion of these lands in an orderly timely manner to urban services.

This application focuses on orderly and timely development of commercial uses in the downtown core, which will help reduce the pressure for bringing in new lands to the UGB due to the projected shortage of commercial property described above.

Chapter X Citizen Involvement and Plan Amendment

Goal X 1: To provide opportunities for citizen involvement in the land use decision making process established by the city of McMinnville.

Goal X 2: To make every effort to engage and include a broad cross section of the community by maintaining an active and open citizen involvement program that is accessible to all members of the community and engages the community during development and implementation of land use policies and codes.

Goal X 3: To periodically review and amend the McMinnville Comprehensive Plan to reflect changes in community circumstances, in citizen desires, and in the statewide goals.

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.

Policy 189.00 The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.

Citizen involvement is ensured through this process by the applicant holding a publicly-noticed neighborhood meeting and providing a summary of all public comments as an attachment to this application, participating in a publicly-noticed public hearing before the Planning Commission, and ultimate consideration at a publicly-noticed meeting before the City Council.

All neighborhood meeting requirements under 17.72.095(G) have been met here.

1. A copy of the meeting notice mailed to surrounding property owners;

See Exhibit D.

2. A copy of the mailing list used to send the meeting notices;

See Exhibit E.

3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;

See Exhibit F.

4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and

See Exhibit G.

5. Notes of the meeting, which shall include:

a. Meeting date;

b. Meeting time and location;

c. The names and addresses of those attending;

d. A summary of oral and written comments received; and

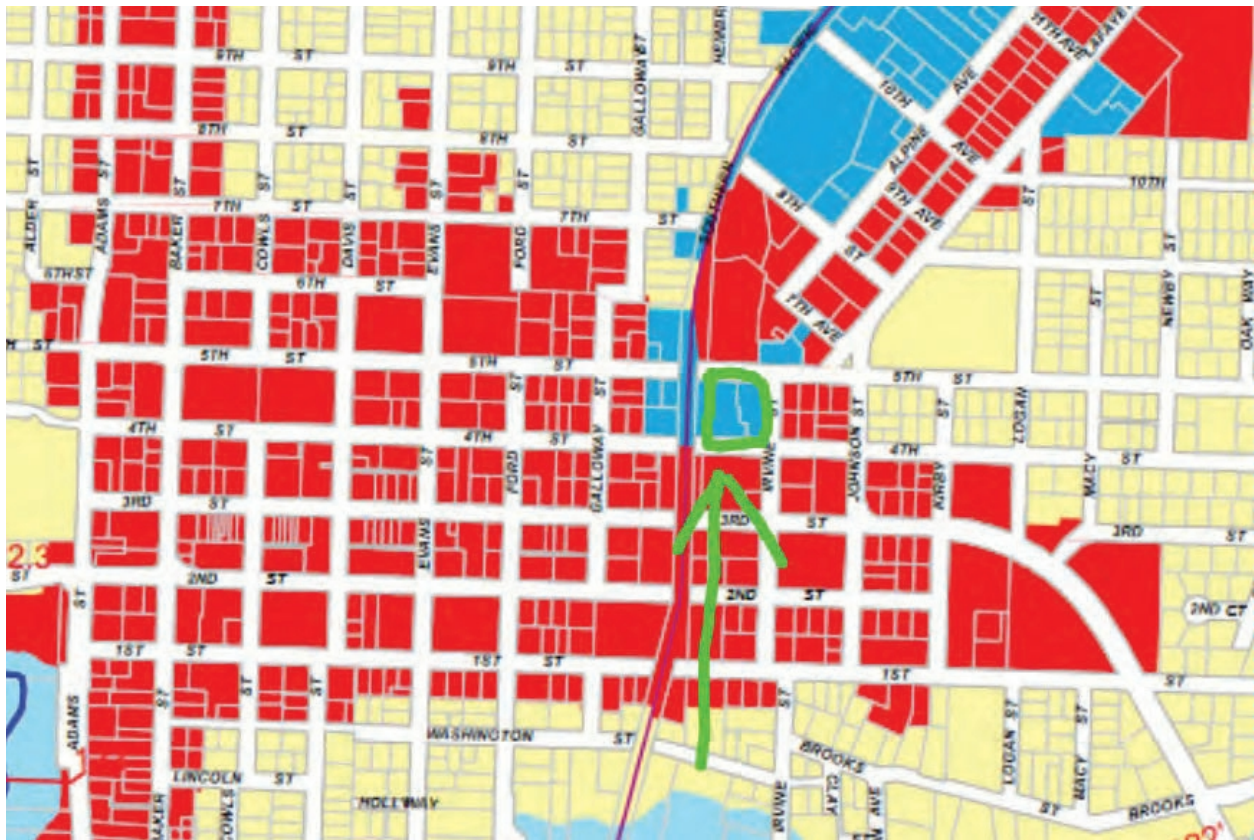
e. A summary of any revisions made to the proposal based on comments received at the meeting

See Exhibit H. Also, revisions to the proposal include providing more information on existing and potential uses in this application, to the extent that is possible given current ongoing planning and the limited factors considered in a zone change application.

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

It is hard to imagine a more orderly and timely proposal. If anything, the zone should have been changed years ago. See zoning map in introduction.

On the comprehensive plan map, the property is in an isolated area of industrial (blue) surrounded by a sea of commercial (red). The properties immediately to the south, east, and part of the north are all commercial designation. Changing the comprehensive plan to commercial fits well in the overall current land use pattern, especially by helping link downtown commercial with commercial in the Alpine area.



Over time, the city's industrial area has primarily shifted to the northeastern part of the city and away from downtown. This application is consistent with this shift.

In fact, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current land use pattern. There are a number of nearby leisure businesses that would align well with having another leisure business in this location.

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

The property already has sufficient utilities and services. The proposed use for a leisure business like a restaurant is very similar to use as a tasting room, so this change should not have a notable impact on area utilities, services, or traffic.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worse case development scenario per OAR 660-012-0060.

MEMORANDUM

Date: May 2, 2022 Project #: 27710

To: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville
 Arielle Ferber, PE, & Dan Fricke, ODOT Region 2

Cc: Frank Foti
 Mark Hoyt, Sherman Sherman Johnnie & Hoyt, LLC

From: Julia Kuhn, PE & Chris Brehmer, PE

Project: Carlton Hub Rezone

Subject: Transportation Planning Rule Analyses

This trip generation memorandum was prepared for review by City of McMinnville and Oregon Department of Transportation (ODOT) Region 2 staff related to the proposed Zone Change and Comprehensive Plan amendment for the property located at 455 NE Irvine Street. Today, the lot is 0.9 acres (i.e., 39,204 square feet) in size and is zoned M-1 (Light Industrial) with a Comprehensive Plan designation of Industrial. For reference purposes, the existing site houses a winery/tasting room, warehouse space and a kitchen in the southern portion of the building and winemaking and related storage in the northern portion. As proposed, the site would be rezoned to C-3 (General Commercial) with a Comprehensive Plan designation of Commercial.

The change in the Zoning and Comprehensive Plan designations require the preparation of Transportation Planning Rule (TPR) analysis per Oregon Administrative Rule (OAR) 660-012-0060. As summarized herein, the proposed changes are not estimated to result in a significant effect on the transportation system, as defined by the TPR. Therefore, we conclude no additional technical analyses are needed and no capacity-based mitigation is required to support the proposals.

TRANSPORTATION PLANNING RULE (TPR) EVALUATION

Two sections of Oregon's Transportation Planning Rule apply to amendments to acknowledged land use designations. Per OAR 660-012-0060(1) and (2), the first step in assessing an amendment's potential transportation impact is to compare the trip generation potential of the site assuming a "reasonable worst-case" development scenario under the existing and proposed zoning. If the trip generation potential increases under the proposed zoning, additional analysis is required to assess whether the rezone will "significantly affect" the transportation system. Conversely, if the trip generation under the proposed zoning is equal to or less than that under the existing zoning, no additional analysis is necessary to conclude that the proposal does not "significantly affect" the transportation system.

Trip Generation Comparison

To test for a significant effect, we reviewed the change in trip generation potential of the permitted land uses associated with the existing zoning versus the potential zoning designations. Based on a review of allowed uses summarized in the City's Zoning Code, the reasonable worst case trip generators appear to be:

M-1 = business school, trade school, college, laboratory testing facilities, professional office space, hospitals and medical offices, child care/day care, and up to 400 square feet of wine tasting rooms; of this list, medical office and daycare are the most intensive trip generators

C-3 = drug store or pharmacy, medical or dental office building, a variety of retail uses, daycare, lodging, restaurant, bank, office space, veterinary offices, and residential uses over ground floor retail; of this list, the pharmacy, daycare, bank, and restaurant are the most intensive trip generators.

Based on a comparison of the two zones, a daycare and medical office space is permitted in each whereas a restaurant, pharmacy and bank would be allowable within C-3 but not M-1. For comparison purposes the daily and weekday PM trip generation associated with each of the uses per information contained in the *Trip Generation Manual* (11th Edition, as published by the Institute of Transportation Engineers in 2021) is as follows:

Daycare (Land Use 565) = 47.62 daily trips per 1,000 square feet and 11.12 weekday PM peak hour trips per 1,000 square feet.

Medical or Dental Office Building (Land Use 720) = 36 daily trips per 1,000 square feet and 3.93 trips per 1,000 square feet of building space.

Pharmacy without a Drive-Through (Land Use 880) = 90.08 daily trips and 8.51 trips per 1,000 square feet with PM peak hour pass-by rate equal of 53 percent; with pass-by applied this equates to 42.34 net new daily trips and 4 net new weekday PM peak hour trips per 1,000 square feet.

Drive-In Bank (Land Use 912) = 100.35 daily trips and 21.01 weekday PM peak hour trips with a PM peak hour pass-by rate equal to 35 percent (the daily walk-in bank rates not provided and the weekday PM peak hour rates are extremely limited); with pass-by applied this equates to 65.23 net new daily trips and 13.65 net new weekday PM peak hour trips per 1,000 square feet.

High Turn-over, Sit-Down Restaurant (Land Use 932) = 107.20 daily trips and 9.05 trips weekday PM peak hour per 1,000 square feet with a pass-by rate equal to 43 percent; with pass-by applied this equates to 61.10 net new daily trips and 5.16 net new weekday PM peak hour trips per 1,000 square feet.

Based on the above, we suggest that a daycare offers the highest trip generation under the existing M-1 zoning and a drive-in bank and the restaurant offer the highest trip generation under the proposed

zoning. Further, M-1 zoning would permit a Floor Area Ratio (FAR) of 0.40 whereas C-3 would be associated with a 0.25 FAR. Therefore, we postulate that the “reasonable worst case trip generation” would be:

Existing M-1 Zoning = 15,682 square feet daycare (i.e., 0.9 acres * 0.4 FAR)

Proposed C-3 Zoning = 9,801 square feet of building (using a 0.25 FAR); however, this is larger than a typical bank so we suggest assuming a 5,000 square foot bank (the average of the sites surveyed) and a 4,801 square foot high-turnover, sit-down restaurant share the building space.

Table 1 presents trip generation estimates for both zoning designation scenarios based on the *Trip Generation Manual* rates.

Table 1. Trip Generation Comparison

Land Use	ITE Code	Size (sq ft)	Average Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Existing M-1 Zoning						
Daycare	565	15,682	746	174	82	92
Proposed C-3 Zoning						
Drive-In Bank	912	5,000	502	105	53	52
<i>Pass-by Trips (35 percent)</i>			176	36	18	18
High Turnover Restaurant	932	4,801	514	43	26	17
<i>Pass-by Trips (43 percent)</i>			222	18	9	9
<i>Total Trips</i>			1,016	148	79	69
<i>Total Net New Trips</i>			618	94	52	42
Difference between Proposed and Existing Zoning						
<i>Total Trips</i>			270	-26	-3	-23
<i>Total Net New Trips</i>			-128	-80	-30	-50

As shown, the proposed zoning would result in a decrease in net new trip-making when considering the potential reasonable worst case development scenarios. The City of McMinnville requires a traffic impact analysis (TIA) for development with trip generation increases of 200 or more average daily trips or 20 or more PM peak hour trips. Based on this standard, no significant effect to the transportation system would result from the proposed action.

We further note that the Oregon Department of Transportation (ODOT) has established a threshold for determining whether a proposed amendment is significant. Per Oregon Highway Plan Policy 1F.5, any proposed amendment that does not increase the average daily trips by more than 400 is not considered “significant”. Based on both the City and ODOT standards, we conclude that the proposed zone change does not represent a significant effect per the TPR.

SUMMARY OF APPLICABLE OREGON ADMINISTRATIVE RULE CRITERIA

OAR Section 660-12-0060 of the TPR sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 2 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed rezone from M-1 to C-3 and the proposed Comprehensive Plan designation change from Industrial to Commercial.

Table 2. Summary of Criteria in OAR 660-012-0060

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant effect.	Yes
2	Describes measures for complying with Criteria #1 where a significant effect is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	No
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	A significant effect may not occur if the rezone is identified on the City's Comprehensive Plan and assumed in the adopted Transportation System Plan.	No
10	Agencies may consider measures other than vehicular capacity if within an identified multimodal mixed-use area (MMA).	No
11	Allows agencies to override the finding of a significant effect if the application meets the balancing test.	No

As shown in Table 2, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criterion 1 is applicable to the proposed land use action. This criterion is provided below in italics with our response shown in standard font.

OAR 660-12-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: The proposed change in zoning designation would not require changes to the City's functional street classification designations or those standards implementing the functional classification system. Further, the proposal would result in a decrease in net new trip making, thereby not resulting in a degradation of system performance or the level of travel anticipated. Accordingly, no significant affect would result from the proposed change.

CONCLUSIONS

Based on the above analyses, we conclude that the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060 and no further traffic analysis be required as part of the proposed Carlton Hub Zone Change and Comprehensive Plan amendment. If you have any questions, please feel free to contact us at (503)-228-5230.

WORKSHEET for:

CARLTON HUB, LLC

Location: NW 1/4 SEC. 21 T. 4 S., R. 4 W., W.M.
BLOCK 16 ROWLANDS ADDITION,
CITY OF McMINNVILLE, YAMHILL COUNTY, OREGON

Date: 14 MARCH 2022

TAX LOT: R4421BD - 2400 & 2601

Legend

- = PROPERTY LINE
- = LOT LINE
- = CENTERLINE STREET
- = FENCE
- = GATE
- = OVERHANG AREA
- = BUILDING
- = EASEMENT FOR ONLINE NW
- = CONCRETE
- = GAS BOX
- = GAS METER
- = POWER METER

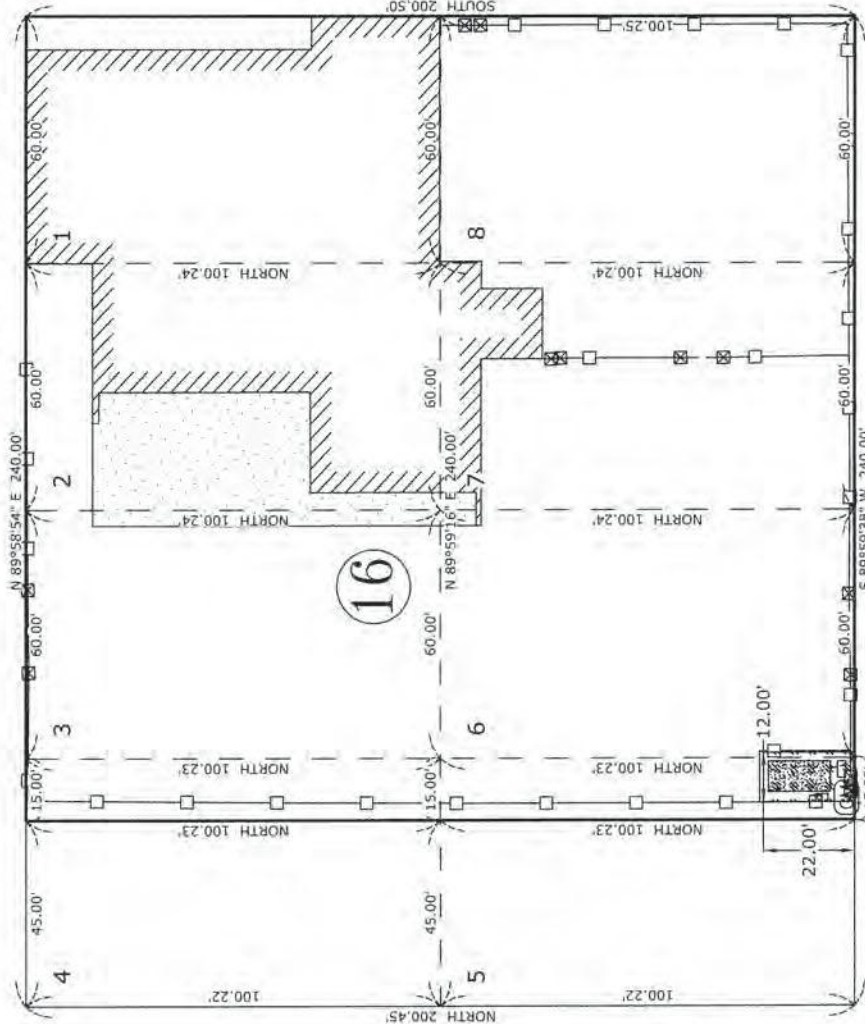
EASEMENT LOCATION IS BASED ON MY CONVERSATION WITH MATT HOPKINS AT ONLINE NW, AND THE PHYSICAL LOCATION OF THE FENCING SURROUNDING THE SUBSTATION, NOT WHAT WAS RECORDED IN INSTRUMENT NO. 202123244 AS IT IS TOO AMBIGUOUS TO PLACE. THE INTENT WAS TO HAVE ACCESS FROM 5TH STREET SOUTHERLY TO THEIR STATION IN THE SOUTHWEST CORNER AND TO BE ABLE TO ACCESS AND MAINTAIN SAID STATION. I HELD THE WIDTH OF 12 FEET FROM INSTRUMENT NO. 202123244.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Leland A. MacDonald
OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2022

By : Leland MacDonald & Assoc., LLC
Formerly dba Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: lee@macdonaldsurveying.com



4TH STREET

5TH STREET

IRVINE STREET

TICOR TITLE™ 471822115257

AFTER RECORDING RETURN TO::

Benesch Friedlander Coplan & Aronoff LLP
71 South Wacker Drive, Suite 1600
Chicago, Illinois 60606
Attention: Shane T. Devins, Esq.

SEND TAX STATEMENTS TO:

Carlton Hub LLC
15990 NW Red Shot Lane
Carlton, Oregon 97111

Yamhill County Official Records	202204021
DMR-DDMR	03/17/2022 12:23:01 PM
Stn=1030 WANNERK	
5Pgs \$25.00 \$11.00 \$5.00 \$60.00	\$101.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

STATUTORY SPECIAL WARRANTY DEED

THIS DEED (this "Deed") made this 16th day of March, 2022, by CHAMBERS 455, LLC, an Oregon limited liability company ("Grantor"), having an address of 3350 King Edwards Court, Eugene, OR 97401, to CARLTON HUB LLC, an Oregon limited liability company ("Grantee"), whose address is 15990 NW Red Shot Lane, Carlton, Oregon 97111.

Grantor conveys and specially warrants to Grantee the real property situated in Yamhill County, State of Oregon, described on the attached Exhibit A, free of encumbrances created or suffered by the Grantor except as specifically set forth on Exhibit B.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9

**AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,
CHAPTER 8, OREGON LAWS 2010.**

The true consideration for this conveyance is \$3,100,000.00.

IN WITNESS WHEREOF, Grantor has duly executed this Deed, as of
March 16, 2022.

CHAMBERS 455, LLC, an Oregon
limited liability company

By: Julia E. Stiltner

Name: Julia E. Stiltner, Trustee of the
Elizabeth Chambers Trust UTD February
20, 2013, as it's member

STATE OF NEVADA)
)
COUNTY OF CLARK) SS:

This record was acknowledged before me by the means of two-way audio/video communication technology on March 16, 2022, by Julia E. Stiltner, as trustee of the Elizabeth Chamber Trust UTD February 20, 2013 as it's member of CHAMBERS 455, LLC, an Oregon limited liability company.

Signature:

Monica Tait

(OFFICIAL SEAL)



[Signature Page to Special Warranty Deed]

EXHIBIT A

Lots 1, 2, 3, 6, 7 and 8, and the East 15 feet of Lots 4 and 5, Block 16, ROWLANDS ADDITION, in the City of McMinnville, County of Yamhill, State of Oregon.

EXHIBIT B

Permitted Exceptions

1. Reservation, exception or other severance of minerals, contained in or disclosed by instrument, in favor of: United States of America, Department of the Interior, acting by and through the Bonneville Power Administration

Reservation of: Reference is hereby made to said document for full particulars
Recording Date: December 11, 1953
Recording No.: Book 171, page 750, Deed Records

2. Reservation, exception or other severance of minerals, contained in or disclosed by instrument, in favor of: Southern Pacific Transportation Company

Reservation of: Reference is hereby made to said document for full particulars
Recording Date: May 15, 1971
Recording No.: Film Volume 83, page 1135

3. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document:

Recording Date: April 8, 2016
Recording No: 201605003

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: McMinnville Access Company
Purpose: Shelter associated facilities and appurtenances
Recording Date: November 30, 2021
Recording No: 202123244
Affects: Reference is hereby made to said document for full particulars

Notice of Neighborhood Meeting

Date and Time: April 19, 2022 at 6:00 PM

Location: 455 NE Irvine St., McMinnville, OR 97128

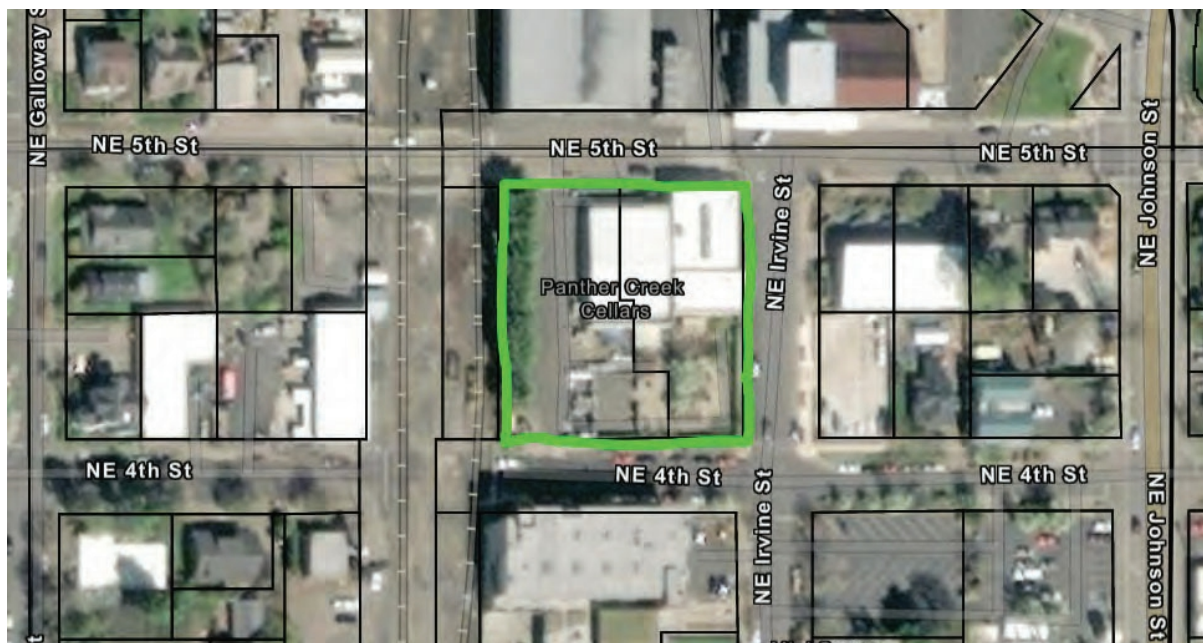
Meeting Topic: You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

Background: Carlton Hub, LLC just purchased the 0.89-acre property at 455 NE Irvine St (the Elizabeth Chambers Cellar building), where a winery is currently located.



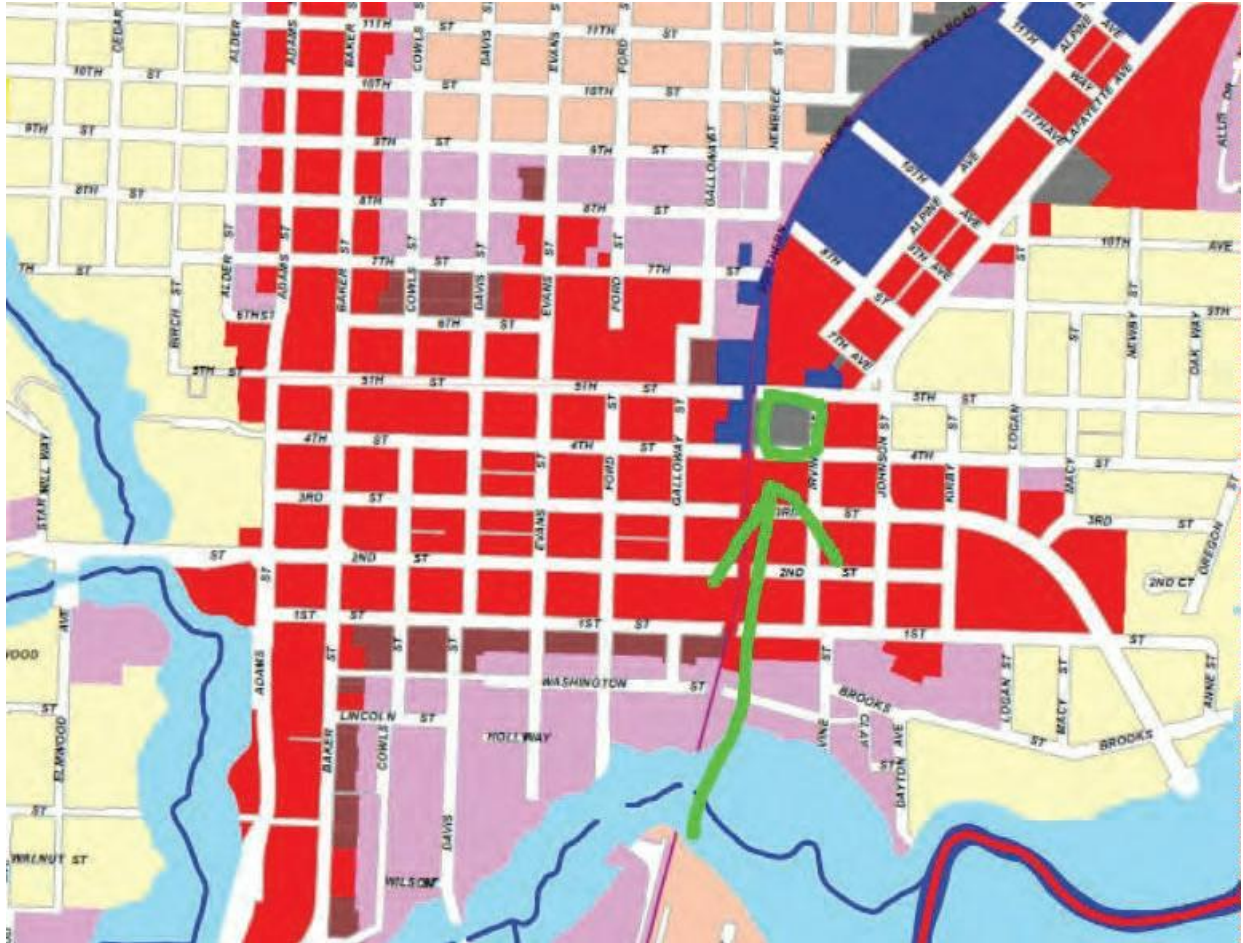
Carlton Hub wants to use the building to operate a leisure/food-related business, which will fit in well with the current vibe of the adjacent central business district. However, the property's current light industrial zoning places significant limits on such uses.

A satellite view of the property's two tax lots (R4421BD 02601 and 02400) from the county tax lot map is below:



Draft Proposal: To allow a business aligned with surrounding uses, Carlton Hub is considering seeking a zone change for both tax lots at 455 NE Irvine St from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan and zoning as a specific business use has not yet been determined.

Current Situation: The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red):



The property is immediately north of the central business district—just across 4th Street—so it makes sense to change it to commercial zoning like the adjacent central business district. This proposal is timely since McMinnville’s 2020 draft Economic Opportunities Analysis projects a surplus of industrial land (159-acre surplus by 2041) and a deficit of commercial land (286-acre deficit projected by 2041).

We welcome your questions and thoughts before or during the meeting!

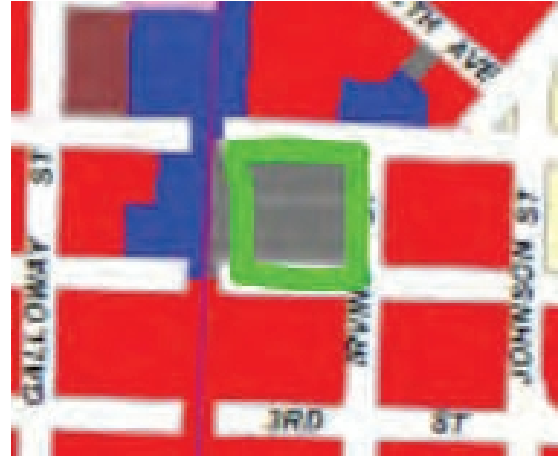
Applicant Contact: Kellan Lancaster
kellan.lancaster@theground.love
971-201-0256

Conceptual Zoning Changes

Current Comprehensive Plan Map



Current Zoning Map



Proposed Comprehensive Plan Map



Proposed Zoning Map

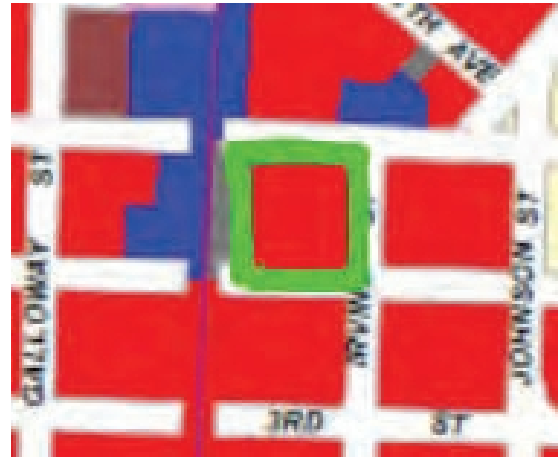


Exhibit E

Map No.	Tax Lot	Situs
1	R4421BA 04700	845 NE 5TH ST 100
2	R4421BA 04701	855 NE 5TH ST
3	R4421BA 04702	
4	R4421BA 05000	615 NE LAFAYETTE AVE
5	R4421BA 09000	600 NE GALLOWAY ST
6	R4421BA 09100	787 NE 5TH ST
7	R4421BA 09300	524 NE GALLOWAY ST
8	R4421BA 09400	707 NE 5TH ST
9	R4421BA 09600	743 NE 5TH ST
10	R4421BD 01600	435 NE JOHNSON ST
11	R4421BD 02000	404 NE IRVINE ST
12	R4421BD 02100	919 NE 4TH ST
13	R4421BD 02300	405 NE JOHNSON ST B
14	R4421BD 02600	716 NE 5TH ST
15	R4421BD 02700	714 NE 5TH ST
16	R4421BD 02800	436 NE GALLOWAY ST
17	R4421BD 02900	420 NE GALLOWAY ST
18	R4421BD 03000	414 NE GALLOWAY ST
19	R4421BD 03100	725 NE 4TH ST
20	R4421BD 03200	777 NE 4TH ST
21	R4421BD 04100	925 NE 3RD ST
22	R4421BD 04400	903 NE 3RD ST
23	R4421BD 04700	303 NE IRVINE ST
24	R4421BD 04800	741 NE 3RD ST
25	R4421BD 04900	726 NE 4TH ST
26	R4421BD 05000	730 NE 4TH ST
27	R4421BD 05100	344 NE GALLOWAY ST
28	R4421BD 05200	703 NE 3RD ST
29	R4421BD 05300	729 NE 3RD ST
30	R4421BA 09500	715 NE 5TH ST
31	R4421BD 01700	922 NE 5TH ST
32		

Owner

MCDONALD INDUSTRIAL PROPERTIES LLC 10%
LEGARD FAMILY LLC
SCHREIBER MTN DEVELOPMENT LLC 12% &
REIBOLD DARYL J
HOUSING AUTHORITY OF YAMHILL COUNTY
ROLLINS SHAWN E
RDR INVESTING LLC
KENZER MARK
ROLLINS ANN M TRUSTEE FOR
HENRY CLAY HOLDING COMPANY LLC
LEGARD GERALD D
STOCKS WAYNE D & KATHLEEN M
AMERSON RON C
SOUTHERN PACIFIC
SOLMONSSON JODY & RANEE
WYFFELS JAMES A
RICHARDSON PETER N & BEVERLY
RICHARDSON PETER N
ANRO PROPERTIES LLC
DBA ERRATIC ENTERPRISES
KIRCHER LLC
MINI SUPER HIDALGO LLC
WOOD E STANLEY
SOUTHERN PACIFIC RAILROAD
PINEAPPLE PROPERTIES NW LLC
MORROW KATHLEEN M S
SWITZER MARILYN E
CS PROPERTY HOLDINGS LLC
MURRAY HILL PROPERTIES LLC
HUFFINE LUCINDA &
WALLACE ANDREW J & JOAN L TRUSTEES FOR
CITY OF MCMINNVILLE

Attn:

ZALINA MTN DEVELOPMENT LLC 23%

WINTERS MTN DEVELOPMENT LLC 8% &

ROLLINS ANN M REVOCABLE LIVING TRUST

AMERSON INGRID A H
TRANSPORTATION CO

WYFFELS SALLY J

RICHARDSON BEVERLY D

LAZZERI LINDA M

SOUTHERN PACIFIC TRANSPORTATION CO

MULCAHY DENNIS (WROS)
WALLACE FAMILY TRUST
PLANNING DEPARTMENT

Mailing Address	City	State	Zipcode
845 NE 5TH ST SUITE 200	MCMINNVILLE	OR	97128
955 SW GOUCHER	MCMINNVILLE	OR	97128
845 NE 5TH ST SUITE 200	MCMINNVILLE	OR	97128
PO BOX 657	YAMHILL	OR	97148
135 NE DUNN PL	MCMINNVILLE	OR	97128
PO BOX 953	MCMINNVILLE	OR	97128
93316 SIXES RIVER RD	SIXES	OR	97476
589 NE 58TH AVE	HILLSBORO	OR	97124
1840 NE 19TH ST	MCMINNVILLE	OR	97128
109 NW 5TH ST	MCMINNVILLE	OR	97128
404 NE IRVINE ST	MCMINNVILLE	OR	97128
PO BOX 291	MCMINNVILLE	OR	97128
405 NE JOHNSON ST	MCMINNVILLE	OR	97128
800 PACIFIC BLDG	PORTLAND	OR	97204
32300 NE OLD PARRETT MTN RD	NEWBERG	OR	97132
3765 NE HAWN CREEK RD	MCMINNVILLE	OR	97128
414 NE GALLOWAY ST	MCMINNVILLE	OR	97128
6675 SW LEBOLD RD	MCMINNVILLE	OR	97128
PO BOX 826	MCMINNVILLE	OR	97128
14945 NW ORCHARD VIEW RD	MCMINNVILLE	OR	97128
980 NE 4TH ST	MCMINNVILLE	OR	97128
903 NE 3RD ST	MCMINNVILLE	OR	97128
303 NE IRVINE ST	MCMINNVILLE	OR	97128
1 MARKET PLAZA	SAN FRANCISCO	CA	94105
15051 SW DUPEE VALLEY RD	SHERIDAN	OR	97378
730 NE 4TH ST	MCMINNVILLE	OR	97128
344 NE GALLOWAY ST	MCMINNVILLE	OR	97128
PO BOX 237	MCMINNVILLE	OR	97128
729 NE 3RD ST	MCMINNVILLE	OR	97128
715 NE 5TH ST	MCMINNVILLE	OR	97128
303 NW 11TH ST	MCMINNVILLE	OR	97128
231 NE 5TH ST	MCMINNVILLE	OR	97128

Notice of Neighborhood Meeting

Date and Time: April 19, 2022 at 6:00 PM

Location: 455 NE Irvine St., McMinnville, OR 97128 (tax lots 8442 [RD 02601] and 02400)

Meeting Topic: You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

Background: Carlson Ink, LLC just purchased the 0.89-acre property at 455 NE Irvine St. (the Elizabeth Chambers' Cellar buildings, where a winery is currently located).

Carlson Ink wants to use the building to operate a leisure food-related business, which is not permitted in the current zoning of the adjacent central business district. However, the property's current light industrial zoning places significant limits on such uses.

Goal/Proposed: To allow a business aligned with surrounding uses, Carlson Ink is currently seeking a zone change for both tax lots at 455 NE Irvine St. from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan amendment and zoning as all business use has not yet been determined.

Current Situation: The property is on a rectangular lot zoned light industrial zoning (property mostly surrounded by a mix of general commercial zoning (C-1).

Applicant Contact:
Kellie Lancaster
455 NE Irvine St.
97128-0206

We welcome your questions and thoughts before or during the meeting!



Notice of Neighborhood Meeting

Date and Time: April 19, 2022 at 6:00 PM

Location: 455 NE Irvine St., McMinnville, OR 97128 (tax lots R4421BD 02601 and 02400)

Meeting Topic: You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

Background: Carlton Hub, LLC just purchased the 0.89-acre property at 455 NE Irvine St (the Elizabeth Chambers Cellar building), where a winery is currently located.

Carlton Hub wants to use the building to operate a winery food-related business, which will fit in well with the current vibe of the adjacent central business district. However, the property's current light industrial zoning places significant limits on such uses.

Draft Proposal: To allow a business aligned with surrounding uses, Carlton Hub is considering seeking a zone change for both tax lots at 455 NE Irvine St from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan and zoning as a specific business use has not yet been determined.

Current Situation: The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red).

Applicant Contact:
Kellan Lancaster
kellan.lancaster@theboard.com
971-201-0256

We welcome your questions and thoughts before or during the meeting!



Notice of Neighborhood Meeting

Date and Time: April 19, 2022 at 6:00 PM

Location: 455 NE Irvine St., McMinnville, OR 97128 (tax lots R4421BD 02601 and 02400)

Meeting Topic: You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

Background: Carlton Hub, LLC just purchased the 0.89-acre property at 455 NE Irvine St (the Elizabeth Chambers Cellar building), where a winery is currently located.

Carlton Hub wants to use the building to operate a leisure/food-related business, which will fit in well with the current vibe of the adjacent central business district. However, the property's current light industrial zoning places significant limits on such uses.

Draft Proposal: To allow a business aligned with surrounding uses, Carlton Hub is considering seeking a zone change for both tax lots at 455 NE Irvine St from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan and zoning as a specific business use has not yet been determined.

Current Situation: The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red).

Applicant Contact:
Kellan Lancaster
kellan.lancaster@aboutusand.us
971-201-0256



We welcome your questions and thoughts before or during the meeting!

Notice of Neighborhood Meeting

Date and Time: April 19, 2022 at 6:00 PM

Location: 455 NE Irvine St., McMinnville, OR 97128 (tax lots R4421BD 02601 and 02400)

Meeting Topic: You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

Background: Carlton Hub, LLC just purchased the 0.89-acre property at 455 NE Irvine St. (the Elizabeth Chambers Cellar building), where a winery is currently located.

Carlton Hub wants to use the building to operate a leisure/food-related business, which will fit in well with the current vibe of the adjacent central business district. However, the property's current light industrial zoning places significant limits on such uses.

Draft Proposal: To allow a business aligned with surrounding uses, Carlton Hub is considering seeking a zone change for both tax lots at 455 NE Irvine St from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan and zoning as a specific business use has not yet been determined.

Current Situation: The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red).

Applicant Contact:
Kellan Lancaster
kellan.lancaster@thegroundlove.com
971-201-0256

We welcome your questions and thoughts before or during the meeting!



Neighborhood Meeting – The Plant

4/19/2022 @ 6pm

455 NE Irvine Street, McMinnville, OR 97128

Summary of Attendee Comments:

- Happy that trees were removed because they reflected the sound back to his property.
- Residents in the apartments on Third were upset with the tree removal because they blocked noise, dust, etc, from the trains. It also disrupted the view and made it more industrial looking.
- Happy with learning about the extension of the property by 4 feet to allow more parking and re-enhance unused space. Also mentioned transient and smoking use in this space.
- What does Full-Service Food mean? What does a food service operation mean? What is this leisure hospitality space going to be? You took over this space and want to change the zoning and use but you don't even know what you want to do?
- Why should anyone support this building not being an operating winery? Concerns about hearing vague answers to questions
- Is there an idea about what you would like to see this group do in the space?
- Excited to hear about what we are doing. Interested in live entertainment, open mic, and poetry type events. (this was from a residential neighbor)
- The only reason I am here is for parking, several others are concerned about parking issues.
- Concerns about folks using loading zone, potentially increase 2-hour parking on the East side of Galloway to accommodate more short-term parking.

- Open on Mondays for locals to eat
- There are parking concerns surrounding large events downtown (UFO, Cruising, etc).
- Examples of other food operations that you own that we can experience?
- Comments around the number of restaurants in McMinnville.
- Too many wine tasting places in the area.
- So this is some kind of new investment group?
- Questions about size of kitchen to be installed.
- Comments about housing prices and affordability for locals (born and raised in McMinnville, has the yard to the North next to the railroad). Gets pressure to change the use of his property and he doesn't want to get that pressure from us, he wants to help this project.
- On the "right side of the tracks" as far as food goes.
- What is the timeline from this meeting to actually seeking the zone change?
- Do you have support on City Council to help through the process?
- How are you going to make this neighborhood better?
- Comment about the potential for bringing new jobs.
- How many parking spots will you have on site with the change?
- Support for another business to help connect the trail from Historic Downtown to Alpine.
- For the record: I am not opposed to the project, just find it dubious that there is no actual plan and that there are bankers and investors involved with no clear plan, it just isn't transparent. No one goes into this type of operation without a clear business plan for their investors and bankers. Concern about a high-volume restaurant. Has anyone in the room actually started a restaurant or knows what they doing?
- Doesn't think that transparency is what it should be.

- What will the space look like, how many seats, etc.
- Another comment that questions are not being answered and he doesn't feel that we are being honest.
- Wants a commitment that we are not going to be upset about a portable toilet and septic company across the street. That is the only thing he cares about.
- Will you be growing all of your own produce on the farm?
-

What should we do?

- Entertainment, bigger than it was during COVID when it was reservation only. (This was from folks that live in the apartments to the South).

Questions to the group about Off-season Impacts (Tourism)

- The off-season is smaller and smaller with biking, college athletics, etc.

NEIGHBORHOOD MEETING SIGN-IN SHEET

Location:

455 NE Irvine St.,
McMinnville, OR 97128
(tax lots R4421BD 02601 and 02400)

Date and Time:

April 19, 2022 at 6:00 PM

Name	Company	Address	Phone	E-Mail
Jim Cameron		333 NE Irvine Apt 409	503-780-2191	wiscamere@ gmail.com
JEFF KNAPP	Visit McMinnville	328 NE Davis St	971 241 8808	jeff@visit mcminnville.com
BRUT KEMPER	MACMKT	1140 NE ALPINE	425-720-0412	BRUT@MACMKT. COM
COBY KEMPER	" "	" "	" "	COBY.KEMPER@ GMAIL.COM
TODD SEVERSON	CHIAPUL/MAC MKT	1140 NE ALPINE	402-4259-9255	TODD@CHIAPULFARMERS COM
Shawn Rollins	Smartite	743 NE 5th	971-237-1452	
Lucinda Huffine		715 NE 5th	503-267-6169	lucyjane13@comcast .net
Jim Kreutzendor		1317 NE 9th		jimkrebendor@ gmail

NEIGHBORHOOD MEETING SIGN-IN SHEET

Location:
 455 NE Irvine St.,
 McMinnville, OR 97128
 (tax lots R4421BD 02601 and 02400)

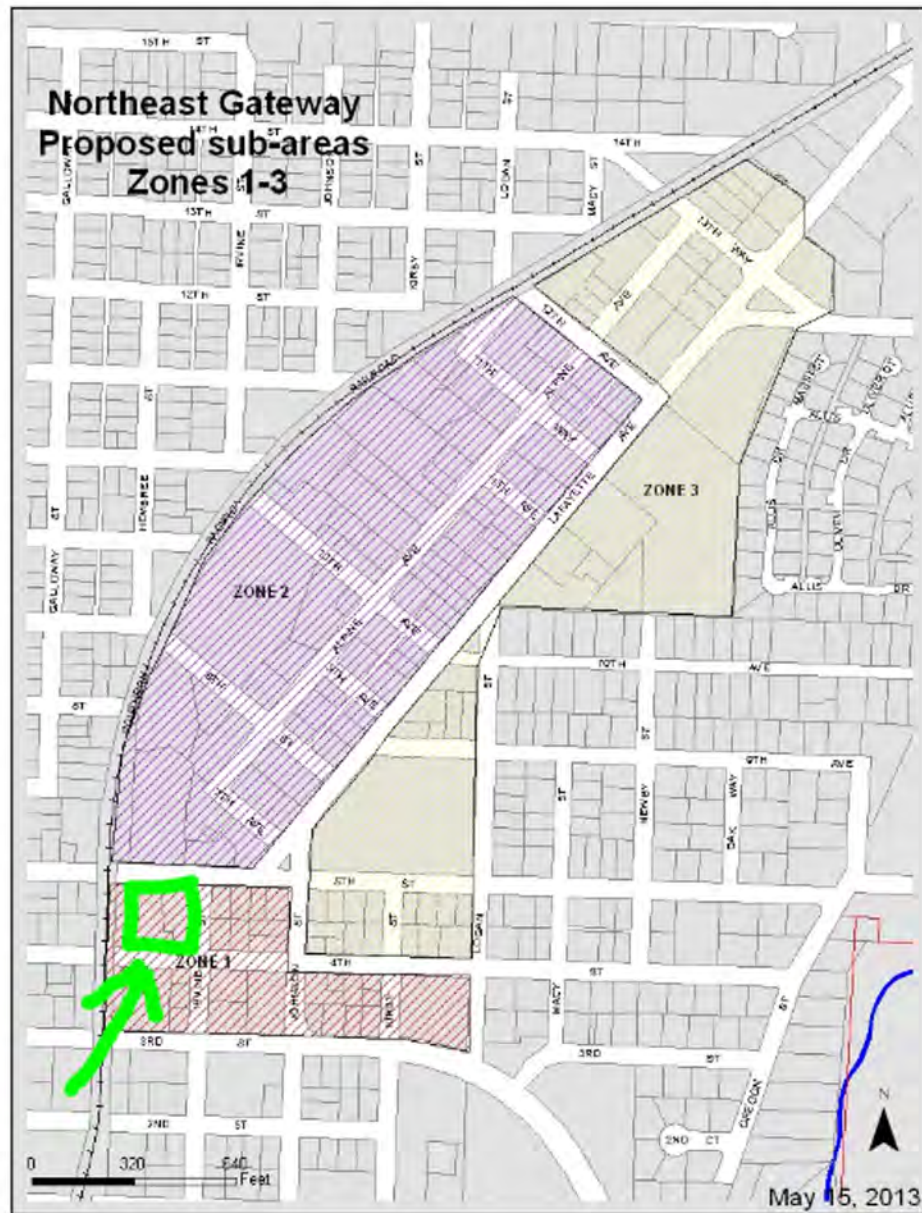
Date and Time:
 April 19, 2022 at 6:00 PM

Name	Company	Address	Phone	E-Mail
Chris + Elena Gibbins		NE 10th Ave	503-409-4261	Charles Gibbins @gmail Elena Gibbins @gmail.com
Jay Legend		855 NE 5th	971-244-2516	jay.legend@gmail.com
CB Mason	Buchanan Callers	855 NE 5th	971-241-8277	cb.mason@buchanancallers.com

Additional Application Material – June 6, 2022

After conversations with the city post-application, the applicant has learned of several other standards further supporting this application.

Frist, the subject property is within the Northeast Gateway Planned Development Overlay (Ordinance No. 4971),¹ which is intended to “guide the transition of a light and heavy industrial area to a vital, mixed-use, pedestrian-friendly neighborhood.”²



1

https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1306/4_ne_gateway_pdo_4791.pdf

² Section 2.

The entire overlay area is approximately 75 acres, as shown by the map above.³ Within the overlay area, the overlay ordinance specifically designates six blocks east of the railroad between 3rd and 5th Streets—including the subject property—as “Zone 1.” Zone 1 is the most permissive zone in the overlay, and it is intended for “a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.”⁴

Of the six blocks in Zone 1 of the overlay, all five blocks other than the subject property are now zoned C-3 and designated commercial in the comprehensive plan. This application will further the transition envisioned in the overlay ordinance of moving all six blocks to C-3 and commercial designation.

The overlay specifically allows a variety of commercial uses on the subject property that are similar to those allowed under C-3 zoning, including food and beverage establishments, general retail sales, personal services, hotels/motels, various types of offices, etc.⁵ Due to the overlay, this application will have only a small impact on possible uses for the subject property.

Although the overlay primarily governs new development,⁶ it clearly demonstrates the city’s long-term intent is for the subject property to be used as proposed in this application. The Northeast Gateway Planned Development Overlay strongly supports approval of this application.

Second, OAR 660-009-0010(4)’s requirements related to removing land from an industrial use designation do not apply to this application since the subject property is less than two acres.

Third, although property on the other side of the railroad tracks to the west of the subject property is zoned M-2, there are no buffer requirements between the proposed C-3 and M-2 zones that would restrict uses on the M-2 property to the west.

³ Section 3; Exhibit B.

⁴ Section 3(A).

⁵ Section 6.

⁶ Section 3(D)-(E); footnotes 1-2. There is some ambiguity in how the ordinance is written and applies.

MEMORANDUM

Date: June 10, 2022

Project #: 27710

To: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville
Arielle Ferber, PE, & Dan Fricke, ODOT Region 2

Cc: Frank Foti
Mark Hoyt, Sherman Sherman Johnnie & Hoyt, LLC

From: Julia Kuhn, PE & Chris Brehmer, PE

Project: Carlton Hub Rezone

Subject: Northeast Gateway Planned Development Overlay

This memorandum has been prepared as a follow-up to our trip generation and Transportation Planning Rule (TPR) analysis for the proposed Zone Change and Comprehensive Plan amendment of the property located at 455 NE Irvine Street. After submittal of our memorandum, the City provided additional information about the Northeast Gateway Planned Development Overlay (City Ordinance 4971). The subject property is within the designated Zone 1 area covered by the Development Overlay. Further, we note that the overlay purpose is to transition of industrial uses to a vibrant, downtown environment. The proposed zone change to C-3 meets the purpose and intent of the Overlay.

We reviewed the permitted uses within Zone 1 versus those associated with the property's M-1 (Light Industrial) existing designation as well as those of the proposed C-3 (General Commercial) designation.

As discussed in our May memo, the "reasonable worse case" generators appear to be as follows:

- Existing M-1 Zoning = 15,682 square feet daycare (i.e., 0.9 acres * 0.4 FAR)
- Proposed C-3 Zoning = 9,801 square feet of building (using a 0.25 FAR); however, this is larger than a typical bank so we suggest assuming a 5,000 square foot bank (the average of the sites surveyed) and a 4,801 square foot high-turnover, sit-down restaurant share the building space.

The Northeast Gateway Planned Development Overlay allows for a bank and a restaurant as well as for up to 25,000 square feet of retail uses. A daycare is permitted that serves less than 12 students and is a conditional use if there are greater than 12 students. Further, Zone 1 is subject to the downtown development standards specified in the Zoning Code Section 17.59, which allows for a zero setback for buildings. With the location of the property within the downtown as well as the Development Overlay provisions, we conclude that no change in trip generation would result from the zone change. As such, our conclusions from the May memo remain unchanged.

As discussed in our May memo, we conclude that the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060 and no further traffic analysis be required as part of the proposed Carlton Hub Zone Change and Comprehensive Plan amendment. If you have any questions, please feel free to contact us at (503) 535-7409.



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

MINUTES

July 21, 2022
 Planning Commission
 Regular Meeting

6:30 pm
 Hybrid Meeting
 McMinnville, Oregon

Members Present: Robert Banagay, Gary Langenwaller, Brian Randall, Beth Rankin, Dan Tucholsky, Sidonie Winfield, and Matt Deppe

Members Absent: Sylla McClellan and Lori Schanche

Staff Present: Heather Richards – Planning Director and Tom Schauer – Senior Planner

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

- April 21, 2022
- May 19, 2022

Commissioner Tucholsky moved to approve the April 21 and May 19, 2022 minutes. The motion was seconded by Commissioner Rankin and passed unanimously.

4. Public Hearing:

A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)

(Continued from June 16, 2022 Meeting)

Applicant has requested a continuance to September 1, 2022

Request: An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property.

The 50.15 acre parcel is within McMinnville's Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City

limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.

The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre). The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the non-floodplain portion inside City limits would then be Commercial/C-3.

The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County's Floodplain Overlay Districts. The proposal would not change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

Location: The subject site is located at 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4 W., W.M.

Applicant: Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

Commissioner Langenwaller MOVED to CONTINUE the hearing for CPA 1-20/ZC 1-20 to September 1, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22)

Request: An application for a Comprehensive Plan Map Amendment from Industrial to Commercial and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) for property of approximately 0.9 acres.

Location: The subject site is located at 455 NE Irvine Street, more specifically described at Tax Lots 2400 & 2601, Section 21 BD, T.4S., R 4 W., W.M.

Application: Steve Elzinga, Sherman Johnnie & Hoyt, LLP (Property owner Carlton Hub, LLC, c/o Kellan Lancaster)

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky visited the site and introduced himself to the wine maker.

Staff Presentation: Senior Planner Schauer said this was a request for a Comprehensive Plan Map amendment from Industrial to Commercial and a zone change from M-1 (Light Industrial) to C-3 (General Commercial) for a property of approximately .9 acres on Irvine Street. Staff found that the applicable criteria were satisfied and recommended approval of the application. He discussed the additional exhibits that were entered into the record. He described the subject site, existing/proposed Comprehensive Plan Map designations, existing/proposed Zoning Map designations, existing/proposed zoning, NE Gateway Zone overlay standards, and applicable criteria.

Commission Questions: Commissioner Randall said the property was listed as a historic resource. Did the building still retain the original exterior or had there been modifications? Would there be restrictions on any use of the property from remodeling the exterior? Senior Planner Schauer said any exterior alterations to the structure would require historic review. Most of the north-easterly portion of the structure was the original and there was an addition on the westerly side that provided a false façade that screened the warehouse.

Commissioner Tucholsky asked why this property was just now changing to commercial. Senior Planner Schauer said at the time the NE Gateway District was adopted, the site was being used as a winery and tasting room which was an industrial use that continued instead of changing to commercial.

Applicant's Testimony: Steve Elzinga and Frank Foti, gave a background on the applicants. They agreed with the staff recommendation that the application met all of the decision criteria. They loved the historical significance of the building and that it was a community hub. They had a tenant currently that utilized half of the building as a winery and were working on other uses for the rest of the building. They wanted to have full food service opportunities, which required the commercial zoning. The property was an island of industrial zoning surrounded by commercial zoning. They then discussed the criteria.

Public Testimony: None

Rebuttal: None

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Tucholsky MOVED to RECOMMEND the City Council APPROVE CPA 1-22/ZC 2-22 subject to the conditions of approval; SECONDED by Commissioner Rankin. The motion PASSED unanimously.

C. Quasi-Judicial Hearing: Planned Development Amendment (PDA 3- 22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22)

Request: The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property. The applications are being considered concurrently through a consolidated review process.

PDA 3-22. The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan approved as part of the Planned Development, which requires approval of a Planned Development Amendment.

LFW 1-22. The property has certain shared features, including access, with a large format commercial building, which also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

L 6-22. The proposal includes a landscape plan, which is required for commercial development.

MP 1-22. The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

Location: The subject site is located at the southwest corner of Booth Bend Road and Highway 99, more specifically described at Tax Lot 300, Section 29 CA, T.4S., R 4 W., W.M.

Applicant: InSite Real Estate Investment Properties LLC, c/o Andrew Johnson (Property owner Richard D. Rice)

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky visited the site.

Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Presentation: Senior Planner Schauer said these were multiple applications in conjunction with development of a Burger King restaurant with drive-through. Staff found that the applicable criteria were satisfied with conditions and recommended approval. He entered additional exhibits into the record. He described the subject site, zoning, existing/approved PD Master Plan, proposed PD Master Plan, proposed partition tentative plan, proposed site plan, proposed landscape plan, proposed elevations, and key issues/conditions.

Commission Questions: Commissioner Randall asked if there was a requirement for two points of ingress/egress. Senior Planner Schauer said no, there was not.

Applicant's Testimony: Andrew Johnson, representing the applicant, said they planned to use the parapets to screen the mechanical equipment. If that changed in the final design, they would make sure the equipment was screened. They were comfortable with all of the conditions.

Public Testimony: None

Rebuttal: None

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Rankin suggested the use of permeable pavement where possible.

Commissioner Tucholsky asked about the timing of the traffic signal on Booth Bend Road and 99W, especially since this would add more traffic. Planning Director Richards said they could request ODOT look at the timing, although it could take a few years to get it changed.

Commissioner Randall was concerned about the current traffic on Booth Bend Road and the right in, right out proposed for the Burger King site. He thought it should be eliminated. Planning Director Richards said she could go back to the Engineering and Fire Departments to make sure there were no concerns about closing that access. Closing it would put more pressure on the other access point coming out of Lowe's.

Mr. Johnson understood the traffic concerns and planned to work with staff to address them.

Chair Winfield noted there were a lot of conditions for these applications to work with staff, and staff time was already limited. She thought a lot of them could have been met prior to the hearing.

Mr. Johnson said they would be amending the application from a waiver to a review of the large format commercial design standards. They applied for four applications at once, which was a robust process with many conditions to meet.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Langenwaller MOVED to RECOMMEND the City Council APPROVE PDA 3- 22/LFW 1-22/L 6-22/MP 1-22 subject to the conditions of approval and an added condition that the mechanical equipment would be screened; SECONDED by Commissioner Randall. The motion PASSED unanimously.

5. Action Item

A. Oak Ridge Meadows Land Use Extension Request (S 3-18)

Request: This is the second request for a land-use decision extension for Oak Ridge Meadows Development, Docket S 3-18, a Tentative Subdivision. The applicant is now requesting an additional year extension to August 22, 2023.

Location: Generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R 4 W., W.M.)

Applicant: Lori Zumwalt, Premier Development, LLC

Disclosures: Chair Winfield asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky visited the site.

Planning Director Richards said this was approval of a land use extension letter. The code allowed the Planning Director to approve a one year extension on a land use decision but if a second one year extension was needed, it had to come to the Planning Commission. The delay was due to the complexities of the site with a wetland mitigation and road construction.

Lori Zumwalt, applicant, said they were in full swing of construction right now, however everything would not be completed by August 22, and she needed an extension.

Commissioner Tucholsky asked about the proposed chip path and meeting ADA requirements. Ms. Zumwalt said it was not required to be an ADA path. Planning Director Richards said it would be part of the park system and there would be ADA access points along the path.

Commissioner Tucholsky MOVED to APPROVE S 3-18, extension of the Oak Ridge Meadows development to August 22, 2023; SECONDED by Commissioner Langenwaller. The motion PASSED unanimously.

6. Commissioner Comments

None

7. Staff Comments

None

8. Adjournment

Chair Winfield adjourned the meeting at 7:51 p.m.

Heather Richards
Secretary

ORDINANCE NO. 5121

AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO COMMERCIAL AND APPROVING A ZONE CHANGE FROM M-1 (LIGHT INDUSTRIAL) TO C-3 (GENERAL COMMERCIAL) FOR PROPERTY OF APPROXIMATELY 0.9 ACRES LOCATED AT 455 NE IRVINE STREET (TAX LOTS R4421BD 2400 & 2601)

RECITALS:

WHEREAS, the Planning Department received applications CPA 1-22 and ZC 2-22 from applicant Steve Elzinga on behalf of property owner Carlton Hub, LLC requesting approval of a Comprehensive Plan Map amendment from Industrial to Commercial and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) for the subject property; and

WHEREAS, the subject property is approximately 0.9 acres, located at 455 NE Irvine Street (Tax Lot R4421BD 2400 & 2601); and

WHEREAS, a duly noticed public hearing before the McMinnville Planning Commission was held on July 21, 2022 after due notice had been provided in the local newspaper on July 15, 2022 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received.

WHEREAS, the Planning Commission, being fully informed about said request, found that the requested Comprehensive Plan Map Amendment and Zone Change conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, the Planning Commission, by a vote of 8-0, recommended approval of said Comprehensive Plan Map Amendment and Zone Change; and

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

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A, approving the Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22); and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the McMinnville City Council this 23rd day of August 2022, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Decision Document for Dockets CPA 1-22 & ZC 2-22



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO COMMERCIAL AND A ZONE CHANGE FROM M-1 (LIGHT INDUSTRIAL) TO C-3 (GENERAL COMMERCIAL) FOR A PROPERTY OF APPROXIMATELY 0.9 ACRES, LOCATED AT 455 NE IRVINE ST, TAX LOTS R4421BD 2400 & 2601

- DOCKET:** CPA 1-22 (Comprehensive Plan Map Amendment), ZC 2-22 (Zone Change)
- REQUEST:** An application for an amendment to the Comprehensive Plan Map from Industrial to Commercial, and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial), for a property of approximately 0.9 acres.
- LOCATION:** Site Address: 455 NE Irvine Street
Map & Tax Lot: Part of R4421BD 2400 & 2601
- CURRENT ZONING:** M-1 (Light Industrial)
- APPLICANT:** Steve Elzinga, Sherman Sherman Johnnie & Hoyt, LLP
- PROPERTY OWNER:** Carlton Hub, LLC, c/o Kellan Lancaster
- STAFF:** Tom Schauer, Senior Planner
- DATE DEEMED COMPLETE:** June 10, 2022
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission recommendation/decision of denial becomes the final decision unless that decision is appealed to the City Council.
- PLANNING COMMISSION HEARING DATE & LOCATION:** July 21, 2022 at 6:30 P.M.

This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

Meeting Location:

McMinnville Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128

Zoom Online Meeting:

<https://mcminnvilleoregon.zoom.us/j/86430461362?pwd=c0tJZzN6eFBXTkpFN Gh5a2p6ck5UZz09>

Meeting ID: 864 3046 1362

Passcode: 904774

(See below for instructions on how to join Zoom meeting)

DECISION-MAKING

BODY:

The McMinnville City Council makes the final decision, unless the Planning Commission recommendation/decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

DECISION DATE & LOCATION:

August 23, 2022, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE:

An application for a Comprehensive Plan Map Amendment and Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA:

The applicable criteria for a Comprehensive Plan Map Amendment and Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. The proposal must also be consistent with applicable provisions of state law.

APPEAL:

The Planning Commission makes a recommendation to the City Council. If the Planning Commission recommendation is approval, the recommendation is forwarded to City Council to make the final decision. If the Planning Commission recommendation/decision is denial, then that is the final decision unless the Planning Commission's decision is appealed to the City Council per Section 17.72.180 of the McMinnville Municipal Code.

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

Note: *The City's final decision is usually subject to a 120-day processing timeline, including resolution of any local appeal. However, per ORS 227.178(7), the 120-day period does not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.*

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in Section IV of this document.

DECISION

Based on the findings and conclusions, the McMinnville City Council finds the applicable criteria are satisfied and **APPROVES** the Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22).

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

City Council: _____
Remy Drabkin, Interim Mayor of McMinnville

Date: _____

Planning Commission: _____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

Subject Property & Request

The applicant requests an amendment to the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-1 (Light Industrial) to C-3 (General Commercial), for a property of approximately 0.9 acres, located at 455 NE Irvine Street (Tax Lots R4421BD 2400 & 2601).

See Vicinity Map (Figure 1), Comprehensive Plan Map (Figure 2), and Zoning Map (Figure 3).

The subject property is zoned M-1. The new owner is seeking the new Commercial/C-3 designation to allow the property to be used for uses which are permitted in the C-3 zone, but which are not permitted in the M-1 zone. The M-1 zone doesn't permit most uses which are permitted in the C-3 zone.

Permitted uses in the C-3 zone include commercial uses such as retail, eating and drinking establishments, etc. The application indicates the types of uses the applicant is considering. However, as a reminder, the application is for a map amendment, not an approval for a specific use. The proposed map amendment would not limit which C-3 permitted uses would be authorized on the subject property.

The property is also located within the NE Gateway Planned Development Overlay District. This overlay district has three subareas, each of which has a different purpose and allows different permitted uses. The subject property is located within Subarea 1 of the NE Gateway Overlay. The permitted uses in Subarea 1 generally allow for commercial uses, while restricting industrial uses. This is somewhat different than Subarea 2 which allows for a mix of commercial, light industrial, and residential uses. For reasons discussed in more detail in the staff report, a change of use of the existing building from industrial use to commercial use could not occur without the proposed map amendment.

Figure 1. Vicinity Map

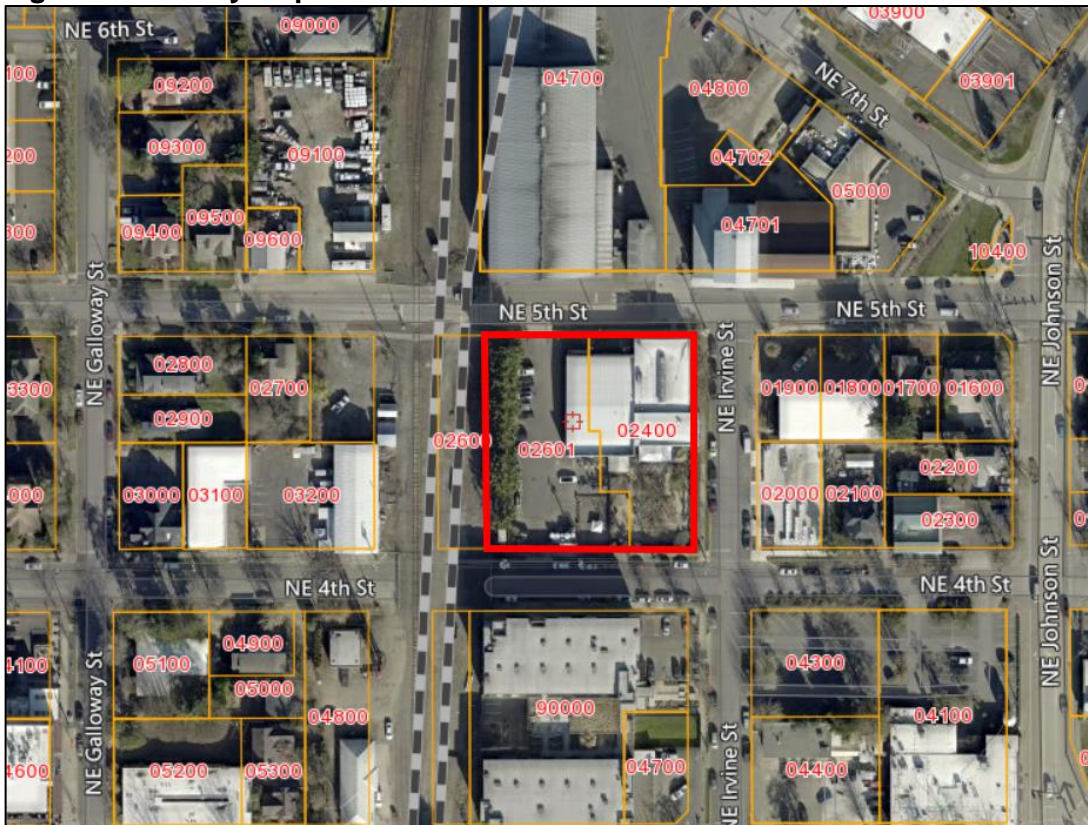


Figure 2a. Existing Comprehensive Plan Map

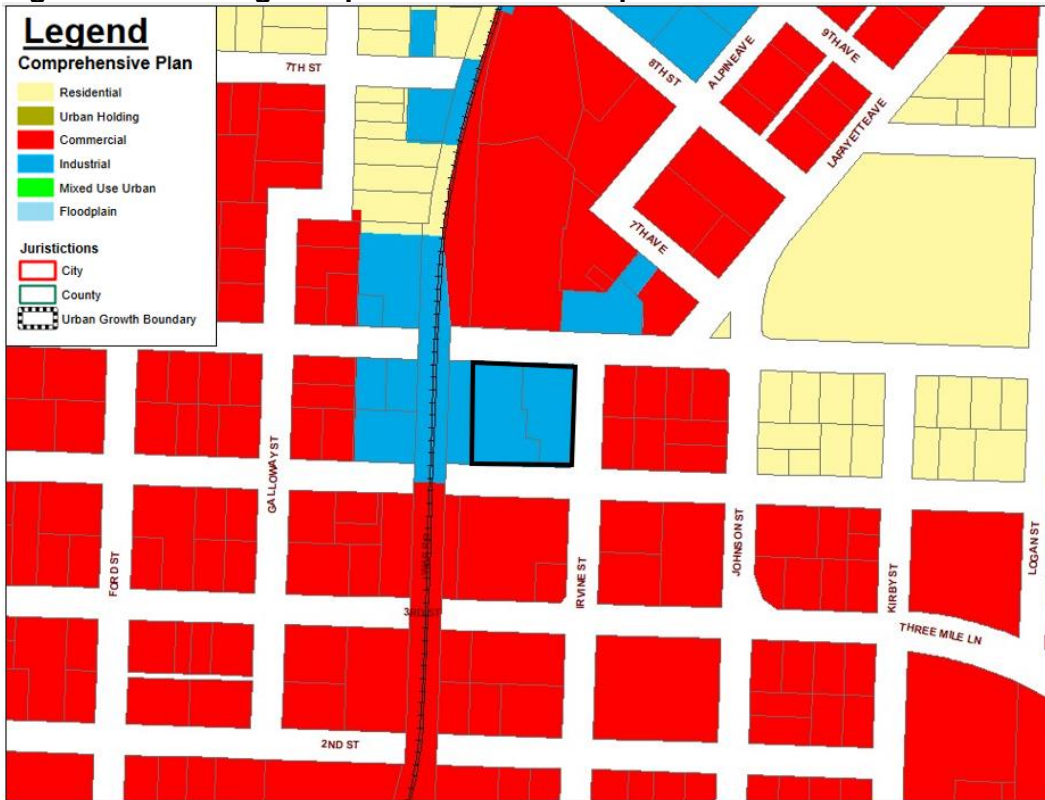


Figure 2b. Proposed Comprehensive Plan Map

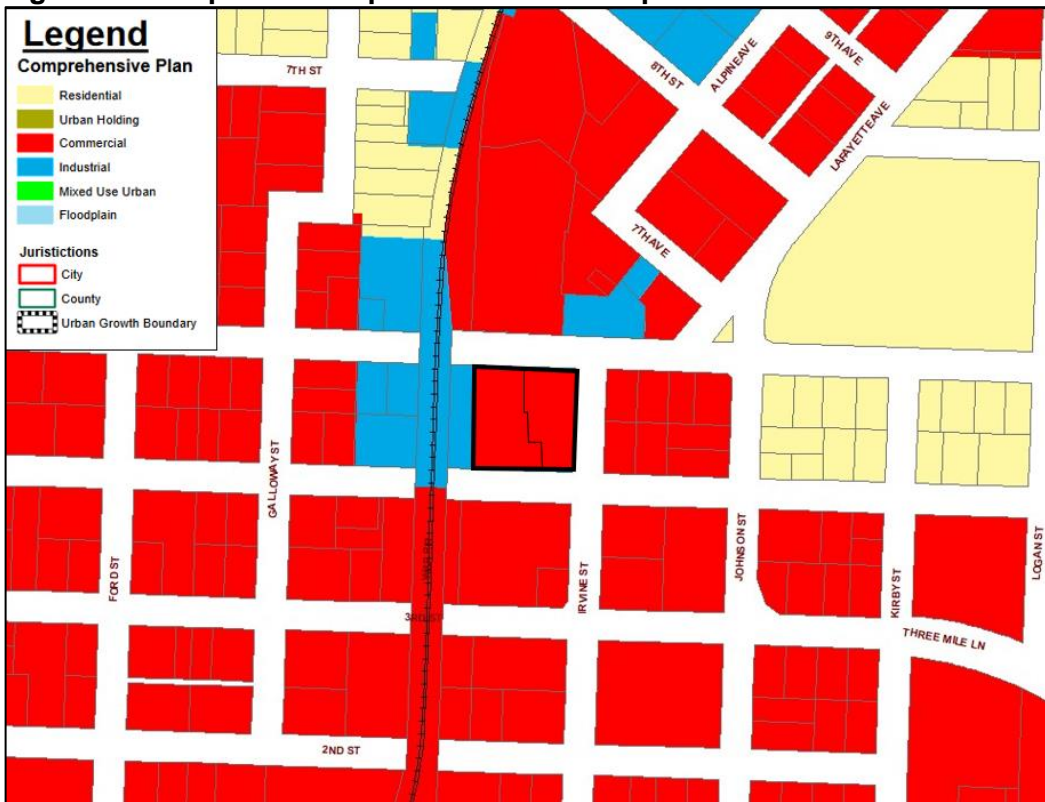


Figure 3a. Existing Zoning Map

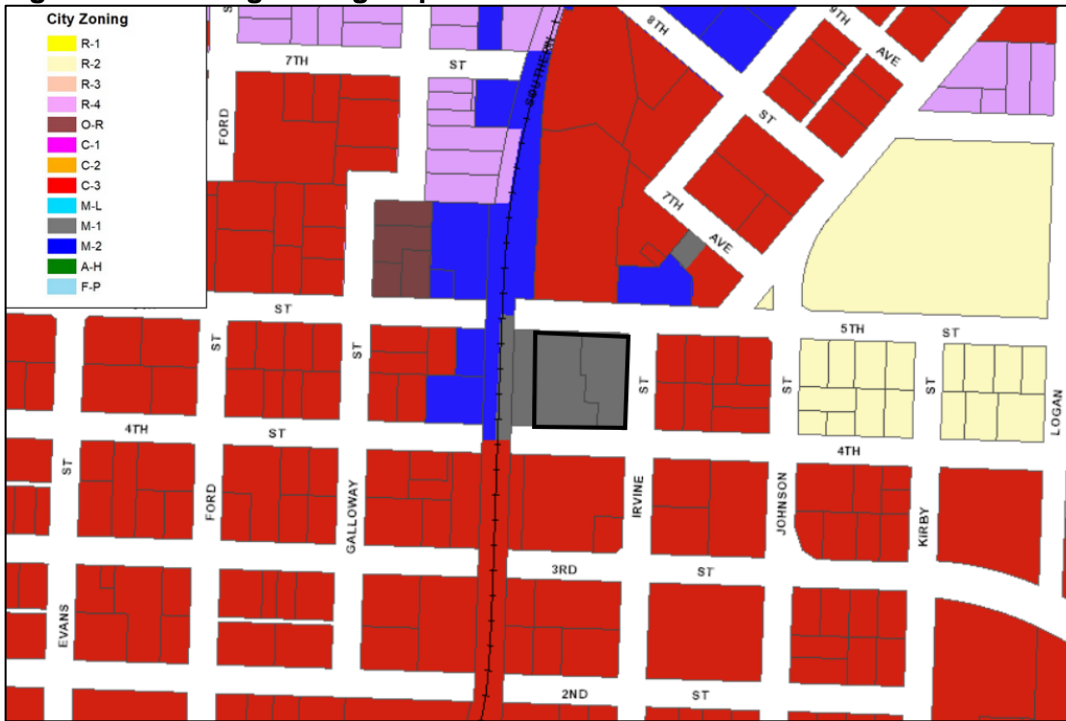


Figure 3b. Proposed Zoning Map

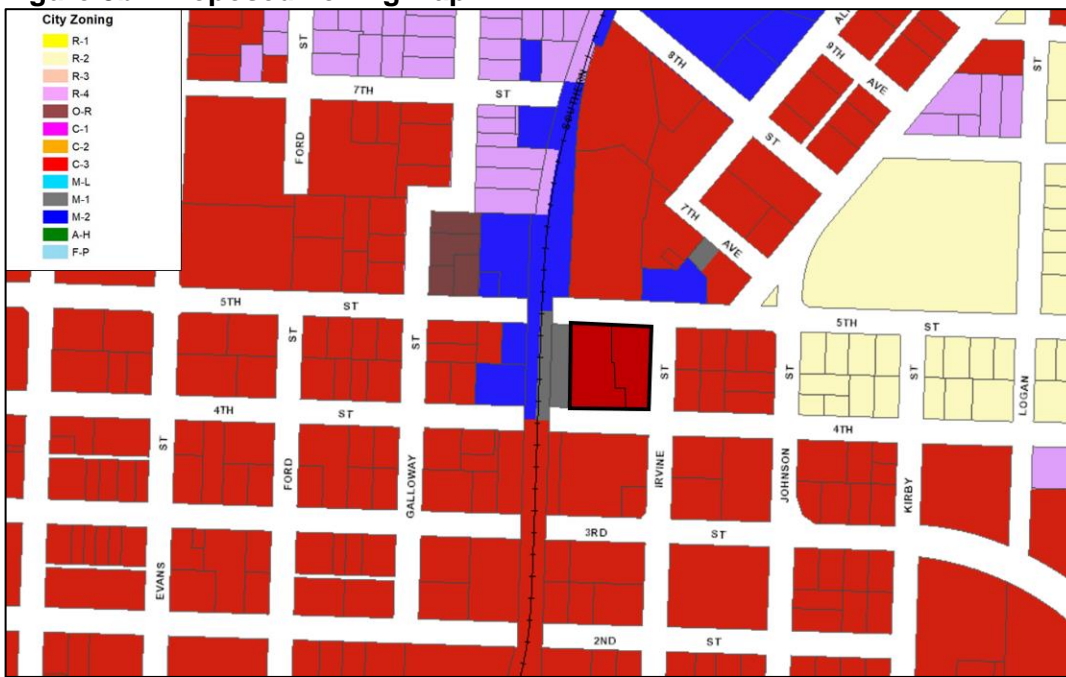
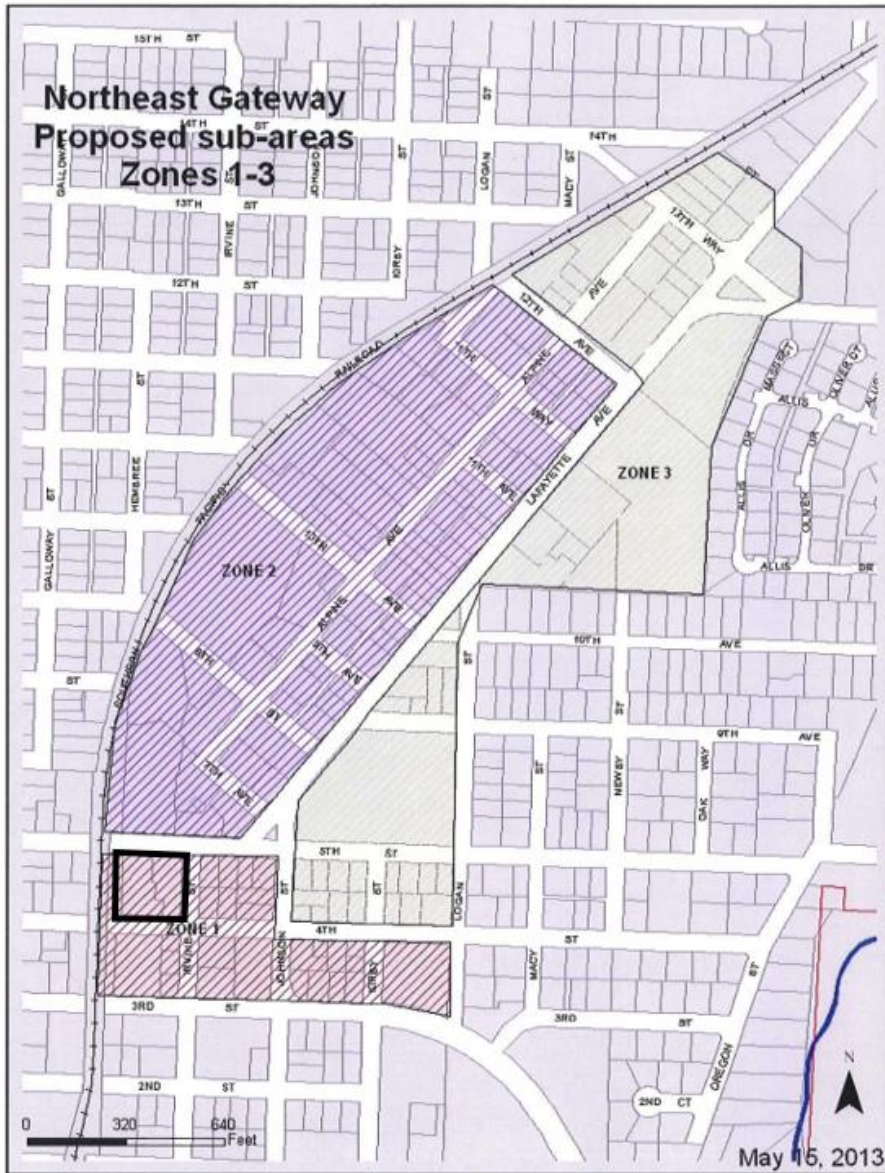


Figure 4: NE Gateway Overlay Zone and Sub-Area Boundaries



II. CONDITIONS:

Not Applicable.

III. ATTACHMENTS:

1. CPA 1-22/ZC 2-22 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier

Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Responses were received from the following agencies, provided below:

- McMinnville Building Department
- McMinnville Engineering Department
- McMinnville Water & Light
- Comcast

- McMinnville Building Department
A building permit will be necessary for the intended work and to change the occupancy. A building code plan review and code analysis was not performed as part of this referral. However, one potential item to note is that the building perimeter and surrounding fence appear to be on the property lines shared with the right-of-way. Because of the intended occupancy, out-swinging doors and gates will likely be necessary and some modifications to not swing over the right-of-way may be necessary. No other building concerns at this time. A comprehensive building code review will occur at the time of permit submittal.

- McMinnville Engineering Department
No comments.

- McMinnville Water & Light
McMinnville Water & Light has no comments.

- Comcast
Comcast has no conflict with this project.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. No written public testimony was submitted.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted with fee provided on May 9, 2022. The applicant submitted the necessary documentation to demonstrate a neighborhood meeting was noticed and held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.
2. The application was deemed complete on June 10, 2022.
3. On June 10, 2022, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
4. On June 13, 2022, notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands. Notice of the application was also subsequently provided to the City Attorney.

Comments received from agencies are addressed in Section IV of this Decision Document.

5. On June 29, 2022, notice of the application and the July 21, 2022 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. On July 15, 2022, notice of the application and the July 21, 2022 Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
7. The Planning Commission held a public hearing on July 21, 2022 to consider the request. The Planning Commission recommended approval of the request.
8. The City Council met on August 23, 2022 to consider the request and the recommendation of the Planning Commission.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - o **Site Address:** 455 NE Irvine Street
 - o **Map & Tax Lot:** R4421BD 2400 & 2601
2. **Size:** 0.9 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:**
 - a. **Subject Property:** M-1 (General Industrial)
 - b. **Surrounding Properties:**
 - i. **North:** Across 5th Street: C-3 (General Commercial) and M-2 (General Industrial)
 - ii. **West:** M-1 Light Industrial (railroad right-of-way and property) and M-2 General Industrial (west of the railroad)
 - iii. **South:** C-3 (General Commercial)
 - iv. **East:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:**
 - a. NE Gateway Overlay, Subarea 1 (Ordinance 4971)
 - b. Airport Overlay, Conical Surface Zone
6. **Current Development:** The property is developed with the Old Power Plant building as subsequently expanded. The property was most recently used for the Elizabeth Chambers Cellar Winery and Tasting Room.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** Historic Resource A-796, Old Power Plant
 - b. **Other:** None Identified
8. **Other Features:**
 - a. **Slopes:** The property is generally level.
 - b. **Easements:** No City easements identified on the property.

- c. **Trees:** Street trees are present. Trees were present along the railroad property that were removed and would need to be addressed as part of a landscape plan for a proposed use/development. Trees are present in the area south of the building within the outdoor patio area.
9. **Utilities:**
- a. **Water:** Water distribution mains are present along the frontage in 5th and Irvine Streets.
 - b. **Sewer:** Sanitary sewer mains are present in 4th and 5th Streets along the easterly portion of the property.
 - c. **Stormwater:** There are storm drainage lines present in 4th, 5th, and Irvine Streets.
 - d. **Power:** Overhead power is present along 4th and 5th Streets.
10. **Transportation and Access:** The property makes up a block which is bounded by frontage on 4th Street to the south, 5th Street to the north, and Irvine Street to the east. The property abuts the railroad right-of-way and property to the west. 5th Street is a minor collector. 4th Street and Irvine Street are local access streets.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Comprehensive Plan Map amendment and Zone Change are found in Chapter 17.74 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of a proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Amendments to the City's adopted and acknowledged planning documents, including amendments to the Comprehensive Plan Map and Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply certain applications, and are not addressed below

The following findings are made relating to specific Goals and Policies:

CHAPTER II. NATURAL RESOURCES

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

APPLICANT’S RESPONSE: This application is to re-zone and maximize use of underutilized property in the city’s downtown core, which will preserve undeveloped property near the city limits.

This application relates to a previously developed area, so it will not notably impact air, water, and land resources. No new emission sources are planned. The property is not in a flood plain and has no wetlands. There are no landslide hazards. The proposed leisure business will have less noise and air impact than the potential industrial uses currently allowed on the property.

FINDING:

GOAL: SATISFIED. The commercial re-use of the property within the walkable downtown context helps ensure efficient use of developed property and provide for a complementary mix of “park once and walk” uses.

POLICIES: SATISFIED. Most policies provided under this goal don’t relate to a quasi-judicial application to amend the Comprehensive Plan map and zoning map. The land policies address issues such as unincorporated lands within the UGB, natural hazards, mineral and aggregate resources, and reclamation of aggregate sites. The water policies address issues such as drinking water standards, floodplain, water quality standards, and drinking water source watershed protection. Other provisions of the Comprehensive Plan which address natural features such as wetlands, trees, etc. are addressed under the respective provisions herein.

In the Noise Subsection, Policy 12.00 is, *“The City of McMinnville shall insure that noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.”*

The proposal will reduce the potential for noise conflicts by changing the relationship between the subject property and surrounding properties so the commercial zoning will abut commercial zoning on three sides and will abut industrial zoning to the west. The current industrial zoning of the property currently abuts commercially-zoned property on three sides.

CHAPTER III. CULTURAL, HISTORICAL, AND EDUCATION RESOURCES

HISTORIC PRESERVATION

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHEOLOGICAL SIGNIFICANCE TO THE CITY OF MCMINNVILLE.

GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES

Policies

17.07. Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.

GOAL III 5: DOCUMENT AND PROTECT HISTORIC RESOURCES

GOAL III 6: INCREASE HERITAGE TOURISM

APPLICANT’S RESPONSE (GOAL III 6): This commercial leisure business with help amplify and create synergy with existing heritage tourism downtown.

Policies

17.14. *Amplify the heritage tourism program for McMinnville.*

FINDING (CHAPTER III GOALS AND POLICIES): SATISFIED. The proposed map amendment would allow for the change of use of the current historic resource from industrial use to commercial use without requiring that the change of use be in conjunction with an action such as an expansion or redevelopment as would otherwise be required by the provisions of the NE Gateway Overlay per the recent legal opinion.

The ability to adapt the use of historic resources for a variety of uses within the context of the historic core helps support heritage tourism where there is a concentration of historic resources and tourism-friendly uses within the core area.

CHAPTER IV. ECONOMY OF MCMINNVILLE

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE’S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

APPLICANT’S RESPONSE: This application will help maximize the economic potential of the existing property to provide more jobs, services, and economic growth. By locating near other leisure businesses, Carlton Hub’s leisure business will add to the synergy of the area, benefiting surrounding businesses as well as its own, and helping link downtown to Alpine.

FINDING: SATISFIED. The proposed map amendment would allow for transition of the property from industrial use to commercial use as envisioned for Subarea 1 of the NE Gateway Overlay Zone as part of the growth of the core commercial area. The proposed map amendment would allow for all permitted uses authorized in the C-3 zone, and is not an approval for a specific use.

COMMERCIAL DEVELOPMENT

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.

Policies

21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.*

APPLICANT’S RESPONSE: This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville’s 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041). In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.

FINDING: SATISFIED. As demonstrated by the EOA, McMinnville has a deficit of commercial land within the UGB, and redesignation of 0.9 acres of the industrial surplus to commercial consistent with the identified need is a corrective action and efficiency measure that addresses part of the identified deficit without the need for further UGB expansion. The site would provide a suitably-sized site at this location for the scale of commercial uses that would be suitable as part of the downtown commercial core.

In addition, while the property currently has an Industrial Comprehensive Plan Map designation and M-1 zoning, Subarea 1 of NE Gateway Overlay that currently applies to the property already provides for conversion to commercial uses through actions such as expansion and/or redevelopment, and Subarea 1 doesn’t include industrial uses as a permitted use, whether as a separate use or as part of a mixed-use development.

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

APPLICANT’S RESPONSE: All existing downtown leisure businesses benefit from continued solidification of the city core as a local and regional center for leisure. Carlton Hub’s business will have significant synergy with the nearby wineries and tasting rooms, and help link downtown to Alpine.

FINDING: SATISFIED. Commercial designation of the property is consistent with the objectives for this area to strengthen the connection between the downtown district and the NE Gateway District as articulated in the NE Gateway Overlay Ordinance and Subarea 1 specifically, in order to help support and complement the existing businesses within the core area. The proposed map amendment would allow for all permitted uses authorized in the C-3 zone, and is not an approval for a specific use.

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.

General Policies:

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.*

23.00 *Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

24.00 *The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

APPLICANT'S RESPONSE: This application seeks to maximize efficiency of existing developed land for surrounding commercial leisure uses. Further, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current surrounding commercial leisure uses, so this zone change benefits the entire area by preventing industrial interference with existing surrounding commercial uses.

This application seeks to align with the current cluster of commercial leisure businesses in and around the central business district, which is just across the street from this property, and link to the cluster of commercial leisure businesses in the Alpine area just north of this property. This will help further encourage the walkable downtown/Alpine area.

FINDING: SATISFIED. The proposed commercial designation of the property allows for continued efficient use of this property in a location that is already identified for transition to commercial use. It is located within the building fabric of the downtown area, allowing for commercial use of the existing building, which is pedestrian-oriented and oriented to the sidewalk at the corner of 5th and Irvine. Parking is already located to the side of the building adjacent to the railroad tracks. This is consistent with the downtown district and avoids auto-oriented strip development.

Locational Policies:

24.50 *The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)*

APPLICANT'S RESPONSE: This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041). In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.

FINDING: SATISFIED. The proposed map amendment would meet a portion of the identified need for commercial land and site needs identified in the Comprehensive Plan and EOA.

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.*

APPLICANT'S RESPONSE: There is no better place to locate commercial uses than the location in this application, which is surrounded by other commercial uses. If this property were used for many of the currently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel), it would conflict with the surrounding commercial uses. Current city services adequate for commercial use are already present in this area.

FINDING: SATISFIED. Commercial designation of the proposed site would be consistent with the predominant designations of surrounding properties, thereby minimizing conflicts. It would also be consistent with the intended use of property located in Subarea 1 of the NE Gateway Overlay Zone which applies to the property. The site is already developed and served by municipal facilities and services.

26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT'S RESPONSE: The commercial leisure uses envisioned for this property are an ideal fit for the area, right next the central business district. The property has existing off-street parking as well as immediately adjacent street spaces. Once a specific use is determined, Carlton Hub will need to meet all requirements for that specific use and demonstrate such compliance in a separate application.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. The scale and use of the building and property is consistent with the objectives of the core downtown area. The property also has existing off-street parking. For a specific use, the applicant will be required to demonstrate adequate off-street parking on-site and/or within 200 feet through a shared parking agreement.

Design Policies:

30.00 *Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.*

APPLICANT'S RESPONSE: The property has existing access that avoids residential neighborhoods. The proposed commercial leisure business is similar to use of the property as a tasting room, so there should not be a notable impact on traffic on adjacent streets. The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. The property has frontage on 4th Street, 5th Street, and Irvine Street. Parking lot access is onto 5th Street, a minor collector, and 4th Street, which dead-ends at the railroad tracks, so there is no cut-through traffic adjacent to Village Quarter. Irvine Street provides a connection between 5th Street, a minor collector, and 3rd Street, a major collector.

31.00 *Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: This property has good bicycle and pedestrian links with the surrounding area. Use as a commercial leisure business is consistent with these links. Notably, this property will help serve as a link between the downtown core and the Alpine area.

FINDING: SATISFIED. The site is located within a well-connected grid street system. The proposed map amendment would not change bicycle and pedestrian connectivity.

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

APPLICANT’S RESPONSE: No response.

FINDING: NOT APPLICABLE. While the M-1 and C-3 zones both have similar provisions for required yards adjacent to residential zones and screening of outside storage adjacent to residential zones, there is no residential zoning adjacent to the property. There is existing screening present along the south property line adjacent to 4th Street and the adjacent residential use. Any proposed changes to approved landscaping are subject to review for amendments to existing landscape plans.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.

Downtown Development Policies

36.00 *The City of McMinnville shall encourage a land use pattern that:*

1. *Integrates residential, commercial, and governmental activities in and around the core of the city;*
2. *Provides expansion room for commercial establishments and allows dense residential development;*
3. *Provides efficient use of land for adequate parking areas;*
4. *Encourages vertical mixed commercial and residential uses; and,*
5. *Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

APPLICANT’S RESPONSE: This application promotes integrating commercial uses in the downtown core of the city, by shifting the small, isolated industrial property to commercial. This application will also link the commercial uses downtown with the commercial uses in the Alpine area.

FINDING: SATISFIED. The proposed amendment is consistent with the commercial uses intended for this area as expressed in the NE Gateway Overlay Subarea 1. Of the six blocks within Subarea 1, this is the only one that doesn’t currently have C-3 base zoning.

41.00 *The City of McMinnville shall encourage the expansion of retail and other commercial enterprises east of the railroad tracks and north and south of Third Street consistent with the adopted “Downtown Improvement Plan.”*

APPLICANT’S RESPONSE: This application builds upon the recent expansion of the downtown commercial core east of the railroad tracks. This property is located just a block north of this policy’s focus. Further, this property is a link between commercial uses downtown and along Alpine.

FINDING: SATISFIED. The subject property is outside the Study Area of the Downtown Improvement Plan; however, the proposed amendment encourages the expansion of commercial uses east of the railroad tracks to the north of Third Street, consistent with the plan, and also consistent with the commercial use of the property and other properties within Subarea 1 of the NE Gateway Overlay Zone.

44.00 *The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.*

APPLICANT’S RESPONSE: This property has an existing off-street parking lot.

FINDING: SATISFIED. The proposed map amendment doesn’t change the parking standards which are applicable to the property. The property currently has off-street parking. Any change of use or development is subject to the applicable parking standards. The property is not within the parking reduction areas listed in Section 17.60.100 of the Zoning Ordinance, and the applicability of the parking standards if the NE Gateway Overlay Zone would not change as a result of the proposed map amendment.

46.00 *The City shall work to implement the recommendations of the adopted “McMinnville Downtown Improvement Plan.”*

APPLICANT’S RESPONSE: No response.

FINDING: NOT APPLICABLE. The subject property is outside the study area of the “McMinnville Downtown Improvement Plan.”

INDUSTRIAL DEVELOPMENT

GOAL IV 5: TO CONTINUE THE GROWTH AND DIVERSIFICATION OF McMINNVILLE'S INDUSTRIAL BASE THROUGH THE PROVISION OF AN ADEQUATE AMOUNT OF PROPERLY DESIGNATED LANDS.

APPLICANT’S RESPONSE: As described above, both the 2013 and draft 2020 Economic Opportunities Analysis show a surplus of industrial land. Thus, removal of 0.9 acres from available industrial land will not hinder needed industrial growth.

FINDING: SATISFIED. The Comprehensive Plan and EOA identify a surplus of industrially-designated land. There is sufficient industrial acreage to redesignate the proposed property to a commercial designation while retaining a surplus of industrially designated land. In addition, Subarea 1 of the NE Gateway Overlay Zone, which includes the subject property, already permits commercial use and prohibits industrial use when its provisions are triggered by thresholds specified in the “Applicability” section of the Ordinance.

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.

Locational Policies

49.00 *The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.*

APPLICANT'S RESPONSE: This industrial property is surrounded primarily by commercial uses that would be harmed by many of the industrial uses currently allowed on the property. Aligning this property with surrounding commercial property serves the best interest of logical, orderly, and efficient development.

FINDING: SATISFIED. The subject property is already included within the NE Gateway Overlay Zone, which permits commercial use and prohibits industrial use when its provisions are triggered by thresholds specified in the "Applicability" section of the Ordinance. The subject property is the only one of six blocks within Subarea 1 which doesn't have C-3 zoning. The property currently has industrial zoning which abuts commercial zoning on three sides. The proposed amendment would result in commercial zoning, abutting commercial zoning on three sides, and with industrial zoning abutting only at the railroad tracks.

49.02 *The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord. 4961, January 8, 2013)*

50.00 *The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.*

APPLICANT'S RESPONSE: The city encourages industrial uses primarily (1) adjacent to the airport and south of Three Mile Lane and (2) adjacent to the existing Riverside Drive industrial area—both of which are far from this property. Removing this property from industrial use is consistent with the city's policy of encouraging industrial use elsewhere.

FINDING: SATISFIED. Policies 49.01, 49.02, and 50.00 address industrial land needs and attributes of land to be designated or redesignated for industrial use. The proposed amendment is to redesignate industrial land to commercial land. The amount of land to be redesignated is based on the need identified in the Comprehensive Plan, and retains an industrial surplus.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. Chapter V addresses residential use, residential designations, and residential planned developments, which are not applicable to the proposed map amendment from industrial to commercial.

(Note: Multi-dwelling residential use is permitted in the commercial zone, including as part of a mixed-use development).

CHAPTER VI. TRANSPORTATION SYSTEM

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

APPLICANT'S RESPONSE: This application fits into the existing transportation system as demonstrated by compliance with the goals and polices below.

FINDING: SATISFIED. The subject property is located in a suitable area convenient for multiple modes, including walking, biking, and transit.

MASS TRANSPORTATION

Policies:

- 100.00 *The City of McMinnville shall support efforts to provide facilities and services for mass transportation that serve the needs of the city residents.*
- 104.00 *The City of McMinnville shall encourage a centrally located bus terminal, for intercity and intracity bus services.*
- 105.00 *The City of McMinnville shall examine the impacts of transportation proposals involving bus and/or rail terminals on surrounding land uses.*

APPLICANT'S RESPONSE: This property is in easy walking and biking distance from the McMinnville Transit Center (less than four blocks away), making it well suited for a leisure-based commercial use. Yamhill County Transit routes link the McMinnville Transit Center to regional transit centers in Hillsboro, Tigard, West Salem, and Grand Ronde, in addition to local cities like Lafayette, Dayton, Dundee, Newberg, Amity, Carlton, Yamhill, Sheridan, and Willamina. Commercial uses on this property (rather than industrial uses) will help link the trail between the transit center and commercial uses along Alpine.

FINDING: SATISFIED. The subject property is on transit routes and in close proximity to the transit center.

TRANSPORTATION DISADVANTAGED

Policies:

- 106.00 *The City of McMinnville, through public and private efforts, shall encourage provision of facilities and services to meet the needs of the transportation disadvantaged.*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. The subject property is located in proximity to other complementary uses with facilities for a variety of transportation options including walking, biking, and transit.

RAIL

- 108.00 *The City of McMinnville shall encourage the modification, relocation, or termination of rail activities that conflict with existing developed land uses in the city.*
- 112.00 *The City of McMinnville shall encourage, through zoning and other regulations, the location of industrial lands adjacent to rail lines in areas where industrial uses will be compatible with surrounding land uses, and where the goals and policies of this plan are met.*

APPLICANT'S RESPONSE: The property is adjacent to railroad property, but it is also an area where many industrial uses are not compatible with surrounding commercial uses. Notably, this property is buffered from the main railroad line by a 45-foot-wide-by-200-foot-deep parcel between Carlton Hub's property and the property on which the railroad line is located. This 45-foot-wide parcel is owned and used by the railroad as a storage area; it would remain in light industrial zoning after approval of this application. The city's policies on rail support this application.

FINDING: SATISFIED. There are some areas within the downtown core where non-industrial uses are adjacent to the railroad as it passes through downtown. This site can likewise support non-industrial commercial use while being located adjacent to the railroad and railroad property where it passes through downtown.

STREETS

- 117.00 *The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*
- 119.00 *The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

APPLICANT'S RESPONSE: The property is already served by the existing street network, with existing safe and easy street access with driveways on both NE 5th St and NE 4th St.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. The subject property is located in an area that is well-served by the existing street grid and doesn't require new transportation corridors.

PARKING

- 126.00 *The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*
- 127.00 *The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.*
- 128.00 *The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.*

APPLICANT'S RESPONSE: The property has an existing off-street parking lot as well as immediately adjacent street spaces. The property is also less than four blocks away from the public parking structure on NE Evans St.

FINDING: SATISFIED. The proposed map amendment doesn't change the parking standards which are applicable to the property. The property currently has off-street parking. Any change of use or development is subject to the applicable off-street parking standards. The property is not within the parking reduction areas listed in Section 17.60.100 of the Zoning Ordinance, and the applicability of the parking standards if the NE Gateway Overlay Zone would not change as a result of the proposed map amendment.

BIKE PATHS

Policies:

130.00 *The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.*

APPLICANT'S RESPONSE: The property already has good bike access under the Bicycle System Plan with sharow designation on 5th Street and nearby bike lanes or shoulders on NE Lafayette Ave, Three Mile Ln, 2nd St, and 3rd St.

FINDING: SATISFIED. The proposed map amendment doesn't affect the City's ability to implement a Bicycle System Plan that connects residential areas to the downtown core.

Complete Streets

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:*

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
2. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Narrower traffic lanes;*
 - b. *Median refuges and raised medians;*
 - c. *Curb extensions ("bulb-outs");*
 - d. *Count-down and audible pedestrian signals;*
 - e. *Wider sidewalks;*
 - f. *Bicycle lanes; and*
 - g. *Street furniture, street trees, and landscaping*
3. *Improve pedestrian accommodation and safety at signalized intersections by:*

- a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
- b. *Timing signals to minimize pedestrian delay and conflicts.*
- c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT’S RESPONSE: The property has good access for walking, biking, bus transit, and driving, as noted in other sections of this application. In particular, the existing sidewalks are accessible and are shielded from traffic by street trees. The property has good walking access with the existing downtown sidewalk network. 5th St is designated for bike sharing. The property is less than four blocks away from the transit station and a public parking garage. The property has off-street parking.

FINDING: SATISFIED. The property is located where well-suited to commercial use, with convenient access by walking, biking, and transit. The downtown grid has buildings oriented to the sidewalks with street trees. On-street parking is present, public parking is available nearby, and off-street parking is present. Fifth Street has been improved with pedestrian bulb-outs at the adjacent intersections, and the property is on a transit route and near the transit center. With the connected grid system, multiple routes are available for walking and cycling.

LIVABILITY

132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways

APPLICANT’S RESPONSE: This application will help meet the goal of clustering commercial uses in the downtown core to minimize neighborhood disruption and encourage public transit, biking, and walking.

FINDING: SATISFIED: The commercial use of the property is well-suited to current transportation options and access via transit, biking, and walking.

GROWTH MANAGEMENT

132.40.00 Mobility standards will be used to evaluate the transportation impacts of long-term growth. The City should adopt the intersection mobility standards as noted in Chapter 2 of the Transportation System Plan. (Ord. 4922, February 23, 2010)

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The TIA demonstrates “no significant effect” on transportation facilities in assessing the potential impact on adopted mobility standards, as a result of the proposed map amendment compared to uses that would be permitted in the current zone together with the uses permitted in the NE Gateway Overlay Zone, Subarea 1, in which the property is located.

132.40.05 *Conditions of Approval – In accordance with the City’s TSP and capital improvements plan (CIP), and based on the level of impact generated by a proposed development, conditions of approval applicable to a development application should include:*

1. *Improvement of on-site transportation facilities,*
2. *Improvement of off-site transportation facilities (as conditions of development approval), including those that create safety concerns, or those that increase a facility’s operations beyond the City’s mobility standards; and*
3. *Transportation Demand management strategies*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The determination of “no significant effect” in the TIA means mitigation is not required to address the proposed map amendment.

McMinnville TSP Implementation

132.62.00 *TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The proposed amendment is consistent with Transportation Planning Rule OAR 660-012-0060, which applies to map amendments, and is consistent with the TSP and the applicable Goals and Policies of the Comprehensive Plan. Mitigation is not required in conjunction with the map amendment as the TIA demonstrates “no significant effect.”

132.62.20 *TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The findings above demonstrate the proposed map amendment is consistent with the TSP.

CHAPTER VII. COMMUNITY FACILITIES AND SERVICES

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

APPLICANT’S RESPONSE: All needed utilities are already provided for this property, including sewers, storm drainage, water, etc.

FINDING: SATISFIED. The property is developed urban land, and basic public and private facilities and services are available to the property.

Water and Sewer-Land Development Criteria

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.*

APPLICANT’S RESPONSE: This property already has full utilities. This application envisions a commercial leisure use similar to use as a tasting room, so there should not be notable impact on utilities.

FINDING: SATISFIED. Notice of the proposed map amendment was provided to service providers. No issues with water supply, storage, or distribution facilities were identified. No issues with municipal sewage facilities were identified. No issues were identified regarding sufficient water and sewer system personnel or resources for the maintenance and operation of the water and sewer systems or that would differ for personnel and resources to provide service to commercially-zoned land rather than industrially-zoned land. No issues were identified with the ability to meet applicable standards and policies in serving the property with water and sewer.

PARKS AND RECREATION

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

166.00 *The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.*

APPLICANT’S RESPONSE: By utilizing an already-developed property in the downtown core, this application helps avoid further enrichment on open spaces and natural areas elsewhere.

FINDING: NOT APPLICABLE. The proposed map amendment does not affect this goal or policy.

CHAPTER VIII. ENERGY

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS. ENERGY SUPPLY DISTRIBUTION

171.00 *The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.*

APPLICANT’S RESPONSE: By utilizing an already-developed property in the downtown core, this application helps minimize energy use. By locating near the current clusters of commercial leisure business in the downtown core and along Alpine, customers of the business at this property can easily walk to nearby similar businesses, which will reduce overall fuel use and lower carbon emissions.

Similarly, by locating in the already-developed downtown core, this application will not require any new energy system changes or development.

FINDING. SATISFIED. The proposed map amendment pertains to an existing developed site in an area that is serviced with power and is located in an area accessible by transportation modes including walking, biking, and public transit, which provide energy efficient transportation options.

ENERGY CONSERVATION

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

Policies:

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

APPLICANT’S RESPONSE: This application proposes further development within a compact urban core, which will help conserve all forms of energy. This application helps cluster commercial uses near other commercial uses instead of having a small, isolated island of industrial uses within an area that is predominately commercial. This promotes efficiency for customers moving between this commercial use and nearby commercial uses.

FINDING: SATISFIED. The applicant’s response addresses the applicable goal and policy.

CHAPTER IX. URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

APPLICANT’S RESPONSE: This application focuses on orderly and timely development of commercial uses in the downtown core, which will help reduce the pressure for bringing in new lands to the UGB due to the projected shortage of commercial property described above.

FINDING: SATISFIED. The proposed commercial map designation is consistent with the identified commercial land needs specified in the Comprehensive Plan and EOA. The property is already an existing developed urban site. The redesignation retains an industrial land/site surplus.

GREAT NEIGHBORHOOD PRINCIPLES

Policies:

187.10 *The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

187.20 *The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today’s technology and infrastructure, and can accommodate future technology and infrastructure.*

187.30 *The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

187.40 *The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

187.50 *The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

1.Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

2.Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features,

landscapes, vistas, skylines, and other important features.

3.Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

- a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
- b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.

- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

6.Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.

- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
- b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

7.Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.

- a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
 - b. Design practices should strive for best practices and not minimum practices.*
- 8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
 - a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
 - b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
 - c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*
- 9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
 - a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
 - b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
 - c. Neighborhoods are designed such that owning a vehicle can be optional.*
- 10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
 - a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*
- 11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
 - a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*
- 12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
 - a. Neighborhoods shall have several different housing types.*

b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*

b. *Opportunities for public art provided in private and public spaces.*

c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The proposed map amendment is not part of a new neighborhood, but rather strengthens the core commercial area which serves as the heart of McMinnville and also serves surrounding neighborhoods. It contributes to the commercial services in the core in a setting that is already accessible to multiple modes, as part of a connected grid street system, with pedestrian orientation and human-scaled development with unique historic character.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

GOAL X 3: TO PERIODICALLY REVIEW AND AMEND THE McMINNVILLE COMPREHENSIVE PLAN TO REFLECT CHANGES IN COMMUNITY CIRCUMSTANCES, IN CITIZEN DESIRES, AND IN THE STATEWIDE GOALS.

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.*

189.00 *The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*

APPLICANT’S RESPONSE: Citizen involvement is ensured through this process by the applicant holding a publicly-noticed neighborhood meeting and providing a summary of all public

comments as an attachment to this application, participating in a publicly-noticed public hearing before the Planning Commission, and ultimate consideration at a publicly-noticed meeting before the City Council.

All neighborhood meeting requirements under 17.72.095(G) have been met here.

1. *A copy of the meeting notice mailed to surrounding property owners;*

See Exhibit D.

2. *A copy of the mailing list used to send the meeting notices;*

See Exhibit E.

3. *One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;*

See Exhibit F.

4. *One 8 ½ x 11” copy of the materials presented by the applicant at the neighborhood meeting; and*

See Exhibit G.

5. *Notes of the meeting, which shall include:*

a. Meeting date;

b. Meeting time and location;

c. The names and addresses of those attending;

d. A summary of oral and written comments received; and

e. A summary of any revisions made to the proposal based on comments received at the meeting

See Exhibit H. Also, revisions to the proposal include providing more information on existing and potential uses in this application, to the extent that is possible given current ongoing planning and the limited factors considered in a zone change application.

FINDING: SATISFIED. Prior to submitting an application, the applicant is required to conduct a noticed neighborhood meeting, which the applicant satisfied. The public processes provide for review of the proposed map amendment to the adopted and acknowledged Comprehensive Plan and Zoning Map through the quasi-judicial process.

McMinnville Zoning Ordinance (Title 17 of the Municipal Code)

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

Chapter 17.74. Review Criteria

Section 17.74.010. Purpose. The purpose of this chapter is to provide the approval criteria for the following applications:

- Comprehensive Plan Map Amendment
- ...
- Zone Change

FINDING: SATISFIED/APPLICABLE. The criteria of this Chapter and applicable sections are the applicable criteria for the proposed Comprehensive Plan Map amendment and Zone Change.

Section 17.74. 020. Comprehensive Plan Map Amendment and Zone Change – Review Criteria

17.74.020. Comprehensive Plan Map Amendment and Zone Change - 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;*

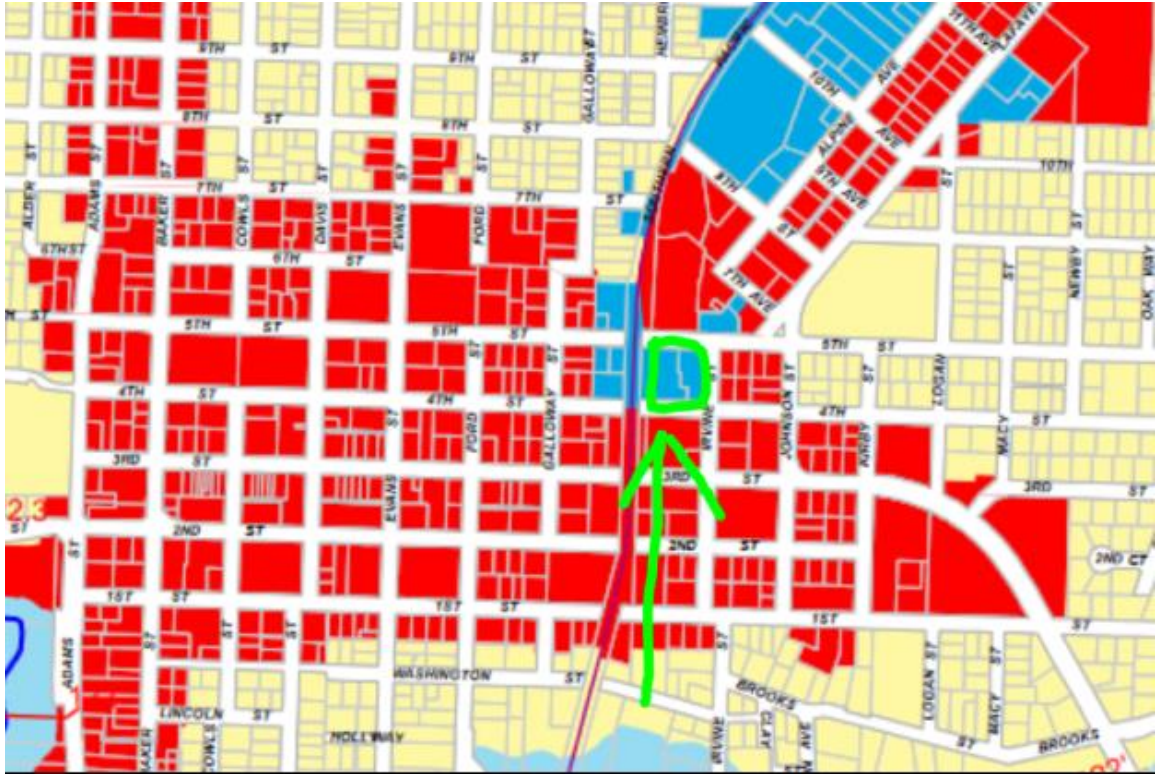
APPLICANT’S RESPONSE: [**Staff Note:** *These applicant’s responses regarding the Comprehensive Plan are addressed in the Section above.*]

FINDING: SATISFIED. Findings regarding consistency with the goals and policies of the Comprehensive Plan are provided above and are satisfied.

- 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;*

APPLICANT’S RESPONSE: It is hard to imagine a more orderly and timely proposal. If anything, the zone should have been changed years ago. See zoning map in introduction.

On the comprehensive plan map, the property is in an isolated area of industrial (blue) surrounded by a sea of commercial (red). The properties immediately to the south, east, and part of the north are all commercial designation. Changing the comprehensive plan to commercial fits well in the overall current land use pattern, especially by helping link downtown commercial with commercial in the Alpine area.



Over time, the city's industrial area has primarily shifted to the northeastern part of the city and away from downtown. This application is consistent with this shift.

In fact, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current land use pattern. There are a number of nearby leisure businesses that would align well with having another leisure business in this location.

FINDING: SATISFIED. The subject property is developed urban land with available public facilities and services. Consistent with Subarea 1 of the NE Gateway Overlay District, the property is identified for conversion from industrial to commercial use. Other properties within NE Gateway Subarea 1 are already zoned C-3.

- C. *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

APPLICANT'S RESPONSE: The property already has sufficient utilities and services. The proposed use for a leisure business like a restaurant is very similar to use as a tasting room, so this change should not have a notable impact on area utilities, services, or traffic.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. Basic services are available to this developed property. Service providers were notified of the proposal. There were no issues identified with efficient provision of utilities or services to serve permitted uses in the commercial zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

NOTE: *Residential use and development is not permitted within the M-1 zone, but is permitted within both the C-3 zone and Northeast Gateway Subarea 1 as a separate use or as part of a mixed-use development.*

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE: The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

NOTE: *Residential use and development is not permitted within the M-1 zone, but is permitted within both the C-3 zone and Northeast Gateway Subarea 1 as a separate use or as part of a mixed-use development.*

Statewide Planning Goals and Applicable State Law

Goal 2: Land Use Planning

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. Goal 2 is "To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions." The decision-making is based on the City's adopted and acknowledged Comprehensive Plan and Land Use Regulations, including the factual base and procedures. Determination of consistency with the applicable statewide planning goals and associated administrative rules is also based on an adequate factual basis.

Goal 9: Economic Development

APPLICANT'S RESPONSE: After conversations with the city post-application, the applicant has learned of several other standards further supporting this application.

First, the subject property is within the Northeast Gateway Planned Development Overlay (Ordinance No. 4971), which is intended to "guide the transition of a light and heavy industrial area to a vital, mixed-use, pedestrian-friendly neighborhood."



The entire overlay area is approximately 75 acres, as shown by the map above. Within the overlay area, the overlay ordinance specifically designates six blocks east of the railroad between 3rd and 5th Streets—including the subject property—as “Zone 1.” Zone 1 is the most permissive zone in the overlay, and it is intended for “a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.”

Of the six blocks in Zone 1 of the overlay, all five blocks other than the subject property are now zoned C-3 and designated commercial in the comprehensive plan. This application will further the transition envisioned in the overlay ordinance of moving all six blocks to C-3 and commercial designation.

The overlay specifically allows a variety of commercial uses on the subject property that are similar to those allowed under C-3 zoning, including food and beverage establishments,

general retail sales, personal services, hotels/motels, various types of offices, etc. Due to the overlay, this application will have only a small impact on possible uses for the subject property.

Although the overlay primarily governs new development, it clearly demonstrates the city's long-term intent is for the subject property to be used as proposed in this application. The Northeast Gateway Planned Development Overlay strongly supports approval of this application.

Second, OAR 660-009-0010(4)'s requirements related to removing land from an industrial use designation do not apply to this application since the subject property is less than two acres. Third, although property on the other side of the railroad tracks to the west of the subject property is zoned M-2, there are no buffer requirements between the proposed C-3 and M-2 zones that would restrict uses on the M-2 property to the west.

FINDING: SATISFIED. Goal 9 is "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

OAR 660 Division 9 addresses Goal 9 Economic Development. OAR 660-009-0010 addresses the application of Division 9 as follows:

(1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.

...

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements...

First, the proposed amendment applies to property comprising 0.9 acres, which does not exceed two acres.

Second, the City's adopted and acknowledged EOA identifies a surplus of industrial land and a deficit of commercial land. The proposed amendment would not reduce the identified industrial surplus below the identified need.

Third, while the Comprehensive Plan Map designation of the property is Industrial and the base zoning is M-1 (Light Industrial), the property is within Subarea/Zone 1 of the NE Gateway Overlay Zone (Ordinance 4971), which is an adopted and acknowledged land use regulation.

The subject property is one of six blocks of land within Subarea 1, and the only one of the six blocks that doesn't have a Commercial Comprehensive Plan Map designation and C-3 commercial zoning. Section 3 of the NE Gateway Ordinance describes Subarea 1 as follows:

The overall plan for this zone is a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential and office uses above

active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.

Section 6 of the NE Gateway Ordinance does not allow industrial uses within Subarea 1, either as independent uses or as part of mixed-use development.

The proposed amendment would allow for commercial use, consistent with the intent of NE Gateway Overlay, Subarea 1.

Goal 12: Transportation

APPLICANT'S RESPONSE:

[NOTE: *The applicant provided a May 2, 2022 memo from Kittelson and Associates, followed by a June 10, 2022 memo. The following is excerpted from the June 10, 2022 memo.*]

This memorandum has been prepared as a follow-up to our trip generation and Transportation Planning Rule (TPR) analysis for the proposed Zone Change and Comprehensive Plan amendment of the property located at 455 NE Irvine Street. After submittal of our memorandum, the City provided additional information about the Northeast Gateway Planned Development Overlay (City Ordinance 4971). The subject property is within the designated Zone 1 area covered by the Development Overlay. Further, we note that the overlay purpose is to transition of industrial uses to a vibrant, downtown environment. The proposed zone change to C-3 meets the purpose and intent of the Overlay.

We reviewed the permitted uses within Zone 1 versus those associated with the property's M-1 (Light Industrial) existing designation as well as those of the proposed C-3 (General Commercial) designation.

As discussed in our May memo, the "reasonable worse case" generators appear to be as follows:

- Existing M-1 Zoning= 15,682 square feet daycare (i.e., 0.9 acres* 0.4 FAR)
- Proposed C-3 Zoning= 9,801 square feet of building (using a 0.25 FAR); however, this is larger than a typical bank so we suggest assuming a 5,000 square foot bank (the average of the sites surveyed) and a 4,801 square foot high-turnover, sit-down restaurant share the building space.

The Northeast Gateway Planned Development Overlay allows for a bank and a restaurant as well as for up to 25,000 square feet of retail uses. A daycare is permitted that serves less than 12 students and is a conditional use if there are greater than 12 students. Further, Zone 1 is subject to the downtown development standards specified in the Zoning Code Section 17.59, which allows for a zero setback for buildings. With the location of the property within the downtown as well as the Development Overlay provisions, we conclude that no change in trip generation would result from the zone change. As such, our conclusions from the May memo remain unchanged.

As discussed in our May memo, we conclude that the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060 and no further traffic analysis be required as part of the proposed Carlton Hub Zone Change and Comprehensive Plan amendment.

FINDING: SATISFIED. Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” OAR 660 Division 12 is the “Transportation Planning Rule.” OAR 660-012-0060 applies to plan and land use regulation amendments.

The traffic associated with the use and intensity of commercial development that would be permitted by the proposed map amendment is comparable to that which could occur for the commercial use and development that is already permitted within Subarea 1 of the NE Gateway Overlay Zone which applies to the property upon redevelopment or 15% expansion of current development of the property.

The applicant has demonstrated that the proposed map amendment would not significantly affect an existing or planned transportation facility as defined in OAR 660-012-0060, and no further action is required under OAR 660-012-0060.

STAFF REPORT

DATE: August 23, 2022
TO: Mayor and City Councilors
FROM: Tom Schauer, Senior Planner
SUBJECT: Public Hearing – Planned Development Amendment PDA 3-22, Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is the consideration of Ordinance No. 5122 approving the following applications with conditions: Planned Development Amendment PDA 3-22, Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22), for a property of approximately 1.8 acres located at the southwest corner of Booth Bend Road and Highway 99 (Tax Lot R4429CA 00300). **See Vicinity Map (Figure 1) and Zoning Map (Figure 2).**

The requests are summarized below. The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

PDA 3-22. The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan which was approved as part of the Planned Development, which requires approval of a Planned Development Amendment. Most of the other properties within the overlay have since been developed.

Attachments:

1. PDA 3-22, LFW 1-22, L 6-22, MP 1-22 Applications
2. Minutes from July 21, 2022 Planning Commission Meeting
3. Attachment 3- Memo from Staff with Responses to Planning Commissioner Questions, with July 14, 2022 Memo from David Evans and Associates attached
4. Ordinance No. 5122 with PDA 3-22, LFW 1-22, L 6-22, MP 1-22 Decision Document

LFW 1-22. The property has certain shared site features, including access, with a large format commercial building (Lowe's), which therefore also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

L 6-22. The proposal includes a landscape plan, which is required for commercial development.

MP 1-22. The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

This is a consolidated review to consider these four applications associated with the development of the subject property. The consolidated review procedures specify that the decisions for all applications are subject to the procedure that affords the most opportunity for public hearing and notice:

17.72.070 Concurrent Applications. When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

A decision for a Planned Development Amendment is made by City Council, so the Planning Commission makes a recommendation to City Council for all applications through the consolidated procedure. City Council makes the final decision on the applications.

The applicable criteria are provided in the following sections of the Zoning Ordinance:

- Planned Development Amendment: Section 17.74.070
- Large Format Commercial Review and Waivers: Sections 17.56.050, 17.56.040(D)
- Landscape Plan: Section 17.57.070
- Partition: Sections 17.53.060, 17.53.100-153

Applicable Goals and Policies of the Comprehensive Plan are also criteria for land use decisions.

This is a quasi-judicial decision subject to the procedures of Section 17.72.130 of the Zoning Ordinance. Per Section 17.72.130 of the Zoning Ordinance, the Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.

- a. If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council, a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the

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Planning Commission, and any other materials deemed necessary for decision by the City Council.

- b. If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.

Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:

- a. Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;
- b. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D)-(F)

The Planning Commission held a public hearing on July 21, 2022 and voted 6-0 to recommended that City Council approve the applications subject to the conditions in the attached decision document based on the findings provided in the decision document.

The applications are subject to the 120-day processing timeline. The applications were deemed complete on June 29, 2022. 120- day deadline is October 27, 2022.

Background:

The subject property is within a commercial Planned Development Overlay, Ordinance 4688, which is predominantly built-out and includes Lowe's, Roby's Furniture, Hometown Dental, and restaurant pads across Booth Bend Road to the north.

The applications would facilitate a partition of the remaining vacant parcel into two parcels, with a Burger King development on the northerly parcel and the proposed southerly parcel to remain vacant at this time.

Discussion:

More detailed background and discussion is provided in the "Application Summary" section of the Decision Document.

The Planning Commission recommends conditions to address:

- Additional information regarding queuing analysis at the proposed easterly driveway onto Booth Bend Road, and potentially restricting that access to right-in, right-out only.
- Revisions to the proposed elevations to comply with certain Large Format Commercial Standards and address screening of mechanical equipment
- Revisions to the proposed site plan to address screening of the trash enclosure, bicycle parking, and the design of the pedestrian connector.
- Conditions addressing provision of utilities, easements, and agreements associated with the partition and development of the Burger King use.

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City Council Options:

1. **ADOPT THE ORDINANCE** approving PDA 3-22, LFW 1-22, L 6-22, and MP 1-22 with conditions in the decision document and adopting the Decision, Findings of Fact, and Conclusionary Findings per the decision document provided.
2. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting.
3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5122.

Recommendation:

The Planning Commission reviewed the proposals for consistency with the applicable criteria. The Planning Commission found that the applicable criteria were satisfied with conditions, as provided in the decision document, and **RECOMMENDED APPROVAL WITH CONDITIONS** of the applications.

Staff **RECOMMENDS ADOPTION OF THE ORDINANCE** approving the applications with conditions as recommended by the Planning Commission.

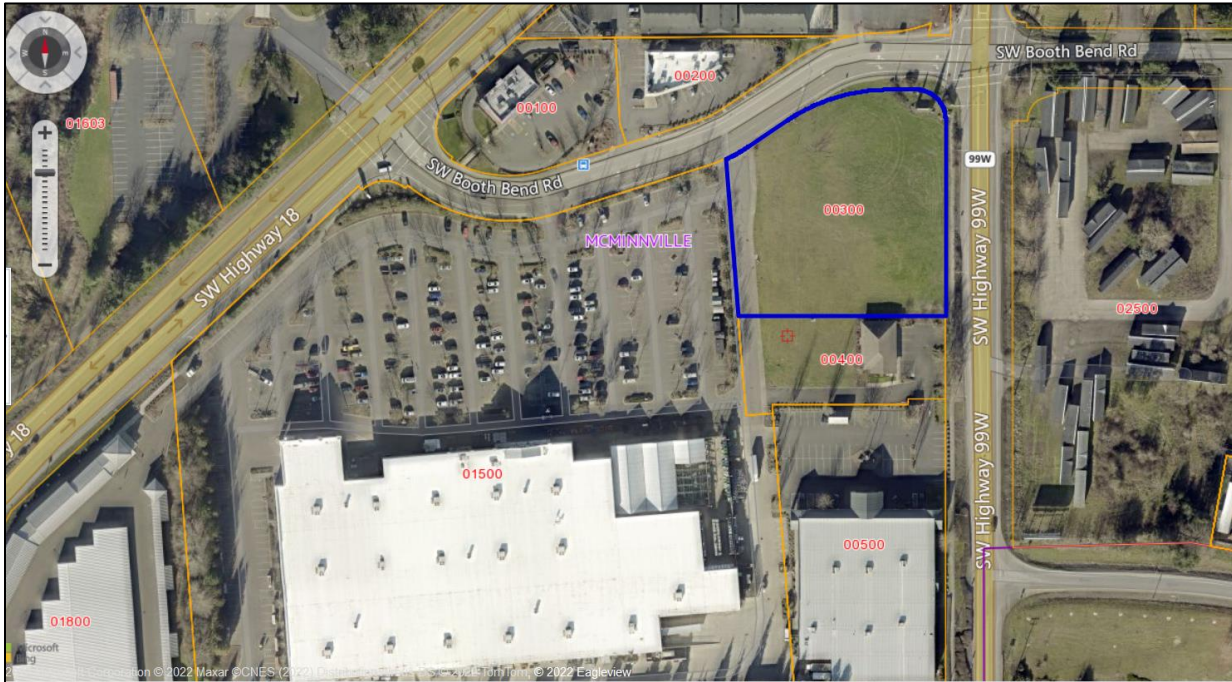
Suggested Motion:

“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 5122.”

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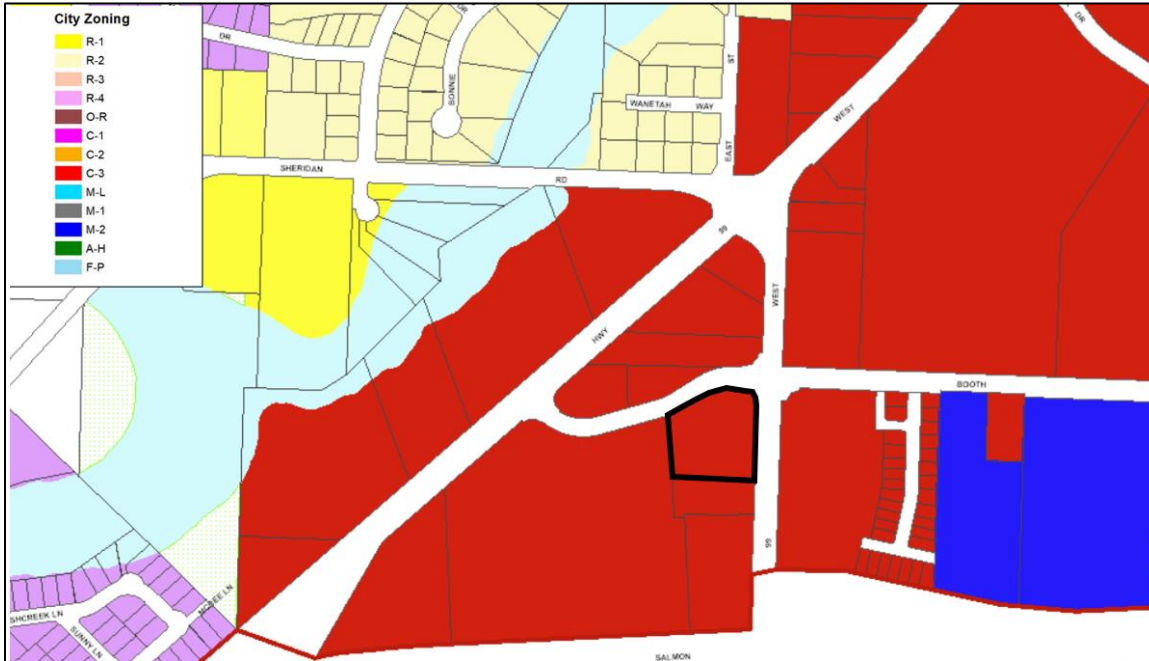
Figure 1. Vicinity Map



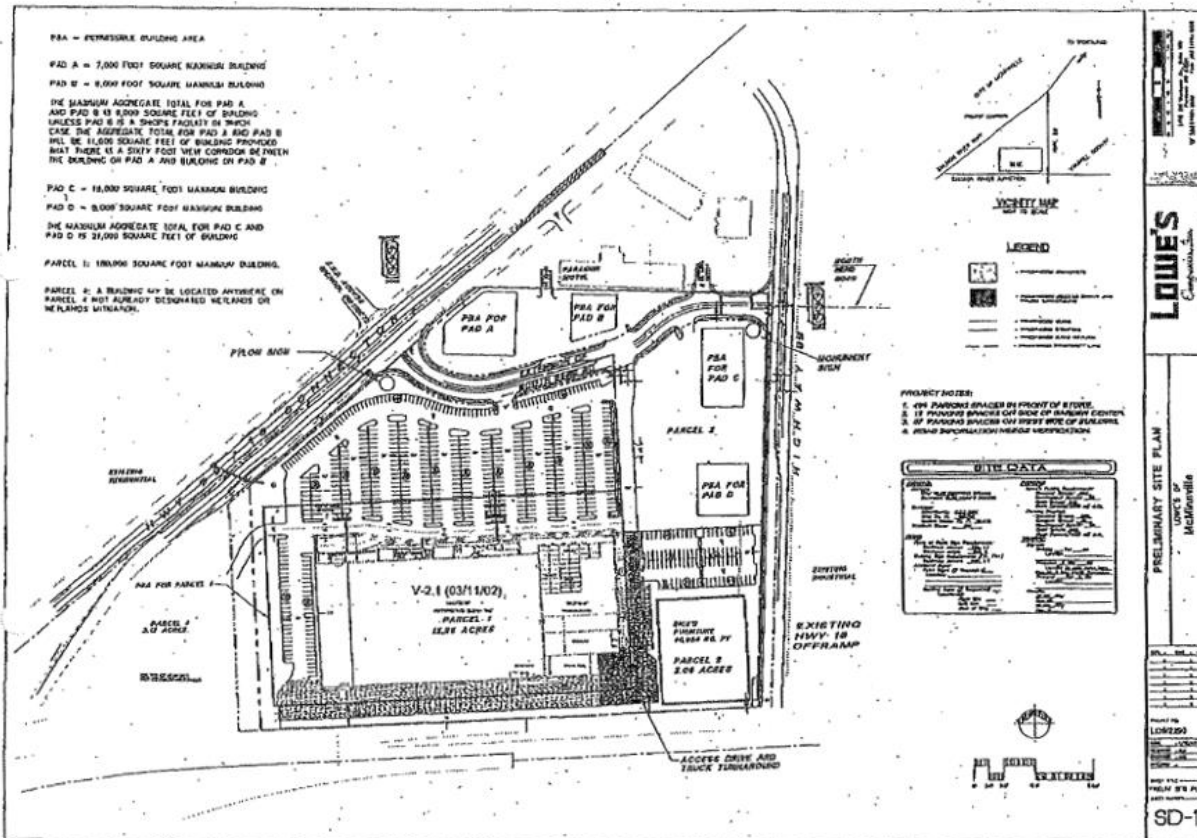
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Figure 2. Zoning Map



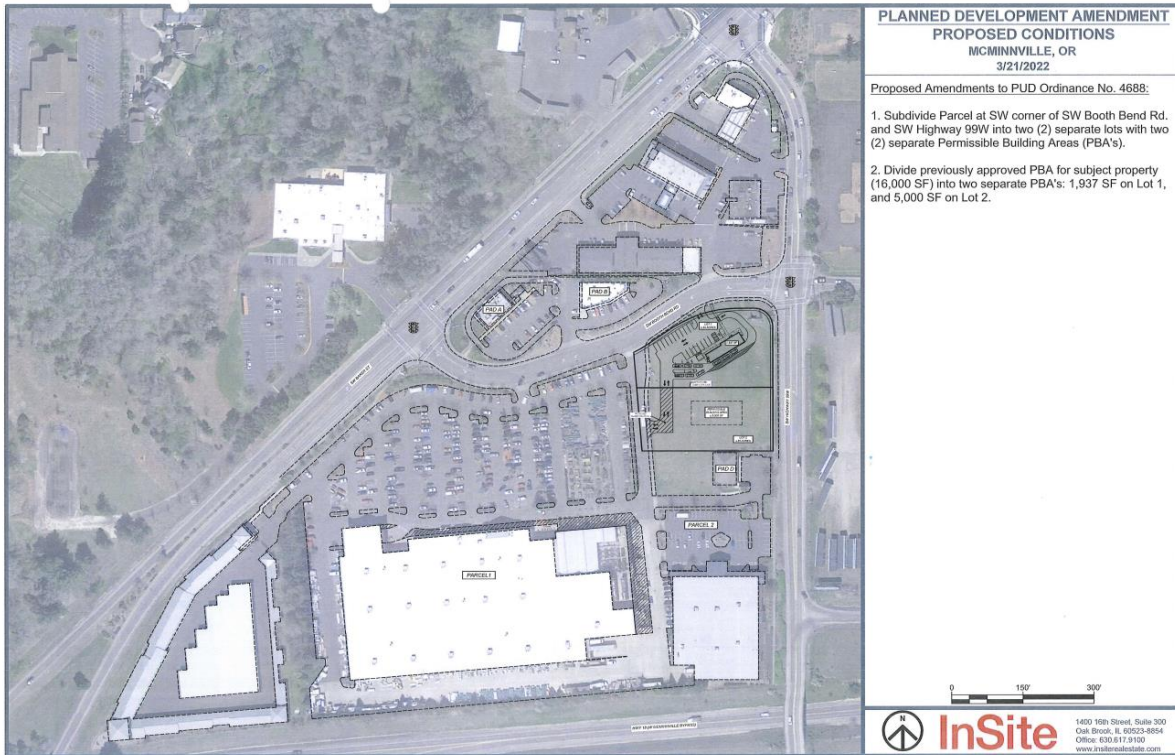
Existing Planned Development Site Development Plan



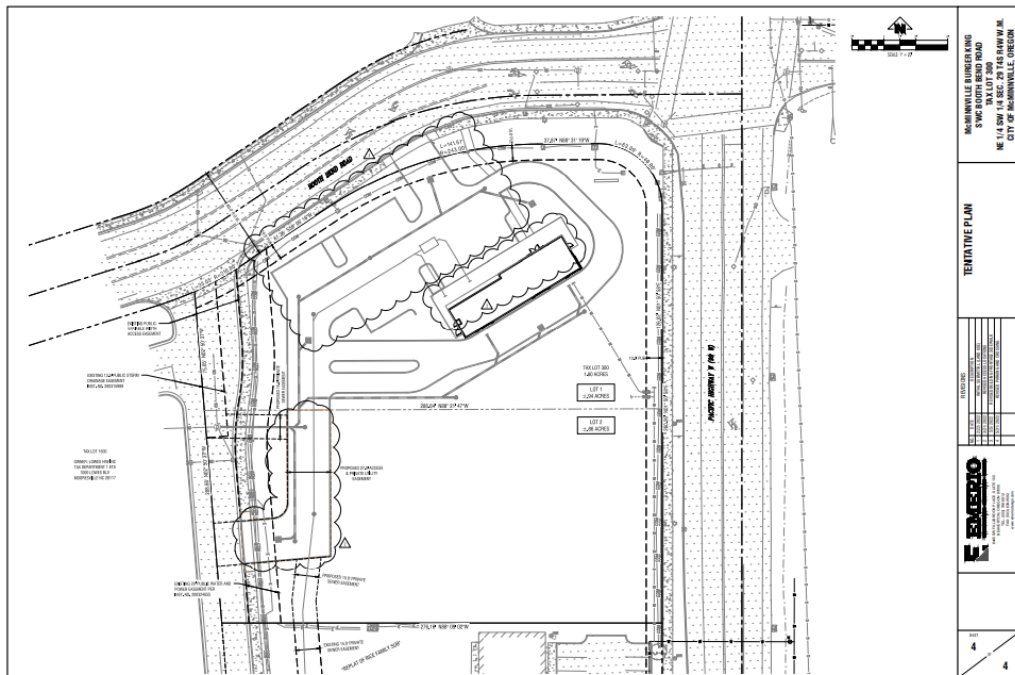
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Proposed Amendments to Planned Development - Development Plan



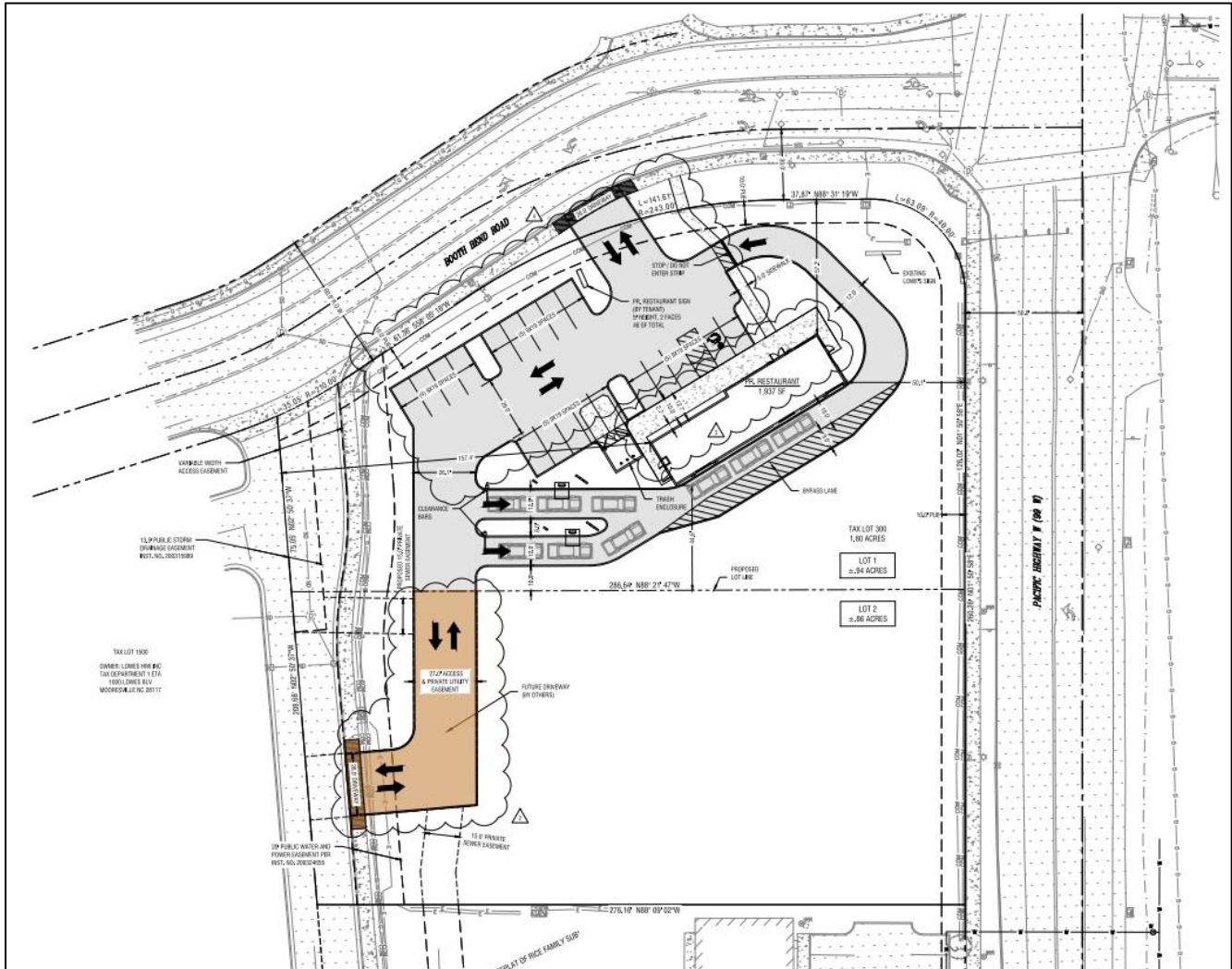
Applicant's Proposed Partition Tentative Plan



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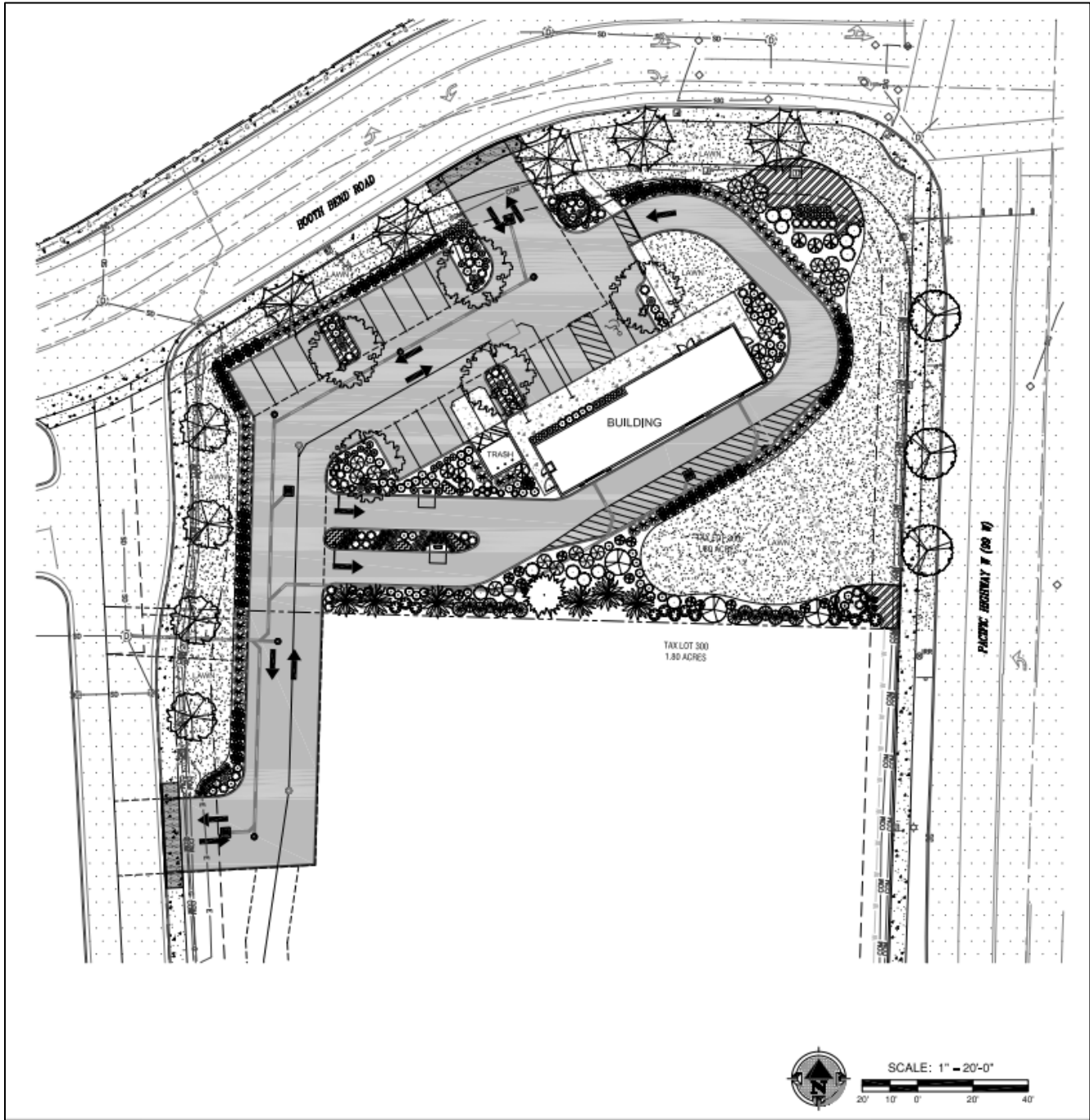
Applicant's Proposed Site Plan



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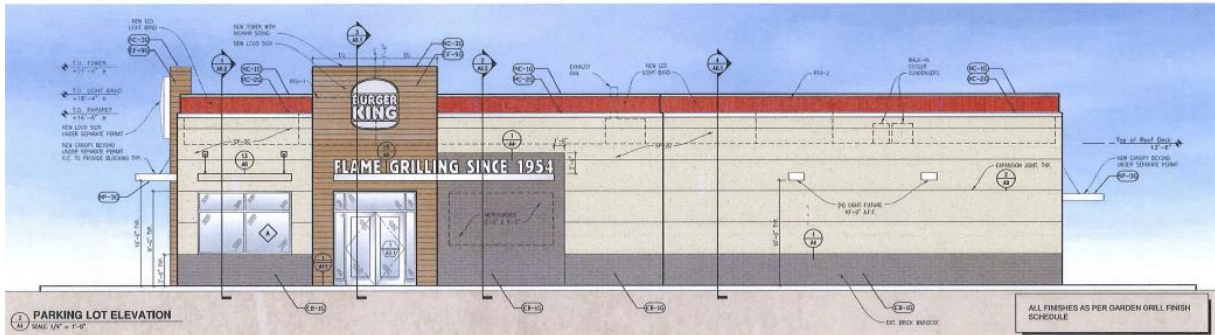
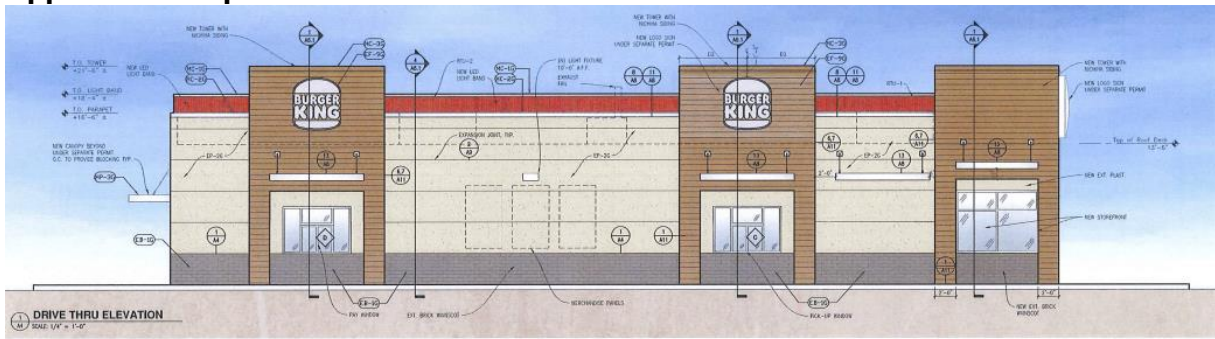
Applicant's Proposed Landscape Plan



Attachments:

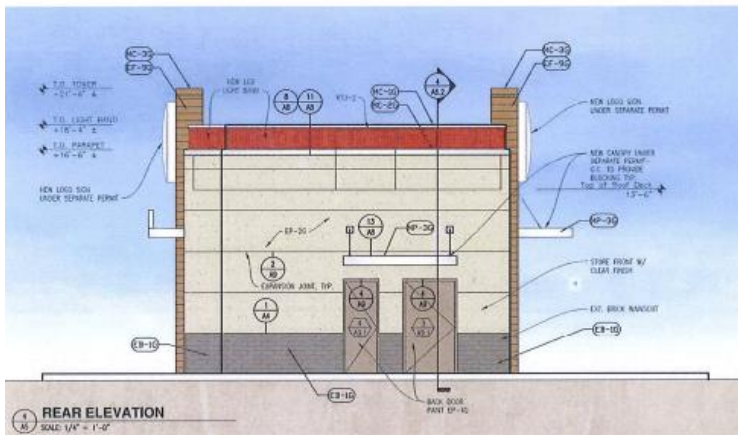
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Applicant's Proposed Elevations



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Planned Development Amendment Information & Submittal Requirements



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

Overview

A planned development is applied to property as a vehicle to encourage variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private open spaces. A planned development is not intended as a guise to circumvent the intent of the Zoning Ordinance. Once adopted and applied to a property, the planned development -- in concert with the Zoning Ordinance -- guides development within the subject property. The City recognizes that changes to the details of a planned development may be necessary on occasion due to circumstances that may be beyond the control of the property owner. This application is used to request such amendments.

An amendment to an existing planned development overlay may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Any text amendments or major changes to an adopted site plan must be approved by the Planning Commission. Major changes to an adopted site plan include the following:

- A. An increase in the amount of land within the subject site;
- B. An increase in density, including the number of housing units;
- C. A reduction in the amount of open space; or
- D. Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas, and access.

For further clarification as to what constitutes a major or minor amendment, you are encouraged to contact the Planning Department before submitting an application.

Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- A completed Planned Development Amendment application form. If additional explanation or materials would assist or support the request, include them with the application form.
- A site plan (drawn to scale, with a north direction arrow, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A legal description of the subject site, preferably taken from the deed.

- A copy of the current planned development overlay ordinance.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee.

Review Process

Upon receipt of a complete application for a major change to an existing planned development, the Planning Department will schedule a date and time for the Planning Commission's public hearing on the request, and provide notification of the proposed amendment to property owners within 300 feet of the subject site. The Planning Commission's public hearing will follow the procedures as stated in Sections 17.72.120 (Applications – Public Hearings) and 17.72.130 (Public Hearing Process) of the Zoning Ordinance.

Approval of an amendment to an existing planned development requires that the applicant demonstrate that the following criteria, as stated in Section 17.74.070 (Planned Development Amendment – Review Criteria) of the Zoning Ordinance have been met:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to, and efficient provision of, services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Following the close of the hearing, the Commission will vote to forward a recommendation to the City Council to approve the requested amendment, or approve it with a different form. If the Commission recommends the request be denied, no further proceedings shall be held, unless an appeal of the Commission's decision is filed, as stated in Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance.

Upon receipt of the decision of the Planning Commission to recommend approved the Council shall:

- A. Based on the material in the record and the findings adopted by the Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;
- B. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D-F) (Applications – Public Hearings) of the Zoning Ordinance.



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

Office Use Only:	
File No.	<u>PDA 3-22</u>
Date Received	<u>3.29.2022</u>
Fee	<u>\$3093.50</u>
Receipt No.	<u>205877</u>
Received by	<u>IS</u>

569-22-000102-PLNG

Planned Development Amendment Application

Applicant Information

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

Applicant Name INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C. Phone (630) 617-9124

Contact Name Andrew Johnson Phone (847) 287-9292
 (If different than above)

Address 1400 16th Street, Suite 300

City, State, Zip Oak Brook, Illinois 60523

Contact Email ajohnson@insiterealestate.com

Property Owner Information

Property Owner Name Richard D. Rice Phone _____
 (If different than above)

Contact Name (Same As Above) Phone _____

Address 900 Hill Road, No. 339

City, State, Zip McMinnville, Oregon 97128

Contact Email _____

Site Location and Description

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

Property Address Null

Assessor Map No. R4429CA00300 - Total Site Area 0.94 acres (after proposed subdivision, submitted under separate application. Existing Lot is 1.80 acres)

Subdivision Replat of Rice Family Subdivision Block N/A Lot 3 (Existing)

Comprehensive Plan Designation Commercial Zoning Designation C3

1. Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property: _____

The Planned Development (PD) that InSite is seeking to amend was approved via the City of McMinnville Ordinance No. 4688, which was approved on January 26 1999, and was previously amended by Ordinance No. 4924, approved on March 23, 2010. While the text portion of the PD Ordinance appears to have been amended by Ordinance No. 4924, the Preliminary Site Plan, included as Exhibit A in Ordinance No. 4688 does not appear to have been amended since it's original approval in 1999. The Site Plan is largely illegible and after coordinating with the City Planning Department, it seems that there is not a cleaner version available. The area in question is the Parcel (number is illegible) that contains the "Permissible Building Area" (PBA) for Pads C and D. Based on review of available GIS data and conversations with the City of McMinnville Planning Department, it appears that the subject parcel was previously subdivided into Lots 3 and 4 of the "Replat of Rice Family Subdivision," although the PD was not amended at that time. In addition, a dental office was constructed roughly in the area outlined as "PBA for Pad D," and the PD was similarly not amended to show the building area either. Now, InSite would like to further Subdivide Lot 3 of the Replat of Rice Family Subdivision into two separate lots and develop a 1.937 SF fast-food restaurant on the area roughly identified as "PBA for Pad C" on Exhibit A. An amended PD Site Plan is included with this submittal showing the proposed subdivision line and proposed building area.

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 (Volume II): _____

There are four (4) goals identified in Chapter IV (Economy of McMinnville) contained in the Comprehensive Plan that are applicable to the proposed development. Below is a summary of those goals and how the proposed development is in compliance with those goals:

Goal IV 1: "To encourage the continued growth and diversification of McMinnville's economy in order to enhance the general well-being of the community and provide employment opportunities for its citizens."

The proposed development will enhance the general well-being of the community by creating new employment opportunities. In addition to new employment opportunities, a new place of business will help grow the McMinnville economy.

Goal IV 2: "To encourage the continued growth of McMinnville as the commercial center of Yamhill County in order to provide the employment of opportunities, goods, and services for the City and County residents."

The proposed development is located near the southern boundary of McMinnville close to two major roads, which will allow travelers through Yamhill County to patron the commercial development in McMinnville, and even encourage patrons to utilize other nearby commercial developments.

Goal IV 3: "To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future commercial lands, and discouraging strip development."

The proposed development is located on property that is currently zoned commercially and is not a part of a strip development.

Goal IV 4: "To promote the downtown as a cultural, administrative, service, and retail center of McMinnville."

This goal is not applicable to the proposed development because the subject property is outside of the downtown area of McMinnville.

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

Based on coordination with the City Planning Department, we understand that there has been previous development within the subject Planned Development without a formal amendment to the Planned Development Ordinance. The Lowe's building and adjacent commercial building were constructed prior to 2003 according to historic aerials. The most recent development appears to be the fast-food restaurant at the NE corner of SW Baker St. and SW Booth Bend Rd. which was completed around 2010-2011, approximately 8 years after the Lowe's construction. Now 11 years after the most recent construction, it is proposed to develop the last remaining lot within the Planned Development. The proposed development is consistent with the use restrictions in the Planned Development Ordinance and the City Zoning Restrictions. The proposed fast food restaurant appears to fit well with the surrounding fast food restaurant and commercial uses as well.

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

The existing neighborhood or surrounding area consists of commercial uses, so the proposed development is compatible. In addition, the submission and approval of this Planned Development Amendment will help the City to identify the latest condition of the Planned Development, as currently the only available copy is illegible and out of date. The Site Plan contained as an exhibit to this Planned Development Amendment Application shows the buildings, parking lots, and other as-built features that were not contained on the previously approved Planned Development, or on any subsequent amendment.

5. 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:

Per Coordination with the City's Public Works Department and after completing a topographic survey, all necessary utilities are available at or near the existing property line. Any off-site utilities requiring an extension are contained within an easement of public R.O.W. The existing utilities have been sized adequately to accommodate the proposed development within the larger shopping center.


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

InSite hired DKS Associates to complete a Trip Generation Memo for the proposed development. According to that memo, the number of trips generated by the proposed development was based on the City's Transportation System Development Charge (SDC) Calculator. Using the spreadsheet calculator provided by the City, the estimated peak hour trips generated by the 1,937 SF fast food restaurant is a total of 9 vehicle trips after pas-by and other trip reductions. There are two project site accesses proposed, a full access onto SW Booth Bend Road and a full shared access on the private road along the western edge of the property. Both of the proposed driveways meet the City's access spacing standard. In addition, both of the proposed driveway locations are consistent with the previously approved driveway locations on the Planned Development Site Plan.

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

- A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A copy of the current planned development overlay ordinance.
- A legal description of the subject site, preferably taken from the deed.
- Compliance of Neighborhood Meeting Requirements.
- 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

3/10/2022
Date


Property Owner's Signature

3-22-22
Date

ORDINANCE NO. 4688

An Ordinance rezoning certain property from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex on 21.26 acres of land located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels.

RECITALS

The Planning Commission received an application (ZC 15-98) from Alan M. Roodhouse of Farallon Development Corporation dated September 15, 1998, requesting approval to rezone some 21.26 acres of land from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex. The subject site is located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels, and is more specifically identified as Tax Lots 1500, 1800, 1801, and 1900, Section 29, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 19, 1998, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 14, 1998, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Farallon Development Corporation.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Community Development Department prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plan and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. The applicant may appeal the decision of the Community Development Department to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Community Development Department's decision.
2. That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

3. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
 - a. That site signage located on the Highway 99W frontage is limited to a single monument sign a maximum of six (6) feet in height and fifteen (15) feet in width, situated at the major entrance as may be approved by ODOT. Site signage located on the Highway 99/18 Connector frontage shall be limited to a single pole-mount sign no more than twenty (20) feet in height and twelve (12) feet in width, situated at the major entrance as may be approved by ODOT. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic or plexi-glass type cabinet or faces be allowed. In addition, no signs, including wall-mount, shall be allowed on the southern facade of those buildings adjacent to Highway 18, and no roof-mount signs of any type shall be permitted within the subject site.
 - b. That an easement for maintenance, access and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.
 - c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face. There is no limit on the number or size of signs attached to the building faces.
4. That the submitted master plan and development plans, as approved by the Community Development Department, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plans. Minor changes to the details of the adopted plans may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
5. That the applicant obtain required access permits from the Oregon Department of Transportation for use of the existing or proposed access drives prior to issuance of any development permits for the site.

6. That the State Highway 99W, State Highway 18, and the Highway 18/99W Connector frontages adjacent to the subject site shall be improved by the applicant to standards as required by the Oregon Department of Transportation (ODOT).
7. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
8. That the applicant provide utility and access easements across the subject site as required. Costs associated with the provision of the required utilities shall be borne by the developer.
9. That the applicant submit to the City Engineer and ODOT for review and approval a design for the Highway 99W and Highway 18/99W Connector intersections and associated improvements. All costs associated with the construction of all site accesses, to include the signalization of both intersections, and other improvements as stipulated in existing agreements between the applicant and City and ODOT, and as may be additionally required by the City and ODOT, shall be borne by the applicant. All required improvements and right-of-way dedications shall be completed prior to occupancy of any buildings within the subject site.
10. That 10-foot utility easements be provided along both sides of all rights-of-way. Additional utility easements as required by the Water and Light Department for transformer and vault locations and for the servicing with utilities shall also be provided.
11. That storm water drainage plans shall be submitted to the Community Development Department and ODOT for review and approval. All required improvements shall be installed prior to issuance of occupancy permits.
12. That fire hydrants as required by the Uniform Fire Code shall be installed by the applicant.
13. That within the commercially zoned land, all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design, are operated by the owner of a business located on the subject site, and are approved for such use by the Planning Director. Temporary seasonal activities, such as Christmas tree sales and fireworks sales, shall be permitted.

14. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
15. That the conceptual land use plan submitted by the applicant as part of this land use request shall in no way be binding on the City, particularly as regard proposed vehicular access.
16. That off-street parking at the rate of four and one-half (4.5) spaces per 1,000 square feet of gross floor area may be permitted provided a minimum of fifteen percent (15%) of the subject site be landscaped as approved by the McMinnville Landscape Review Committee.

Passed by the Council this 26th day of January 1999, by the following votes:

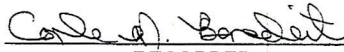
Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

Nays: _____

Approved this 26th day of January 1999.


MAYOR

Attest:


RECORDER

ORDINANCE NO. 4924

An Ordinance amending the sign-regulating provisions of certain planned development ordinances within McMinnville and amending Ordinances Nos. 3736, 3807 as amended, 3837, 3847, 4123, 4502, 4647, 4648, 4656, 4662, 4672 as amended, 4688 as amended, 4695, 4709, 4719, 4743, 4749, 4752, 4832, 4885, and 4915.

RECITALS:

The McMinnville Sign Ordinance (No. 4900), adopted November 18, 2009, regulates signage City-wide, excluding properties that have signage regulated by a planned development overlay or that are located within the Downtown Design District. Specific to the former exemption, the adopted sign ordinance directs staff to review existing planned development ordinances that regulate signage in McMinnville and provide recommendations as to any amendments that should be considered in an effort to simplify and make equitable the requirements for all sign regulations, where appropriate. At a public work session with the Planning Commission on November 19, 2009, staff reviewed the process undertaken in this analysis and its draft recommendations.

Public hearings were held before the McMinnville Planning Commission on January 21, 2010, and February 18, 2010, for the purpose of taking testimony on these draft recommendations. At these hearings, staff reviewed its analysis and recommendations relative to sign-regulating planned development provisions that are contained in 26 separate planned development ordinances within the City. Of these, 12 affected areas located east of the Three Mile Lane Bridge and eight areas located west of the bridge were recommended for amendment or to be deleted in their entirety; the remaining sign provisions found within planned development ordinances were recommended to remain in effect. Notices of these public hearings were published January 13, 2010, and February 10, 2010, respectively, in the News Register and mailed to owners of property located within 300 feet of the affected areas. Following the close of the public hearings, and based upon the testimony provided, the Commission voted unanimously (with one abstention) to recommend that the City Council adopt the amendments as proposed by staff.

Now, therefore, THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the following Planned Development Ordinance provisions are deleted in their entirety:

- A. Ordinance No. 3736 (Attachment, item 9);
- B. Ordinance No. 3807, Section 1 (5), as amended;
- C. Ordinance No. 3837, Section 2 (e);
- D. Ordinance No. 3847, Section 2 (a);
- E. Ordinance No. 4123, Section 1 (e);
- F. Ordinance No. 4656, Section 3 (6);
- G. Ordinance No. 4662, Section 3 (7);

- H. Ordinance No. 4695, Section 3 (1);
- I. Ordinance No. 4709, Section 3 (13);
- J. Ordinance No. 4719, Section 2 (8);
- K. Ordinance No. 4743, Section 2 (1)(c);
- L. Ordinance No. 4749, Section 3 (7);
- M. Ordinance No. 4752, Section 3 (11);
- N. Ordinance No. 4832, Section 2 (13-14); and
- O. Ordinance No. 4915, Section 2 (17).

Section 2. That the following Planned Development Ordinance sections are amended to read as follows (insertion of new replacement text is noted in **bold underline**, while removal of text is shown in ~~strikethrough~~):

- A. Ordinance No. 4502, Section 2 (f)
 - "(f) That **signage on the subject site, which is considered as the commercially zoned property described in this ordinance, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance.** ~~only one free-standing sign, limited to a maximum of 30 feet in height, is allowed on the site. There is no limit on the numbers of signs attached to the building faces."~~

- B. Ordinance No. 4647, Section 2 (d)
 - "d. That **signage on the subject site, which is considered as the commercially zoned property described in this ordinance, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance.** ~~only one free-standing sign, limited to a maximum height of 30 feet, shall be permitted on the site. There is no limit on the number of signs attached to the building faces. A single monument sign, limited to a height of six feet and total sign face of 100 square feet, may be permitted on each of the proposed lots, subject to review by the Planning Department as to their location and design."~~

- C. Ordinance No. 4648, Section 2 (5)
 - "5. That **signage on the subject site, which is considered as the commercially zoned property described in this ordinance, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance.** ~~only one free-standing sign, limited to a maximum height of 30 feet, shall be permitted on the site. There is no limit on the number of signs attached to the building faces. A single monument sign, limited to a height of six feet and total sign face of 1 00 square feet, may be permitted subject to review by the City as regard location and design."~~

- D. Ordinance No. 4672, Section 3 (6), as amended

"6. That signage on the subject site, which is considered as the commercially zoned property described in both Ordinance No. 4672 and 4885, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance. signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:

- (a) That one free-standing sign, a maximum of 30 feet in height, shall be permitted within the subject site (28-acre site adjacent to South Baker Street). The maximum square footage per sign face is 150 square feet, and there shall be a maximum of two sign faces per free-standing sign.
- b. That one monument sign, limited to a height of six feet and total sign face of 100 square feet, may be permitted as may be approved by the Planning Commission as part of the master plan or site plan review process. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
- c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face."

E. Ordinance No. 4688, Section 2 (3), as amended:

"3. That signage on the site, which is considered as the commercially zoned property described in this ordinance, is subject to the provisions of Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance, and subject to the following limitations:

- a) That an easement for maintenance, access, and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.
- b) No signs, including wall-mount, shall be allowed on the southern facade of those buildings adjacent to Highway 18. signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
 - a. That site signage located on the Highway 99w frontage is limited to a single monument sign a maximum of six (6) feet in height and fifteen (15) feet in width, situated at the major entrance as may be approved by ODOT. One additional monument sign on the Highway 99W frontage may be permitted, provided it complies with the following:
 - i. The sign shall be situated directly east of the "Hometown Dental" office building and a minimum of five feet from the Highway 99W right-of-way.
 - ii. The sign structure shall have an outside dimension that measures a maximum of 5.5 feet in height, measured from top of curb on Highway 99W, and 8 feet in width.
 - iii. The sign shall use materials, colors, and lighting (indirect illumination) as represented on the rendering submitted to the City on May 24, 2005, a copy of which is on file with the McMinnville Planning Department.
 - iv. The sign shall allow space for the advertising of three businesses located within the subject site.
 - v. Appropriate foundation landscaping shall be placed at the sign's perimeter.
 - b. Site signage located on the Highway 99/18 Connector frontage shall be limited to a single pole-mount sign no more than twenty (20) feet in height and twelve (12) feet in width, situated at the major entrance as may be approved by ODOT.

- c. ~~Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic or plexi-glass type cabinet or faces be allowed on the southern facades of those buildings adjacent to Highway 18, and no roof-mount signs of any type shall be permitted within the site.~~
- d. ~~That an easement for maintenance, access and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.~~
- e. ~~All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face. There is no limit on the number or size of signs attached to the building faces."~~

F. Ordinance No. 4885, Section 3 (2):

"2. That signage on the subject site, which is considered as the commercially zoned property described in both Ordinance No. 4672 and 4885, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance. the applicable provisions of Ordinances 4672 and 4739 shall apply to the subject site, and as modified below:

- a. ~~That two free-standing signs no more than 30 feet in height and no more than 150 square feet per sign face (total of 300 square feet per sign) shall be permitted within the subject site. Sign height, size and placement shall be determined by the Planning Commission as part of a master plan or site plan review prior to the issuance of construction permits.~~
- b. ~~That the design and location of monument signs shall be as approved by the Planning Commission as part of the master plan or site plan review process. Monument signs shall be limited to no more than six feet in height and shall be non-illuminated, indirectly illuminated, neon, or back-lit, providing that no plastic sign cabinets are allowed.~~
- c. ~~All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face. For building facades that face onto Booth Bend Road, the total area of building wall signage shall not exceed eight percent of the total area of the building face most closely oriented toward Booth Bend Road."~~

Section 3. That signs that were lawfully established before the adoption date of this ordinance, but which do not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance by January 1, 2018, or at the time of occurrence of any of the actions outlined in 17.62.110 (A) of the McMinnville Zoning Ordinance. Notice of sign noncompliance will be mailed to affected property owners within one year following the adoption date of this ordinance and again no later than one year prior to the end of the amortization period.

Section 4. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of 30 (thirty) days.

Passed by the Council this 23rd day of March 2010, by the following votes:

Ayes: Hill, Jeffries, May, Menke, Yoder

Nays: _____

Approved this 23rd day of March, 2010.



MAYOR

Attest:



RECORDER

Approved as to form:



CITY ATTORNEY



First American

Commitment

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 90 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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Form 53000341 (8-9-18)	Page 2 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
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Amended on 08.24.2022
226 of 340

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company’s only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company’s agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company’s agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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Form 53000341 (8-9-18)	Page 3 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
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First American

Schedule A

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services	Issuing Office: 25 West Main Street, Suite 400, Madison, WI 53703
Issuing Office's ALTA® Registry ID:	Loan ID No.:
Commitment No.: NCS-1062448-MAD	Issuing Office File No.: NCS-1062448-MAD
Property Address: Portion of SWC of Southwest &, Booth Bend Southwest Highway 99West, McMinnville, OR	
Revision No.:	

SCHEDULE A

1. Commitment Date: February 09, 2022 at 8:00 a.m
2. Policy to be issued:
 - (a) ALTA® Owners Standard Coverage Policy
Proposed Insured: To Be Determined
Proposed Policy Amount: \$TBD \$TBD
 - (b) ALTA® Policy
Proposed Insured:
Proposed Policy Amount: \$ \$
 - (c) ALTA® Policy
Proposed Insured:
Proposed Policy Amount: \$
3. The estate or interest in the Land described or referred to in this Commitment is

Fee Simple

4. The Title is, at the Commitment Date, vested in:

Richard D. Rice, trustee of the Richard D. Rice Revocable Living Trust dated April 14, 1997, as to an undivided 1/3 interest;
Wilbur Eugene Rice and Steven E. Rice, co-trustees of the Maxine Marie Rice Revocable Living Trust dated May 5, 1997, as to an undivided 1/3 interest;
Barbara Groner, sole trustee of the Barbara Groner Trust dated June 27, 2000, as to an undivided 1/3 interest.
5. The Land is described as follows:

See Exhibit "A" attached hereto and made a part hereof

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FIRST AMERICAN TITLE INSURANCE COMPANY

By:
Authorized Signatory

If there are any questions concerning this Commitment, please contact:

Rachael Schroeder at RSchroeder@firstam.com

First American Title Insurance Company National Commercial Services
25 West Main Street, Suite 400
Madison, WI 53703
(608)204-7409 phone

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Form 53000341 (8-9-18)	Page 5 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
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First American

Schedule BI & BII

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Commitment No.: NCS-1062448-MAD

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

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Form 53000341 (8-9-18)	Page 6 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
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First American

Schedule BI & BII (Cont.)

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Commitment No.: NCS-1062448-MAD

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the Land), encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. City liens, if any, of the City of McMinnville.

Note: There are no liens as of April 16, 2021. All outstanding utility and user fees are not liens and therefore are excluded from coverage.

8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

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Form 53000341 (8-9-18)	Page 7 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
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9. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:
Recording Information: May 01, 2002 as Instrument No. [200208853](#), Deed and Mortgage Records

10. Easement, including terms and provisions contained therein:
Recording Information: July 03, 2003 as Instrument No. [200315989](#), Deed and Mortgage Records
In Favor of: City of McMinnville, a municipal corporation of the State of Oregon
For: Storm Drainage Sewer

11. Easement, including terms and provisions contained therein:
Recording Information: September 26, 2003 as Instrument No. [200324655](#), Deed and Mortgage Records
In Favor of: City of McMinnville, a municipal corporation of the State of Oregon, acting by and through its Water & Light Commission
For: Right of way

12. Notes, easements, covenants and restrictions as depicted on the face of the Replat of the "Rice Family Subdivision" plat.

13. Unrecorded leases or periodic tenancies, if any.

14. In order to insure a transaction involving the herein named trust(s), we will need to be provided a Certification of Trust pursuant to ORS 130.800 through ORS 130.910.

-END OF EXCEPTIONS-

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Form 53000341 (8-9-18)	Page 8 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
------------------------	--------------	---

Amended on 08.24.2022
232 of 340

INFORMATIONAL NOTES

NOTE: Supplemental to bring current; 2021-22 taxes not yet payable. 2nd Supplemental to bring current; reflect 2021-22 taxes paid in full. 3rd Supplemental to bring current.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount: \$8,480.18
Map No.: R4429CA 00300
Property ID: 527008
Tax Code No.: 40.0

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

Situs Address as disclosed on Yamhill County Tax Roll:

Not Yet Assigned, McMinnville, OR

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First American

Exhibit A

ISSUED BY

First American Title Insurance Company

File No: NCS-1062448-MAD

File No.: NCS-1062448-MAD

The Land referred to herein below is situated in the County of Yamhill, State of Oregon, and is described as follows:

LOT 3, REPLAT OF THE RICE FAMILY SUBDIVISION, IN THE CITY OF MCMINNVILLE, COUNTY OF YAMHILL, AND STATE OF OREGON.

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Form 53000341 (8-9-18)	Page 10 of 10	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
------------------------	---------------	---

Amended on 08.24.2022
234 of 340

Landscape Plan Review Information & Submittal Requirements



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

Overview

It is recognized that quality landscaping not only enhances the appearance of the City, but also benefits the health of the general public. In McMinnville, landscaping is required for any development within commercial or industrial zoned areas, as well as for certain specific uses such as multiple-family, churches, schools, utility substations, and manufactured home parks. A landscape plan for such development is required at the time of building permit application, consistent with the requirements as defined in Section 17.57.040 (Plans – Information to be included) of the Zoning Ordinance. The submitted landscape plan is reviewed by the Landscape Review Committee (LRC), a five-member committee appointed by the City Council and comprised of qualified landscape professionals.

Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- A completed Landscape Review application form.
- Two (2) copies of the proposed landscape plan (drawn to scale, with a north arrow, legible, and of a reproducible size) containing the following information:
 - The location of existing trees over six inches in diameter, their variety (common or botanical name), and indication of whether they are to remain or be removed from the site;
 - The quantity, location, size, and variety (common or botanical name) of all new plantings and landscaping;
 - The percentage of the gross area to be landscaped;
 - Any equipment proposed for recreation areas;
 - All existing and proposed site features, including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, or other open spaces;
 - Building location and dimensions and lot location and dimensions (all information on building permit plot plan); and
 - Irrigation plan.
- Payment of the applicable review fee.

Review Process

A landscape plan, once determined to be complete, is then scheduled for review by the LRC as stated in Chapter 17.57 (Landscaping) of the Zoning Ordinance. The LRC may approve, approve with conditions, or deny a submitted landscape plan based upon the factors found in Section 17.57.050 (Area Determination – Planning factors). The decision made by the LRC may be appealed to the Planning Commission, as stated in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.



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.	_____
Date Received	_____
Fee	_____
Receipt No.	_____
Received by	_____

Landscape Plan Review Application

Applicant Information

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

Applicant Name INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C. Phone (630) 617-9124

Contact Name Andrew Johnson Phone (847) 287-9292
(If different than above)

Address 1400 16th Street, Suite 300

City, State, Zip Oak Brook, Illinois 60523

Contact Email ajohnson@insiterealestate.com

Property Owner Information

Property Owner Name Richard D. Rice Phone _____
(If different than above)

Contact Name (Same As Above) Phone _____

Address 900 Hill Road, No. 339

City, State, Zip McMinnville, Oregon 97128

Contact Email _____

Site Location and Description

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

Property Address Null

Assessor Map No. R4 429CA00390 - Total Site Area 0.94 acres (after proposed subdivision, submitted under separate application. Existing Lot is 1.80 acres)

Subdivision Replat of Rice Family Subdivision Block N/A Lot 3 (Existing)

Comprehensive Plan Designation Commercial Zoning Designation C3


Landscaping Information

- 1. Total Landscaped Area: +/- 20,120 SF _____
- 2. Percent Landscaped: +/- 49% _____
- 3. Building Floor Area:
New Structure: 1,937 SF Existing Structure: 0 SF Addition: 0 SF
- 4. Architect Name Mears Design Group, LLC Phone (503) 601-4516
(Landscape Architect; Engineer; or Other Designer)
Contact Name Troy Mears Phone (971) 255-7474
Address PO Box 23338
City, State, Zip Portland, Oregon, 97281
Contact Email troym@mearsdesigngroup.com

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

- Two (2) copies of the proposed landscape plan containing the information listed in the information sheet and Chapter 17.57 (Landscaping) of the Zoning Ordinance.
- 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

3/10/2022

Date



Property Owner's Signature

3-22-22

Date



InSite Real Estate, LLC
1400 16th Street, Suite 300 | Oak Brook, IL 60523-8854
Phone: 630-617-9100 | Fax: 630-617-9120 | www.insiterealestate.com

March 10, 2022

City of McMinnville, Oregon
Planning Division
Community Development Center
231 NE Fifth Street
McMinnville, OR 97128

**RE: Large Format Commercial Development Design Review and Waiver
SWC SW Booth Bend Rd. and SW Hwy. 99W
Fast Food Restaurant**

To Whom It May Concern,


InSite is seeking to develop the property located at the location provided in the subject line of this letter. The proposed development will consist of a 1,937 SF fast-food restaurant with a drive-thru facility, parking lot, and all associated utilities. The restaurant will be a part of an existing Planned Development that includes multiple commercial users and is formally classified as a "Large Format Commercial Development." While the proposed development complies with almost all design standards set forth in Section 17.56.050 of the McMinnville Zoning Ordinance, Large Format Commercial Design chapter, the one item that we would like to request relief from is the Site Design, Pedestrian Walkways requirements for continuous 10' wide walkways along the building façade. The prototype design for the proposed tenant includes 6' walkways in lieu of 10'. In addition, the walkway is separated from the building façade to allow for landscaped area between the building foundations and hardscapes.

Included with this submittal is the latest Site Plan and Building Elevations to show compliance with all other aspects of the Large Format Commercial Development Design Standards.

Please review the above request to deviate from the Large Format Commercial Development Design Standards in regard to the proposed pedestrian walkways and let us know if the waiver will be acceptable to the City.

Please don't hesitate to contact us if you have any questions or concerns.

Sincerely,



Andrew D. Johnson, P.E.
InSite Real Estate, L.L.C.

Partition Information & Submittal Requirements



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

Overview

Under Oregon law, a single unit of land may be partitioned into three or fewer parcels one time within a calendar year. Prior to submitting an application for a tentative partition, you are encouraged to talk to staff from both the Engineering and Planning departments so that you are familiar with the partition submittal and review process. Additionally, you should contact each utility that will be providing service to the proposed parcels. This is recommended so that you will be aware of the rules, regulations, concerns, and capacity of each utility and associated costs. The process for partitioning a parcel of land is outlined in Section 17.53.060 (Submission of Tentative Partition Plat) through 17.53.063 (Filing of Final Partition Plat) of the McMinnville Zoning Ordinance.

Additional Information

Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require the applicant to provide a plan demonstrating that the future division of the property can occur in conformity to the requirements contained in this ordinance. For further information, please refer to Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.

Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- A completed Partition application form.
- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), on which the following information should be included:
 - A copy of recorded deed and any conveyed rights to define the location and boundaries of the parcel to be partitioned;
 - Name, address, and phone number(s) of the recorded owner(s);
 - Approximate acreage of the subject parcel;
 - For land adjacent to and within the parcel to be partitioned, show locations, names, purpose and existing widths of all street rights-of-way and easements, and location and size of sewer and water lines and drainage ways;
 - Outline and location of existing buildings to remain in place;
 - Lot layout showing size and relationship to existing or proposed streets and utility easements;

- Location and dimension of any existing or planned curb-side planting strip which may border the subject site;
 - Contour lines related to City datum and having minimum intervals of two feet;
 - Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency (FEMA);
 - Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards;
 - Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities; and
 - Such additional information as required by the Planning Director.
- A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.
- If applicable, submittal of future development plan, per Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.
- Any additional information as required by the Planning Director.
- Payment of the applicable review fee.

Review Process

Upon receipt of a completed application the Planning Department will provide notification of the requested partition to property owners within 100 feet of the subject site after which a 14 (fourteen) day comment period will follow. At the conclusion of that comment period, the Planning Director will make a decision on the request based upon the requirements and criteria stated in Section 17.72.110 (Applications - Director's Review with Notification) of the Zoning Ordinance. Notice of the decision regarding the tentative partition request is then mailed to the applicant.

The decision made by the Director may be appealed to the Planning Commission, as stated in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.

Final Partition

Once a tentative partition plan has been approved by the Planning Director, the applicant must then have a professional land surveyor or engineer, registered with the State of Oregon, prepare the final partition plat. This plat must be prepared within 12 (twelve) months of the approval of the tentative plan and must be surveyed and drawn to the requirements as established by Section 17.53.061 (Submission of Final Partition Plat) of the Zoning Ordinance, Oregon Revised Statutes Chapters 92 and 209, and any additional conditions as may be attached as part of the tentative partition plan's approval.

The final plat, together with any additional material necessary to meet any condition of approval, and the plat check fee, must be submitted to the City Planning and Engineering Departments to determine compliance with the above-noted requirements.

If the final plat is in compliance with the applicable requirements, the partition will receive final approval by the Planning Director and the City Engineer. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

Parcels cannot be built upon until the final partition plat has been completed, approved, and filed with the City and recorded in the Yamhill County Clerk's office. Additionally, no parcel can be sold until the plat has been filed and a proper registration of the partition has been made with the Oregon State Real Estate Division.



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.	_____
Date Received	_____
Fee	_____
Receipt No.	_____
Received by	_____

Partition Application

Applicant Information

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

Applicant Name INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C. Phone (630) 617-9124

Contact Name Andrew Johnson Phone (847) 287-9292
(If different than above)

Address 1400 16th Street, Suite 300

City, State, Zip Oak Brook, Illinois 60523

Contact Email ajohnson@insiterealestate.com

Property Owner Information

Property Owner Name Richard D. Rice Phone _____
(If different than above)

Contact Name (Same As Above) Phone _____

Address 900 Hill Road, No. 339

City, State, Zip McMinnville, Oregon 97128

Contact Email _____

Site Location and Description

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

Property Address Null

Assessor Map No. R4 429CA00390 - Total Site Area 0.94 acres (after proposed subdivision, submitted under separate application. Existing Lot is 1.80 acres)

Subdivision Replat of Rice Family Subdivision Block N/A Lot 3 (Existing)

Comprehensive Plan Designation Commercial Zoning Designation C3

General Description of Subject Property

- 1. Proposed Parcel Size: #1 40,898 SF #2 37,659 SF #3 _____
- 2. Current Land Use: Vacant

- 3. Purpose of the partition request: Subdivide existing parcel for two future developments


- 4. Topography: slightly sloping from east to west

- 5. Method of Sewage Disposal: Connection to existing sanitary sewer stub located southwest of the proposed development
(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)
- 6. Water Supply: Connection to existing 10" watermain southeast of the proposed development

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 all required information as listed in the information sheet and in Section 17.53.060 (Submission of Tentative Partition Plan) of the Zoning Ordinance, or, if applicable, Section 17.53.080 (Submission of Future Development Plan).
- A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

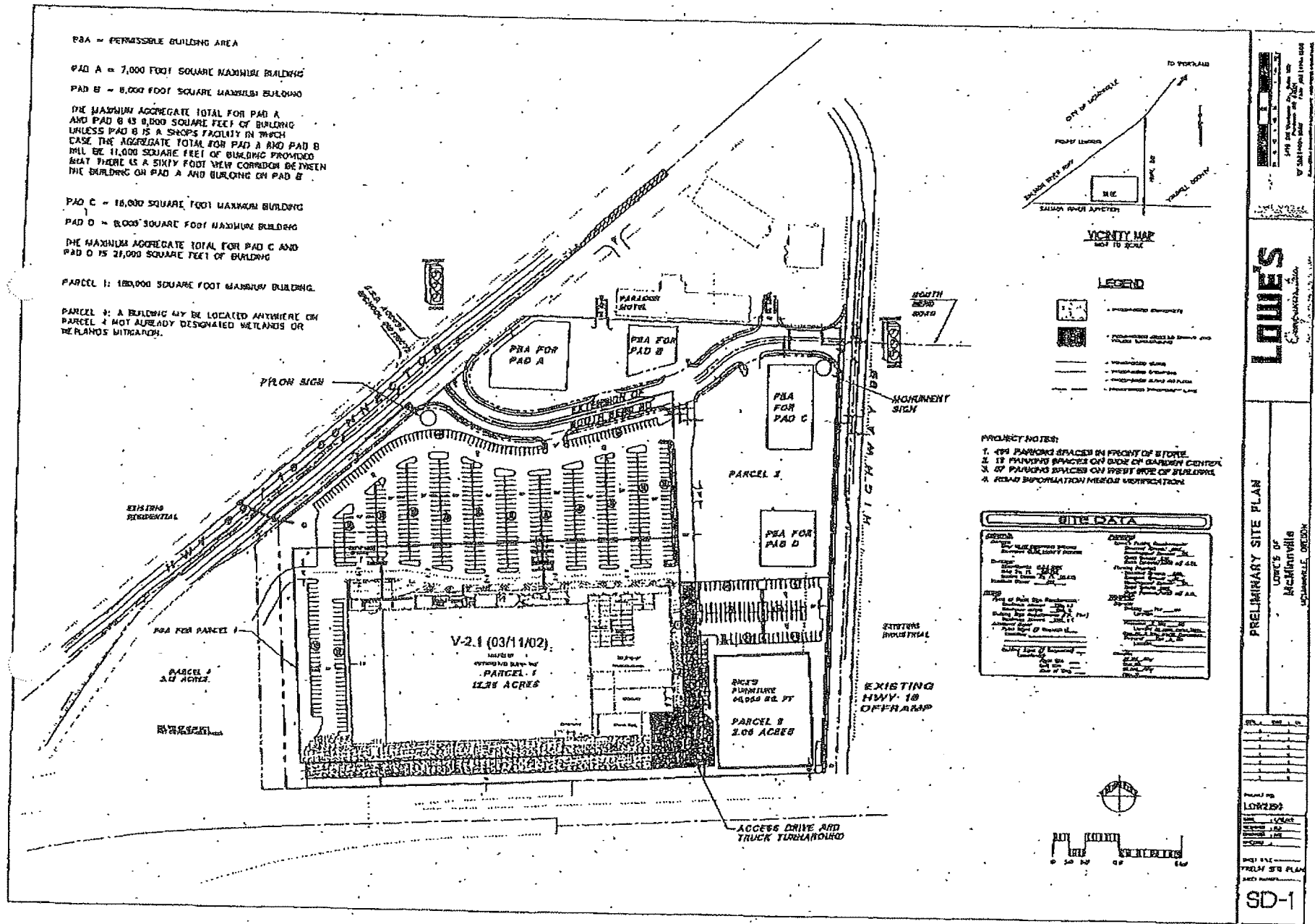
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

3/10/2022
Date


Property Owner's Signature

3-22-22
Date



PBA = PERMISSIBLE BUILDING AREA

PAD A = 7,000 SQUARE FOOT MAXIMUM BUILDING

PAD B = 8,000 SQUARE FOOT MAXIMUM BUILDING

THE MAXIMUM AGGREGATE TOTAL FOR PAD A AND PAD B IS 8,000 SQUARE FEET OF BUILDING UNLESS PAD B IS A SHOP'S FACILITY IN WHICH CASE THE AGGREGATE TOTAL FOR PAD A AND PAD B SHALL BE 11,000 SQUARE FEET OF BUILDING PROVIDED THAT THERE IS A SIXTY FOOT VIEW CORRIDOR BETWEEN THE BUILDING ON PAD A AND BUILDING ON PAD B

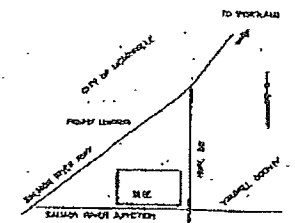
PAD C = 16,000 SQUARE FOOT MAXIMUM BUILDING

PAD D = 8,000 SQUARE FOOT MAXIMUM BUILDING

THE MAXIMUM AGGREGATE TOTAL FOR PAD C AND PAD D IS 24,000 SQUARE FEET OF BUILDING

PARCEL 1: 12.89 SQUARE FOOT MAXIMUM BUILDING

PARCEL 2: A BUILDING MAY BE LOCATED ANYWHERE ON PARCEL 2 NOT ALREADY DESIGNATED WETLANDS OR RELANDS MITIGATION



LEGEND

- Proposed Building
- Proposed Parking Spaces
- Proposed Sign
- Proposed Access Drive
- Proposed Monument Sign

- PROJECT NOTES:**
- 499 PARKING SPACES IN FRONT OF STORE
 - IF PARKING SPACES ON SIDE OF GARDEN CENTER
 - IF PARKING SPACES ON WEST SIDE OF BUILDING
 - ROAD INFORMATION NEEDS UPDATES

SITE DATA	
Project Name	LOWE'S
Project Address	18000 HWY 18, WACAMA, WA
Project Owner	LOWE'S
Project Manager	LOWE'S
Project Engineer	LOWE'S
Project Surveyor	LOWE'S
Project Date	03/11/02
Project Status	PRELIMINARY
Project Scale	AS SHOWN
Project Sheet	SD-1

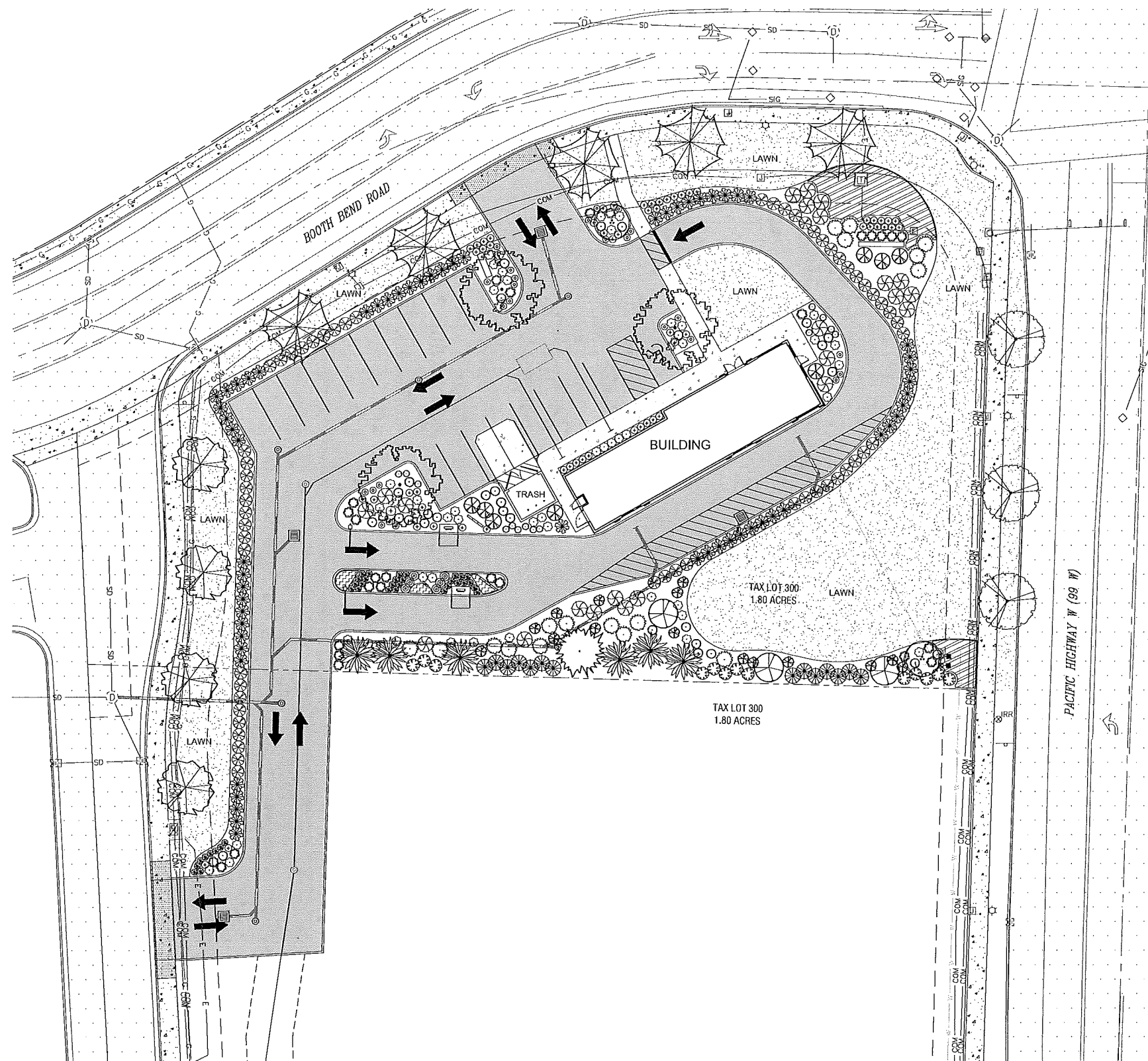
LOWE'S

PRELIMINARY SITE PLAN

LOWE'S OF McMinnville, McMinnville, Oregon

39143

SD-1



PLANT MATERIAL LISTING:

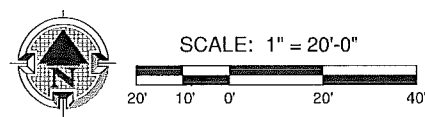
TREES		Quantity	Planted Size	Condition	Mature size
SYMBOL	Botanical name Common Name				
⊙	Acer palmatum 'Sango Kaku' Coral Bark Japanese Maple	2	1.5" Cal.	B&B	15-25' tall 15-20' wide
⊙	Calocedrus decurrens Incense Cedar	1	6-7'	B&B	50' tall 15-20' wide
⊙	Cupressocyparis leylandii 'Moncal' Emerald Isle Leyland Cypress	6	1.5" Cal.	B&B	25' tall 8' wide
⊙	Cupressus sempervirens 'Monshel' Tiny Tower Italian Cypress	8	6-7'	B&B	25-30' tall 3' wide
⊙	Fagus sylvatica 'Roseomarginata' Tricolor European Beech	4	2' Cal.	B&B	30' tall 30' wide
⊙	Ginkgo biloba 'Autumn Gold' Autumn Gold Ginkgo (male only)	5	2' Cal.	B&B	40' tall 40' wide
⊙	Pinus flexilis 'Vanderwolf's Pyramid' Vanderwolf's Limbar Pine	3	6-7'	B&B	20-25' tall 10-15' wide
⊙	Styrax japonica Japanese Snowbell	3	1.5" Cal.	B&B	25' tall 25' wide
⊙	Zelkova serrata 'Village Green' Village Green Zelkova	3	2' Cal.	B&B	50' tall 40' wide
Total Trees		35			

SYM	SHRUBS/ANNUALS	QTY.	SIZE	CONDITION	REMARKS
⊙	Azalea x 'Hino-Crimson' Hino-Crimson Azalea	28	1 Gal	Can	
⊙	Berberis thunbergii 'Crimson Pygmy' Crimson Pygmy Barberry	6	1 Gal	Can	
⊙	Cholysya ternata 'Sundance' Sundance Mexican Orange	14	5 Gal	Can	
⊙	Ilex glabra 'Shamrock' Shamrock Inkberry	61	2 Gal	Can	
⊙	Euonymus fortunei 'Gold Splash' Gold Splash Euonymus	58	1 Gal	Can	
⊙	Euonymus japonicus Aureovariegatus' Gold Spot Euonymus	57	2 Gal	Can	
⊙	Imperata cylindrica 'Rubra' Japanese Blood Grass	26	1 Gal	Can	
⊙	Hydrangea paniculata 'Littletime' Littletime Hydrangea	15	3-4'	B&B	
⊙	Euonymus alata 'Compactus' Compact Winged Euonymus	17	5 Gal	Can	
⊙	Rhododendron 'Anah Kruschke' Anah Kruschke Rhododendron	23	5 Gal	Can	
⊙	Rosa 'Pink Supreme Carpet' Pink Supreme Carpet Rose	30	1 Gal	Can	
⊙	Rudbeckia fulgida 'Goldsturm' Goldsturm Black-Eyed Susan	14	1 gal	Can	
⊙	Weigela florida 'Bokraspin' Spilled Wine Weigela	50	2 Gal	Can	
⊙	Viburnum tinus 'Spring Bouquet' Spring Bouquet Viburnum	13	5 Gal	Can	
Total Shrubs		412			

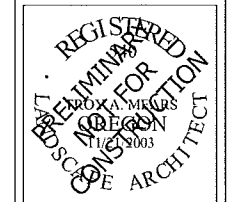
SYM	GROUND COVER/GRASSES	QTY.	SIZE	CONDITION	SPACING
⊙	Fragaria x 'Lipstick' Lipstick Strawberry	175	4"	Pots	24" O.C.
⊙	Hakonechloa macro 'All Gold' All Gold Japanese Forest Grass	36	1 Gal	Can	
⊙	Lawn (hydro-seed)	14,870 SF			

- Notes:**
- Street trees shall be a minimum of two inches in caliper measured at six inches above ground level. All trees shall be healthy grown nursery stock with 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.
 - Due to limited availability of desirable tree species in acceptable caliper, the final species of trees shown on this plan will be determined in collaboration between the landscaper and the City nearer to the time of actual installation. The purpose of this is to facilitate installation of more desirable tree species as they become available over time. The city will retain authority over the final species selection.

REFER TO SHEETS L102 FOR PLANTING DETAILS AND NOTES.



MEARS DESIGN GROUP
LANDSCAPE ARCHITECTURE & PLANNING
PO Box 23338 | Portland, Oregon | 97281
PHONE: 503.601.4516 | FAX: 503.924.4668



McMINNVILLE BURGER KING
InSite Real Estate
SWC BOOTH BEND ROAD
McMINNVILLE, OREGON

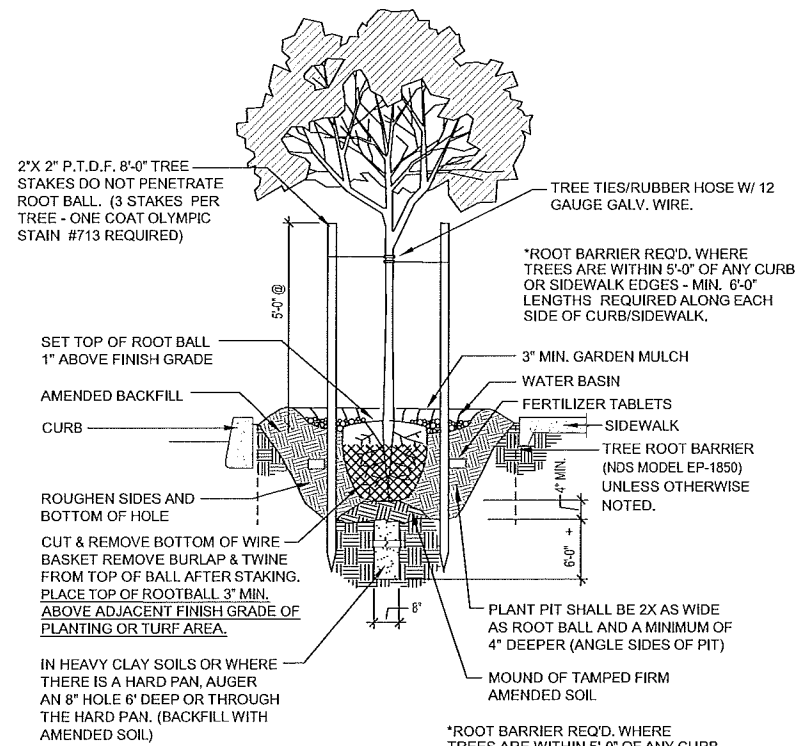
REVISIONS

REV.	DATE	DESCRIPTION

SHEET NAME:
PLANTING PLAN

DRAWN BY: TM
CHECKED BY: TM
ISSUE DATE: 3/2/2022
JOB NO.: 2206

SHEET:
L101
OF 2

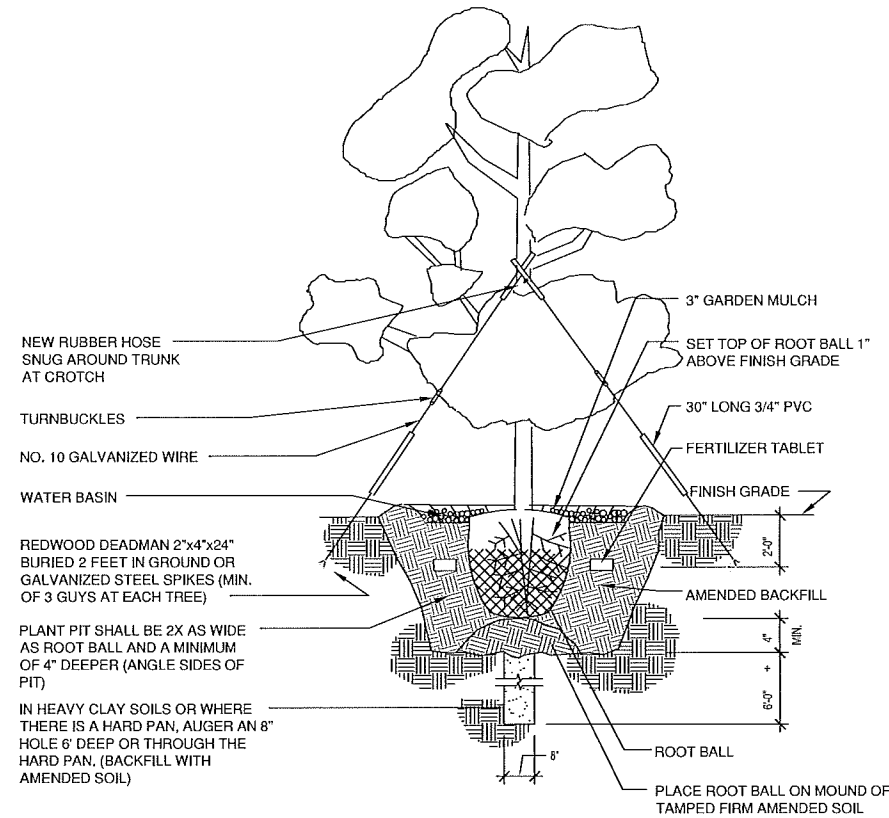
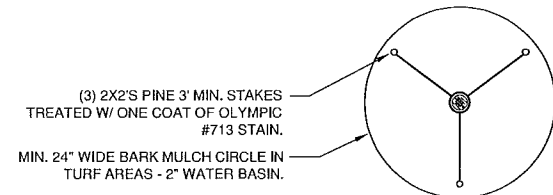


STREET TREE PLANTING DETAIL

N.T.S.

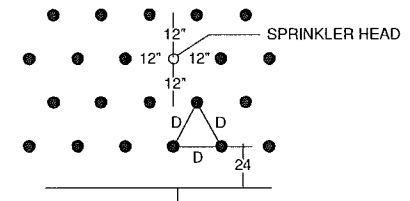
TYPICAL PLANTING NOTES:

1. B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
2. CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
3. PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 2004 EDITION.
4. ALL TREES SHALL BE BRANCHED.
5. GARDEN MULCH ALL PLANTING BEDS WITH 3" MIN. LAYER OF SPECIFIED GARDEN MULCH.
6. IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
7. IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
8. LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL TO APPROVE FINAL PLACEMENT.
9. LANDSCAPE CONTRACTOR TO VERIFY PLANT MATERIAL QUANTITIES QUANTITIES.
10. CONTRACTOR WILL PROVIDE A ONE YEAR WARRANTY ON ALL PROVIDED & INSTALLED PLANT MATERIAL FROM DATE OF FINAL APPROVAL BY OWNER'S REPRESENTATIVE.

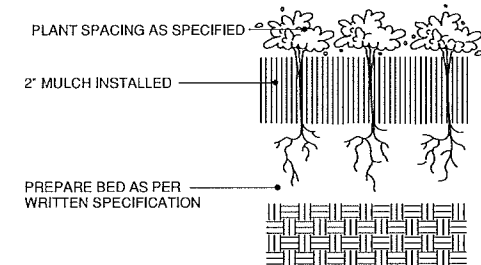


EVERGREEN TREE PLANTING DETAIL

N.T.S.

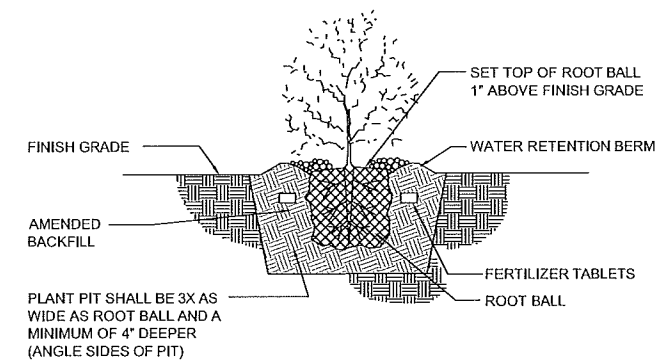


NOTE: LOCATE PLANTS SPACED EQUAL DISTANT (D) FROM EACH OTHER AS SPECIFIED AND MINIMUM OF 12" FROM SPRINKLER HEAD



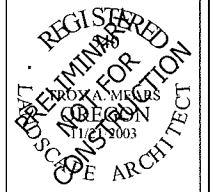
GROUNDCOVER PLANTING DETAIL

N.T.S.



SHRUB PLANTING DETAIL

N.T.S.

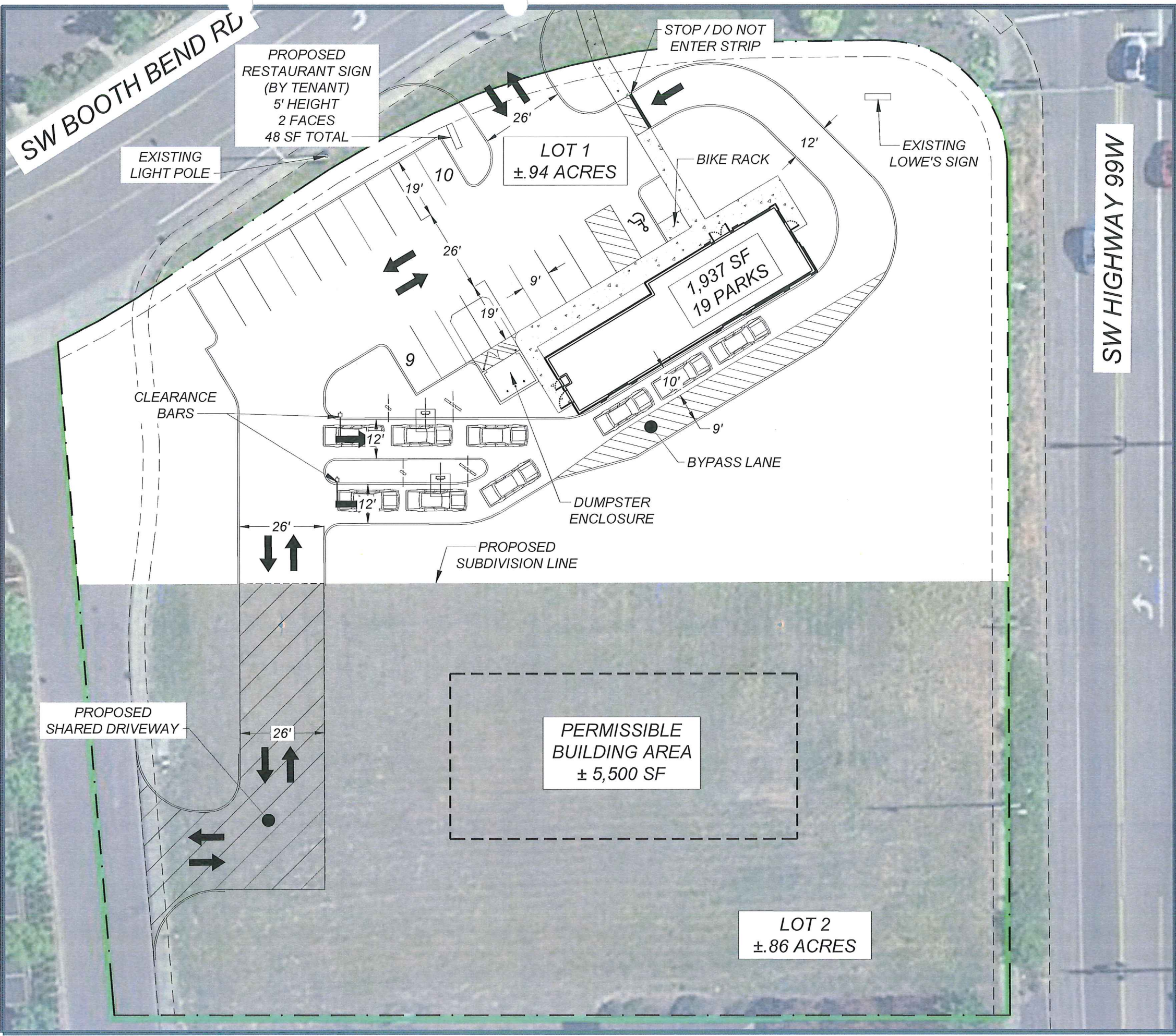


REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
PLANTING DETAILS & NOTES

DRAWN BY: TM
 CHECKED BY: TM
 ISSUE DATE: 3/2/2022
 JOB NO.: 2206

SHEET:
L102
 OF 2



PREMISES PLAN
LOCATION: (SWC) SW BOOTH BEND RD
AND SW HIGHWAY 99W
MCMINNVILLE, OR
CONCEPT PLAN (v15c)
3/10/2021

SITE DATA

JURISDICTION	CITY OF MCMINNVILLE
ZONING DISTRICT	C3 GENERAL COMMERCIAL
PERMITTED USE(S)	RESTAURANT
LOT AREA	LOT 1: ± 41,033 SF (± .94 ACRES) LOT 2: ± 37,375 SF (± .86 ACRES) TOTAL: ± 78,408 SF (± 1.80 ACRES)
BUILDING AREA	1,937 SF
F.A.R.	CODE TBD PLAN .05

SETBACKS

BUILDING SETBACKS	CODE	PLAN
- FRONT YARD	NONE	58' (E)
- CORNER SIDE YARD	NONE	50' (N)
- INTERIOR SIDE YARD	0'	51' (S)
- REAR YARD	0'	149' (W)

PARKING SETBACKS

- FRONT YARD	5'	24' (E)
- CORNER YARD	5'	5' (N)
- INTERIOR SIDE YARD	XX'	18' (S)
- REAR YARD	XX'	44' (W)

SIGNAGE SETBACK

SIGNAGE SETBACK	TBD	5'
-----------------	-----	----

OFF STREET PARKING REQUIREMENTS

PARKING STALL COUNT	19 (NOTE 2)	19 (9.8 / 1000 SF)
ADA STALL COUNT	1	1
PARKING STALL SIZE	9' X 19'	9' X 19'
DRIVE AISLE WIDTH	26'	26'
DRIVE-THRU STACKING	TBD	9
BUILDING HEIGHT	22' (PER LOWES CCR)	TBD

PROTOTYPE:

ADDITIONAL NOTES

1. BICYCLE SPACES SHALL BE 10% OF THE AUTOMOBILE PARKING SPACES REQUIRED
2. LOWE'S RESTAURANT OR FAST FOOD PARKING REQUIREMENT: 10 / 1,000 SF

DRAWN BY:

BS



InSite

1400 16th Street, Suite 300
 Oak Brook, IL 60523-8854
 Office: 630.617.9100
 www.insiterealestate.com

Amended on 08.24.2022

PARTITION PLAT

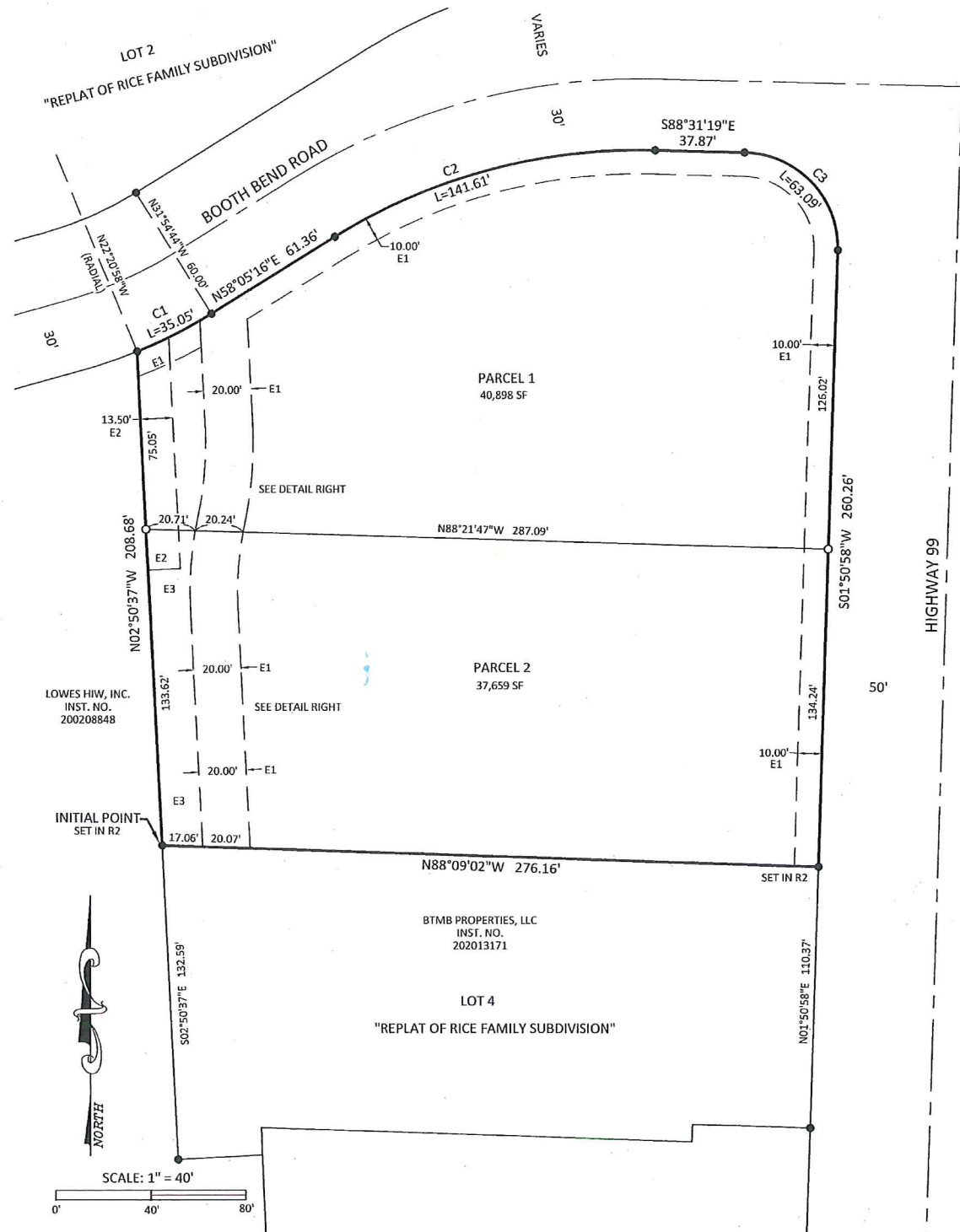
FOR: RICHARD D. RICE

LOCATION: S.W. 1/4 OF SECTION 29, T.4S., R.4W., W.M.
IN LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION"
CITY OF MCMINVILLE, YAMHILL COUNTY, OREGON

CITY OF MCMINVILLE DOCKET NO.

TAX LOT 4429CA -00300

DATE: FEBRUARY 24, 2022

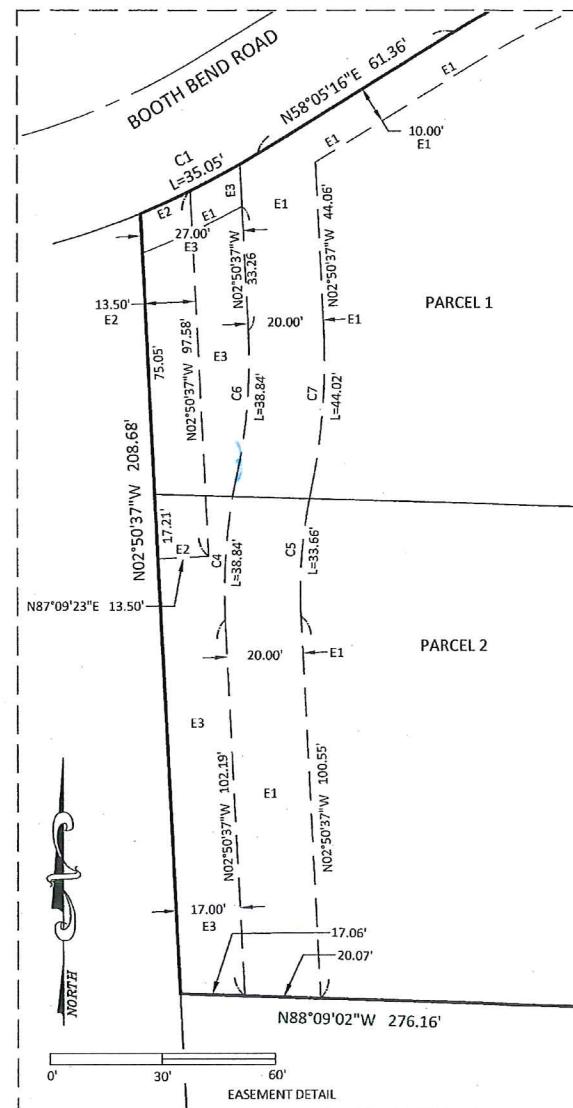


NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION" AS APPROVED BY THE CITY OF MCMINVILLE IN PLANNING DOCKET NO. _____

AS THE BASIS OF BEARINGS IS NORTH 02°50'37" WEST ON THE WEST BOUNDARY LINE PER R2. THE BOUNDARY LINES WERE DETERMINED BY HOLDING THE MONUMENTS SET IN R1 AND R2.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Jon T. Feigon 2/28/22
OREGON
JANUARY 15, 1987
JON T. FEIGON
2252
EXPIRES 12-31-23



LEGEND

- SET 5/8" X 30" LONG IR WITH YPC MARKED "EMERIO DESIGN" SET ON _____
- FOUND 5/8" IR WITH YPC MARKED "WRG DESIGN, INC." SET IN R1 UNLESS NOTED SET IN R2. HELD
- R1 SURVEY OR PLAT REFERENCE NUMBER
- E1 EASEMENT REFERENCE NUMBER
- IR IRON ROD
- YPC YELLOW PLASTIC CAP
- SF SQUARE FEET
- CS SURVEY NUMBER, YAMHILL COUNTY SURVEY RECORDS

REFERENCES

- R1 CS 11838
- R2 "REPLAT OF THE RICE FAMILY SUBDIVISION"
- E1 PUBLIC WATER AND POWER EASEMENT TO BENEFIT THE CITY OF MCMINVILLE PER INST. NO. 200324655
- E2 PUBLIC STORM DRAINAGE EASEMENT TO BENEFIT THE CITY OF MCMINVILLE PER INST. NO. 200315989
- E3 CONDITIONS COVENANTS AND RESTRICTIONS RECORDED IN INSTRUMENT NO. 200208853 INCLUDES SHARED ACCESS OVER NON DEDICATED STREETS.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BNG	CHORD
C1	35.05'	210.00'	9°33'46"	N06°52'09"E	35.01'
C2	141.61'	243.00'	33°23'25"	N74°46'59"E	139.62'
C3	63.09'	40.00'	90°22'17"	S43°20'10"E	56.75'
C4	38.84'	150.00'	14°50'06"	N04°34'26"E	38.73'
C5	33.66'	130.00'	14°50'06"	N04°34'26"E	33.57'
C6	38.84'	150.00'	14°50'06"	N04°34'26"E	38.73'
C7	44.02'	170.00'	14°50'06"	N04°34'26"E	43.89'

EMERIO
ENGINEERING • SURVEYING • DESIGN

6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com
EMERIO JOB: 0990-002

SHEET 1 OF 2

PARTITION PLAT

FOR: RICHARD D. RICE

LOCATION: S.W. 1/4 OF SECTION 29, T.4S., R.4W., W.M.
IN LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION"
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

CITY OF MCMINNVILLE DOCKET NO.

CITY OF TAX LOT 4429CA -00300

DATE: FEBRUARY 24, 2022

SURVEYOR'S CERTIFICATE

I, JON T. FEIGION, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ANNEXED PARTITION PLAT, SAID LAND BEING DESCRIBED AS FOLLOWS:

THAT TRACT OF LAND CONVEYED TO RICHARD D. RICE, TRUSTEE OF THE RICHARD D. RICE REVOCABLE LIVING TRUST BY DEED RECORDED AS DOCUMENT NO. 2018/120714, MULTNOMAH COUNTY DEED RECORDS, BEING LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION" LOCATED IN THE S.W. 1/4 OF SECTION 29 T.4S., R.4W., WILLAMETTE MERIDIAN, CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT WHERE I FOUND A 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN, INC." AT THE SOUTHWEST CORNER OF LOT 3, OF THE PLAT OF "REPLAT OF THE RICE FAMILY SUBDIVISION", RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY PLAT RECORDS; THENCE ALONG THE WEST LINE OF SAID LOT 3, NORTH 02°50'37" WEST, 208.68 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BOOTH BEND ROAD (30.00 FEET FROM CENTERLINE);

THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES:

35.05 FEET ON THE ARC OF A NONTANGENT 210.00-FOOT RADIUS CURVE (THE RADIUS POINT BEARS NORTH 22°20'58" WEST) THROUGH A CENTRAL ANGLE OF 9°33'46" (THE CHORD BEARS NORTH 06°52'09" EAST, 35.01 FEET) TO A POINT OF TANGENCY;

NORTH 58°05'16" EAST, 61.36 FEET TO A POINT OF CURVATURE;

141.61 FEET ON THE ARC OF A 243.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 33°23'25" (THE CHORD BEARS NORTH 74°46'59" EAST, 139.62 FEET) TO A POINT OF TANGENCY;

SOUTH 88°31'19" EAST, 37.87 FEET TO A POINT OF CURVATURE;

63.09 FEET ON THE ARC OF A 40.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°22'17" (THE CHORD BEARS SOUTH 43°20'10" EAST, 56.75 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 99 (50.00 FEET FROM CENTERLINE);

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 01°50'58" WEST, 260.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH LINE OF SAID LOT 3, NORTH 88°09'02" WEST, 276.16 FEET TO THE INITIAL POINT.

CONTAINING 78,557 SQUARE FEET, MORE OR LESS.



DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE RICHARD D. RICE REVOCABLE LIVING TRUST, THE MAXINE MARIE RICE REVOCABLE LIVING TRUST, AND THE BARBARA GRONER TRUST ARE THE OWNERS OF THE LAND DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND AS SHOWN ON THE ANNEXED MAP, AND HAVE CAUSED THE PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 92.

THE RICHARD D. RICE REVOCABLE LIVING TRUST

RICHARD D. RICE, TRUSTEE

THE MAXINE MARIE RICE REVOCABLE LIVING TRUST

WILBUR EUGENE RICE, CO-TRUSTEE STEVEN E. RICE, CO-TRUSTEE

THE BARBARA GRONER TRUST

BARBARA GRONER, TRUSTEE

ACKNOWLEDGEMENT

STATE OF OREGON)
)SS
COUNTY OF MULTNOMAH)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____
BY RICHARD D. RICE AS TRUSTEE OF THE RICHARD D. RICE REVOCABLE LIVING TRUST.

NOTARY SIGNATURE _____

NOTARY PUBLIC - OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

ACKNOWLEDGEMENT

STATE OF OREGON)
)SS
COUNTY OF MULTNOMAH)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____
BY WILBUR EUGENE RICE AS CO-TRUSTEE OF THE MAXINE MARIE REVOCABLE LIVING TRUST.

NOTARY SIGNATURE _____

NOTARY PUBLIC - OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

ACKNOWLEDGEMENT

STATE OF OREGON)
)SS
COUNTY OF MULTNOMAH)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____
BY STEVEN E. RICE AS CO-TRUSTEE OF THE MAXINE MARIE REVOCABLE LIVING TRUST.

NOTARY SIGNATURE _____

NOTARY PUBLIC - OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

ACKNOWLEDGEMENT

STATE OF OREGON)
)SS
COUNTY OF MULTNOMAH)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____
BY BARBARA GRONER AS TRUSTEE OF THE BARBARA GRONER TRUST.

NOTARY SIGNATURE _____

NOTARY PUBLIC - OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

PLAT NOTES

1) THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS OF THE CITY OF MCMINNVILLE PLANNING DOCKET NO. _____

APPROVALS:

CITY OF MCMINNVILLE DATE
COMMUNITY DEVELOPMENT DIRECTOR

CITY OF MCMINNVILLE DATE
PLANNING DIRECTOR

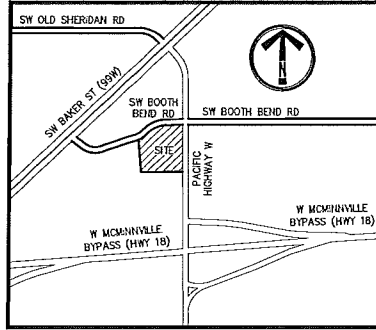
CITY OF MCMINNVILLE DATE
WATER AND LIGHT COMMISSION

YAMHILL COUNTY SURVEYOR DATE

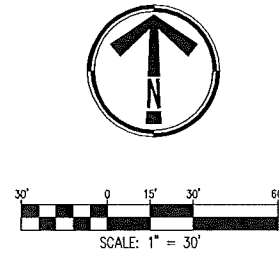


6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97005
TEL: (503) 746-8812
FAX: (503) 639-8592
www.emeriodesign.com
JOB NO. 0990-002

SHEET 2 OF 2

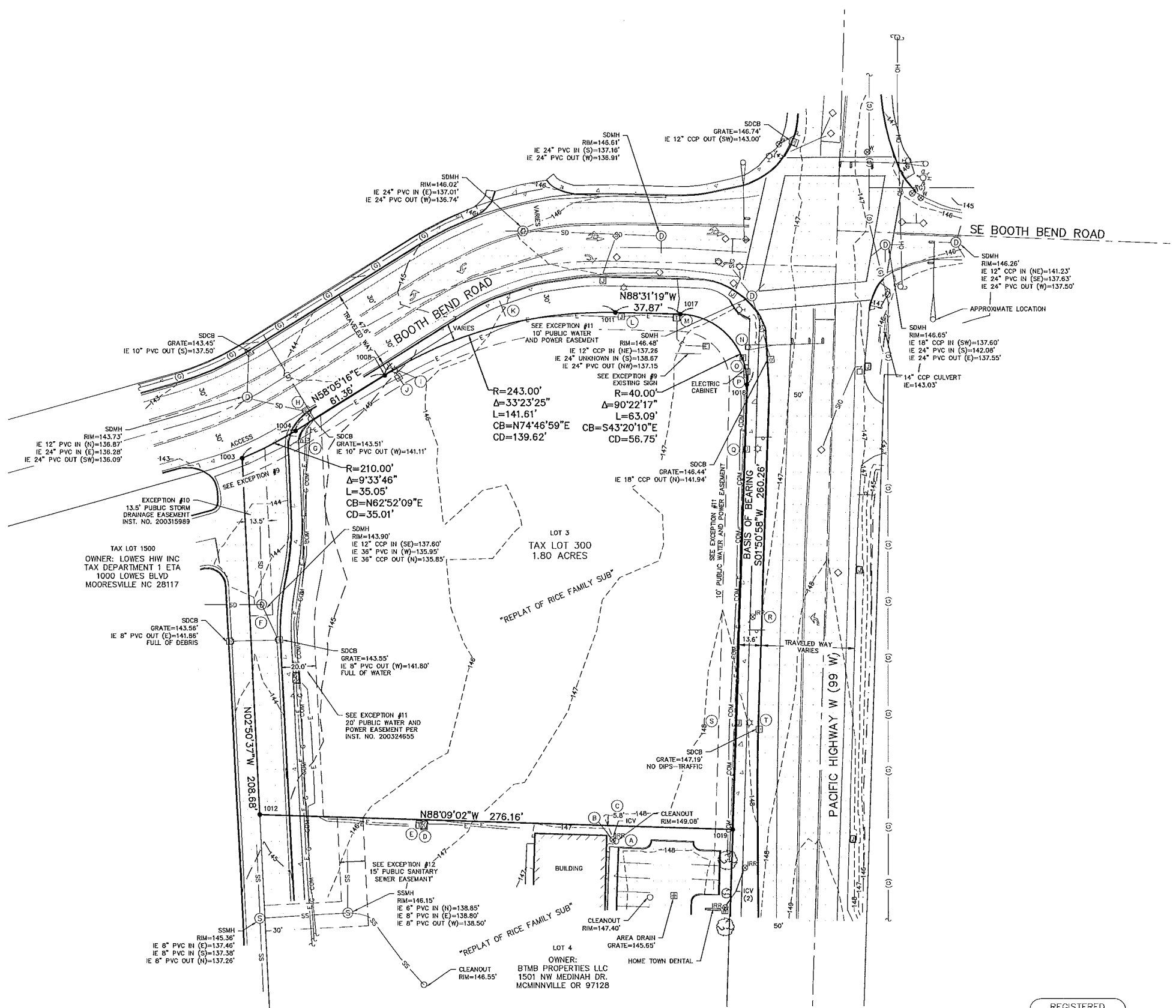


VICINITY MAP
NOT TO SCALE



LEGEND

- INDICATES FOUND MONUMENT (PROTECT AT ALL TIMES)
- INDICATES SIGN
- INDICATES DECIDUOUS TREE
- INDICATES CATCH BASIN (SDCB)
- INDICATES STORM DRAIN MANHOLE (SDMH)
- INDICATES CLEANOUT
- INDICATES SANITARY SEWER MANHOLE (SSMH)
- INDICATES UTILITY POLE
- INDICATES STREET LIGHT
- INDICATES JUNCTION BOX
- INDICATES ELECTRICAL METER
- INDICATES TRANSFORMER
- INDICATES ELECTRICAL VAULT
- INDICATES TRAFFIC SIGNAL POLE
- INDICATES TRAFFIC SIGNAL
- INDICATES PEDESTRIAN SIGNAL POLE
- INDICATES FIRE HYDRANT
- INDICATES WATER METER
- INDICATES WATER VALVE
- INDICATES SIGNAL LOOP
- INDICATES IRRIGATION CONTROL VALVE
- INDICATES CONCRETE PIPE
- INDICATES INVERT ELEVATION
- INDICATES PVC PIPE
- INDICATES SQUARE FEET
- INDICATES SANITARY SEWER MANHOLE
- INDICATES STORM DRAIN CATCH BASIN
- INDICATES STORM DRAIN MANHOLE
- () INDICATES UNDERGROUND LINE PER RECORD INFORMATION
- INDICATES DITCH
- - - INDICATES SIGNAL SPAN LINE
- - - INDICATES ROADWAY CENTERLINE
- - - INDICATES EASEMENT LINE
- - - INDICATES 5 FOOT INTERVAL CONTOUR
- - - INDICATES 1 FOOT INTERVAL CONTOUR
- G — INDICATES EXISTING GAS
- COM — INDICATES EXISTING COMMUNICATIONS
- E — INDICATES EXISTING POWER
- OH — INDICATES OVERHEAD POWER
- SS — INDICATES EXISTING SANITARY SEWER
- SD — INDICATES EXISTING STORM DRAIN
- INDICATES EXISTING CONCRETE
- INDICATES EXISTING ASPHALT



SHEET INDEX

SHEET 1 - ALTA SURVEY, LEGEND AND VICINITY MAP
SHEET 2 - TOPOGRAPHIC NOTES, MONUMENT TABLE, LEGAL DESCRIPTION, EXCEPTIONS, SURVEYOR'S CERTIFICATE, TABLE "A" NOTES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
ERIC D. LYNCH
56544
EXPIRES 12-31-22

NO.	REVISIONS	DATE	PREPARED BY:
			AT
			AT
			ASU
			DATE: 01-27-2022

ALTA/NSPS LAND TITLE SURVEY
LOT 3
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.
MCMINNVILLE, YAMHILL COUNTY, OREGON

EMERIO
ENGINEERING • SURVEYING • DESIGN
646 SIVALL BROOK PLACE, SUITE 100
SEASIDE, OREGON 97138
TEL: (503) 746-8812
FAX: (503) 656-9562
www.emeriodesign.com

SURVEYED FOR:
INSITE REAL ESTATE LLC
1400 16TH ST #300
OAK BROOK, IL 60523

JOB: 0900-002
EMAIL: INFO@EMERIODSIGN.COM

SHEET 1 OF 2

TOPOGRAPHIC NOTES:

ITEMS LISTED BELOW ARE POSSIBLE AREAS OF CONCERN.

- (A) CLEANOUT IS 9' SOUTH OF SOUTH PROPERTY LINE
- (B) IRRIGATION CONTROL VALVE IS 8' SOUTH OF SOUTH PROPERTY LINE
- (C) BUILDING IS 5.6' SOUTH OF SOUTH PROPERTY LINE
- (D) POWER VAULT IS 3' SOUTH OF SOUTH PROPERTY LINE
- (E) COMMUNICATION BOX IS 3.4' SOUTH OF SOUTH PROPERTY LINE
- (F) STORM MANHOLE IS 7' EAST OF WEST PROPERTY LINE
- (G) SIGN IS 4' SOUTHEAST OF NORTH PROPERTY LINE
- (H) STORM DRAIN CATCH BASIN IS 2' SOUTHEAST OF NORTH PROPERTY LINE
- (I) LIGHT POLE IS ON NORTH PROPERTY LINE
- (J) POWER JUNCTION BOX IS 2.5' SOUTHEAST OF NORTH PROPERTY LINE
- (K) SIGN IS 9' NORTHWEST OF NORTHERN PROPERTY LINE
- (L) POWER JUNCTION BOX IS 2.3' SOUTH OF NORTH PROPERTY LINE
- (M) COMMUNICATION BOX IS 2.2' SOUTH OF NORTH PROPERTY LINE
- (N) SIGNAL POLE 5' NORTHWEST OF NORTH PROPERTY LINE
- (O) ELECTRIC METER IS ON NORTH PROPERTY LINE
- (P) ELECTRIC METER IS .5' WEST OF WEST PROPERTY LINE
- (Q) ELECTRIC JUNCTION BOX IS 1' WEST OF WEST PROPERTY LINE
- (R) IRRIGATION CONTROL VALVE IS 7' WEST OF WEST PROPERTY LINE
- (S) POWER JUNCTION BOX IS 1.2' WEST OF WEST PROPERTY LINE
- (T) LIGHT POLE IS 7.8' WEST OF WEST PROPERTY LINE

MONUMENT TABLE:

- 1003 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
- 1004 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
- 1008 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1011 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1012 FOUND 5/8" IRON ROD
- 1017 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1018 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1019 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"

SURVEY NOTES:

1. EXCEPTIONS AND LEGAL DESCRIPTIONS ARE PER ALTA COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1062448-MAD, COMMITMENT DATE JULY 14, 2021.
2. NO BUILDINGS OBSERVED.
3. THE BASIS OF BEARINGS IS BASED ON FOUND MONUMENT #1018 AND #1019 ALONG THE WEST RIGHT OF WAY LINE OF HWY 99, BEING SOUTH 01°50'58" EAST, PER THE REPLAT OF THE "RICE FAMILY SUBDIVISION", YAMHILL COUNTY SURVEY RECORDS.

LEGAL DESCRIPTION: PER NOTED TITLE REPORT.

LOT 3, "REPLAT OF RICE FAMILY SUBDIVISION, IN THE CITY OF MCMINNVILLE, COUNTY OF YAMHILL, STATE OF OREGON"

TITLE REPORT EXCEPTIONS: PER NOTED TITLE REPORT.

1. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; PROCEEDINGS BY A PUBLIC AGENCY WHICH MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. (NOT A SURVEY LOCATION ITEM)
2. FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF. (NOT A SURVEY LOCATION ITEM)
3. EASEMENTS, OR CLAIMS OF EASEMENT, NOT SHOWN BY THE PUBLIC RECORDS; RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; WATER RIGHTS, CLAIMS OR TITLE TO WATER. (NOT A SURVEY LOCATION ITEM)
4. ANY ENCROACHMENT (OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND OR OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND ONTO THE LAND), ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. (NONE FOUND)
5. ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN. (NOT A SURVEY LOCATION ITEM)
6. WATER RIGHTS, CLAIMS TO WATER OR TITLE TO WATER, WHETHER OR NOT SUCH RIGHTS ARE A MATTER OF PUBLIC RECORD. (NOT A SURVEY LOCATION ITEM)
7. CITY LIENS, IF ANY, OF THE CITY OF MCMINNVILLE. NOTE: THERE ARE NO LIENS AS OF APRIL 16, 2021. ALL OUTSTANDING UTILITY AND USER FEES ARE NOT LIENS AND THEREFORE ARE EXCLUDED FROM COVERAGE. (NOT A SURVEY LOCATION ITEM)
8. THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING WITHIN THE LIMITS OF STREETS, ROADS AND HIGHWAYS. (NOT A SURVEY LOCATION ITEM)
9. COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS; BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES. RECORDING INFORMATION: MAY 01, 2002 AS INSTRUMENT NO. 200208853, DEED AND MORTGAGE RECORDS (PROVIDES FOR INGRESS/EGRESS, VEHICULAR, AND OTHER EASEMENTS ACROSS THE COMMON AREAS AS DEFINED THEREIN) (PROVIDES FOR OTHER RECIPROCAL UTILITY EASEMENTS, AND Pylon AND SIGN EASEMENT, AS SHOWN HEREON) (REFER TO DOCUMENT FOR PARTICULARS)
10. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: JULY 03, 2003 AS INSTRUMENT NO. 200315989, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON FOR: STORM DRAINAGE SEWER (AS SHOWN HEREON)
11. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: SEPTEMBER 26, 2003 AS INSTRUMENT NO. 200324655, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, ACTING BY AND THROUGH ITS WATER & LIGHT COMMISSION RIGHT OF WAY
12. NOTES, EASEMENTS, COVENANTS AND RESTRICTIONS AS DEPICTED ON THE FACE OF THE REPLAT OF THE "RICE FAMILY SUBDIVISION" PLAT. (AS SHOWN HEREON)
13. UNRECORDED LEASES OR PERIODIC TENANCIES, IF ANY. (NOT A SURVEY LOCATION ITEM)
14. IN ORDER TO INSURE A TRANSACTION INVOLVING THE HEREIN NAMED TRUST(S), WE WILL NEED TO BE PROVIDED A CERTIFICATION OF TRUST PURSUANT TO ORS 130.800 THROUGH ORS 130.910. (NOT A SURVEY LOCATION ITEM)
15. TAXES FOR THE FISCAL YEAR 2021-2022 A LIEN DUE, BUT NOT YET PAYABLE. (NOT A SURVEY LOCATION ITEM)

SURVEYOR'S CERTIFICATE:

TO: FIRST AMERICAN TITLE INSURANCE COMPANY
INSITE REAL ESTATE LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6A, 8, 11A, 11B, 13, 14, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JANUARY 17, 2022.

ERIC D. LYNCH
LICENSE NO. 56544
DATE OF MAP: JANUARY 26, 2022

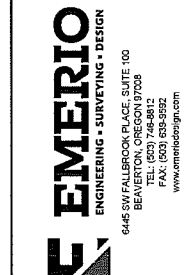
TABLE A ITEMS

1. MONUMENTS WERE PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER, AS SHOWN HEREON.
2. ADDRESS(ES) OF THE SURVEYED PROPERTY IF DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR, OR OBSERVED WHILE CONDUCTING THE FIELDWORK, NONE DISCLOSED.
3. THIS SITE APPEARS TO LIE IN ZONE "UNSHADED X", "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN" PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER(S): 41071C0404D, DATED 03/02/2010.
4. GROSS LAND AREA 78,557 SQ. FT. OR 1.803 ACRES.
5. CONTOURS WERE DERIVED FROM ON THE GROUND SURVEY EFFORTS WITH A CONTOUR INTERVAL OF 1 FOOT AND 5 FEET BASED ON YAMHILL COUNTY SURVEY OFFICE BENCHMARK NO. 32, BEING A BRASS DISK IN 1" I.P., SET IN MONUMENT CASE AT THE SOUTHWEST CORNER OF THE SAMUEL COZINE DONATION LAND CLAIM #58 WITH AN ELEVATION OF 147.50'.
6. NO ZONING REPORT WAS PROVIDED TO THE SURVEYOR.
8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE AS SHOWN HEREON.
11. EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUANT TO SECTION 5.E.I.V.) AS DETERMINED BY:
(A) NO PLANS AND/OR REPORTS WERE PROVIDED BY CLIENT.
(B) MARKINGS COORDINATED BY THE SURVEYOR PURSUANT TO A PRIVATE UTILITY LOCATE REQUEST, AS SHOWN HEREON. UTILITY LOCATE MARKS DO NOT APPEAR TO BE COMPLETE, DUE TO WEATHER CONDITIONS.
NOTE TO THE CLIENT, INSURER, AND LENDER - WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM THE SOURCES CHECKED ABOVE WERE BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.I.V. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
13. THE NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE AS SHOWN HEREON.
14. THE DISTANCE TO THE NEAREST INTERSECTING STREET IS AS SHOWN HEREON. SUBJECT PROPERTY ADJUTS INTERSECTION.
16. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
17. PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION WAS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION. NO PROPOSED CHANGES IN RIGHTS OF WAY WERE DISCLOSED.
- NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
18. PLOTTABLE OFFSITE EASEMENTS AND / OR SERVITUDES DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR ARE AS SHOWN HEREON.
19. PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR SHALL BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.
20. _____

PREPARED BY:	AT
DRAWN:	AT
CHECKED:	ASJ
DATE:	01-27-2022

NO.	REVISIONS	DATE

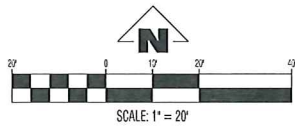
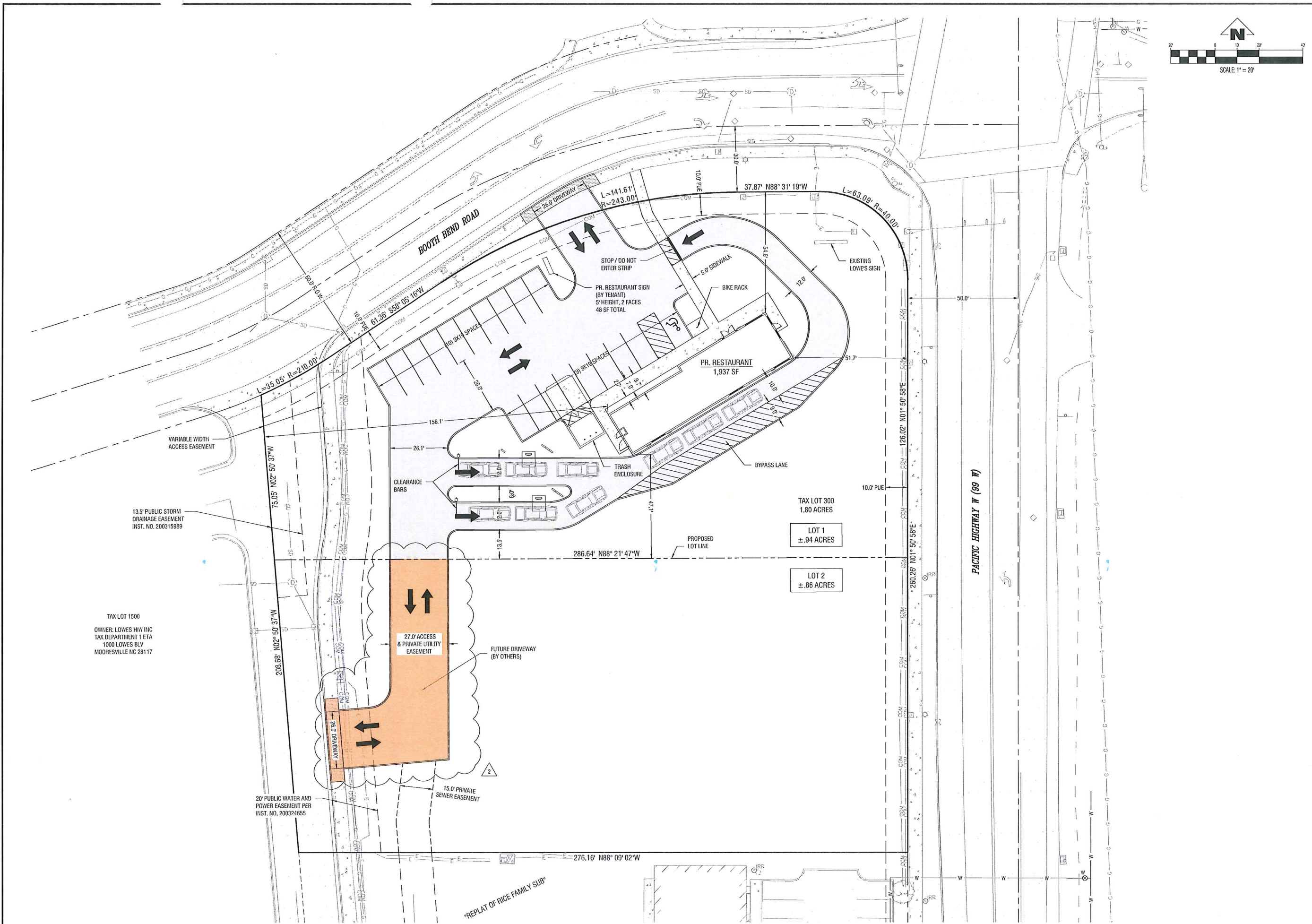
ALTA/NSPS LAND TITLE SURVEY
LOT 3
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.
MCMINNVILLE, YAMHILL COUNTY, OREGON



SURVEYED FOR:
 INSITE REAL ESTATE LLC
 1400 16TH ST #300
 OAK BROOK, IL 60523
 JOB: 0900-002
 EMAIL: INFO@EMERIODSIGN.COM

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 12, 2005
 ERIC D. LYNCH
 56544
 EXPIRES 12-31-22



McMINNVILLE BURGER KING
 SWC BOOTH BEND ROAD
 TAX LOT 300
 NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.
 CITY OF McMINNVILLE, OREGON

PROPOSED SITE PLAN

NO.	DATE	DESCRIPTION
1	2/22/2022	INITIAL SUBMITTAL (LAI D USE)
2	3/21/2022	REVISED ACCESS LOCATIONS

EMERIO
 ENGINEERING • SURVEYING • DESIGN
 6445 SW FALLBROOK PLACE, SUITE 100
 BEAVERTON, OREGON 97008
 PHONE: (503) 639-8822
 FAX: (503) 639-8822
 www.emeriodesign.com

SHEET
 1
 OF
 3

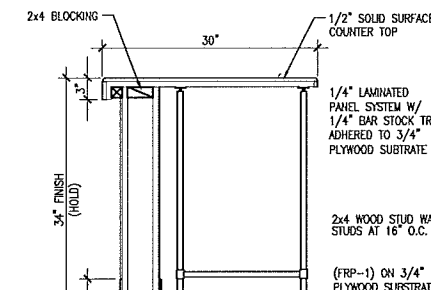
FILED: 08/24/2022 09:28 AM, Board Room, Booth Bend Road and 3900 King Road, 97008-0002, 01st Flr, Layer: 01, McMinnville - PROPOSED SITE PLAN, File Date: 3/21/2022 10:20 AM, by: jdk/hadkins



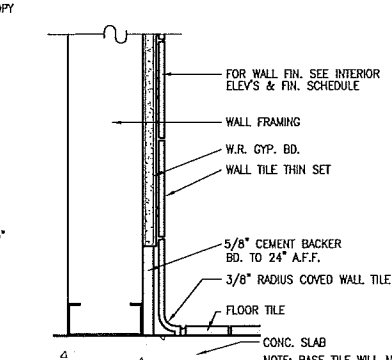
ARMÉT DAVIS NEWLOVE & ASSOCIATES, AIA ARCHITECTS

1330 OLYMPIC BLVD.
SANTA MONICA, CALIFORNIA 90404
PH 310 452-5533 FAX 310 450-4742

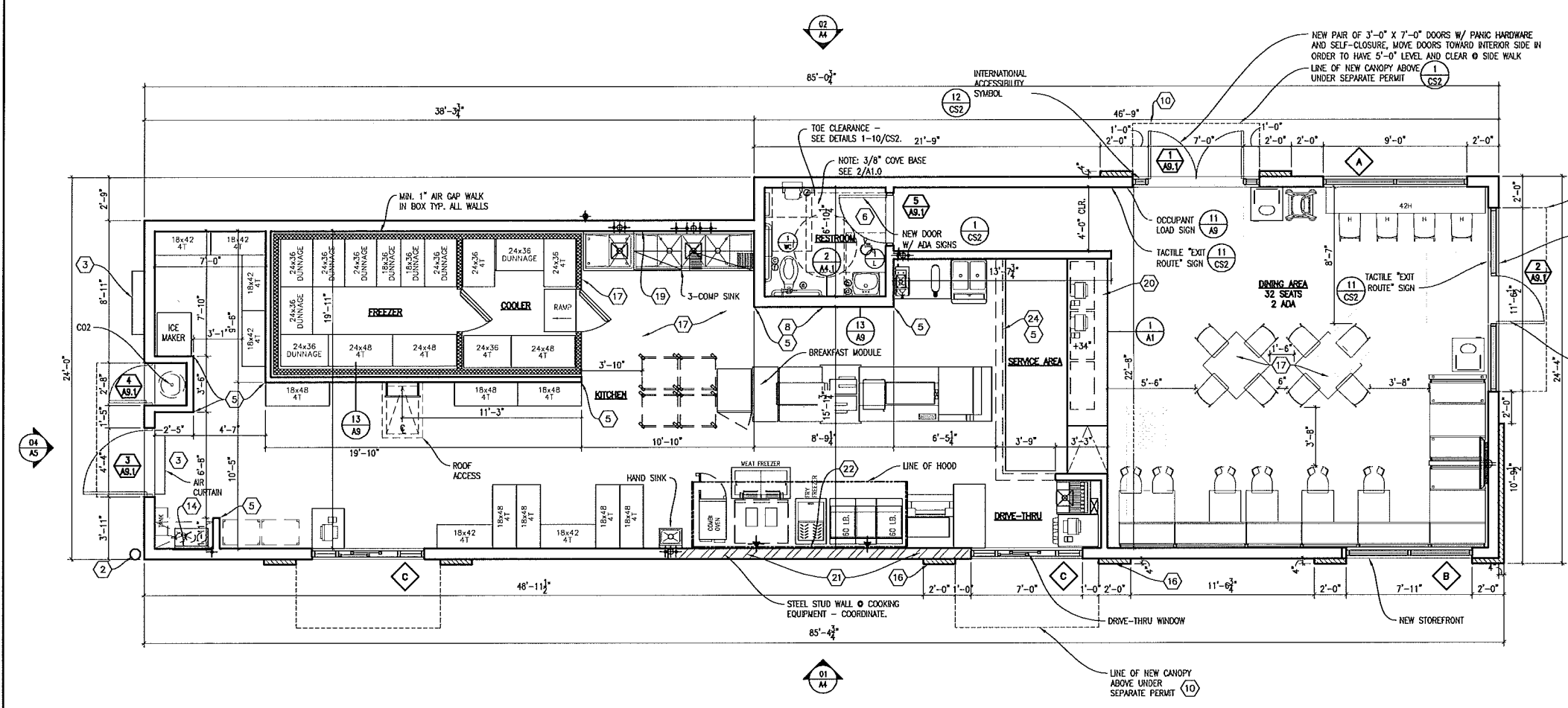
REV. DATE DESCRIPTION



1 FRONT COUNTER
SCALE: N.T.S.



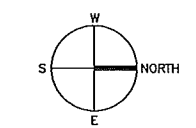
2 TILE BASE @ INTERIOR WALL
SCALE: N.T.S.



DOORS TO DISABLED ACCESSIBLE SANITARY FACILITIES SHALL BE IDENTIFIED BY 1/4" GEOMETRIC SYMBOLS OF CONTRASTING COLOR CENTERED ON THE DOOR AT A HEIGHT OF 58" TO 60".

LEGEND

- NEW WALL
NICHEA FLOORING
16 GA STEEL STUDS
REPLACE (E) EXIST SIGN WITH NEW EXIT SIGN
30"x48" CLEAR SPACE



FLOOR PLAN

SCALE: 1/4" = 1'-0"

PLUMBING FIXTURE SCHEDULE

Table with columns: ITEM, FIXTURE, CONNECTION SIZES (INCHES), DESCRIPTION. Includes items like Water Closet, ADA and Lavatory, ADA.

TOILET ACCESSORY SCHEDULE

- MIRROR W/ STEEL FRAME - BOBRICK B-290-1836
SOAP DISPENSER - BOBRICK B-2111
TOILET TISSUE DISPENSER - BOBRICK B-2890
SEM-RECESSPAPER TOWEL DISPENSER / WASTE RECEPTACLE - BOBRICK B-3944

GENERAL NOTES

- A. EXTERIOR DIMENSIONS ARE TO FACE OF MASONRY. INTERIOR DIMENSIONS ARE TO FINISH.
B. OVERALL DIMENSIONS TO EXTERIOR WALLS ARE THE SAME AS TO THE OUTSIDE FACE OF FOUNDATION WALL BELOW.
C. ALL ANGLED WALLS ARE AT 90° UNLESS NOTED OTHERWISE.

BUILDING NOTES

- 1. RESTROOM WALLS, CEILINGS AND FLOORS ARE SMOOTH, DURABLE AND NON-ABSORBANT. COVE BASE AT FLOOR/WALL JUNCTION TO HAVE 3/8" RADIUS & MIN 4" HEIGHT.
2. THE MEANS OF EGRESS, INCLUDING THE EXIT DISCHARGE, SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING SPACE SERVED BY THE MEANS OF EGRESS IS OCCUPIED.

RESTROOM

- 1. BOTH RESTROOMS TO HAVE COVED TILE BASE.
2. BOTH GRAB RAILS TO BE MOUNTED AT SAME HEIGHT 33" MIN-36" MAX. W/ 1 1/2" CLEAR BETWEEN BOTTOM OF BARS AND TOP OF ANY ACCESSORIES/TOILET TANKS/FLUSH VALVES PER CBC 11B-609.4

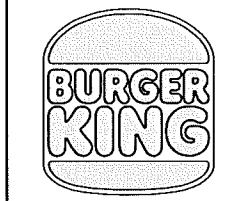
HEALTH DEPARTMENT NOTES:

- 1. ALL EXTERIOR DOORS AND RESTROOM DOORS SHALL BE SELF-CLOSING.
2. SEE SHEET A7.2 FOR KITCHEN AND RESTROOM FINISH SCHEDULE.

KEYED NOTES

- 1. SELF-SERVE DRINKS AND CONDIMENT STAND. REFER TO SHEET K1.0.
2. STEEL BOLLARD - REFER TO SHEET 9/04.
3. ELECTRIC SERVICE - REFER TO ELECTRICAL DRAWINGS.
4. SERVICE COUNTER PARTITION BY G.C. COORDINATE COUNTER TOP/FINISHES INSTALLATION RESPONSIBILITIES WITH THE DECOR SUPPLIER.

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL USE FOR WHICH THEY WERE PREPARED AND PUBLISHED HEREIN IS EXPRESSLY LIMITED TO SUCH USE. RE-USE, REPRODUCTION OR PUBLICATION BY ANY MEANS, IN WHOLE OR IN PART, IS PROHIBITED. THESE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT UNLESS PREVIOUS WRITTEN CONSENT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE FORMAL EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTIONS.



LOCATION
SW SW BOOTH BEND ROAD
& SW HIGHWAY 99 W
MCMINNVILLE, OR

DATE
01/20/22
JOB NO.
DRAWN BY
CHECKED BY

FILE NAME
A1 Floor Plan.dwg

FLOOR PLAN & DOOR SCHEDULE

A1
Amended on 08.24.2022
253 of 340



ARMÉT DAVIS NEWLOVE & ASSOCIATES, AIA ARCHITECTS

1330 OLYMPIC BLVD. SANTA MONICA, CALIFORNIA 90404 PH 310 452-5533 FAX 310 450-4742

REV. DATE DESCRIPTION

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LOCATION: SW SW BOTH BEND ROAD & SW HIGHWAY 99 W MCMINNVILLE, OR

DATE: 11/19/21 JOB NO.:

DRAWN BY: CHECKED BY:

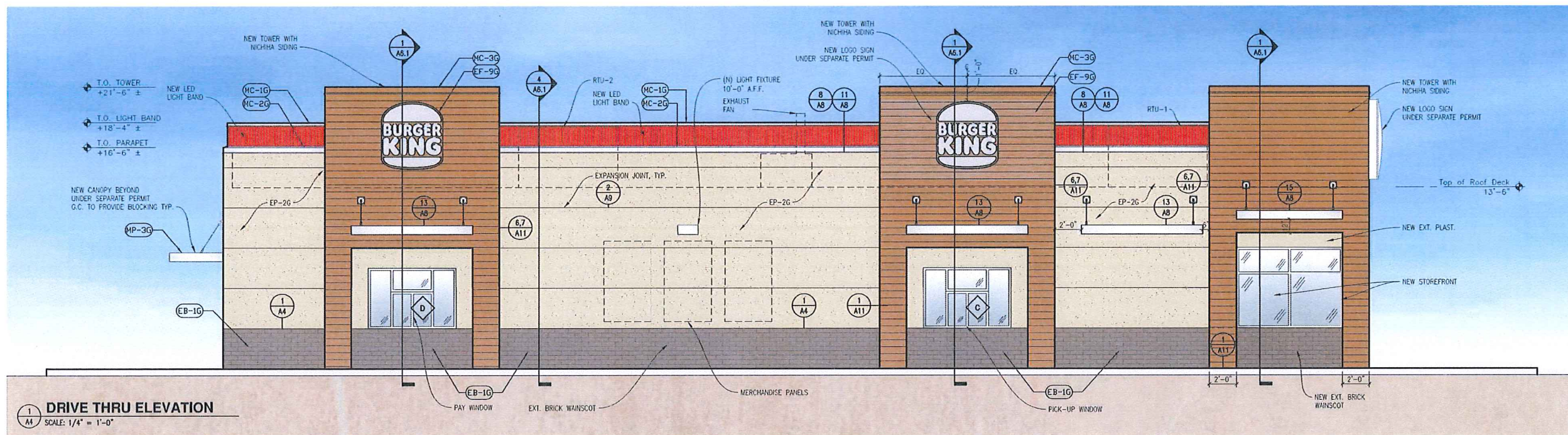
FILE NAME: A4&5 Elevations.dwg

ELEVATIONS

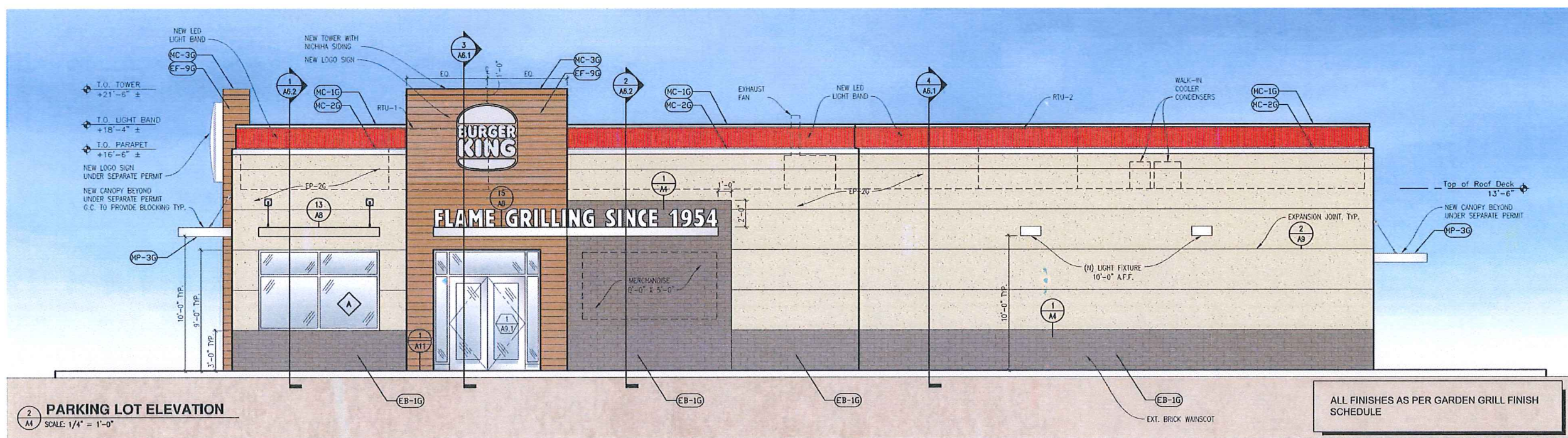
A4

Amended on 08.24.2022

254 of 340



1 DRIVE THRU ELEVATION SCALE: 1/4" = 1'-0"



2 PARKING LOT ELEVATION SCALE: 1/4" = 1'-0"

ALL FINISHES AS PER GARDEN GRILL FINISH SCHEDULE

DOOR NOTES

- 1. THE MINIMUM DOOR WIDTH OF EACH DOOR OPENING SHALL BE SUFFICIENT FOR THE OCCUPANT LOAD THERE OF AND SHALL PROVIDE A CLEAR WIDTH OF NOT LESS THAN 32 INCHES. THE HEIGHT OF DOORS SHALL NOT BE LESS THAN 80 INCHES.
2. EXIT DOORS SHALL SWING IN THE DIRECTION OF EXIT TRAVEL WHEN SERVING AN OCCUPANT LOAD OF 50 OR MORE PERSONS OR A GROUP 'H' OCCUPANCY.
3. EVERY EXIT DOOR SHALL BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF A KEY, TOOL, OR SPECIAL KNOWLEDGE OR EFFORT. SPECIAL LOCKING DEVICES SHALL BE AN APPROVED TYPE.
4. PROVIDE APPROVED PANIC HARDWARE ON REQUIRED EXIT DOORS. PANIC HARDWARE SHALL BE PROVIDED ON EXIT DOORS SERVING ROOMS, CORRIDORS, OR STARWAYS HANDLING AN OCCUPANT LOAD OF 50 OR MORE PERSONS, FROM ANY GROUP A, E, OR I-2 OR I-2.1 OCCUPANCY. ONLY PANIC HARDWARE APPROVED AND LISTED BY THE STATE FIRE MARSHAL SHALL BE INSTALLED.
5. EXIT DOORS FROM GROUP A SHALL NOT BE PROVIDED WITH LATCH OR LOCK UNLESS IT IS PANIC HARDWARE OF FIRE EXIT HARDWARE.
6. OPERABLE PARTS OF HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPERABLE PARTS SHALL BE 34 INCHES MINIMUM AND 44 INCHES MAXIMUM ABOVE THE FINISH FLOOR OR GROUND WHERE SLIDING DOORS ARE IN THE FULLY OPEN POSITION, OPERATING HARDWARE SHALL BE EXPOSED AND USABLE FROM BOTH SIDES. LATCHING AND LOCKING DEVICES THAT ARE HAND-ACTIVATED AND ON AN ACCESSIBLE ROUTE SHALL BE OPERABLE WITH A SINGLE EFFORT BY LEVER-TYPE HARDWARE, PANIC BARS, PUSH-FULL ACTIVATING BARS OR OTHER HARDWARE DESIGNED TO PROVIDE PASSAGE WITHOUT REQUIRING THE ABILITY TO GRASP THE OPENING HARDWARE.
7. DOORS CLOSERS AND GATE CLOSERS SHALL BE ADJUSTED SO THAT FROM AN OPEN POSITION OF 90 DEGREES, THE TIME REQUIRED TO MOVE THE DOOR TO A POSITION OF 12 DEGREES FROM THE LATCH IS 5 SECONDS MINIMUM. DOOR AND GATE SPRING HINGES SHALL BE ADJUSTED SO THAT THE OPEN POSITION OF 70 DEGREES, THE DOOR OR GATE SHALL MOVE TO THE CLOSED POSITION IN 1.5 SECONDS MINIMUM.
8. REQUIRED FIRE DOORS SHALL HAVE THE MINIMUM OPENING FORCE ALLOWABLE BY THE APPROPRIATE ADMINISTRATIVE AUTHORITY, NOT TO EXCEED 15 POUNDS. OTHER EXTERIOR AND INTERIOR DOORS SHALL HAVE A MAXIMUM OPENING FORCE OF 5 POUNDS.
9. PUSH OR PULL FORCE FOR A HINGED DOOR SHALL BE MEASURED PERPENDICULAR TO THE DOOR FORCE AT THE DOOR OPENING HARDWARE OR 30 INCHES FROM THE HINGED SIDE, WHICHEVER IS FURTHER FROM THE HINGE. PUSH OR PULL FORCE FOR A SLIDING OR FOLDING DOOR SHALL BE MEASURED PARALLEL TO THE DOOR AT THE DOOR PULL OR LATCH.
10. SWINGING DOOR AND GATE SURFACE WITHIN 10 INCHES OF THE FINISH FLOOR OR GROUND MEASURED VERTICALLY SHALL HAVE A SMOOTH SURFACE ON THE PUSH SIDE EXTENDING THE FULL WIDTH OF THE DOOR OR GATE. PARTS CREATING HORIZONTAL OR VERTICAL JOINTS IN THESE SURFACES SHALL BE WITHIN 1/16 INCH OF THE SAME FLANG AS THE OTHER AND BE FREE OF SHARP OR ABRASIVE EDGES. CAVITIES CREATED BY ADDED KICK PLATES SHALL BE CAPPED. EXCEPTION: AUTOMATIC AND SLIDING DOORS OR GATES.
11. THE LEVER OR LEVER OF ACTIVATED LATCHES OR LOCKS SHALL BE CURVED WITH A RETURN TO WITHIN 1/2" OF THE DOOR TO PREVENT CATCHING ON THE CLOTHING OF PERSONS DURING EGRESS.
12. ILLUMINATED EXIT SIGNS ARE REQUIRED AT EACH EXIT AND ARE REQUIRED TO HAVE MINIMUM 6" HIGH BY 3/4" STROKE BLOCK LETTERS ON A CONTRASTING BACKGROUND. SEE FLOOR PLANS AND ELECTRICAL DRAWINGS FOR EXIT LIGHT LOCATIONS.
13. PROVIDE TACTILE EXIT SIGN AT REQUIRED LOCATIONS. SEE FLOOR PLAN FOR LOCATIONS AND 11/CS2 FOR DETAIL.
14. GLAZING WITHIN 24" OF EITHER SIDE OF ANY DOORWAY AND LESS THAN 60" ABOVE A WALKWAY SHALL BE SAFETY GLAZING.
15. GLAZING IN EXCESS OF 9 SQ. FT. WITHIN 18" OF A WALKING SURFACE SHALL BE SAFETY GLAZING.
16. VERIFY DOOR AND ROUGH OPENING DIMENSIONS WITH DOOR SUPPLIER.

LEGEND

Table with 2 columns: Material/Finish and Description. Includes items like EXTERIOR CERAMIC TILE, EXTERIOR FINISH FIBER CEMENT, ALUMINUM TRIMS, ARCHON, EXTERIOR PAINT, METAL COPING, METAL AWNING / STANDING SEAM ROOF, and EXTERIOR BRICK.

GENERAL NOTES

- 1. ALL SIGNAGE UNDER SEPARATE PERMIT.
2. ALL EXISTING LIGHT BAND TO BE REMOVED AND INSTALL NEW. SEE DETAIL 8 ON SHEET A8.
3. PATCH, REPAIR AND PAINT ALL EXISTING EXTERIOR PLASTER TO REMAIN. REFER TO DRAWINGS 1, 2 AND 6 ON SHEET A9 FOR STANDARD PLASTER DETAILS.
4. EXISTING STOREFRONT FRAME AND GLASS SHALL BE CLEANED AND REPAIRED AS REQUIRED.
5. NEW STOREFRONT FRAME FINISH SHALL BE BRONZE FINISH. EXISTING FRAMES TO BE PAINTED TO MATCH NEW STORE FRONT.
6. SEE SHEET A7.1 FOR FINISH SCHEDULE.
7. SEE SHEET A11 FOR NICHHA SIDING DETAILS.
8. PROVIDE METAL TRIM "SCHLUTER JOLLY" BY SCHLUTER SYSTEMS W/ BRUSHED ANODIZED ALUMINUM FINISH @ ALL OUTSIDE CORNER OF TILE FINISH.



ARMÉ DAVIS NEWLOVE & ASSOCIATES, AIA ARCHITECTS

1330 OLYMPIC BLVD.
SANTA MONICA, CALIFORNIA 90404
PH 310 452-5533 FAX 310 450-4742

REV. DATE DESCRIPTION

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. ONLY TO THE PLANS AND SPECIFICATIONS REMAIN WITH THE ARCHITECT WITHOUT FURTHER VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTIONS.



LOCATION:
SW SW BOTH BEND ROAD & SW HIGHWAY 99 W MCMINNVILLE, OR

DATE: 11/19/21

JOB NO.:

DRAWN BY: CHECKED BY:

FILE NAME: M&S Elevations.dwg

ELEVATIONS

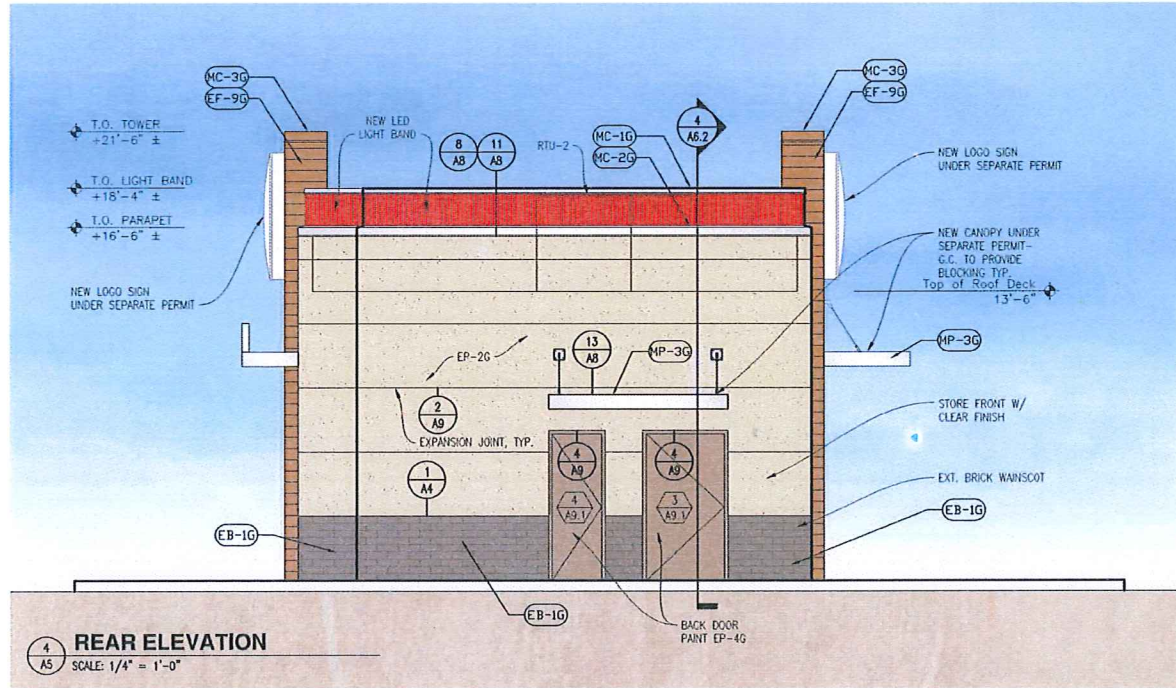
A5

Amended on 08.24.2022

255 of 340



3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 REAR ELEVATION
SCALE: 1/4" = 1'-0"

ALL FINISHES AS PER GARDEN GRILL FINISH SCHEDULE

DOOR SCHEDULE

NO.	TYPE	SIZE (W x HT.)	THICK	CORE	FACES	FRAME	GLASS	HARDWARE	NOTES
1	1	PAIR 3'-0" X 7'-0"	1 3/4"		AL	AL	1/4" TEMP. DUJEL GLASS	PANIC HARDWARE	
2	2	3'-0" X 7'-0"	1 3/4"		AL	AL	1/4" TEMP. DUJEL GLASS	PANIC HARDWARE	
3	3	4'-0" X 7'-0"	1 3/4"	HOLLOW METAL	METAL	METAL	1/4" TEMP. DUJEL GLASS	PANIC HARDWARE	
4	4	2'-4" X 7'-0"	1 3/4"	HOLLOW METAL	METAL	METAL	1/4" TEMP. DUJEL GLASS	LOOKING	
5	5	48" X 7'-0"	1 3/4"	SOLID	PLAST LAM	AL	1/4" TEMP. DUJEL GLASS	LOOKING	2,3,10
6	6	3'-0" X 7'-0"	1 3/4"	SOLID	PLAST LAM	AL	1/4" TEMP. DUJEL GLASS	FRANCY	2,4,5,6,7

LEGEND

- (E)-10 EXTERIOR CERAMIC TILE: GRANITE FIANORE, SENSIBLE STONE ED5052, FED NATURAL
- (E)-90 EXTERIOR FINISH FIBER CEMENT: NICHHA, VINTAGE WOOD CEDAR
- (TR)-10 ALUMINUM TRIMS, ARCHON: NICHHA, VINTAGE WOOD CEDAR
- (E)-20 EXTERIOR PAINT: PPG, COLOR "TANNER'S TAUPÉ"
- (E)-40 EXTERIOR PAINT: PPG, COLOR "MONTEREY CLIFFS", #101Y 14/080
- (MC)-10 METAL COPING: W.P. HICKMAN SYSTEMS, INC., COLOR "SILVERSMITH", A-30
- (MC)-20 METAL COPING: W.P. HICKMAN SYSTEMS, INC., COLOR PAINT TO MATCH EP-20
- (MC)-30 METAL COPING: W.P. HICKMAN SYSTEMS, INC., COLOR PAINT TO MATCH EP-30
- (MP)-30 METAL CANOPY: CLEAR ANODIZED
- (MP)-40 METAL ANNING / STANDING SEAM ROOF: BERRIDGE ROOFING, COLOR PREMIUM METALLIC "ZINC COTE"
- (EB)-10 EXTERIOR BRICK: PINE HALL BRICK, FACE BRICK, OLD IRVING O/S

GENERAL NOTES

- ALL SIKAGRE UNDER SEPARATE PERMIT.
- ALL EXISTING LIGHT BAND TO BE REMOVED AND INSTALL NEW. SEE DETAIL 8 ON SHEET A8.
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- PROVIDE METAL TRIM "SCHLUTER JOLLY" BY SCHLUTER SYSTEMS W/ BRUSHED ANODIZED ALUMINUM FINISH @ ALL OUTSIDE CORNER OF TILE FINISH.

SOLARBAN 70XL
Solar Control Low-E Glass

Fabrication and Availability: Solarban 70XL glass is available through more than 60 locations of the PPG Certified Fabricator Network. PPG Certified Fabricators can meet tight construction deadlines and accelerate the delivery of replacement glass sections. Contact your local PPG Certified Fabricator for more information.

PPG Certified Fabricator Network
www.ppgcertified.com

Additional Resources: Solarban 70XL glass is just one of the Ecological Building Solutions™ from PPG. For more information, or to obtain samples of this product, call 1-888-PPG-BUILA, or visit www.ppgbuilding.com. All PPG architectural glass is made to order.

PPG Architectural Glass is made to order.

Solarban 70XL Glass Performance - Commercial Insulating Glass Unit

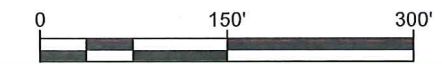
Glass Type	U-Factor	SHGC	VTG	Visible Transmittance	Solar Heat Gain Coefficient (SHGC)		Visible Transmittance		U-Factor	
					Winter	Summer	Winter	Summer	Winter	Summer
Clear	0.27	0.87	0.90	0.88	0.27	0.87	0.90	0.88	0.27	0.87
Low-E Clear	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint and Reflective and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint and Reflective and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint and Reflective and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint and Reflective and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint and Reflective and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint and Reflective and Tint	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Hard Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint and Reflective and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87
Low-E Clear with Soft Coat and UV Filter and Tint and Reflective and Tint and Reflective and Tint and Reflective and Tint and Reflective	0.25	0.87	0.90	0.88	0.25	0.87	0.90	0.88	0.25	0.87

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**PLANNED DEVELOPMENT AMENDMENT
PROPOSED CONDITIONS
MCMINNVILLE, OR
3/21/2022**

Proposed Amendments to PUD Ordinance No. 4688:

1. Subdivide Parcel at SW corner of SW Booth Bend Rd. and SW Highway 99W into two (2) separate lots with two (2) separate Permissible Building Areas (PBA's).
2. Divide previously approved PBA for subject property (16,000 SF) into two separate PBA's: 1,937 SF on Lot 1, and 5,000 SF on Lot 2.



InSite

1400 16th Street, Suite 300
Oak Brook, IL 60523-8854
Office: 630.617.9100
www.insiterealestate.com

Amended on 08.24.2022



InSite Real Estate, LLC
1400 16th Street, Suite 300 | Oak Brook, IL 60523-8854
Phone: 630-617-9100 | Fax: 630-617-9120 | www.insiterealestate.com

June 6, 2022

Tom Schauer, AICP
Senior Planner, City of McMinnville
231 NE 5th Street
McMinnville, Oregon 97128
(503) 474-5108
Via Email: tom.schauer@mcminnvilleoregon.gov

RE: Completeness Review for Applications PDA 3-22, LFW 1-22, MP 1-22, and L 6-22 SW Corner of Booth Bend Rd and Hwy 99., Map & Tax Lot R4429CA 00300

Dear Mr. Schauer:

InSite Real Estate has received the two (2) review letters from the City of McMinnville dated April 25, 2022. In response to those letters, we are providing the following re-submittal documents and responses below:

The following documents are being submitted for review, and are intended to replace any previously submitted plans with the same title:

- Revised Preliminary Civil Engineering Drawings (Site, Grading, Utility and Tentative Plans) prepared by Emerio Design and dated 5/31/2022
- ALTA Survey dated 6/2/2022
- Revised Landscape Plans prepared by Mears Design Group and dated 6/3/22
- Neighborhood Meeting Requirements
 - A copy of the meeting notice mailed to surrounding property owners;
 - A copy of the mailing list used to send the meeting notices;
 - One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
 - One 8 ½ x 11” copy of the materials presented by the applicant at the neighborhood meeting; and
 - Notes of the meeting, which shall include:
 - Meeting date;
 - Meeting time and location;
 - The names and addresses of those attending;
 - A summary of comments received
- Trip Generation Memo prepared by DKS Associated and dated December 27, 2021

The comments provided in the two (2) letters received from the City have been copied into this single response letter and numbered in the order in which they were received. Associated responses from InSite are provided in below bold font with the same number corresponding to the applicable comment:

COMMENT 1: Section 17.72.095 of the Zoning Ordinance requires that a neighborhood meeting shall be held prior to submitting an application that requires a public hearing as described in Section 17.72.120. At the time of application submittal, the application is to be accompanied by evidence of compliance with the neighborhood meeting requirements specified in 17.72.095(G). That information was not submitted with the application.

RESPONSE 1: A neighborhood meeting was held on April 18, 2022 at 6 PM at Alt Coworking, located 609 NE 3rd Street in McMinnville. Three (3) people, other than the applicants, attended the neighborhood

meeting. The minutes from the Neighborhood Meeting are included with this submittal package, in addition to the other items required as proof that the Neighborhood Meeting Occurred in compliance with the City's standards.

COMMENT 2: Your application references a letter from DKS regarding transportation issues. The burden of proof is on the applicant to address the applicable criteria and Comprehensive Plan policies. With the traffic volumes associated with a drive-through restaurant, the location of the proposed access points, and the relative location to other private access points and a signalized intersection on a state highway, I would encourage you to address transportation issues in more detail than has been provided in the application, including at a minimum, submittal of the letter prepared by DKS with your application materials.

RESPONSE 2: The Trip Generation Memo prepared by DKS is included with this resubmittal package. The driveway access location has been the subject of conversation between InSite and the City since project conception. The original access location was revised to it's current location per the City's advice, and the current proposed location matches the previously approved driveway location shown on the PD Site Plan. Furthermore, the DKS Trip Generation Memo confirms that no off-site improvements will be required based on the estimated levels of post-construction traffic.

PDA 3-22.

COMMENT 3: Please verify summary of proposed amendment: The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental). This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parcel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

RESPONSE 3: The above summary of the proposed amendment is accurate.

COMMENT 4: Please submit the traffic analysis letter from DKS which was referenced in the application narrative.

RESPONSE 4: Per Response 2 above, the Trip Generation Memo prepared by DKS is included with this resubmittal package.

COMMENT 5: Please address any of the following Planned Development Amendment criteria which are not already addressed in your application. (Excerpted from 17.74.070 of the Zoning Ordinance)

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

RESPONSE 5: Below is an explanation for how all mentioned criteria have been addressed:

- A. **The physical building layout and architectural design are in conformance with the conditions and objectives described in the approved PD Ordinance. The proposed Permissible Building Area (PBA) as shown on the PD Site Plan, is proposed to be divided into two (2) separate PBA's (1,937 SF and 5,500 SF), the combination of which (7,437 SF) will still be less than the previously approved PBA for a single building (16,000 SF). In addition, the existing lot (+/- 1.80 acres) is proposed to be subdivided into two (2) lots (Parcel 1 = 40,898 SF (0.94 acres); Parcel 2 = 37,659 SF (0.86 acres)), one for each PBA. The northern of the two subdivided lots will be the subject property for development of the 1,937 SF fast-food restaurant.**
- B. **The proposed development is consistent with the Comprehensive Plan in that the area is contemplated to be developed as commercial property.**
- C. **The proposed driveway access shown on the Site Plan is matching the previously approved PD Site Plan.**
- D. **The intent is to start construction as soon as possible with an estimated 6-month construction schedule, not including weather delays.**
- E. **Please refer to the Trip Generation Memo prepared by DKS Associates.**
- F. **Per conversations with the City during the Pre-Application Meeting, and then further verified by a licensed land surveyor, there are adequate utilities available at or near the property boundary.**
- G. **The noise, air, and water pollutants are partially governed by local standard which the proposed development will comply with. Any pollutants will be minimized to the fullest extent practicable. Any potential impact will be consistent with other typical commercial development, which will not result in any adverse impacts to surrounding areas or the larger community.**

LFW 1-22.

COMMENT 6: The criteria for a waiver are provided in Section 17.56.040(D) of the Zoning Ordinance. The application doesn't address the applicable criteria. Please address these criteria.

RESPONSE 6: To recap this history of this application, InSite originally opted to submit for a Large Format Commercial Design Standards Waiver (LFW). After receiving the Letter of Incompleteness from the City of Molalla, and a subsequent phone conversation with City of McMinnville Senior Planner, Tom Schauer, the idea of amending the originally submitted application to be a Large Format Commercial Design Standards Review, in lieu of a waiver, was contemplated, however, due to some remaining discrepancies as described below, InSite has chosen to proceed with the Waiver Application. That said, revisions have been made to the previously submitted development plans, so that those plans are now more in conformance with the Large Format Commercial Design Standards (LFCDS). Please see the narrative below, which provides a response to each of the LFCDS.

A. Building Facades

1. Architectural Projections or Recesses

RESPONSE: The proposed building elevations incorporate projections and recesses into the exterior wall design.

2. Design Features

RESPONSE: The proposed building elevations include multiple of the standard design features listed, including canopies, covered walkways, and transparent display windows.

3. Loading Facilities

RESPONSE: There are no proposed designated loading facilities, so this standard is not applicable.

4. Entrances

RESPONSE: The proposed entrance to the building is a meaningful focal point, highlighted by Vintage Wood Cedar Nichiha as well as a clearly visible, architecturally prominent, canopy-mounted signage.

5. Repeating Elements

RESPONSE: There are multiple examples of repeating elements shown on the proposed building elevations, including color changes, texture changes, material changes, and expansion joints.

6. Exterior Building Materials

RESPONSE: While the proposed exterior building materials shown on the building elevations submitted are not explicitly compliant with the City's LFCDS, the exterior building materials for the proposed building include brick wainscotting, since brick is one of the desired exterior building materials identified in the LFCDS. In addition to the brick wainscotting, there is Nichiha (vintage wood cedar style) parapets, while the remainder of the building is mostly comprised of stucco. The proposed building materials sufficiently accomplish the intent and objectives of this section of the LFCDS.

B. Roof Features

RESPONSE: The proposed building elevation includes roof features consistent with the City's standards including parapets as described previously in this letter. In addition to the architecturally significant parapets, the proposed building includes a significant architectural feature in the form of metal coping and an LED Light Band around the full perimeter of the building. These specialty roof features sufficiently accomplish the intent and objectives of this section of the LFCDS and furthermore are considered essential to the proposed Tenant's branding.

C. Site Design

1. Buffering

RESPONSE: Buffering is required when a Large Format Commercial Building is proposed adjacent to a residential use, however, that is not the case for the subject development, and as such, no vegetative screening or fencing is required.

2. Pedestrian Walkways

RESPONSE: The previously submitted Civil Engineering Plans have been revised to include an additional 3' of sidewalk width to comply with the Pedestrian Walkway Requirements of this chapter.

3. Parking

RESPONSE: The proposed development complies with the Parking Requirements of the LFCDS regarding parking count (no more than 120% minimum requirement). In addition parking lot and perimeter landscaping is provided in an attractive manner

4. Parking Lot Landscaping

RESPONSE: The previously submitted Civil Engineering Plans have been revised to include landscaped peninsulas as required within the LFCDS. The off-street parking now complies with the LFCDS.

5. Dark Sies Lighting

RESPONSE: A final photometrics plan will be submitted as part of final design for the City's review and approval and all parking lot lighting will be direct toward the site interior and away from property lines, to comply with the City's LFCDS.

D. Energy Efficiency

RESPONSE: To comply with the suggested energy efficiency measures listed in the LFCDS, the roof is proposed to be painted white, and the windows will be Low-E, so they are energy efficient.

MP 1-22.

COMMENT 7: There should be one sheet labeled as the "Tentative Plan" that consistently shows existing physical features, as well as existing and proposed property lines, easements, and utilities - typically on a sheet without the proposed site plan elements – except as may be needed to indicate proposed easements. The "partition plat" which was submitted would typically be submitted after approval of the tentative plan, incorporating any required revisions. As submitted, the "partition plat" omits items that are shown on the "Proposed Site Plan" which is the closest sheet to a "Tentative Plan."

RESPONSE 7A: A Tentative Plan prepared by Emerio Design is included with this submittal, per the requirements described in this letter.

- Easements need to be clearly labeled as existing or proposed, and as public or private.

RESPONSE 7B: Existing and Proposed Easements are shown on the Tentative Plan.

- There is a discrepancy between "Proposed Site Plan" Sheet 1 of 3 and "Partition Plat" Sheet 1 of 2. The "Proposed Site Plan" shows a 27' wide access and utility easement not shown on the "partition plat" and shows a 15' private sewer easement not shown on the "partition plat."

RESPONSE 7C: The discrepancies have been resolved and the proposed easements are shown on the Tentative Plan.

- Will the proposed access and private utility easement only be located on Parcel 2, or will this be a mutual easement that also crosses Parcel 1 to benefit Parcel 2? Please clearly show the extent of this easement on the Tentative Plan.

RESPONSE 7D: The Tentative Plan and ALTA Survey have been updated to extend the access easement across Parcel 1, so that it is a mutual easement.

- Please clarify proposed stormwater drainage for Parcels 1 and 2 and whether any private storm drainage easements will be necessary/proposed. Not shown on the tentative plan/Proposed Site Plan, but shown on the landscape plan, is the stormwater drainage. It appears the subsurface drainage system will include drainage from Parcel 1 through Parcel 2 outside of the easement shown on the Proposed Site Plan/Tentative Plan, and may require an additional easement area on Parcel 2 to be provided for stormwater drainage.

RESPONSE 7E: A combination of a 27' Private Utility Easement and a 15' Private Sewer Easement are provided and shown on the Tentative Plan for the storm sewer across Parcel 2.

L 6-22.

COMMENT 8: Please note the street tree detail shown in Sheet L102 differs somewhat from the City of McMinnville specification, and may need to be updated accordingly, primarily related to requirements for deep watering tubes and the City's root barrier specification.

Please be sure the following information is provided per 17.57.060(F):

- 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;

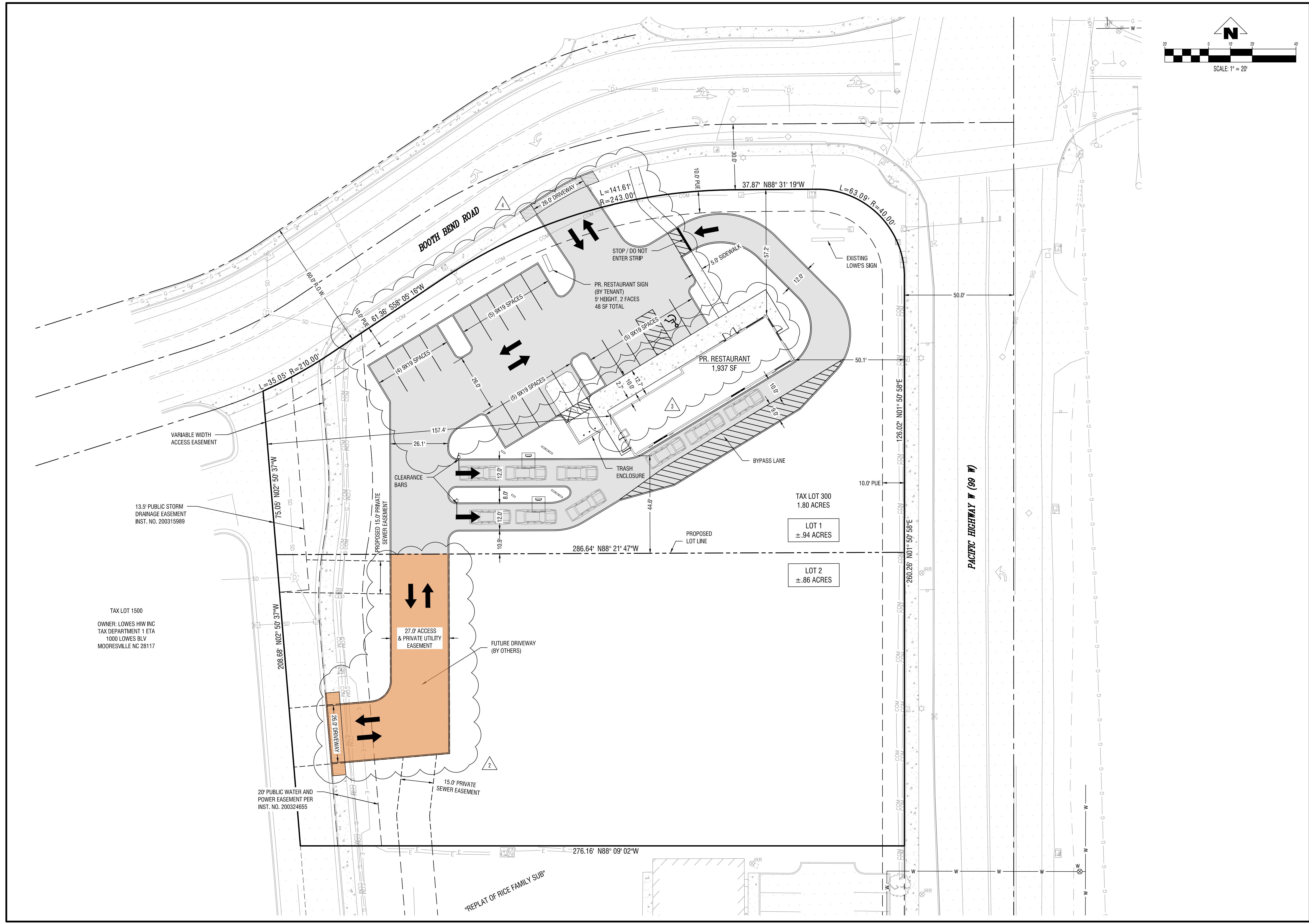
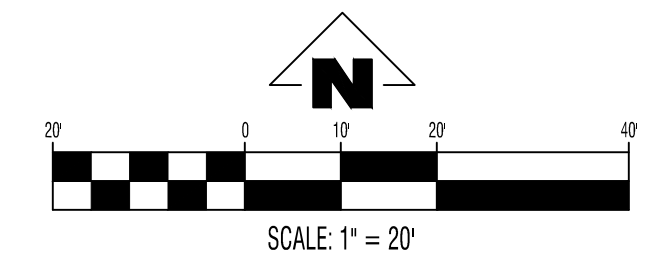
RESPONSE 8: The Landscape Plan has been revised to include irrigation scope, specifically to include the City's Standard Street Tree Detail.

Please don't hesitate to contact me if you have any questions or comments. My email address and phone number are provided with my signature below.

Sincerely,



Andrew D. Johnson, P.E.
Project Manager
InSite Real Estate, LLC.
Phone: (847) 287-9292
Email: ajohnson@insiterealestate.com



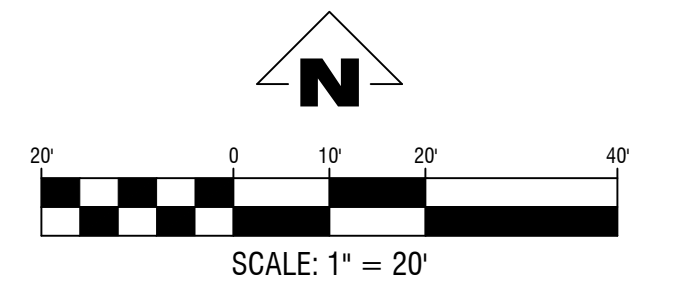
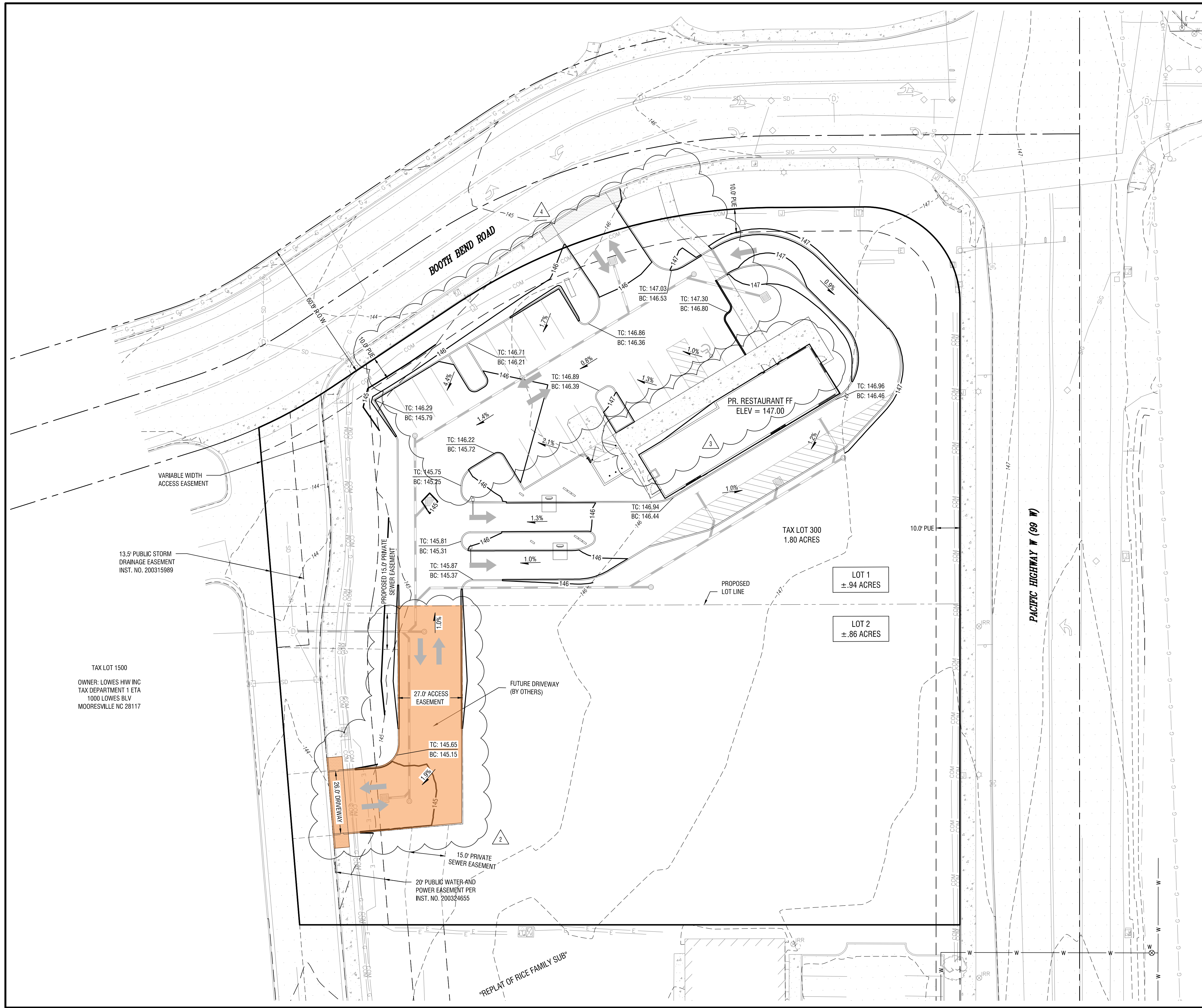
McMINNVILLE BURGER KING
 SWC BOOTH BEND ROAD
 TAX LOT 300
 NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.
 CITY OF McMINNVILLE, OREGON

PROPOSED SITE PLAN

REVISIONS		
NO.	DATE	DESCRIPTION
1	2/22/2022	INITIAL SUBMITTAL (LAND USE)
2	3/21/2022	REVISED ACCESS LOCATIONS
3	5/5/2022	REVISED BUILDING FRONTAGE SIDEWALK
4	5/31/2022	REVISED PARKING AND CROSSING

EMERIO
 ENGINEERING • SURVEYING • DESIGN
 644 E SW CALLEBROOK PLACE SUITE 100
 BEAVERTON, OREGON 97008
 TEL: (503) 746-8812
 FAX: (503) 639-9592
 www.emeriodesign.com

FILE: P:\0809-002 Booth Bend Road and 65W\mapplan\0809-002_01.sch; Layout: 01 McMINVILLE - PROPOSED SITE PLAN; Plot Date: 5/31/2022 6:04 PM; by: Kelsie Smith



LEGEND

- RIGHT-OF-WAY
- SITE BOUNDARY
- PROPERTY LINE
- ADJACENT/ADJOINING LOT LINE
- ROADWAY CENTERLINE
- EASEMENT LINE
- PR. BUILDING SETBACK
- SD (circle) EX. STORM SEWER & MANHOLE
- SD (square) EX. STORM SEWER & INLET
- SS (circle) EX. SANITARY SEWER & MANHOLE
- W (circle) EX. WATERLINE & SERVICE
- W (square) EX. WATER VALVE & BOX
- G (circle) EX. GAS LINE
- FH (circle) EX. FIRE HYDRANT
- OH (circle) EX. OVERHEAD UTILITY LINE
- UP (circle) EX. UTILITY POLE
- X (square) EX. FENCE
- (square) EX. FENCE
- (square) EX. SIGN
- (tree symbol) EX. TREE TO REMAIN
- PR. (circle) PR. STORM DRAIN MANHOLE
- PR. (square) PR. STORM DRAIN CATCH BASIN
- 199 --- EX. 1' CONTOUR LINE
- 200 --- EX. 5' CONTOUR LINE
- 199 --- PR. 1' CONTOUR LINE
- 200 --- PR. 5' CONTOUR LINE

**McMINNVILLE BURGER KING
SWC BOOTH BEND ROAD
TAX LOT 300
NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.
CITY OF McMINNVILLE, OREGON**

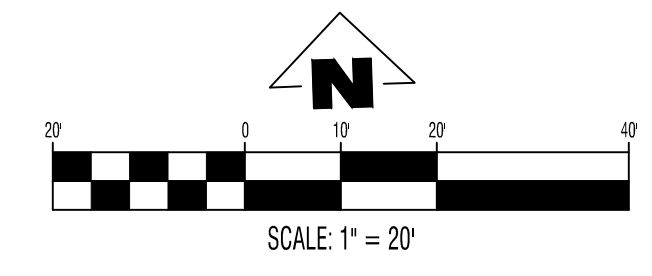
PROPOSED GRADING PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1	2/22/2022	INITIAL SUBMITTAL (LAND USE)
2	3/21/2022	REVISED ACCESS LOCATIONS
3	5/5/2022	REVISED BUILDING FRONTAGE SIDEWALK
4	5/31/2022	REVISED PARKING AND CROSSING

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FAX: (503) 639-9592
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FILE: P:\0809-002 Booth Bend Road and SWC\mapplan\0809-002_Digital Layout.mxd
PROJECT: GRADING PLAN, PR. Plan: 5/31/2022 2:06 PM, by: Kellen Smith



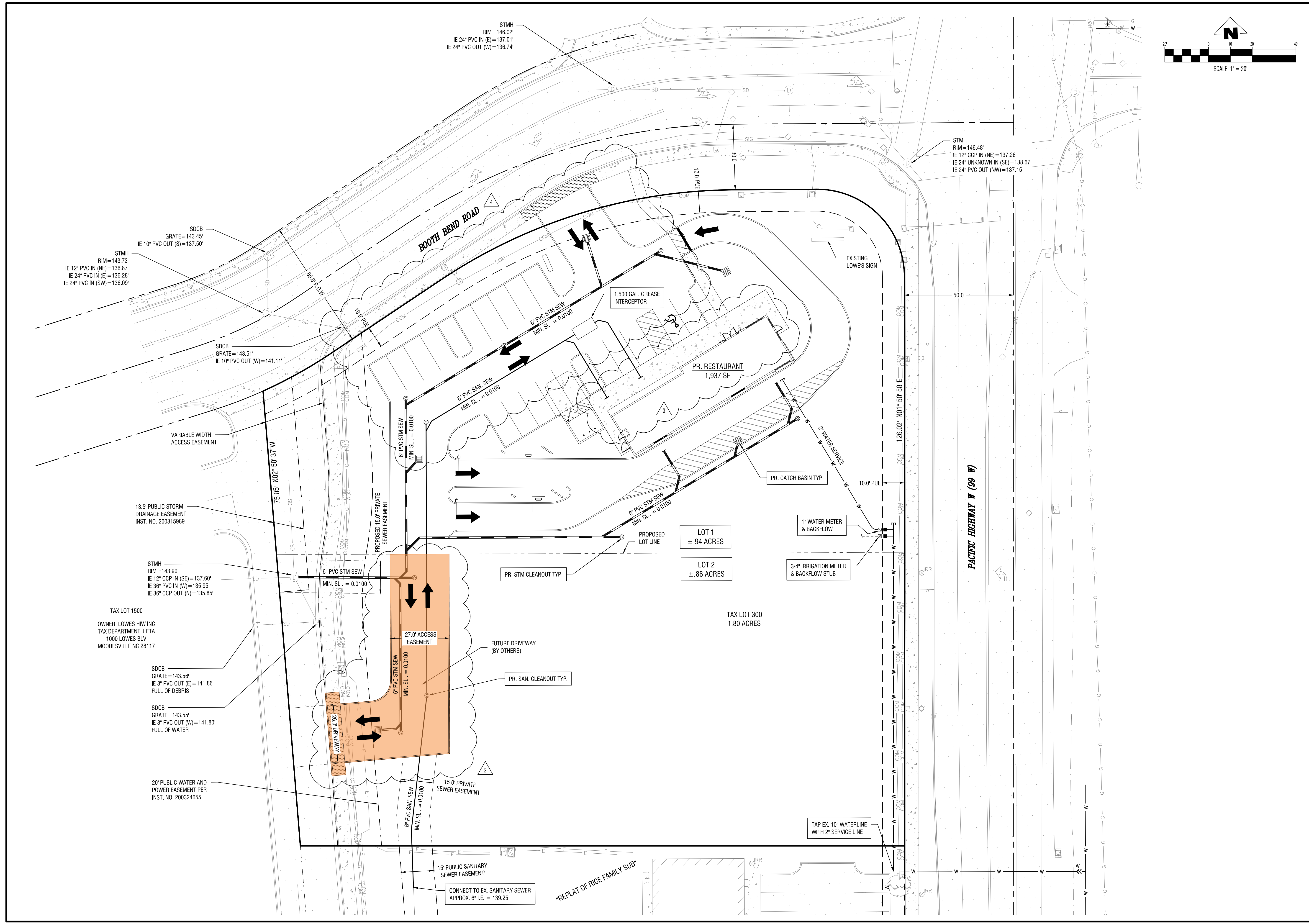
McMINNVILLE BURGER KING
 SWC BOOTH BEND ROAD
 TAX LOT 300
 NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.
 CITY OF McMINNVILLE, OREGON

PROPOSED UTILITY PLAN

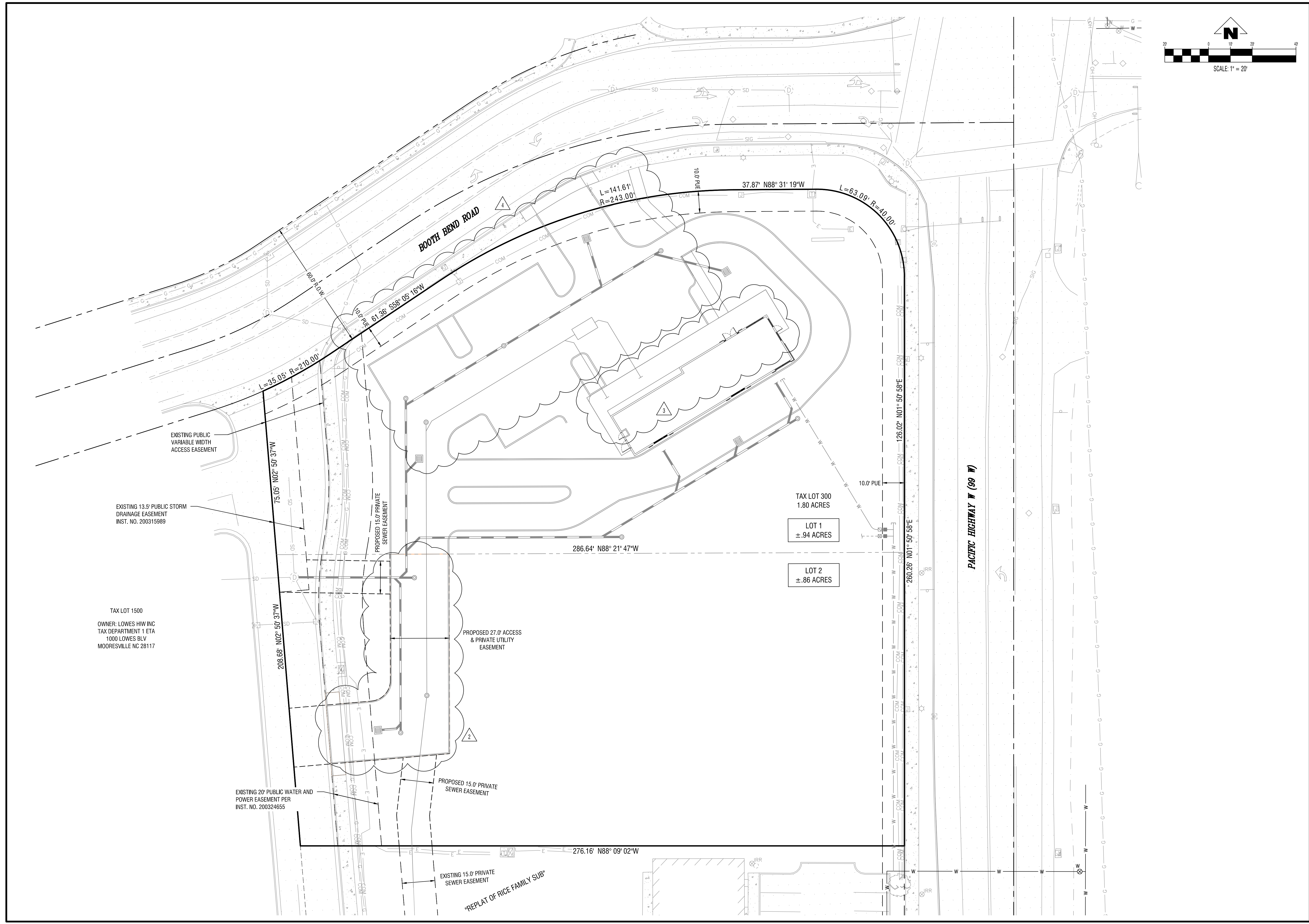
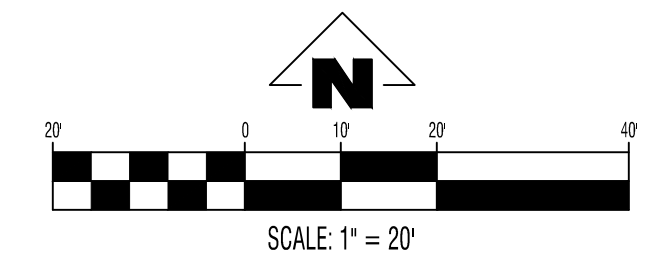
REVISIONS	
NO.	DESCRIPTION
1	INITIAL SUBMITTAL (LAND USE)
2	REVISED ACCESS LOCATIONS
3	REVISED BUILDING FRONTAGE SIDEWALK
4	REVISED PARKING AND CROSSING

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SHEET
3
 OF
4



FILE: 0809-002 Booth Bend Road and SWC Highway 99-002 (Build) Layer: 03 McMINVILLE - PROPOSED UTILITY PLAN.Plot Date: 5/31/2022 6:07 PM by: Kaitlin Smith



TAX LOT 1500
 OWNER: LOWES HIW INC
 TAX DEPARTMENT 1 ETA
 1000 LOWES BLV
 MOORESVILLE NC 28117

EXISTING 13.5' PUBLIC STORM
 DRAINAGE EASEMENT
 INST. NO. 200315989

EXISTING PUBLIC
 VARIABLE WIDTH
 ACCESS EASEMENT

EXISTING 20' PUBLIC WATER AND
 POWER EASEMENT PER
 INST. NO. 200324655

PROPOSED 15.0' PRIVATE
 SEWER EASEMENT

PROPOSED 27.0' ACCESS
 & PRIVATE UTILITY
 EASEMENT

EXISTING 15.0' PRIVATE
 SEWER EASEMENT

"REPLAT OF RICE FAMILY SUB"

TAX LOT 300
 1.80 ACRES

LOT 1
 ±.94 ACRES

LOT 2
 ±.86 ACRES

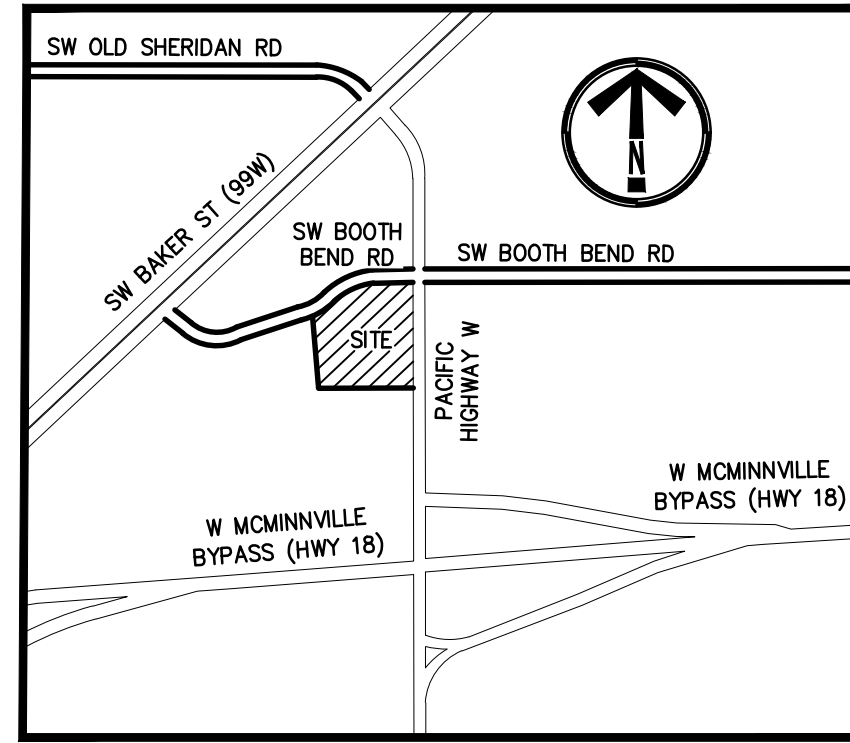
McMINNVILLE BURGER KING
 SWC BOOTH BEND ROAD
 TAX LOT 300
 NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.
 CITY OF McMINNVILLE, OREGON

TENTATIVE PLAN

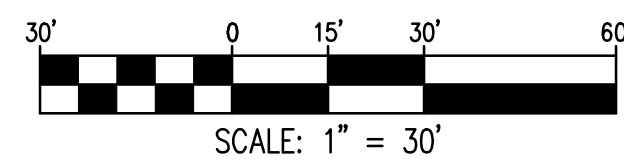
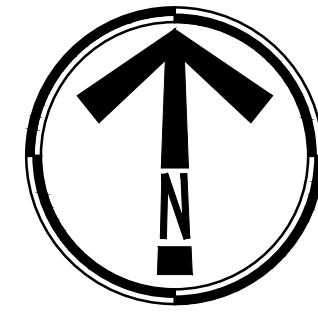
NO.	DATE	DESCRIPTION
1	2/22/2022	INITIAL SUBMITTAL (LAND USE)
2	3/21/2022	REVISED ACCESS LOCATIONS
3	5/5/2022	REVISED BUILDING FRONTAGE SIDEWALK
4	5/31/2022	REVISED PARKING AND CROSSING

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FILED: 08/02 Booth Bend Road and SWC Highway 99/99-002 - Digital Layout of McMINNVILLE - TENTATIVE PLAN, Proj. Date: 5/31/2022 6:09 PM, by: Kellan Smith



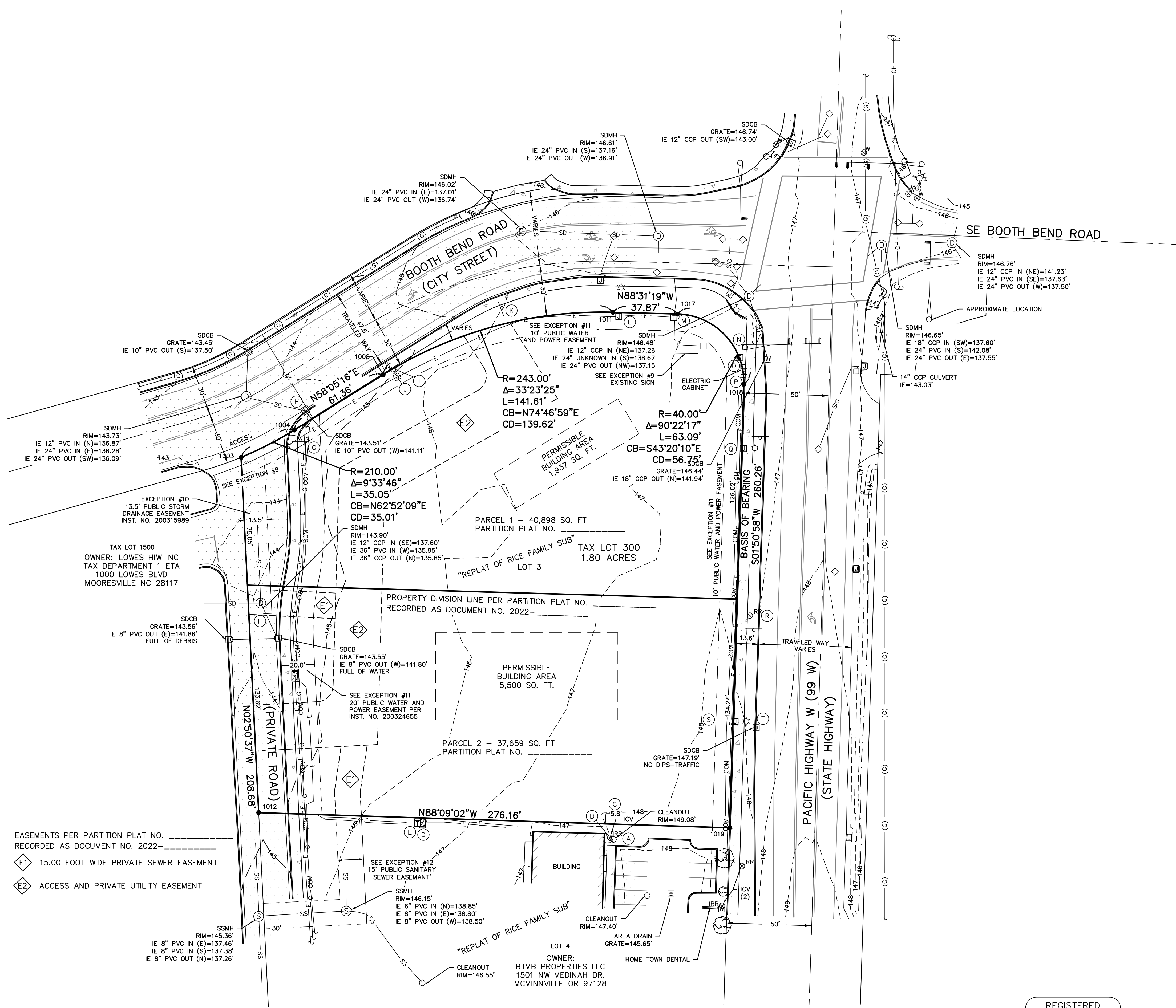
VICINITY MAP
NOT TO SCALE



LEGEND

- INDICATES FOUND MONUMENT (PROTECT AT ALL TIMES)
- INDICATES SIGN
- INDICATES DECIDUOUS TREE
- INDICATES CATCH BASIN (SDCB)
- INDICATES STORM DRAIN MANHOLE (SDMH)
- INDICATES CLEANOUT
- INDICATES SANITARY SEWER MANHOLE (SSMH)
- INDICATES UTILITY POLE
- INDICATES STREET LIGHT
- INDICATES JUNCTION BOX
- INDICATES ELECTRICAL METER
- INDICATES TRANSFORMER
- INDICATES ELECTRICAL VAULT
- INDICATES TRAFFIC SIGNAL POLE
- INDICATES TRAFFIC SIGNAL
- INDICATES PEDESTRIAN SIGNAL POLE
- INDICATES FIRE HYDRANT
- INDICATES WATER METER
- INDICATES WATER VALVE
- INDICATES SIGNAL LOOP
- INDICATES IRRIGATION CONTROL VALVE
- INDICATES CONCRETE PIPE
- INDICATES INVERT ELEVATION
- INDICATES PVC PIPE
- INDICATES SQUARE FEET
- INDICATES SANITARY SEWER MANHOLE
- INDICATES STORM DRAIN CATCH BASIN
- INDICATES STORM DRAIN MANHOLE
- () INDICATES UNDERGROUND LINE PER RECORD INFORMATION
- INDICATES DITCH
- SIG — INDICATES SIGNAL SPAN LINE
- INDICATES ROADWAY CENTERLINE
- INDICATES EASEMENT LINE
- INDICATES 5 FOOT INTERVAL CONTOUR
- INDICATES 1 FOOT INTERVAL CONTOUR
- G — INDICATES EXISTING GAS
- COM — INDICATES EXISTING COMMUNICATIONS
- E — INDICATES EXISTING POWER
- OH — INDICATES OVERHEAD POWER
- SS — INDICATES EXISTING SANITARY SEWER
- SD — INDICATES EXISTING STORM DRAIN
- INDICATES EXISTING CONCRETE
- INDICATES EXISTING ASPHALT

- EASEMENTS PER PARTITION PLAT NO. RECORDED AS DOCUMENT NO. 2022—
- ⓔ 15.00 FOOT WIDE PRIVATE SEWER EASEMENT
 - ⓔ ACCESS AND PRIVATE UTILITY EASEMENT



SHEET INDEX

SHEET 1 - ALTA SURVEY, LEGEND AND VICINITY MAP
SHEET 2 - TOPOGRAPHIC NOTES, MONUMENT TABLE, LEGAL DESCRIPTION, EXCEPTIONS, SURVEYOR'S CERTIFICATE, TABLE "A" NOTES

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 12, 2005
ERIC D. LYNCH
56544
EXPIRES 12-31-22

ALTA/NSPS LAND TITLE SURVEY
LOT 3
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.
MCMINNVILLE, YAMHILL COUNTY, OREGON

EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAUMONT, OREGON 97108
TEL: (503) 748-9812
FAX: (503) 639-9892
www.emeriodesign.com

SURVEYED FOR:
INSITE REAL ESTATE LLC
1400 16TH ST #300
OAK BROOK, IL 60523
JOB: 0990-002
EMAIL: INFO@EMERIODESIGN.COM

PREPARED BY:	AT
DATE:	
REVISIONS:	
NO.:	
DRAWN:	AT
CHECKED:	ASJ
DATE:	6-2-2022

TOPOGRAPHIC NOTES:

ITEMS LISTED BELOW ARE POSSIBLE AREAS OF CONCERN.

- A CLEANOUT IS 9' SOUTH OF SOUTH PROPERTY LINE
B IRRIGATION CONTROL VALVE IS 8' SOUTH OF SOUTH PROPERTY LINE
C BUILDING IS 5.6' SOUTH OF SOUTH PROPERTY LINE
D POWER VAULT IS 3' SOUTH OF SOUTH PROPERTY LINE
E COMMUNICATION BOX IS 3.4' SOUTH OF SOUTH PROPERTY LINE
F STORM MANHOLE IS 7' EAST OF WEST PROPERTY LINE
G SIGN IS 4' SOUTHEAST OF NORTH PROPERTY LINE
H STORM DRAIN CATCH BASIN IS 2' SOUTHEAST OF NORTH PROPERTY LINE
I LIGHT POLE IS ON NORTH PROPERTY LINE
J POWER JUNCTION BOX IS 2.5' SOUTHEAST OF NORTH PROPERTY LINE
K SIGN IS 9' NORTHWEST OF NORTHERN PROPERTY LINE
L POWER JUNCTION BOX IS 2.3' SOUTH OF NORTH PROPERTY LINE
M COMMUNICATION BOX IS 2.2' SOUTH OF NORTH PROPERTY LINE
N SIGNAL POLE 5' NORTHWEST OF NORTH PROPERTY LINE
O ELECTRIC METER IS ON NORTH PROPERTY LINE
P ELECTRIC METER IS ON EAST PROPERTY LINE
Q ELECTRIC JUNCTION BOX IS 1' EAST OF EAST PROPERTY LINE
R IRRIGATION CONTROL VALVE IS 7.9' EAST OF EAST PROPERTY LINE
S POWER JUNCTION BOX IS 1.2' EAST OF EAST PROPERTY LINE
T LIGHT POLE IS 7.8' EAST OF EAST PROPERTY LINE

MONUMENT TABLE:

- 1003 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
1004 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
1008 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
1011 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
1012 FOUND 5/8" IRON ROD
1017 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
1018 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
1019 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"

SURVEY NOTES:

- 1. EXCEPTIONS AND LEGAL DESCRIPTIONS ARE PER ALTA COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1062446-MAD, COMMITMENT DATE JULY 14, 2021.
2. NO BUILDINGS OBSERVED.
3. THE BASIS OF BEARINGS IS BASED ON FOUND MONUMENT #1018 AND #1019 ALONG THE WEST RIGHT OF WAY LINE OF HWY 99, BEING SOUTH 01°50'58" EAST, PER THE REPLAT OF THE "RICE FAMILY SUBDIVISION", YAMHILL COUNTY SURVEY RECORDS.

LEGAL DESCRIPTION: PER NOTED TITLE REPORT.

LOT 3, "REPLAT OF RICE FAMILY SUBDIVISION, IN THE CITY OF MCMINNVILLE, COUNTY OF YAMHILL, STATE OF OREGON.

NOTE: ALL RECORD BEARINGS AND DISTANCES WERE HELD PER SAID PLAT.

LEGAL DESCRIPTION: METES AND BOUNDS

LOT 3, "REPLAT OF RICE FAMILY SUBDIVISION" RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY SURVEY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 OF SAID REPLAT, AND LYING ON THE WESTERLY RIGHT OF WAY LINE OF OREGON HIGHWAY 99 WEST (50.00 FEET FROM THE CENTER LINE THEREOF); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 88°09'02" WEST, 276.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE WESTERLY LINE OF SAID LOT 3, NORTH 02°50'37" WEST, 208.69 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SW BOOTH BEND ROAD (30.00 FEET FROM THE CENTER LINE THEREOF) AND A POINT OF NON-TANGENT CURVATURE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF A 210.00 FOOT RADIUS CURVE LEFT THROUGH A CENTRAL ANGLE OF 09°33'39" (THE CHORD BEARS NORTH 62°52'06" EAST, 35.00 FEET) AN ARC DISTANCE OF 35.04 FEET; THENCE NORTH 58°05'16" EAST, 61.36 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 243.00 FOOT RADIUS CURVE RIGHT (THE CHORD BEARS NORTH 74°46'59" EAST, 139.62 FEET) AN ARC DISTANCE OF 141.61 FEET; THENCE SOUTH 88°31'19" EAST, 37.87 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE RIGHT THROUGH A CENTRAL ANGLE OF 90°22'17" (THE CHORD BEARS SOUTH 43°20'11" EAST, 56.75 FEET) AN ARC DISTANCE OF 63.09 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 01°50'58" WEST, 260.26 FEET TO THE POINT OF BEGINNING.

CONTAINS 78,558 SQ. FT. OR 1.803 ACRES, MORE OR LESS.

NOTE: ALL RECORD BEARINGS AND DISTANCES WERE HELD PER SAID PLAT.

TITLE REPORT EXCEPTIONS: PER NOTED TITLE REPORT.

- 1. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; PROCEEDINGS BY A PUBLIC AGENCY WHICH MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. (NOT A SURVEY LOCATION ITEM)
2. FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF. (NOT A SURVEY LOCATION ITEM)
3. EASEMENTS, OR CLAIMS OF EASEMENT, NOT SHOWN BY THE PUBLIC RECORDS; RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; WATER RIGHTS, CLAIMS OR TITLE TO WATER. (NOT A SURVEY LOCATION ITEM)
4. ANY ENCROACHMENT (OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND OR OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND ONTO THE LAND), ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. (NONE FOUND)
5. ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN. (NOT A SURVEY LOCATION ITEM)
6. WATER RIGHTS, CLAIMS TO WATER OR TITLE TO WATER, WHETHER OR NOT SUCH RIGHTS ARE A MATTER OF PUBLIC RECORD. (NOT A SURVEY LOCATION ITEM)
7. CITY LIENS, IF ANY, OF THE CITY OF MCMINNVILLE. NOTE: THERE ARE NO LIENS AS OF APRIL 16, 2021. ALL OUTSTANDING UTILITY AND USER FEES ARE NOT LIENS AND THEREFORE ARE EXCLUDED FROM COVERAGE. (NOT A SURVEY LOCATION ITEM)
8. THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING WITHIN THE LIMITS OF STREETS, ROADS AND HIGHWAYS. (NOT A SURVEY LOCATION ITEM)
9. COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES: RECORDING INFORMATION: MAY 01, 2002 AS INSTRUMENT NO. 200208853, DEED AND MORTGAGE RECORDS (PROVIDES FOR INGRESS/EGRESS, VEHICULAR, AND OTHER EASEMENTS ACROSS THE COMMON AREAS AS DEFINED THEREIN) (PROVIDES FOR OTHER RECIPROCAL UTILITY EASEMENTS, AND Pylon AND SIGN EASEMENT, AS SHOWN HEREON) (REFER TO DOCUMENT FOR PARTICULARS)
10. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: JULY 03, 2003 AS INSTRUMENT NO. 200315989, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON FOR: STORM DRAINAGE SEWER (AS SHOWN HEREON)
11. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: SEPTEMBER 26, 2003 AS INSTRUMENT NO. 200324655, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, ACTING BY AND THROUGH ITS WATER & LIGHT COMMISSION FOR: (AS SHOWN HEREON)
12. NOTES, EASEMENTS, COVENANTS AND RESTRICTIONS AS DEPICTED ON THE FACE OF THE REPLAT OF THE "RICE FAMILY SUBDIVISION" PLAT. (AS SHOWN HEREON, INCLUDES EXCEPTIONS #9, 10, 11, AND THE 15' WIDE PUBLIC SANITARY SEWER EASEMENT BENEFITING THE SUBJECT PROPERTY ALONG THE SOUTH LINE)
13. UNRECORDED LEASES OR PERIODIC TENANCIES, IF ANY. (NOT A SURVEY LOCATION ITEM)
14. IN ORDER TO INSURE A TRANSACTION INVOLVING THE HEREIN NAMED TRUST(S), WE WILL NEED TO BE PROVIDED A CERTIFICATION OF TRUST PURSUANT TO ORS 130.800 THROUGH ORS 130.910. (NOT A SURVEY LOCATION ITEM)
15. TAXES FOR THE FISCAL YEAR 2021-2022 A LIEN DUE, BUT NOT YET PAYABLE. (NOT A SURVEY LOCATION ITEM)

SURVEYOR'S CERTIFICATE:

TO: INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY
MCMINNVILLE, OR (PARCEL 1) LLC, AN ILLINOIS LIMITED LIABILITY COMPANY
FIRST AMERICAN TITLE INSURANCE COMPANY
....

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6A, 8, 11A, 11B, 13, 14, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JANUARY 17, 2022.

ERIC D. LYNCH
LICENSE NO. 56544
DATE OF MAP: JUNE 2, 2022

TABLE A ITEMS

- 1. MONUMENTS WERE PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER, AS SHOWN HEREON.
2. ADDRESS(ES) OF THE SURVEYED PROPERTY IF DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR, OR OBSERVED WHILE CONDUCTING THE FIELDWORK, NONE DISCLOSED.
3. THIS SITE APPEARS TO LIE IN ZONE "UNSHADED X", "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN" PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER(S): 41071C0404D, DATED 03/02/2010.
4. GROSS LAND AREA 78,557 SQ. FT. OR 1.803 ACRES.
5. CONTOURS WERE DERIVED FROM ON THE GROUND SURVEY EFFORTS WITH A CONTOUR INTERVAL OF 1 FOOT AND 5 FEET BASED ON YAMHILL COUNTY SURVEY OFFICE BENCHMARK NO. 32, BEING A BRASS DISK IN 1" I.P., SET IN MONUMENT CASE AT THE SOUTHWEST CORNER OF THE SAMUEL COZINE DONATION LAND CLAIM #56 WITH AN ELEVATION OF 147.50'.
6. NO ZONING REPORT WAS PROVIDED TO THE SURVEYOR.
8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE AS SHOWN HEREON.
11. EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUANT TO SECTION 5.E.IV.) AS DETERMINED BY:
(A) NO PLANS AND/OR REPORTS WERE PROVIDED BY CLIENT.
(B) MARKINGS COORDINATED BY THE SURVEYOR PURSUANT TO A PRIVATE UTILITY LOCATE REQUEST, AS SHOWN HEREON. UTILITY LOCATE MARKS DO NOT APPEAR TO BE COMPLETE, DUE TO WEATHER CONDITIONS.
NOTE TO THE CLIENT, INSURER, AND LENDER - WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM THE SOURCES CHECKED ABOVE WERE BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.IV. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
13. THE NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE AS SHOWN HEREON.
14. THE DISTANCE TO THE NEAREST INTERSECTING STREET IS AS SHOWN HEREON. SUBJECT PROPERTY ABUTS INTERSECTION.
16. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
17. PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION WAS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION. NO PROPOSED CHANGES IN RIGHTS OF WAY WERE DISCLOSED.
NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
18. PLOTTABLE OFFSITE EASEMENTS AND / OR SERVITUDES DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR ARE AS SHOWN HEREON.
19. PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR SHALL BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.
20.

LEGAL DESCRIPTION: METES AND BOUNDS

PARCEL 1 OF PARTITION PLAT NO. _____, RECORDED AS DOCUMENT NO. _____, YAMHILL COUNTY SURVEY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 OF THE "REPLAT OF THE RICE FAMILY SUBDIVISION" RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY SURVEY RECORDS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 OF SAID REPLAT, AND LYING ON THE WESTERLY RIGHT OF WAY LINE OF OREGON HIGHWAY 99 WEST (50.00 FEET FROM THE CENTER LINE THEREOF); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 01°50'58" EAST, 134.24 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL 1 AND THE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY RIGHT OF WAY WAY LINE, NORTH 88°21'47" WEST, 287.09 FEET TO THE WESTERLY LINE OF SAID LOT 3; THENCE ALONG SAID WESTERLY LINE, NORTH 02°50'37" WEST, 75.05 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SW BOOTH BEND ROAD (30.00 FEET FROM THE CENTER LINE THEREOF) AND A POINT OF NON-TANGENT CURVATURE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 210.00 FOOT RADIUS CURVE LEFT THROUGH A CENTRAL ANGLE OF 09°33'39" (THE CHORD BEARS NORTH 62°52'06" EAST, 35.00 FEET) AN ARC DISTANCE OF 35.04 FEET; THENCE NORTH 58°05'16" EAST, 61.36 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 243.00 FOOT RADIUS CURVE RIGHT (THE CHORD BEARS NORTH 74°46'59" EAST, 139.62 FEET) AN ARC DISTANCE OF 141.61 FEET; THENCE SOUTH 88°31'19" EAST, 37.87 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE RIGHT THROUGH A CENTRAL ANGLE OF 90°22'17" (THE CHORD BEARS SOUTH 43°20'11" EAST, 56.75 FEET) AN ARC DISTANCE OF 63.09 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 01°50'58" WEST, 126.02 FEET TO THE POINT OF BEGINNING.

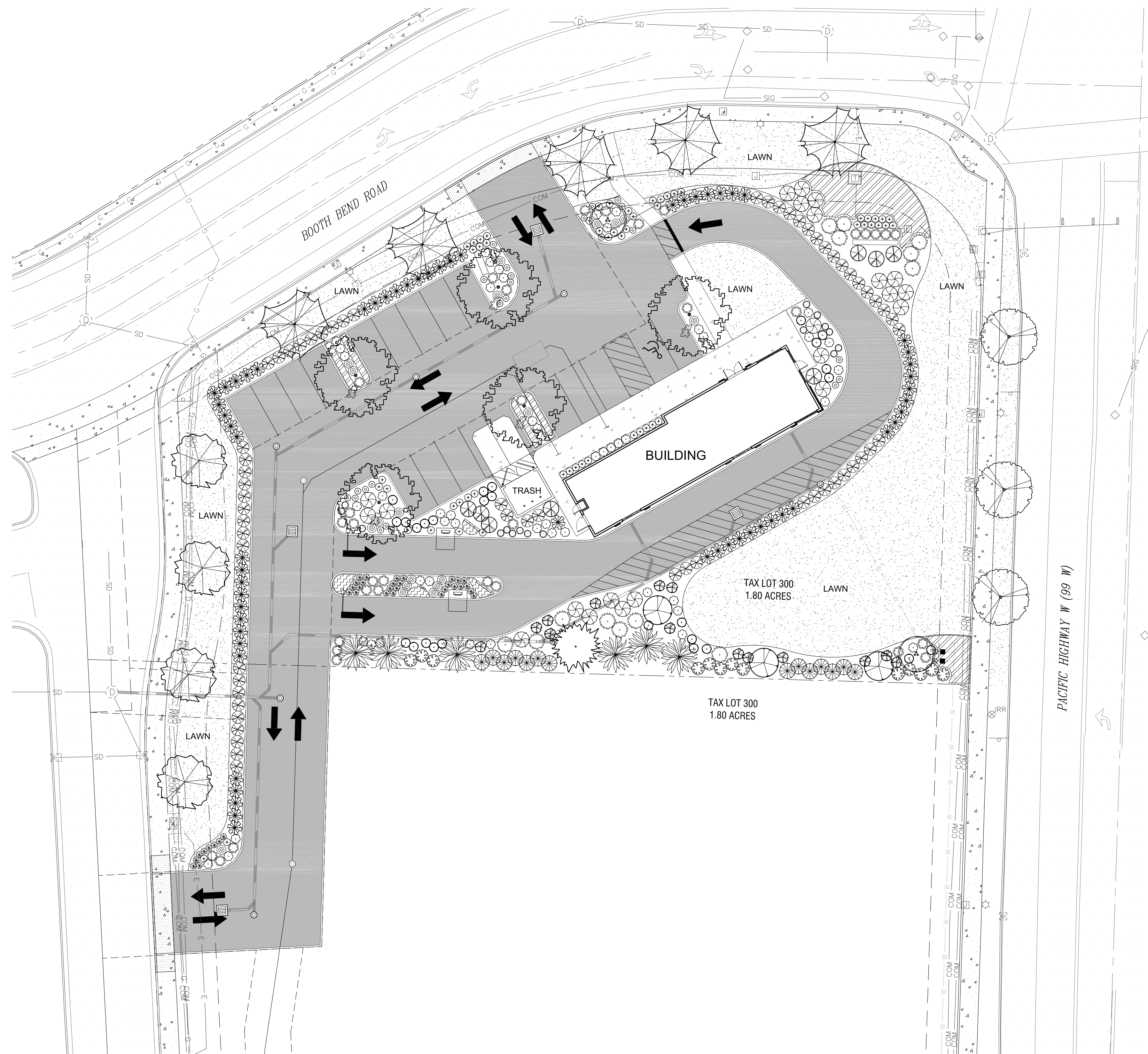
CONTAINS 40,898 SQ. FT. OR 0.939 ACRES, MORE OR LESS.

PARCEL 2 OF PARTITION PLAT NO. _____, RECORDED AS DOCUMENT NO. _____, YAMHILL COUNTY SURVEY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 OF THE "REPLAT OF THE RICE FAMILY SUBDIVISION" RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY SURVEY RECORDS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 OF SAID REPLAT, AND LYING ON THE WESTERLY RIGHT OF WAY LINE OF OREGON HIGHWAY 99 WEST (50.00 FEET FROM THE CENTER LINE THEREOF); THENCE LEAVING SAID WESTERLY RIGHT OF WAY WAY LINE, NORTH 88°09'02" WEST, 276.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE WESTERLY LINE OF SAID LOT 3, NORTH 02°50'37" WEST, 133.62 FEET; THENCE SOUTH 88°21'47" EAST, 287.09 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 01°50'58" WEST, 134.24 FEET TO THE POINT OF BEGINNING.

CONTAINS 37,659 SQ. FT. OR 0.864 ACRES, MORE OR LESS.

ALTA/NSPS LAND TITLE SURVEY
LOT 3
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.
MCMINNVILLE, YAMHILL COUNTY, OREGON
EMERIO ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAUMONT, OREGON 97108
TEL: (503) 746-9832
FAX: (503) 639-9692
www.emeriodesign.com
REGISTERED PROFESSIONAL LAND SURVEYOR
INSITE REAL ESTATE LLC
1400 16TH ST #300
OAK BROOK, IL 60523
JULY 12, 2015
ERIC D. LYNCH
56544
EXPIRES 12-31-22
JOB: 0990-002
EMAIL: INFO@EMERIODESIGN.COM
SHEET 2 OF 2



PLANT MATERIAL LISTING:

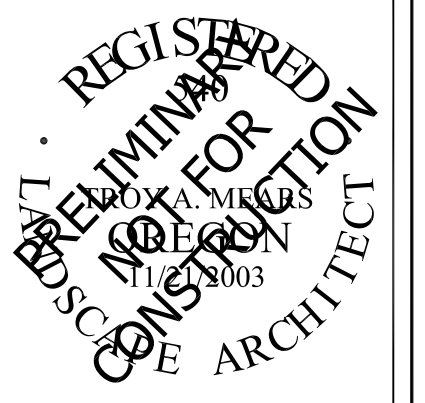
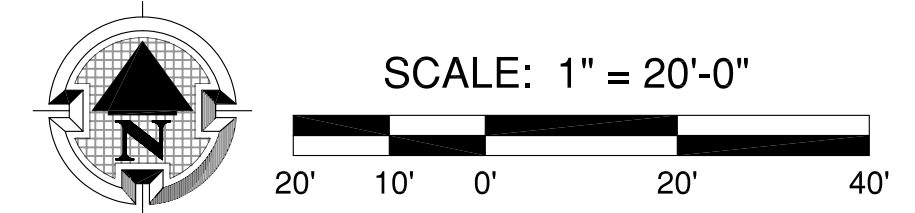
TREES		Quality	Planted Size	Condition	Mature size
SYMBOL	Botanical name Common Name				
	Acer palmatum 'Sango Kaku' Coral Bark Japanese Maple	2	1.5" Cal.	B&B	15-25' tall 15-20' wide
	Calocedrus decurrens Incense Cedar	1	6-7'	B&B	50' tall 15-20' wide
	Cupressocyparis leylandii 'Monical' Emerald Isle Leyland Cypress	6	1.5" Cal.	B&B	25' tall 8' wide
	Cupressus sempervirens 'Monshel' Tiny Tower Italian Cypress	8	6-7'	B&B	25-30' tall 3' wide
	Fagus sylvatica 'Roseomarginata' Tricolor European Beech	4	2" Cal.	B&B	30' tall 30' wide
	Ginkgo biloba 'Autumn Gold' Autumn Gold Ginkgo (male only)	5	2" Cal.	B&B	40' tall 40' wide
	Pinus flexilis 'Vanderwolf's Pyramid' Vanderwolf's Limber Pine	3	6-7'	B&B	20-25' tall 10-15' wide
	Styax japonica Japanese Snowbell	5	1.5" Cal.	B&B	25' tall 25' wide
	Zelkova serrata 'Village Green' Village Green Zelkova	3	2" Cal.	B&B	50' tall 40' wide
Total Trees		37			

SYM	SHRUBS/ANNUALS	QTY.	SIZE	CONDITION	REMARKS
	Azalea x 'Hino-Crimson' Hino-Crimson Azalea	34	1 Gal	Can	
	Berberis thunbergii 'Crimson Pygmy' Crimson Pygmy Barberry	19	1 Gal	Can	
	Choisya ternata 'Sundance' Sundance Mexican Orange	14	5 Gal	Can	
	Ilex glabra 'Shamrock' Shamrock Inkberry	59	2 Gal	Can	
	Euonymus fortunei 'Gold Splash' Gold Splash Euonymus	57	1 Gal	Can	
	Euonymus japonicus 'Aureovariegatus' Gold Spot Euonymus	60	2 Gal	Can	
	Imperata cylindrica 'Rubra' Japanese Blood Grass	24	1 Gal	Can	
	Hydrangea paniculata 'Littlelime' Littlelime Hydrangea	14	3-4'	B&B	
	Euonymus alata 'Compactus' Compact Winged Euonymus	13	5 Gal	Can	
	Rhododendron 'Anah Kruschke' Anah Kruschke Rhododendron	22	5 Gal	Can	
	Rosa 'Pink Supreme Carpet' Pink Supreme Carpet Rose	27	1 Gal	Can	
	Rudbeckia fulgida 'Goldsturm' Goldsturm Black-Eyed Susan	16	1 gal	Can	
	Weigela florida 'Bokraspiwi' Spilled Wine Weigela	53	2 Gal	Can	
	Viburnum tinus 'Spring Bouquet' Spring Bouquet Viburnum	13	5 Gal	Can	
Total Shrubs		425			

SYM	GROUND COVER/GRASSES	QTY.	SIZE	CONDITION	SPACING
	Fragaria x 'Lipstick' Lipstick Strawberry	210	4"	Pots	24" O.C.
	Hakonechloa macro 'All Gold' All Gold Japanese Forest Grass	36	1 Gal	Can	
	Lawn (hydro-seed)	14,355 SF			
	Seasonal color (annuals)	90 SF			

- Notes:**
- Street trees shall be a minimum of two inches in caliper measured at six inches above ground level. All trees shall be healthy grown nursery stock with 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.
 - Due to limited availability of desirable tree species in acceptable caliper, the final species of trees shown on this plan will be determined in collaboration between the landscaper and the City nearer to the time of actual installation. The purpose of this is to facilitate installation of more desirable tree species as they become available over time. The city will retain authority over the final species selection.

REFER TO SHEETS L102 FOR PLANTING DETAILS AND NOTES.



McMINNVILLE BURGER KING
InSite Real Estate
SWC BOOTH BEND ROAD
MCMINNVILLE, OREGON

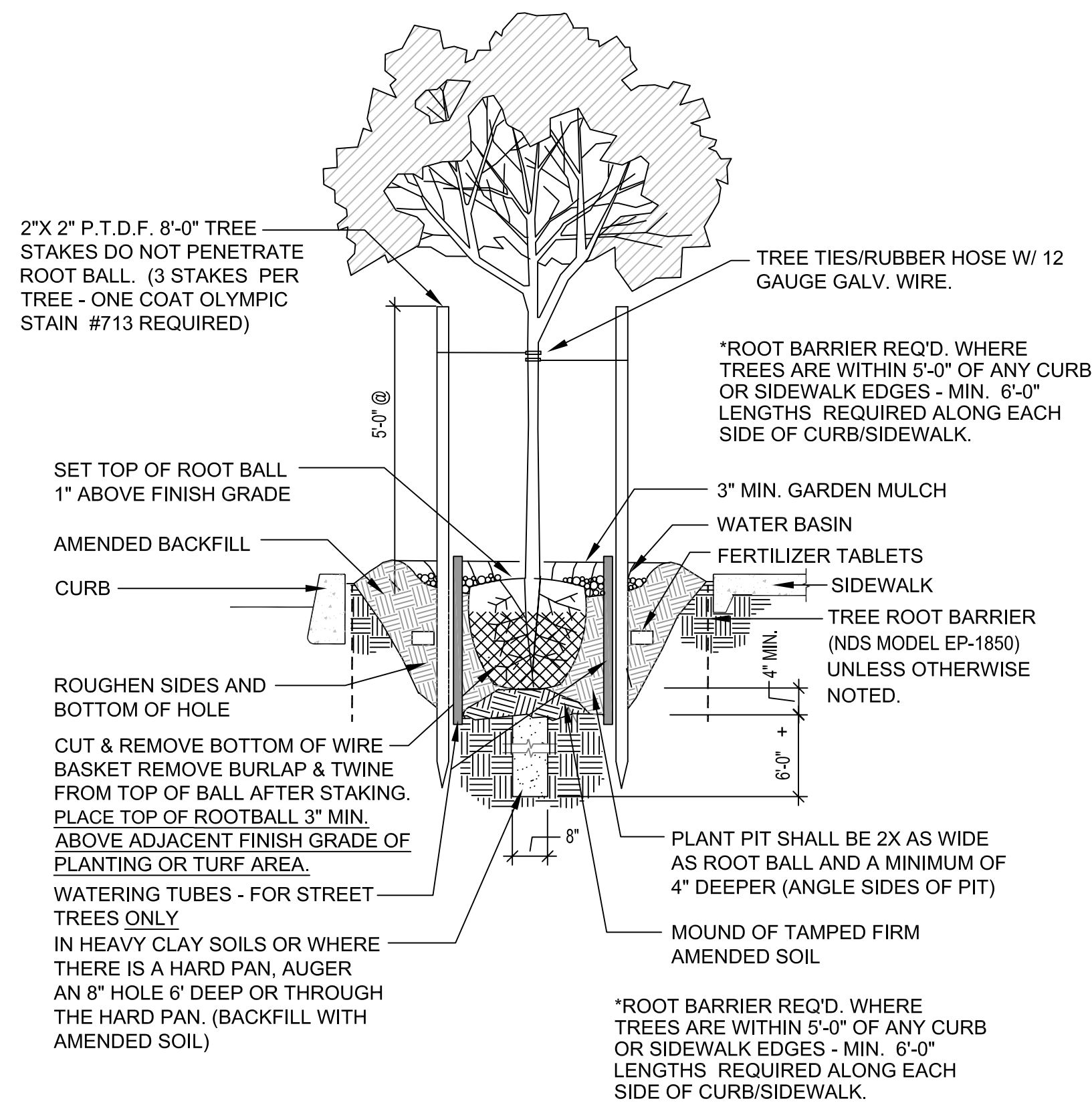
REVISIONS

REV.	DATE	DESCRIPTION
5/8/2022		CITY COMMENTS
6/3/2022		DESIGN CHANGE

SHEET NAME:
PLANTING PLAN

DRAWN BY: _____ TM
CHECKED BY: _____ TM
ISSUE DATE: 3/2/2022
JOB NO.: 2206

SHEET:
L101
OF 2

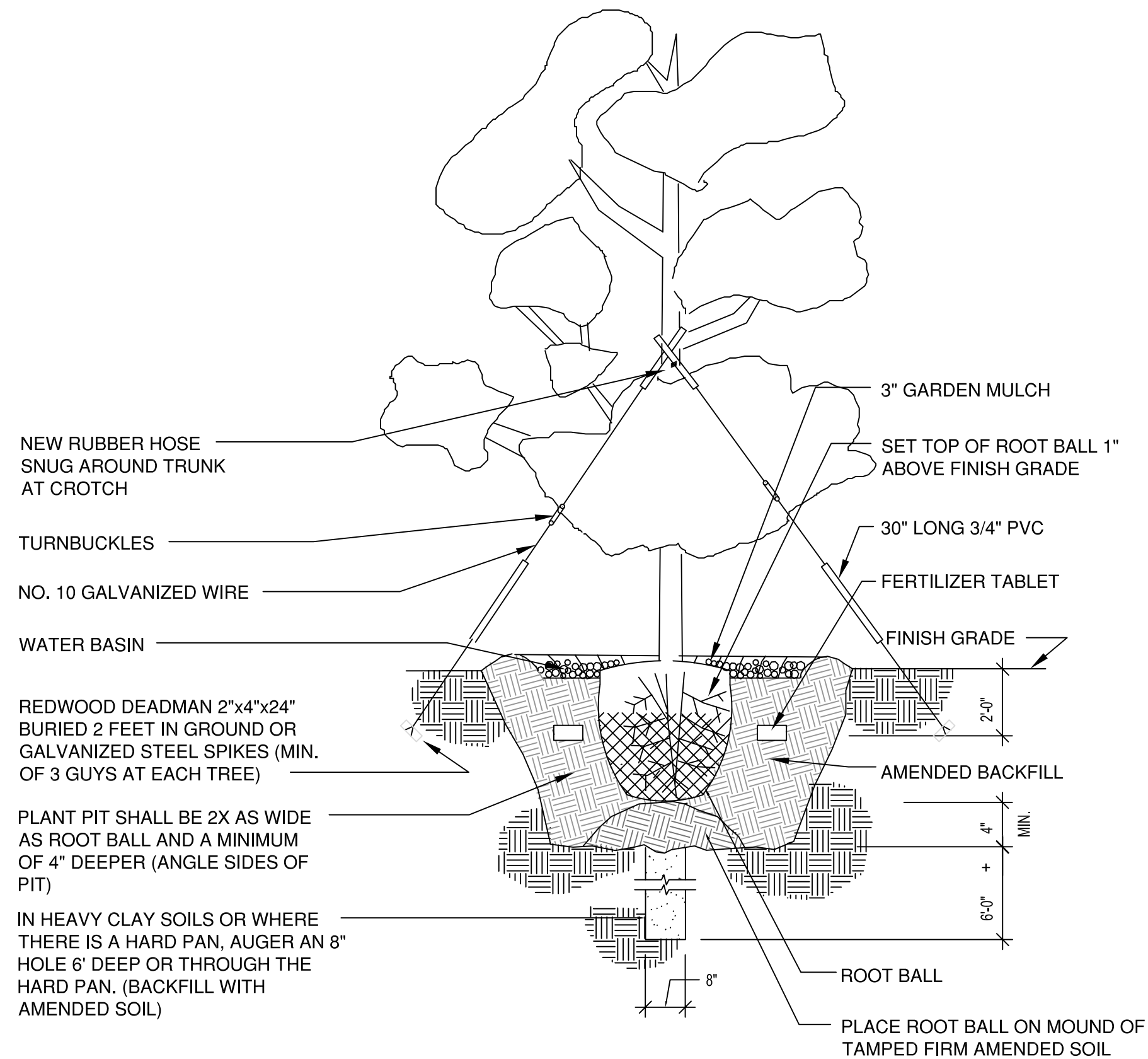
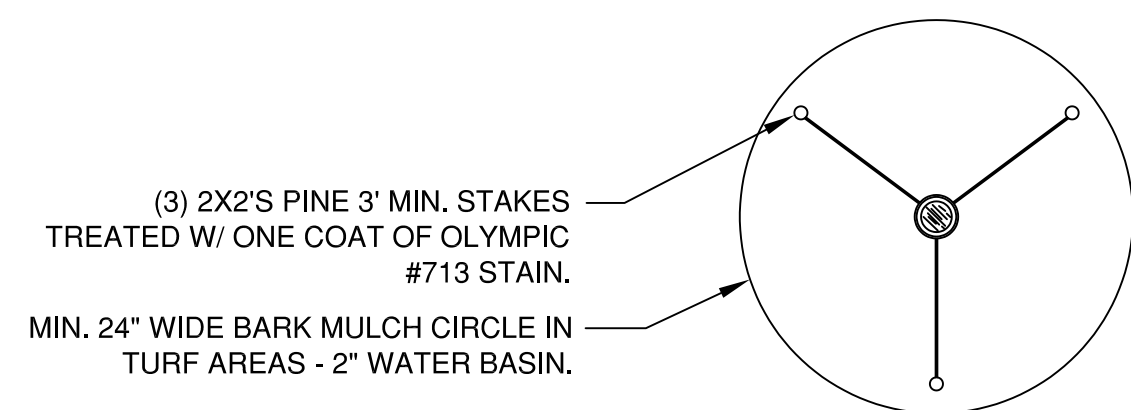


STREET TREE / TREE PLANTING DETAIL

N.T.S.

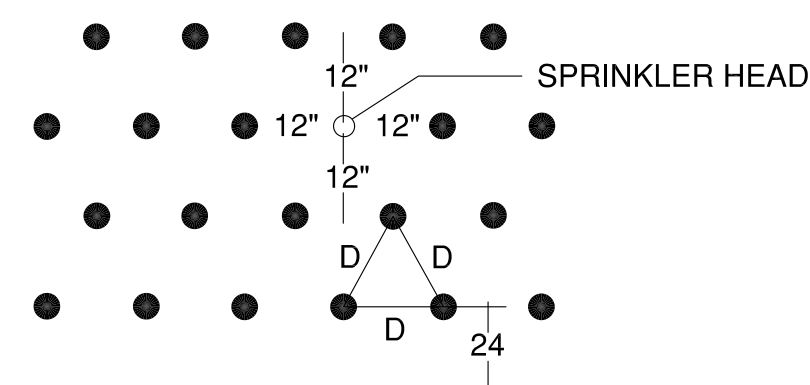
TYPICAL PLANTING NOTES:

1. B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
2. CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
3. PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 2014 EDITION.
4. ALL TREES SHALL BE BRANCHED.
5. GARDEN MULCH ALL PLANTING BEDS WITH 3" MIN. LAYER OF SPECIFIED GARDEN MULCH.
6. IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
7. IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
8. LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL TO APPROVE FINAL PLACEMENT.
9. LANDSCAPE CONTRACTOR TO VERIFY PLANT MATERIAL QUANTITIES QUANTITIES.
10. AUTOMATIC IRRIGATION TO BE INSTALLED PRIOR TO FINAL ACCEPTANCE.
11. CONTRACTOR WILL PROVIDE A ONE YEAR WARRANTY ON ALL PROVIDED & INSTALLED PLANT MATERIAL FROM DATE OF FINAL APPROVAL BY OWNER'S REPRESENTATIVE.

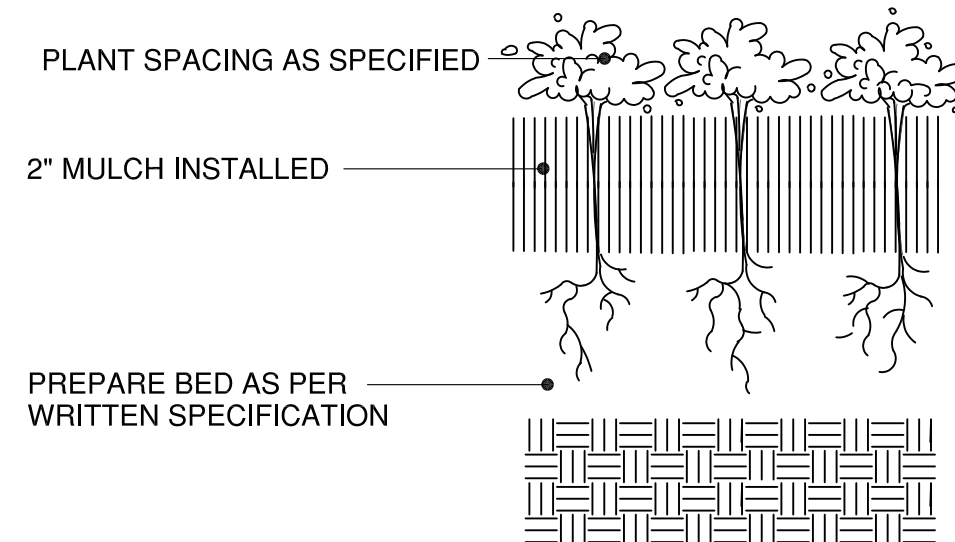


EVERGREEN TREE PLANTING DETAIL

N.T.S.

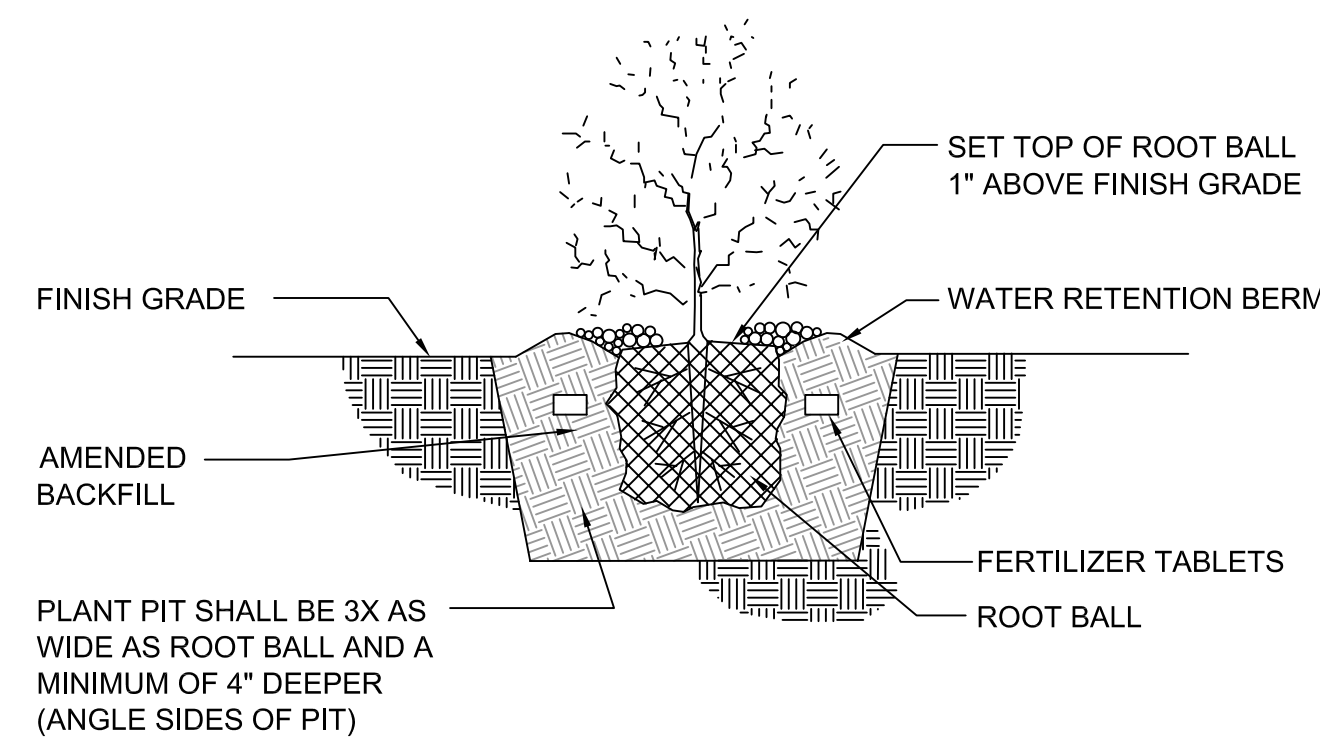


NOTE: LOCATE PLANTS SPACED EQUAL DISTANT (D) FROM EACH OTHER AS SPECIFIED AND MINIMUM OF 12" FROM SPRINKLER HEAD



GROUNDCOVER PLANTING DETAIL

N.T.S.



SHRUB PLANTING DETAIL

N.T.S.

TREE PLANTING IN PARKWAY DETAIL

SECTION

2" X 2" WOOD STAKE

SECURE TREE TO STAKE WITH 1" WIDE NYLON TIES, NO WIRE

2/3 HEIGHT OF TREE

FINISHED GRADE

TURF/OTHER

EX. STREET

PLANT ROOT CROWN 1" ABOVE FINISHED GRADE

2" MIN. BARK MULCH LAYER SEE NOTES 2 AND 4

FINISHED GRADE

EX. SIDEWALK

LINEAR ROOT BARRIER

EXISTING SUB GRADE SOIL

UNDISTURBED NATIVE FILL

WATERING TUBES

NATIVE FILL

3" TYPICAL, CAN VARY

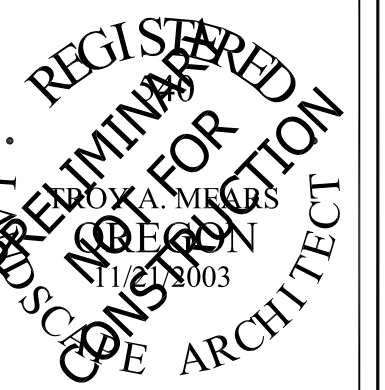
1. PLANTING PIT 2X ROOTBALL WIDTH
2. DIG PLANTING PIT NO DEEPER THAN ROOTBALL
3. BACKFILL WITH NATIVE MATERIAL
4. TO MINIMIZE SIDEWALK AND TREE ROOT CONFLICTS, INSTALL LINEAR ROOT BARRIER; COMMERCIALY ENGINEERED, 10 FEET LONG CENTERED ON THE TREE, 18" DEEP, ON THE CURB SIDE AND SIDEWALK SIDE OF THE TREE.
5. ON BALLED AND BURLAP TREES, CUT & PEEL AWAY WIRE FRAME FROM ROOTBALL, LEAVE BURLAP AND FRAME IN PLANTING HOLE.

City of McMinnville

MCMINNVILLE PUBLIC WORKS DIVISION
PARKWAY TREE PLANTING DETAIL-

NOT TO SCALE

DATE: MAY 2014 DRAWING NO. 34B



McMINNVILLE BURGER KING
InSite Real Estate

SWC BOOTH BEND ROAD
MCMINNVILLE, OREGON

REV.	DATE	DESCRIPTION
5/8/2022		CITY COMMENTS
6/3/2022		DESIGN CHANGE

SHEET NAME:
PLANTING DETAILS & NOTES

DRAWN BY: _____ TM
CHECKED BY: _____ TM
ISSUE DATE: 3/2/2022
JOB NO.: 2206

SHEET:
L102

OF 2

March 22, 2022

**RE: Proposed Retail Development, McMinnville, OR
SWC SW Booth Bend Rd. and SW Hwy. 99W
Planned Development Amendment Application
Neighborhood Meeting**

To Whom It May Concern:

Per Section 17.72.095 of the City of McMinnville Zoning Ordinance, it is required to hold a Neighborhood meeting for certain Land Use Applications, such as a Planned Development Amendment. InSite Real Estate, LLC. (InSite) is applying for a Planned Development Amendment for the property identified in the subject line above. Below is the information required to attend the neighborhood meeting:

Date: April 18, 2022

Time: 6:00 PM PST

Location: Alt Coworking

609 NE 3rd Street, McMinnville, OR 97128


Proposal Description: InSite is seeking to amend the Planned Development approved via City of McMinnville Ordinance No. 4688, so that the parcel identified as "Parcel 3" (1.80 acres) on the PD Site Plan is further subdivided into Lots 1 (0.94 acres) and 2 (0.86 acres) as shown on the enclosed "Conceptual Site Plan." Another proposed amendment to the PD is to divide the previously approved permissible building area (PBA) (16,000 SF) into two separate PBA's, which, when combined, are still less than the previously approved PBA. The design intent for Lot 1 is to construct a 1,937-SF fast-food restaurant with a drive-thru facility. An associated 19-stall parking lot, utilities, and signage will also be constructed on Lot 1 in accordance with City and/or other local standards.

Enclosed are the following documents for reference:

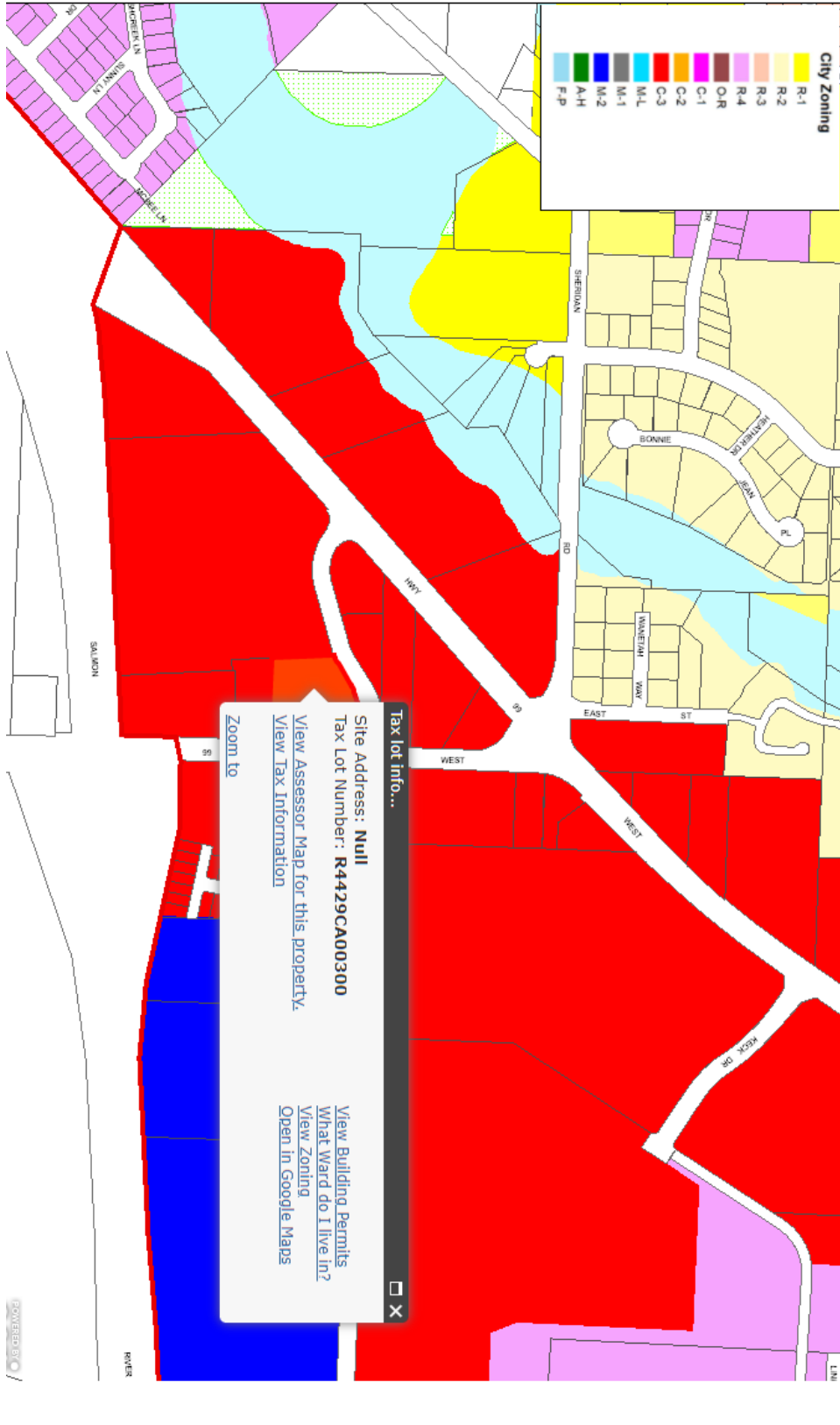
1. GIS Map showing subject property
2. Conceptual Site Plan showing proposed improvements

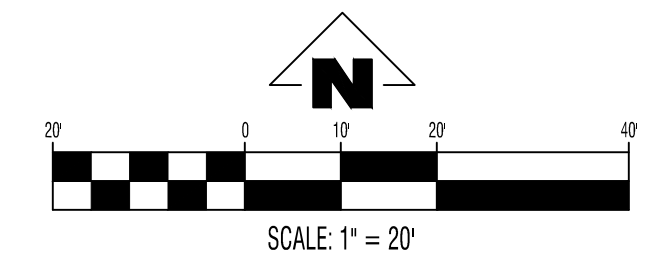
Please do not hesitate to contact us if you have any questions or concerns regarding the scheduled neighborhood meeting.

Thank you,



Andrew D. Johnson, P.E.
Project Manager





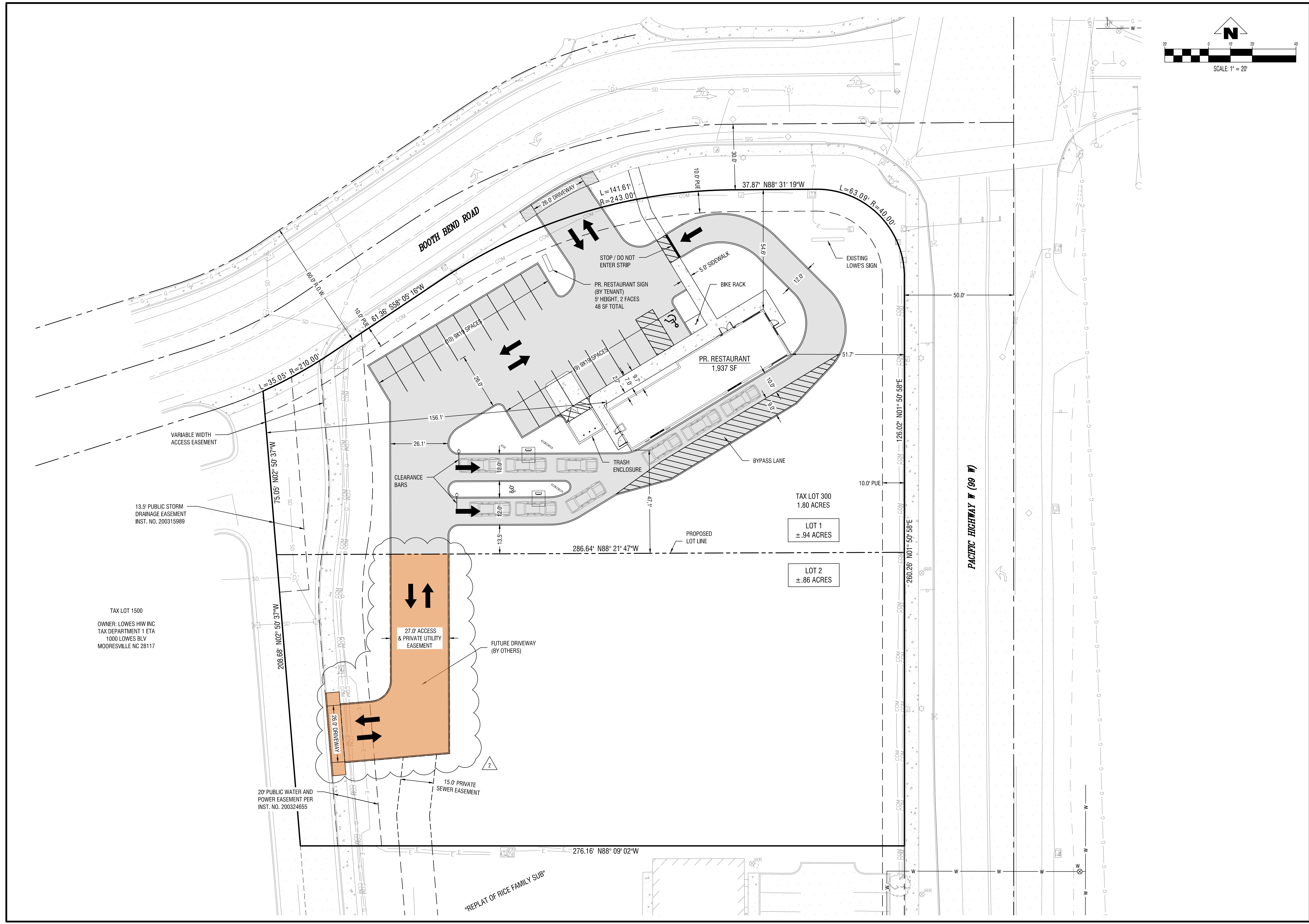
McMINNVILLE BURGER KING
 SWC BOOTH BEND ROAD
 TAX LOT 300
 NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.
 CITY OF McMINNVILLE, OREGON

PROPOSED SITE PLAN

REVISIONS		
NO.	DATE	DESCRIPTION
1	2/22/2022	INITIAL SUBMITTAL (LAND USE)
2	3/21/2022	REVISED ACCESS LOCATIONS

EMERIO
 ENGINEERING • SURVEYING • DESIGN
 644 E SW CALLEBROOK PLACE, SUITE 100
 BEAVERTON, OREGON 97008
 TEL: (503) 746-8812
 FAX: (503) 639-9592
 www.emeriodesign.com

SHEET
1
 OF
3



PLANNED DEVELOPMENT AMENDMENT

PROPOSED CONDITIONS

MCMINNVILLE, OR

3/21/2022

Proposed Amendments to PUD Ordinance No. 4688:

1. Subdivide Parcel at SW corner of SW Booth Bend Rd. and SW Highway 99W into two (2) separate lots with two (2) separate Permissible Building Areas (PBA's).
2. Divide previously approved PBA for subject property (16,000 SF) into two separate PBA's: 1,937 SF on Lot 1, and 5,000 SF on Lot 2.



InSite

1400 16th Street, Suite 300
Oak Brook, IL 60523-8854
Office: 630.617.9100

Amended on 08-24-2022 state.com

MEMORANDUM

DATE: December 27, 2021

TO: Andrew Johnson | InSite Real Estate, LLC

FROM: Lacy Brown, P.E. | DKS Associates
Jenna Bogert, P.E. | DKS Associates

SUBJECT: McMinnville Burger King - Transportation Letter



EXPIRES: DEC. 31, 2021

P21251-000

INTRODUCTION

This memorandum is a traffic assessment letter for the proposed Burger King located on SW Booth Bend Road in McMinnville, Oregon. It is our understanding that the proposed fast food restaurant is consistent with the previously approved master plan for the area. The Burger King will have a total building gross floor area of 1,937 square feet and a drive-thru that can accommodate a vehicle queue of up to 9 vehicles. The site plan includes one full access driveway on SW Booth Bend Road and one full access driveway on the shared road to the west of the property. A map of the study area is shown in Figure 1.

Because the City of McMinnville does not currently have any guidelines for when a traffic study is needed, City of McMinnville staff¹ have stated that if the proposed site's trip generation is less than 20 peak hour trips or 200 daily trips, no transportation impact analysis will be required. The following sections include the estimated project trip generation and a site plan review.

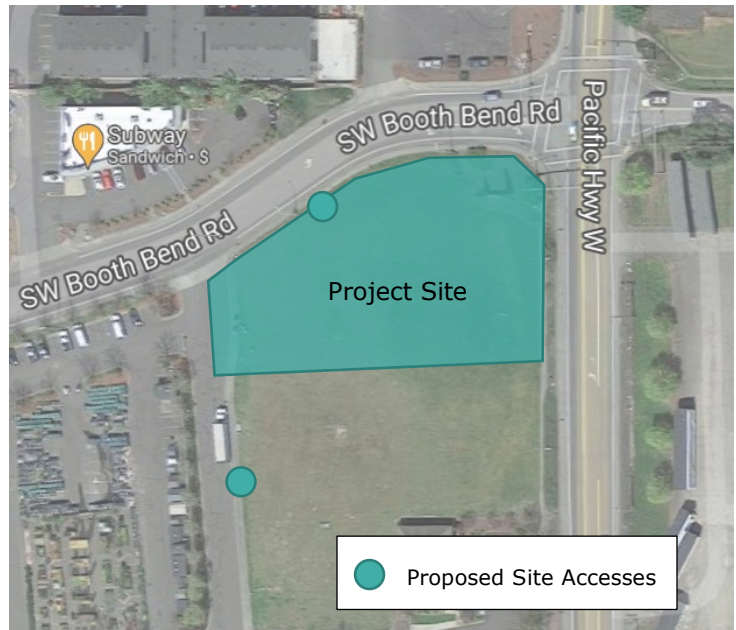


FIGURE 1: STUDY AREA

¹ Phone call between Jamie Fleckenstein (City of McMinnville) and Andrew Johnson (InSite Real Estate).

TRIP GENERATION

Trip generation is the method used to estimate the number of vehicles that are added to the roadway network by the proposed project during a specified period.

For this project, the number of trips generated by the proposed development was based on the City's Transportation System Development Charge (SDC) calculator. Using the spreadsheet calculator provided by the City of McMinnville, the estimated peak hour trips generated by the 1,937 square-foot Burger King is a total of 9 vehicle trips after pass-by and other trip reductions. The SDC calculator is provided in the appendix.

Because the site is expected to generate less than 20 peak hour trips, the City staff have confirmed that a traffic impact study is not required for the proposed development.

SITE PLAN REVIEW

A review of the project site plan and site accesses is summarized in the following sections.

ACCESS SPACING

Per City of McMinnville Code,² the minimum distance between a proposed driveway and an intersection is to be 30 feet, measured from edge to edge.

On SW Booth Bend Road, the OR 99W intersection is located approximately 145 feet from the proposed driveway. On the access road to the west of the property, the nearest driveway is located approximately 100 feet to the north of the proposed project site driveway. Therefore, both of the proposed site accesses meet the access spacing standard.

A full movement access to the project site at the proposed location on SW Booth Bend Road is documented in the approved PUD for the area. Because the driveway is located in close proximity to the OR99W intersection, there is the potential for eastbound queues at the signal to interfere with driveway operations and possibly impact on-site circulation. If these potential impacts are realized once the development is in operation, signing and striping changes at the site driveway and on SW Booth Bend Road could be implemented to discourage left-turn movements in and out of the driveway. A conceptual layout of these changes is provided in the appendix.

Prior to occupancy, sight distance at any new or modified access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

² 12.20.070, City of McMinnville Municipal Code.

FRONTAGE IMPROVEMENTS

Based on the City's TSP³, SW Booth Bend Road fronting the project site is classified as a local street. The City Municipal Code provides the cross-section requirements for local streets.⁴ Local streets require a minimum curb-to-curb width of 28 feet with 5-foot sidewalks on both sides with planter strips.

The existing cross section of SW Booth Bend Road fronting the project site is approximately 45 feet from curb-to-curb and includes three travel lanes with on-street bike lanes. There are existing sidewalks along the project frontage, but no planter strips. It is recommend that the existing curb-to-curb width be maintained and that the project sponsor coordinate with City staff to determine if planter strips are desired along the project frontage.

ON-SITE CIRCULATION AND PARKING

Based on the site plan provided, vehicle drive aisles are shown to be 26 feet in width, providing sufficient width for two-way travel as well as parking maneuvers. The drive-through line circulates counterclockwise along the south side of the restaurant building and can accommodate up to 9 queued vehicles without blocking through drive aisles in the parking lot. A by-pass lane in the drive-through is also shown on the site plan. The site provides sufficient circulation and drive-through queue space for the fast food restaurant.

There are a total of 19 parking stalls including one ADA stall shown on the site plan. Based on the City's Municipal Code⁵, drive-through restaurants are required to provide one parking space per 200 feet of floor area or one space per four seats, whichever is greater. Based on the proposed site, the site is required to provide a minimum of 10 parking stalls.

SUMMARY

The following is a list of the key findings from the traffic analysis for the proposed Burger King located at the corner of SW Booth Bend Road and OR 99W in McMinnville, Oregon.

- The proposed Burger King is estimated to generate 9 net new peak hour trips based on the City's SDC calculator and therefore, does not require a full traffic impact study per City staff.
- There are two project site accesses proposed, a full access onto SW Booth Bend Road and a full shared access on the private road along the west edge of the property. Both of the proposed driveways meet the City's access spacing standard.

³ Exhibit 2-3, City of McMinnville Transportation System Plan, Adopted May 2010.

⁴ 17.53.101, City of McMinnville Municipal Code.

⁵ 17.60.060, City of McMinnville Municipal Code.

- If traffic on SW Booth Bend Road is observed to interfere with operations of the site driveway once the development is in operation, signing and striping changes could be implemented to discourage left-turn movements in and out of the driveway.
- Prior to occupancy, sight distance at any new or modified access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
- It is recommended that the project sponsor coordinate with City staff to determine if planter strips are desired on SW Booth Bend Road along the project site frontage to meet the City's street cross-section standards.
- The on-site vehicle circulation and number of parking stalls shown on the site plan are sufficient and meet City code.

APPENDIX

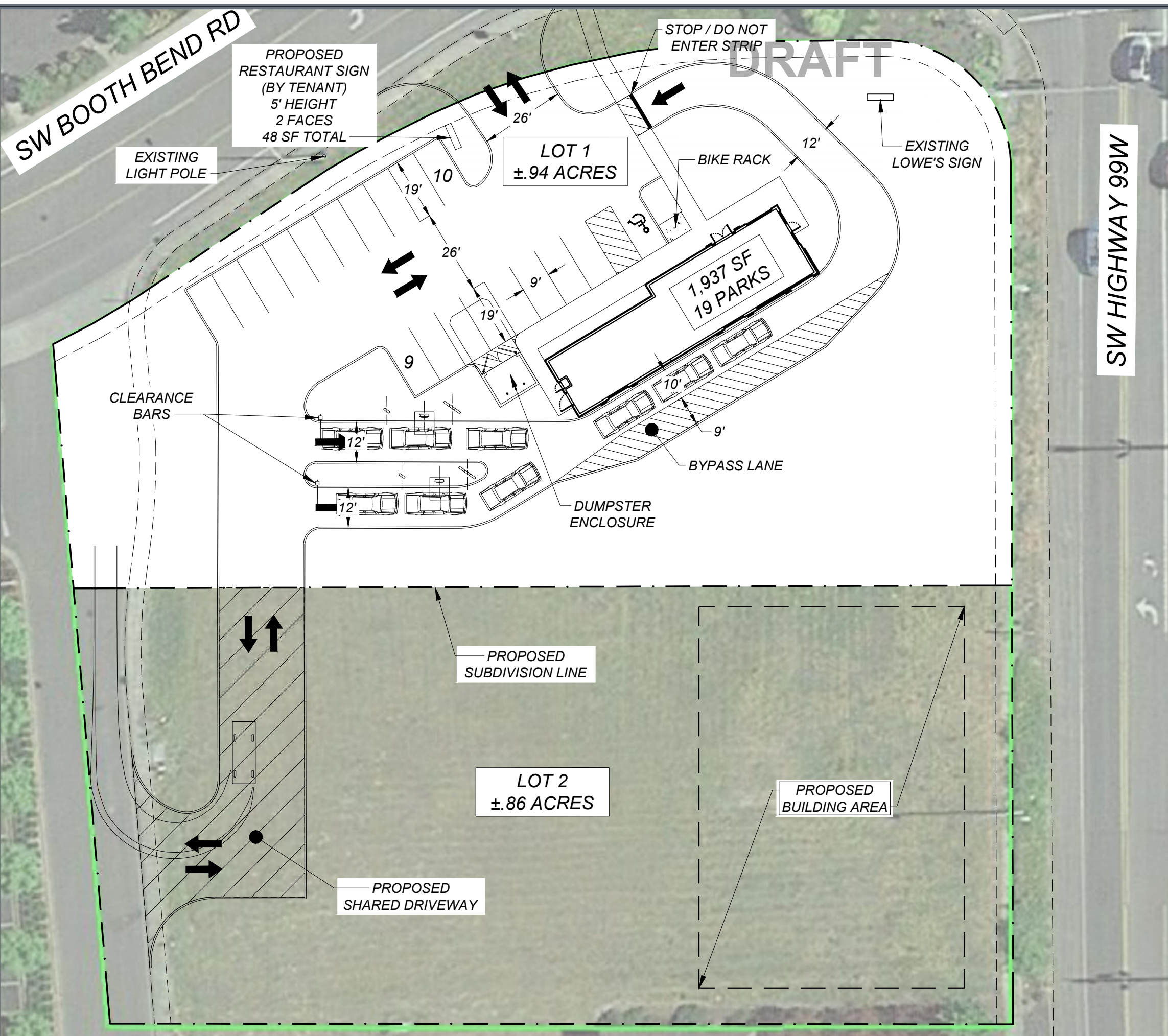
- Transportation SDC Calculator Spreadsheet
- Current Site Plan for Proposed Development
- Conceptual Changes at SW Booth Bend Road Project Driveway

Council Adopted Resolution 2020-14 (July 1, 2020)	TSDC Revenue	\$18,366,985
	New PM Peak Trips	7,230
	TSDC/New PM Peak Trip	\$2,540

McMinnville TSDC Schedule - July 1, 2020

Adjustable
Value

Land Use Category - ITE 10th Edition	Notes	ITE Land Use Code	ITE Average PM Peak Hour Trip Rate	Unit*	Pass-By Trip Reduction Factor **	Net New Trip Rate	Trip Length Adjustment Factor	Net New Trips	# Units	Net New PM Peak trips
			[1]		[2]	[3]	[4]	[5]		
Fast Food Restaurant with Drive-Through Window		934	32.67	1,000 sf GFA	0.50	16.34	0.28	4.57	1.937	8.85



PREMISES PLAN
LOCATION: (SWC) SW BOOTH BEND RD
AND SW HIGHWAY 99W
MCMINNVILLE, OR
CONCEPT PLAN (v14)
11/17/2021

SITE DATA

JURISDICTION	CITY OF MCMINNVILLE
ZONING DISTRICT	C3 GENERAL COMMERCIAL
PERMITTED USE(S)	RESTAURANT
LOT AREA	LOT 1: ± 41,033 SF (± .94 ACRES) LOT 2: ± 37,375 SF (± .86 ACRES) TOTAL: ± 78,408 SF (± 1.80 ACRES)
BUILDING AREA	1,937 SF
F.A.R.	CODE TBD PLAN .05

SETBACKS

BUILDING SETBACKS	CODE	PLAN
- FRONT YARD	NONE	58' (E)
- CORNER SIDE YARD	NONE	50' (N)
- INTERIOR SIDE YARD	0'	51' (S)
- REAR YARD	0'	149' (W)

PARKING SETBACKS		
- FRONT YARD	5'	24' (E)
- CORNER YARD	5'	5' (N)
- INTERIOR SIDE YARD	XX'	18' (S)
- REAR YARD	XX'	44' (W)

SIGNAGE SETBACK		
SIGNAGE SETBACK	TBD	5'

OFF STREET PARKING REQUIREMENTS

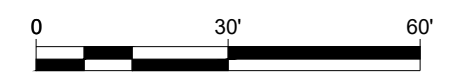
PARKING STALL COUNT	19 (NOTE 2)	19 (9.8 / 1000 SF)
ADA STALL COUNT	1	1
PARKING STALL SIZE	9' X 19'	9' X 19'
DRIVE AISLE WIDTH	26'	26'
DRIVE-THRU STACKING	TBD	9
BUILDING HEIGHT	22' (PER LOWES CCR)	TBD

PROTOTYPE: TBD

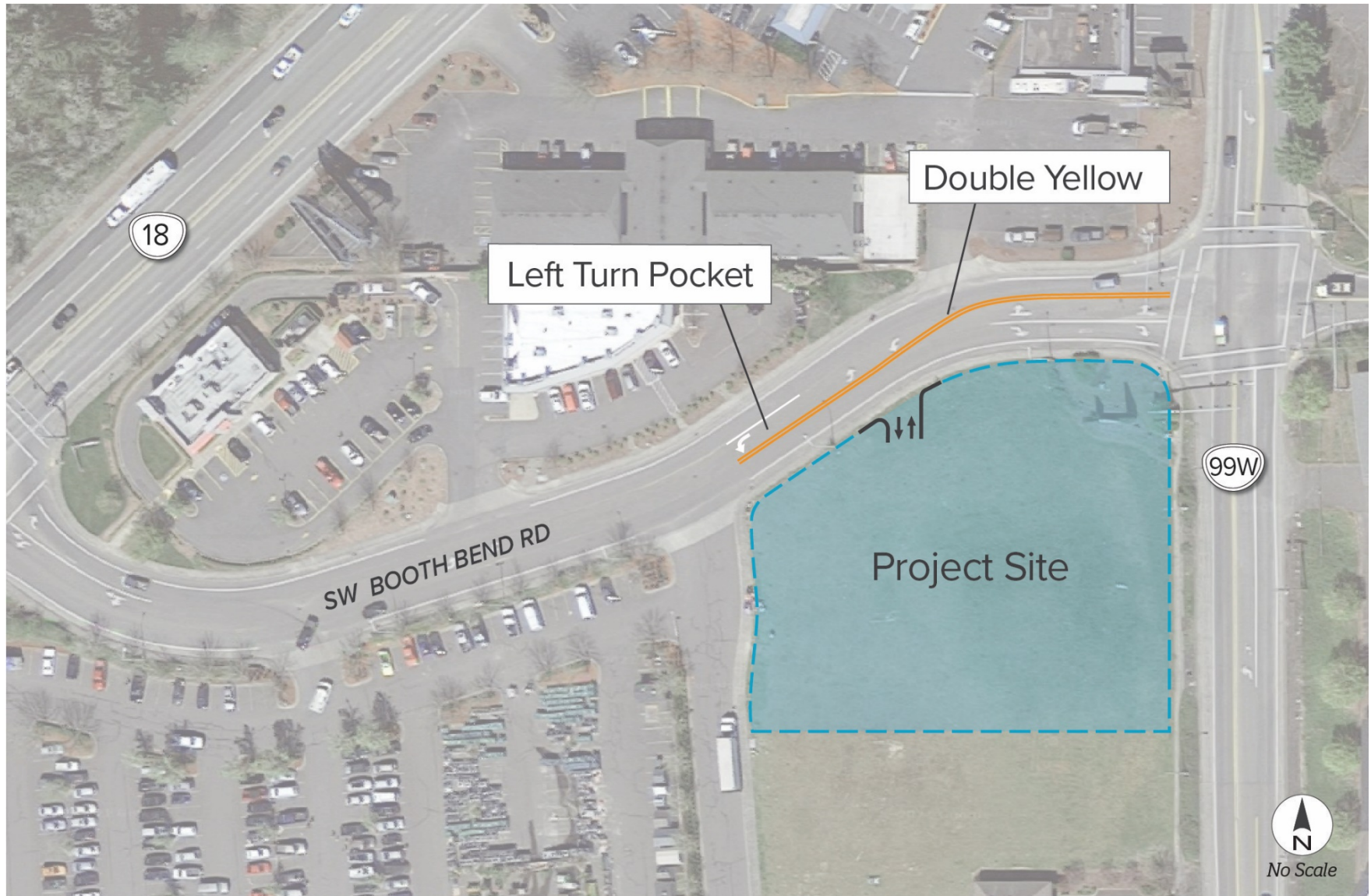
ADDITIONAL NOTES

- BICYCLE SPACES SHALL BE 10% OF THE AUTOMOBILE PARKING SPACES REQUIRED
- LOWE'S RESTAURANT OR FAST FOOD PARKING REQUIREMENT: 10 / 1,000 SF

DRAWN BY: BS



Conceptual Layout of Possible Future Striping Changes on SW Booth Bend Road





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

MINUTES

July 21, 2022
 Planning Commission
 Regular Meeting

6:30 pm
 Hybrid Meeting
 McMinnville, Oregon

Members Present: Robert Banagay, Gary Langenwaller, Brian Randall, Beth Rankin, Dan Tucholsky, Sidonie Winfield, and Matt Deppe

Members Absent: Sylla McClellan and Lori Schanche

Staff Present: Heather Richards – Planning Director and Tom Schauer – Senior Planner

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

- April 21, 2022
- May 19, 2022

Commissioner Tucholsky moved to approve the April 21 and May 19, 2022 minutes. The motion was seconded by Commissioner Rankin and passed unanimously.

4. Public Hearing:

A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)

(Continued from June 16, 2022 Meeting)

Applicant has requested a continuance to September 1, 2022

Request: An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property.

The 50.15 acre parcel is within McMinnville's Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City

limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.

The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre). The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the non-floodplain portion inside City limits would then be Commercial/C-3.

The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County's Floodplain Overlay Districts. The proposal would not change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

Location: The subject site is located at 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4 W., W.M.

Applicant: Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

Commissioner Langenwaller MOVED to CONTINUE the hearing for CPA 1-20/ZC 1-20 to September 1, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22)

Request: An application for a Comprehensive Plan Map Amendment from Industrial to Commercial and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) for property of approximately 0.9 acres.

Location: The subject site is located at 455 NE Irvine Street, more specifically described at Tax Lots 2400 & 2601, Section 21 BD, T.4S., R 4 W., W.M.

Application: Steve Elzinga, Sherman Johnnie & Hoyt, LLP (Property owner Carlton Hub, LLC, c/o Kellan Lancaster)

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky visited the site and introduced himself to the wine maker.

Staff Presentation: Senior Planner Schauer said this was a request for a Comprehensive Plan Map amendment from Industrial to Commercial and a zone change from M-1 (Light Industrial) to C-3 (General Commercial) for a property of approximately .9 acres on Irvine Street. Staff found that the applicable criteria were satisfied and recommended approval of the application. He discussed the additional exhibits that were entered into the record. He described the subject site, existing/proposed Comprehensive Plan Map designations, existing/proposed Zoning Map designations, existing/proposed zoning, NE Gateway Zone overlay standards, and applicable criteria.

Commission Questions: Commissioner Randall said the property was listed as a historic resource. Did the building still retain the original exterior or had there been modifications? Would there be restrictions on any use of the property from remodeling the exterior? Senior Planner Schauer said any exterior alterations to the structure would require historic review. Most of the north-easterly portion of the structure was the original and there was an addition on the westerly side that provided a false façade that screened the warehouse.

Commissioner Tucholsky asked why this property was just now changing to commercial. Senior Planner Schauer said at the time the NE Gateway District was adopted, the site was being used as a winery and tasting room which was an industrial use that continued instead of changing to commercial.

Applicant's Testimony: Steve Elzinga and Frank Foti, gave a background on the applicants. They agreed with the staff recommendation that the application met all of the decision criteria. They loved the historical significance of the building and that it was a community hub. They had a tenant currently that utilized half of the building as a winery and were working on other uses for the rest of the building. They wanted to have full food service opportunities, which required the commercial zoning. The property was an island of industrial zoning surrounded by commercial zoning. They then discussed the criteria.

Public Testimony: None

Rebuttal: None

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Tucholsky MOVED to RECOMMEND the City Council APPROVE CPA 1-22/ZC 2-22 subject to the conditions of approval; SECONDED by Commissioner Rankin. The motion PASSED unanimously.

C. Quasi-Judicial Hearing: Planned Development Amendment (PDA 3- 22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22)

Request: The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property. The applications are being considered concurrently through a consolidated review process.

PDA 3-22. The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan approved as part of the Planned Development, which requires approval of a Planned Development Amendment.

LFW 1-22. The property has certain shared features, including access, with a large format commercial building, which also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

L 6-22. The proposal includes a landscape plan, which is required for commercial development.

MP 1-22. The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

Location: The subject site is located at the southwest corner of Booth Bend Road and Highway 99, more specifically described at Tax Lot 300, Section 29 CA, T.4S., R 4 W., W.M.

Applicant: InSite Real Estate Investment Properties LLC, c/o Andrew Johnson (Property owner Richard D. Rice)

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky visited the site.

Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Staff Presentation: Senior Planner Schauer said these were multiple applications in conjunction with development of a Burger King restaurant with drive-through. Staff found that the applicable criteria were satisfied with conditions and recommended approval. He entered additional exhibits into the record. He described the subject site, zoning, existing/approved PD Master Plan, proposed PD Master Plan, proposed partition tentative plan, proposed site plan, proposed landscape plan, proposed elevations, and key issues/conditions.

Commission Questions: Commissioner Randall asked if there was a requirement for two points of ingress/egress. Senior Planner Schauer said no, there was not.

Applicant's Testimony: Andrew Johnson, representing the applicant, said they planned to use the parapets to screen the mechanical equipment. If that changed in the final design, they would make sure the equipment was screened. They were comfortable with all of the conditions.

Public Testimony: None

Rebuttal: None

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Rankin suggested the use of permeable pavement where possible.

Commissioner Tucholsky asked about the timing of the traffic signal on Booth Bend Road and 99W, especially since this would add more traffic. Planning Director Richards said they could request ODOT look at the timing, although it could take a few years to get it changed.

Commissioner Randall was concerned about the current traffic on Booth Bend Road and the right in, right out proposed for the Burger King site. He thought it should be eliminated. Planning Director Richards said she could go back to the Engineering and Fire Departments to make sure there were no concerns about closing that access. Closing it would put more pressure on the other access point coming out of Lowe's.

Mr. Johnson understood the traffic concerns and planned to work with staff to address them.

Chair Winfield noted there were a lot of conditions for these applications to work with staff, and staff time was already limited. She thought a lot of them could have been met prior to the hearing.

Mr. Johnson said they would be amending the application from a waiver to a review of the large format commercial design standards. They applied for four applications at once, which was a robust process with many conditions to meet.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Langenwaller MOVED to RECOMMEND the City Council APPROVE PDA 3- 22/LFW 1-22/L 6-22/MP 1-22 subject to the conditions of approval and an added condition that the mechanical equipment would be screened; SECONDED by Commissioner Randall. The motion PASSED unanimously.

5. Action Item

A. Oak Ridge Meadows Land Use Extension Request (S 3-18)

Request: This is the second request for a land-use decision extension for Oak Ridge Meadows Development, Docket S 3-18, a Tentative Subdivision. The applicant is now requesting an additional year extension to August 22, 2023.

Location: Generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R 4 W., W.M.)

Applicant: Lori Zumwalt, Premier Development, LLC

Disclosures: Chair Winfield asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky visited the site.

Planning Director Richards said this was approval of a land use extension letter. The code allowed the Planning Director to approve a one year extension on a land use decision but if a second one year extension was needed, it had to come to the Planning Commission. The delay was due to the complexities of the site with a wetland mitigation and road construction.

Lori Zumwalt, applicant, said they were in full swing of construction right now, however everything would not be completed by August 22, and she needed an extension.

Commissioner Tucholsky asked about the proposed chip path and meeting ADA requirements. Ms. Zumwalt said it was not required to be an ADA path. Planning Director Richards said it would be part of the park system and there would be ADA access points along the path.

Commissioner Tucholsky MOVED to APPROVE S 3-18, extension of the Oak Ridge Meadows development to August 22, 2023; SECONDED by Commissioner Langenwalter. The motion PASSED unanimously.

6. Commissioner Comments

None

7. Staff Comments

None

8. Adjournment

Chair Winfield adjourned the meeting at 7:51 p.m.

Heather Richards
Secretary



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

MEMO

DATE: July 21, 2022
TO: Planning Commission Members
FROM: Tom Schauer, Senior Planner
SUBJECT: Response to Questions – Planned Development Amendment PDA 3-22, Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Staff received questions from Planning Commissioners in advance of the July 21, 2022 public hearing for the above-referenced applications for the proposed Burger King at the southwest corner of Booth Bend Road and Highway 99.

Below are staff's responses to the questions. Please let me know if you have any additional questions or if you would like any further clarification regarding the responses below.

In addition, the City contracted with David Evans and Associated to review and comment on traffic issues. The substance of their response was addressed in the staff report and decision document, but their memo wasn't included in the record. A copy of that memo is attached.

1. *My first impression based on looking at the various maps at the beginning of the info packet, is that the majority of the lot is going to have an impervious surface on it. Can we suggest permeable pavement anywhere?*

STAFF RESPONSE: Staff would recommend that "suggestions" be clearly identified as such and that non-binding suggestions not be part of the motion on the decision.

Conditions should be applied when they are necessary for the application to comply with the criteria when the application wouldn't otherwise meet the applicable criteria without a condition.

If there is a criterion you find wouldn't be met without a condition, please identify the criterion that wouldn't otherwise be satisfied and how the condition would bring the application into compliance with the applicable criterion.

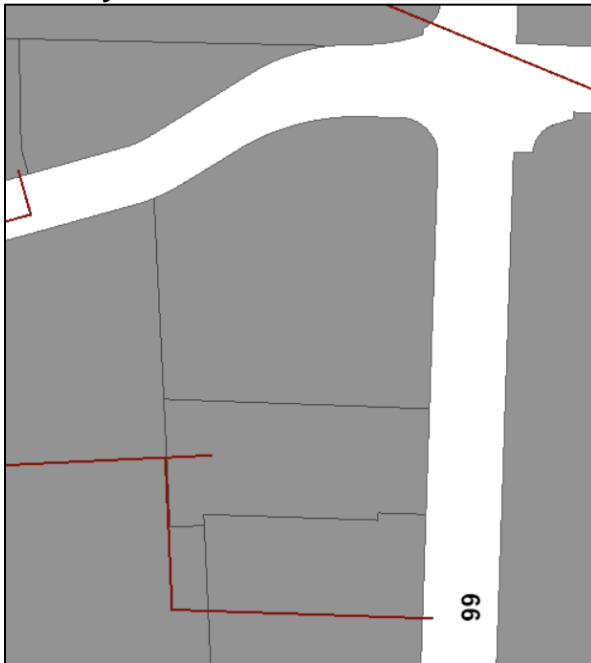
City development standards don't typically require pervious pavement for commercial development. A legislative amendment would generally be the best avenue for establishing standards that would consistently apply to developments.

2. P23. The applicant's answer indicates a buildable pad of 5500 Square feet would be considered for the remaining parcel. I already read the utilities review indicated no service to that parcel at this time. Typical for an undeveloped lot? Do we even worry about that now or assume it gets covered when someone wants to develop that?

STAFF RESPONSE: The current Planned Development Amendment and partition applications are the appropriate time to ensure the new parcels have an approved utility plan to serve the properties. The applicant will be required to comply with the conditions of approval in order to file the partition plat and divide the property. Conditions include approval of the utility plan to provide utilities to the parcels.

There is a public sewer line on the property to the south and a public sewer easement extending to the southerly boundary of the subject property. While sewer isn't extended to the subject property, sewer services can be extended to the sewer main. The Engineering Department doesn't foresee sewer depth issues. As a condition of approval, the applicant is required to provide a utility plan and provide required easements.

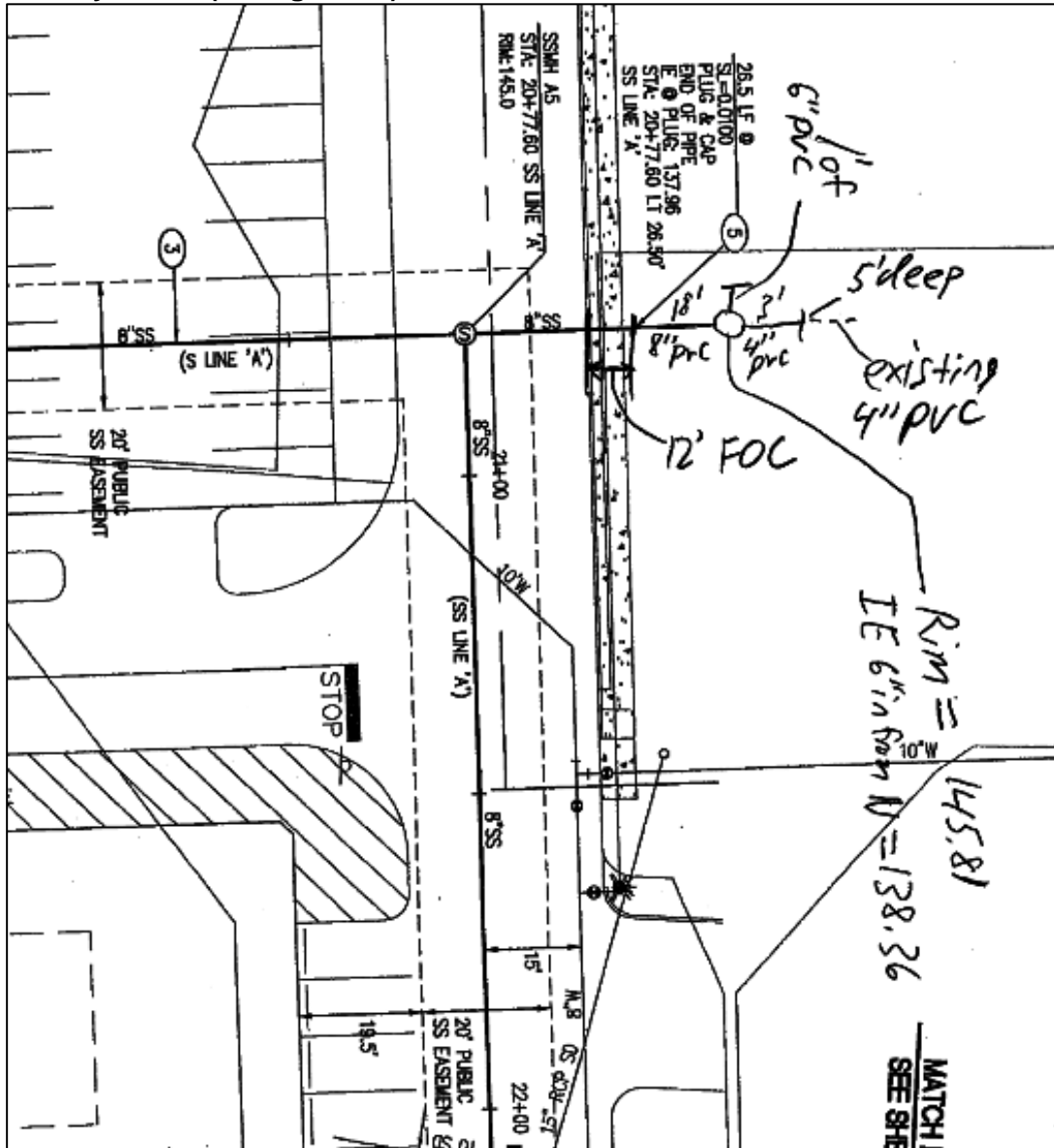
Sanitary Sewer



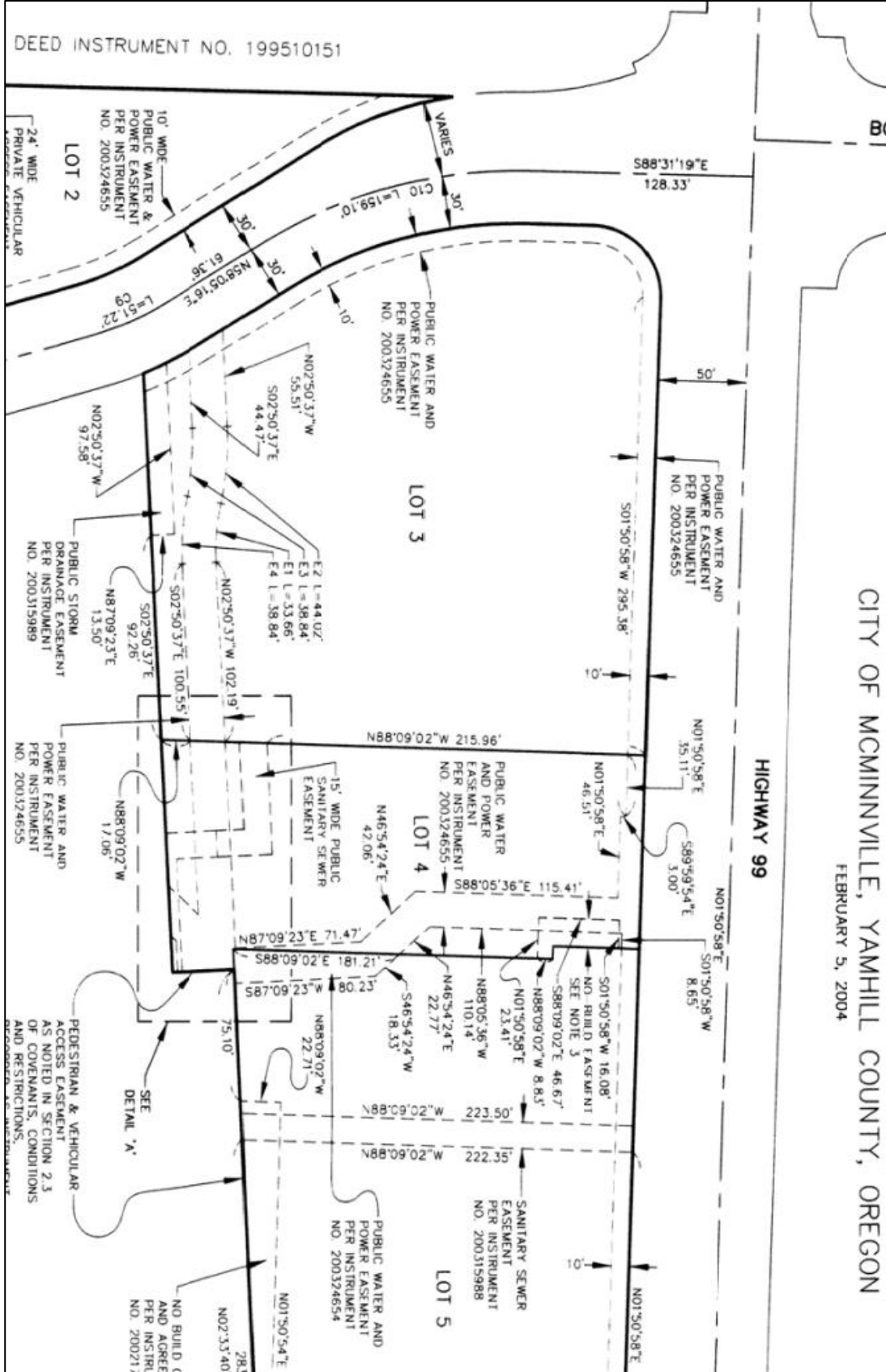
Water



Sanitary Sewer (Enlargement)



Easements



3. *P 31 (or 154 of the packet) Walkways. Where the pedestrian walkway crosses the parking lot or any vehicular way and must have a different pavement type, can we add permeable pavement or pavers to that offered list?*

STAFF RESPONSE: The required standard is, "Pedestrian walkways shall be distinguished from driving surfaces through use of durable, low maintenance surface materials such as pavers, bricks, or scored or dyed concrete...Walkways within parking lots shall be raised or enhanced with a paved surface not less than six (6) feet in width."

The standard doesn't prohibit the applicant from selecting permeable pavement or pavers as long as they would meet the requirements above to be sufficiently distinguished from the driving surface, which is asphalt.

There is only one location where the pedestrian walkway crosses the parking lot near the exit of the drive-through lane, which is approximately six feet wide by fourteen feet long.

4. *P35 Finding: Satisfied paragraph states that almost 50% of the site will be in landscaping. Looking at Figure 6, it doesn't look that significant. It is more than 7%. But please verify that math. Maybe that pavement area is distracting me from the patch of grass?*

STAFF RESPONSE: The subject parcel is 1.8 acres. The proposed partition would divide the property into 2 parcels: The northerly parcel of 0.94 acres (40,946 sf) with Burger King and the southerly parcel of 0.86 acres (37.462 sf) to remain vacant at this time.

The landscape plan indicates that lawn alone would be 14,355 sf, which would be approximately 35% of the site area of the Burger King parcel in lawn, with a small portion of that 14,355 sf extending onto the southerly parcel adjacent to the access easement. Other than that small area, the southerly parcel would remain undeveloped at this time with the existing previous groundcover.

There is also substantial additional landscape area proposed on the Burger King site with other groundcover, shrubs, and trees distributed throughout the site and parking lot, including 37 trees, 425 shrubs, and additional groundcover.

5. *I see the map with the possible future striping of a double yellow line on Booth Bend Road to persuade people not to turn left there. I suspect it will be as effective as the double yellow line on 2nd "restricting" access into the First Federal bank parking lot from eastbound traffic.*

STAFF RESPONSE: This was a map submitted by the applicant, and the proposed striping "after the fact" only if there is an issue is not what is recommended by staff in the conditions of approval. Staff has recommended a condition that the applicant provide queuing data and use of physical barriers (median or "pork cop") to restrict left-turn movements as needed to address the queuing issued).

6. *This has no bearing on the role of the Commission for this project, but I was surprised to see the traffic estimate was a max of 9 cars per peak hour. Playing a bit, assuming 4 peak hours and then 8 on next adjacent hours and 7 the rest of the working day, assuming 2 orders per car amounting to \$20, the gross income would be under a million annually. I'm probably way off because there are so many estimates, but that's a hard way to make money. Carl Jrs is essentially across the street, and there is a Subway in that area, I think. No other chain fast foods nearby, but may people prefer the predictability of a chain restaurant.*

STAFF RESPONSE: The traffic estimate isn't 9 total trips during the peak hour. The applicant has provided information regarding net new trips that would be generated after accounting for the share of pass-by trips. The applicant's analysis indicates that most trips would be those already driving by the site and stopping at the restaurant during an existing trip rather than additional new trips where new traffic would be generated by vehicles specifically making a special trip to go to the site that wouldn't already be passing by.

Pass-by traffic may include different vehicular turning movements to and from a site and through adjacent intersections, but it doesn't create new trips on the roadways.



DAVID EVANS
AND ASSOCIATES INC.

MEMORANDUM

DATE: July 14, 2022
TO: Tom Schauer, AICP, City of McMinnville
FROM: Andrew Mortensen and Brad Choi, PE – David Evans and Associates, Inc.
SUBJECT: McMinnville Burger King – Transportation Letter review comments

David Evans and Associates, Inc. (DEA) staff has reviewed the McMinnville Burger King Transportation Letter prepared by DKS Associates dated December 27, 2021. We offer the following comments:

- For the purpose of documenting driveway volumes and potential queueing issues, we recommend the applicant include the full trip generation calculation including the gross AM and PM peak hour trips, in addition to the pass-by-adjusted and trip length-adjusted net new PM peak hour trips on page 5 of the Transportation Letter.
- For a proper understanding of future queueing impact, a queueing analysis including the intersection of Hwy 99W/Booth Bend Rd is recommended
- Without a queueing analysis, to be conservative for safety and operational purposes, we recommend restricting the easterly site access at Booth Bend Road to right-in, right-out only with one of the following two possible treatments options. The determination of the final treatment shall be made by the City.
 - Solid double yellow centerline marking on Booth Bend Rd, and a non-traversable right-in right-out channelizing island (“porkchop”) at the site driveway
 - A non-traversable median (raised curb) on Booth Bend Road extending from 99W intersection to past site driveway; “right-turn only” signage and pavement marking is recommended at the site driveway.
- Sight distance analysis for the proposed site driveway prepared by a registered professional engineer shall be submitted to the City, as stated on page 2 of the Transportation Letter submitted by the applicant.

Thank you for the opportunity to review and provide comments on this project.

ORDINANCE NO. 5122

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4688 APPROVING AN APPLICATION FOR A PLANNED DEVELOPMENT AMENDMENT, AND APPROVING APPLICATIONS FOR A LARGE FORMAT COMMERCIAL REVIEW WITH WAIVERS, A LANDSCAPE PLAN REVIEW, AND A PARTITION, FOR PROPERTY OF APPROXIMATELY 1.8 ACRES LOCATED AT THE SOUTHWEST CORNER OF BOOTH BEND ROAD AND HIGHWAY 99 (TAX LOT R4429CA 00300).

RECITALS:

WHEREAS, the Planning Department received applications PDA 3-22, LFW 1-22, L 6-22, AND MP 1-22 from applicant InSite Real Estate Investment Properties LLC c/o Andrew Johnson on behalf of property owner Richard D. Rice requesting approval of applications for a Planned Development Amendment, Large Format Commercial Review with Waivers, Landscape Plan Review, and Partition; and

WHEREAS, the subject property is approximately 1.8 acres, located at the southwest corner of Booth Bend Rad and Highway 99 (Tax Lot R4429CA 00300); and

WHEREAS, a duly noticed public hearing before the McMinnville Planning Commission was held on July 21, 2022 after due notice had been provided in the local newspaper on July 15, 2022 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received.

WHEREAS, the Planning Commission, being fully informed about said request, found that, with conditions, the requested applications conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, the Planning Commission, by a vote of 6-0, recommended approval of said applications with conditions; and

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

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A, approving PDA 3-22, LFW 1-22, L 6-22, and MP 1-22; and

2. That Ordinance No. 4866 is hereby amended to revise the approved development plan for the Planned Development consistent with the revised development plan submitted by the applicant for application PDA 3-22 and reflected in the decision document attached as Exhibit A, subject to revisions necessary to comply with the conditions of approval in the decision document.

3. A revised development plan reflecting the revisions necessary to comply with the conditions of approval for PDA 3-22 shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

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

Passed by the McMinnville City Council this 23rd day of August 2022, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form: _____

Attest: _____

City Attorney

City Recorder

EXHIBITS:

- A. Decision Document for Dockets PDA 3-22, LFW 1-22, L 6-22, MP 1-22



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT, LARGE FORMAT COMMERCIAL REVIEW WITH WAIVERS, LANDSCAPE PLAN, AND PARTITION FOR PROPERTY AT THE SW CORNER OF BOOTH BEND ROAD AND HIGHWAY 99, (TAX LOT R4429CA 00300)

DOCKET: PDA 3-22, LFW 1-22, L 6-22, MP 1-22

REQUEST: Applications for a Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22).

The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

PDA 3-22. The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan which was approved as part of the Planned Development, which requires approval of a Planned Development Amendment. Most of the other properties within the overlay have since been developed.

LFW 1-22. The property has certain shared site features, including access, with a large format commercial building (Lowe’s), which therefore also requires review and compliance with the large format commercial standards for this proposal. The applicant’s proposal includes a request for waivers to certain standards.

L 6-22. The proposal includes a landscape plan, which is required for commercial development.

MP 1-22. The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

LOCATION: Address: SW Corner of Booth Bend Road and Highway 99
Map & Tax Lot: r4429CA 00300

ZONING: C-3 PD

APPLICANT: InSite Real Estate Investment Properties LLC, c/o Andrew Johnson
(Property Owner Richard D. Rice)

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: June 29, 2022

HEARINGS

BODY & ACTION: The McMinnville Planning Commission makes a recommendation to City Council, and the City Council makes the final decision. However, if the decision of the Planning Commission is denial, then that becomes the final decision, unless the Planning Commission's decision is appealed to City Council.

PLANNING COMMISSION

HEARING DATE

& LOCATION: July 21, 2022 at 6:30 P.M. nThis will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

Meeting Location:

McMinnville Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128

Zoom Online Meeting:

<https://mcminnvilleoregon.zoom.us/j/86430461362?pwd=c0tJZzN6eFBXTkpFN Gh5a2p6ck5UZz09>

Meeting ID: 864 3046 1362, **Passcode:** 904774

The public may also join the Zoom meeting by phone by using the phone number and meeting ID: **Phone:** +1 253 215 8782, **Meeting ID:** 864 3046 1362

DECISION-MAKING

BODY: The McMinnville City Council makes the final decision, unless the Planning Commission recommendation/decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

DECISION DATE

& LOCATION: August 23, 2022, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE:

For a consolidated application, the application is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. The Planning Commission makes a recommendation to City Council and the City Council makes the final decision. However, if the recommendation/decision of the Planning Commission is denial, that is the final decision unless appealed to City Council.

CRITERIA:

The applicable criteria are provided in the following sections of the Zoning Ordinance:

- Planned Development Amendment: Section 17.74.070
- Large Format Commercial Review and Waivers: Sections 17.56.050, 17.56.040(D)

- Landscape Plan: Section 17.57.070
- Partition: Sections 17.53.060, 17.53.100-153

Applicable Goals and Policies of the Comprehensive Plan are also criteria for land use decisions.

APPEAL: If the Planning Commission’s decision is denial, then the Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed as specified in Section 17.72.180 of the Zoning Ordinance, Otherwise, the Planning Commission makes a recommendation to City Council, and the City Council’s decision is appealable to LUBA as specified in Section 17.72.190. The City’s final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

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

DECISION

Based on the findings and conclusionary findings, the McMinnville City Council finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan (L6-22), and Partition (MP 1-22), **subject to the conditions of approval provided in Section II of this document.**

- //
- **PDA 3-22 DECISION: APPROVAL WITH CONDITIONS**
 - **LFW 1-22 DECISION: APPROVAL WITH CONDITIONS**
 - **L 6-22 DECISION: APPROVAL WITH CONDITIONS**
 - **MP 1-22 DECISION: APPROVAL WITH CONDITIONS**
- //

City Council: _____
Remy Drabkin, Interim Mayor of McMinnville

Date: _____

Planning Commission: _____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property is located at the southwest corner of Booth Bend Road and Highway 99. **See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map.**

Four applications were submitted as part of this proposal, which are reviewed through a consolidated review process. The applications are: Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22).

The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

The property is zoned C-3 PD, subject to the approved master plan for the Planned Development (PD) overlay approved as part of Zone Change ZC 15-98, Ordinance 4688, adopted January 26, 1999. **See Attachment 2.** The approved PD Master Plan is shown in **Figure 3.** Most of the property has since been divided and built-out, including Lowe's, Roby's Furniture, Hometown Dental, and the restaurant buildings on the north side of Booth Bend Road: Carl's Junior and Subway/Former Taco Del Mar). That development has occurred substantially as shown on the master plan with some differences in access locations and pad configurations.

The remaining area within the PD overlay that isn't built-out includes the subject property and the easterly portion of the Hometown Dental property south of this property. Frontage improvements have been constructed along the frontage of the subject property, including curb-tight sidewalk along Booth Bend Road and along the shared driveway. Sidewalks with a planter strip have been installed along Highway 99, but street trees haven't been planted.

Planned Development Amendment (PDA 3-22)

The applicant's requested amendments to the Planned Development are to the approved master plan, and no changes are proposed to the development provisions/conditions specified in ordinance 4688. The proposed amendments are to facilitate the applicant's site plan shown in **Figure 4.** *Note: The proposed site plan reflects some revisions to the preliminary site plan initially submitted by the applicant for a preapplication application, and a revision submitted following the application completeness review.* The preliminary plan submitted for preapplication didn't include the easterly driveway access to Booth Bend Road. The applicant revised the site plan upon resubmittal of application materials, and made revisions to sidewalk width and some other items such as easements following the initial completeness review.

The proposed changes to the Planned Development master plan are summarized as follows:

The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental).

This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parcel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

With the current site plan, the applicant would retain the easterly driveway approach to Booth Bend Road at the approximate location shown in the original master plan, but the building pad location and configuration for the Burger King would no longer allow for a north-south access from that driveway to the parcels to the south. The Burger King property would also continue to have shared access via the westerly private driveway which is shared with Lowe's and Roby's furniture. With the current site plan, the access of the shared driveway for the Burger King Parcel 1 and proposed Parcel 2 has been moved further south onto Parcel 2 rather than was shown on the original site plan, which helps avoid some traffic conflicts near the shared driveway intersection on Booth Bend Road and the northerly Lowe's access to that shared driveway.

Comments and conditions have been provided regarding the proposed easterly access. That access is proposed as a full left-in/left-out, right-in/right-out access. Due to the proximity to the signalized intersection and its location within an "IAMP" Interchange Area Management Plan, the applicant needs to provide queuing analysis, and the easterly driveway may be restricted to right-in/right-out access only.

The Planned Development Amendment would also authorize a total of five parcels south of Booth Bend Road to have access via an existing private shared access easement. All five parcels have public street frontage: Two parcels also have, or would have, direct access to Booth Bend Road: Lowe's has direct access to Booth Bend Road and access via this shared driveway, and proposal for Burger King would have direct access to Booth Bend Road and access via this shared driveway. Roby's Furniture and Hometown Dental rely on the shared driveway for access, and Parcel 2 of the proposed partition would also rely on the shared driveway for access. Hometown Dental was previously divided onto an additional separate parcel from what was shown on the PD master plan.

Large Format Commercial Review with Waivers (LFW 1-22)

Chapter 17.56 of the Zoning Ordinance has design and development standards that apply to large format commercial structures over 25,000 square feet, additions that result in a combined building footprint exceeding 25,000 square feet, and buildings less than 25,000 square feet that share facilities such as driveways, parking, and pedestrian walkways with developments which are subject to the Chapter.

The proposed development is a fast-food restaurant of just under 2,000 square feet. It is subject to these standards since the site shares facilities with Lowe's and Roby's, each over 25,000 square feet.

The original Planned Development Ordinance 4688 contained conditions related to architectural design, but the Large Format commercial standards were subsequently adopted as Chapter 17.56 of the Zoning Ordinance in 2008. These standards provide that "where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence."

The application addresses the standards of this Chapter. The applicant initially requested a waiver to a standard for the minimum required width of the pedestrian connection. However, upon resubmittal following the completeness review letter, the applicant revised the proposal to meet the standards for the pedestrian connector. However, at that time, the applicant also requested waivers associated with architectural features.

The application doesn't explicitly state the waiver request, but a May 13, 2022 e-mail from the applicant describes the requested waivers consistent with the proposed architectural design submitted by the applicant.

- **Roof Features.** The standards call for cornices on parapets and overhanging cornices. In place of a cornice, the BK prototype building provides metal coping and an LED light band along the top of the building.
- **Exterior Building Materials.** The standards call for 75% of the building to be brick, stone, rock, CMU, or other material approved by the Planning Director. The BK prototype building provides brick wainscotting, brick features, and vintage wood cedar Nichiha. The remainder of the building is EIFS

In the completeness review letter, staff notified that applicant that the initial application didn't address the criteria for a waiver in Section 17.56.040(D) of the Zoning Ordinance, and staff requested that the applicant address those criteria. The applicant's June 6, 2022 additional submittal/resubmittal doesn't address those criteria. As addressed in the findings, staff finds that the applicant hasn't met the burden of proof regarding the requested waivers. The first criterion for a waiver is:

“There is demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use of the site.”

There is no indication that there is any demonstrable difficulty in completing with the standards that address exterior materials and/or roof features. Staff does not recommend approval of the waivers. The applicant has not met the burden of proof to demonstrate that the applicable criteria for a waiver are satisfied, and there is no indication that the criteria would be satisfied. Staff has recommended a condition requiring that the applicant submit revised building elevations for review by the Planning Director that comply with the required standards for roof features and exterior building materials. Staff has reviewed the proposal and found there are additional revisions needed to meet the Large Format Commercial standards which are addressed as conditions of approval and discussed in the findings.

The Planning Commission recommended an additional condition of approval regarding screening of mechanical equipment, which is incorporated in the conditions of approval.

Landscape Plan (L 6-22)

A landscape plan is required for commercial site development. The standards and criteria are provided in Chapter 17.57 of the Zoning Ordinance. In addition, the Large Format Commercial standards in Chapter 17.56 of the Zoning Ordinance include some more stringent standards for parking lot landscaping. Also, Chapter 17.61 includes standards for landscape screening of trash enclosures.

The landscape plan is generally in compliance with the applicable standards and criteria. Staff has recommended conditions of approval, including a condition to make a minor adjustment to the location of the trash enclosure to allow for the required landscape screening on three sides to achieve consistency with the applicable standards in Chapter 17.61.

Planned Development Ordinance 4688 also includes the following provisions:

That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

Sidewalks have already been installed along the frontage of the properties within the Planned Development overlay area, including the subject property. Curb-tight sidewalks are present along the frontage of Booth Bend Road and the private shared driveway, and a sidewalk with planter strip is present along the Highway 99 frontage.

The proposed landscape plan does provide a substantial amount of landscape area adjacent to Highway 99 and at the corner of Highway 99 and Booth Bend Road. Much of the easterly landscape area is lawn; however, shrubs are incorporated around the perimeter of the parking and drive-through area. The landscaping coverage of this lot is approximately 50%, exceeding the 7% commercial standard, the 10% large format commercial standard, and the 15% provision above which applies to the entirety of the PD overlay area.

Partition (MP 1-22)

The proposed partition would create one additional parcel. It wouldn't create new streets, and would generally retain the existing shared access configuration, with an additional access easement for Parcels 1 and 2 to access the existing private driveway on the west side of southerly Parcel 2, providing addition separation from Booth Bend Road. The primary issue with the partition is provision if utilities through easements to be extended and shared by the proposed parcels.

Other

Sign Permits. A sign permit application would be required prior to installation of any signage. The property will continue to be considered a "multi-tenant complex" for purposes of applying the sign regulations.

Figure 1. Vicinity Map



Figure 2. Zoning Map

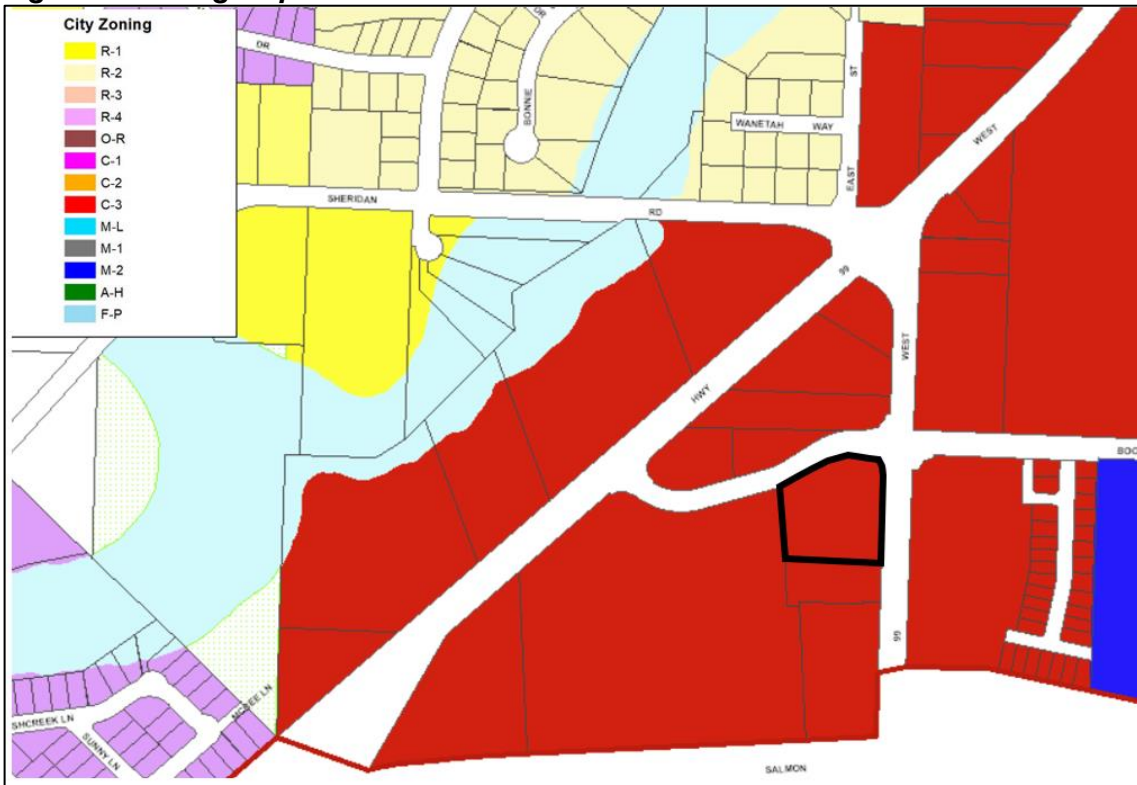


Figure 3. Approved PD Master Plan, Ordinance 4688

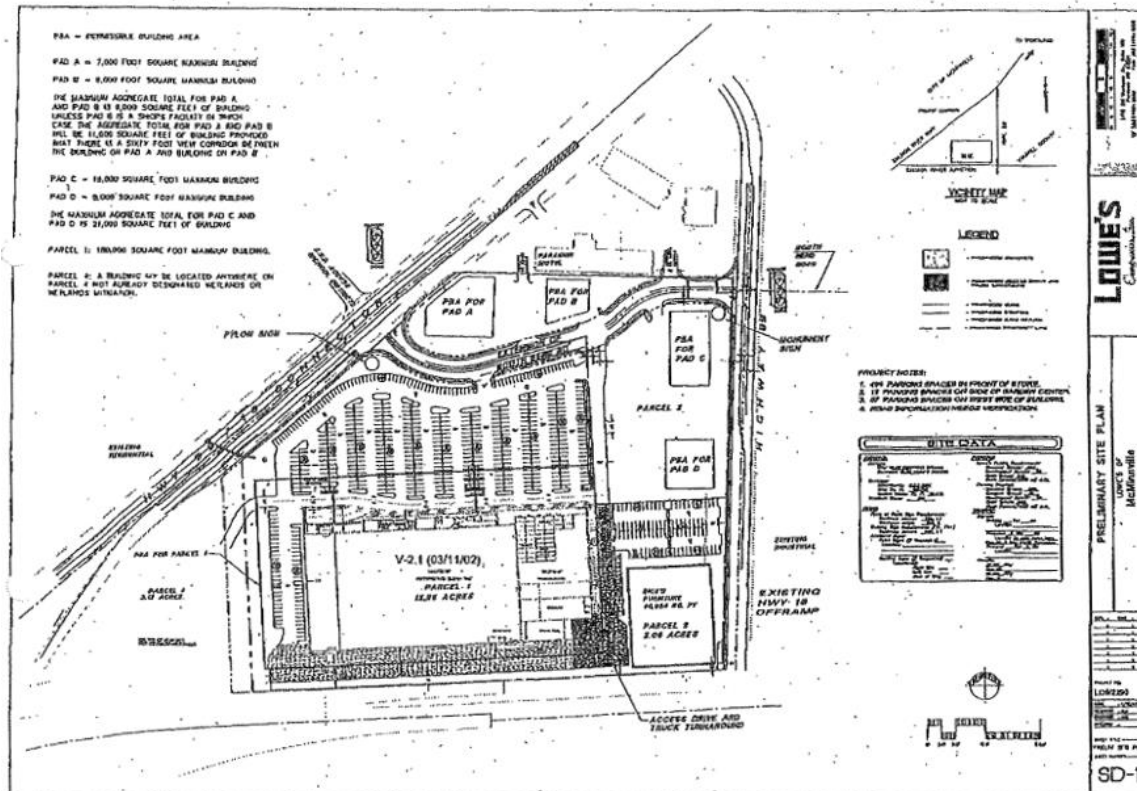


Figure 4. Existing Conditions and Applicant's Proposed Site Plan/Amendment to Master Plan

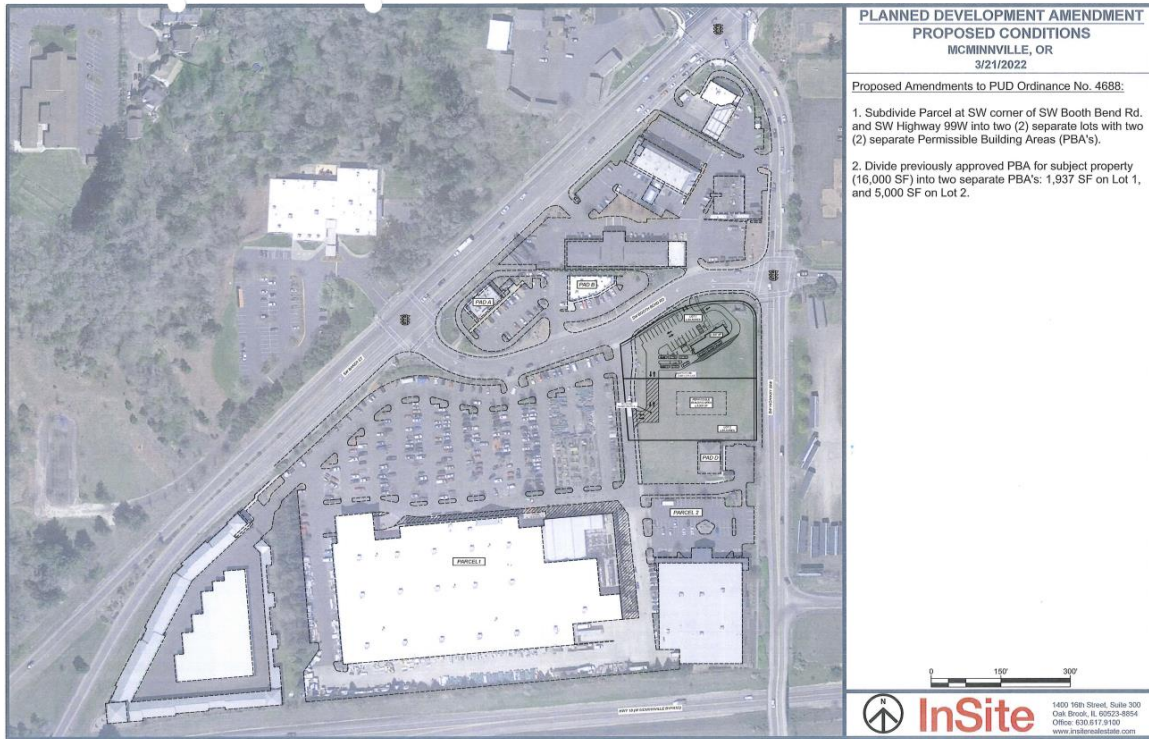


Figure 5. Enlargement of Subject Property and Applicant's Proposed Site Plan

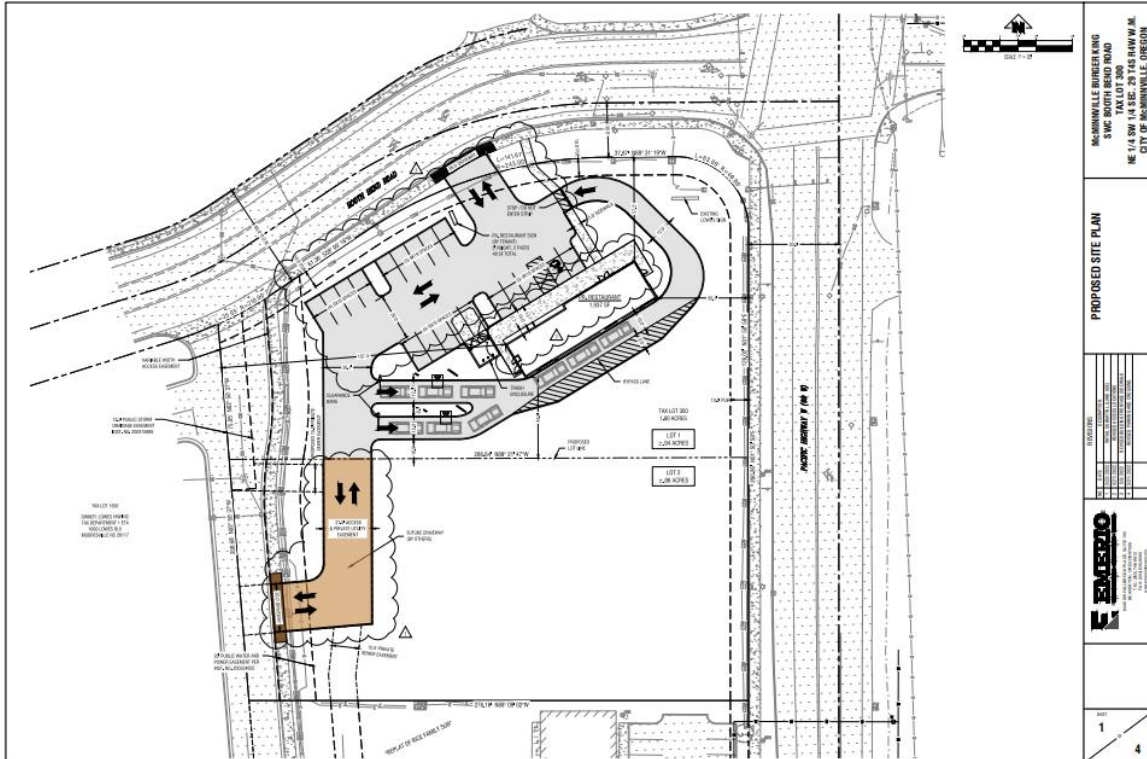


Figure 6. Proposed Landscape Plan

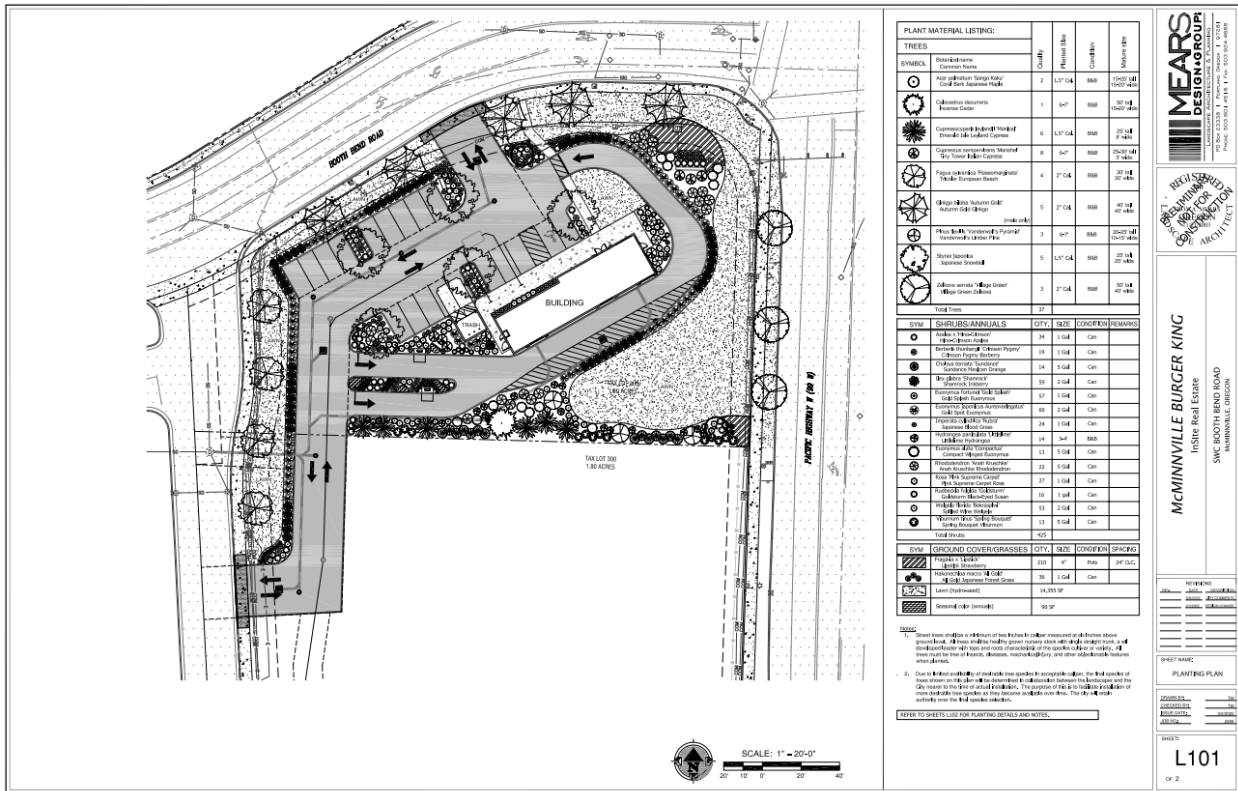


Figure 7. Proposed Elevations

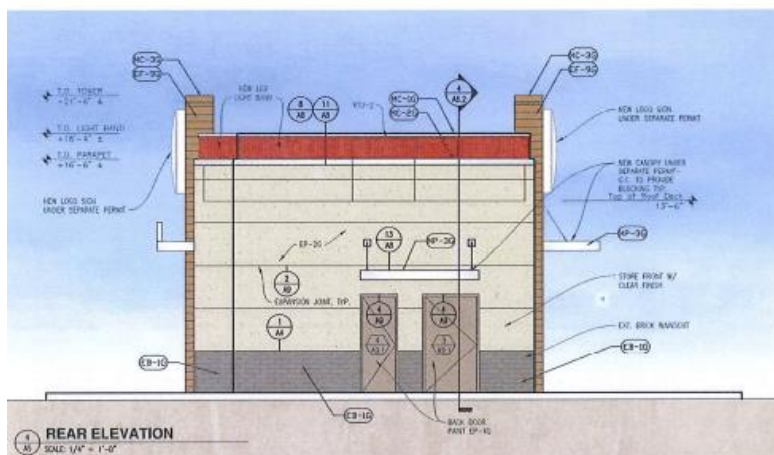
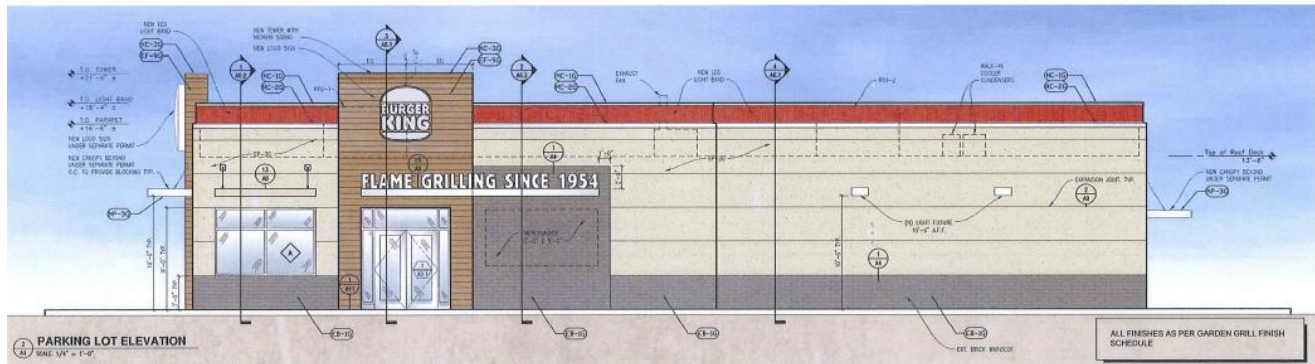
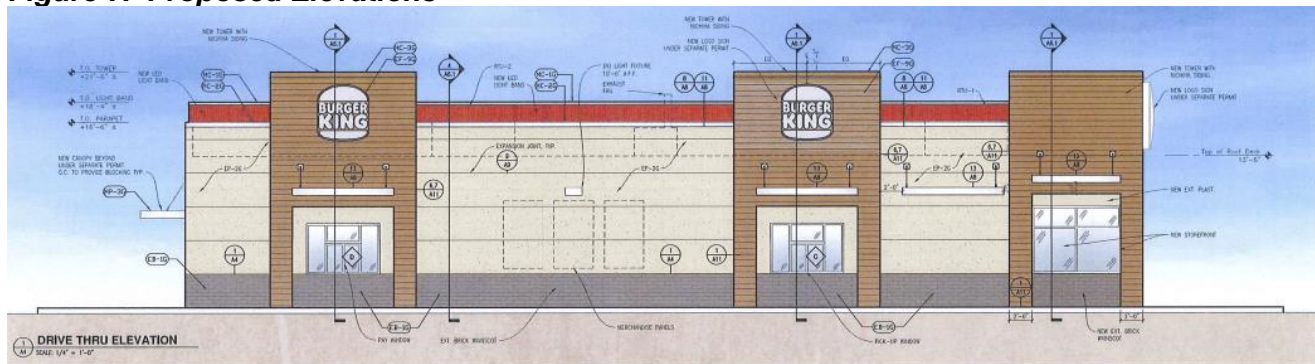
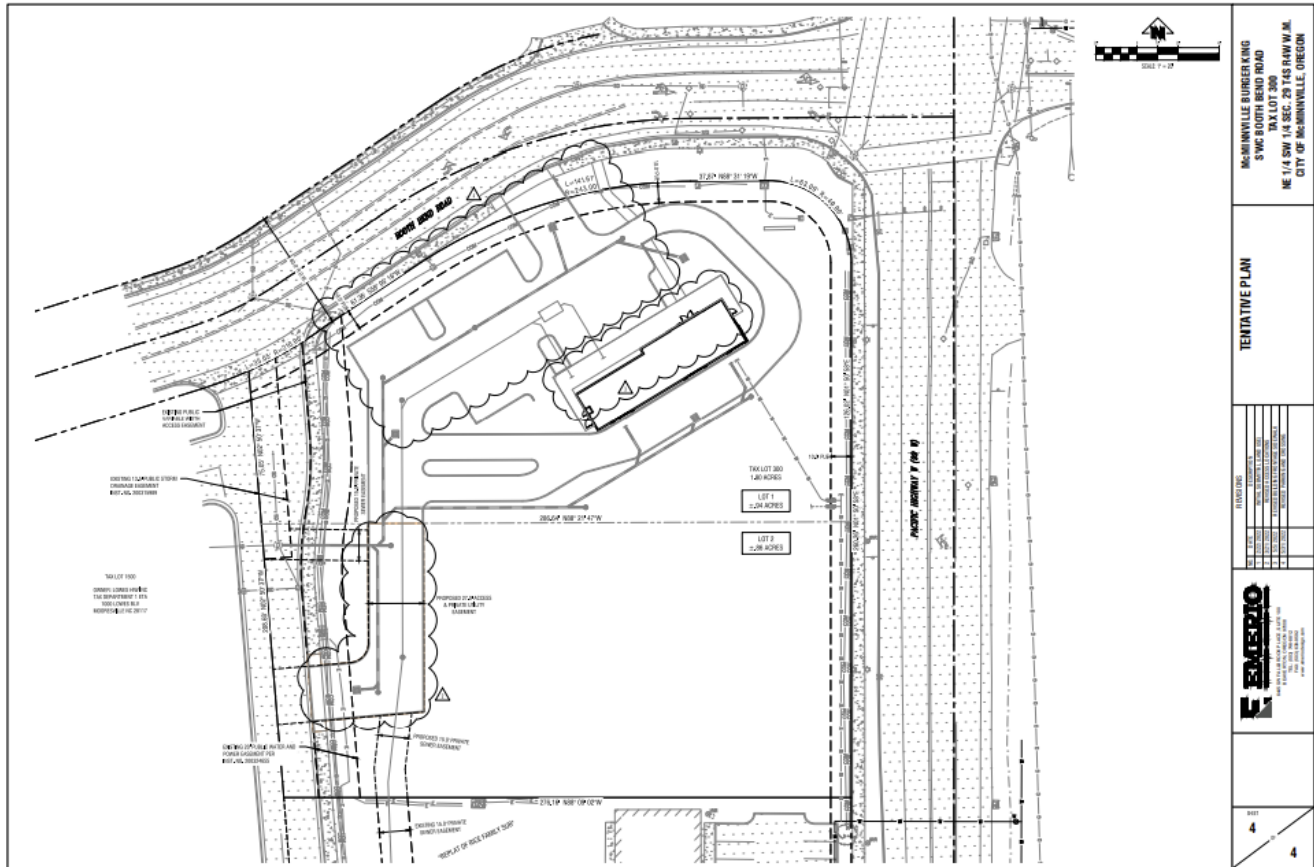


Figure 8. Proposed Tentative Partition Plan



Public Comments

No written public comments were received.

Agency Comments

Notice of the proposal was sent to affected agencies and departments. Comments received from agencies are provided in Section IV of this Decision Document.

II. CONDITIONS:

The applications are **approved subject to the following conditions:**

Conditions Common to All Applications (PDA 3-22, LFW 1-22, 6-22, MP 1-22)

The following conditions are common to the approval of the plans for the combined applications: the amendment to the approved PD Master Plan, the Large Format Commercial Site Plan and Associated Landscape Plan, and the proposed access configuration and easements for the Partition:

1. The applicant shall provide additional information to address queuing issues, related to the proposed driveway location and requirements of the 2002 Interchange Area Management Plan.

The driveways shall be located to minimize turning-movement conflicts and be designed to accommodate truck turning movements.” The applicant must provide evidence that these

requirements have been met. The memo provided by DKS Associates and dated December 27, 2021 does not address off-site vehicle queues or truck turning movements.

- a. For the purpose of documenting driveway volumes and potential queueing issues, the applicant shall include the full trip generation calculation including the gross AM and PM peak hour trips (as opposed to only the pass-by-adjusted and trip length-adjusted net PM peak hour trips on page 5 of the memo packet)
 - b. For a proper understanding of future queueing impact, a queueing analysis including the intersection of Hwy 99W/Booth Bend Rd is necessary
 - c. Without a queueing analysis, to be conservative for safety and operational purpose, the easterly site access at Booth Bend Road shall be limited to right-in, right-out only with one of the following two treatments options, with the determination of the option to be made by the City:
 - i. Solid double yellow centerline marking on Booth Bend Rd, and a non-traversable right-in right-out channelizing island (porkchop) at the site driveway
 - ii. Non-traversable median (raised curb) on Booth Bend Road extending from 99W intersection to past site driveway, "left-turn prohibited" signage at site driveway.
2. For the final revised plans required for the applications, sight distance at any new or modified access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
 3. The approval of the Large Format Commercial Review, Landscape Plan, and Partition are valid for 12 months.

General Conditions

1. No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. For purposes of applying the sign regulations, properties including any newly partitioned properties within the PD overlay which meet the definition of "multi-tenant complex" shall continue to be considered part of the "multi-tenant complex."
2. Prior to construction, developer to submit a Commercial Design Application to MWL with water and electric requirements.
3. A Line Extension Agreement may be required with McMinnville Water and Light for extension of electric facilities to the site.

PDA 3-22 Conditions of Approval and Amendments

1. **Master Plan.** The Planned Development Amendment authorizes the amendment to the approved master plan (Ordinance 4688) for the subject property consistent with the proposed site plan, upon approval of revisions by the City as addressed in the conditions of approval herein.
2. **Standards.** The Planned Development Amendment authorizes the number of parcels to be served by the existing shared private driveway as proposed through the partition, subject to final approval of the master plan, utilities, and associated easements.

LFW 1-22 Conditions of Approval

1. Approval of the site plan for LFW 1-22 is contingent on approval of the Planned Development Amendment PDA 3-22, and subject to compliance with the conditions and approval of the revisions herein.

2. The applicant shall submit a revised site plan for review and approval by the Planning Director, addressing issues and incorporating the changes and conditions required in this decision document.
 - a. Consistent with Chapter 17.61, and 17.56.050(A)(3), the applicant shall provide a revised site adjusting the location of the trash enclosure further west to allow required landscape screening on the east side. The enclosure shall meet the applicable material and color requirements, and the site plan shall be revised to demonstrate “no parking” in front of the trash enclosure and associated “no parking” signage.
 - b. The applicant shall demonstrate the pedestrian access from Booth bend Road to the building entrance is 6-feet wide, provides a continuous accessible path, and provides a concrete surface or similar material where it crosses the drive-through exit lane.
 - c. The applicant shall provide two bicycle parking spaces (based on 10% of vehicular parking spaces provided).
3. The applicant shall submit revised building elevations for review and approval by the Planning Director, addressing issues and incorporating the changes and conditions required in this decision document, as follows:
 - a. Elevations demonstrating compliance with the Roof Feature standards in 17.56.050(B) and Exterior Building Material standards in 17.56.050(A)(6) of the Large Format Commercial design standards. The requested waivers to these standards are not approved.
 - b. Elevations demonstrating compliance with the Design Features of Subsection 17.56.050(A)(2). The elevations shall provide at least two of the design features along the majority of the main façade.
 - c. As part of the revised and updated elevations, the new exterior materials shall address the repeating elements of Subsection 17.56.050(A)(5) as discussed in the findings.
 - d. Plans and elevations shall demonstrate screening of mechanical equipment.
4. The applicant shall submit a lighting plan that demonstrates compliance with this requirement. Freestanding lighting shall have cut-off shielding to prevent glare off-site except on adjacent pedestrian facilities. Illumination levels shall meet but not exceed required level of illumination. Wall-mounted lighting shall not shine out onto the parking lot without use of cut-off shielding that prevents glare onto the adjacent roadways.
5. The site plan shall be consistent with, and incorporate all requirements for access, utilities, and easements included in the conditions for the Partition MA 1-22.
6. This approval is valid for 12 months.

L 6-22 Conditions of Approval

1. Approval of the landscape plan, as configured, is contingent on approval of the proposed master plan amendment for Planned Development Amendment PDA 3-22 and the associated site plan for LFW 1-22, as revised and approved.
2. The applicant shall submit a revised landscape plan consistent with the revised site plan for review and approval, incorporating any required revisions of the site plan. Required revisions include:
 - a. The trash enclosure shall be moved far enough to the west to allow sufficient area on the east side for the required landscape screening of the third side of the trash enclosure.

- b. Landscaping shall be provided around three (3) sides of the required trash and recycling enclosure. Climbing vines and screening shrubs are appropriate, and plant material must be a minimum of three (3) feet in height at the time of planting.
 - c. Utility service to the parcel has not been designed. Final location of transformers and vaults may require modifications to the landscape plan.
 3. The applicant shall install landscaping as shown on the revised, approved landscape plan and shall comply with required conditions of approval.
 4. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
 5. The applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
 6. The planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, street trees shall be staked and provided with two (2) deep watering tubes to promote deep root growth per the specification.
 7. The applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley;
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
 8. All street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. 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.
 9. The applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
 10. All approved landscaping and street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
 11. As provided in Section 17.57.070(C), 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.

12. This approval is valid for 12 months.

MP 1-22 Conditions of Approval

1. Approval of the Partition is contingent on approval of the Planned Development Amendment PDA 3-22, and consistent with any required revisions to address conditions of approval.
2. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Currently proposed lot 2, 0.86 acres does not have access to public sanitary or storm sewer.
3. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone.
4. The applicant shall apply for a right-of-way permit for the storm connection into the city storm main. Contact Matt Bernards 503-434-7312 matthew.bernards@mcminnvilleoregon.gov.
5. For any work within the ODOT right-of-way, the applicant shall obtain any necessary permits from ODOT.
6. Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveways and sidewalks in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at 503-474-5106 with any questions regarding the driveway/sidewalk improvements.
7. The final partition plat shall include easements for access, sanitary sewer, and storm water facilities, and landscaping as shown on the tentative partition plat. These easements shall be noted as private.
8. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.
9. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
10. That two (2) copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
11. That this partition will not be considered a legal partition until such time that a copy of the recorded document is provided to the City of McMinnville's Planning Department.

12. That approval of this tentative plat will expire 12 (twelve) months after the effective date of decision. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.

III. ATTACHMENTS:

1. PDA 3-22 Application and Attachments (on file with the Planning Department)
2. Planned Development Ordinance 4688
3. Memo from Staff with Responses to Planning Commissioner Questions, with July 14, 2022 Memo from David Evans and Associates attached

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- **ODOT**
These comments are for the proposed Burger King at the SW corner of Booth Bend and OR-99W:
 - It doesn't appear that any work is proposed in the ODOT right-of-way. If that changes, the applicant will need a permit from ODOT.
 - The proposed driveway on Booth Bend Road is a city decision, but the city should consult the [OR-18/OR-99W Interchange Access Management Plan](#) that was adopted in 2002. Figure 7-4 and the text on page 68 show and describe access on Booth Bend Road. Up to three driveways are allowed on the south side of Booth Bend Road, but it specifies that "vehicle queues at the traffic signals...do not spill back beyond the driveways." Please verify compliance.
- **McMinnville Engineering Department**
Here are our comments and suggested conditions of approval regarding the above listed applications:

PDA 3-22. MP 1-22 COMMENTS:

TRANSPORTATION

1. Per the Highway 18/99W South Interchange Access Management Plan dated November 12, 2002, and prepared by Kittelson and Associates "Between the HWY 18 Connector and HWY 99W, the Booth Bend Road Extension will include up to three driveways on the north side and three driveways on the south side to serve future private development. The driveways shall be located to ensure that adequate storage is available for vehicle queues at the traffic signals and that queues do not spill back

beyond the driveways. The driveways shall be located to minimize turning-movement conflicts and be designed to accommodate truck turning movements.” The applicant must provide evidence that these requirements have been met. The memo provided by DKS Associates and dated December 27, 2021 does not address off-site vehicle queues or truck turning movements.

2. Prior to the City’s approval of the final plat, the applicant shall reconstruct the site driveway and sidewalk in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at (503) 434-7312 with any questions regarding the driveway/sidewalk improvements.

SANITARY SEWER

Suggested conditions of approval related to sanitary sewer service include:

1. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Currently proposed lot 2, 0.86 acres does not have access to public sanitary or storm sewer.

STORM DRAINAGE

Suggested conditions of approval related to storm drainage include:

1. The applicant will apply for a right-of-way permit for the storm connection into the city storm main. Contact Matt Bernards 503-434-7312, matthew.bernards@mcminnvilleoregon.gov.

MISCELLANEOUS

Additional suggested conditions of approval include:

1. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.
 2. The final partition plat shall include easements for access, sanitary sewer, and storm water facilities as shown on the tentative partition plat. These easements shall be noted as private.
 3. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
 4. That the applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone.
- McMinnville Fire Department
The Fire Department has no issues with this proposed development. Note: building must be built to meet all current Fire Codes, access and water supply.

- McMinnville Water & Light
McMinnville Water & Light has the following comments:
 1. Landscape Plan: Utility service to the parcel has not been designed. Final location of transformers and vaults may require modifications to the landscape plan.
 2. Prior to construction, developer to submit a Commercial Design Application to MWL with water and electric requirements.
 3. A Line Extension Agreement may be required for extension of electric facilities to the site.

- Recology
No concerns as proposed.

- Comcast
After review, Comcast has no comment on this project.

Public Comments

No public comments have been received as of July 14, 2022.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant mailed notice of a neighborhood meeting dated September 30, 2021 and held a neighborhood meeting on October 23, 2021.
2. The applicant submitted the applications with payment made on March 28, 2022.
3. The applications were deemed incomplete on April 25, 2022. The applicant submitted additional information on June 6, 2022. The applications were deemed complete on June 29, 2022.
4. On July 1, 2022, notice of the applications was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

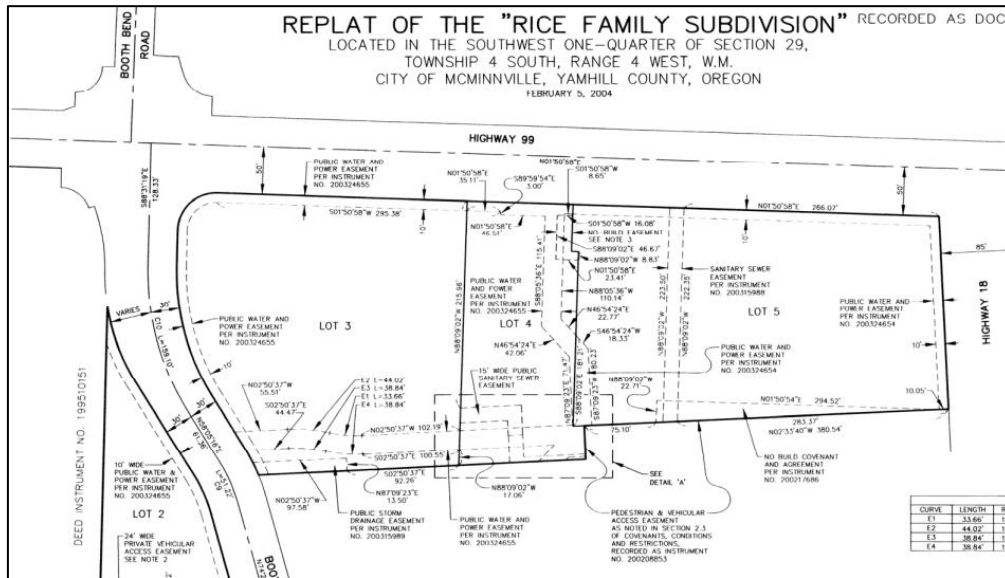
Comments received from agencies are addressed in Section IV of this Decision Document.

5. On June 30, 2022, notice of the applications and the July 21, 2022 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. On July 15, 2022, notice of the applications and the July 21, 2022 Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On July 21, 2022, the Planning Commission held a duly noticed public hearing to consider the applications. The Planning Commission recommended approval of the requests, subject to conditions of approval.

8. The City Council met on August 23, 2022 to consider the request and the recommendation of the Planning Commission.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - a. Address: SW Corner of Booth Bend Rd and Hwy 99
 - b. Map & Tax Lot: R4429CA 00300
2. **Size:** Approximately 1.8 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 PD (General Commercial with Planned Development Overlay, Ordinance 4688)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None identified
8. **Other Features:**
 - a. **Slopes:** The site is generally flat.
 - b. **Easements:** There are existing easements on the property and/or stubbed to the property, including public stormwater, sanitary sewer, and power and water easements, as well as private easements, including access and circulation easements.



9. **Utilities:** The property is served with basic municipal services, including water, sewer, power, and franchise utilities. Easements will be necessary to serve development with the proposed partition.

10. **Transportation:** The subject property has frontage on Booth Bend Road to the north and Hwy 99 to the east. The parcel has a shared private access on the west side which also serves other properties within the Planned Development Overlay area. Other properties within the Planned Development Overlay area (Ordinance 4688) also have frontage on Highway 18 to the west and south.

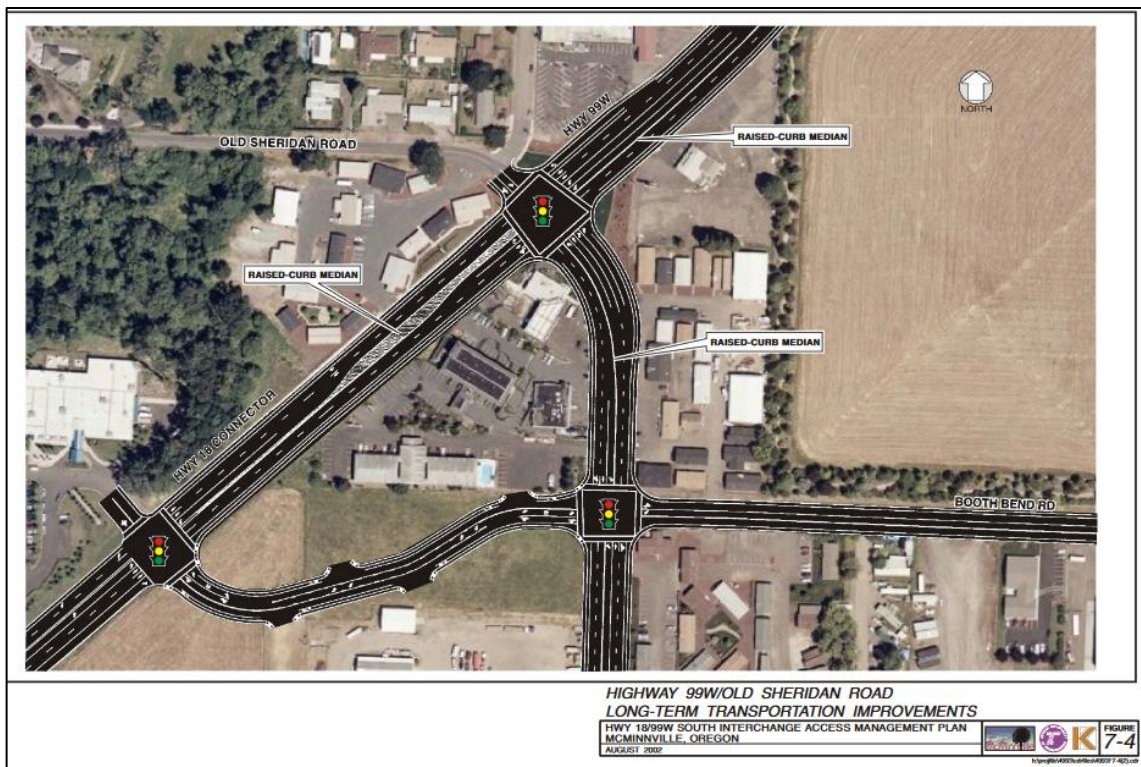
Booth Bend Road is a Local Access Street. Highway 99 and Highway 18 are Major Arterials. Highway 99 is a Regional Highway, and Highway 18 is a Regional Highway on the west side and a State Highway on the south side.

The frontage of the subject property and the other properties within the PD Overlay are improved with curb, gutter, and sidewalk. Curb-tight sidewalk is present along Booth Bend Road and along the east side of the shared private driveway. Sidewalk with a planter strip is present along the frontage of Highway 99.

This area is included within an "IAMP" (Interchange Area Management Plan) adopted in 2002. The plan restricts access to the adjacent highways and establishes limits for access onto Booth Bend Road.

The IAMP authorizes three accesses to the south side of Booth Bend Road, and the prior Planned Development showed an access point at the approximate location proposed by the applicant.

The IAMP calls for a medium- to long- term improvement to Highway 99 for widening to five lanes. This is not a City project, and the City's SDCs do not include finding of this project.



ODOT provided the following comments regarding access:

- It doesn't appear that any work is proposed in the ODOT right-of-way. If that changes, the applicant will need a permit from ODOT.
- The proposed driveway on Booth Bend Road is a city decision, but the city should consult the [OR-18/OR-99W Interchange Access Management Plan](#) that was adopted in 2002. Figure 7-4 and the text on page 68 show and describe access on Booth Bend Road. Up to three driveways are allowed on the south side of Booth Bend Road, but it specifies that "vehicle queues at the traffic signals...do not spill back beyond the driveways." Please verify compliance.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

McMinnville Zoning Ordinance

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the requests:

Planned Development Amendment PDA 3-22

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance. Development standards for the C-3 Zone are provided in Chapter 17.33 of the Zoning Ordinance.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- *An increase in the amount of land within the subject site;*
- *An increase in density including the number of housing units;*
- *A reduction in the amount of open space; or*
- *Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.*

APPLICANT'S RESPONSE: No response

FINDING: SATISFIED/APPLICABLE. The proposed amendment is a major amendment due to changes to the vehicular system which results on changes to shared driveways, parking areas, and access. Therefore, the application is processed in accordance with 17.72.120, with the Panning Commission making a recommendation to City Council.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

APPLICANT'S RESPONSE: The physical building layout and architectural design are in conformance with the conditions and objectives described in the approved PD Ordinance. The proposed Permissible Building Area (PBA) as shown on the PD Site Plan, is proposed to be divided into two (2) separate PBA's (1,937 SF and 5,500 SF), the combination of which (7,437 SF) will still be less than the previously approved PBA for a single building (16,000 SF). In addition, the existing lot (+/- 1.80 acres) is proposed to be subdivided into two (2) lots (Parcel 1 = 40,898 SF (0.94 acres); Parcel 2 = 37,659 SF (0.86 acres)), one for each PBA. The northern of the two subdivided lots will be the subject property for development of the 1,937 SF fast-food restaurant.

The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental). This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parcel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

FINDING: SATISFIED WITH CONDITIONS. The proposal is predominantly a revision to the approved Planned Development master plan, and not predominantly a departure from applicable standards. The plan would include a departure from standards for the partition for an additional parcel to use the shared driveway. This wouldn't dramatically change the existing shared access configuration from the master plan.

- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

APPLICANT'S RESPONSE: The proposed development is consistent with the Comprehensive Plan in that the area is contemplated to be developed as commercial property.

FINDING: SATISFIED WITH CONDITIONS. The proposed amendments remain consistent with the intent of the Comprehensive Plan and the original Planned Development approval, retaining a master planned commercial center that includes shared access and circulation features predominantly in the same configuration as the original master plan as it has built-out with some adjustments over the years.

The provisions for shared access remain suitable to allow for reasonable access and circulation to the remaining undeveloped areas of the original PD on the subject parcel and to the south. The coordinated access and circulation are also suitable for the additional number of parcels utilizing shared access facilities that would result from the partition. The shared private access as previously approved and constructed remains suitable for this property given the access control limitations and associated lack of further opportunity for public street connectivity.

As conditions of approval, the applicant shall submit information for review and approval regarding queuing, which may require the easternmost driveway to be limited to right-in right-out only, and the applicant shall provide information from a registered engineer addressing sight distance.

- C. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

APPLICANT'S RESPONSE: The proposed driveway access shown on the Site Plan is matching the previously approved PD Site Plan.

FINDING: SATISFIED WITH CONDITIONS.

Access

The applicant's preliminary proposal which was discussed at a pre-application didn't include the easternmost driveway and included an access point to the shared driveway further to the north almost across from the Lowe's parking lot drive aisle near the intersection of Booth Bend Road.

The applicant's final application submittal has a new easterly driveway at the approximate location of the driveway shown in the approved PD master plan. It also includes a shared access point with the proposed Parcels 1 and 2 to the shared driveway which is farther south than the preliminary proposal, reducing conflicts near the intersection of the private shared driveway and Booth Bend Road.

As a condition of approval, the applicant will need to address queuing and may be required to restrict left-turn movements from Booth Bend Road into the easterly driveway, so the easterly driveway will be right-in/right-out only. The applicant hasn't provided queuing analysis and hasn't demonstrated adequate distance for deceleration and queuing as it relates to the east-bound left-turn lane from Booth Bend Road onto Highway 99 at the signalized intersection of Booth Bend Rd and Highway 99.

As a condition of approval, the applicant shall also provide information from a registered engineer addressing sight distance for review and approval.

Services

Comments have been provided from the Engineering Department and McMinnville Water and Light regarding provision of utility services. Those have been incorporated as conditions of approval. This criterion is met as it relates to provision of services subject to conditions of approval. The plans require provision of some services via easements from adjoining parcels within the Planned Development overlay area.

- D. *The plan can be completed within a reasonable period of time;*

APPLICANT'S RESPONSE: The intent is to start construction as soon as possible with an estimated 6-month construction schedule, not including weather delays.

FINDING: SATISFIED. The applicant has demonstrated they would be able to proceed with construction this year. There is no current proposal to develop proposed Parcel 2.

- E. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

APPLICANT'S RESPONSE: Please refer to the Trip Generation Memo prepared by DKS Associates.

FINDING: SATISFIED WITH CONDITIONS. The applicant has provided information from a traffic engineering addressing traffic generation, which is predominantly pass-by trips during the pm peak hour period.

Specific issues identified by staff to be addressed through conditions of approval are related to the specific access configuration proposed by the applicant relative to the traffic generation. As a condition of approval, the applicant will need provide information regarding queuing and may be required to limit access to the easterly driveway to right-in right-out to avoid conflicts with the left-turn lane at the signalized intersection and to address queuing beyond the driveway.

The applicant has also proposed an access easement across proposed Parcel 2 to provide access from proposed Parcel 1 to the shared private driveway to south of the proposed property line. This proposed access configuration and necessary easements are part of the proposal and conditions.

- F. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

APPLICANT'S RESPONSE: Per conversations with the City during the Pre-Application Meeting, and then further verified by a licensed land surveyor, there are adequate utilities available at or near the property boundary.

FINDING: SATISFIED WITH CONDITIONS. No residential development or population density is served. Subject to conditions of approval regarding provision of utilities and easements, utility and drainage facilities will be adequate to serve the proposed commercial development.

- G. *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

APPLICANT'S RESPONSE: The noise, air, and water pollutants are partially governed by local standard which the proposed development will comply with. Any pollutants will be minimized to the fullest extent practicable. Any potential impact will be consistent with other typical commercial development, which will not result in any adverse impacts to surrounding areas or the larger community.

FINDING: SATISFIED. The proposed Planned Development Amendment doesn't result in changes that would be significantly different regarding these issues when compared the current Planned Development approval.

Large Format Commercial Review with Waivers (LFW 1-22)

17.56.030. Applicability.

- A. *The requirements of this Chapter shall apply to:*
1. *New commercial structures, the footprint of which exceeds 25,000 square feet of gross floor area;*
 2. *Additions to commercial structures that result in a combined total footprint exceeding 25,000 square feet of gross floor area, and that represent more than a 20 percent increase in building gross floor area. In those cases, the building's entire façade shall be brought into compliance with the standards of this chapter to the extent practicable.*

3. *Buildings less than 25,000 square feet in size that share appurtenant facilities, such as driveways, parking and pedestrian walkways, with developments otherwise subject to the requirements of this chapter. Examples include restaurants, banks, gas stations and convenience stores constructed on building pads or separate lots located within a larger development site that is otherwise subject to the requirements of this chapter.*
- B. *Where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence.*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED/APPLICABLE. The large format commercial standards apply to the subject development under Subsection (A)(3) since the proposed Burger King of ~2,000 square feet shares appurtenant facilities with Lowe's and Roby's Furniture, both larger than 25,000 square feet. Per Subsection (B), the Large Format Commercial Standards, adopted after the original Planned Development approval, take precedence.

17.56.040(D)

A guideline or standard contained in this ordinance may be waived as a part of the design review process. If a waiver is requested, the applicant must explain in their application how the proposed design meets or exceeds the guidelines and standards of this chapter. A request for a waiver shall be reviewed by the Planning Director and notification shall be provided as set forth in Section 17.72.110. The Director shall base a decision to approve, approve with conditions, or deny a waiver request based on the following criteria:

1. *There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site;*
2. *There is demonstrable evidence that the alternative design shall accomplish the purpose of this chapter in a manner that is equal to or superior to a project designed consistent with the guidelines standards contained herein; and,*
3. *The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.*
4. *Notification of the Director's decision shall be provided as set forth in Section 17.72.150. A copy of the Director's letter shall be provided to the Building Official.*
5. *An appeal of a decision by the Planning Director may be made subject to the provisions of Section 17.72.170. (Ord. 4920, §4, 2010)*

APPLICANT'S RESPONSE: No response. *[Note: The applicant referenced the requested waivers under the responses regarding the applicable standards, but did not address the waiver criteria].*

FINDING: NOT SATISFIED. In the April 25, 2022 Completeness Review Letter, staff provided the following comment:

LFW 1-22.

The criteria for a waiver are provided in Section 17.56.040(D) of the Zoning Ordinance. The application doesn't address the applicable criteria. Please address these criteria.

The applicant initially requested a waiver to a standard for the minimum required width of the pedestrian connection. However, upon resubmittal following the April 25 completeness review letter, the applicant revised the proposal to meet the standards for the pedestrian connector. However, at that time, the applicant also requested waivers associated with architectural features.

The application doesn't explicitly state the waiver request, but a May 13, 2022 e-mail from the applicant describes the requested waivers consistent with the proposed architectural design submitted by the applicant.

- **Roof Features.** The standards call for cornices on parapets and overhanging cornices. In place of a cornice, the BK prototype building provides metal coping and an LED light band along the top of the building.
- **Exterior Building Materials.** The standards call for 75% of the building to be brick, stone, rock, CMU, or other material approved by the Planning Director. The BK prototype building provides brick wainscoting, brick features, and vintage wood cedar Nichiha. The remainder of the building is EIFS

The application doesn't address the waiver criteria, and the applicant hasn't met the burden of proof that the criteria are met for the requested waivers.

Further, there is no evidence to indicate that Criterion 1 could be satisfied: "There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site."

There is no identified unique or unusual aspect of the site, existing structure, or proposed use of the site that would create demonstrable difficulty in complying the standards for roof features or exterior building materials.

Therefore, the requested waivers are not approved, and as a condition of the Large Format Commercial Review, the applicant shall submit revised plans and elevations for review and approval that demonstrate compliance with the standards for Roof Features and Exterior Building Materials.

17.56.050. Development Standards.

Large-dimensional, plain, building facades are typically perceived as architecturally monotonous and do not reflect the existing or desired character of the McMinnville community. Toward reducing the visual scale of such buildings, McMinnville supports architectural designs that relate to both the pedestrian as well as to those traveling within adjacent rights-of-way.

To implement that vision, McMinnville requires that large commercial structures, as defined in this chapter, provide architectural features that "break up" or articulate the building's horizontal plane, and that provide visual interest. Examples of elements supportive to this design include, but are not limited to, the use of vertical columns, gables, a variety of compatible and complementary building materials, the provision of openings in the building façade, and landscaping, both around the perimeter and throughout the site.

This vision for development is addressed through the following four sections of this chapter identified as: Building facades; roof features; site design; and energy efficiency.

A. Building Facades. Buildings shall have architectural features and patterns that provide visual interest relating to both the pedestrian as well as to those traveling within adjacent rights-of-way. The following elements shall be integral parts of the building fabric, and not superficially applied trim, graphics, or paint.

1. Architectural Projections or Recesses.

Features such as projections and recesses can create an interplay of sun and shadow along the façade and provide the building a sense of depth and substance. Additionally, projections and recesses can also provide strong visual focal points and are often used to emphasize specific aspects of the design such as an entry or adjacent plaza.

Standard: Building facades shall include architectural projections and/or recesses incorporated into each exterior wall design. The proposed design shall be of such dimension to relate significantly to both the pedestrian as well as to those traveling within adjacent rights-of-way.

APPLICANT'S RESPONSE: The proposed building elevations incorporate projections and recesses into the exterior wall design.

FINDING: SATISFIED. The proposal incorporates changes in the horizontal plane of the walls together with changes in materials in vertical height at the customer entrances on the front elevations and also at the location of the drive-through windows and front bay on the rear elevation

2. Design Features.

Large structures that provide a combination of design features add visual interest to the building, and help it relate the pedestrian scale. Further, the provision of customer amenities such as covered walkways also help to create a more inviting atmosphere for the community at-large. In an effort to avoid the construction of large, architecturally plain commercial facilities, McMinnville encourages architectural variety and character in its building design and the provision of pedestrian amenities to create a more livable and enjoyable outdoor environment for the community.

Standard: Buildings shall include at least two design features along the majority of the main façade such as canopies, awnings, porticos, covered walkways, or transparent display windows.

APPLICANT'S RESPONSE: The proposed building elevations include multiple of the standard design features listed, including canopies, covered walkways, and transparent display windows.

FINDING: SATISFIED WITH CONDITIONS. While these items are present on the customer entrance elevations, two of these features are not present along the majority of the façade. As a condition of approval, the applicant shall submit revised elevations demonstrating compliance with this standard.

3. Loading Facilities.

To aid in mitigating negative visual impacts commonly associated with off-street loading facilities, such facilities shall be visually screened by either a wall designed to architecturally complement the building exterior, an evergreen vegetative screen, or a combination of these two options. Solid waste and recycling enclosures shall

be designed as required by Chapter 17.61(Solid Waste and Recycling Enclosure Plan) of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: There are no proposed designated loading facilities, so this standard is not applicable.

FINDING: SATISFIED WITH CONDITIONS. There is no loading dock. Service doors are located away from public right-of-way facing a landscaped area.

In order to comply with the requirements of Chapter 17.61, as conditions of approval, the applicant shall revise the site plan to adjust the location of the trash enclosure to provide sufficient area on the east side to provide the required landscape screening; the applicant shall demonstrate that the area in front of the trash enclosure is signed for "no parking" and verify adequate parking spaces with the revised site plan; and the applicant shall provide information regarding the design of the trash enclosure, including material and color, to demonstrate compliance with Chapter 17.61.

4. Entrances.

To provide architectural interest to the building and to provide meaningful focal point(s), the customer entrance(s) of each large commercial structure shall be clearly visible and architecturally prominent.

APPLICANT'S RESPONSE: The proposed entrance to the building is a meaningful focal point, highlighted by Vintage Wood Cedar Nichiha as well as a clearly visible, architecturally prominent, canopy-mounted signage.

FINDING: SATISFIED. Each customer entrance is defined with a vertical and horizontal offset and change in material.

5. Repeating Elements.

All building facades shall include a repeating pattern that includes at least three of the following four elements, one of which shall repeat horizontally:

- a. *Color change*
- b. *Texture change*
- c. *Material change*
- d. *Architectural or structural bays provided through a change in plane of at least 12 inches in width, such as a reveal, projecting rib, or offset.*

APPLICANT'S RESPONSE: There are multiple examples of repeating elements shown on the proposed building elevations, including color changes, texture changes, material changes, and expansion joints.

FINDING: SATISFIED WITH CONDITIONS. To comply with the Exterior Building Materials standards, the applicant needs to submit revised elevations with 75% of exterior building materials meeting the requirement of Subsection 6 below. With that resubmittal, the applicant shall demonstrate compliance with the requirements for repeating element. For example, if EIFS is replaced with additional masonry, the reveal lines shall be replaced with a masonry belt course or similar features that meet the standards of this section.

6. Exterior Building Materials.

- a. *At least 75% of exterior building materials shall include:*

- i. Brick
 - ii. Rock
 - iii. Stone,
 - iv. Tile, and/or
 - v. Tinted and textured concrete masonry units
 - vi. Other materials as approved by the Planning Director
- b. Exterior building materials may include the following architectural and design elements as approved by the Planning Director; the applicant shall demonstrate compliance of the design guideline goals and standards of this chapter:
- i. Smooth-faced concrete masonry units
 - ii. Metal siding
 - iii. Smooth-faced tilt-up concrete panels
- c. Exterior building materials shall not include:
- i. T-111 siding
 - ii. Plain plywood, and
 - iii. Sheet Pressboard

APPLICANT’S RESPONSE: While the proposed exterior building materials shown on the building elevations submitted are not explicitly compliant with the City’s LFCDS, the exterior building materials for the proposed building include brick wainscotting, since brick is one of the desired exterior building materials identified in the LFCDS. In addition to the brick wainscotting, there is Nichiha (vintage wood cedar style) parapets, while the remainder of the building is mostly comprised of stucco. The proposed building materials sufficiently accomplish the intent and objectives of this section of the LFCDS.

FINDING: SATISFIED WITH CONDITIONS. The applicant didn’t demonstrate the criteria were met for a waiver to this standard. As a condition of approval, the applicant shall submit revised elevations for review and approval that meet the requirements of Subsection (A)(6)(a) for the required materials for 75% of the façade.

7. Multiple-Tenant Buildings.

When large commercial structures contain multiple tenants, each business that occupies less than 15,000 square feet of gross ground-floor area, and with separate exterior entrance(s), shall have transparent windows along at least 50 percent of the horizontal length of its storefront. The bottom of the ground floor windows shall be no more than three (3) feet above the adjacent exterior grade. These requirements are in addition to all other requirements of this Chapter.

APPLICANT’S RESPONSE: No response.

FINDING: NOT APPLICABLE. The proposed building is not a multi-tenant building.

- B. Roof Features. *Rooftops and rooflines have the ability to define the skyline and become symbols of the building. Architectural variability in the roof design can enhance the character of the development and can add to its positive relationship to the neighborhood around it. McMinnville encourages roof designs that provide architectural variation and visual interest to complement the community at-large. Toward this end, roof features shall incorporate no less than two of the following features:*
- 1. Parapets with cornices;
 - 2. Overhanging eaves or cornices;

3. *Prominent portions of the roof design exhibiting slopes with a plane of between 4/12 (33 degrees) and 6/12 (45 degrees).*

APPLICANT'S RESPONSE: The proposed building elevation includes roof features consistent with the City's standards including parapets as described previously in this letter. In addition to the architecturally significant parapets, the proposed building includes a significant architectural feature in the form of metal coping and an LED Light Band around the full perimeter of the building. These specialty roof features sufficiently accomplish the intent and objectives of this section of the LFCDS and furthermore are considered essential to the proposed Tenant's branding.

FINDING: SATISFIED WITH CONDITIONS. The applicant didn't demonstrate the criteria were met for a waiver to this standard. As a condition of approval, the applicant shall submit revised elevations for review and approval that meet the requirements of Subsection (6)(B) for a design that provides at least two of the required roof features. As a condition of approval, the applicant shall submit a design and information that ensures screening of mechanical equipment.

C. Site Design.

1. Buffering.

Where a property containing a large commercial structure(s) abuts land zoned for residential use, and no public street separates the residential-zoned land from the commercially zoned property, the proposed use shall provide screening in the form of sight-obscuring, evergreen plantings, shade trees, fences, walls, or combinations of plantings and screens. Where plant material is used, emphasis shall be placed on achieving an effective year-round vegetative screen as approved by the Landscape Review Committee. Chain-link fencing shall not be permitted.

APPLICANT'S RESPONSE: Buffering is required when a Large Format Commercial Building is proposed adjacent to a residential use, however, that is not the case for the subject development, and as such, no vegetative screening of fencing is required.

FINDING: NOT APPLICABLE. All surrounding land is zoned C-3, and the property doesn't abut residential zoning or use at a common property line.

2. Pedestrian Walkways.

a. *Continuous 10-foot-wide pedestrian walkways shall be provided along the full length of any building facade featuring a customer entrance, and along any other building facade abutting customer parking areas for the distance that the parking lot abuts the building.*

b. *Continuous 10-foot-wide pedestrian walkways may be allowed to be separated from the building façade with planting beds for foundation landscaping except where features such as covered entrances, awnings or canopies are part of the building façade, wherein the walkway must abut the building façade. Such walkways shall include weather-protection features, such as awnings, within 30 feet of all customer entrances and connecting to the entrance(s).*

c. *Continuous six-foot-wide pedestrian walkways shall be provided from the sidewalk along the adjacent public or private street(s) to the principal customer entrance(s) of all large commercial structures. These pedestrian walkways shall*

feature abutting landscaped areas of no less than five-feet in width for no less than 50 percent of the length from the building to the adjacent street.

- d. *Pedestrian walkways shall be distinguished from driving surfaces through use of durable, low maintenance surface materials such as pavers, bricks, or scored or dyed concrete.*
- e. *Walkways within a site with multiple structures shall be located and aligned to directly and continuously connect all commercial buildings, and shall not be located and aligned solely based on the outline of a parking lot configuration. Walkways within parking lots shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on each side of the drive aisle.*
- f. *Where it is necessary for the primary pedestrian access to cross drive aisles or other internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, or other design elements as may be approved.*

APPLICANT’S RESPONSE: The previously submitted Civil Engineering Plans have been revised to include an additional 3’ of sidewalk width to comply with the Pedestrian Walkway Requirements of this chapter.

FINDING: SATISFIED WITH CONDITIONS. The applicant shall submit a revised plan demonstrating the pedestrian access from Booth Bend Road is 6-foot wide, provides a continuous accessible path from the sidewalk on Booth Bend Road to the customer entrance, and provides a concrete surface or similar materials where it crosses the drive-through exit lane as required by this Subsection.

3. Parking.

Parking spaces shall be provided at no more than 120 percent of the minimum required by Chapter 17.60 (Off-Street Parking and Loading). Additionally, all parking areas shall be designed in a manner that is attractive, easy to maintain, and minimizes the visual impact of off-street parking. Bicycle parking accommodations shall be provided as required by Chapter 17.60.140 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.

APPLICANT’S RESPONSE: The proposed development complies with the Parking Requirements of the LFCDS regarding parking count (no more than 120% minimum requirement). In addition parking lot and perimeter landscaping is provided in an attractive manner

FINDING: SATISFIED WITH CONDITIONS. Vehicular parking meets the requirement of this Subsection. As a condition of approval, the applicant shall submit a revised site plan showing 2 bicycle parking spaces as required by Chapter 17.60. (Bicycle parking shall be provided at a rate of 10% of vehicular spaces provided).

4. Parking Lot Landscaping.

- a. All parking facilities shall include landscaping to equal not less than ten percent (10%) of the gross site area supporting the proposed commercial development; exclusive of building footprint(s).
- b. Landscaped peninsulas and islands shall be evenly distributed throughout all parking areas, and separated by no more than 60 feet, one from another. Such landscaped areas shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar in form or as may be approved by the Landscape Review Committee.

APPLICANT’S RESPONSE: The previously submitted Civil Engineering Plans have been revised to include landscaped peninsulas as required within the LFCDS. The off-street parking now complies with the LFCDS.

FINDING: SATISFIED WITH CONDITIONS. The landscape plan demonstrates compliance with this requirement. The revised site plan and landscape plan required as a condition of approval to address other standards shall remain in compliance with this standard.

5. Dark Skies Lighting.

Exterior lighting often creates a substantial amount of unintended sky-directed glare (sky glow). “Dark skies” lighting aims to protect the night sky from light pollution by use of partially and fully shielded lighting, and by more careful selection of lighting options for the application. These efforts help to ensure that the majority of the light reaches its intended target and reduces both vertical and lateral glare. Additionally, as energy prices increase, the city encourages the use of more efficient lighting.
Standard: *Lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/ or shielded to place light on the intended target, and not result in skyward glare.*

APPLICANT’S RESPONSE: A final photometrics plan will be submitted as part of final design for the City’s review and approval and all parking lot lighting will be direct toward the site interior and away from property lines, to comply with the City’s LFCDS.

FINDING: SATISFIED WITH CONDITIONS. The applicant shall submit a lighting plan that demonstrates compliance with this requirement. Freestanding lighting shall have cut-off shielding to prevent glare off-site except on adjacent pedestrian facilities. Illumination levels shall meet but not exceed required level of illumination. Wall-mounted lighting shall not shine out onto the parking lot without use of cut-off shielding that prevents glare onto the adjacent roadways.

17.56.060 Energy Efficiency. *Locally and nationally, energy costs have continued to rise as has the desire to lessen the volume and severity of pollutants released into the environment. McMinnville supports the vision of local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce building heat-gain, lower energy consumption and lessen pollutant output such as:*

- A. *Energy-efficient windows*
- B. *LEED level construction*
- C. *White reflective cool-roof technology to reduce heat absorption*

D. *Use of other energy-efficient technologies as approved through the review process outlined in this chapter.*

APPLICANT'S RESPONSE: To comply with the suggested energy efficiency measures listed in the LFCDS, the roof is proposed to be painted white, and the windows will be Low-E, so they are energy efficient.

FINDING: SATISFIED. The applicant's proposed addresses this standard.

Landscape Plan (L 6-22)

17.57.050(C)

The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter.

17.57.010. Purpose and intent. *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. *Provide guidelines and standards that will:*
 - 1. *Reduce soil erosion and the volume and rate of discharge of storm water runoff.*
 - 2. *Aid in energy conservation by shading structures from energy losses caused by weather and wind.*
 - 3. *Mitigate the loss of natural resources.*
 - 4. *Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.*
 - 5. *Create safe, attractively landscaped areas adjacent to public streets.*
 - 6. *Require the planting of street trees along the City's rights-of-way.*
 - 7. *Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.*
 - 8. *Provide shade, and seasonal color.*
 - 9. *Reduce glare, noise and heat.*
- B. *Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.*
- C. *Unify development and enhance and define public and private places.*
- D. *Preserve existing mature trees.*
- E. *Enhance the urban forest and tree canopy.*
- F. *Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.*
- G. *Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.*
- H. *Support McMinnville as a community that cares about its appearance.*

It is further recognized that 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 17.57.070 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. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The proposed landscape plan demonstrates compliance with the purpose and intent of 17.57.010. There are no existing trees on site to be preserved.

17.57.070 Area Determination—Planning factors.

A. Landscaping shall be accomplished within the following ranges:

1. ...
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.)

APPLICANT’S RESPONSE: N/A.

FINDING: SATISFIED. The landscape plan shows almost 50% of the site in landscaping. This meets the 7% commercial requirement, the 10% large format commercial requirement, and the Planned Development requirement or 15% of the total PD site as it applies to this property.

17.57.070 Area Determination—Planning factors.

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;

APPLICANT’S RESPONSE: The Landscape Plan has been revised to include irrigation scope, specifically to include the City’s Standard Street Tree Detail.

FINDING: SATISFIED WITH CONDITIONS. The proposed landscape plan includes on-site landscaping and street trees. The street trees are selected from the approved street tree list, and the landscaping and trees are compatible with surrounding landscaping on the adjacent properties.

The landscape plan includes hedge/shrub screening of on-site vehicular areas such as the drive-through and perimeter of the parking lot. A condition of approval requires a minor adjustment to the location of the trash enclosure to allow screening on three sides.

There are no existing trees to be preserved on the site.

The proposed landscape plan includes landscape islands to break up parking areas. There are no more than five continuous parking spaces without a landscape island and no more than 60 feet between landscape islands per the Large Format Commercial standards.

Trees have been selected from the street tree list, and interior trees on the property are suitable species.

An automatic irrigation system is proposed.

17.57.070 Area Determination—Planning factors.

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. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

APPLICANT’S RESPONSE:

FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to ensure compliance with this requirement.

17.61.030 Guidelines and Standards (Trash Enclosure)

A. *Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.*

...

C. *Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight-feet (8) beyond the gates.*

...

G. *Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A “No Parking” sign must be visibly placed on the gates of the enclosure.*

APPLICANT’S RESPONSE: N/A

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the applicant shall submit a revised site plan and information demonstrating compliance with these excerpted standards (as referenced and conditioned in the Large Format Commercial Review criteria and standards above).

Partition MP (1-22)

Approval of Streets and Ways

- 17.53.100. Creation of Streets
- 17.53.101. Streets
- 17.53.103. Blocks
- 17.53.105. Lots
- 17.53.110. Lot Grading

Improvements

- 17.53.150. Improvement Procedures
- 17.53.153. Improvement Requirements

APPLICANT’S RESPONSE: N/A

FINDING: SATISFIED WITH CONDITIONS. No new streets are proposed. The proposal substantially retains the same internal circulation plan. The proposed PD amendment would authorize the partition with an additional parcel sharing the existing private driveway. Frontage improvements are existing, other than street trees.

Conditions of approval are included to address the requirements for the utility plan, access, easements, and maintenance agreements.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request.

The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply certain applications, and are not addressed below.

The following findings are made relating to specific Goals and Policies:

CHAPTER X: CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

Policies

188.00 *The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning*

requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

APPLICANT'S RESPONSE: N/A

FINDING: SATISFIED. The proposal includes a proposed amendment to a Planned Development and master plan, which requires a Planning Commission recommendation and City Council decision. The Zoning Ordinance provides for a concurrent consolidated review process when there are multiple applications associated with a development proposal, using the procedure that provides the greatest opportunity for public involvement.

In addition, the procedures require the applicant to conduct a neighborhood meeting prior to submitting the application. The applicant conducted the required neighborhood meeting and provided the required documentation with the application.

TS

ATTACHMENT 2 TO DECISION DOCUMENT

ORDINANCE NO. 4688

An Ordinance rezoning certain property from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex on 21.26 acres of land located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels.

RECITALS

The Planning Commission received an application (ZC 15-98) from Alan M. Roodhouse of Farallon Development Corporation dated September 15, 1998, requesting approval to rezone some 21.26 acres of land from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex. The subject site is located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels, and is more specifically identified as Tax Lots 1500, 1800, 1801, and 1900, Section 29, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 19, 1998, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 14, 1998, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Farallon Development Corporation.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Community Development Department prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plan and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. The applicant may appeal the decision of the Community Development Department to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Community Development Department's decision.
2. That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

3. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
 - a. That site signage located on the Highway 99W frontage is limited to a single monument sign a maximum of six (6) feet in height and fifteen (15) feet in width, situated at the major entrance as may be approved by ODOT. Site signage located on the Highway 99/18 Connector frontage shall be limited to a single pole-mount sign no more than twenty (20) feet in height and twelve (12) feet in width, situated at the major entrance as may be approved by ODOT. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic or plexi-glass type cabinet or faces be allowed. In addition, no signs, including wall-mount, shall be allowed on the southern facade of those buildings adjacent to Highway 18, and no roof-mount signs of any type shall be permitted within the subject site.
 - b. That an easement for maintenance, access and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.
 - c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face. There is no limit on the number or size of signs attached to the building faces.
4. That the submitted master plan and development plans, as approved by the Community Development Department, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plans. Minor changes to the details of the adopted plans may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
5. That the applicant obtain required access permits from the Oregon Department of Transportation for use of the existing or proposed access drives prior to issuance of any development permits for the site.

6. That the State Highway 99W, State Highway 18, and the Highway 18/99W Connector frontages adjacent to the subject site shall be improved by the applicant to standards as required by the Oregon Department of Transportation (ODOT).
7. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
8. That the applicant provide utility and access easements across the subject site as required. Costs associated with the provision of the required utilities shall be borne by the developer.
9. That the applicant submit to the City Engineer and ODOT for review and approval a design for the Highway 99W and Highway 18/99W Connector intersections and associated improvements. All costs associated with the construction of all site accesses, to include the signalization of both intersections, and other improvements as stipulated in existing agreements between the applicant and City and ODOT, and as may be additionally required by the City and ODOT, shall be borne by the applicant. All required improvements and right-of-way dedications shall be completed prior to occupancy of any buildings within the subject site.
10. That 10-foot utility easements be provided along both sides of all rights-of-way. Additional utility easements as required by the Water and Light Department for transformer and vault locations and for the servicing with utilities shall also be provided.
11. That storm water drainage plans shall be submitted to the Community Development Department and ODOT for review and approval. All required improvements shall be installed prior to issuance of occupancy permits.
12. That fire hydrants as required by the Uniform Fire Code shall be installed by the applicant.
13. That within the commercially zoned land, all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design, are operated by the owner of a business located on the subject site, and are approved for such use by the Planning Director. Temporary seasonal activities, such as Christmas tree sales and fireworks sales, shall be permitted.

14. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
15. That the conceptual land use plan submitted by the applicant as part of this land use request shall in no way be binding on the City, particularly as regard proposed vehicular access.
16. That off-street parking at the rate of four and one-half (4.5) spaces per 1,000 square feet of gross floor area may be permitted provided a minimum of fifteen percent (15%) of the subject site be landscaped as approved by the McMinnville Landscape Review Committee.

Passed by the Council this 26th day of January 1999, by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

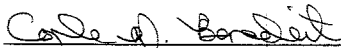
Nays: _____

Approved this 26th day of January 1999.



MAYOR

Attest:



RECORDER

PAD A - PERMISSIBLE BUILDING AREA

PAD A = 7,000 FOOT SQUARE MASSIVE BUILDING

PAD B = 8,000 FOOT SQUARE MASSIVE BUILDING

THE MASSIVE AGGREGATE TOTAL FOR PAD A AND PAD B IS 15,000 SQUARE FEET OF BUILDING UNLESS PAD B IS A SHOP FACILITY IN WHICH CASE THE AGGREGATE TOTAL FOR PAD A AND PAD B WILL BE 11,000 SQUARE FEET OF BUILDING PROVIDED THAT THERE IS A SIXTY FOOT VIEW CORRIDOR BETWEEN THE BUILDINGS ON PAD A AND BUILDING ON PAD B

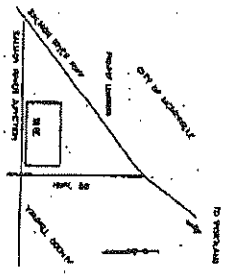
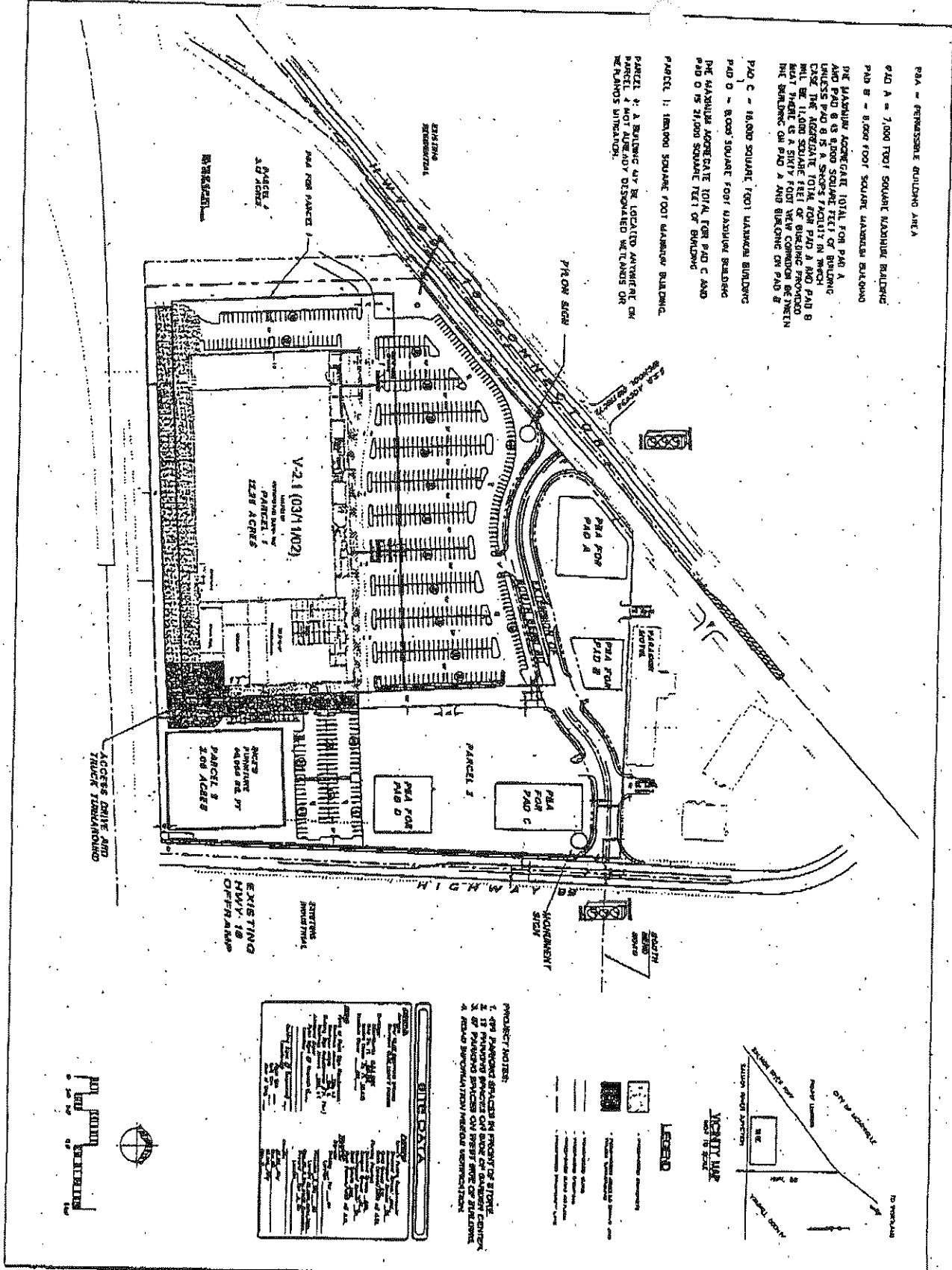
PAD C = 16,000 SQUARE FOOT MASSIVE BUILDING

PAD D = 8,000 SQUARE FOOT MASSIVE BUILDING

THE MASSIVE AGGREGATE TOTAL FOR PAD C AND PAD D IS 14,000 SQUARE FEET OF BUILDING

PARCEL 1: 160,000 SQUARE FOOT MASSIVE BUILDING

PARCEL 2: 2 BUILDINGS TO BE LOCATED ANYWHERE ON PARCEL 2 AND TO BE DISPOSED WETLANDS OR WETLANDS UTILIZATION.



LEGEND

[Symbol]	Proposed Building
[Symbol]	Proposed Parking
[Symbol]	Proposed Access Drive
[Symbol]	Proposed Sign
[Symbol]	Proposed Monument Sign
[Symbol]	Proposed Wetland
[Symbol]	Proposed Wetland Utilization
[Symbol]	Proposed Wetland Buffer
[Symbol]	Proposed Wetland Buffer Utilization
[Symbol]	Proposed Wetland Buffer Buffer
[Symbol]	Proposed Wetland Buffer Buffer Utilization
[Symbol]	Proposed Wetland Buffer Buffer Buffer
[Symbol]	Proposed Wetland Buffer Buffer Buffer Utilization

- PROJECT NOTES:**
1. ALL PARKING SPACES IN PROJECT TO BE STONE
 2. ALL PARKING SPACES TO BE PAVED WITH ASPHALT
 3. ALL PARKING SPACES TO BE PAVED WITH ASPHALT
 4. ROAD SURFACED WITH ASPHALT

PROPERTY

OWNER	LOWE'S
PROJECT NO.	SD-1
DATE	08/24/2022
SCALE	AS SHOWN
PROJECT LOCATION	LOWE'S OF McMinnville, McMinnville, OREGON
PROJECT DESCRIPTION	PRELIMINARY SITE PLAN
PROJECT STATUS	PRELIMINARY
PROJECT PHASE	PRELIMINARY
PROJECT TYPE	RETAIL
PROJECT VALUE	\$10,000,000
PROJECT RISK	LOW
PROJECT COMPLEXITY	LOW
PROJECT URGENCY	LOW
PROJECT IMPACT	LOW
PROJECT SUSTAINABILITY	LOW
PROJECT RESILIENCE	LOW
PROJECT INNOVATION	LOW
PROJECT COLLABORATION	LOW
PROJECT TRANSPARENCY	LOW
PROJECT ACCOUNTABILITY	LOW
PROJECT ETHICS	LOW
PROJECT INTEGRITY	LOW
PROJECT HONESTY	LOW
PROJECT FAITHFULNESS	LOW
PROJECT PROMPTNESS	LOW
PROJECT COURTESY	LOW
PROJECT RESPECT	LOW
PROJECT KINDNESS	LOW
PROJECT PATIENCE	LOW
PROJECT HUMILITY	LOW
PROJECT GRACE	LOW
PROJECT MERCY	LOW
PROJECT GENTLENESS	LOW
PROJECT MILDNESS	LOW
PROJECT MEANNESS	LOW
PROJECT RIGHTEOUSNESS	LOW
PROJECT INNOCENCE	LOW
PROJECT PURITY	LOW
PROJECT CLEANLINESS	LOW
PROJECT ORDER	LOW
PROJECT NEATNESS	LOW
PROJECT TIDINESS	LOW
PROJECT PRECISION	LOW
PROJECT ACCURACY	LOW
PROJECT CORRECTNESS	LOW
PROJECT JUSTICE	LOW
PROJECT FAIRNESS	LOW
PROJECT EQUITY	LOW
PROJECT BALANCE	LOW
PROJECT HARMONY	LOW
PROJECT UNITY	LOW
PROJECT PEACE	LOW
PROJECT CALMNESS	LOW
PROJECT QUIETNESS	LOW
PROJECT STILLNESS	LOW
PROJECT SILENCE	LOW
PROJECT REST	LOW
PROJECT SLEEP	LOW
PROJECT RELAXATION	LOW
PROJECT EASE	LOW
PROJECT COMFORT	LOW
PROJECT CONVENIENCE	LOW
PROJECT ACCESSIBILITY	LOW
PROJECT USABILITY	LOW
PROJECT FEASIBILITY	LOW
PROJECT VIABILITY	LOW
PROJECT SUSTAINABILITY	LOW
PROJECT RESILIENCE	LOW
PROJECT ADAPTABILITY	LOW
PROJECT FLEXIBILITY	LOW
PROJECT VERSATILITY	LOW
PROJECT MULTI-TASKING	LOW
PROJECT TIME MANAGEMENT	LOW
PROJECT PRODUCTIVITY	LOW
PROJECT EFFICIENCY	LOW
PROJECT EFFECTIVENESS	LOW
PROJECT SUCCESS	LOW
PROJECT ACHIEVEMENT	LOW
PROJECT REALIZATION	LOW
PROJECT COMPLETION	LOW
PROJECT DELIVERY	LOW
PROJECT HANDOFF	LOW
PROJECT CLOSURE	LOW
PROJECT END	LOW

PRELIMINARY SITE PLAN

LOWE'S OF McMinnville
McMinnville, OREGON

LOWE'S
Construction

1400 SW Washington Dr., Suite 100
Portland, OR 97201
Tel: 503.288.8888 Fax: 503.288.8888
www.lowes.com

SD-1

39/43