



CITY OF MCMINNVILLE
Community Development 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, THREE MILE LANE REVIEW, LANDSCAPE PLAN REVIEW, AND VARIANCE FOR PROPERTY AT THE SOUTH END OF SE NORTON LANE ON THE WEST SIDE, TAX LOT R4427 00701

DOCKET: PDA 5-23 (Planned Development Amendment)
TML 4-23 (Three Mile Lane Review)
L 38-23 (Landscape Plan Review)
VR 3-23 (Variance)

REQUEST: Concurrent review of applications for a Planned Development Amendment (PDA 5-23), Three Mile Lane Review (TML 4-23), Landscape Plan Review (L 38-23), and Variance (VR 3-23).

The requests are summarized below. The applications are submitted as part of a proposal by the applicant to develop a new 138-unit apartment development, "Norton Landing," on a parcel of approximately 4.93 acres.

PDA 5-23. The subject property is subject to an existing Planned Development Overlay Ordinance (Ordinance 4709 as amended by Ordinances 4863 and 5072). A Planned Development requires overlay zone provisions and also approval of a master plan. This proposal would approve a master plan for the property consistent with the applicable provisions of the Comprehensive Plan, Zoning Ordinance, and the Planned Development Overlay Ordinances.

TML 4-23. The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, and other ordinances. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

L 38-23. The proposal includes a landscape plan, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.

VR 3-23. As part of the master plan, the applicant is requesting flexibility for two of the multi-dwelling standards related to parking space setbacks and distance between parking lot landscape islands; for one standard for the setback of a trash enclosure from a property line; and to building height provision of the Planned Development Overlay Ordinance.

LOCATION: Address: South end of SE Norton Lane, on the west side
Map & Tax Lot: R4427 00701

Attachments :
Applications and Attachments, Agency Comments

ZONING: C-3 PD (General Commercial with Planned Development Overlay)

APPLICANT: Reiter Design Architect Incorporated c/o Scott Reiter, on behalf of property owner KWDS, LLC c/o Chad Juranek

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: October 2, 2023

BODY & ACTION: **DECISION MAKING**
The McMinnville Planning Commission makes the decision on the application. The Planning Commission's decision is the final local decision unless their decision is appealed to City Council.

HEARING DATE & LOCATION: November 2, 2023, continued to November 16, 2023

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/84808603865?pwd=WE03Ukt3bDU5VkUwRUhla1Jnb2w0QT09>

Meeting ID: 848 0860 3865 **Passcode:** 166748

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

Phone: +1 253 215 8782, **Meeting ID:** 848 0860 3865

PROCEDURE: For consolidated application review, the applications are 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 the final local decision, unless their decision is appealed to City Council.

CRITERIA: McMinnville Municipal Code (MMC) and Other Ordinance Sections:
-Planned Development Amendment: MMC 17.74.070 & Ord. 5072
-Landscape Plan: MMC 17.57.070
-Three Mile Lane Review: Ord. 4131 as subsequently amended
- Variance: MMC 17.74.080-110

Applicable Comprehensive Plan Goals and Policies are criteria for land use decisions.

APPEAL: 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. The City's final decision is subject

to a 120-day processing timeline, including resolution of any local appeal, per MMC 17.72.050 and ORS 227. A decision of the City Council is appealable to LUBA as specified in Section 17.72.190.

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 Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Planned Development Amendment (PDA 5-23), Three Mile Lane Review (TML 4-23), Landscape Plan Review (L 38-23), and Variance (VR 3-23) **subject to the conditions of approval provided in Section II of this document.**



- **PDA 5-23: APPROVAL WITH CONDITIONS**
- **TML 4-23: APPROVAL WITH CONDITIONS**
- **L 38-23: APPROVAL WITH CONDITIONS**
- **VR 3-23: APPROVAL WITH CONDITIONS**



Planning Commission:  Date: November 21, 2023
Sidonie Winfield, Chair of the McMinnville Planning Commission

Planning Department:  Date: November 21, 2023
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property is approximately 4.93 acres located at the south end of SE Norton Lane on the west side. Evergreen mobile home park is located to the west, Stratus Village and Altimus Plaza to the north and property outside the UGB to the south. The parking lot for the hospital is located across Norton lane to the east. **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 concurrent review process. The requests are summarized below. The applications are submitted as part of a proposal by the applicant to develop a new 138-unit apartment development, "Norton Landing," on properties totaling approximately 4.93 acres.

Concurrent review of applications for a Planned Development Amendment (PDA 5-23), Three Mile Lane Review (TML 4-23), Landscape Plan Review (L 38-23), and Variance (VR 3-23).

PDA 5-23. The subject property is subject to an existing Planned Development Overlay Ordinance (Ordinance 4709 as amended by Ordinances 4863 and 5072). A Planned Development requires overlay zone provisions and also approval of a master plan. This proposal would approve a master plan for the property consistent with the applicable provisions of the Comprehensive Plan, Zoning Ordinance, and the Planned Development Overlay Ordinances.

TML 4-23. The subject property is within the Three Mile Lane Planned Development Overlay, established by Ordinance 4131 and subsequently revised by Ordinances 4572, and other ordinances. The proposed development is subject to policies and standards of the Three Mile Lane Planned Development Overlay Ordinance.

L 38-23. The proposal includes a landscape plan, which is required for multi-dwelling development, subject to the provisions of Chapter 17.57 of the Zoning Ordinance.

VR 3-23. As part of the master plan, the applicant is requesting flexibility for two of the multi-dwelling standards related to parking space setbacks and distance between parking lot landscape islands; for one standard for the setback of a trash enclosure from a property line; and to building height provision of the Planned Development Overlay Ordinance.

The applicant will apply for sign permits at a later time. Upon submittal of the application, signage will be reviewed for compliance with applicable provisions including MMC 17.62, specific provisions regarding signage addressed in Ordinance 5072 and sign provisions of the Three Mile Lane Planned Development Overlay.

Ordinance 5072 includes conditions, including provisions addressing the Planned Development master plan requirements. The property is also located within the Three Mile Lane Planned Development Overlay (Ordinance 4131/4572), within the boundary of the new Three Mile Lane Area Plan (adopted by Ordinance 5126), and the Horizontal Surface Area of Airport Overlay Zone (MMC 17.52).

Figure 1. Vicinity Map

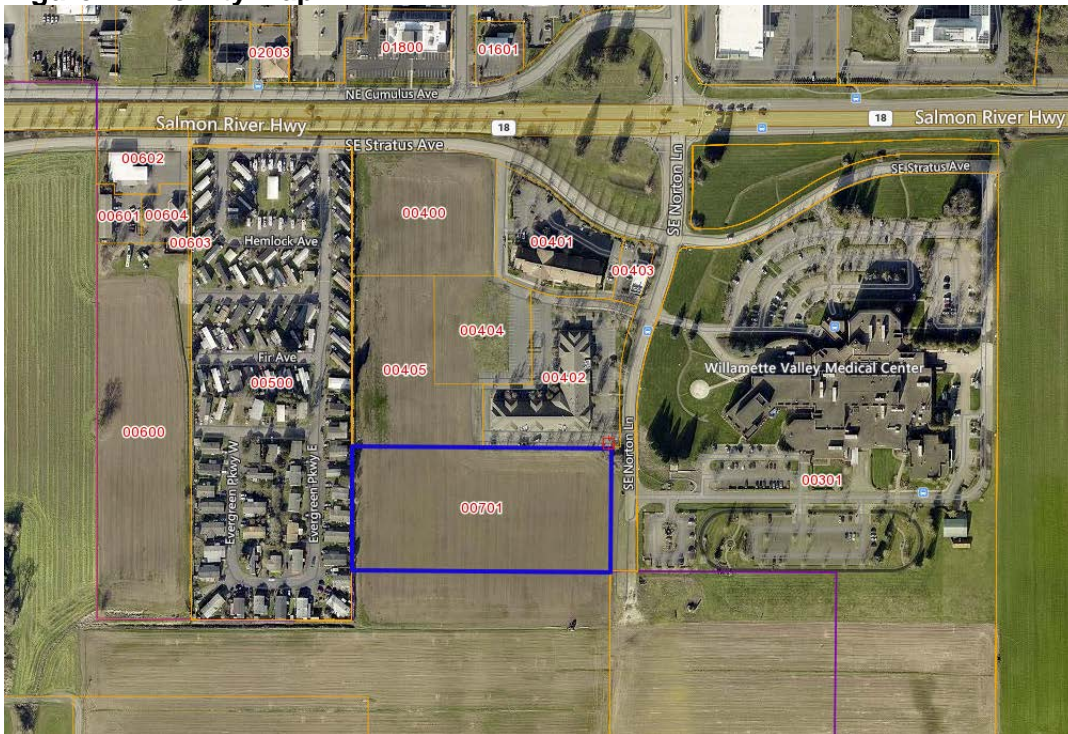


Figure 2. Zoning Map

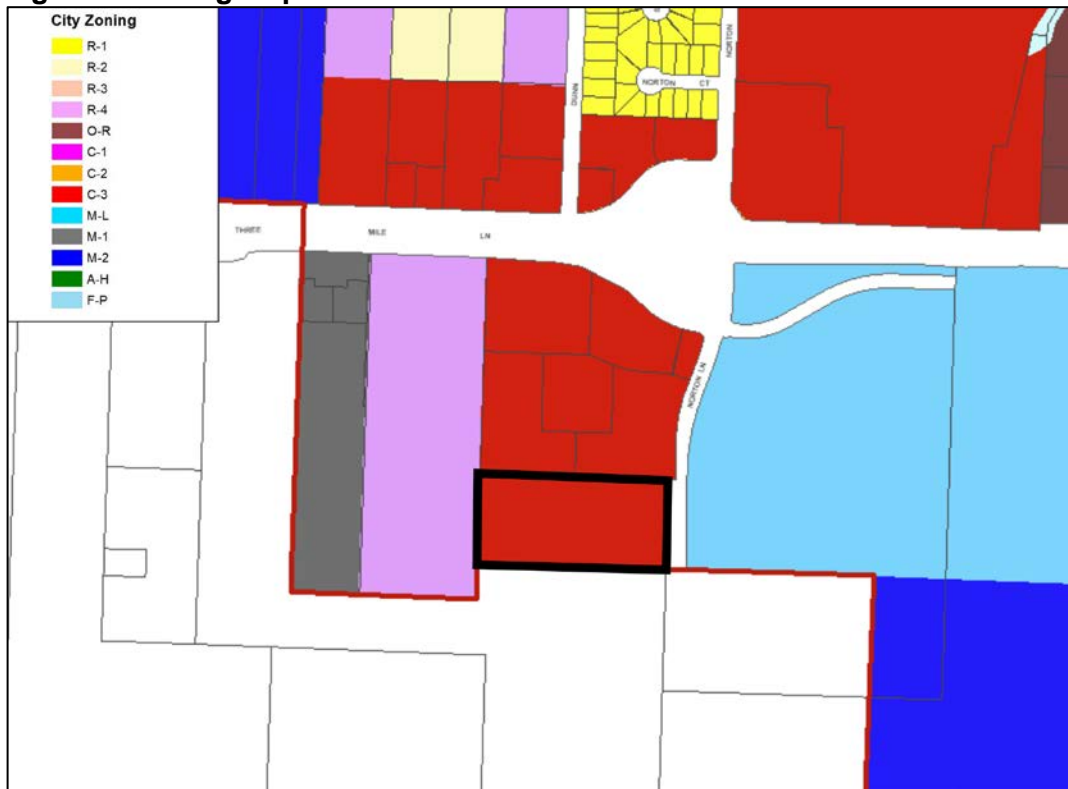
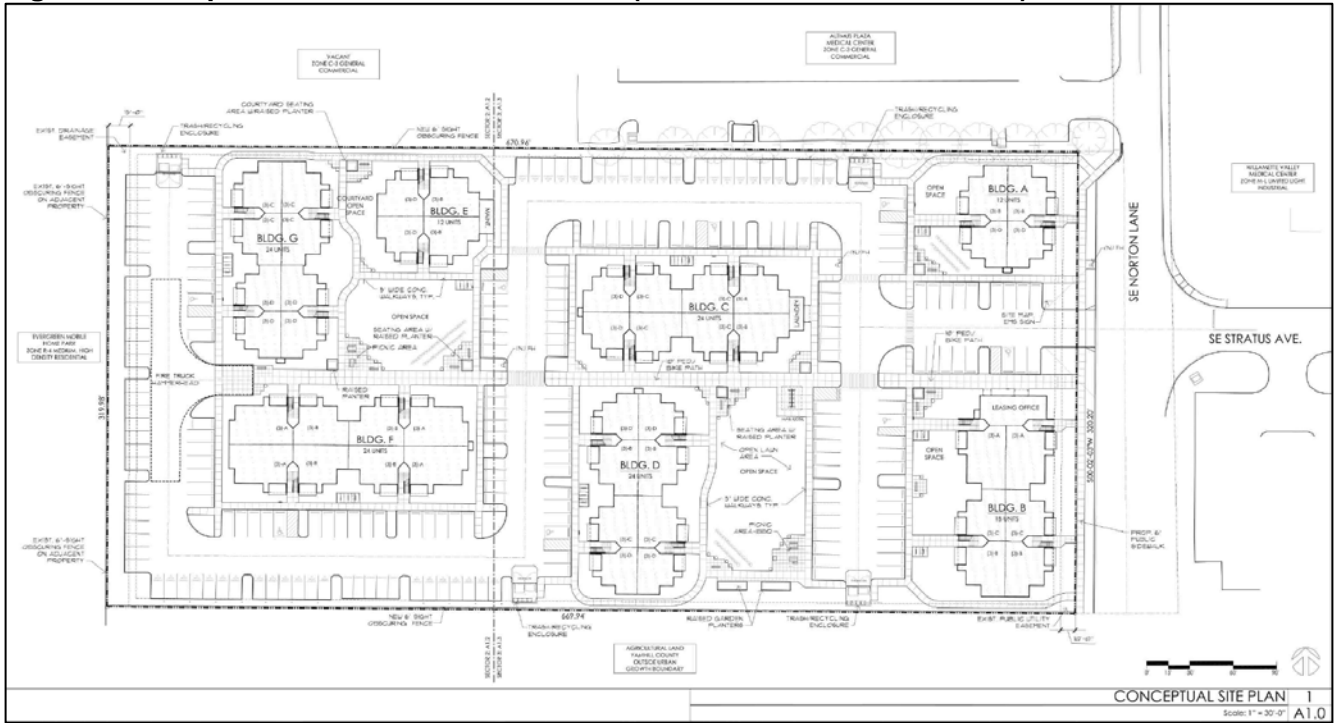


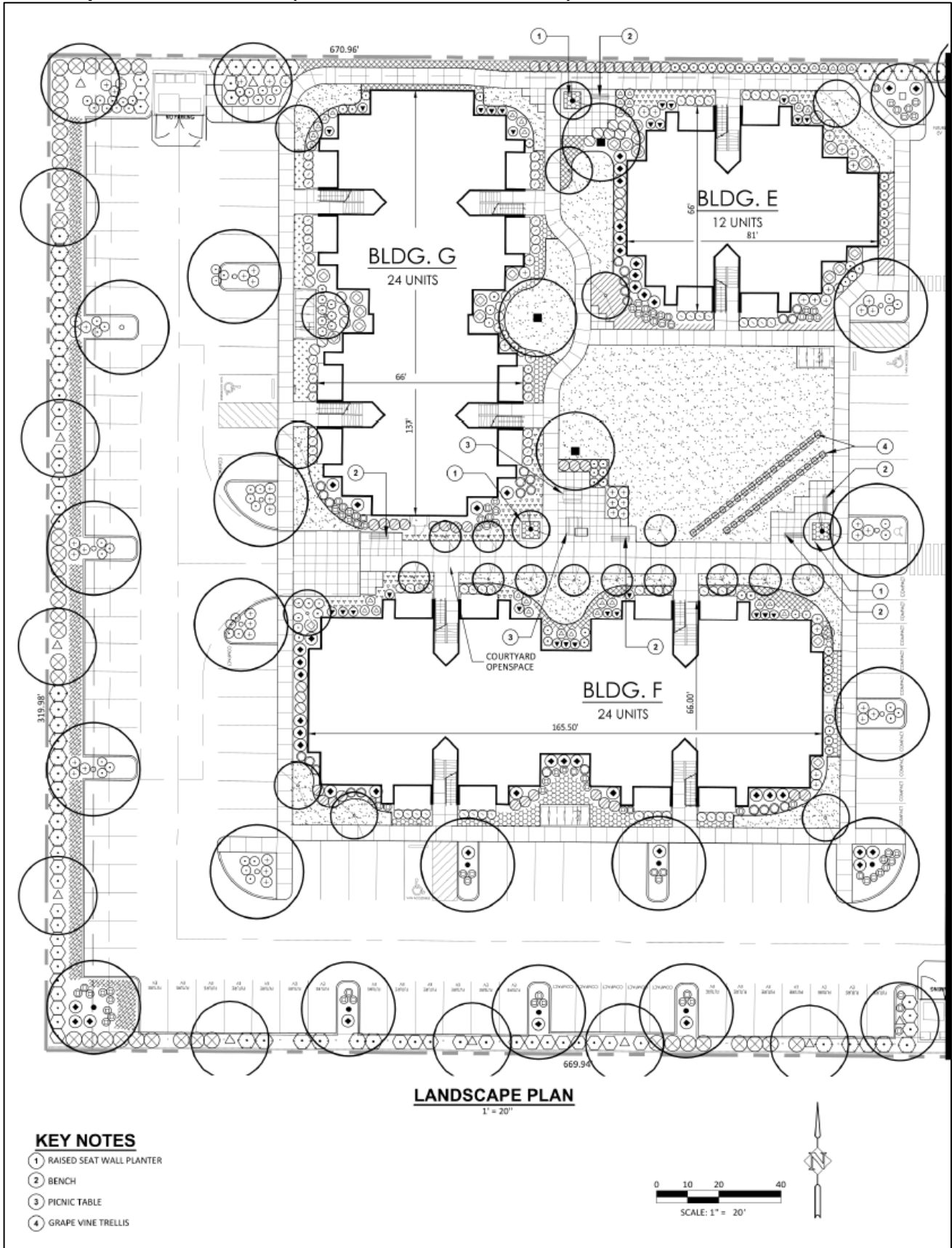
Figure 3a. Proposed Master Plan – Site Plan (November 9, 2023 Revision)



Note: This aerial/site plan is to show surrounding context only. The revised site plan has incorporated not reflected in the image below



Landscape Plan - West Side (Revised November 9, 2023)



Landscape Plan - East Side (Revised November 9, 2023)

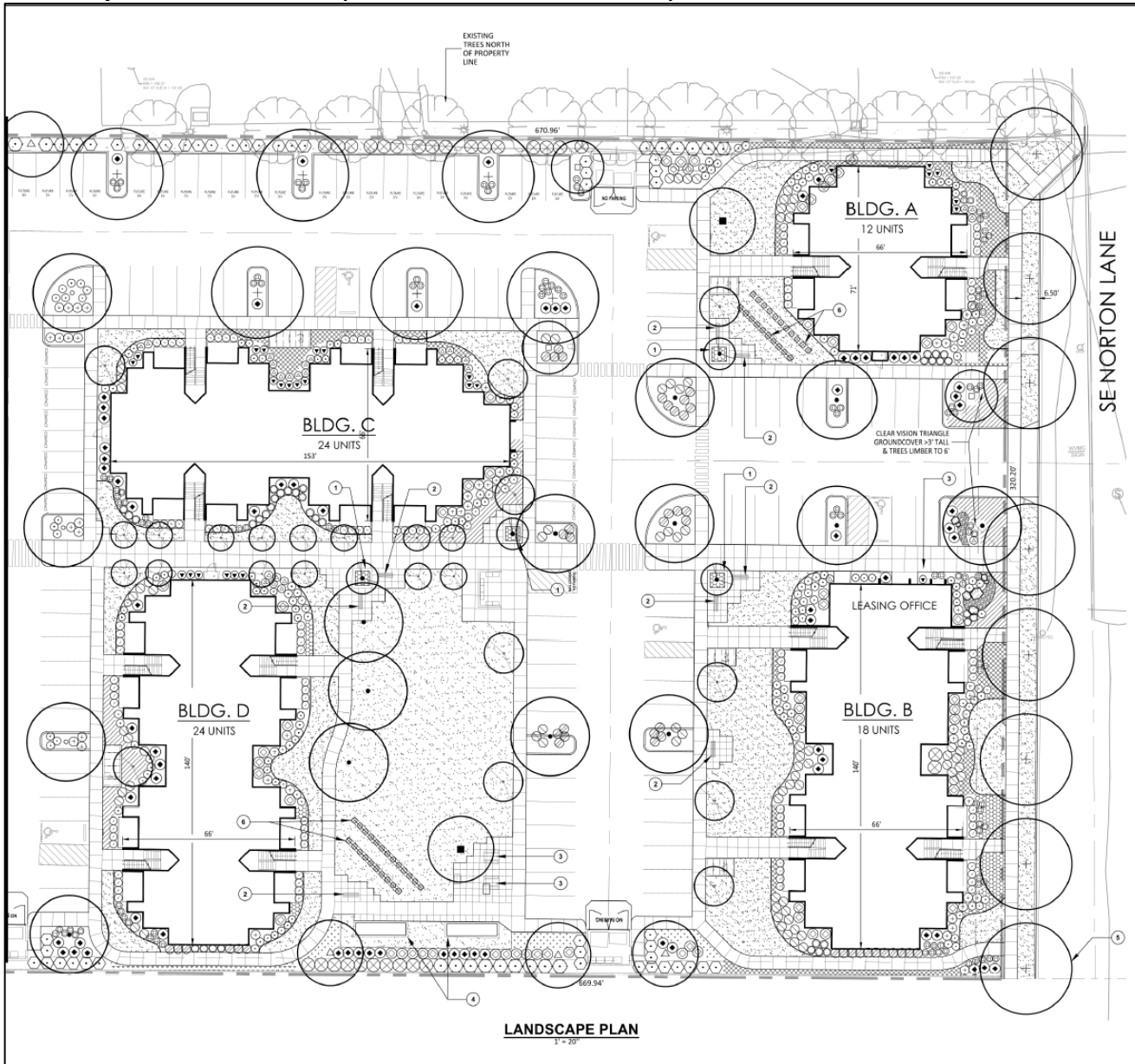


Figure 4. Typical Elevations, Revised November 9, 2023 (Building E is similar to Building A shown below; Buildings C, D, F, G are similar to Building B shown below). Please see applications for full set of drawings – floorplans and elevations.



Public Comments

Written testimony is listed in Section IV and attached. Oral testimony is reflected in the meeting minutes.

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:**

PDA 5-23 Conditions of Approval

1. The Planned Development Amendment PDA 5-23 authorizes the proposed master plan for the 138-unit apartment development, consistent with the November 9, 2023 revised site plan, landscape plan, and building elevations as approved herein, and the addition of a play structure as proffered by the applicant at the November 16, 2023 Planning Commission meeting, upon approval of revisions by the City as addressed in these conditions of approval. The Master Plan shall be part of the Planned Development and Zone of the property and a copy of the approved plans shall be placed on file with the Planning Department.

This approval is contingent on Planning Commission concurrent approval of the requested flexibility to the Zoning Ordinance provisions of 17.11 and the variance to the 35' height limit established in Ordinance 4709 as amended by Ordinances 4863 and 5072, to allow 37'.

2. The applicant shall submit a revised site plan that addresses the following:
 - a. Provide an on-site directory sign consistent with the location shown on the November 9, 2023 revised plans, reflecting adequate illumination of the sign for public safety responders.
 - b. Show the proposed children's play structure proffered by the applicant at the November 16, 2023 Planning Commission meeting.
 - c. Show proposed temporary sight-obscuring screening along the west side of the property of a minimum height to screen glare from headlights onto the property to the west. The temporary screening is to be in place prior to occupancy and is to remain until the sight-obscuring vegetative screen has matured to the size necessary to provide the sight-obscuring screening.
 - d. The property is zoned commercial but is proposed for multi-family development. Rather than commercial frontage improvements to minor collector standards, provide a frontage improvement to residential standards with a sidewalk and planter strip. Sidewalks along Norton Lane are a combination of 5-feet and 6-feet sidewalk, and sidewalks on Stratus Avenue are 6-feet. As there are no more other more direct alternative pedestrian connections to existing and planned commercial areas to the north, the sidewalks along the Norton Lane frontage shall be a minimum of 6-feet wide with a planter strip.

Note: *The following items addressed in the November 9, 2023 revised submittal continue to be part of the revised plans and/or conditions and shall be reflected on the final revised plans:*

- *The permanent sight-obscuring screening along the west property line abutting the R-4 zoned property will be provided as proposed with sight-obscuring vegetation and not also an additional fence as originally proposed, since the property to the west has an existing fence (chain link with slats)*
 - *The on-site walkways will not be permeable pavement.*
 - *The parking layout will include a 12-foot wide curbed landscape buffer along the west property line, with abutting 17-foot deep parking spaces with no wheel stops, rather than a 10-foot wide landscape buffer with abutting 19-foot deep parking spaces with wheel stops. The landscape area will provide two feet of low groundcover planting closest to the parking spaces to allow vehicle overhang, and the spaces will be counted as “standard” spaces for purposes of calculating percentage of standard parking spaces.*
 - *The revised plans submitted on November 9, 2023 reflect revisions to the buildings, site plan, and landscaping to incorporate revised building materials, landscaping, and site features, and they revise the applicant’s previously submitted plans.*
 - *The width of the sidewalk that bisects the site from east to west will be 10-feet in width to accommodate both bicycles and pedestrians since there is no other direct route for bicycles other than using the indirect meandering parking lot aisle.*
 - *As reflected in the November 9, 2023 revisions, the two parking spaces which were within 20 feet of the front property line on the original submittals shall be removed.*
 - *The applicant will need to verify the revised plan continues to meet the dimensional requirements for the hammerhead turnaround.*
3. Clarify accessibility/universal design of amenities for residents in common area open spaces consistent with Great Neighborhood Principles. **Note:** *The applicant is encouraged to exceed minimum accessibility requirements for recreational amenities.*
 4. The applicant shall apply for and obtain all applicable permits from the City of McMinnville and other agencies.
 5. The plan shall comply with the vision clearance standards of Chapter 17.54.
 6. The applicant shall provide verification of whether any building mounted “wall-pack” type lights are proposed and the nature of any downcast cut-off shielding, for review and approval.
 7. No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. Signs shall comply with all applicable provisions of MMC 17.62, Planned Development Ordinance 5072, and the provisions of the Three Mile Lane Planned Development Ordinance 4131 as subsequently amended by Ordinance 4572 and subsequent ordinances.
 8. The Planning Director may authorize minor amendments to the plans without requiring review of a Planned Development Amendment by the Planning Commission. The Planning Director shall determine what constitutes a minor or major amendment.
 9. Prior to issuance of a building permit, the applicant shall comply with all requirements of Ordinance 4709 as amended by Ordinances 4863 and 5072.
 10. The applicant shall submit utility plans and construction agreements for review and approval of the respective standards. The applicant shall complete installation of utilities per approved plans prior to occupancy, or shall provide financial surety as may be authorized with deferred completion.

11. As part of the building permit/site development review process, address the requirements of the Engineering Department, including the following:
- a. The applicant will enter into a Construction Permit Agreement with the City's Engineering Department.
 - b. Provide the City with an approved 1200C Permit from DEQ.
 - c. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
 - d. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements. ADA Ramps are required at the SE Stratus Ave and SE Norton Ln intersection.
 - e. SE Norton Ln shall be improved to minor collector standard per the Transportation System Plan and have the City's typical crowned section.
 - f. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.
 - g. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.
 - h. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat or otherwise dedicated as applicable. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City for them.
 - i. The final development plans for the subject site include a detailed sanitary sewerage collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.
 - j. As identified on sheet C1.0 SE Norton Ln – Preliminary Plan page 292 of the PDA in detail "Typical Section – Norton Lane (North)" the frontage improvement will include a 2" grind and inlay to the existing crown of the street.
 - k. As identified on sheet C1.0 SE Norton Ln – Preliminary Plan page 292 of the PDA in detail "Typical Section – Norton Lane (South)" the frontage improvement will include a three quarter Street improvement consisting of a 40' from curb to curb, and curb and gutter on the east side of the street.

- I. Width of improved SE Norton Ln curb to curb should be typically 40'.
 - m. Existing gate at south terminus of Norton Ln will need to be relocated or replaced to the new terminus to provide access for the farmland. Additionally, a new barricade may need to be installed at terminus per City Standard Detail 29.
12. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any excavation to ensure that underground utilities are not damaged.
13. As part of the building permit/site development review process, address the requirements of the Fire Marshal, including the Fire Code requirements provided as an attachment. The Fire Marshal shall review and approve mountable curb or other transition between the parking lot surface and the raised hammerhead turnaround.
14. Provide documentation that Recology has approved the proposed trash enclosure plan where the layout does not meet all dimension requirements specified in the Zoning Ordinance.
15. As part of the building permit/site development review process, address applicable requirements of McMinnville Water and Light for provision of water and power service, including any necessary extension agreements, final power design, and minimum clearances from water facilities and electrical equipment.

TML 4-23 Conditions of Approval

1. Approval of the TML 4-23 design review is contingent on approval of the proposed Planned Development Amendment/master plan amendment PDA 5-23 and associated variances.
2. The approved master plan for PDA 5-23, subject to its conditions of approval, and as revised to address conditions of PDA 5-23, demonstrates compliance with the requirements of the Three Mile Lane Review.
3. At the time of submittal of a sign permit application, in addition to other applicable standards the sign permit application shall be reviewed for compliance with the sign provisions of the Three Mile Lane Planned Development Overlay Ordinance (Ordinance 4131 as amended by ordinance 4572 and other ordinances).
4. Because the plans become part of the Planned Development master plan, this approval doesn't expire unless the Master Plan undergoes a future major amendment, in which case a new concurrent Three Mile Lane Review would be required.

L 38-23 Conditions of Approval

1. Approval of the landscape plan is contingent on approval of the proposed Planned Development Amendment/master plan amendment PDA 5-23 and associated variances.
2. The applicant shall submit a revised landscape plan addressing the following:
 - a. The landscape plan shall be consistent with the approved site plan, and incorporate applicable revisions including those reflected in the November 9, 2023 revised plan submittal and conditions of approval. Any revisions required to the plans for PDA 5-23 and TML 4-23, shall be reflected in a revised landscape plan consistent with the revised site plan, incorporating any required revisions of the site plan.
 - b. Revise the proposed design of the frontage for the design of the planter strip to be consistent with McMinnville standards, with a standard rather than recessed planter strip that allows for installation of street trees.

- c. The plantings and site details shall be consistent with the November 9, 2023 revised plan submittal, including the planting at the south side of the open space area between buildings B and D to incorporate landscaping influenced by agricultural themes consistent with policies 15 and 16 of the Three Mile Lane Area Plan and incorporating food cultivation to meet 17.11.110.4.e.
3. The plan shall comply with the vision clearance standards of Chapter 17.54. The applicant shall show how proposed landscaping will screen the parking lot and also comply with the vision clearance height limits (not to exceed three feet) within vision clearance areas at driveway approaches.
4. The applicant shall install landscaping, including street trees, as shown on the revised and approved landscape plan, and shall comply with required conditions of approval. Landscaping shall be installed prior to occupancy or may be secured for up to six months as specified in Chapter 17.57.
5. 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.
6. The applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site.
7. The planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014 as revised. The applicant shall provide root barrier protection per standards in order to minimize sidewalk and tree root conflicts 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The approved landscape plan shall not expire unless the Planned Development is substantially amended, at which time a new landscape plan would be required. 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.

VR 3-23 Conditions of Approval

1. The variance to the 35' height limit in Ordinance 4709 is approved for a maximum of 37' to the buildings as proposed. The variances are specific to the approved plan for PDA 5-23, incorporating any revisions and conditions of approval. Any major changes to the plan shall require reconsideration of the variances.
2. Approval of the requested flexibility to the standards in Chapter 17.11 is based on the proposed plan. Any major changes to the plan shall require reconsideration of the approved reductions.

III. ATTACHMENTS: *(on file with the Planning Department)*

1. PDA 5-23 Application and Attachments
2. TML 4-23 Application and Attachments
3. L 38-23 Application and Attachments
4. VR 3-23 Application and Attachments
5. Comments from Fire Marshal
6. TIA Review Comments from City Traffic Consultant
7. Comments from ODOT
8. October 31, 2023 Staff Memo with Responses to Planning Commissioner Questions
9. November 1, 2023 E-mail from Scott Reiter with Comments from Recology
10. November 2, 2023 Memo from Jennifer VanCamp, PE, Submitted by Scott Reiter
11. Letter dated November 2, 2023 from John T. Bridges submitted via e-mail on November 2, 2023 by Leonor Samaniego, Legal Assistant to John T. Bridges, and hard copy received via mail on November 6, 2023
12. Applicant's November 9, 2023 Revised Submittal, Including Memo and Revised Plan Sheets
13. Minutes of the November 2, 2023 Planning Commission Hearing, Reflecting Oral Testimony
14. Minutes of the November 16, 2023 Planning Commission Continued Hearing, Reflecting Oral Testimony

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire District, 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; Oregon Department of Transportation; and Northwest Natural Gas. The following comments were received:

- **ODOT**
Attached are ODOT's comments for the Norton Landing proposal (*See attachment*). We don't need any further analysis for this location.
- **McMinnville Engineering Department**
Suggested Conditions of Approval
 1. The applicant will enter into a Construction Permit Agreement with the City's Engineering Department.
 2. Provide the City with an approved 1200C Permit from DEQ.

3. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
4. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements. ADA Ramps are required at the SE Stratus Ave and SE Norton Ln intersection.
5. SE Norton Ln shall be improved to minor collector standard per the Transportation System Plan and have the City's typical crowned section.
6. The applicant shall secure all required state and federal permits, including, if applicable, those related to construction of the storm drain outfalls, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands, U.S. Army Corp of Engineers, and DEQ. Copies of the approved permits shall be submitted to the City prior to the City issuing permits.
7. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.
8. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City for them.
9. The final development plans for the subject site include a detailed sanitary sewerage collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.
10. As identified on sheet C1.0 SE Norton Ln – Preliminary Plan page 292 of the PDA in detail "Typical Section – Norton Lane (North)" the frontage improvement will include a 2" grind and inlay to the existing crown of the street.
11. As identified on sheet C1.0 SE Norton Ln – Preliminary Plan page 292 of the PDA in detail "Typical Section – Norton Lane (South)" the frontage improvement will include a three quarter Street improvement consisting of a 40' from curb to curb and curb and gutter on the east side of the street.
12. Width of improved SE Norton Ln curb to curb should be typically 40'.
13. Existing gate at south terminus of Norton Ln will need to be relocated or replaced to the new terminus to provide access for the farmland. Additionally, a new barricade may need to be installed at terminus per City Standard Detail 29.
14. The sidewalk width on Norton Ln should be 10 feet.

- **McMinnville Fire District**
See attachment for full comments. Excerpts are summarized below.
 - The Fire District has requested verification of the east to west dimension of the “hammerhead” turnaround. 70’ minimum is required.
 - Development of multiple-family residential projects with more than 100 dwelling units...and other factors shall be provided with not less than two approved means of fire department access. Exceptions may be allowed for an approved automatic sprinkler system. The installation of attic fire sprinkles will negate this requirement.
- **McMinnville Building Department**
N/A
- **McMinnville Water & Light**
N/A
- **Comcast**
Comcast has no conflict or comment for this project.

Public Comments

Written Testimony

- Letter dated November 2, 2023 from John T. Bridges submitted via e-mail on November 2, 2023 by Leonor Samaniego, Legal Assistant to John T. Bridges, and hard copy received via mail on November 6, 2023

Oral Testimony. Oral testimony is summarized in the meeting minutes, provided as attachments to the decision document.

- Mark Davis (November 2, 2023)
- Drew Milligan (November 2, 2023)

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant held a noticed neighborhood meeting on June 28, 2023.
2. The applicant submitted the applications with payment made on August 14, 2023.
3. The applications were deemed incomplete on September 13, 2023. The applicant submitted additional information, and the applications were deemed complete on October 2, 2023.
4. On October 2, 2023, 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; Oregon Department of Transportation; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of this Decision Document.

5. On October 3, 2023, notice of the applications and the November 2, 2023 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. Notice of the applications and the November 2, 2023 Planning Commission public hearing was published in the News Register on Friday, October 27, 2023, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On November 2, 2023, the Planning Commission held a duly noticed public hearing to consider the applications. The hearing was continued to November 16, 2023.
8. On November 9, 2023, the applicant submitted revised application materials.
9. On November 16, 2023, the Planning Commission held the continued hearing, reviewed the requests including the revised application materials, and rendered decisions on the applications.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - a. Address: South end of SE Norton Lane on the west side
 - b. Map & Tax Lot: R4427 00701
2. **Size:** Approximately 4.93 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 PD (General Commercial with Planned Development Overlay, Ordinance 4709 as amended by Ordinances 4863 and 5072)
5. **Overlay Zones/Special Districts/Area Plans:**
 - a. Three Mile Lane Planned Development Overlay
 - b. Airport Overlay Zone, Horizontal Surface
 - c. Three Mile Lane Area Plan
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:** Aviation easement recorded in 2002, instrument 200211460, 15' storm drainage easement along west property line; 10' PUE along frontage.
9. **Utilities:** Sanitary sewer is present in Norton Lane along the northerly portion of the frontage. Water extension will be necessary to serve the property.
10. **Transportation:** The subject property has frontage on the SE Norton Lane right-of-way, which is a minor collector. The street improvement end near the southerly access to the hospital.
11. **Application Materials and Request.** The original application materials were submitted on August 14, 2023. The applications were deemed incomplete on September 13, 2023. Additional application materials were submitted and deemed complete on October 2, 2023. The applicant presented plans at the November 2, 2023 meeting which incorporated some revisions. Following the November 2, 2023 hearing, the applicant submitted revised application materials on November 9, 2023. At the November 16, 2023 hearing, the applicant also provided a PowerPoint presentation. Following questions from Planning Commissioners, prior to the close

of the hearing, the applicant also proffered that they would provide a children's play structure on the site. The final application consists of the request and proposal as submitted by the applicant, including the November 9, 2023 revisions, and the items verbally proffered by the applicant at the November 16, 2023 hearing. At the November 16 hearing, the applicant also indicated that he would **recommend** that the property owner provide some parking spaces equipped for electric vehicle charging (not just "electric vehicle ready"); however, that was not presented as a proffer and is not incorporated as a requirement.

The revised request included the following:

- That screening along the west property line abutting the R-4 zoned property be provided with sight-obscuring vegetation and not also an additional fence as originally proposed, since the property to the west has an existing fence (chain link with slats)
- That the on-site walkways are not required to be permeable pavement.
- That the parking layout allow for a 12-foot wide curbed landscape buffer along the west property line, with abutting 17-foot deep parking spaces with no wheel stops, rather than a 10-foot wide landscape buffer with abutting 19-foot deep parking spaces with wheel stops. The landscape area would provide two feet of groundcover planting closest to the parking spaces to allow vehicle overhang, and the spaces would be counted as "standard" spaces for purposes of calculating percentage of standard parking spaces.
- The revised plans submitted on November 9, 2023 reflect revisions to the buildings, site plan, and landscaping to incorporate revised building materials, landscaping, and site features, and revise the applicant's previously submitted plans.
- The applicant's verbal proffer made at the November 16, 2023 hearing to add a children's play structure is incorporated as part of the applicant's proposal. The plans do not show the specific location or nature of the play structure. This will be reviewed by the Planning Director.
- The revised plans also incorporated some of the conditions of approval.
- **Note:** *Additional revisions were shown on the revised plans to address conditions of approval listed in the November 2 meeting materials from staff. To avoid confusion, those conditions are still included in the decision.*

The applications are subject to the conditions of approval which may include revisions to comply with conditions of approval.

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 5-23 - Criteria

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 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.

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:

FINDING: SATISFIED WITH CONDITIONS. A Planned Development includes two components: (1) establishment of the Planned Development Overlay Zone with any special standards and provisions that modify any provisions of the underlying zoning regulations, and (2) approval of a Master Plan for the site. These can be adopted concurrently or the overlay zone can be established first followed by later approval of the master plan. For this property, the overlay zone was approved, and this amendment is to approve the master plan as required by the Zoning Ordinance and the Planned Development Overlay Ordinance. The criteria for applying a Planned Development with special provisions to this property were already met when the Planned Development Ordinance was adopted and subsequently amended. Conditions of approval are included to satisfy the criteria and ensure consistency with applicable zoning regulations and overlay zone provisions.

- 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 Response: The current Planned Development Overlay and previously approved Planned Development Amendment, Ordinance 5072, did not include a Master Plan, or specific Site Plan of the Subject Site. Therefore, the proposed Site Plan and Development is subject to the review and the approval criteria for a Planned Development Amendment.

FINDING, SUBSECTION (A): SATISFIED WITH CONDITIONS. The Planned Development overlay was established concurrent with a rezone to commercial zoning. In general, the Planned Development ordinance established provisions that were more restrictive than the standard regulation requirements of the C-3 zone, including more restrictive provisions governing permitted uses and building height.

With this proposed amendment to adopt a Master Plan, the applicant is proposing a plan that substantially addresses the Zoning Ordinance requirements for the proposed use and development, the provisions of the underlying zone, and the more restrictive Overlay Zone provisions. The application is also subject to new regulations that weren't in effect at the time the Planned Development overlay was established, including new residential design and development standards and new policies in the recently adopted Three Mile Lane Area Plan.

As part of the Planned Development Amendment the applicant is requesting flexibility for minor deviation from some measurable standards and those are addressed under the applicable provisions of these findings.

- B. *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

Applicant Response: The proposed Planned Development Amendment and Development application has been designed to be consistent with the Comprehensive Plan objectives, Goals and Policies. Narrative addressing compliance of the Goals and Policies is included as a part of this overall application.

FINDING: SATISFIED WITH CONDITIONS. In the respective sections below, findings have been made regarding consistency with the Goals and Policies in Volume II of the Comprehensive Plan and the objectives of the area as provided in the Three Mile Lane Area Plan and the Three Mile Lane Planned Development Overlay Ordinance.

- C. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

Applicant Response: The subject site is adjacent to existing development and the City of McMinnville city limits and the Urban Growth Boundary. The existing Altimus Medical Plaza Building complex is adjacent to the North, the Willamette Valley medical Center Hospital is adjacent Across SE Norton Lane to the East, the Evergreen Mobile Home Park is adjacent to the West and the city limits and UGB is adjacent to the South.

The proposed Site Plan and site design provides for the extension and Public improvements to SE Norton Lane for anticipated future development to the South.

FINDING: SATISFIED WITH CONDITIONS. Surrounding properties within the UGB are already developed or approved for development, including provision of services. Conditions of approval address requirements for utility connections and frontage improvements.

There is an existing 10' PUE along the frontage and a storm drain easement along the west side of the property.

This is the last property at the end of Norton Lane within the UGB. The property has frontage on existing Norton lane right-of-way and will need to make frontage improvements. The sewer in Norton Lane is relatively shallow at this location, and any future plans for service further to the south if land is added to the UGB at that location would need to be addressed should such land be added.

- D. *The plan can be completed within a reasonable period of time;*

Applicant Response:

The proposed Development will be completed in a timely manner. The owners anticipate the start of construction as soon as permits can be obtained following the land-use approval process. Construction is anticipated to begin spring of 2024.

FINDING: SATISFIED. The applicant's timeline demonstrates completion 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;*

Applicant Response: The subject site is located is located on SE Norton Lane at the intersection of SE Stratus Avenue. SE Norton Lane, which is classified as a minor collector, provides direct access to Highway 18, which is classified as a major arterial. This network of roadways provides adequate access for vehicular traffic serving the proposed development.

A Transportation Impact Study has been prepared and is included with the overall land-use application and Planned Development Amendment application.

FINDING: SATISFIED WITH CONDITIONS. The applicant has conducted a Traffic Impact Analysis (TIA) that demonstrates compliance with applicable performance standards. The City's transportation consultant has reviewed the TIA and found that it met technical requirements and addressed required criteria. While the property doesn't have frontage on an ODOT facility, ODOT also reviewed the TIA. The review letters from the City's consultant and ODOT are included as attachments. Conditions of approval are included regarding frontage improvements.

- F. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

Applicant Response: The proposed Site Plan and proposed site improvements will provide adequate utility and drainage services for the scope of the project and proposed number of living units.

There is an existing 10" public water main located with the SE Norton Lane right-of-way. A proposed 4" domestic water service and 6" fire suppression service will be installed on-site connecting to the existing public water main.

There is an existing 8" public sanitary service line located within the SE Norton Lane right-of-way. A new private sanitary service line will be installed throughout the site to serve the proposed buildings and living units. Due to existing grade elevations, a sanitary lift station will be provided on the subject site for gravity drainage to the public line.

There is an existing 15-foot private drainage easement running north-south along the westerly boundary of the subject site. A new on-site storm drainage system is proposed beneath the drive aisles, including required underground stormwater storage-detention before discharging into a riprap stormwater discharge facility. The stormwater discharge will be at pre-development flow rates in accordance with the State of Oregon Drainage laws.

FINDING: SATISFIED WITH CONDITIONS. Affected agencies and departments have reviewed the proposed development plans. Subject to conditions of approval, including requirements for provision of utilities and requirement addressing drainage, the development will have adequate utility and drainage facilities.

- 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 Response: The proposed development of multi-family apartments units is consistent with the anticipated uses of the subject site as identified in the Comprehensive Plan and the Three Mile Lane Area Plan. As a proposed multifamily development, the use will not generate or produce excessive noise or air pollution nor will it generate water pollution having adverse effects upon the surrounding community of the city.

FINDING: SATISFIED. There are no aspects of this apartment development as a Planned Development that are substantively different than would otherwise occur if the site was developed without a Planned Development overlay as a permitted use in the underlying C-3 zone for this property. There are no unique noise, air, or water pollutants associated with this residential development.

Planned Development Ordinance (Ordinance 4709, Amended by Ordinances 4863 and 5072):**ORDINANCE 4709, AS AMENDED BY ORDINANCE 4863 AND 5072: CONDITIONS OF APPROVAL:**

1. *That the zone change request shall not take effect until and unless CPA 6-99 is approved by City Council.*

Applicant Response: This condition of approval is no longer applicable and Ordinance 4709 was approved by City Council.

FINDING: SATISFIED. This action was previously completed.

2. *That the development and use of the site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended. Further, that a detailed Master Plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their locations, building locations, proposed circulation patterns, proposed open spaces, grading and drainage information, location and size of public utilities and services, off-street parking areas, direct pedestrian access, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.*

Applicant Response: This current application is for a Planned Development Amendment to include the proposed Master Plan for the site. The application includes the detailed drawings and design as outlined in the above condition of approval. This application also includes the application for the Three Mile Lane Design Review.

FINDING: SATISFIED. The proposal addresses the applicable submittal requirements and procedures. The proposal is reviewed for consistency with all applicable requirements include the Three Mile Lane Ordinance 4131 as amended.

3. *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 Three Mile Lane Design Review Committee prior to issuance of any building permits for said development. Approval or denial of such plans shall be based upon 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 plane and provide visual interest, This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complementary building materials, providing openings in the building façade, and landscaping at the building perimeter. Submitted plans should include detail as regard to building colors and materials (provide texture and 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 provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions of any development and to determine whether or not specific uses are permissible. The applicant may appeal the decisions of the Three Mile Lane Design Review Committee to

the Planning Commission if notice of the appeal is filed in the Planning Commission office within 15 days of the Committee's decision.

Applicant Response: This application is for multifamily housing and is not a commercial proposal. Therefore this condition of approval is not applicable.

FINDING: SATISFIED WITH CONDITIONS. This condition was established before the Ordinance was amended to include multi-dwelling development as a permitted use for the property. The applicable issues above for multi-dwelling development are addressed through consistency with the provisions of the Three Mile Lane Overlay Zone Ordinance 4131 as amended, the policies of the Three Mile Lane Area Plan, and the residential design and development standards. The TML review is part of this concurrent review.

4. *That final development plans include landscape plans submitted to and approved by the McMinnville Landscape Review Committee and Three Mile Lane Design Review Committee. A minimum of 14 percent of the site must be landscaped. An arborvitae hedge or similar type of planted visual screen shall be required along the property lines adjacent to the residentially zoned land to the west. Landscaping emphasis shall exist along the site's eastern edge, adjacent to Norton lane, including required street trees, with particular emphasis at the site's eastern driveway intersections at Norton Lane. In addition, landscape islands are required to be located throughout the proposed off-street parking areas.*

Street trees within a curbside planting strip along the Norton Lane frontage are required to have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip and be spaced as appropriate for the selected species and as may be required for the locations of above ground utility vaults, transformers, light poles, and hydrants. All street trees shall be of good quality and shall conform to American Standards for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

Applicant Response: This proposed development and application includes the Landscape Plan Review application. The landscape design for the site includes the required screening and buffering to the adjacent properties along the North, West and South property lines. There are also enhanced plantings along the SE Norton Lane frontage.

The proposed development application also includes the SE Norton Lane street frontage improvements. These include the required street trees. The proposed street trees meet the specified requirements.

FINDING: SATISFIED WITH CONDITIONS. This condition is addressed as part of the Landscape Plan Review. The 14% coverage requirement is higher than required for commercial development but less than required for multi-dwelling development, and the landscape plan review addresses all applicable requirements, including the most restrictive provisions. That review is part of this concurrent review.

5. *That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private, rather than public, and private maintenance agreements must be approved by the City for them.*

Applicant Response: This application includes a Preliminary Grading and Drainage Plan, drawing C2.0. It is understood that complete drainage design must be provided in accordance with the City of McMinnville Storm Drainage Master Plan. Detailed drainage design and stormwater analysis will be provided for permit submittal to the City Engineering Department.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the detailed drainage plan with all applicable calculations must be submitted for review and approval prior to issuance of development permits.

6. *The final development plans for the subject site include a detailed sanitary sewerage collection plan which incorporates the requirements of City's Collection Systems Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to issuance of any development permits. Any utility easements needed to comply with the structures located within the subject site are required to connect to the sanitary sewer systems as soon as service is available.*

Applicant Response: This application includes a Preliminary Utilities Plan, drawing C3.0. It is understood that complete sanitary sewerage design must be provided in accordance with the City of McMinnville Collection Systems Plan. Detailed sanitary sewerage design and analysis will be provided for permit submittal to the City Engineering Department.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the detailed sanitary plan must be submitted for review and approval prior to issuance of development permits.

7. *That the developer secure from the Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permit shall be submitted to the City Engineer.*

Applicant Response: It is understood that the owner/developer must secure the applicable Department of Environmental Quality (DEQ) stormwater runoff permits. Evidence of the permits will be submitted to the City Engineer as required.

FINDING: SATISFIED WITH CONDITIONS. This requirement is incorporated as a condition of approval.

8. *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 a lot fill agreement from the City Building Division. All fill placed in the areas where construction is expected shall be engineered and shall meet with approval of the City Building Division and the City Engineering Department.*

Applicant Response: It is understood that the owner/developer must enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for a lot fill agreement from the City Building Division. It is also understood that all fill placed in the areas where construction is expected shall be engineered and shall meet with approval of the City Building Division and the City Engineering Department.

FINDING: SATISFIED WITH CONDITIONS. This requirement is incorporated as a condition of approval.

9. *That the developer extend water and power services to the subject site in accordance with McMinnville Water and Light requirements, including any necessary contracts and/or*

easements. Said water service is to include required fire hydrants, which are necessary to be in working order prior to the issuance of building construction permits.

Applicant Response: It is understood that the owner/developer extend water and power services to the subject site, if required by McMinnville Water and Light. The required improvements, if any, will be designed and installed to the requirements of McMinnville Water and Light. Although, there is an existing public water main located within the NE Norton Lane right-of-way and power currently serves the adjacent property to the north.

It is further understood that said water service is to include required fire hydrants, which are necessary to be in working order prior to the issuance of building construction permits.

FINDING: SATISFIED WITH CONDITIONS. This requirement is incorporated as a condition of approval.

10. *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.*

Applicant Response: It is understood that McMinnville Water and Light may require utility extensions to the subject site, if not currently provided. The required improvements, if any, will be designed and installed to the requirements of McMinnville Water and Light. Although, there is an existing public water main located within the NE Norton Lane right-of-way in front of the subject site and power currently serves the adjacent property to the north.

FINDING: SATISFIED WITH CONDITIONS. This requirement is incorporated as a condition of approval.

11. *That no building shall exceed the height of 35 feet.*

Applicant Response: The Applicant is proposing a Variance through the Planning Commission Authority to request approval to allow a roof height of 37 feet to the highest ridge line. The detailed response to the requested Variance is included within the Variance Application Narrative.

FINDING: SATISFIED WITH CONDITIONS. The Planned Development Ordinance establishes a more restrictive height limit than the height limits of the C-3 zone. In the variance application, the applicant has requested a variance to exceed this 35' height limit to 37' to the top of highest ridgeline. Administrative variances allow up to a 10% deviation from certain standards, but can't be applied to building height. Therefore, the applicant has addressed the standard variance criteria, provided in the respective section of the findings. Compliance with this condition is contingent on approval of the requested variance.

12. *That if outside lighting is provided, it must be directed down and away from residential areas and public streets.*

Applicant Response: The proposed site lighting design is included in this application, drawing ME1.0. The proposed lighting design provides full cut-off light fixture that prevent light from entering the adjacent properties and the lighting design does not shine light onto the SE Norton Lane right-of-way.

FINDING: SATISFIED WITH CONDITIONS. As noted, the applicant has submitted a lighting plan addressing the items noted above. As a condition, the applicant shall also verify there are no outward shining building mounted "Wall-Pack" types of fixtures unless appropriately shielded.

13. *That signs located on the site shall be subject to the requirements of McMinnville Ordinance 4572 (B).*

Applicant Response: It is understood that any proposed signage must be designed to be in compliance with the City of McMinnville Ordinance 4572 (B). A small site identification sign is proposed and the location is noted on the Site Plan, drawing A1.0 and A1.1.

FINDING: SATISFIED WITH CONDITIONS. At the time of sign permit application, any signage will be reviewed for consistency with the sign provisions of the Zoning Ordinance and Ordinance 4572. Please note that freestanding signs other than a monument sign are not authorized on the Norton Lane frontage.

14. *That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.*

Applicant Response: The proposed development is for multifamily housing and this condition of approval is not applicable.

FINDING: SATISFIED WITH CONDITIONS. This condition continues to apply, so no outside storage is to occur.

15. *That the subject site is limited to professional office use or medical office use, or multiple family dwellings, senior condominiums, senior apartments, or assisted living facilities, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, multiple family dwellings, or senior condominiums, senior apartments, or assisted living facilities, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site. (As amended by Ordinances 4863 and 5072)*

If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The usable open space area shall be a contiguous area with each dimension being at least 25 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped."

Applicant Response: This condition of approval has been amended to include multifamily housing. The revised condition was included in Ordinance 5072 (PDA 6-18). A respond to the amended condition of approval follows in the response to address Ordinance 5072 below.

Applicant Response: The proposed development is for 138 units of multiple family dwellings (apartments) and is therefore a complying use.

The subject site is 214, 759 sf. The proposed Site Plan provides 32,769 sf of common open space, which is 15% of the gross site area and is therefore compliant.

FINDING: SATISFIED WITH CONDITIONS. The use is a permitted use, and the site plan and calculations demonstrate consistency with the open space requirements.

16. *That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.*

Applicant Response: There are no restrictive covenants proposed with this development application. This condition of approval is not applicable.

FINDING: NOT APPLICABLE.

17. *That the approved Master Plan as approved by the Planning Commission shall be placed on file with the Planning Department and become part of the zone and binding to the owner and developer. The developer will be responsible for requesting permission of the Planning Commission for any major changes of the details of the final development plans. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a minor or major 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.*

Applicant Response: The requirements of this condition of approval are understood by the developer/owner.

FINDING: SATISFIED WITH CONDITIONS. The final plan, addressing any conditions of approval or revisions shall be placed on file.

18. *That improvements to the Norton Lane frontage, to the southernmost entry drive, or as may otherwise be required by the City of McMinnville, shall be done at the developer's expense and be finalized prior to release of any occupancy permits. Plans for improvement to Norton Lane shall be submitted to the City Engineer for review and approval prior to its construction.*

Applicant Response: It is understood that SE Norton Lane frontage improvements are required for the proposed development and that those improvements will be at the owner/developers expense. It is further understood that the design of the proposed SE Norton Lane improvements shall be submitted to the City engineer for review and approval. It is also understood that the frontage improvements must be completed before any occupancy permits will be issued.

FINDING: SATISFIED WITH CONDITIONS. Detailed civil plans shall be submitted for frontage improvements to North Lane for the full frontage of the property for a "3/4" street improvement as a condition of approval.

19. *The developer/owner of the subject site must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such as noise, vibrations, fumes, dust, fuel particles and all other effects as may be caused by the operations of aircraft landing at or taking off or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause action which he may now or in the future arise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances.*

Applicant Response: The owner/developer understands the requirements of this condition of approval.

FINDING: SATISFIED WITH CONDITIONS. This requirement shall be addressed as a condition of approval prior to development.

20. That prior to the development of the site, the applicant shall sign a waiver of remonstrance against the future development of Norton Lane. The waiver shall be prepared by the City.

Applicant Response: The owner/developer understands the requirements of this condition of approval.

FINDING: SATISFIED WITH CONDITIONS. This shall be required as a condition of approval unless the City determines that the frontage improvements to Norton Lane sufficiently fulfill this obligation.

ORDINANCES 4863 AND 5072: CONDITIONS OF APPROVAL:

Ordinance 5072 amended the conditions of approval in Ordinance 4709, as previously amended by Ordinance 4863. Those revisions and responses are incorporated above. Ordinance 5072 also specified that all other requirements and conditions of approval from Planned Development Ordinance 4709 shall remain in effect. Those provisions are addressed above.

Three Mile Lane Review (TML 4-23), Subject to Ordinance 4131, as amended by Ordinance 4572 and subsequent ordinances

Section 4. Policies. The following policies shall apply to the property described on the map in Exhibit "A":

A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, applicable regulations and standards in Volume III, and other City codes shall be adhered to.

APPLICANT RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. Findings regarding the Goals and Policies in Volume II of the Comprehensive Plan are addressed in the respective sections of this decision document. Findings regarding applicable implementing regulations and standards that comprise Volume III of the Comprehensive Plan are also addressed in the respective sections of this decision document.

B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.

APPLICANT RESPONSE: No response.

FINDING: NOT APPLICABLE. The subject property is not within 120 feet of the centerline of the highway.

C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

1. The minimization of entrances onto Three Mile Lane;

APPLICANT RESPONSE: No response.

FINDING: SATISFIED. The property doesn't have frontage on the highway or frontage road. The only proposed access is a single driveway approach to Norton Lane.

2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;

APPLICANT RESPONSE: No response.

FINDING: SATISFIED. The pattern of existing development and development approvals limits opportunities for connections to adjoining properties. Property to the west is developed, property to the north/east is developed, and property to the north/west is approved for development. Property to the south is outside the UGB.

Staff, Fire District staff, and representatives of the property owner and property owners to the north previously met and evaluated potential opportunities for connectivity but those were subsequently ruled out.

3. *The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.*

APPLICANT RESPONSE: No response.

FINDING: SATISFIED/NOT APPLICABLE. The TIA didn't find need for required mitigation along the property frontage or off-site

4. *The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.*

APPLICANT RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The property doesn't have access to a frontage road. Norton Lane is a minor collector. To the north, Norton Lane is narrower than the current standards. Along this frontage, the street improvement width to minor collector standards includes width for bike lanes. The route to the future greenway system identified in the Three Mile Lane Area Plan would be from the property via Norton Lane to the greenway.

For on-site circulation, the plan has an S-shaped parking lot layout. There aren't dedicated bike facilities. The sidewalk configuration includes a direct 5-foot sidewalk connection that bisects the site with an east-west connection from the west end of the site to Norton Lane. As a condition of approval, this shall be 10-feet to accommodate both bikes and pedestrians.

- D. *Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.*

APPLICANT RESPONSE: No response.

FINDING: NOT APPLICABLE. The property doesn't have frontage on the highway or frontage road.

- E. *Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.*

APPLICANT RESPONSE: No response.

FINDING: SATISFIED. The subject property is zoned C-3 PD, and the Planned Development Ordinance 5072 and underlying C-3 zone permit apartment/multi-dwelling development.

- F. *Temporary signage shall be allowed as per Section 17.62.060(B) (3) of the McMinnville Zoning Ordinance.*

APPLICANT RESPONSE: No response.

FINDING: SATISFIED/NOT APPLICABLE. No temporary signage is proposed, but would be authorized as specified in the Zoning Ordinance.

Section 5. Signs.

...

Section 6. Procedures for Review

...

APPLICANT RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The applicant will need to submit a sign permit application prior to any signage. The Planning Director will review signage for consistency with the provisions of the Three Mile Lane Planned Development Ordinance as well as the provisions of Ordinance 5072 and Chapter 17.62 of the Zoning Ordinance.

Landscape Plan (L 38-23)

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:

A1. Temporary erosion control measures will be implemented to prevent soil erosion during construction. Soils will be protected from erosion post construction with the use of plant materials and 3" deep bark mulch throughout the site.

A2. Deciduous trees are placed throughout the site to provide shade in the summer months and allow warming sun in the winter.

A3. Currently, the site is cleared for agricultural use. The design will provide permanent plant materials for the site and will be a net gain of natural resources in the form of carbon sequestering trees, shrubs and grasses.

A4. The landscape design proposes the use of interior and perimeter landscaping. Perimeter landscaping includes a site obscuring fence and evergreen hedge to eliminate glare from vehicles. Large shade trees in the interior landscape islands will help reduce heat island effects.

A5. Landscaping adjacent to the public street (SE Norton Lane) will include Green Vase Zelkova trees that will provide shade in the summer and attractive fall color. Low flowering shrubs, ornamental grasses, and groundcovers adjacent to SE Norton Lane will provide an attractive landscape viewable for users of the public street.

A6. Landscaping adjacent to the public street (SE Norton Lane) will include Green Vase Zelkova trees that will provide shade in the summer and attractive fall color.

A7. The landscape design proposes the use of perimeter landscaping. Perimeter landscaping in parking areas includes a site obscuring fence and evergreen hedge to eliminate glare from vehicles. Pedestrian walkways adjacent to property lines are buffered with a site obscuring fence and plant materials. Overall, the use of trees, shrubs and groundcover are compatible with the character of the existing residential and commercial uses that have similar plantings.

A8. The choice and selection of plant materials incorporates a variety of trees, shrubs, grasses, and groundcover. Trees will provide shade, flowers and fall color. Ornamental shrubs and groundcover will provide seasonal flowers and color.

A9. The landscape design proposes the use of interior and perimeter landscaping. Perimeter landscaping includes a site obscuring fence and evergreen hedge to eliminate glare from vehicles. Large shade trees in the interior landscape islands will help reduce heat island effects.

Noise mitigation is most critical for the residential use west of the site. The design will include a 15' setback to help mitigate noise along the west property line.

B. The proposed Landscape Plan and design provides trees, buffer and screening plantings along the site perimeter. This will buffer the effects of on-site parking area and building lighting from the adjacent abutting properties. The overall landscape plan and development also aids in buffering sound both from the subject site and from the adjacent abutting properties.

C. The proposed Landscape Plan and design will provide street trees along the SE Norton Lane street frontage. The landscape design also provides screening of private spaces for the living units and the proposed open common areas on site.

D. The existing undeveloped site was historically agricultural uses and there are no existing trees.

E. The proposed Landscape Plan and design provides a variety of trees that will enhance and contribute to the overall urban tree canopy.

F. The landscape design incorporates native plant varieties and hybrids to help reduce water requirements, reduce chemical applications, and help provide a sense of regional identity. Blue Fescue is used as a drought resistant groundcover throughout the site. Thuja occidentalis "Golden Globe" is a hybrid of the native Thuja and will provide an evergreen presence in winter months, reminiscent of Pacific Northwest landscapes. Finally, White Wonder Dogwood trees, a hybrid of the native Cornus nuttallii, are placed throughout the site. The Dogwoods will provide the familiar white flower in spring that is common in Pacific Northwest landscapes.

G. A pleasant visual character and structure is established using a variety of trees, shrubs, and groundcover throughout the site.

The main east-west interior walkway and open spaces are lined with Aristocrat Flowering Pears, giving them a unique visual character and structure. The north-south walkway between building D and open space is lined with European Hornbeams, giving a sense of separation between the common space and the apartments to the west. Crape Myrtles trees are placed in raised planters within amenity areas of the open spaces. The low canopy of the Crape Myrtle will enhance the planters by providing shade and a unique aesthetic. Finally, stately Green Vase Zelkova will line Norton Lane, providing a vertically branched and high canopy structure for the interphase between public and private space.

Shrubs and ornamental grasses throughout the site help provide a pleasant visual character, define spaces and facilitate safety. The perimeter of the site is lined with evergreen shrubs that will provide a six-foot-tall screen between parking and adjacent uses. A mix of low shrubs and grasses skirt the buildings to provide separation between public and private areas. The low plantings help to soften the angular lines of buildings while keeping sight lines open for safety.

Grasses are used throughout the site to provide a sense of space inherent to the expansive grasslands of the Willamette Valley. Lawn areas in open spaces provide residents opportunities for active recreation. Residents can play a game of volleyball, pick up football or frisbee in these expansive areas.

H. The proposed Landscape Plan design provides an esthetically pleasing and attractive landscape design. This overall site and landscape design enhances the character of the existing neighborhood and provides a livable community environment.

FINDING: SATISFIED. The proposed landscape plan is reviewed against the standards of Chapter 17.57 to address consistency with, and demonstrate compliance with the purpose, intent, and objectives identified in Section 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:*

...

2. *Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)*

3. *Multiple-dwelling, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)*

...

Applicant Response: The proposed Site Plan and Landscape Plan provide 30 percent of the site area in landscaping.

FINDING: SATISFIED. The applicant's plans and calculations demonstrate compliance.

4. *A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.*

Applicant Response: The proposed Site Plan and Landscape Plan provide parking lot landscaping as identified in 17.11.090 Residential Design Standards for Apartments.

FINDING: SATISFIED. The analysis and plans provided by the applicant demonstrate the site exceeds the 7% commercial requirement as well as the applicable multi-dwelling landscape requirement and the landscaping requirements in Chapter 17.11 for multi-dwelling residential development.

17.57.070 Area Determination—Planning factors (cont.)

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.*

Applicant Response: The adjacent uses: residential, commercial and agriculture would not be adversely affected by the proposed multi-family development. Uses to the north, south and

west of the site will be sufficiently screened with a site obscuring fence and evergreen hedge. Additionally, the residential use to the west will be buffered with more than 15' between the property line and any structure.

FINDING: SATISFIED WITH CONDITIONS. The applicant's plans and the narrative regarding the purpose and intent as well as the above response demonstrate compatibility. With the revised proposal to provide sight-obscuring screening with only vegetation along the west property line, a condition of approval requires temporary screening materials until the sight-obscuring vegetation matures to the point of achieving sight-obscuring screening.

2. *Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.*

Applicant Response: Screening is proposed on north, south and west perimeters of the site. Screening will be achieved with a site obscuring fence and evergreen hedge.

FINDING: SATISFIED WITH CONDITIONS. At locations where screening of abutting properties is required and/or proposed, the application originally proposed sight-obscuring fencing and hedge. **Note:** *the residential standards specify that the fencing is not to be chain link.* With the revised proposal to provide sight-obscuring screening with only vegetation along the west property line, a condition of approval requires temporary screening materials until the sight-obscuring vegetation matures to the point of achieving sight-obscuring screening.

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.*

Applicant Response: The site was previously open for agricultural use and there are no existing trees on site.

FINDING: SATISFIED/NOT APPLICABLE.

4. *The development and use of islands and plantings therein to break up parking areas.*

Applicant Response:

A total of 37 parking lot islands are used to break up parking areas. Each island has a shade tree and shrubs / grasses to help break up the parking areas.

FINDING: SATISFIED WITH CONDITIONS. The plan includes islands and plantings with trees to break up parking areas. The applicant has requested a minor increase to the applicable parking requirement for multi-dwellings to increase the island spacing from 60 feet to 63 feet. That request was approved by the Planning Commission per the plans.

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.*

Applicant Response: None of the proposed trees are prohibited. Many of the trees are listed on the City of McMinnville street tree list, including the Green Vase Zelkova proposed along SE Norton Lane.

FINDING: SATISFIED. The applicant's plan and response address this requirement.

6. *Suitable watering facilities or irrigation systems must be included in or near all planted areas;*

Applicant Response: The proposed development will have an automatic irrigation system with a water efficient controller and rain sensor. The irrigation system will be commercial grade with separate zones for lawn and shrub areas.

FINDING: SATISFIED. The applicant's plan and response address this requirement

17.57.070 Area Determination—Planning factors (cont.)

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: N/A.

FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to ensure compliance with this requirement.

Comprehensive Plan Volume II:

The implementation of the goal, policy, and proposal statements in Volume II of the Comprehensive Plan shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements.

Certain 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 V. HOUSING AND RESIDENTIAL DEVELOPMENT

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

General Housing Policies

Policy 58. City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

Applicant Response: The proposed development provides multifamily housing that has been designed to be in compliance with the applicable sections of the City of McMinnville Zoning Ordinance and applicable ordinances within the planned development area of the subject site.

Policy 59. Opportunities for multiple dwelling and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the city.

Applicant Response: The proposed multifamily development has been designed to be in compliance with the applicable sections of the City of McMinnville Zoning Ordinance, including the Residential Design Standards for apartments, 17.11.090 and the applicable ordinances within the planned development area of the subject site.

Low-Cost Housing Policies:

Policy 64. The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.

Policy 65. The City of McMinnville shall coordinate with the Mid-Willamette Valley Council of Governments to develop a “fair share” plan to allocate low-cost housing throughout the tri-county region.

Policy 66. The City of McMinnville shall continue to allow development of its fair share of the region’s low-cost housing. The share accepted will be based on quantifiable studies which take into account the amount of the low-cost housing already in the community and the overall housing opportunities in the city and region.

Policy 67. Subsidized low-cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.

Applicant Response: The proposed development is for market-rate multifamily housing and is not proposed to be a low-income or subsidized development.

FINDING (HOUSING GOAL V.1 AND APPLICABLE POLICIES): SATISFIED. Most of these policies are directives to the City. The City previously approved an amendment to the Planned Development Overlay to allow multi-dwelling (apartment) development as a permitted use. The applicant is proposing housing consistent with the permitted uses authorized in the zone and the Planning Development Overlay.

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

Policies:

68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use. (Ord. 5098, December 8, 2020)

Applicant Response: The subject site is designated C-3 Commercial and has been identified for Medium-High Density Residential under the Three Mile Lane Planned Development Amendment to Ordinance 4709.

The subject site has existing urban services available to the site.

Planned Development Policies:

72.00. Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

Applicant Response: The subject site is located within the Three Miler Lane Planned Development Overlay. The proposed development has been designed to be in compliance with the applicable ordinances within the Three Mile Lane PD overly including Ordinance 4709 and Ordinance 5072.

Policy 73. Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Policy 74. Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

Applicant Response: The subject site does not contain any distinctive natural or topographic features.

Policy 75. Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the city, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

Applicant Response: The proposed Site Plan provides Common Open Spaces in compliance with 17.11.090. The proposed Common Open Spaces occur within the private market-rate apartment development and will be maintained by the development

Policy 76. Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Applicant Response: The proposed Site Plan provides Common Open for recreational use by the apartment residents. There are no other recreation facilities or community centers proposed within this development.

Policy 77. The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

Applicant Response: The proposed development and Site Plan is limited to a single 4.93 acre site and does not include any internal public streets. The proposed Site Plan does include internal drive aisles and parking areas that will provide safe and efficient access to parking and the buildings throughout the site. There is a network of internal sidewalks and pathways that connect the parking, buildings and common open spaces to the public street frontage.

Policy 78. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Applicant Response: The subject site has limited public street frontage and is limited to a single driveway onto SE Norton Lane.

Multiple Dwelling Development Policies:

Policy 86. Dispersal of new multi-dwelling housing development will be encouraged throughout the city in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi-dwelling development in specific areas of the community leading to a segregation of multi-dwelling development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles.

In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-dwelling development, and the area is commensurate with a higher concentration of multi-dwelling development without creating an unintended segregation of multi-dwelling development, such as McMinnville's downtown, the area surrounding Linfield University and neighborhood activity centers, a higher concentration of multi-dwelling development will be encouraged.

Applicant Response: As provided for by the adoption of Ordinance 4709, amended by Ordinance 5072, the subject site is located in an area of McMinnville that has the existing infrastructure, public facilities to support the density of the proposed development. The proposed development will provide needed housing for the support staff of the adjacent medical facilities and the Willamette Valley medical Center Hospital, as well as other nearby employment centers.

87.00 Residential developments at densities beyond that normally allowed in the multiple-dwelling zone shall be allowed in the core area subject to review by the City. These developments will be encouraged for (but not limited to) the provision of housing for the elderly.

Applicant Response: The proposed development is within the allowable density for the subject site. The subject site is not located within the core area and this does not apply.

88.00 Deleted as per Ord. 4796, October 14, 2003.

89.00 Zoning standards shall require that all multiple-dwelling housing developments provide landscaped grounds. (Ord. 4796, October 14, 2003)

Applicant Response: The proposed development includes detailed Landscape Plans that have been designed for review in conjunction with all aspects of the McMinnville Zoning Codes. Multiple locations with Zoning Code require landscaping, including the 17.11 the Residential Design Standards. The proposed landscape design provides landscaping throughout all areas of the site not covered by buildings, parking or drive aisles.

Policy 90. Greater residential densities shall be encouraged to locate along collectors and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers or within neighborhood activity centers, and within a one-half-mile-wide corridor centered on existing or planned public transit routes.

Applicant Response: The subject site is located on SE Norton Lane at the intersection of SE Stratus Avenue. SE Norton Lane, which is classified as a minor collector, provides direct access to Highway 18, which is classified as a major arterial. This network of roadways provides adequate access for vehicular traffic serving the proposed development.

Yamhill County Transit, Route 2, serves SE Norton Lane with a transit stop located at the intersection of SE Norton Lane and SE Stratus Ave.

Policy 91. Multiple-dwelling housing developments, including condominiums, but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the city to have sufficient traffic carrying capacities to accommodate the proposed development.

Applicant Response: The subject site and proposed development has access from SE Norton Lane which is a minor collector. Norton Lane connects directly to Highway 18 that is a major arterial. The existing network of public roadways has sufficient carry capacity for the traffic generated by the proposed development.

A Transportation Impact Study has been prepared and is included in this application.

Policy 92. High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

Applicant Response: The subject site is located along an existing public transit route, Yamhill County Transit, Route 2, with a transit stop located at the intersection of SE Norton Lane and SE Stratus Ave.

Policy 92.01. High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.

Applicant Response: The subject site is not located near railroad lines or heavy industrial uses.

Policy 92.02. High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.

Applicant Response: The subject site is located along an existing public transit route, Yamhill County Transit, Route 2, with a transit stop located at the intersection of SE Norton Lane and SE Stratus Ave. The subject site is not located near schools, shopping or parks.

92.03 Housing developments for the elderly shall, as far as possible, locate near community centers, parks, and shopping areas, or where transportation services can be provided to enable access to these activity areas. (Ord. 4796, October 14, 2003)

Applicant Response: The proposed project is not an Elderly Housing development.

Urban Policies.

Policy 99. An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

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

Applicant Response: The subject site has existing water and sanitary sewer lines located within the SE Norton Lane right-of-way. The existing sanitary sewer is an 8" main, which has adequate capacity for the proposed development.

There is an existing 10" water main located in the SE Norton Lane right-of-way. This line has adequate capacity for domestic and fire line services for the proposed development and additional new fire hydrants.

The subject site is accessed by SE Norton Lane, which currently terminates just south of the intersections with SE Stratus Avenue. The proposed development will provide public street frontage improvements along the SE Norton Lane right-of-way to the southern boundary of the site and the current McMinnville City limits.

There are no public streets proposed or required within the proposed development. The Site Plan provides a network of drive aisles and parking areas serving the buildings and living units. A Fire Truck turnaround has been provided at the rear of the site.

FINDING (HOUSING GOAL V.2 AND APPLICABLE POLICIES): SATISFIED WITH CONDITIONS.

General Policies:

With Planned Development Ordinance 5072, the City has designated multi-dwelling development of this site as a permitted use.

Planned Development Policies:

Some of the policies specify locational considerations for uses, and the proposed use is already authorized for the subject property. The Planned Development proposal is for development of multiple apartment buildings on a single site. This is subject to the multi-dwelling residential standards in Chapter 17.11 of the Zoning Ordinance. Some of the above policies are more applicable to a master planned development that includes a subdivision and mix of housing types.

The Planned Development Ordinance for the property outlines any special requirements that apply to the use and development of the property, which the Master Plan must adhere to in addition to the other provisions of the Zoning Ordinance and other applicable ordinances. Some of the policies above would be addressed at time of designation of a Planned Development overlay zone and incorporated as conditions that specify what the Master Plan would need to perform to.

Many of the Planned Development policies have been implemented through the residential design and development standards regarding provision of open space and landscaping of the property and distributed throughout the site to serve all residents.

As noted by the applicant, the site doesn't have distinctive features to be incorporated into the site design.

Regarding the internal circulation system and the relationship to surrounding properties, findings were made regarding substantially the same provisions in the findings that address the Planned Development Amendment Criteria in this document.

Multiple Dwelling Development Policies

The multiple dwelling development policies are predominantly locational criteria. These locational considerations and policies were addressed in conjunction the Planned Development

Ordinance when it was amended to authorize multi-dwelling development as a permitted use of this property.

Policy 89.00 requires the city to establish standards for landscaped grounds for multi-dwelling developments. The City has implemented these standards, and the master plan addresses them. This includes provisions of the PD Overlay Zone, the Landscape Standards of the Zoning Ordinance, and the Multi-Dwelling Residential Standards of Chapter 17.11

Urban Policies:

Applicable urban policies require adequate public facilities. The proposal will be required to comply with conditions of approval to provide required public facilities constructed to applicable standards. Impacts on applicable systems have been evaluated.

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.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan

GREAT NEIGHBORHOOD PRINCIPLES:

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.

Policies:

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.

Applicant Response: The existing subject site is vacant agricultural land and the no existing natural features or trees present.

FINDING: SATISFIED. The site is generally level without distinctive natural features such as those described above.

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.

Applicant Response: The existing subject site does not have any scenic views or existing natural features. The proposed site design does create large open space areas within the subject site for residents to recreate.

FINDING: SATISFIED. The site plan provides opportunities for views from the buildings to the distant terrain, predominantly from the site to the south and east.

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.*

Applicant Response: The proposed site plan creates a variety of open space types for the residents. There are large open spaces, space courtyard style gathering and sitting areas and picnic and barbeque areas. There is a network of onsite pathways that connect the building entries, parking areas and the public street frontage to the open spaces throughout the site.

FINDING: SATISFIED WITH CONDITIONS. The property will be developed as a single property with apartments and on-site amenities described by the applicant above. The amenities include a variety of features consistent with this policy which provide opportunities to walk, play, gather, and commune as a neighborhood.

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).

Applicant Response: The subject site provides a network of walkways and pathways throughout the site connecting the living units to the open spaces, parking areas and the public street frontage. The subject site is also served by Yamhill County Transit with a transit stop at the corner of SE Norton Lane and SE Stratus Avenue.

The network of pedestrian walkways and pathways connect to all existing adjacent public sidewalks and street frontage. There are not existing adjacent trails.

FINDING: SATISFIED WITH CONDITIONS. The property will be developed as a single parcel. As described above, the design provides for internal pedestrian circulation as well as connections from the site to external pedestrian facilities and connections to Stratus Avenue and Norton Lane. The on-site circulation provides multiple pedestrian routes to and through the site and its amenities and pedestrian gathering places. As a condition of approval, the applicant will also construct sidewalk frontage improvements along Norton Lane.

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.

Applicant Response: The proposed street frontage improvements along the SE Norton Lane Frontage includes a bike lane.

FINDING: SATISFIED WITH CONDITIONS. The property will be developed as a single site. As a condition of approval, the east-west sidewalk that bisects the site shall be increased to 10-feet in width to accommodate both bicycles and pedestrians.

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.

Applicant Response: The subject site has limited street frontage. There are no additional current or future rights of way adjacent the site.

FINDING: SATISFIED WITH CONDITIONS. The site will develop as a single property with access and frontage on a single public street. There are no new streets proposed.

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.

Applicant Response: The proposed on-site network of walkways and pathways will be designed and built to be fully accessible to all residents of the proposed development and the surrounding community.

FINDING: SATISFIED WITH CONDITIONS. The applicant shall clarify accessibility features of outdoor play areas, outdoor fitness areas, and other amenities.

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).

Applicant Response: The proposed site and building design provides a variety of scales for the buildings and usable open spaces. The building forms are heavily articulated to reduce mass and scale. The street frontage building are oriented along the street frontage and provide direct access to the building entries. The on-site parking areas are screened from the public street frontage and the buildings are oriented around the common open spaces within the site.

FINDING: SATISFIED. This proposal will be developed as a single site, with amenities to serve the residents. There are common use open space areas and amenities, but these are not public. The development and shared/common amenities are consistent with this policy, and the interface with the public right-of-way is also consistent with this policy and related residential design and development standards.

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.

Applicant Response: The existing subject site is vacant is located along the existing of the current urban growth boundary and the McMinnville city limits. The subject site is near the Highway 18 and Norton Lane intersections, and adjacent to the Yamhill County Transit bus line ant stop. A large employment center, Willamette Valley Medical Center across SE Norton Lane from the subject site.

FINDING: SATISFIED. The property itself will be a single property of approximately 4.93 acres in one ownership developed with 138 apartments and amenities for the residents. Currently, there are limited amenities nearby, but the Three Mile Lane Area Plan includes opportunities for additional mixed-use development opportunities and public spaces in proximity to the property.

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.

Applicant Response: The subject site is located adjacent the current McMinnville City Limits and the Urban Growth Boundary. The scale and mass of the proposed development serves as a transition from the higher density larger scale buildings adjacent to the site, to the agricultural lands outside the Urban Growth Boundary that is adjacent to the site.

The proposed site plan does not place buildings adjacent the southerly property line to the south. This “steps down” the massing of the site to the UGB. The proposed site plan places the parking area adjacent to the UGB to soften the transition. Parking is proposed within 6 feet of this property line. A six-foot sight obscuring fence and landscape screening and buffering with continuous shrubs and trees are proposed along this boundary to mitigate the proximity of the parking to the UGB.

FINDING: SATISFIED WITH CONDITIONS. The applicant’s narrative accurately describes the conditions for the west side of the property; however, on the east half, Buildings B and D are located closer to the south property line, with sidewalk between the building and property line, landscaping on both sides of the sidewalk, and a fence along the south property line. See conditions of approval for revisions to the landscape plan for the south area between buildings B and D, which will also address this criterion.

The area between buddings B and D would have a wider buffer along the south property line, but the screening between each of those buildings and the property line would be provided by the fencing. The proposed landscaping between those is groundcover south of the sidewalk and shrubs generally 4’ in height at maturity north between the sidewalks and buildings.

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.

Applicant Response: The proposed development is for market rate housing and will be located adjacent to the proposed low-income housing project, Status Village. It is anticipated that the residents of both projects will represent a wide diversity of residents from young people just leaving home to live on their own, young families with small children, middle class working families and senior citizens.

FINDING: SATISFIED. This development will contribute additional housing types to the neighborhood and surrounding area further diversifying the housing in the area.

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.*

Applicant Response: The subject site is located adjacent to a variety of uses and subsequent building scales and building forms. The proposed development is for needed multi-family housing apartment units. The proposed development is for market rate housing and will be located adjacent to the proposed low-income housing project, Status Village. This accomplishes the Great Neighborhood Principle of providing a variety of housing types within the subject neighborhood.

FINDING: SATISFIED. This development introduces additional housing types into the neighborhood. On-site, each building generally represents the same building design. However, some of the buildings are a smaller version of the plan, approximately half the width. The buildings facing the street are different sizes, and the buildings interior to the site have an L or U shaped arrangement defining the edges of the adjacent open spaces, with buildings oriented at 90 degrees to one another.

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.*

APPLICANT RESPONSE: No response.

FINDING: SATISFIED. While this will be a single property, the common elements for the residents serve to provide a sense of community and create a unique sense of character and identity. The common open space areas include a combination of landscape open space with shaded hardscape areas at the edges with seating, planters, and barbeque features which provide a place for socializing. The November 9, 2023 revised plan incorporate additional thematic elements into the design.

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 to approve the master plan, which requires a Planning Commission 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. The Three Mile Lane Review, Variance, and Landscape Plan Review are included in this concurrent review which provides greater 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 submitted the required documentation with the application.

Three Mile Lane Area Plan (Ordinance 5126) – Policies and Urban Design Elements

1. Require future development to be consistent with the design elements of the Three Mile Lane Area Plan.

Applicant Response: The subject site lies within the area identified as Medium-High Density Residential in the Area Plan. The applicable Urban Design Elements identified in the Area Plan for the subject site are addressed as follows:

*Health Care Area**Key Urban Design Elements*

- *Transitions between uses: Health care facilities and surrounding residential areas. Health care facilities are often active around the clock with bright lighting and they generate significant vehicle traffic. They also require a lot of delivery traffic and, in the case of a major medical center, helicopter use. Buffering between uses should be considered, particularly senior housing or market-rate apartments with trees, landscaping and other treatments. Assisted living or nursing care facilities, however, would benefit from close proximity to the hospital.*

Applicant Response: The subject site abuts a large medical office building on the North side of the site. The Willamette Valley Medical Center Hospital is located on the East side of SE Norton Lane. The hospital is set back from SE Norton Lane a significant distance providing a significant buffer from the subject site.

The medical office building to the North has a row of mature trees along the property line abutting the subject site. The proposed Landscape Plan provides additional landscape buffering including trees, shrubs and a sight obscuring fence adjacent the property line.

FINDING: SATISFIED, as described above.

- *Transitions between uses: Health care facilities and other commercial uses. The scale and orientation of existing uses, as related to future uses should be considered. For example, while Senior Housing might benefit from a location within walking distance of a retail center, there should be careful site planning to ensure the housing isn't directly adjacent to loading or parking facilities. It may be most feasible to place health-care related housing with an orientation south towards views and the river.*

Applicant Response: This is not applicable to the subject site.

- *Walkability between uses. Convenient, safe connections between a variety of uses in this area will be important to current and future users.*

Applicant Response: The subject site has street frontage along SE Norton Lane. The proposed development includes Public Street Frontage improvements that will extend along the entire SE Norton Lane Frontage. This sidewalk provides a direct link and connection to the existing sidewalks along SE Norton Lane and Status Avenue. This existing sidewalk network connects the Medical Office Building (Altimus Plaza), the Willamette Valley Medical Center Hospital and up to the intersection of Cumulus Avenue and Highway 18.

The proposed and existing public sidewalk network also provides direct access to public transit and the Yamhill County Transit stop at the intersection of SE Norton Lane and SE Stratus Avenue.

- *Visual quality of buildings facing OR 18. New development should avoid placing loading docks or creating blank walls visible from passing vehicles.*

Applicant Response: This is not applicable to the subject site.

FINDING (POLICY 1): SATISFIED WITH CONDITIONS. As described in the Three Mile Lane Area Plan: “The [Area] is a unique district in the southeast portion of the City of McMinnville. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. The Three Mile Lane Area Plan is intended to create an implementable vision for the area’s future land uses and multi-modal transportation system.”

The policies are intended to guide development and future planning decisions in the Three Mile Lane area. These policies implement the Three Mile Lane Area Plan goals and describe how Great Neighborhood Principles are expected to be expressed in the future growth and development of the Three Mile Lane Area.

The Health Care Area, in which the site is located states the key urban design elements listed below. Apartments are a permitted use on the subject property. The relationship to surrounding land uses and the internal design of the site addresses these elements. The visual quality of the buildings facing Norton Lane have “faces” toward the street, with architectural features, windows and openings, and landscaping, which are appealing from the public right-of-way. Screening is provided between the residential use and adjoining uses.

2. Public improvements and private development shall strive to protect tree groves and mature individual trees.

Applicant Response: There are no existing mature trees that will be impacted by the proposed SE Norton Lane street frontage improvements.

3. Riparian corridors and adjacent native landscape shall be protected.

Applicant Response: The subject site is not adjacent any riparian corridors and does not contain any native landscape materials.

The proposed Landscape Plan does propose the use and incorporation of native plant materials and hybrids in the landscape design.

FINDING: (Policies 2 and 3): SATISFIED. There are no existing tree groves, mature individual trees, riparian corridors, or adjacent native landscaping.

4. *The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.*

Applicant Response: The subject site does not have exposure to any existing views of the surrounding area. The upper floor living units may have the opportunity to capture views of the surroundings.

FINDING: SATISFIED. No new streets are proposed. Internally, the residential units have internal views of the common open space and landscaped areas, while external facing windows face toward the distant terrain to the south and east.

5. *Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.*

Applicant Response: While the subject site does not have existing adjacent trails or open space, the proposed Site Plan and internal network of sidewalks, provides the availability of connection to future development and trails to the south of the site.

FINDING: SATISFIED. This site doesn't have direct connections to the parks or river, but provides pedestrian connectivity to the Norton Lane frontages that would provide relatively direct pedestrian routes to connect to a greenway system as described in this policy.

6. *New gathering spaces will be designed to incorporate natural areas and views.*

Applicant Response: The proposed Site Plan provides a variety of common open spaces and gathering spaces.

FINDING: SATISFIED. There are no existing natural areas to be incorporated into gathering spaces, but the proposed open spaces will be landscaped with a variety of landscape treatments. The locations of open spaces provide opportunities to maintain views of distant terrain in some directions.

7. *Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy.*

Applicant Response: The landscape design incorporates native plant varieties and hybrids to help reduce water requirements, reduce chemical applications, and help provide a sense of regional identity. Blue Fescue is used as a drought resistant groundcover throughout the site. Thuja occidentalis "Golden Globe" is a hybrid of the native Thuja and will provide an evergreen presence in winter months, reminiscent of Pacific Northwest landscapes. Finally, White Wonder Dogwood trees, a hybrid of the native Cornus nuttallii, are placed throughout the site. The Dogwoods will provide the familiar white flower in spring that is common in Pacific Northwest landscapes.

FINDING: SATISFIED WITH CONDITIONS. The landscape plan includes a variety of trees, shrubs, and groundcover, both evergreen and deciduous, including seasonal variation and shade trees.

8. *A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.*

Applicant Response: The proposed Site Plan provides a network of internal sidewalks connecting the buildings, parking and common open spaces to the SE Norton Lane frontage. The proposed development includes Public Street Frontage improvements that will extend along the entire SE Norton Lane Frontage. This sidewalk provides a direct link and connection to the existing sidewalks

along SE Norton Lane and Status Avenue. This existing sidewalk network connects the Medical Office Building (Altimus Plaza), the Willamette Valley medical Center Hospital and up to the intersection of Cumulus Avenue and Highway 18.

FINDING: SATISFIED. The internal site design and connectivity to the adjacent street provide opportunities for linkages to the sidewalk and trails system.

9. The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.

Applicant Response: The proposed development includes the extension of SE Norton Lane. The proposed public street frontage improvements includes a road section with a bike lane. This roadway improvements and bike lane will lead to the proposed future network of bikeways and trails identified in the Three Mile Lane Area Plan.

10. Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the Three Mile Lane Area Plan and in compliance with Transportation System Plan standards.

Applicant Response: The proposed development includes the extension of SE Norton Lane. The proposed public street frontage improvements includes a road section with a bike lane. These improvements follow the proposed alignment of future roadways, bikeways and trails identified in the Three Mile Lane Area Plan.

FINDING: SATISFIED WITH CONDITIONS. No new streets are proposed. The applicant will need to comply with the provisions for frontage improvements along Norton Lane, a minor collector which provides for bike lanes.

11. New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.

Applicant Response: The proposed development does not contain commercial uses and this is not applicable.

FINDING: NOT APPLICABLE. The proposal is not a commercial development.

12. New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.

Applicant Response: The proposed multifamily development includes covered decks and patios for all of the living units. These covered areas will allow residents the opportunity to have access to private, weather protected outdoor living areas.

FINDING: SATISFIED. The plans and applicant's response demonstrate compliance with this policy.

13. New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.

Applicant Response: The proposed development does not contain commercial, office, mixed-use or industrial uses and this is not applicable.

14. Encourage mixed-use development where feasible.

Applicant Response: The proposed development does not contain commercial or mixed-use and this is not applicable.

FINDING: NOT APPLICABLE. The proposal doesn't include these uses.

15. Proposed site landscape for new development should strive to reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees – and consider functional site planning of vineyard and farm complexes as conceptual models.

Applicant Response:

(Original): The proposed development and Landscape Plan maximizes the usable site area for landscaping and common outdoor open space. Given the target density necessary for market rate apartments, the site development does not afford the opportunity to develop mini-vineyards or farm related uses.

(Revised 11/9/2023 based on 11/9/2023 revised plans): The proposed development and Landscape Plan includes rows of grape vines on the edges of three major open space areas to reflect the rich wine industry within the surrounding area and communities. The proposed Landscape also includes a row of ornamental cherry trees along the 10-foot wide pedestrian/bike pathway through the site.

16. New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.

Applicant Response: The subject site abuts the McMinnville City Limit and urban growth boundary to the South. The adjacent land remains under agricultural uses. The proposed Site Plan provides a significant separation of the proposed buildings to the adjacent Southerly property line.

FINDING (POLICIES 15 and 16): SATISFIED WITH CONDITIONS. The applicant's response to Policy 16 reflects the west side of the site, but on the east side, buildings are closer to the south property line.

The southerly landscape area between Buildings B and D provides an opportunity to address both policies 15 and 16 by modifying that area to design a portion of the landscaping consistent with Policy 15, also helping to respect the heritage through careful transitions by use of landscape treatment and meet the provisions of 17.11.110.4.

17. Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.

Applicant Response: (Original): The proposed building and elevation design utilizes simple hip roof and gable roof forms. The building articulation provides relief in the wall and roof. The proposed building materials include lap siding and panel siding with battens are traditional to residential developments and are compatible with other residential developments in the neighborhood.

(Revised 11/9/2023 based on 11/9/2023 revised plans): The proposed building and elevation design utilizes simple hip roof and gable forms. The building articulation provides relief in the walls and roofs. The proposed building materials include lap siding and panel siding with battens (board & batten) that are common on agricultural buildings and buildings within the winery industry and are representative of the existing regional vernacular architectural character.

FINDING: SATISFIED. There aren't specific standards implementing this policy. The architectural design is balancing the requirements of Chapter 17.11 for variation and articulation of facades and roofing with the requirements of this policy for simple roof forms. While the site doesn't exhibit strong agricultural or industrial themes, it balances this policy with the residential standards. The November

9, 2023 revised plans and application narrative demonstrates additional agricultural thematic elements that are strengthened compared to the original submittal.

18. Encourage a diversity of future housing forms, types, and design that respect the current character of the area.

Applicant Response: The proposed development is for multiple family housing in a varying scale of buildings. The variety of building scale is compatible with existing adjacent development.

FINDING: SATISFIED. The plans and applicant's response address this policy. See also finding for Policy 17 above.

19. Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.

Applicant Response: The proposed development does not contain commercial or industrial use and this is not applicable.

FINDING: NOT APPLICABLE. This project is not commercial or industrial campus development.

20. Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, wine-making).

Applicant Response: (Original): The subject site is currently, and historically vacant. The subject site have historically been farmed agricultural land.

(Revised 11/9/2023 based on 11/9/2023 revised plans): The proposed Site Plan, Building Design and Materials and the Landscape Design incorporates elements of the agricultural and winery industries within the region. The proposed Site Design includes rows of grape vines on a vertical trellis (not overhead) within three large open spaces, includes landscape materials and trees that are in character with local agricultural crops. The Building Materials include a board & batten siding on the base (ground floor) of all buildings, and expands to all three stories on the ends of all buildings. Lower level roof forms, such as the Entry Roofs to the Common Leasing Office, Laundry Facility, and the Mail Box Kiosk incorporate metal roof panels typical of agricultural buildings. The Site Plan also places wine barrel planters for annual color plantings adjacent to the proposed gathering spaces, seating areas and picnic areas.

FINDING: SATISFIED WITH CONDITIONS. Above, staff recommended conditions to the landscape plan to address this and related policies. The November 9, 2023 revised submittal addresses these issues and further enhances the thematic elements.

21. New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.

Applicant Response: The proposed development does not contain commercial, office, mixed-use or industrial uses and this is not applicable.

FINDING: NOT APPLICABLE. The proposal doesn't include these uses.

22. Public safety services shall be considered as part of the master planning, including access, response times, and opportunity for substations if needed.

Applicant Response: (Original): The subject site has limited frontage and access to public streets. The proposed Site Plan provides direct access to SE Norton Lane for fire and emergency service vehicles. The onsite circulation provides adequate maneuvering and turning radii for fire and EMS vehicles and provides a Fire Truck turnaround at the rear of the site.

(Revised 11/9/2023 based on 11/9/2023 revised plans): The subject site has limited street frontage and access to public streets. The proposed Site Plan provides direct access to SE Norton Lane in alignment with SE Stratus Avenue for fire and emergency service vehicles. The onsite circulation provides adequate maneuvering and turning radius for fire and EMS vehicles and provides a fire truck turnaround at the rear of the site. A Site Map and Location Sign for EMS Services is proposed adjacent the project entry to allow EMS services quick location identification for the buildings and living units within the site.

FINDING: SATISFIED WITH CONDITIONS. While this policy appears to predominantly address larger master planning aspects of Three Mile Lane, this application has been reviewed by the Fire Marshal, and the site development will need to be consistent with applicable fire codes. The November 9, 2023 revised plans and a condition of approval provide for an illuminated on-site directory sign near the site entrance to provide for assist with address identification and site orientation for emergency responders.

23. *Ensure that no incompatible heavy industrial uses are allowed along Highway 18 in the Three Mile Lane Area or as part of the Innovation Campus.*

Applicant Response: The proposed development does not contain industrial uses and this is not applicable.

FINDING: NOT APPLICABLE. No industrial use is proposed.

24. *Significant natural features shall be inventoried and protected as much as possible within new development plans.*

Applicant Response: The subject site is existing farmed agricultural land and does not contain significant natural features.

FINDING: NOT APPLICABLE. No significant natural features are present.

ZONING ORDINANCE

Chapter 17.11. Residential Design and Development Standards.

17.11.090 Apartments.

Apartments are a type of attached housing within single-story or multi-story buildings. Apartment dwelling units may share common walls, ceilings, or floors.

A. Characteristics.

1. *Site Sizes: Single walk-ups, block apartments, and many courtyard apartments can fit on a 100 x 100 foot lot. Bigger developments with multiple walk-up buildings may be as large as 250,000 square feet, or 500 x 500 foot lots.*

Applicant Response:

The subject site is 214,759 sf and within the range identified for walk-up apartments and is therefore compliant.

2. *Height Range: Apartment heights vary depending on the type and the location.*

Applicant Response:

The proposed development is for three-story apartment buildings which is fully compatible with the existing and proposed adjacent development.

3. *Density Ranges: Apartment densities vary depending on building type and site design layout.*

Applicant Response:

The proposed development has a density of just under 28 units per acre which is typical of “Walk-up Apartments”.

B. Types of Apartments.**2. Walk-Up Apartments.**

- a. *Description: Buildings are limited to three stories, and consist of about four to 12 units each, accessible from a single open-air stairwell. Dwelling units are typically constructed in Type V frame construction with fire sprinklers. Individual apartment buildings are arranged around common open space and shared parking areas.*

Applicant Response:

The proposed development is 12-unit to 24-unit three-story buildings with open-air stairways that provide access to the living units. The buildings are proposed to be Type V-B wood-framed construction with fire sprinklers. The buildings are located adjacent to several common open spaces.

- b. *Appropriate Context: Walk-up apartments are appropriate adjacent to or within a single dwelling neighborhood depending on site design, orientation to the street, location of parking, and the massing and scale of buildings.*

Applicant Response:

The subject site and proposed development is located within a C-3 Commercial zoned area to the North, an R-4 Medium, High Density parcel adjacent on the West side and the M-L Limited Light Industrial zone to the East. The existing neighborhood has a variety of building scales from the multi-story Willamette Valley Medical Center to the East, single story Medical Offices and a three-story motel to the North.

- c. *Also Named: Woody Walk-Ups, Single Stair Walk-Ups*

Applicant Response:

The proposed development is also referred to as a “woody walkup” and provides open air stairways to the upper living units.

- d. *Variations: May have an internal stair. Generally, in this case, the maximum number of units per floor are four. They can be designed with front and back windows for cross ventilation. Buildings can be separated to offer access to light and air on three sides.*

Applicant Response:

The proposed building design provides open air stairways on each side of the building to serve the upper floor units. The stairways serve as access to two ground floor and four upper floor units per stairway.

- e. *Lot Sizes: Vary widely, from 10,000 to 250,000 square feet*

Applicant Response:

The subject site is 214,759 sf which is within the identified range.

- f. *Density Range: 15 - 30 units per acre. (Note, maximum density will be governed by McMinnville’s municipal code.)*

Applicant Response:

The proposed density is just under 28 units per acre which is within the identified allowable density range.

- g. *Building Height: Usually 3 stories; can be 2 stories. (Note, maximum height will be governed by McMinnville’s Municipal Code.)*

Applicant Response:

The proposed building height is three-stories.

- h. *Construction Type and Building Code Issues: Typically Type V frame construction. Sprinklers for fire suppression are required.*

Applicant Response:

The proposed Construction Type is Type V-b, non-rated with NFPA 13-R Fire sprinklers.

C. Development Standards. The applicable development standards are as follows:

Applicant Response:

<u>Required:</u>	<u>Proposed:</u>
Lot Width: 50 feet min.,	Subject Site: 320.20 feet
Lot Depth: 100 feet min.	Subject Site: 670.96 feet
Lot Size: 5,000 sf Min.,	Subject Site: 214,759 sf.
Front Setback: 15 feet min.,	Proposed: 15 feet
Side Setback: 10 feet min,	Proposed: 10 feet min.
Rear Setback: 20 feet min.,	Proposed: 79'-6"
Building Height:	Proposed: 36'-4"

D. Design Standards. The Apartment Design Standards for multi-dwelling housing are standards that apply to apartment housing types. These standards are related to site design and building frontage, parking, compatibility with neighboring homes, open space, and private space.

- 1. **Context and Site Design.** Site design standards are intended to facilitate the development of attractive multi-dwelling housing. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community, and fosters a quality environment for residents and neighbors.
 - a. *Mirror the scale of blocks and the block-like structure of the surrounding neighborhood.*

Applicant Response:

The existing surrounding neighborhood has a variety of building sizes, scales and heights that range from mobile homes to the west, large multi-story hospital to the east, large single story medical office building to the north and a three-story hotel to the north. The proposed Site Plan provides a variety of three-story buildings ranging from 12 living units to 24 living units. There are portions of three buildings that have single story and two story pop-outs providing additional scale and variety.

- b. *Connect the internal network of streets and paths to those of the surrounding area where possible.*

Applicant Response:

Subject site has limited street frontage and abuts a single public street, SE Norton Lane. Internal site circulation and drive aisles provide access to the parking areas and buildings. There is a network of pathways and sidewalks that connect the parking areas, opens spaces and building entrances.

- c. *Configure apartments, parking areas, and common open space in clusters that mirror the scale of blocks of the surrounding neighborhood or are no more than 10,000 square feet in area per cluster.*

Applicant Response:

The neighborhood immediately adjacent to the subject site consists of large blocks, large sites and large scale buildings. The long narrow site has very limited opportunities and constraints for arranging the buildings, parking and open space. The proposed Site Plan groups the buildings and open space into three separate clusters. This proposed Site Plan is compatible with existing adjacent development and provide smaller “clusters” of development.

Buildings A and B are required to be adjacent the street frontage and are bisected by the only available site access point. A common open space provides separation of the building to the parking area.

Buildings C and D are grouped in a cluster and are oriented around a large common open space and the open space is adjacent a parking area.

Buildings E, F and G are also grouped in a cluster oriented around a large common open space and the open space is adjacent to a parking area.

- d. *Residential units must be oriented to a common open space, including a common green, a plaza, or a pocket park.*

Applicant Response:

The long narrow site has very limited opportunities and constraints for arranging the buildings, parking and open space. The buildings on the proposed Site Plan are all oriented to common open spaces. The Open Space Analysis Plan, drawing A1.0-A identifies each open space and provide the areas of each.

Buildings A and B are required to be adjacent the street frontage and are bisected by the only available site access point. Buildings A and B are directly adjacent to common open space. Building A is adjacent Open Space 01, Building B is adjacent Open Space 02.

Buildings C and D are grouped in a cluster and are oriented around Common Open Space 03.

Buildings E, F and G are also grouped in a cluster oriented around Common Open Space 04. There is also a Courtyard Open Space 05 between Building E and Building G.

- e. *Orient all buildings around a shared open space that meets the requirements of a Common Open Space.*

Applicant Response:

The Open Space Analysis Plan, drawing A1.0-A identifies each open space and provides the areas of each space. There are a variety of uses proposed for the Common Open Spaces. These include both passive and active Open Space. There are large open lawn areas that would encourage recreational uses such as frisbee, play areas for ball sports, dog walking or just lounging on a blanket. There are also two different picnic areas with picnic tables and a barbeque. There are several seating areas with a raised planter with a seat height wall and decorative tress and landscaping, benches and shade trees. Some of these seating areas border the larger lawn areas while some are in more confined courtyard spaces and can provide a more intimate quiet setting.

*f. Align buildings to surrounding streets.***Applicant Response:**

There is only one public street, SE Norton Lane, that abuts the subject site. There are two buildings that are adjacent to the SE Norton Lane frontage, Building A and Building B. These two buildings are aligned, on the long building axis, along the street frontage.

*g. Connect to surrounding neighborhoods, schools, parks, and other neighborhood destinations.***Applicant Response:**

The subject site has limited street frontage and the adjacent properties do not have existing site circulation systems to connect to. The existing sidewalk along SE Norton Lane will be extended with the public road extension. The proposed Site Plan provides several connections from the internal site circulation system to the street frontage and new public sidewalk. There are sidewalks along the norther property boundary and the southern property boundary that will provide opportunities for connections to future development of the adjacent properties.

2. Large Site Design Requirements.*1. Break up parking into smaller areas and access from side streets when possible.***Applicant Response:**

The Subject site has limited street frontage and abuts a single public street, SE Norton Lane. Internal site circulation and drive break up the parking areas into smaller sections preventing long rows of parking. The narrow portion of the site is on the street frontage preventing additional site access points.

*2. Connect parking areas, building entries, and open spaces with paved walkways.***Applicant Response:**

The proposed Site Plan provides a network of paved walkways that connect the building entries, common open spaces and parking areas.

*3. Buffer parking areas with landscaping.***Applicant Response:**

The proposed Site Plan provides landscaped areas to serve as buffers to the exterior perimeter and to buffer the buildings from the parking. There are landscape islands throughout all parking areas that provide shade trees, ground cover and shrubbery to buffer the parking area.

4. *Minimize the width and number of driveways and curb cuts.*

Applicant Response:

The proposed Site Plan has a single 26-foot-wide driveway/curb cut onto SE Norton Lane.

5. *Provide different types of open space throughout site, both active and passive, including playgrounds, trails, volleyball courts, bocce ball courts, community gardens, etc.*

Applicant Response:

The proposed Site Plan provides a variety of common open spaces. They vary in size, shape and their proposed uses. There are large open lawn areas that would encourage recreational uses such as frisbee, play areas for ball sports, dog walking or just lounging on a blanket. There are also two different picnic areas with picnic tables and a barbeque. There are several seating areas with a raised planter with a seat height wall and decorative tress and landscaping, benches and shade trees. Some of these seating areas border the larger lawn areas while some areas are more confined courtyard spaces and can provide a more intimate quiet setting.

There is a summary of the proposed Common Open Space areas on the Open Space Analysis Plan, drawing A1.0A.

6. *Align buildings to surrounding streets.*

Applicant Response:

The subject site has street frontage along SE Norton Lane. The proposed Site Plan orients two buildings along the street frontage. The long axis of these buildings provides the required alignment to the street frontage.

7. *Centrally locate common buildings and spaces*

Applicant Response:

The proposed Site Plan has buildings oriented around the common open spaces. There are three areas of the site where buildings orient to the common open spaces.

8. *Group apartments, parking, and open space into smaller clusters.*

Applicant Response:

The long narrow site has very limited opportunities and constraints for arranging the buildings, parking and open space. The proposed Site Plan groups the buildings and open space into three separate clusters.

Buildings A and B are required to be adjacent the street frontage and are bisected by the only available site access point. A common open space provides separation of the building to the parking area.

Buildings C and D are grouped in a cluster and are oriented around a large common open space and the open space is adjacent a parking area.

Buildings E, F and G are also grouped in a cluster oriented around a large common open space and the open space is adjacent to a parking area.

3. Pedestrian Access. *On-site pedestrian circulation system shall include the following:*

- a. *Continuous connections between the primary buildings, streets abutting the site, ground-level entrances, common buildings, common open space, and vehicle and bicycle parking areas.*

Applicant Response:

The proposed Site Plan provides a network of sidewalks and walkways that connect parking areas, building entries and common open spaces.

- b. *At least one pedestrian connection to an abutting street frontage for every 200 linear feet of street frontage.*

Applicant Response:

The subject site has 320.20 feet of frontage along SE Norton Lane. Two pedestrian connections are required. The proposed Site Plan provides four connections from the network of on-site pedestrian circulation system sidewalks and walkways to the SE Norton Lane public sidewalk. The buildings that are located along the street frontage provide a sidewalk connection from the building entries to the new public sidewalk along SE Norton Lane.

- c. *Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.*

Applicant Response:

Pedestrian walkways that are located adjacent vehicle parking are separated by concrete wheel stops and the walkways are of concrete which is contrasting to the asphaltic concrete paving.

- d. *Walkways shall be constructed with the hard surface material, shall be permeable for stormwater, and shall be no less than 3 feet to 5 feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.*

Applicant Response:

Pedestrian walkways that are located adjacent vehicle parking are proposed to be concrete which is contrasting to the asphaltic concrete paving. The walkways are all 5'-0" wide. Concrete wheel stops are located 2 feet from the sidewalk in the parking spaces and will provide the 5'-0" minimum clear walkway width.

- e. *Spacing requirement: No further than 200 feet apart, on center. At least 1 pedestrian connection to an abutting street frontage for every 200 linear feet of street frontage.*

Applicant Response:

The subject site has 320.20 feet of frontage along SE Norton Lane. Two pedestrian connections are required. The proposed Site Plan provides four connections from the network of on-site pedestrian circulation system sidewalks and walkways to the SE Norton Lane public sidewalk.

- f. *May be co-located with a common green.*

Applicant Response:

The proposed network is walkways on the Site Plan provides circulation to all parking areas, building entries and the common green open spaces.

4. Parking Lot Location and Design.

a. Characteristics.

1. A parking lot is a storage space for cars and should provide secure storage.
2. It is also a place where everyone is a pedestrian while getting to or from their car. Therefore, it should be designed primarily for the ease, safety and comfort of a person rolling or on foot.
3. Clearly defined pathways through parking lots and garages to building entrances, surrounding sidewalks, and transit stops enhance pedestrian safety. These pathways also provide an opportunity to improve the appearance of parking lots.
4. Design parking lots and garages so that vehicles are not the dominant feature.
5. To encourage bicycling as a mode choice, bike parking areas should include bike repair, maintenance, and cleaning stations.

b. Universal Design Standards for Nine Parking Spaces or More.

1. Parking lot pathways should be designed as part of the seamless accessibility network described in Apartment Standards, particularly the required Through Connection.

Applicant Response to (a) and (b):

The proposed Site Plan provides a network of parking area sidewalks and pathways that provide convenient access for the residents to all areas of the site include the common open spaces, common facilities and the public street frontage.

2. Driveways to shared parking areas are:

1. Limited to one driveway per street frontage.
2. Parallel parking is permitted on a driveway that crosses a front, side or rear yard abutting a street, but not within the required yard setback.

Applicant Response:

The subject site and proposed Site Plan does not have any shared parking areas or site access.

c. Parking Lots For Small Multi-Dwelling Sites - Containing More Than Nine Parking Spaces but Fewer Than 16 Parking Spaces. Off-street parking may be arranged in clusters, subject to the following standards:

1. Residential developments with fewer than 16 dwellings are permitted parking clusters of not more than five contiguous spaces.
2. Residential developments with 16 dwellings or more are permitted parking clusters of not more than eight contiguous spaces.
3. Parking clusters must be separated from other spaces by at least four feet of landscaping.
4. Clustered parking areas may be covered.

Applicant Response:

The subject site and proposed Site Plan provides a parking area greater than 16 spaces therefore this is not applicable.

d. Parking Lots For Medium-to-Large Multi-Dwelling Sites - Containing More Than 16 Parking Spaces.

1. Interior landscaping, minimum area
2. Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

Applicant Response:

Parking area landscaping is proposed to be provided for all parking areas and is shown on the proposed Landscape Plan.

3. *For parking lots less than 50,000 square feet, the minimum landscaped area is 5 percent.*

Applicant Response:

Parking area landscaping proposed is greater than the 5% minimum and is shown on the proposed Landscape Plan.

4. *For parking lots 50,000 square feet and greater, the minimum landscaped area is 8 percent.*

Applicant Response:

The proposed Site Plan does not include parking areas over 50,000 sf.

5. *Planted areas may take the form of landscape areas and planter bays.*

Applicant Response:

This is understood and the landscape islands have been included in the overall parking lot landscape area.

6. *Landscaped areas along a through connection count toward required interior landscaping.*

Applicant Response:

This is understood and the landscape areas along through connections have been included in the overall interior landscape area.

7. *Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands 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 and have root systems that form deep before spreading to decrease the episodes of buckled pavement.*

Applicant Response:

Landscape islands have been incorporated into the proposed Site Plan and parking area design. Parking area landscape islands and planting beds will be contained with raised concrete curbs. The spacing of the landscape islands is proposed to exceed the 60 foot maximum spacing in several locations primarily due to the parking stall width and spacing standards. An Administrative Variance is being requested to increase the spacing to 63 feet maximum.

8. *Trees may line the required Through Connection, and/or be clustered within landscape islands or planter bays, and/or shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.*

Applicant Response:

Trees are proposed within all of the landscape islands and planter bays throughout the parking areas providing the design tree canopy effect and shading.

9. *When a parking area abuts property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line.*

Applicant Response:

Six-foot-high Sight obscuring fences are proposed along the side and rear property lines. Buffer plantings and trees are also proposed along these property lines.

- e. *Parking Lot Setbacks Adjacent to Buildings and Structures. Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be set back from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, or by a minimum five-foot-wide paved pedestrian walkway.*

Applicant Response:

The proposed Site Plan maintains a minimum 10-foot separation of parking areas from the closest point of any building or structure.

- f. *Parking Lot Location. Off-street parking spaces and vehicle maneuvering areas shall not be located:*

1. *Within of 20 feet from any street property line, except alley property lines;*

Applicant Response:

The parking areas on the proposed Site Plan are located at a distance greater than 20 feet from the street frontage property line.

2. *Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.*

Applicant Response:

This is not applicable to this proposed Site Plan and development.

3. *Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.*

Applicant Response:

The parking areas on the proposed Site Plan are located at a distance of 6-feet from the North and South (side) property lines and 10 feet from the West (rear)property line. For the areas less than 10 feet, an Administrative Variance is being requested to the reduced setback. This is compatible with the existing adjacent development that also has parking located 6 feet from the adjacent property lines.

An Administrative Variance under separate application is being requested for the non-compliance of this issue.

4. *Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.*

Applicant Response:

The is not applicable to the proposed Site Plan as there are no parking areas proposed adjacent to common courtyards and public streets.

5. *Garages and carports (whether shared or individual) must not abut common courtyards.*

Applicant Response:

This is not applicable as no carports or garages are proposed.

6. *Individual attached garages up to 200 square feet shall be exempt from the calculation of maximum building footprint for cottages.*

Applicant Response:

This is not applicable as no garages are proposed.

7. *Individual detached garages must not exceed 400 square feet in floor area.*

Applicant Response:

This is not applicable as no garages are proposed

8. *Garage doors for attached and detached individual garages must not exceed 20 feet in width.*

Applicant Response:

This is not applicable as no garages are proposed

- g. *Parking Lot Required Through Connections. Through Connections may be multi-modal or used exclusively for bicycle and pedestrian access and need to meet the standards in Table 1.*

Applicant Response:

The proposed Site Plan and parking area layout does not create “through connections”.

5. Common Open Space.

a. Characteristics.

1. *Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sports fields, play structures, bike tracks, courts, swimming pool, or other options.*

Applicant Response:

The proposed common open areas provide formal and informal recreations opportunities for the residents. There are formal seating areas and courtyards with benches and raised planters with seating walls, large open lawn areas for informal sports activities and formal picnic areas with picnic tables and barbeques.

2. *Provide tall deciduous trees for summer shade and winter solar access. When possible, preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.*

Applicant Response:

The landscape design includes deciduous shade trees adjacent the formal sitting areas and picnic areas and they are adjacent to the larger open lawn areas. These will provide the desired summer shading and will permit winter sun exposure. The existing subject site does not contain any existing trees.

3. *Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.*

Applicant Response:

The proposed common open areas provide seating areas and courtyards with benches and raised planters with seating walls. The formal picnic areas include picnic tables and barbeques.

4. *Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.*

Applicant Response:

As this is an identified characteristic it is not a requirement. The proposed design does not have the ability to store and harvest rain water.

5. *Provide opportunities for food cultivation including a community garden and/or incorporating cultivated species into the landscaping.*

Applicant Response:

Community gardens are not proposed.

6. *A maximum of 50 percent of common open space may be provided in a rooftop deck that includes shared amenities, weather protection, and landscaping, and is accessible to all residents.*

Applicant Response:

Rooftop deck areas are not proposed.

7. *A shared outdoor courtyard or shared street/woonerf that is fronted by individual entrances, windows, and balconies. There should be a combination of hardscape and landscaped space and/or planters.*

Applicant Response:

The proposed Common Open Space Courtyards between Buildings E and G and between Buildings F and G have building entries and ground floor patios adjacent to them. There is also decorative hardscape concrete paving with an enhanced score joint pattern. Benches and raised planters with seat height walls help to define the courtyard spaces. Enhanced landscape plantings also define the courtyard spaces.

b. Required Elements, General.

1. *A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open spaces shall be accessible to all residents.*

Applicant Response:

The proposed Common Open Spaces are centrally located in three primary building cluster groups. The on-site walkway systems connects all of the open spaces, building entries and parking areas throughout the site making accessible to all residents of the development.

There are large open lawn areas that would encourage recreational uses such as frisbee, play areas for ball sports, dog walking or just lounging on a blanket. There are also two different picnic areas with picnic tables and a barbeque. There are several seating areas with a raised planter with a seat height wall and decorative tress and landscaping, benches and shade trees. Some of these seating areas border the larger lawn areas while some are in more confined courtyard spaces and can provide a more intimate quiet setting.

2. *Common open space shall be a minimum of 15 percent of the site.*

Applicant Response:

The amount of total proposed Common Open Space provided is greater than the 15% of the site area required. The total site area is 214,759 sf, thus 32,214 sf of Common Open Space is required. 32,769 sf of Common Open Space is provided.

An Open Space Analysis Plan has been prepared that delineates each proposed Common Open Space and identifies and summarizes the areas of each. See drawing A1.0A included within this application.

6. Private Open Space.**a. Characteristics.**

1. *Every dwelling needs private open space for relief from indoors and to provide access to fresh air, light, and nature. Private open space may take many forms based on the size of unit.*
2. *They should translate into a perception of an increase in living space and the ability to invite the outdoors in. Additionally, these open spaces can provide environmental benefits with plants that consume carbon dioxide and help reduce stormwater runoff. Spaces should be adequate to be usable, allowing space for a chair to sit in, a place to barbecue or hang clothes to dry, or for a pet to curl up.*
3. *Private open space should enhance the residential function of the building while also improving the appearance of the building. They should be integrated into the overall architectural form and add detail to the façade.*
4. *Placement can vary based on privacy concerns. It can be combined across multiple floors.*

Applicant Response to (a) 1-4:

The proposed living unit and building design provides private open space for each unit. The ground floor living units have on-grade patios that are 96 sf each. The ground floor patios are directly adjacent the living rooms and provide a door onto the patio with adjacent living room windows. This blends the living room space and the patios into usable living areas. The ground floor patios are screened with landscaping to maintain privacy from the adjacent walkways and parking areas.

The upper-level living units each have 72 sf private decks that are directly adjacent the living rooms with the living room windows and a door opening directly onto the deck area. This also extends the living space from the living room onto the private deck.

The placement of the decks and patios provides privacy to adjacent living units and provides greater articulation on the building facades improving the overall appearance and character of the buildings.

b. Required Elements.

1. *All units shall have a minimum of 36 square feet of private open space that allows for personalization and private use of the space and contributes to the livability and function of the dwelling. Any exterior private open spaces shall be supplemented with operable windows to allow for cross-ventilation, increase airflow and provide the ability to control access to the outdoors.*

Applicant Response:

The ground floor living unit patios are 96 sf each and the upper floor living unit decks are 72 sf each. Both exceed the minimum areas required.

2. *At least 50 percent of upper units shall have a balcony that is accessible from the interior of the unit that is a minimum of 60 square feet with no dimension less than 6 feet. These balconies can be designed to be up to the full width of the apartment in order to provide adequate space for use and allow greater indoor/outdoor flow. Balconies can be cantilevered, semi-recessed, or fully recessed. They should be located based on privacy and environmental concerns. If balconies are transparent, adequate storage should be provided within the unit or the larger building so that balconies do not become informal storage spaces.*

Applicant Response:

All of the upper floor living units have decks that are 72 sf each with a minimum dimension of 6 feet. This exceeds the minimum number of units and the minimum deck area required. The decks are placed to maintain privacy between adjacent living units.

3. *Private outdoor space at the ground level must meet the requirements of Universal Standards: Front Yard regardless of whether the private outdoor space is in the front, side, or rear of a building.*

Applicant Response:

The ground floor living unit patios are all screened with landscaping and are setback from walkways, street frontage and adjacent parking areas as required.

c. Supplemental Elements. In addition to meeting the required elements above, projects must provide private open space in the form of one of the options listed below.

1. *A "Juliet-style" balcony of 12-inch dimension that allows residents to bring a sense of the outdoors into the unit. Must have doors that can open inwards or full height sliding glass doors to allow the introduction of fresh air and sunlight. If this item is selected, units must also include operable windows to increase airflow/ability to control access to the outdoors.*

2. *An upper story rooftop deck or terrace that may include space for outdoor seating, dining, and planters for cultivation. This terrace may be stepped back on structures over two stories so as to reduce the visual impact of upper floors.*
3. *Alternative option that meets the concept and guiding principles.*

Applicant Response:

All upper floor living units provide decks that are 72 sf each, thus meeting the supplementary requirements. All unit decks are directly adjacent to the living rooms and provide operable windows and a deck access door directly onto the deck.

7. Alleys.

Applicant Response:

The subject site does not have the opportunity for providing alleys and this is not applicable.

8. Landscaping

a. Characteristics.

1. *Use landscape elements, particularly plant materials, in an organized and harmonious manner that will enhance, protect and promote the economic, ecological, and aesthetic environment of McMinnville.*

Applicant Response:

The proposed landscape design provides a cohesive design that utilizes plant materials to enhance the overall site appearance, enhance the outdoor living environment and provide an overall aesthetically pleasing site character. The choice and selection of plant materials incorporates native plant varieties and hybrids to help reduce water requirements, reduce chemical applications, and help provide a sense of regional identity.

The choice and selection of plant materials incorporates a variety of trees, shrubs, grasses, and groundcover. Shade trees will soften the built environment, reduce heat island, and provide habitat for birds. Flowering Shrubs will soften the buildings and enhance the aesthetic value of the site and provide food for local pollinators.

Lawn areas will provide a pastoral aesthetic reminiscent of the Willamette Valley, promoting harmony with adjacent landscapes. These areas will provide opportunities outdoor activities that promote the mental and physical health of the residential community, and in turn, the greater community of McMinnville. Finally, the regular maintenance of the landscape will help provide jobs for the local economy.

2. *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. *Reduce soil erosion and the volume and rate of discharge of stormwater runoff.*

Applicant Response:

Temporary erosion control measures will be implemented to prevent soil erosion during construction. Soils will be protected from erosion post construction with the use of plant materials and 3" deep bark mulch throughout the site.

- b. *Aid in energy conservation by shading structures from energy losses caused by weather and wind.*

Applicant Response:

Deciduous trees are placed throughout the site to provide shade in the summer months and allow warming sun in the winter.

- c. *Mitigate the loss of natural resources.*

Applicant Response:

Currently, the site is cleared for agricultural use. The design will provide permanent plant materials for the site and will be a net gain of natural resources in the form of carbon sequestering trees, shrubs and grasses.

- d. *Provide parking lot landscaping to reduce the harmful effects of heat, noise, and glare associated with motor vehicle use.*

Applicant Response:

The landscape design proposes the use of interior and perimeter landscaping. Perimeter landscaping includes a site obscuring fence and evergreen hedge to eliminate glare from vehicles. Large shade trees in the interior landscape islands will help reduce heat island effects. The combination of landscape plant materials and sight obscuring fences buffer noise from the properties.

- e. *Create safe, attractively landscaped areas adjacent to public streets.*

Applicant Response:

Landscaping adjacent to the public street (SE Norton Lane) will include Green Vase Zelkova trees that will provide shade in the summer and attractive fall color. Low flowering shrubs, ornamental grasses, and groundcovers adjacent to SE Norton Lane will provide an attractive landscape viewable for users of the public street.

- f. *Require the planting of street trees along the City's rights-of-way.*

Applicant Response:

Landscaping adjacent to the public street (SE Norton Lane) will include Green Vase Zelkova trees that will provide shade in the summer and attractive fall color.

- g. *Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character, and value of existing neighborhoods.*

Applicant Response:

The landscape design proposes the use of perimeter landscaping. Perimeter landscaping in parking areas includes a site obscuring fence and evergreen hedge to eliminate glare from vehicles. Pedestrian walkways adjacent to property lines are buffered with a site obscuring fence and plant materials. Overall, the use of trees, shrubs and groundcover are compatible with the character of the existing residential and commercial uses that have similar plantings.

h. Provide shade, and seasonal color.

Applicant Response:

The choice and selection of plant materials incorporates a variety of trees, shrubs, grasses, and groundcover. Trees will provide shade, flowers and fall color. Ornamental shrubs and groundcover will provide seasonal flowers and color.

i. Reduce glare, noise, and heat.

Applicant Response:

The landscape design proposes the use of interior and perimeter landscaping. Perimeter landscaping includes a site obscuring fence and evergreen hedge to eliminate glare from vehicles. Large shade trees in the interior landscape islands will help reduce heat island effects.

Noise mitigation is most critical for the residential use west of the site. The design will include a 15' setback to help mitigate noise along the west property line.

j. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.

Applicant Response:

Visual noise will be mitigated with the use of a site obscuring fence, trees, and evergreen shrubs.

Lighting impacts are mitigated by the selection and placement of light fixtures that provide full cut-off of light pollution to the abutting properties.

k. Unify development and enhance and define public and private places.

Applicant Response:

The landscape design helps unify the development with the use of repetition of design elements in private and public areas. These elements include repetition of form, texture, and color of the plant materials.

Public spaces meant to be used by all residents are defined with lawn areas, walkways, benches, raise planters, and flowering trees.

Landscaping adjacent to private areas are defined by ornamental plantings of shrubs, grasses and groundcovers.

l. Preserve existing mature trees.

Applicant Response:

There are no existing trees onsite.

m. Enhance the urban forest and tree canopy.

Applicant Response:

The urban forest is enhanced with the planting of trees throughout the site; including shade trees and flowering trees. In total, 115 trees are proposed, including street trees.

- n. 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.*

Applicant Response:

The landscape design incorporates native plant varieties and hybrids to help reduce water requirements, reduce chemical applications, and help provide a sense of regional identity. Blue Fescue is used as a drought resistant groundcover throughout the site. Thuja occidentalis "Golden Globe" is a hybrid of the native Thuja and will provide an evergreen presence in winter months, reminiscent of Pacific Northwest landscapes. Finally, White Wonder Dogwood trees, a hybrid of the native Cornus nuttallii, are placed throughout the site. The Dogwoods will provide the familiar white flower in spring that is common in Pacific Northwest landscapes.

- o. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.*

Applicant Response:

A pleasant visual character and structure is established using a variety of trees, shrubs, and groundcover throughout the site.

The main east-west interior walkway and open spaces are lined with Aristocrat Flowering Pears, giving them a unique visual character and structure. The north-south walkway between building D and open space is lined with European Hornbeams, giving a sense of separation between the common space and the apartments to the west. Crape Myrtles trees are placed in raised planters within amenity areas of the open spaces. The low canopy of the Crape Myrtle will enhance the planters by providing shade and a unique aesthetic. Finally, stately Green Vase Zelkova will line Norton Lane, providing a vertically branched and high canopy structure for the interphase between public and private space.

Shrubs and ornamental grasses throughout the site help provide a pleasant visual character, define spaces and facilitate safety. The perimeter of the site is lined with evergreen shrubs that will provide a six-foot-tall screen between parking and adjacent uses. A mix of low shrubs and grasses skirt the buildings to provide separation between public and private areas. The low plantings help to soften the angular lines of buildings while keeping sight lines open for safety.

Grasses are used throughout the site to provide a sense of space inherent to the expansive grasslands of the Willamette Valley. Lawn areas in open spaces provide residents opportunities for active recreation. Residents can play a game of volleyball, pick up football or frisbee in these expansive areas.

- p. 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.

Applicant Response:

The proposed landscape design will use a variety of trees, shrubs, grasses and groundcovers to provide an aesthetically pleasing appearance that will increase the value of the property, attract residents and create a safe and pleasing living environment.

The proposed trees throughout the site will provide structure, shade, pleasing fall color and a net increase to the urban forest canopy. The ornaments landscape elements will soften the built environment and offer a pleasing appearance for those living and visiting the community.

b. Required Elements.

1. *All areas of the site not occupied by the structures or paved areas shall be landscaped in an attractive and functional manner.*

Applicant Response:

The proposed landscape design provides landscape plant materials in all areas of the site not occupied by structures or parking and paved areas. The proposed landscape design provides an aesthetically pleasing design and use of a variety of plant materials.

2. *A minimum of 20 percent of the net site shall be landscaped. Paved pedestrian paths, when integrated within the landscaped area, may satisfy up to 5 percent of this requirement. Landscaped setback areas, landscaped common open spaces, eco-roofs, vegetated stormwater facilities, preserved natural areas, and planter areas can be credited toward the minimum landscape standard.*

Applicant Response:

The proposed Site Plan and landscape design provides 30 percent of the subject site area in landscaping. More specifically, the site area is 214,759 sf. 64,157 sf of landscape area is provided, which is 30 percent.

9. Privacy and Screening.

- a. **Characteristics.** *Low walls or fences are encouraged to provide separation between private open space and common open space, streets, or internal circulation paths. Fences should be designed to integrate with the architecture of the building and add visual interest through the use of materials, color, and detail.*

Applicant Response:

The proposed landscape design provides landscape screening and buffering to ground floor living unit patios (private open space). The plant materials used for screening these areas blends harmoniously with the adjacent landscape design providing an attractive and effective privacy screen.

b. Required Elements.

1. *All fences on the interior of the development shall be no more than 3 feet high. Fences along the rear or side property lines of the development may be up to 6 feet high. Chain-link fences are prohibited.*

Applicant Response:

There are no internal site fences proposed. There is a 6-foot sight obscuring fence proposed on the site side and rear property lines. The fence will not be chain-link fencing.

2. *Mechanical and communication equipment and outdoor garbage and recycling areas shall be screened so they are not visible from streets and common open spaces.*

Applicant Response:

The proposed trash and recycling enclosures provide a solid evergreen screen along the sides of the facilities, as illustrated on the Landscape Plan.

3. *Utilities such as transformers, heating and cooling, electric meters, and other utility equipment shall not be located within 5 feet of a front entrance and shall be screened with sight-obscuring materials.*

Applicant Response:

The proposed locations of any on-site transformers or other utility equipment has not yet been determined. The transformers and equipment will be screened as required.

4. *The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties.*

Applicant Response:

The proposed Site Plan does not locate buildings that would orient living unit balconies that would create a line of sight into adjacent properties.

10. Front Yard.**a. Characteristics.**

1. *For all housing types the front setback—even when it is small or zero, should be designed to provide a transition from the public realm of the street to the private realm of the dwelling.*
2. *The front setback provides a vital transition between the public area of the street and the private spaces within the dwelling. The smaller the front setback is, the more important the concept of layering public to private spaces becomes. When multi-dwelling units are on the ground floor of the building and face the perimeter of the site and surrounding streets, they must meet the standards of this section.*

b. Required Elements.

1. *Dwelling units located on the ground floor of the building and facing the perimeter of the site and surrounding streets must meet the requirements of either:*
 - a. *Front Yard Type 1: Neighborhood*

Applicant Response:

The proposed Site Plan and Landscape Plan provides a landscape design that meets or exceeds the requirements for a Type 1 Front Yard (Neighborhood Type). The “Gateway” area is landscaped at the minimum depth with grasses, the “Front Yard” is fully landscaped and provides a hedge screen at 3 feet to provide privacy to the unit patios.

11. Compatibility.

- a. Characteristics. *New multi-dwelling housing should be compatible with its surrounding context while introducing new shape, size, and detail variation, enabling different housing styles and types to sit side-by-side harmoniously.*

Applicant Response:

The existing developed neighborhood contains a wide variety of uses, building styles and scales. The existing uses include a medical office building, a three-story hotel, the large multi-story hospital (Willamette Valley Medical Center) and single-story mobile homes in a mobile home park. The proposed three-story apartment buildings are well within the range and scale of existing adjacent developments. The proposed buildings range in size from twelve units to twenty-four units also providing a variety in the scale of buildings within the proposed development.

b. Required Elements.

1. *On a site with multiple buildings of varying scales (or that vary from the surrounding context), provide a gradual transition between scales. For example, locate dwellings that are similar in scale and density along the street frontage and transition to lower scale and density buildings toward the rear of the site. Use rear driveways and landscaping as a buffer backing up to adjacent properties of a different scale.*

Applicant Response:

The proposed Site Plan locates similar scale buildings adjacent the street frontage and along the northerly property line that are compatible and in context with the existing adjacent development. The buildings in the rear of the site are set back nearly 80 feet to provide separation and a buffer from the single-story mobile home park adjacent the rear of the site.

2. *Arrange building volumes and setbacks in a way that reflects neighborhood patterns along street frontages and contributes to the desired character.*

Applicant Response:

The existing neighborhood character is quite diverse and does not have any established patterns to follow. The proposed Site Plan provides a street frontage compatible with similar developments within the community and provides a pedestrian friendly street scape.

3. *Arrange courtyard apartments so that end units reflect a neighborhood context of detached units along the street frontage.*

Applicant Response:

This element is not applicable to the garden style apartments.

4. *Step down taller buildings next to smaller buildings to enable buildings of larger scale but similar proportions to blend in with surroundings.*

Applicant Response:

The existing neighborhood has a variety of height and scale buildings. The existing large medical office building adjacent the site to the north is single story. However, the proposed Stratus Village to the West of the medical Office Building and directly adjacent the subject site to the North is proposed to be a three-story building.

5. *Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.*

Applicant Response:

The proposed site and building design does not propose stepped back upper floors. The building design, the proposed roof design and building articulation provides the desired human scale elements without stepping upper floors.

- c. *Supplemental Elements.* *In addition to meeting the required elements above, projects must respond to the compatibility requirement in the form of three of the options listed below.*

1. *Use roof forms and bays to break up the overall mass of larger residential structures.*

Applicant Response:

The proposed building design includes a variety of roof forms that include hipped sloped roofs, intersecting gable roof forms and large breaks in the overall roof at building indentations. The proposed roof design breaks up the overall building mass into smaller sections thus reducing the overall appearance of the building mass and scale.

2. *Walls incorporate vertical wall offsets, projections, or recesses to reduce building façades into smaller volumes and define visually distinct living unit modules.*

Applicant Response:

The proposed building design includes offsets in the façade wall planes. The deck forms project from the primary building wall plane and the intersecting gable roof form serves to break-up the overall building mass. The larger buildings have central indentations that serve to further break-up the building mass.

3. *Step back upper floors so that the first two stories frame the street and relate to the human scale and reduce the visual impact of the third and higher floor.*

Applicant Response:

This element is not utilized in the building design.

4. *Mark a distinct physical transition between the base and upper floors of a building through a change in brick pattern, change in materials and/or wall surface pattern, articulation of a floor line, or change in window types.*

Applicant Response:

The proposed building design includes a variety of building materials and textures. The building design has a distinct change in material and texture from the first floor to the two upper floors. This creates a distinct base to the building.

5. *Use horizontal elements the entire width of the front façade to mark a break between floors or along the roofline including band course, band molding, bellyband, or belt course.*

Applicant Response:

The proposed building design has a distinct change in material and texture from the first floor to the two upper floors. This creates a distinct base to the building.

There is a contrasting trim band that delineates the transition between the base material and the material on the upper two floors of the building.

6. *Use a variation in roof forms on all four elevations of a structure to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gable, or dormer end brackets, corbels, or decorative wood timbers.*

Applicant Response:

This element is not utilized in the building design.

7. *Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.*

Applicant Response:

This element is not utilized in the building design.

8. *Step down taller buildings next to smaller buildings to enable buildings of larger scale but similar proportions to blend in with surroundings.*

Applicant Response:

This element is not utilized in the building design.

12. Wall and Roof Design.

A. Characteristics.

1. *For buildings that front the street, avoid long, monotonous, uninterrupted walls. Modulate buildings walls and roofs to prevent large, uninterrupted walls and building mass.*

Applicant Response:

The proposed building design provides significant articulation and variety in walls planes. The longest wall plane is less than 20 feet before intersecting or recessed wall planes. Projecting or recessed building elements provide a great amount of articulation and variety of wall planes and roof forms.

2. *Differentiate between the base of the building and the top of the building to enhance the pedestrian realm. Make base treatment cohesive across façades and integrate with the architectural character of the building.*

Applicant Response:

The proposed building design has a distinct change in material and texture from the first floor to the two upper floors. This creates a distinct base to the building. There is a contrasting trim band that delineates the transition between the base material and the material on the upper two floors of the building. This design concept is applied to all buildings on site.

3. *Multi-dwelling development must address the following design objectives:*
 - A. *Articulation – All street-facing buildings shall incorporate design elements that break up façades into smaller planes.*
 - B. *Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.*
 - C. *Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.*
 - D. *Detailed Design – All street-facing buildings shall include several features.*

Applicant Response:

The proposed site and building design address the four design objectives. The building design provides building and roof forms to break up the facades into smaller planes; the street facing units provide windows and glazed doors that face the street frontage; the open entry stairway to the units faces the street frontage; and the street facing building elevations provide a variety of design features.

B. Required Elements.**1. Articulation.**

- A. *For multi-dwelling buildings with 30 to 60 feet of street frontage, a minimum of one of the following elements shall be provided along the street-facing façades.*
- B. *For buildings with over 60 feet of street frontage, at least one element below shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.*
 - 1. *A porch at least 5 feet deep.*
 - 2. *A balcony that is at least 2 feet deep and is accessible from an interior room.*
 - 3. *A bay window that extends at least 2 feet.*
 - 4. *A section of the façade that is recessed by at least 2 feet deep and 6 feet long.*
 - 5. *A gabled dormer.*
- C. *Buildings under 30 feet in length are exempt from these requirements.*

Applicant Response:

The proposed street frontage buildings have over 60 feet of street frontage. The proposed building design does not have a wall plane over 20 feet between articulation or design features to break up the facades. These include the recessed front porch/patio and upper floor decks that are 6 feet in depth. These projecting elements also have gabled and hipped roof dormers.

2. Eyes on The Street.

- A. *At least 15 percent of the area of each street-facing façade must be windows or entrance doors. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.*
- B. *Window area is considered the entire area within the outer window frame, including any interior window grid.*
- C. *Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.*

Applicant Response:

The proposed building design provides 22% window area on the street facing facades. This includes the living room, bedroom and bath windows and the glazed door in the living room leading to the decks and ground floor patios.

3. Main Entrances. Main entrances must meet both of the following standards.

- A. *Be no further than 8 feet behind the longest street-facing wall of the building.*
- B. *Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.*
 - 1. *Be at least 25 square feet in area with a minimum 4 feet depth.*
 - 2. *Have at least one porch entry facing the street.*

3. *Have a roof that is no more than 12 feet above the floor of the porch.*
4. *Have a roof that covers at least 30 percent of the porch area.*

Applicant Response:

The proposed building provides open air enclosed stairways to serve the living units on that side of the building including the ground floor units. The stairway provides a roof covering.

4. *Detailed Design.*

- A. *For multi-dwelling buildings with up to 30 feet or more of street frontage, a minimum of two of the elements shall be provided along the street-facing façade or façades.*
- B. *For buildings with over 30 feet of street frontage, at least one element shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between two elements.*
 1. *Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide.*

Applicant Response:

The proposed design for Building 'A' has 70 feet of street frontage. The façade is broken up into three primary articulated sections. This includes unit deck/patio projections that are 6 feet deep and 12 feet wide. The longest wall plane between these sections is 20 feet. Between these deck/patio projects is the recessed entry and open-air stairway to the upper living units.

The proposed design for Building 'B' has 140 feet of street frontage. The façade is broken up into six articulated sections and the longest wall plane between these sections is 20 feet. This includes unit deck/patio projections that are 6 feet deep and 12 feet wide. Between these deck/patio projects is the recessed entry and open-air stairway to the upper living units.

2. *Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.*

Applicant Response:

The proposed building recessed entries and open-air stairways to the upper floor living units. These entries are 8 feet wide and 18 feet deep.

3. *Offset on the building face of at least 16 inches from one exterior wall surface to the other.*

Applicant Response:

The proposed street facing building designs provide multiple changes in wall planes. The depth of the wall plane variations are 6 feet in several locations and 10 feet in additional locations. These variations occur multiple times on all street frontage building façade elevations.

4. *Dormer that is at least 4 feet wide and integrated into the roof form.*

Applicant Response:

This design element is not utilized in the building design.

5. *Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.*

Applicant Response:

The proposed building roof design provides 24 inch, 18 inch and 12 inch roof overhangs.

6. *Roofline offsets of at least 2 feet from the top surface of one roof to the top surface of the other.*

Applicant Response:

The design element is not utilized in the building design.

7. *Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.*

Applicant Response:

The proposed building elevation design includes fiber cement horizontal lap siding with a 6-inch exposure.

8. *Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.*

Applicant Response:

This design element is not utilized in the building design.

9. *Gable roof, hip roof, or gambrel roof design.*

Applicant Response:

The proposed building roof design includes hip roofs and gable roof forms.

10. *Window trim around all windows at least 3 inches wide and 5/8 inches deep.*

Applicant Response:

This design element is not utilized in the building design.

11. *Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.*

Applicant Response:

This design element is not utilized in the building design.

12. *Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.*

Applicant Response:

The proposed building and living unit design includes recessed upper floor decks that are 6 feet deep and 12 feet wide.

13. *Bay window at least 2 feet deep and 5 feet long.*

Applicant Response:

This design element is not utilized in the building design.

14. *One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line-oriented within 30 degrees of the true north/ south axis.*

Applicant Response:

This design element is not utilized in the building design.

FINDING (Section 17.11.090): SATISFIED WITH CONDITIONS. Except for those standards where the applicant has requested flexibility as part of the Planned Development, and/or a variance as applicable, the applicant's plans and narrative demonstrate compliance with the multi-dwelling standards of Section 17.11.090. Compliance with this Chapter is contingent on the Planning Commission approving the requested relief. At the November 16, 2023 continued Planning Commission hearing, the applicant proffered to provide a children's play structure on the site. This is incorporated into the proposal and shall be shown on the revised site plan. This addresses the multi-dwelling standard for a combination of active and passive use areas.

17.11.100 Universal Design Standards.

APPLICANT RESPONSE: N/A.

FINDING (Section 17.11.100. Residential Design and Development Standards: Residential Universal Design Standards). NOT APPLICABLE. This section doesn't apply to apartments.

17.11.110 Planned Development Residential Design and Development Standards.

Chapter 17.51 of the McMinnville Municipal Code allows for planned development overlays in McMinnville as a means of providing greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. McMinnville encourages residential planned developments as a means of achieving the City's adopted Great Neighborhood Principles.

A. Guiding Principles.

A1. Appropriate site size and scale. Small to medium sites (10,000 square feet to 40,000 square feet) should act as infill sites and respond to the surrounding neighborhood in scale, character, building design, details and materials. Large sites (over 40,000 square feet) should provide a variety of housing types, centralized common open space, and an interconnected system of streets and pathways that connect to the surrounding neighborhood.

A2. Livability. Residential Planned Developments should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.

A3. Compatibility. Residential Developments should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of McMinnville.

A4. Safety and Functionality. Developments should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

A5. Enduring quality. Residential Planned Developments should incorporate design and building practices that promote the economic, ecological, and aesthetic environment of McMinnville,

such as energy conservation, preservation of trees and open space, and quality building materials.

B. Required Elements, Great Neighborhood Principles. All residential planned developments shall meet the Great Neighborhood Principles as identified below.

- B1. Natural Feature Preservation.*
- B2. Scenic Views.*
- B3. Parks and Open Spaces.*
- B4. Pedestrian Friendly.*
- B5. Bike Friendly.*
- B6. Connected Streets.*
- B7. Accessibility.*
- B8. Human Scale Design.*
- B9. Mix of Activities.*
- B10. Urban-Rural Interface.*
- B11. Housing for Diverse Incomes and Generations.*
- B12. Housing Variety.*
- B13. Unique and Integrated Design Elements.*

C. Required Elements, Common Open Space. All Residential Planned Developments over four units shall meet the fundamental and supplemental requirements for Common Open Space.

C1. Characteristics.

- a. Common open spaces offer residents social and health benefits while also defining and bringing character to a development.*
- b. Common open spaces may include shared recreational facilities such as play areas, sports fields or swimming pools; rooftop decks that prompt interaction and include shared amenities such as grills, play space, or seating.*

C2. Guiding Principles.

- a. Common open space should be appropriately located so users feel safe and residents take ownership and responsibility for the shared space.*
- b. The design should take into account its relationship to units, entries, and windows, as well as how landscaping or other barriers may impact sight corridors.*
- c. Common open spaces should have clear intended uses with visual cues to inform users as to the desired function.*
- d. Avoid large, hard-surfaced or landscaped areas that lack furnishings or other design elements suggesting specific activities.*
- e. Break down large spaces into smaller, comfortable outdoor rooms through the use of fencing or low walls, furnishings and lighting, building placement, and plantings.*
- f. Sensitive design will produce greater benefits than expensive materials or furnishings and certainly more options for use than large undefined open areas.*

C3. Fundamental Requirements.

- a. A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents in the planned development. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open space shall be accessible to all residents.*

- b. Common open space shall be a minimum of 15 percent of the planned development. Passive open space shall not be more than 5 percent of the planned development.*
- c. When vehicular areas are located between dwellings and common open space, clearly defined pathways shall be provided to enhance pedestrian safety.*
- d. Pathway surface shall be clearly marked and differentiated from the vehicular area with paint or alternative paving material.*
- e. Common open space shall have a minimum dimension of 20 feet at the narrowest part.*
- f. Walkways are required between dwellings and common open space.*

C4. Supplemental Requirements. Provide at least four of the options listed below.

- a. Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sport fields, play structure, bike track, courts, swimming pool, or other options.*
- b. Provide tall deciduous trees for summer shade and winter solar access. When possible preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.*
- c. Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.*
- d. Incorporate landscaping that receives at least 50 percent of its irrigation from harvested rainwater.*
- e. Provide opportunities for food cultivation. Include a community garden and/or incorporate cultivated species into the landscaping.*

D. Supplemental Elements, Consideration.

D1. Modular Block Layouts.

- a. An intermix of housing types is possible if blocks are platted with a lot width module that can be aggregated. If lots are increments of 25 to 30 feet wide and can be aggregated into lots that are 50 or 60 feet wide (or 75 or 90 feet wide), a wide variety of dwelling types can occupy the same block.

 - 1. For example, narrow lot dwellings such as townhouses or tiny houses on 25 foot lots may sit next to larger lot dwellings such as courtyard apartments or cottage clusters on a 50- or 75-foot lot.**
- b. In a new planned development, the greatest flexibility for lot variety is provided by having an alley serve as parking and driveway to each lot (see Figure "Block with Alley").*
- c. When parking is accessed via a driveway from the front of the lot, the lot width is governed by frontage requirements of Universal Design Standards – Street Frontage, and the minimum lot width will be 40 feet (see Figure "Block without Alley").*

D2. Block Lengths

...

D3. Partial Alley at End of Block

...

D4. Usable Side Yard Setback.

...

FINDING (Residential Design and Development Standards. Section 17.11.110. Planned Development Residential Design and Development Standards): SATISFIED WITH CONDITIONS.

- As specified in Section 17.11.011, the standards in this chapter are applicable to new housing construction.
- The application is subject to the provisions of Section 17.11.090, Apartments.
- As specified in Section 17.11.100, the Universal Design Standards in that section are not applicable to apartments.
- Because the property is subject to a Planned Development Ordinance, the provisions of Section 17.11.110, Planned Development Residential Design and Development Standards, apply. Some are optional.

The applicant has provided a narrative with responses addressing each of the standards, in addition, the plans and elevations submitted by the applicant provide the information needed to determine compliance with the applicable provisions of Chapter 17.11. As part of the Planned Development Amendment, the applicant has also requested flexibility regarding certain multi-dwelling standards in Chapter 17.11, which are addressed under the provisions for Section 17.74 of this decision document.

Chapter 17.33. C-3 Zone.**17.33.010 Permitted uses.**

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

6. Apartments, Multiple dwellings subject to the provisions of the R-4 zone, except that within the City Center Housing Overlay Zone designated in Chapter 17.66, density limitations of the R-4 zone shall not apply, and any special development standards of the Overlay Zone shall supersede those of the R-4 zone.

Applicant Response: *The proposed development is for Apartments and is therefore subject to the R-4 zone*

FINDING (Chapter 17.33): SATISFIED. The property is subject to the provisions of the C-3 zone, as modified by the provisions of the Planned Development Overlay Ordinance. Apartments are a permitted use in the C-3 zone, subject to the provisions of the R-4 zone. Some of those provisions are governed by the provisions of Planned Development Overlay Ordinance, which contains some provisions which are more restrictive than those of the C-3 and R-4 zones. The R-4 zone specifies that density maximum may not apply to permitted housing types other than single attached dwellings. In addition, some of the multi-dwelling standards in 17.11.090, including some standards for a lot over 14,000 square feet in size, supersede some provisions of the R-4 zone.

CHAPTER 17.21 R-4 MEDIUM, HIGH DENSITY RESIDENTIAL ZONE

Applicant Response: Although the subject site is located within the C-3 Commercial Zone, Section 17.33.010 (6) provides that Apartments are subject to the provisions of the R-4 zone. Therefore the following narrative addresses the compliance with the applicable provisions of the R-4 zone.

17.21.010 Permitted uses.

In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Tiny Houses, Single detached dwelling;
- B. Middle Housing

1. Plexes: Duplex Dwelling; Triplex Dwelling; Quadplex Dwelling (minimum lot size of seven thousand square feet)
 2. Cottage Clusters
 3. Townhouses
- C. Apartments; Multiple dwelling subject to the following:
1. Developments with five or more units.
 2. The property on which the use will be located has direct access from a major collector or minor arterial street, or a local collector street within 600' of a collector or arterial street; or
 3. The property is located within one-half mile of a planned or existing transit route; or
 4. The property is within one-quarter mile from a planned or existing neighborhood or commercial shopping area.

Applicant Response:

The proposed development is for 138 apartment units located in seven three story buildings. The subject site does provide direct access to a local collector street that is within 600 feet of a designated collector.

17.21.030 Lot size.

In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for attached single dwelling lots shall average one thousand-five hundred square feet in area. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Applicant Response:

The subject site is 214,759 sf (4.93 Acres) and therefore meets the requirement.

17.21.040 Yard requirements.

In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(d), Cottage Clusters.
- B. A side yard shall not be less than six feet. An exterior side yard shall not be less than fifteen feet, except as provided in Section 17.11.030(C), Table 1(f), Cottage Clusters.
- C. A rear yard shall not be less than twenty feet, except as provided in Section 17.11.030(C), Table 1(c), Cottage Clusters.
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Applicant Response:

The yards on the proposed Site Plan are as follows:

Front Yard: 15 feet provided, 15 feet required.

Side Yard: 10 feet provided, 6 feet required.

Rear Yard: 79'-6" provided, 20 feet required.

The proposed yards meet the requirements.

17.21.050 Building height.

In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Applicant Response:

The proposed building height is 36'-4". The current underlying Three Mile Lane Planned Development Overlay Ordinance 4709 has a height limitation of 35 feet. The concurrent Planning Commission Variance Application, submitted concurrent within this application, is requesting a height variance to 37 feet. Additional compliance narrative addressing the proposed building height is in the applicant response to the Planning Commission Variance Application narrative.

17.21.060 Density requirements.

In an R-4 zone, the maximum density for single attached dwelling may not exceed four dwelling units per 5,000 square feet. Density maximum may not apply to any other permitted housing types, including accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Applicant Response:

The allowable density for the 214,759 sf subject site is 210 living units. The Site Plan for the proposed development includes 138 apartment units. The proposed density is less than the allowable and is therefore compliant.

[Staff Note: *Density provisions only apply to single-attached dwellings, which are townhouses. Therefore, this is not applicable to the application.***]**

Chapter 17.52. Airport Overlay Zone

...

17.52.030 General Restrictions. *No use in the Airport Overlay Zone shall:*

- A. *Create electrical interference with navigational signals or radio communication between the airport and aircraft; or*
- B. *Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.*

...

17.52.060 Horizontal Zone Restrictions. *The following uses are prohibited in the Horizontal Zone: Any structure which exceeds a height greater than 309 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills.*

...

FINDING (Chapter 17.52): SATISFIED WITH CONDITIONS. The subject property is within the Airport Overlay Zone, which is comprised of several sub-areas. The subject property is within the Horizontal Zone. 17.52.030, General Restrictions, and 17.52.060, Horizontal Zone Restrictions, apply to the subject property.

The general restrictions of the Airport Overlay Zone will continue to be applicable to the property and the operation of the use since it is located within the Airport Overlay Zone. There is nothing related to the residential use or development that is expected to create electrical interference or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

The proposed structures will not exceed a height greater than 309 feet above mean sea level (MSL). The published airport elevation is 163 above MSL, so a building exceeding 309 feet above MSL would be approximately 146 feet tall.

Chapter 17.54. General Provisions

FINDING (Chapter 17.54): SATISFIED WITH CONDITIONS. This Chapter includes various provisions, including those regarding exceptions to building height, fences (recodified as MMC

8.10.210), yards, and clear vision areas. Fences within interior side and rear yards are limited to seven feet in height. Clear vision areas are to be maintained at driveway approaches and street intersections. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb or, where no curb exists, from three and one-half (3.5) feet above the edge of the pavement, or top of asphalt measured at the property line, except that the following may be allowed in a clear vision area.

1. Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;
2. Telephone, power, and cable television pole, electrical junction boxes.
3. Government issued traffic safety signs.
4. Telephone switch boxes provided they are less than 10 inches wide at the widest dimension.

Chapter 17.57. Landscaping

FINDING (Chapter 17.57): *The findings regarding the applicable provisions of this chapter are addressed in the findings for the landscape plan review in this decision document.*

Chapter 17.58. Trees

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

17.58.100 Street Tree Plans.

A. *Submittal.*

...
 2. *Commercial, Industrial, Parking Lots, and Multi-dwelling Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.*

17.58.110 Street Tree Planting.

...
 B. *Commercial, Industrial, Multi-dwelling, Parking Lot Development.*

1. *Planting Schedule: Street trees required of a commercial, industrial, multi-dwelling, or parking lot development shall be installed at the time all other required landscaping is installed.*

FINDING (Chapter 17.58): *The findings regarding the applicable provisions of this chapter are addressed in the findings for the landscape plan review in this decision document.*

Chapter 17.60. Off-Street Parking and Loading

17.60.050 Spaces—Location.

A. *Except as provided below, required off-street parking spaces for dwellings shall be located on the same lot with the dwelling...*

Applicant Response:

All required parking is provided on the same site as all proposed dwelling units.

17.60.060 Spaces. Number required.

Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing

structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

Section 17.60.060. Spaces, Number required.

A. Residential land use category:

3. Multiple dwelling: One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.

Applicant Response:

The Off-Street parking required and provided is as follows:

Parking Required:

One- and Two-Bedroom Units: 1.5 spaces/unit required, (120 units x 1.5 =180)

Three-Bedroom Units: 2 spaces per/unit required (18 units x 2 =18)

Total Parking Required: 216 spaces

Provided Parking:

Standard Spaces: 188 spaces

Compact Spaces: 22 spaces

ADA Accessible spaces: 8 spaces

Total Spaces Provided 218 spaces

[Staff Note: The site plan shows numerous parking spaces that are 17' deep and don't meet the dimensions for standard spaces, but are counted in the applicant's calculations as standard spaces. This is addressed in the decision and conditions].

17.60.070 Off-street loading requirements.

A. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

Applicant Response:

The proposed multifamily apartment development does not require off-street loading spaces. None are proposed to be provided.

17.60.080 Design requirements.

A. All parking lots and driving aisles shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked, except that in an industrial zone, parking spaces which are in addition to those required by this chapter, may be surfaced with a minimum of treated gravel and maintained dust free.

Applicant Response:

All parking areas and drive aisles on the proposed Site Plan are designed to be constructed of asphaltic concrete.

B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise

allowed by this ordinance, and such parking space shall not be less than twenty feet in depth from the property line.

Applicant Response:

Parking areas or drive aisles are not proposed to be located within the front or side yard setbacks.

C. *Safe access shall be provided as follows:*

1. *Access aisles shall be of sufficient width for all vehicular turning and maneuvering.*

Applicant Response:

The drive aisles on the proposed Site Plan are 26 feet wide. The turn radii on the drive aisles are 18-foot minimum inside radius. These proposed dimensions provide safe and adequate width and turn radii for vehicles and for fire trucks and emergency vehicles.

2. *Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.*

Applicant Response:

The proposed site plan provides a single driveway access to SE Norton Lane. No backing movements are proposed onto SE Norton Lane.

3. *Driveways to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide for maximum safety of pedestrians and vehicular traffic on the site.*

Applicant Response:

The proposed driveway access is 26 feet wide which provides ample width for two-way traffic into and from the subject site. The Public Street frontage improvements include setback sidewalks that cross the driveway and will be constructed in accordance with the City of McMinnville standards.

4. *Clear vision areas shall be provided at driveway exits for all uses except single-detached dwellings and plexes, shall have minimum dimensions of ten feet measured along the street right-of-way and the edge of the driveway. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from the established centerline grade. Except for existing permanent buildings and structures (other than signs), nonconformities shall be made to comply with the provisions of this section within seven years from the date of its adoption.*

Applicant Response:

The proposed driveway access from SE Norton Lane provides the required clear vision area. A clear vision triangle is shown on the proposed Site Plan, drawings A1.0, A1.1, demonstrating compliance.

5. *Driveway cuts shall be a minimum of twenty feet from a street intersection.*

Applicant Response:

The proposed driveway location is centered on the intersection of SE Norton Lane and SE Stratus Avenue. This location is in compliance with City of McMinnville standards and policies.

- D. *Parking areas shall be made compatible with surrounding uses as follows:*
1. *Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street.*

Applicant Response:

The parking areas on the proposed Site Plan provides concrete curbs or wheel stops preventing encroachment into adjacent properties. Additionally, there is a 6-foot sight obscuring fence along the property boundaries.

2. *When a parking area in a commercial or industrial zone abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall lies with the commercial or industrial property.*

Applicant Response:

The proposed Site Plan provides a 6-foot sight obscuring fence along the adjacent property boundaries.

3. *Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.*

Applicant Response:

The proposed Site Lighting Plan, drawings ME 1.0 demonstrates the photometric footprint of the proposed site light fixtures. The proposed fixtures provide full cut-off of light on the adjacent properties preventing light and glare shining on the adjacent sites.

- E. *Space size minimum shall be as follows:*

1. *Handicap parking spaces shall be a minimum of twelve feet wide and 19 feet in length.*

Applicant Response:

Handicap Accessible parking spaces have been designed in compliance with Oregon Structural Specialty Code and the ANSI A117.1 standards and requirements. Van Accessible stalls are 9'x19' with an 8' wide access aisle and standard Handicap Accessible spaces are 9'x19' with an 6' wide access aisle. See the dimensioned Enlarged Site Plans A1.1 Sector 1 and A1.2 Sector 2.

2. *Compact and subcompact parking spaces shall be a minimum of eight feet by sixteen feet.*

Applicant Response:

The Compact Spaces on the proposed Site Plan are 8' wide x 16' long and are in compliance. See the dimensioned Enlarged Site Plans A1.1 Sector 1 and A1.2 Sector 2.

3. *Standard parking spaces shall be a minimum of eight feet six inches by nineteen feet.*

Applicant Response:

The Standard Spaces on the proposed Site Plan are 9' wide x 19' long and are in compliance. See the dimensioned Enlarged Site Plans A1.1 Sector 1 and A1.2 Sector 2.

[Staff Note: Some spaces shown in the plan as 17 feet deep are counted as standard spaces.]

F. The type of space shall be set as follows:

1. Handicap spaces shall be required and designated as per current federal, state, and local regulations.

Applicant Response:

The Handicap Accessible parking spaces have been designed to be in compliance with the Oregon Structural Specialty Code and the ANSI 117.1 standards and requirements.

2. Standard spaces shall comprise not less than sixty-five percent of all newly constructed lot spaces.

Applicant Response:

The total parking spaces provided is 218 spaces, of which 188 spaces are standard spaces. This represents 86 percent of the spaces provided.

[Staff Note: Some spaces which are shown on the plan as 17' deep are counted in the above calculation as standard spaces. This is addressed in the approval and conditions. Also, with the removal of two spaces which were within the 20-foot front yard setback, the parking is reduced to 216 spaces which meets minimum requirement].

17.60.140 Bicycle Parking.

A. Bicycle parking facilities shall be required as follows:

1. In any commercial (C-1, C-2, and C-3) or office/residential (O-R) zone, bicycle parking facility requirements shall be based on the amount of automobile parking required. The minimum number of bicycle parking spaces provided shall be ten percent of the automobile parking spaces required.
2. The uses exempted from bicycle parking requirements include: residential uses, drive-in theaters, mortuaries, motels, hotels, and automobile service stations.

Applicant Response:

As this is a multi-family residential use Bicycle Parking spaces are not required. However, the applicant is proposing to provide bicycle parking (bike racks) at each building. The proposed Site Plan includes 40 Bicycle Parking Spaces.

FINDING (Chapter 17.60. Off-Street Parking and Loading): SATISFIED WITH CONDITIONS. The applicant's November 9, 2023 revised submittal and the decision and conditions of approval address the requirements of this Chapter.

Chapter 17.61. Solid Waste and Recycling Enclosure Plan

17.61.030 Guidelines and Standards.

- A. The location of an enclosure must allow for collection agency drive-in access. A fifty-foot (50) access approach is recommended. In addition to the approach, either an exit that allows the truck to move forward or a turn area with a minimum radius of 46.5 feet is preferred. Both approach and location shall be unobstructed and free of over head wires and low hanging trees. An eighteen-foot (18) minimum height clearance above the enclosure approach is required and a thirty-two-foot (32) vertical clearance is required above the container itself. The enclosure shall be of sufficient size to store trash and recycling receptacles, the size of which shall be determined by the collection agency and will be based on proposed use. A minimum distance of two-feet (2) is required between the container and existing or proposed structures. The enclosure shall be a minimum of six-feet (6) tall or six inches (6) higher than the top of the tallest container.

Applicant Response:

The proposed Site Plan provides the required front access and turn radii. There are no overhead wires located within the subject site.

Due to limited access and site constraints, a Fire Truck Turnaround is provided at the rear of the site. This turnaround may be used by the trash collection vehicles and provides adequate maneuvering for vehicle turnaround. The proposed Site Plan has been submitted to Recology Western Oregon (collection service) for review and approval.

All proposed Trash Enclosure structures are located in excess of the 20-foot minimum.

The proposed Trash Enclosure has been designed in accordance with Recology Western Oregon Solid Waste Plan Guide and Standards.

- B. Solid waste enclosures shall not be located within twenty-feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to the required landscaping must meet the approval of the Landscape Review Committee.*

Applicant Response:

The proposed Site Plan does not locate trash enclosures within the front yard setbacks and the subject site does not contain exterior yards. The proposed Site Plan does locate Trash Enclosures 5 feet from the adjacent side yards. A 6' high sight obscuring fence is proposed to be located along the property line.

- C. 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.*

Applicant Response:

There are no Trash Enclosures that will be visible from the street therefore this is not applicable.

- D. Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty-feet (30) from any residential structure or as otherwise approved by the Planning Director.*

Applicant Response:

The adjacent properties to the North of the subject site are zoned C-3 Commercial. The property adjacent the subject site on the South is outside the City of McMinnville and the Urban Growth Boundary. The property to the West of the subject site is zoned residential and there are no trash enclosures proposed to be located within so feet of this adjacent residential property. The proposed trash enclosure at the rear of the site adjacent the North property line is 28'-4" East of this Westerly property line. Additional landscaping and screening is proposed adjacent this enclosure. There is also a six-foot sight obscuring fence proposed along westerly property line.

An Administrative Variance is being requested for this reduced setback.

- E. 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.

Applicant Response:

The proposed Trash Enclosures are to be constructed of split-faced concrete masonry units with a solid cap. Landscape screening is proposed along the sides of the trash enclosures to provide the required evergreen hedge.

The concrete slab under the enclosure and in front of the enclosure will be reinforced and extend a minimum of 10 feet in front of the enclosure.

- F. Gates that screen the containers are required and must remain closed at all times except at times of service.*

Applicant Response:

Painted steel gates are proposed on all trash enclosures. This is illustrated in the Trash Enclosure Plan 5/A1.4, and the Trash Enclosure Elevations, 6/A1.4.

- 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 Response:

The proposed Site Plan shows "NO PARKING" pavement markings directly in front of the trash enclosures.

- H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville's Fire Code.*

Applicant Response:

All proposed trash enclosure locations provide substantial separation from buildings as required by the Fire Code.

FINDING (CHAPTER 17.61. SOLID WASTE AND RECYCLING ENCLOSURE PLAN): SATISFIED WITH CONDITIONS. As provided in Section 17.61.020, this chapter applies to new multi-dwelling developments of three or more dwelling units. The plans and applicant's responses demonstrate compliance with these standards. The drawings and narrative materials demonstrate the materials meet requirements. The approval addresses the location of the westerly-most enclosure from the west property line, and the applicant has provided a response from Recology approving the layout where any of the above dimensional standards aren't achieved.

Chapter 17.62. Signs

APPLICANT RESPONSE: N/A

FINDING (Chapter 17.62. Signs): SATISFIED WITH CONDITIONS. As a condition of approval, the applicant shall separately submit an application for a sign permit. The application will be reviewed for consistency with the applicable sign regulations of this Chapter and the specific provisions of Planned Development Overlay Ordinance 5072. The sign permit application will also be reviewed for consistency with the provisions of the Three Mile Lane Planned Development Overlay Ordinance, which is also referenced in Ordinance 5072.

Variances VR 3-23

The applicant has requested flexibility regarding certain standards of the Zoning Ordinance, and one provision of the PD Overlay Ordinance 5072. Some flexibility can be granted as part of the Planned Development Review. Other flexibility requires a variance.

The applicant is requesting flexibility regarding the following provisions of Chapter 17.11. These items can be approved within the flexibility allowed for the PD approval.

- Allow 63' rather than 60' between parking lot islands.
- Allow parking spaces within 6' rather than 10' of north and south property lines. (Provide 10' from west property line that is residential). To the north are the abutting parking lots of those developments. To the south is outside the UGB.
- Allow trash enclosure less than 30' from west property line abutting residential zone. (Trash enclosures would be 6-feet of other interior property lines which abut non-residential zoning, and would abut screened parking lot areas).

The applicant is requesting a variance to the 35' height limit established in the PD ordinance 5072. This item requires approval of a variance subject to the standard variance criteria. Further, it is ineligible for an administrative variance even though it is less than 10% of the standard, because building height is specifically listed as an item which doesn't qualify for an administrative variance.

- Request to exceed 35' height limit of PD ordinance to allow height of highest ridge to 37'.

CHAPTER 17.74 REVIEW CRITERIA**17.74.090 Administrative Variance-Review Criteria.**

The Planning Director may grant limited adjustments to the terms of this title as follows:

- A. *Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than 90 (ninety) square feet;*
- B. *Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.*
- C. *These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.*
- D. *Special conditions may be attached to adjustments if such conditions relate directly to the adjustments.*

Applicant Response:

The applicant is seeking approval of the following Administrative Variances:

1. 17.11.090, D (4), d (7): Landscape Islands shall be separated no more than 60 feet from another.

Proposed:

The Site Plan proposes a maximum distance of 63 feet between parking area landscape islands. This is an increase of 3 feet which is less than 10% of the required dimension. Standard parking stalls are 9 feet wide and the 60 foot limitation does not coincide with standard parking stall dimensions affecting an efficient parking layout and the best use of the site area to achieve the densities identified by the zoning codes. The requested increase of 5% has no adverse impacts upon the site or the amount of landscaping proposed on the Landscape Plan.

2. 17.11.090, D (4) f (3): *Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.*

Proposed:

The parking areas on the proposed Site Plan are located at a distance of 6-feet from the North and South (side) property lines. This is less than the 10 feet required from the adjacent side property lines. This is compatible with existing adjacent development that also has parking located 6 feet from the adjacent property lines.

Applicant Response:

The requested adjustment to the landscape island spacing in parking areas is affected by the recently adopted Chapter 17.11 Residential Design Standards. Previously development in the vicinity of the subject site was not developed under these requirements. As noted above, the 60-foot spacing identified in the newly adopted standard does not take into account the standard or compact parking stall spacing. The net result is inefficient utilization of the available site area for parking thus affecting the overall net achievable density.

The requested adjustment for proposed parking areas to be located less than 10 feet from the adjacent property lines is compatible with the existing adjacent developments as they have parking located at 6 feet from the adjacent property lines. As the subject site has a designated C-3 General Commercial zoning designation, the parking setback is not required. As a multiple family apartment use, the Residential Design Standards of 17.11 are required. Previous adjacent built developments have not been required to meet this standard. The proposed variance is fully compatible with the adjacent developments.

3. *17.61.130 (D): Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty-feet (30) from any residential structure or as otherwise approved by the Planning Director*

Proposed:

The property West of the subject site is zoned R-4 Medium-High Density Residential. The proposed trash enclosure at the rear of the site adjacent the North property line is 28'-4" East of this Westerly property line. The rear yard of the existing mobile home is more than 15 feet west of this property line therefore the proposed trash enclosure location is more than 30 feet from the adjacent residential structure.

Additional landscaping and screening is proposed adjacent this enclosure. There is also a six-foot sight obscuring fence with landscape buffering and screening proposed along westerly property line.

FINDING: SATISFIED WITH CONDITIONS. Staff recommends finds the requested relief consistent with the intent of the policies intended to be implemented by these standards. Staff recommends approval with conditions, based on the plans submitted by the applicant, and that the variances are specific to this plan. The requested relief either meets the requirements for administrative variances and/or is within the authority of the Planning Commission to grant as part of the Planned Development Amendment.

17.74.100 Variance-Planning Commission Authority.

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

conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

Applicant Response:

The applicant is seeking approval of the following Variance through the Planning Commission Authority:

1. Planned Development Overlay Ordinance 4709, Condition 11:
This Condition of Approval limits the Building height to 35' to the highest point of the roof. The applicant is seeking a Variance to increase the roof height to 37'-0" to the highest ridge line. The proposed building design with sloped and hip roof forms, maintains a low-profile roof line and the requested additional height to 37'-0" will not have any adverse impacts on the existing development in the surrounding area.

17.74.110 Conditions for Granting Variance.

A variance may be granted only in the event that the following circumstances substantially exist:

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

Applicant Response:

The allowable building height within the underlying C-3 General Commercial Zone is 80 feet. As this is a residential development, the requirements of the R-4 Medium-High Density Zone govern which allows a building height of 68 feet. The existing adjacent development includes numerous buildings that exceed the 35' height limitation. These include the Willamette Valley Medical Center Hospital and the Comfort Inn Motel which is also three-stories and exceeds 35' in building height.

Other properties within the City of McMinnville with the same zoning do not have this height restriction and would allow for a greater density of needed housing to be developed.

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

Applicant Response:

The imposed height restriction limits the density and number of units that can be built on this site. The proposed development needs to achieve three story building heights to be financially feasible. Other adjacent developed properties have buildings exceeding the 35' height limitation and the proposed height preserves a comparable development opportunity already provided to the adjacent developments.

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

Applicant Response:

The proposed sloped roof forms have an eave height of 26'-9" with a ridge height just under 37 feet. With the sloped roofs and hip roof design, the impacts of the requested 37' height is not noticeable and results in less impact than a building with a vertical roof parapet wall at 35 feet. The proposed roof eave line provides a much lower perceived overall building height. Additionally, the adjacent properties in the vicinity of the subject site have roof heights far

greater than 35 feet. The proposed height adjustment is fully compatible with the adjacent developed properties.

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

Applicant Response:

The proposed three-story building design uses 8' high ceilings within the living units, which is considered minimum for market rate apartment units. Given the floor structure and the required heel trusses due to the new energy code requirements, the requested height of 37 feet is the minimum height to accommodate the three-story units. As previously addressed, the project is not feasible if three story building cannot be utilized.

FINDING (17.64.110(A)-(D)): SATISFIED WITH CONDITIONS. This variance is based on the plans submitted by the applicant. The requested relief is a minor deviation from the standards. The allowed Building height would be 80' if not limited to 35' by the PD Ordinance. The applicant is requesting a minor increase that is consistent with the intent and purpose of the condition and height limitation. The predominant building volume will be within the 35' height limit and the eave lines are well within the height limit. Only the highest, narrow portion of the highest eave line will exceed 35' to approximately 37'.

TS