

ORDINANCE NO. 5072

**AN ORDINANCE AMENDING AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT TO ADD MULTIPLE FAMILY RESIDENTIAL AS AN ALLOWABLE USE IN THE PLANNED DEVELOPMENT OVERLAY DISTRICT**

RECITALS:

The Planning Department received an application (PDA 6-18) from KWDS, LLC, on behalf of property owners Gene A. McMullin (representing McMullin Family Residual Trust) and Phyllis A. Moyer (representing Phyllis Moyer Living Trust), requesting approval of a Planned Development Amendment. The existing Planned Development Overlay District limits uses, and the Planned Development Amendment request was to add multiple family residential as an allowable use on the subject site; and

The subject site is located west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on May 16, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on May 7, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the planned development amendment review criteria listing in Section 17.74.070 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said planned development amendment to the Council;

The City Council having received the Planning Commission recommendation and staff report, and having deliberated; and

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A; and
2. That the requested amendment to the existing Planned Development Overlay District is approved, subject to the following conditions:
  - 1) That Condition 15 of Ordinance 4709, as amended by Ordinance 4863, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):

"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.

**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.**

- 2) All other requirements and conditions of approval from Planned Development Ordinance 4709 shall remain in effect.

Passed by the Council this 25<sup>th</sup> day of June, 2019, by the following votes:

Ayes: Garvin, Geary, Peralta, Stassens

Nays: \_\_\_\_\_

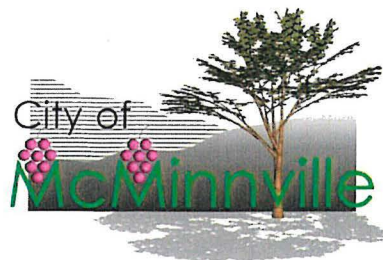
  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
CITY RECORDER

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO ADD MULTIPLE FAMILY RESIDENTIAL AS AN ALLOWABLE USE WITHIN AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT**

**DOCKET:** PDA 6-18 (Planned Development Amendment)

**REQUEST:** Approval to amend Planned Development Overlay Ordinance 4709, as amended by Ordinance 4863, by amending a condition of approval that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential apartments to that list of allowable uses in the existing Planned Development Overlay condition of approval. The base C-3 zone allows multiple-family residential as a permitted use.

**LOCATION:** West of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.

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

**APPLICANT:** KWDS, LLC, on behalf of property owners Gene A. McMullin (representing McMullin Family Residual Trust) and Phyllis A. Moyer (representing Phyllis Moyer Living Trust)

**STAFF:** Chuck Darnell, Senior Planner

**DATE DEEMED COMPLETE:** March 22, 2019

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

**HEARING DATE & LOCATION:** May 16, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**PROCEDURE:** An application for a Planned Development Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

**CRITERIA:** The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:** As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

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

**RECOMMENDATION**

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied with conditions and **APPROVES** the Planned Development Amendment (PDA 6-18), **subject to the conditions of approval provided in this document.**

RECOMMENDATION: APPROVAL WITH CONDITIONS

City Council: Scott Hill  
Scott Hill, Mayor of McMinnville

Date: 6/25/2019

Planning Commission: Roger Hall  
Roger Hall, Chair of the McMinnville Planning Commission

Date: 6/27/2019

Planning Department: Heather Richards  
Heather Richards, Planning Director

Date: 6/25/19

## **I. APPLICATION SUMMARY:**

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. City has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

### ***Subject Property & Request***

The application (PDA 6-18) is a request for a Planned Development Amendment to amend a condition of approval from Ordinances 4709 and 4863 that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential apartments to that list of allowable uses in the existing Planned Development Overlay condition of approval. The base C-3 zone allows multiple-family residential as a permitted use.

The subject property is located west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits and urban growth boundary. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.

Excerpts from Land Use Application Narrative and Findings:

#### **Existing Conditions**

The Subject Site is currently undeveloped, and used for farming. The site is generally flat, with a minor slope to the northwest. There are no significant or distinguishing natural features associated with this property.

Access to the property is from Highway 18 via the intersection with Norton Lane. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of the highway, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the subject site.

#### **Access and Utilities**

The property fronts on west side of SE Norton Lane, just south of the Altimus Plaza medical offices. The existing right-of-way for SE Norton Lane is 60 feet down to and through the Stratus Avenue Loop intersection, south of the Medical Center. The existing improvements extend through this intersection. The street is currently improved with curb and gutter and 28 foot paved section.

SE Norton Lane is improved to City standard south to the intersection with the Stratus Avenue loop. The street improvements extend approximately 180 feet along the frontage of the Subject Site [Staff would note that the street along the subject site's frontage do not include sidewalks, but sidewalks constructed to City standards would be required at the time of development of the site – see Conditions 18 and 20 of Ordinance 4709]. There is an additional 280 feet of site frontage that is currently not improved.

There are existing urban services and utilities within SE Norton Lane. These facilities are all available and were adequately sized to serve development of the subject property, consistent with the allowed commercial uses.

#### Surrounding Uses

North – The property immediately north of the subject property is the Altimus Plaza medical offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant. The land west of the motel is vacant land, designated for professional and medical offices, or other compatible uses.

East – The property immediately east of the subject property is developed with medical offices, specifically Willamette Valley Medical Center, including a Heliport. To the south of the medical center is vacant farm land, outside of the city limits and UGB.

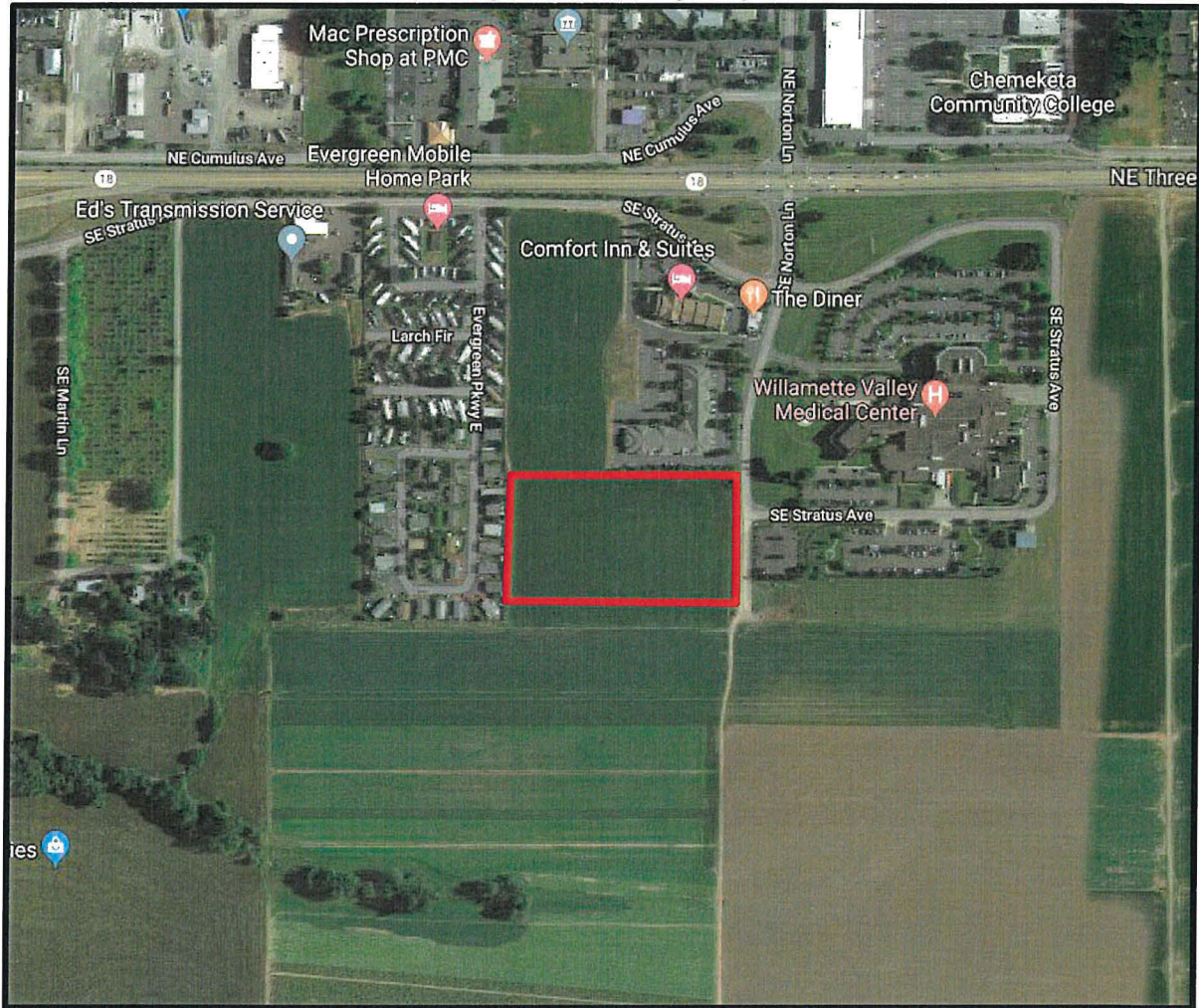
The Evergreen Aviation Museum, north of Hwy 18, and Municipal Airport, south of Hwy 18, are located just over a mile to the east.

South – The property immediately south of the subject property is vacant farm land, outside of the city limits and UGB.

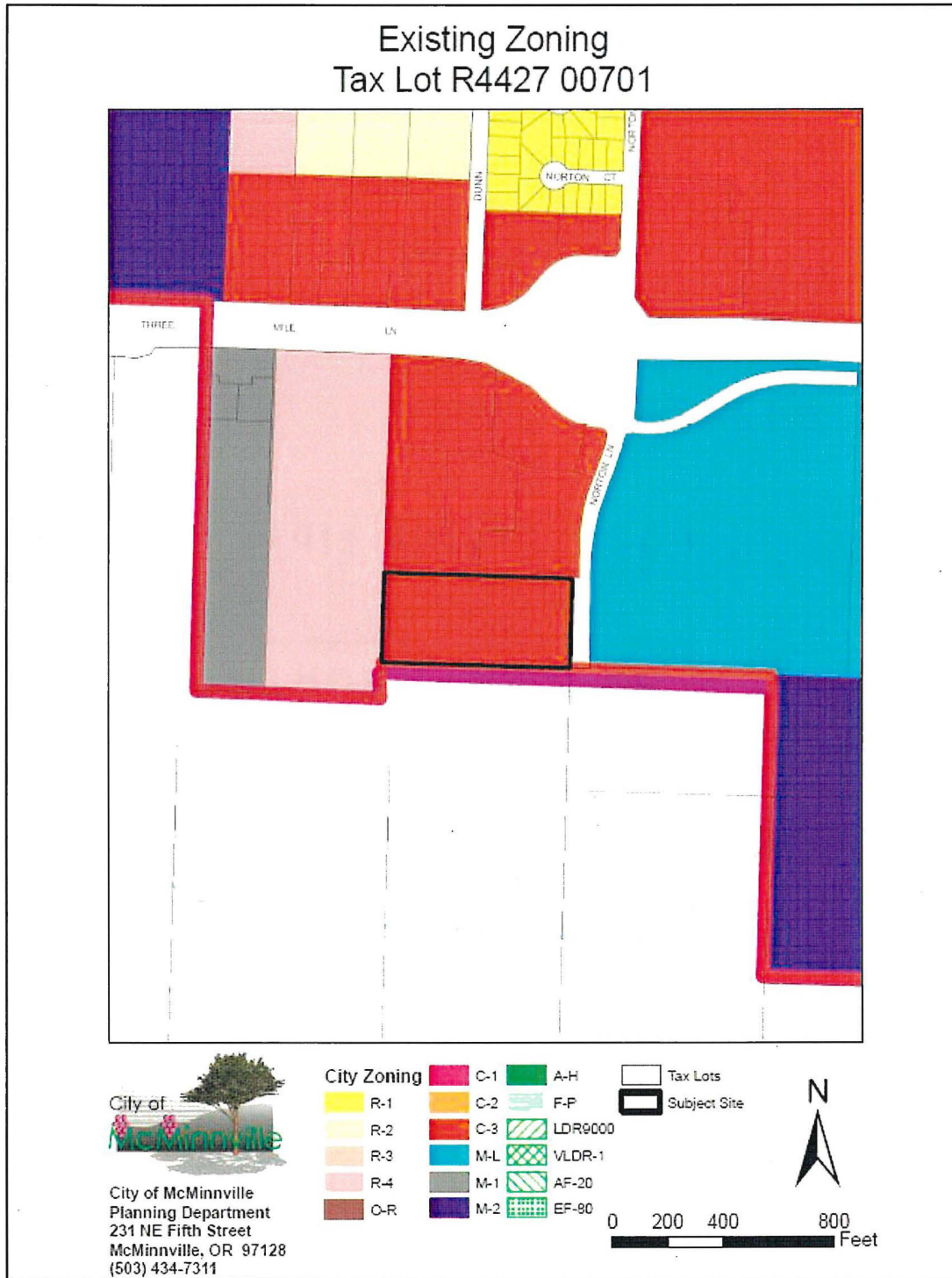
West – The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

***See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.***

Figure 1. Vicinity Map



**Figure 2. Zoning Map**



**Background**

Excerpts from Land Use Application Narrative and Findings:

The subject site is within the Three Mile Lane Planned Development Overlay area, originally established by Ordinance 4131 in 1981



By Ordinance 4131, the City of McMinnville established Planned Development requirements for the Three Mile Lane area (Oregon Highway 18 Corridor). The area covered by this requirement extends north and south of Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18.

In 1994, Ordinance 4131 was amended to add specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) by Ordinance 4572.

In 1999, the City amended the Comprehensive Plan re-designating a 5 acre industrial area south of Stratus Avenue for commercial use. With this Plan amendment, the 5 acre area, which is the Subject Site, was zoned C-3 PD, General Commercial Planned Development by Ordinance 4709.

Ordinance 4709 included 20 Conditions applicable to development within the PD boundary. These conditions remain in effect. However Condition 15 specifically limited uses as follows:

*“Condition 15. That the subject site is limited to professional office use or medical office use, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use or medical office use 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.”*

The record indicates the City’s general intent in limiting uses in this area was to avoid creation of strip commercial development, by restricting retail uses.

In 2006, the Three Mile Lane Planned Development (Ord. 4709) was amended, by Ordinance 4863. This amendment added senior condominiums, senior apartments, or assisted living facilities as permitted uses. Under Ordinance 4863 the current allowed uses for the subject property are limited as follows:

*“Condition 15. That the subject site is limited to professional office use or medical office use, **or 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, 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.”*

The revised Condition 15 applies specifically to Tax Lot 701. In addition to the use restrictions per amended Condition 15, the specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) established in Ordinance 4572 are applicable to the development of the Subject Property, as well as the other 19 Conditions set in Ordinance 4709.

The existing Planned Development originally adopted by Ordinance 4709 in 1999, and later amended by Ordinance 4863 in 2006, contains 19 other conditions of approval. Those conditions of approval are

still applicable to the property and are provided in Ordinance 4709, which is included as Attachment 2 to this Decision Document.

### **Summary of Criteria & Issues**

The application (PDA 6-18) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. 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. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

The applicant has provided findings to support the request for a Planned Development Amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

Generally, the purpose of a planned development is to provide 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. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements. It should be noted in this case that the subject site is already regulated by an existing Planned Development (Ordinance No. 4709), and the request is only to expand the list of uses that are listed as permitted on the subject site. Overall, the proposed planned development amendment would

provide additional benefits to the community and the City as a whole. The proposal would provide an opportunity for increased variety in the development pattern of the community, and would encourage mixed uses in a planned area, specifically allowing for the incorporation of a use that is identified as needed in the community.

## **II. CONDITIONS:**

1. That Condition 15 of Ordinance 4709, as amended by Ordinance 4863, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**:

"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.

**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.**

2. All other requirements and conditions of approval from Planned Development Ordinance 4709 shall remain in effect.

## **III. ATTACHMENTS:**

1. PDA 6-18 Application and Attachments (on file with the Planning Department)
2. Ordinance No. 4709 (on file with the Planning Department)
3. Ordinance No. 4863 (on file with the Planning Department)

## **IV. COMMENTS:**

### **Agency Comments**

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

- McMinnville Engineering Department

We have completed our review of PDA 6-18. A recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposal.

Thus, we have no comments re: the proposed planned development amendment.

At the time of development, the applicant will need to acquire all necessary permits (including any required by the Oregon Department of Transportation), and will need to construct the appropriate street and utility improvements necessary to support the development.

- McMinnville Fire Department

No comments received

- McMinnville Water and Light

Regarding the above planning development amendment there are no comments from the water or power side on our end.

- Oregon Department of Transportation

Since the site isn't adjacent to state highway, the only thing we would consider are impacts to a state highway intersection. Normally our threshold for a TIA is 50 peak hour trips or 300 ADT at a state highway intersection. This would potentially include the intersections at Stratus/Norton, OR-18/Norton, and maybe farther down OR-18 depending on what the trip distribution looks like.

## **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, May 7, 2019. As of the date of the Planning Commission public hearing on May 16, 2019, no public testimony had been received by the Planning Department.

## **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

- A. The applicant, KWDS, LLC, held a neighborhood meeting on November 7, 2018.
- B. The applicant submitted the Planned Development Amendment application (PDA 6-18) on December 20, 2018.
- C. During the completeness review, it was determined that the neighborhood meeting had not be held in accordance with Section 17.72.095 of the McMinnville Municipal Code. It was also determined that findings had not been provided for all applicable Comprehensive Plan goals and policies. The application was deemed incomplete on January 18, 2019.
- D. The applicant held a second neighborhood meeting in accordance with Section 17.72.095 of the McMinnville Municipal Code on February 13, 2019.
- E. The applicant submitted a revised application on March 14, 2019 that included evidence of the neighborhood meeting held on February 13, 2019 and the applicable Comprehensive Plan goals and policies identified in the incomplete notification.
- F. The application was deemed complete on March 22, 2019. Based on that date, the 120 day land use decision time limit expires on July 20, 2019.

- G. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation.  
Comments received from agencies are addressed in the Decision Document.
- H. Notice of the application and the May 16, 2019 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 on Tuesday, April 23, 2019.
- I. Notice of the application and the May 16, 2019 Planning Commission public hearing was published in the News Register on Tuesday, May 7, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
- J. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
- K. On May 16, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

**VI. FINDINGS OF FACT – GENERAL FINDINGS**

- 1. **Location:** West of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M.
- 2. **Size:** Approximately 4.93 acres.
- 3. **Comprehensive Plan Map Designation:** Commercial
- 4. **Zoning:** C-3 PD (General Commercial Planned Development)
- 5. **Overlay Zones/Special Districts:** Three Mile Lane Planned Development Overlay District (Ordinance No. 4131 and Ordinance No. 4572)
- 6. **Current Use:** Undeveloped
- 7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
- 8. **Other Features:** The site is described by the applicant as being generally flat, with a minor slope to the northwest. There are no significant or distinguishing natural features associated with this property.
- 9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.

- c. **Sewer:** Sanitary sewer service is available to the subject site.
- d. **Stormwater:** Storm sewer service is available to the subject site.
- e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** The site is adjacent to SE Norton Lane, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). The existing right-of-way width of SE Norton Lane adjacent to the subject site is 71.47 feet, as shown on Partition Plat 99-47. Therefore, no additional right-of-way dedications are necessary. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development.

**VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application 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 to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

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

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

*purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** The comprehensive plan map is already consistent with these Goals and this Policy. The subject site and surrounding properties to the north and east are designated commercial and zoned C-3PD.

The proposed amendment does not change this designation, and the property remains zoned C-3PD. Additional vacant commercial land remains north and east of the subject property, to accommodate additional office or senior housing uses. The amendment only adds multi-family apartments to the list of allowed uses, which already includes senior apartments.

**FINDING: SATISFIED.** City concurs with the applicant's findings, and adds that the proposed amendment to Condition 15 would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, senior condominiums, senior apartments, assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, as allowed under the revised condition of approval that was approved by Ordinance No. 4863.

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

*Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)*

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

*Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.*

**APPLICANT'S RESPONSE:** As noted, the Subject Property is designated commercial, consistent with these policies. The designation does not change with this proposed amendment. In approving the prior amendment (Ordinance 4863) the City has already determined that residential use, in the form of senior housing, would be compatible with the underlying C-3 commercial zoning, which allows multi-family housing. The applicant is simply requesting that the residential use not be restricted to senior housing, by also allowing traditional multi-family apartment.

The provisions of Policy 29.00 remain in effect, and have been implemented by the existing transportation improvements in the immediate area. As demonstrated by the traffic impact report attached with this application, the proposed multi-family use will generate less traffic impacts than the base commercial office uses.

**FINDING: SATISFIED.** The existing property is already designated on the Comprehensive Plan as Commercial, and is zoned C-3 PD (General Commercial Planned Development) as determined to meet Goal IV 3 and Policies 24.50 and 25.00 by the previous actions to amend the Comprehensive Plan (CPA 6-99) and adopt the existing Planned Development (ZC 11-99) by Ordinance 4709. The proposed amendment to add multiple family residential as an allowed use would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, senior condominiums, senior apartments, assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, would still be allowed on the subject site under the revised condition of approval that was approved by Ordinance No. 4863.

The existing property has frontage on SE Norton Lane, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the consideration of the impacts of a new direct access on land uses and traffic patterns in the area of the development is not required by Policy 29.00 because the adjacent roadway is not an arterial. However, the applicant provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use.

*Proposal 6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.*

**APPLICANT'S RESPONSE:** The Three Mile Lane Planned Development is consistent with this proposal. The PD Overlay remains in effect, the amendment simply adds multi-family apartments as an allowed uses, and will maintain consistency with the underlying C-3 zoning.

**FINDING: SATISFIED.** City concurs with the applicant's findings, and adds that the existing conditions of approval from Ordinance No. 4709 remain in effect. Conditions 2, 3, and 4 require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping.

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

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

*Policy 59.00 Opportunities for multiple-family 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.*

*Policy 61.00 The City of McMinnville shall monitor the conversion of lands to residential use to ensure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.*



**APPLICANT'S RESPONSE:** The City has implemented these Policies through adoption of the Zoning Code, which includes residential zones accommodating various densities and housing types. Further, the underlying C-3 zone allows multi-family development, consistent with R-4 standards, per Section 17.33.010.3. The proposed amendment simply adds this allowed use, maintaining consistency with the C-3 code.

As addressed herein, the evidence provided demonstrates that there is no greater need for senior housing over other type of housing. In fact, the City's Code does not even distinguish senior housing as a separate use category. Any senior housing built would be approved consistent with the C-3 and R-4 zoning for multi-family housing.

Further, there is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the professional and medical office commercial designation for the remainder of the Planned Development Area.

The requested change will not alter the current density allocated for the property. The allowed density will remain consistent with the R-4 standards for multi-family housing.

Therefore the requested amendment maintains consistency with the applicable zoning.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

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

*Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

*Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

*Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)*

**APPLICANT'S RESPONSE:** The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.05 and 71.09.

**FINDING: SATISFIED.** The proposed Planned Development Amendment would result in the addition of multiple family residential to the list of allowed uses in the existing Planned Development area. The subject property is not designated as residential, but has an underlying zone of C-3 (General Commercial). The underlying C-3 zone allows multiple family residential uses as a permitted use, so the proposed amendment is not inconsistent with the underlying zone and provides an opportunity for the development of residential uses.

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

*Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

*1. Areas that are not committed to low density development;*

**APPLICANT'S RESPONSE:** The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.03, and 71.09.

The current Planned Development Overlay is consistent with the criteria for location of medium and high density residential, which is allowed under Policy 71.09 and also specifically allowed in the C-3 zone.

However, Ordinance 4863 imposed a specific limitation restricting residential development to various types of senior housing, per Condition 15. Except for this specific conditioned limitation, the C-3 zone would otherwise allow multi-family development, consistent with R-4 standards, as a permitted use.

The applicant's intent is to develop high density apartments consistent with the R-4 standards, as required by the C-3 zone. So technically, under the C-3 zoning, the density is not being increased, as the R-4 standards will be applied.

**FINDING: SATISFIED.** City concurs with the applicant's findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low density development.

*2. Areas that have direct access from collector or arterial streets;*

**APPLICANT'S RESPONSE:** The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

**FINDING: SATISFIED.** The subject site has frontage on SE Norton Lane, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the subject site has direct access from a collector street.

3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*

**APPLICANT'S RESPONSE:** The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

4. *Areas where the existing facilities have the capacity for additional development;*

**APPLICANT'S RESPONSE (Provided December 20, 2018):** The commercial area along Norton Lane is served by a full range of urban services including sanitary sewer, water, storm drainage and franchise utilities. All of these services generally have sufficient capacity to serve the proposed development.

However, the City Engineer indicated that the existing sanitary sewer line serving the subject site was designed based on, "*an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre.*"

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost for CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

**Revised Response from Applicant (Provided March 14, 2019):** The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a system-wide analysis, rather than just to Norton Lane area.

**FINDING: SATISFIED.** The Engineering Department provided comments (provided on April 5, 2019) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction.

Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

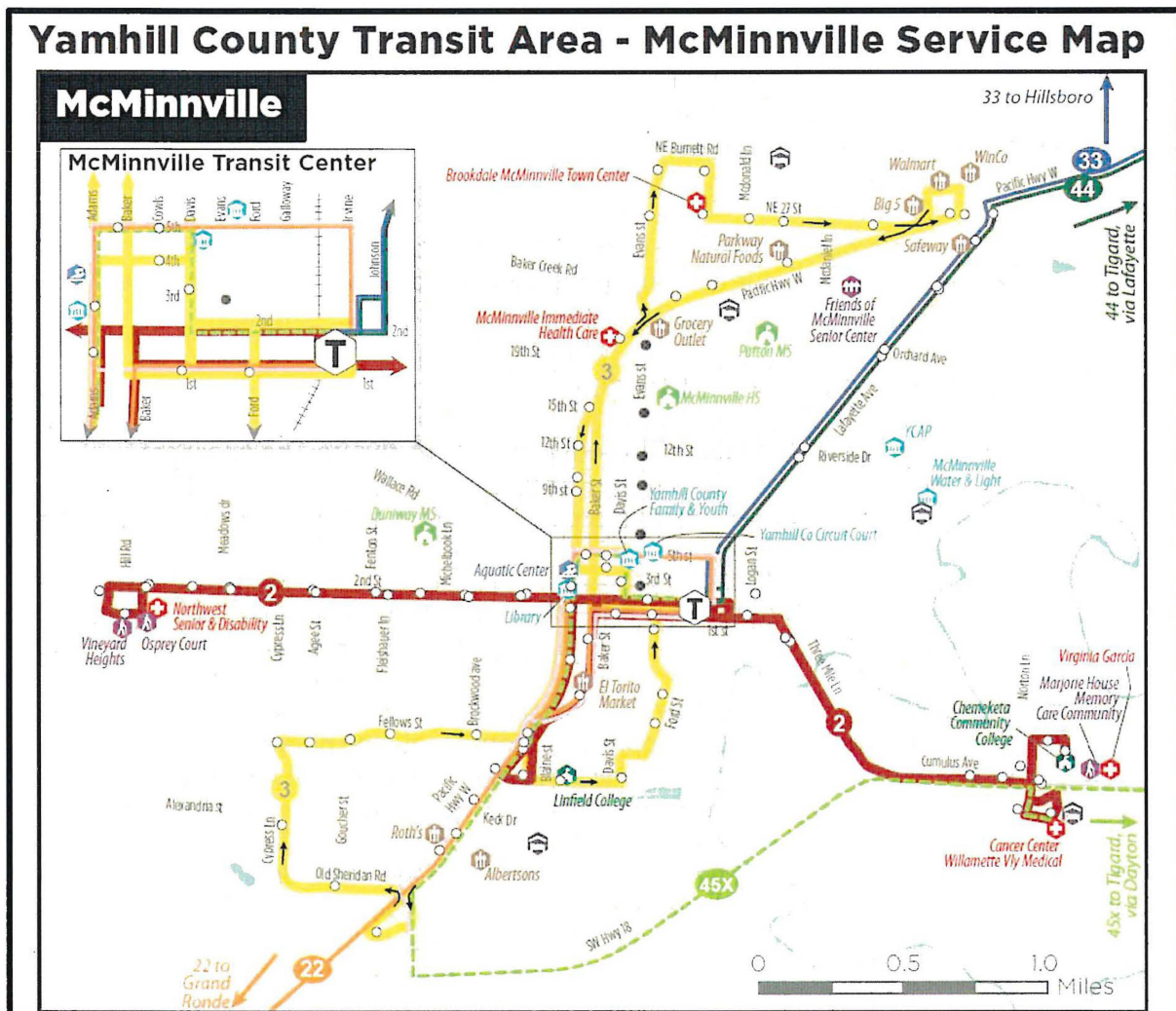
5. Areas within one-quarter mile of existing or planned public transportation; and,

**APPLICANT'S RESPONSE:** Local Transit Routes 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center, which is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative.

Route 2 provides regularly scheduled weekday service. This route connects to the Transit Center for connection to the Yamhill County Transit route for access to the other parts of town. Therefore this criterion is met.

**FINDING: SATISFIED.** City concurs with the applicant's findings. City would add that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities.

A view of the McMinnville transit map, which identifies Routes 2 near the Willamette Valley Medical Center, is provided below:



6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

**APPLICANT'S RESPONSE:** And, there is residential R-4 land immediately to the west of the subject site, which establishes the buffer of lower density residential per criteria 6.

The requested change will not alter the current density allocated to the property. The density will remain as is consistent with the R-4 standards for multi-family housing.

Therefore all of the criteria in Policy 71.09 are met.

**FINDING: SATISFIED.** The subject site is not located adjacent to any existing low density residential areas. Therefore the subject site and area does not require any buffering from low density residential areas.

*Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:*

1. *Areas which are not committed to low or medium density development;*

**APPLICANT'S RESPONSE:** The subject property is zoned C-3 General Commercial with a PD overlay. The C-3 zone allows high density residential use. Therefore it is not committed to low or medium density development.

**FINDING: SATISFIED.** City concurs with the applicant's findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low density development.

2. *Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*

**APPLICANT'S RESPONSE:** There is no designated low density residential in the surrounding neighborhood. There is R-4 zoning to the west, which provides a buffer between the site and other zoning. Therefore this criterion is met.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

3. *Areas which have direct access from a major collector or arterial street;*

**APPLICANT'S RESPONSE:** The subject site has direct access from the Highway (E. Salmon River) via SE Norton Lane. Therefore this criterion is met.

**FINDING: SATISFIED.** While Highway 18 (Three Mile Lane) is identified as a major arterial in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010, the subject site does not have direct access from Highway 18. The subject site has frontage and direct access only onto SE Norton Lane, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. However, the applicant provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development

conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4709 and Ordinance No. 4863.

4. *Areas which are not subject to development limitations;*

**APPLICANT'S RESPONSE:** The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

5. *Areas where the existing facilities have the capacity for additional development;*

**APPLICANT'S RESPONSE (Provided December 20, 2018):** The City Engineer indicates that the existing sanitary sewer line serving the subject site was designed based on, "*an assumption in the modeling for undeveloped commercial/industrial properties at an equivalent of 12 dwelling units per acre.*" Whereas, the applicant is proposing high density multi-family development up to 120 units.

Consequently, in coordination with the City Engineer, CH2M has conducted an analysis of the sewer system capacity for the immediate area to determine that there is capacity. The system was designed based on medium density residential calculated to serve 59 units (4.93 acres x 12 units per acre).

The applicant has agreed to cover the cost for CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development.

CH2M findings will be submitted separately.

**Revised Response from Applicant (Provided March 14, 2019):** The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a system-wide analysis, rather than just to Norton Lane area.

**FINDING: SATISFIED.** The Engineering Department provided comments (provided on April 5, 2019) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction.

Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

6. *Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*

**APPLICANT'S RESPONSE:** Local Transit Route 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center. The Medical Center is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative. Route 2 provides regularly scheduled weekday service. Therefore this criterion is met.

**FINDING: SATISFIED.** City concurs with the applicant's findings. City would add that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities.

A view of the McMinnville transit map, which identifies Routes 2 near the Willamette Valley Medical Center, is provided in the finding for Policy 71.09 above.

7. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*

**APPLICANT'S RESPONSE:** The City's zoning for Neighborhood Commercial is C-1, which General Commercial is C-2.

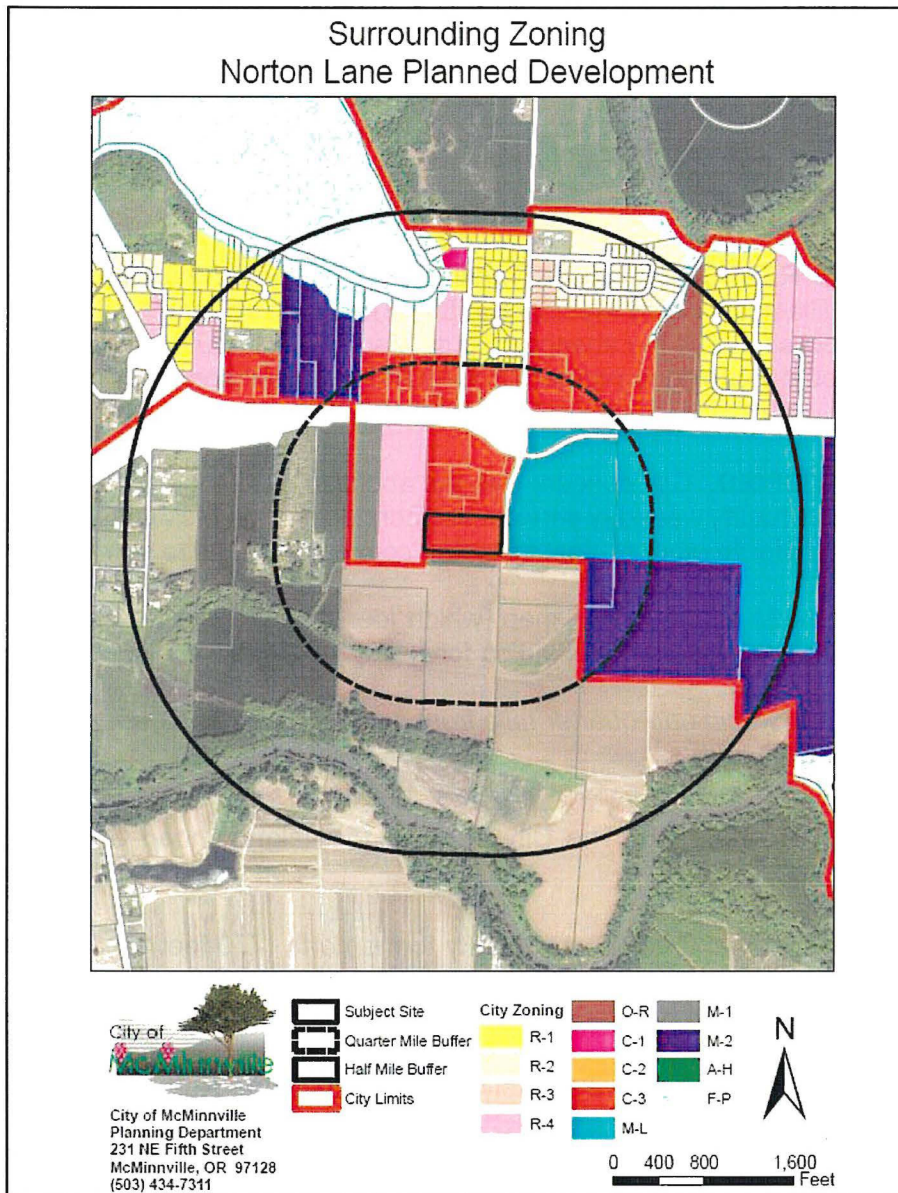
The subject property and adjacent property to the north (770 feet) to Stratus Avenue is zoned C-2, General Commercial, with a PD overlay. There is also C-2 zoning on the north side of the highway on both sides of NE Norton Lane.

The closest C-1 zoning is approximately ¼ mile east of the Norton Lane intersection with the Highway.

Therefore this criterion is met.

**FINDING: SATISFIED.** While the McMinnville Municipal Code (MMC) does have a Neighborhood Business Zone (C-1), that zoning district has been applied very narrowly and is only designated on two parcels in the entire city limits (the two parcels that the applicant notes approximately ¼ mile east of the Norton Lane intersection with Highway 18). Also, the MMC does not have any definition of neighborhood or general commercial shopping centers. Therefore, the commercial designation of property is used in analyzing this Comprehensive Plan policy and high density residential locational factor. The subject site is located within one-quarter mile of commercially zoned property. The commercially zoned property within one-quarter mile of the subject site is zoned C-3 (General Commercial) – which is a correction on the applicant's response where General Commercial is identified as C-2 – to allow general retail, service, and shopping type uses.

A map identifying the subject site and the distances to commercially zoned properties is provided below:



8. Areas adjacent to either private or public permanent open space.

**APPLICANT'S RESPONSE:** The closest public open space to the site is Joe Dancer Park, which is located on E. Brooks Street, approximately 1.4 miles to the northwest.

The proposed development will however be designed to provide on-site open space for passive and active recreation for tenants. Therefore this criterion is met.

Therefore all of the criteria in Policy 71.13 are met.

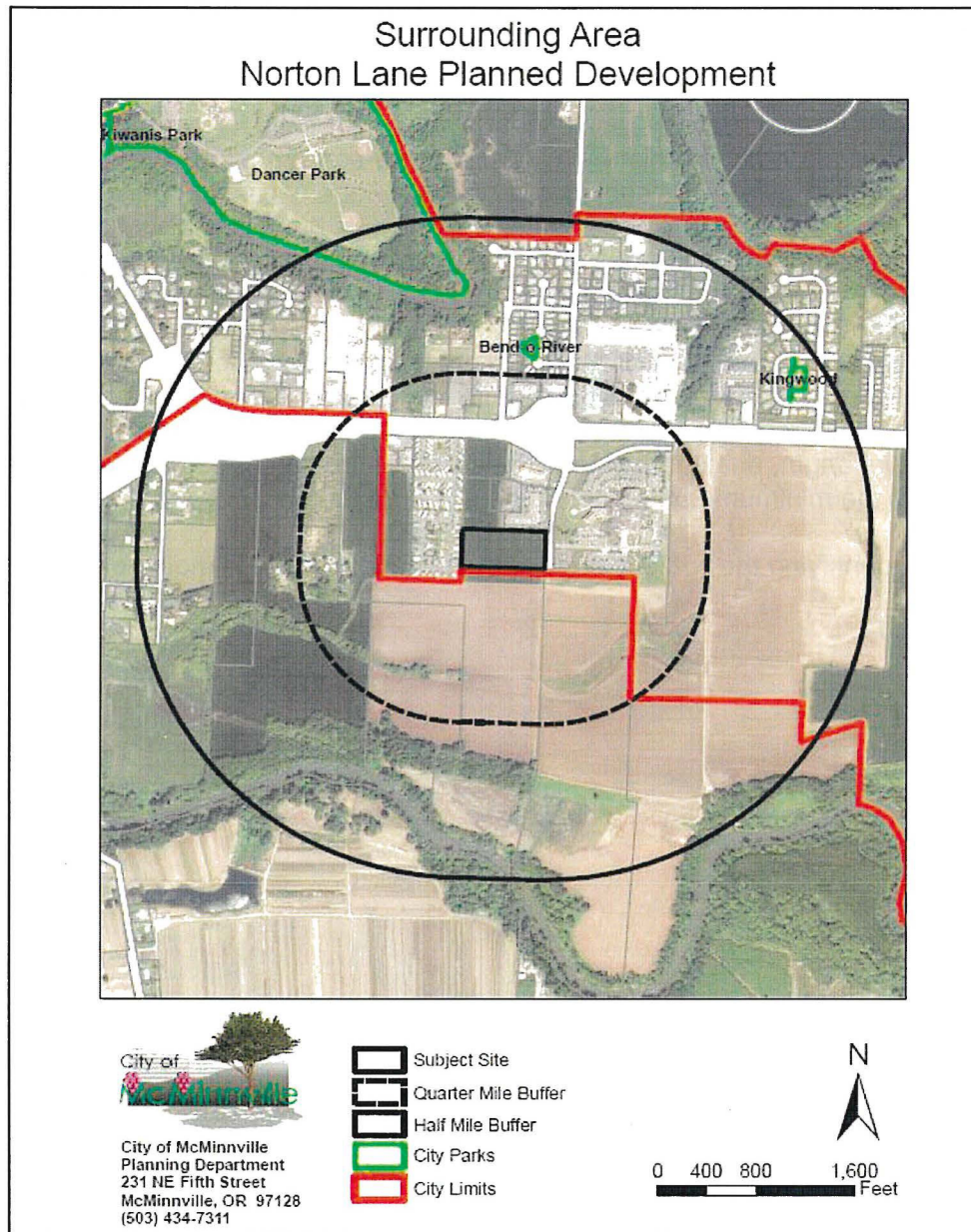
**FINDING: SATISFIED WITH CONDITION #1.** The subject site is not located adjacent to private or public open space. There are only three public parks within ½ mile of the subject site, and two of those parks (Bend-o-River and Kingwood) are what would be classified as Mini-Parks in the McMinnville Parks, Recreation, and Open Space Master Plan. The other park within ½ mile of the subject site is Joe Dancer Park, which is identified as a Community Park in the McMinnville



Parks, Recreation, and Open Space Master Plan. However, Joe Dancer Park is located across the Yamhill River and is not actually accessible within a ½ mile distance of the subject site.

The factor for high density residential development calls for open space to be adjacent to the site, not within a certain distance. While there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, language is included in the amended condition of approval to require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that 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.

A map identifying the subject site and the distances to surrounding parks is provided below:



*Planned Development Policies*

*Policy 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’S RESPONSE:** The existing Three Mile Lane Planned Development has been established consistent with these Planned Development Policies, per Ordinance 4709. The 20 conditions included with the ordinance remain in effect, and are applicable to any development of the Subject Site.

**FINDING: SATISFIED.** City concurs with the applicant’s findings. The existing Planned Development overlay, approved by Ordinance No. 4709, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family

residential use, along with the other commercial and senior living residential uses currently allowed by the existing Planned Development condition of approval, which would provide an opportunity for a wider variety of housing types than is currently allowed.

*Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

**APPLICANT'S RESPONSE:** The requested amendment will add opportunity for a wider variety of housing types, than is currently allowed. However, this general area is not identified by the City for lower density housing alternatives, just medium and high density residential, consistent with the C-3 zoning.

**FINDING: SATISFIED.** City concurs with the applicant's findings. City would add that the existing Planned Development overlay, approved by Ordinance No. 4709, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family residential use, along with the other commercial and senior living residential uses currently allowed by the existing Planned Development condition of approval, which would provide an opportunity for a wider variety of housing types than is currently allowed.

*Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*

**APPLICANT'S RESPONSE:** There are no particularly distinctive natural, topographic or aesthetic features associated with the Subject Site. The property is relatively flat, and currently abuts farm land to the south, which is outside of the city limits and UGB.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

*Policy 75.00 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'S RESPONSE:** No specific development plans are being proposed at this time. However, the applicant is proposing an apartment complex. Their typical development plans provide landscaped open space for passive recreational use, and depending upon the specific target market, other amenities may be provided. Two examples of the applicant's most recent apartment projects have been provided to show how open space and amenities are typically provided.

Specific details regarding site amenities will be provided at the time of development review, assuming this requested PD amendment is approved. Such facilities or amenities are always located for convenient use of the tenants, as reflected in the site plan examples.

The applicant will maintain ownership and management of the facilities, with costs covered by rents. Therefore no HOA, assessment district or escrow funds are necessary to ensure proper maintenance.

**FINDING: SATISFIED WITH CONDITION #1.** City concurs with the applicant's findings. City would add that, while there are some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no

open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, a condition of approval related to Policy 71.13 will require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that 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.

*Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION #1.** While there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site, and in areas readily accessible to all occupants. Therefore, a condition of approval related to Policy 71.13 will require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that 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.

Further, the existing conditions of approval from Ordinance No. 4709 remain in effect. Conditions 2, 3, and 4 require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the required open space is located in an area readily accessible to all occupants.

*Policy 77.00 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'S RESPONSE:** Any development of the subject property will be required to meet these design criteria. So this policy will be equally implemented with or without the proposed amendment. Again, the two site plans provided show how site circulation is typically provided.

**FINDING: SATISFIED.** The existing conditions of approval from Ordinance No. 4709 remain in effect. Conditions 2, 3, and 4 require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the internal traffic system promotes safe and efficient traffic flow and gives consideration to providing pedestrian and bicycle pathways.

*Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

**APPLICANT'S RESPONSE:** Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18 intersection with Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the Three Mile Lane Planned Development area.

As reflected in Table 1 herein, and the accompanying Traffic Impact Report, the traffic impacts of the proposed multi-family development will be slightly more than those associated with senior housing, but will be considerably lower than traffic generated by allowed professional and medical offices, thereby maintaining consistency with this criterion.

**FINDING: SATISFIED.** The site is adjacent to SE Norton Lane, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). The existing right-of-way width of SE Norton Lane adjacent to the subject site is 71.47 feet, as shown on Partition Plat 99-47. Therefore, no additional right-of-way dedications are necessary. Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure the traffic system within planned developments will be compatible with adjoining properties. In addition, the applicant provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

#### *Residential Design Policies*

*Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** The requested amendment to allow multi-family development, only amends Condition 15 of Ord. 4709, and does not alter the allowed density, which will remain consistent with the R-4 standards and the base C-3 zoning.

**FINDING: SATISFIED.** City concurs with the applicant's findings. The proposed amendment to the existing Planned Development condition would add multiple family residential as an allowed use. Multiple family residential is a permitted use in the underlying C-3 (General Commercial) zone, subject to the standards and provisions of the R-4 (Multiple Family Residential) zone. Therefore, the future development, if it includes multiple family residential dwelling units, will be subject to the density requirements of the R-4 zone.

Further, existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services.

#### *Urban Policies*

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site.

**GOAL VI 1:** TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

## Streets

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

*Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:*

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 4. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 5. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

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

*Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

*Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*

**APPLICANT'S RESPONSE:** The City's transportation Goal and Policies are further refined and implemented through the Transportation System Plan (TSP). The TSP provides the functional classification of streets, including arterial, collector and local designations.

The TSP identifies corridor improvements for the Highway 18 Corridor:

*ODOT, the City of McMinnville and Yamhill County have mutually approved the Highway 18 Corridor Refinement Plan, which was completed in 1996. The Plan includes a series of traffic control and frontage roads improvements north and south of Highway 18, to include closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.*

*Some frontage road improvements have been completed since the 1996 Plan was adopted. Exhibit 4-10 illustrates the current state of the Plan. It is important to note, however, that the northernmost collector access road depicted in the Highway 18 Corridor Refinement Plan is not shown in the TSP due to the fact that it is located outside of McMinnville's current urban growth boundary. Under Oregon Administrative Rule (OAR 660-012), transportation facilities outside of urban growth boundaries are not permitted as part of a TSP unless a "reasons" exception to the applicable goal(s) has been approved by the City. In this case, McMinnville finds such action premature due to the lack of certainty as to the street corridor's location and design. An*

*amendment to this plan, and a Goal 2 (Land Use) exception, would be part of any future proposal to add this element to the TSP and permit its construction and use for urban purposes.*

Some of the corridor improvements have already been completed, including the Norton Lane intersection and Stratus Avenue frontage road. The future interchange discussed is further to the east, at Cumulus Avenue. However, no decision regarding an interchange has yet been made.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

Primary access to the property is from Salmon River Highway 18, designated as an arterial street. SE Norton Lane intersects with Highway 18 north of the subject property. The property fronts on the west side of SE Norton Lane, just south of the intersection with SE Stratus Avenue. Stratus Avenue is classified as a collector.

**FINDING: SATISFIED.** City concurs with the applicant's findings. City would clarify that the site is adjacent to SE Norton Lane, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). The existing right-of-way width of SE Norton Lane adjacent to the subject site is 71.47 feet, as shown on Partition Plat 99-47. Therefore, no additional right-of-way dedications are necessary.

Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Further, Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

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

*2. Major, minor collectors.*

*-Designs should minimize impacts on existing neighborhoods.*

*-Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*

*-On-street parking should be limited wherever necessary.*

*-Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)*

*-As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.*



**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

*Parking*

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

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

*Bike Paths*

*Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)*

*Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.*

*Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)*

*Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design, including off-street parking and bike and pedestrian connections associated with the future development plan.

*Supportive of General Land Use Plan Designations and Development Patterns*

*Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and*

services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

**APPLICANT'S RESPONSE:** See response to Policies 117.00 – 121.00 above.

**FINDING: SATISFIED.** City concurs with the applicant's findings, along with the additional findings provided for Policies 117.00 – 121.00 above.

#### *Public Safety*

*Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

#### *Livability*

*Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)*

*Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)*

*Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)*

#### *Pedestrian Programs*

*Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards.

Further, Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

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

#### *Sanitary Sewer System*

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

*Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:*

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

#### *Storm Drainage*

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

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

#### *Water System*

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

**APPLICANT'S RESPONSE:** The surrounding development along SE Norton Lane has been constructed consistent with the Public Facilities Goal and these Policies for specific utilities. All required urban services are currently available and adequate to support development of the

property consistent with these policies, assuming that CH2M makes positive findings with their sewer system analysis, being paid for by the applicant.

The proposed amendment will not result in development that will create substantially greater demands on the available services than the types of development that is already allowed.

The City has confirmed that the sanitary sewer line has sufficient capacity to accommodate the proposed increase in density from senior housing to apartments. The net difference is 61 units.

**Revised Response from Applicant:** The applicant agreed to cover the cost of CH2M re-evaluating the available capacity of the sewer system serving the surrounding area, and accounting for the proposed increase in density, using 120 units for the proposed development

However, Mike Bisset, City Engineer, has informed us that the City has engaged CH2M to conduct a system-wide analysis, rather than just to Norton Lane area.

**FINDING: SATISFIED.** Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site.

*Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

- 1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure*

*the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

*Water and Sewer – Land Development Criteria*

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** An existing conditions of approval from Ordinance No. 4709, which remains in effect, will require that final development plans include the provision of water and power services (Condition 9). This will ensure that the density of the future development is shown to be able to be served by McMinnville Water and Light services. McMinnville Water and Light was provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

*Police and Fire Protection*

*Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

*Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency services departments were provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

*Parks and Recreation*

**GOAL VII 3:** TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

*Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

*Energy Conservation*

**GOAL VIII 1:** TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

*Energy Supply Distribution*

*Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.*

*Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville Water and Light and Northwest Natural Gas were provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

**GOAL X 1:** TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

**GOAL X 2:** TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The process for a planned development amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are

opportunities for the public to review and obtain copies of the application materials and the completed City report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

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

#### **Chapter 17.03. General Provisions**

**17.03.020 Purpose.** The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

#### **Chapter 17.06. Definitions**

##### **17.06.015 General Definitions**

**Apartment House** – See "Dwelling, Multifamily."

**Assisted Living** – A living arrangement where the elderly or other persons are provided assistance with daily activities such as dressing, grooming and bathing.

**Condominium** – Ownership of a single unit in a multi-unit structure that includes common areas and facilities; includes residential, commercial, and industrial condominiums and regulated, in part, by Oregon State Law (ORS Chapter 100). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Dwelling, Multi-Family** – A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Dwelling Unit** – A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Family** – For the purpose of this Zoning Ordinance, "family" refers to:  
An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. (Ord. 4988 §1, 2015; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE:** A general definition of senior housing is as follows (factfinder2.census.gov):

***Senior housing definition***

*Senior Housing Definition. Senior housing is housing that is suitable for the needs of an aging population. It ranges from independent living to 24-hour care. In senior housing there is an emphasis on safety, accessibility, adaptability, and longevity that many conventional housing options may lack.*

Relative to the proposed amendment, there are a few general factors that affect site development and potential impacts when comparing senior housing to general multi-family housing, as follows:

- Senior housing typically provides smaller 1 and 2 bedroom units, while multi-family facilities may include 3 or more bedroom units in the mix.
- Seniors (retired or assisted living) tend to have fewer cars, relying upon public transit or family to making necessary trips. Those seniors that do still drive tend to make fewer trips than younger tenants, particularly families with children and/or two working adults. Consequently senior housing typically has a lower demand for off-street parking, and tends to generate lower trip volumes, both daily and during peak hours, as reflected in Table 1 above [See Table 1 from Traffic Impact Report].
- The lower parking demand for senior housing, combined with smaller units, tends to yield a slightly higher density than general multi-family apartments.

While multi-family development will result in slightly higher trip generation, than senior housing, it is important to recognize that the office commercial uses allowed under the C-3PD zoning generally have higher trip generation than either form of housing.

**FINDING: SATISFIED.** City concurs with the applicant's clarification that senior condominiums or senior apartments, which are currently listed as allowed uses in Condition 15, are not specifically defined in the Section 17.06.015 of the McMinnville Zoning Ordinance. Section 17.60.060(A)(4) of the McMinnville Zoning Ordinance does regulate off-street parking differently for dwelling units that are "expressly reserved for senior or handicapped persons". However, the same development standards, including setbacks, density, and height, would apply to the development of apartments on the site, whether they were age-restricted or not.

The use that is added to the amended Condition 15 of Ordinance 4709 is "multiple-family dwelling" because that is the specific use that is listed as permitted in the C-3 (General Commercial) zone in Section 17.33.010 of the McMinnville Zoning Ordinance.

## **Chapter 17.21. R-4 Multiple-Family Residential Zone**

**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 common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**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;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;



- C. A rear yard shall not be less than twenty feet;
- 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).

**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).

**17.21.060 Density requirements.** In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT’S RESPONSE:** The base C-3 zone allows for multi-family apartments as a permitted use, subject to the R-4 zoning standards and density, per Chapter 17.21.

Under Ordinance 4863, senior housing, including apartments and condominiums area an allowed use. However, the City’s code does not specifically define senior housing, differentiated from multi-family apartments, other than assisted living, per Chapter 17.06.015.

No specific site development plan is proposed at this time. Any housing development of the Subject Property will be subject to the R-4 zoning provisions, including density, and will be subject to Site Plan review for compliance with these standards.

**FINDING: SATISFIED.** City concurs with the applicant’s clarification that senior condominiums or senior apartments, which are currently listed as allowed uses in Condition 15, are not specifically defined in the Section 17.06.015 of the McMinnville Zoning Ordinance. Therefore, the same development standards, including setbacks, density, and height, would apply to the development of apartments on the site, whether they were age-restricted or not. Conditions 2 and 3 of Ordinance 4709 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure that any future development of multiple family residential uses would meet the necessary R-4 development standards.

### **Chapter 17.33. C-3 General Commercial Zone**

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

- 3. Multiple-family dwelling subject to the provisions of the R-4 zone; [..]

**APPLICANT’S RESPONSE:** The property is zoned C-3 PD. The underlying C-3 zone allows multi-family development, per 17.33.010.3, consistent with the R-4 standards.

There is residential R-4 land immediately to the west of the subject site, so there is a basis for concluding that R-4 residential is compatible with the medical commercial designation for the remainder of the Planned Area.

The requested change will not alter the current density allocated to the property. It will remain as is consistent with the R-4 standards, as set forth below.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

## **Chapter 17.51. Planned Development Overlay**

**17.51.010 Purpose.** The purpose of a planned development is to provide 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. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed amendment to allow multiple family residential use on the subject site would provide for greater flexibility and greater freedom of design in the development of the subject site than is currently allowed by the existing condition of approval. The proposed amendment to add multiple family residential as an allowed use would not remove any ability to develop other uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, senior condominiums, senior apartments, assisted living facilities, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, would still be allowed on the subject site under the revised condition of approval that was approved by Ordinance No. 4863, along with multiple family residential. This increases the opportunity for mixed uses in the planned development area. The proposed amendment to allow multiple family residential use on the subject site is also not a guise to circumvent the intent of the zoning ordinance, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district.

**17.51.020 Standards and requirements.** The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed amendment to allow multiple family residential use on the subject site will not be inconsistent with the comprehensive plan or zoning designation of the subject site, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district. The density of any eventual residential development will be determined by the existing regulations in the underlying C-3 zone.

**17.51.030 Procedure.** The following procedures shall be observed when a planned development proposal is submitted for consideration:

- A. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
  - a. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
  - b. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
  - c. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
  - d. The plan can be completed within a reasonable period of time;
  - e. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
  - f. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
  - g. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Section 17.51.030 is satisfied in that the Commission will have an opportunity to review a future development plan, per Conditions 2 and 3 of Ordinance 4709, which require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure that any future development of multiple family residential uses would meet the necessary R-4 development standards. Discussion of the criteria listed in subsection C is provided below, as those criteria are the review criteria for a Planned Development Amendment, as found in 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.

**APPLICANT'S RESPONSE:** While none of the listed changes are specifically applicable, the Planning Director has determined that the proposed PD amendment, which changes allowed uses, is considered to be a Major amendment and is therefore subject to Section 17.72.120, as addressed herein.

**FINDING: SATISFIED.** The applicant has provided a Planned Development Amendment request to be reviewed by the Planning Commission in accordance with Section 17.72.120.

**17.74.070. Planned Development Amendment – Review Criteria.** [...] 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:

**17.74.070(A).** *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

**APPLICANT'S RESPONSE:** The applicants desire to develop multi-family apartments. While senior housing remains an appropriate use, the applicant submits that the need for housing alternatives, within the Planned Development, is greater than just the narrow segment currently allowed for senior housing.

While there is a general modest trend of an aging population, the median age for Yamhill County, including McMinnville is 37.5 (2015). This is slightly higher than the state in general. Consequently the applicant submits that there is no greater demand for senior housing over general housing or non-age restricted apartments.

McMinnville's building permit activity over the past couple of years reflects this trend with similar permit activity rates for both single and multi-family residential construction,

#### Historic Perspective

Based on a review of the historic records associated with the Three Mile Lane Planned Development it appears that the City's intent was initially to limit development to professional and medical offices, or other compatible commercial uses. General commercial and retail were not allowed with the intent to avoid creating strip commercial development in this area.

The current development within this Planned Development is predominantly medical facilities and professional offices, as originally targeted. However a motel and restaurant have also been developed, considered as compatible uses.

The 2006 amendment (Ord 4683) allowed for various types of senior housing as permitted uses. This amendment was based on findings that this type of housing was compatible with the developed properties and other allowed uses under Ordinance 4709, in particular the compatibility of supportive native of medical services. The decision was also based on consideration that traffic impacts from senior housing would generally be lower than those created by professional or medical offices.

While the prior amendment allowed for senior housing, the decision does not appear to have been made based on any specific findings of need for this particular housing type relative to types of housing. Rather, the decision was based more on consistency with the underlying C-3 zone, and compatibility with the allowed professional and medical office uses.

However, since the amendment, the anticipated senior housing has not come to fruition, at least on the subject site. Consequently the land has remained vacant. While the subject site was not actually developed for the anticipated senior housing, the need for such housing has been met, in part, by other projects developed in the vicinity northeast of the site. These developments include:

1. Fircrest Community, assisted living and retirements apartments; and
2. Parkland Village, assisted living and retirements apartments; and
3. The Virginia Garcia Memorial Health Center has also been developed in close proximity to these senior housing projects. This facility provides various senior medical services.

#### Continued Need for Housing – General Multi-family

The City's 2001 Housing Needs Analysis projected growth from 2000 to 2020 to increase from 25,153 to 38,720. It is noted that the City has not completed an update of the Needs Analysis, but is working on an update. Consequently the 2001 projections of need are still considered valid.

The 2001 projects identified a need for both single family and multi-family units. City staff confirmed that the projected need remains unfulfilled. For example, staff noted that local business, such as the Medical Center, Chemeketa Community College, and others have identified a need for apartments for transitional housing for new employees and students. Generally people moving to McMinnville continue to create a need for more housing. This growth is consistent with the 2001 projects, just delayed due to the economic recessions over the past 18 years.

Based on data from Portland State University's Population Research Center (PRC) the City's population in 2016 was 33,405, below the 2020 projection. The PRC's most current data shows McMinnville's 2017 population at 34,293, but still below the 2020 projection.

The slower than projected growth is primarily attributed to the economic recessions of in the 1990s and the Great Recession 2008-2012. However, in-migration has also affected the County's and City's population, as noted by PSU research.

Since 2012, the end of the "Great Recession," the economy has shown considerable strength. Given the current continuing strong economy, growth is expected to increase over the rates of the previous 10 years, more on track with the projections prior to the recessions. The Center's updated 2035 projection is for McMinnville to grow to a population of 44,122.

*Portland State University's Population Research Center (PRC)*

*"Yamhill County's total population is forecast to grow by a little more than 70,000 persons from 2017 to 2067, which translates into a total countywide population of 177,170 in 2067 (Figure 15). The population is forecast to grow at the highest rate—just below one and a half percent per year—in the near-term (2017-2025). This anticipated population growth in the near-term is based on three core assumptions: (1) Yamhill County's economy will continue to strengthen in the next 10 years; (2) middle-aged persons will continue migrating into the county—bringing their families or having more children; and (3) empty nesters and retirees will continue migrating into the county, thus increasing deaths. The largest component of growth in this initial period is net in-migration. Over 1,300 more births than deaths are forecast for the 2017 to 2025 period. At the same time roughly 13,000 net in-migrants are also forecast, combining with a diminishing natural increase for continued population growth.*

*Yamhill County's two largest UGBs—McMinnville and Newberg—are forecast to experience a combined population growth of nearly 20,000 from 2017 to 2035 and nearly 37,000 from 2035 to 2067 (Figure 16). McMinnville is expected to increase by 9,829 persons from 2017 to 2035 (1.4% AAGR), growing from a total population of 34,293 in 2017 to 44,122 in 2035. Newberg's population is expected to increase at a slightly faster rate (1.9% AAGR), growing from 24,296 persons in 2017 to 34,021 in 2035. McMinnville and Newberg are forecast to grow more slowly during the second part of the forecast period at 1.1 and 1.3 percent, respectively. We expect both sub-areas to capture increasing shares of the county's total population."*

*Portland State University's Population Research Center (PRC) released the preliminary 2016 population estimates for Oregon and its cities and counties on November 15.*

*According to the preliminary July 1 population estimates, Oregon's population increased from 4,013,845 in 2015 to 4,076,350 in 2016, or by 62,505. This increase represents a 1.6 percent change, slightly higher than in the previous year (1.3 percent). The increase in 2016 is over 11,000 higher than added in 2015, and surpasses the peak pre-recession growth of 58,000 in 2006 and it is closer to growth experienced in the early and mid-1990s.*

*Population growth consists of two factors: natural increase (the number of births minus the number of deaths) and net migration (movers-in minus movers-out). From 2015 to 2016 net migration accounted for roughly 83 percent of Oregon's population growth.*

*Generally, net in-migration has either boosted population growth around the state or has prevented population losses. In counties where a natural decrease is occurring (over a third of the counties experience a natural decrease, meaning there are more deaths than births), net immigration has offset overall population decreases. Net in-migration this past year is estimated to have accelerated in most counties statewide from last year.*

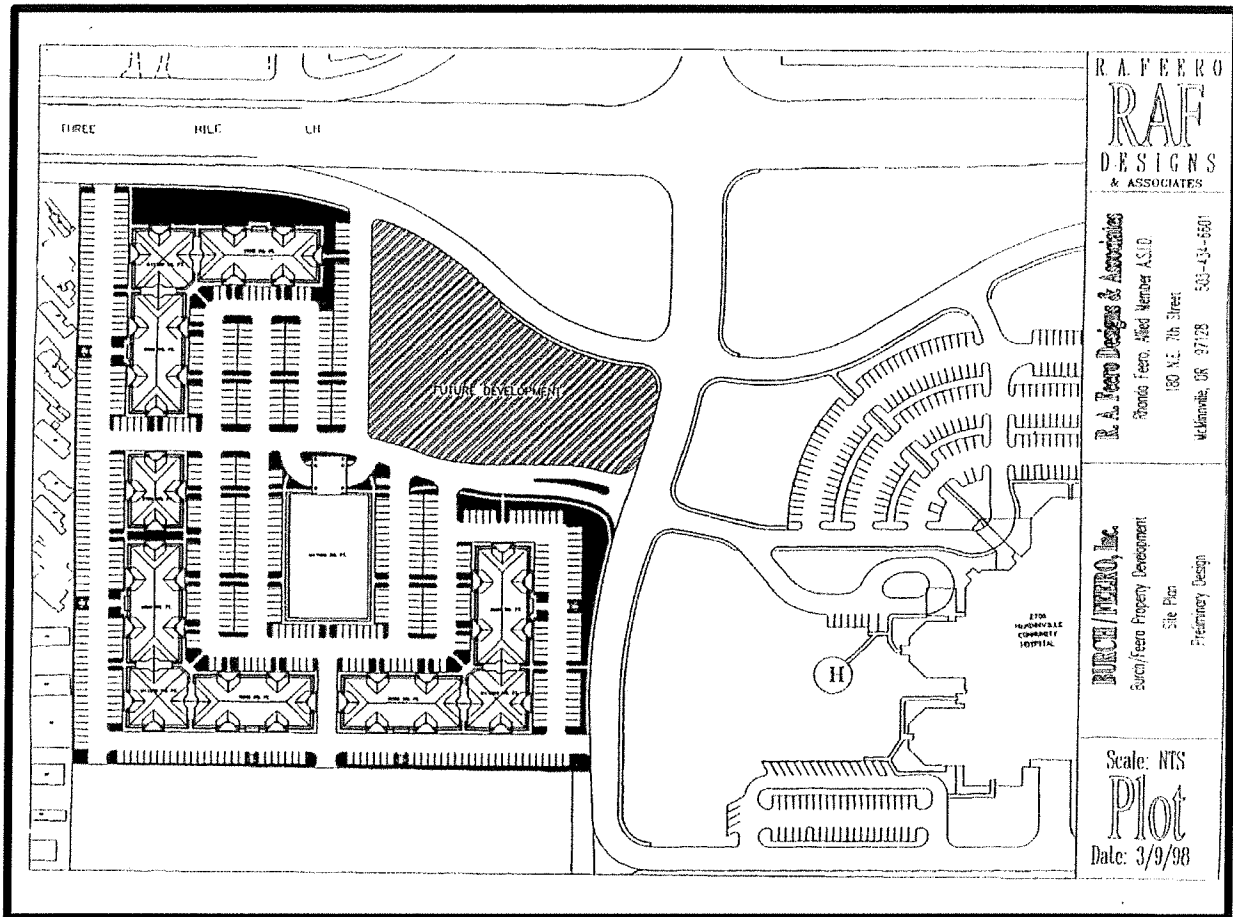
Vacancy rates in 1990 were 2.2% for single family and 3.7% for multi-family. The 2020 projections were based on 2.5% for single family and 5.0% for multi-family. PRC indicates the current vacancy rate is 3.32% for multi-family, which is below the earlier projected rate, thereby indicating a need for more multi-family housing.

For McMinnville currently 40.7% of households are renters. Generally, statewide, there is a trend for renter ship moving towards an even split 50/50 with home ownership. The City's building permit activity for multi-family development has followed a similar pattern as single family over the past couple of years, which is consistent with this trend towards a 50/50 split.

**FINDING: SATISFIED.** City would generally concur with the applicant's findings, but does provide some clarifying points and additional findings below.

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The City of McMinnville is currently updating its Residential Buildable Lands Inventory and Housing Needs Analysis, and while these reports are not finalized or acknowledged, the analyses are identifying a deficit of land zoned for residential dwelling units. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

In terms of compatibility with other uses allowed on the same site and the surrounding area, it is important to note that the subject site is currently regulated by a Planned Development (Ordinance 4709, as amended by Ordinance 4863), but other land immediately adjacent to the subject site is regulated by another Planned Development. The area to the north is subject to a Planned Development (Ordinance No. 4667) that is similar to the subject site, in that there was a limitation of uses on the site to office and medical uses and other compatible uses. The approved development plan for that site is identified below:



Only portions of that approved development plan have been constructed, including the portions of the site closest to SE Norton Lane. The original Planned Development (Ordinance No. 4667) was amended to allow for the development of other compatible uses, including the existing hotel and restaurant located in the area of the originally approved development plan that was identified as "Future Development". The most recent Planned Development amendment (Ordinance No. 4937) actually amended the allowable uses on the site to be any use allowed in the C-3 zone, other than a few storage and auto-oriented uses that were still listed as being prohibited. The commercial Planned Development area to the north, and the buildings that have been constructed, can be seen below:



This commercial development to the north of the subject site will serve as a buffer from Highway 18, which is identified in the McMinnville Transportation System Plan as a major arterial roadway, for any future potential development of a multiple family residential use on the subject site. Also, the proposed amendment to allow multiple family residential use on the subject site will provide an opportunity for more of a variety and mix of uses in the Planned Development areas along SE Norton Lane.

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

**APPLICANT'S RESPONSE:** Adding apartments to the list of allowed uses will not be inconsistent with the Comprehensive Plan, including general Goals, Policies and Objectives. This decision will be consistent with the prior amendment, which allowed limited residential uses.

[Note – the applicant also provided findings and responses to Comprehensive Plan goals and policies, which are provided above.]

**FINDING: SATISFIED.** City concurs with the applicant's findings. The proposed Planned Development Amendment would not be inconsistent with the applicable goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.



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

**APPLICANT'S RESPONSE:** Access to the property is from Salmon River Highway 18 and south on SE Norton Lane. The property fronts on the west side of SE Norton Lane, just south of the intersection with the SE Stratus Avenue Loop. The property abuts the city limits and UGB to the south, but any site development, regardless of use, will extend the street improvements to the city limits, or as determined by the City.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

The existing right-of-way for SE Norton Lane is 60 feet down to SE Stratus Avenue, which is the extent of current improvements. Site development of the subject site will complete improvements across the site frontage.

The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining property, which to the south is outside of the city limits.

**FINDING: SATISFIED.** Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards.

**17.74.070(D).** *The plan can be completed within a reasonable period of time;*

**APPLICANT'S RESPONSE:** The applicant intends to proceed with development review and site development as quickly as possible, assuming this PD amendment is approved. Full site development would be expected to be completed by 2020-2021.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

**17.74.070(E).** *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

**APPLICANT'S RESPONSE:** The existing streets serving the property are designed and constructed to City standards, with adequate capacity, based on the C-3 zoning. The accompanying Traffic Impact Report, prepared by Lancaster Engineering compares the multi-family traffic impacts to those of the allowed commercial offices and senior housing.

[See Table 1 in Traffic Impact Report]

The proposed multi-family residential use will actually generate significantly fewer total trips and peak hour trips than originally anticipated medical office development. The proposed apartment will, however, generate slightly more trips than senior housing, which is currently allowed.

Therefore the requested amendment is not expected to result in any significant increase in new traffic demands, as compared to the current allowed uses.

**FINDING: SATISFIED.** Conditions 18 and 20 of Ordinance 4709 will require right-of-way improvements to City standards on the site's SE Norton Lane frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Norton Lane is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

The applicant has also provided a traffic impact analysis report that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4709 and Ordinance No. 4863.

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

**APPLICANT'S RESPONSE:** The full range of urban services is currently available to the property, thereby ensuring timely and efficient provision of services. Utilities will be extended as required to the adjoining properties. However, land to the south is outside of the city limits and UGB.

Utilities requirements for the proposed residential development will be generally consistent with the demands created by the current allowed senior housing. Therefore this amendment will not substantially alter the demand for urban services.

**FINDING: SATISFIED.** Existing conditions of approval from Ordinance No. 4709, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 5), a detailed sanitary sewer collection plan (Condition 6), provision of water and power services (Condition 9), and right-of-way improvements (Conditions 4, 18, and 20). This will ensure that the density of the future development is shown to be able to be served by public services.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. In addition, McMinnville Water and Light and other utility providers were provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

**17.74.070(G).** *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

**APPLICANT'S RESPONSE:** The noise, air, and water pollutants caused by the multi-family development allowed by this amendment will not result in any substantial change as compared to the current list of allowed uses, in particular the senior housing, which is substantially similar in potential impacts.

**FINDING: SATISFIED.** City concurs with the applicant's findings.

CD