

ORDINANCE NO. 5020

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RESIDENTIAL TO COMMERCIAL, AND FROM COMMERCIAL TO RESIDENTIAL, ON PORTIONS OF AN EXISTING PROPERTY AND LOT OF RECORD, AND REZONING PORTIONS OF SAID PROPERTY FROM A COMBINATION OF EF-40 (EXCLUSIVE FARM USE – 40-ACRE MINIMUM), R-1 (SINGLE FAMILY RESIDENTIAL), AND C-3 (GENERAL COMMERCIAL) TO ONLY R-1 (SINGLE FAMILY RESIDENTIAL) AND C-3 (GENERAL COMMERCIAL).

RECITALS:

The Planning Department received applications (CPA 1-17 / ZC 1-17 / ZC 2-17) from Creekside Homes LLC dated January 30, 2017 requesting approval of a Comprehensive Plan Map amendment on portions of an existing lot of record. The existing property is in the process of being partitioned, and is designated as both Residential and Commercial. The applicant requested that the northern parcel be designated as Residential and the southern parcel be designated as Commercial. Concurrent with this request, the applicant requested approval of zone changes on the property, rezoning the northern parcel from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum) and R-1 (Single Family Residential) to only R-1 (Single Family Residential), and rezoning the southern parcel from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3 (General Commercial); and

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

A public hearing was held on March 16, 2017 at 6:30 p.m. before the McMinnville Planning Commission after due notice had been provided in the local newspaper on March 3, 2017, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, and the application materials and a staff report were presented; 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 comprehensive plan amendment and zone change review criteria listed in Section 17.74.020 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibits A - C; and

The Planning Commission recommended approval of said comprehensive plan amendment and zone changes to the Council; and

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

1. That the Council adopts the findings and conclusions of the Planning Commission as documented in Exhibits A -C.

2. That the comprehensive plan map designations for the property described in Exhibit A are hereby amended to Residential on the northern parcel and Commercial on the southern parcel, subject to the following conditions:

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

3. That the northern parcel on the property, as described in Exhibit B, is hereby rezoned from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum) and R-1 (Single Family Residential) to only an R-1 (Single Family Residential) zone, subject to the following conditions:

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

4. That the southern parcel on the property, as described in Exhibit C, is hereby rezoned from a combination of EF-40 (Exclusive Farm Use – 40-Acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3 (General Commercial), subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete

all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).

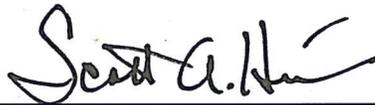
2. That the proposed Parcel 2 from the partition request (MP 7-16) be rezoned to C-3 General Commercial.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.
4. Prior to any future building permits being issued for the northern parcel to be zoned R-1 Single Family Residential, the applicant shall install landscaping on the west property line of the southern parcel, to be zoned C-3 General Commercial, to provide for additional screening and buffering between the commercial activities and the surrounding residential uses, as required by Comprehensive Plan Policy 32.00. At such time, the applicant shall submit a landscape plan to be reviewed and approved by the Landscape Review Committee subject to the provisions in Chapter 17.57 (Landscaping) of the McMinnville Zoning Ordinance.

Passed by the Council this 26<sup>th</sup> day of April 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

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

Approved this 26<sup>th</sup> day of April 2017.



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

**DOCKET:** CPA 1-17 (Comprehensive Plan Map Amendment)

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

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

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

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

**STAFF:** Chuck Darnell, Associate Planner

**HEARINGS BODY:** McMinnville Planning Commission

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

**HEARINGS BODY:** McMinnville City Council

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

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

**DECISION AND CONDITIONS OF APPROVAL**

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Comprehensive Plan Map amendment (CPA 1-17) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

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**DECISION: APPROVAL WITH CONDITIONS**  
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City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: \_\_\_\_\_

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

Date: March 16, 2017

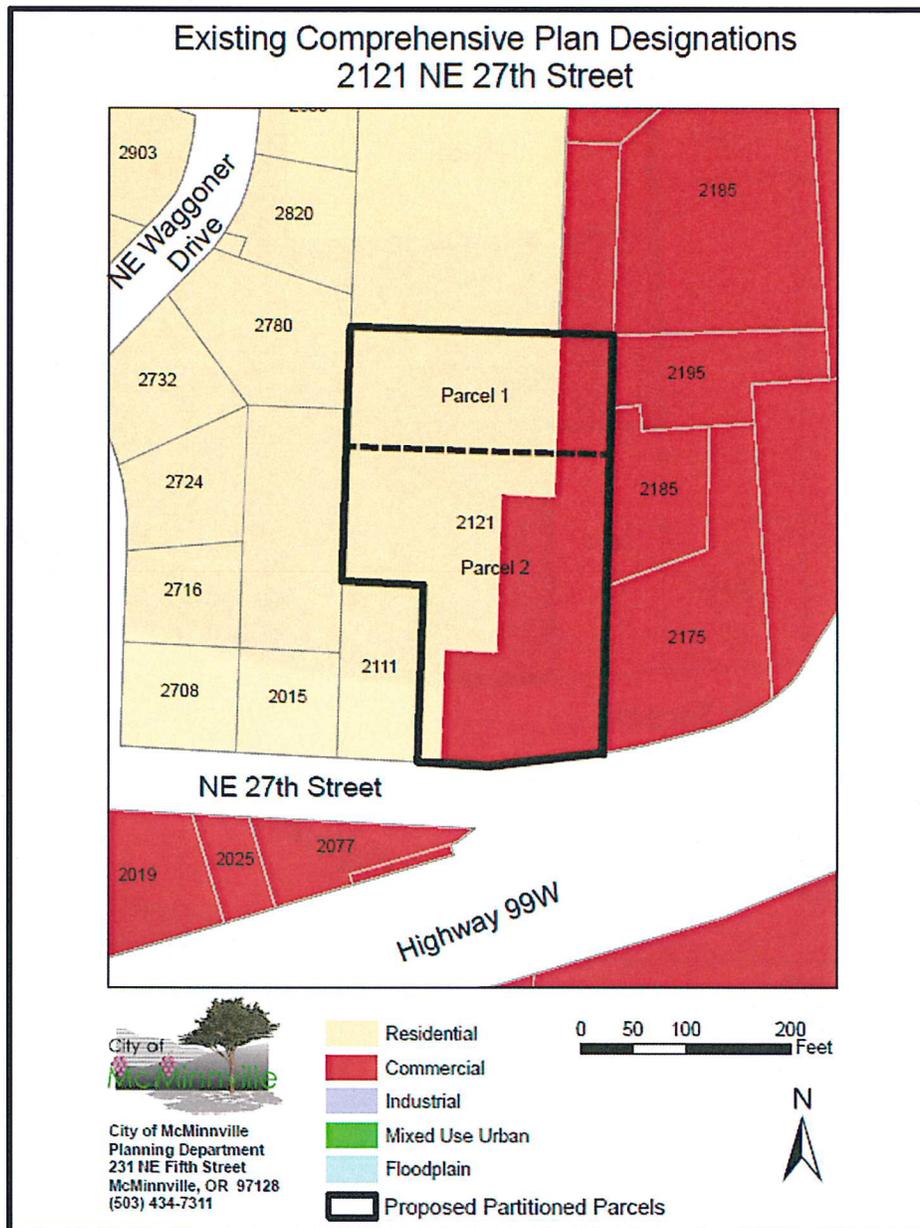
Planning Department: [Signature]  
Heather Richards, Planning Director

Date: 4/18/17

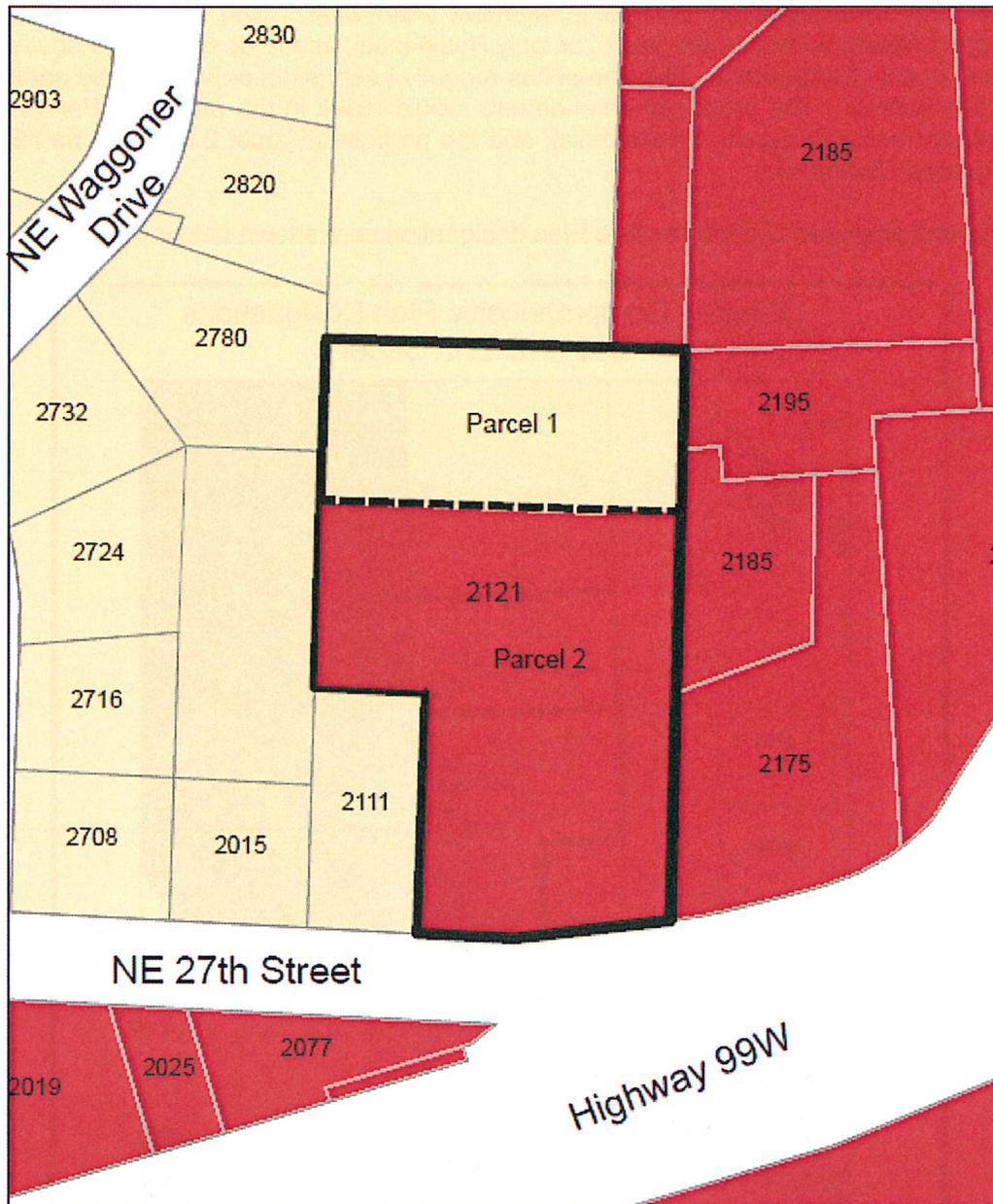
**Application Summary:**

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

The existing and proposed Comprehensive Plan designations are shown below:

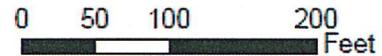


# Proposed Comprehensive Plan Designations 2121 NE 27th Street



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

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



**CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

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

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

**ATTACHMENTS**

1. CPA 1-17 Application and Attachments

**COMMENTS**

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

**McMinnville Engineering Department**

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

**FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

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

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-1 Single-Family Residential Zone:

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

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

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

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

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

C-3 General Commercial Zone:

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

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

C-2 Travel Commercial Zone:

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

F. Restaurant

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

Review Criteria:

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

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

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

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

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

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

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

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

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

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

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

CD:sjs



**Exhibit B**

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

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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

- DOCKET:** ZC 1-17 (Zone Change)
- REQUEST:** The applicant is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1.
- LOCATION:** The subject site is located at 2121 NE 27<sup>th</sup> Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential).
- APPLICANT:** Creekside Homes, LLC, on behalf of Jae & Ayliah Chon
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** March 16, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** April 25, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION AND CONDITIONS OF APPROVAL**

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the zone change (ZC 1-17) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

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**DECISION: APPROVAL WITH CONDITIONS**  
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City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: \_\_\_\_\_

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

Date: March 16, 2017

Planning Department: [Signature]  
Heather Richards, Planning Director

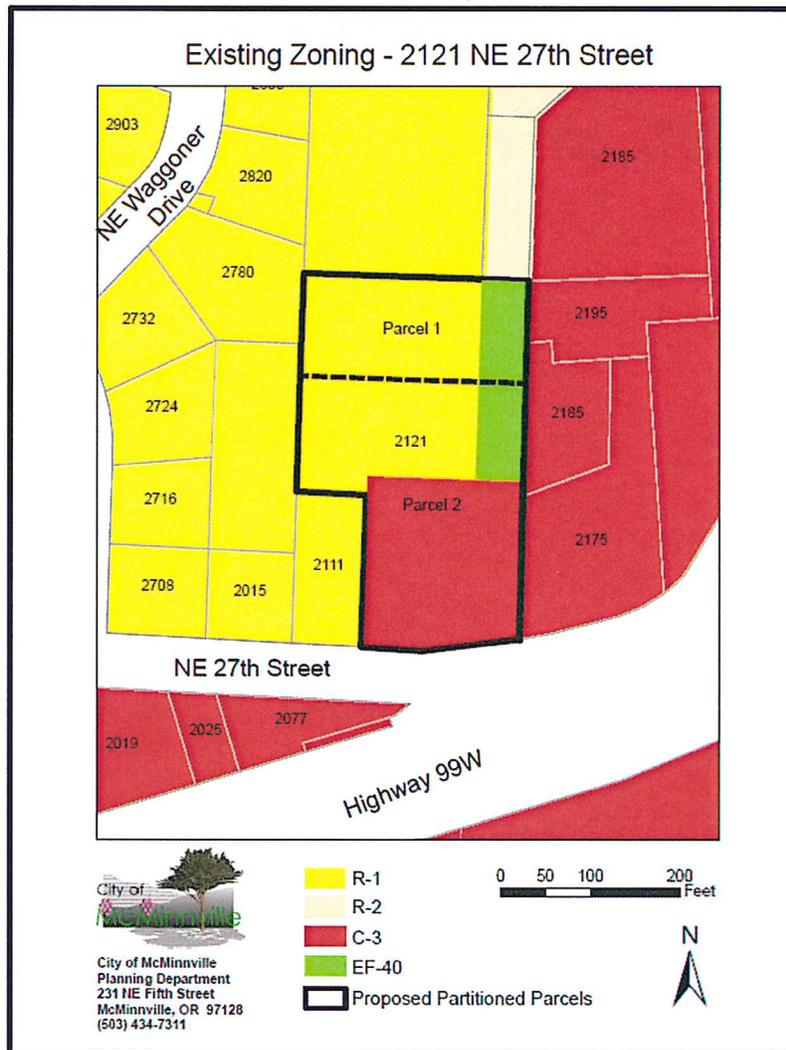
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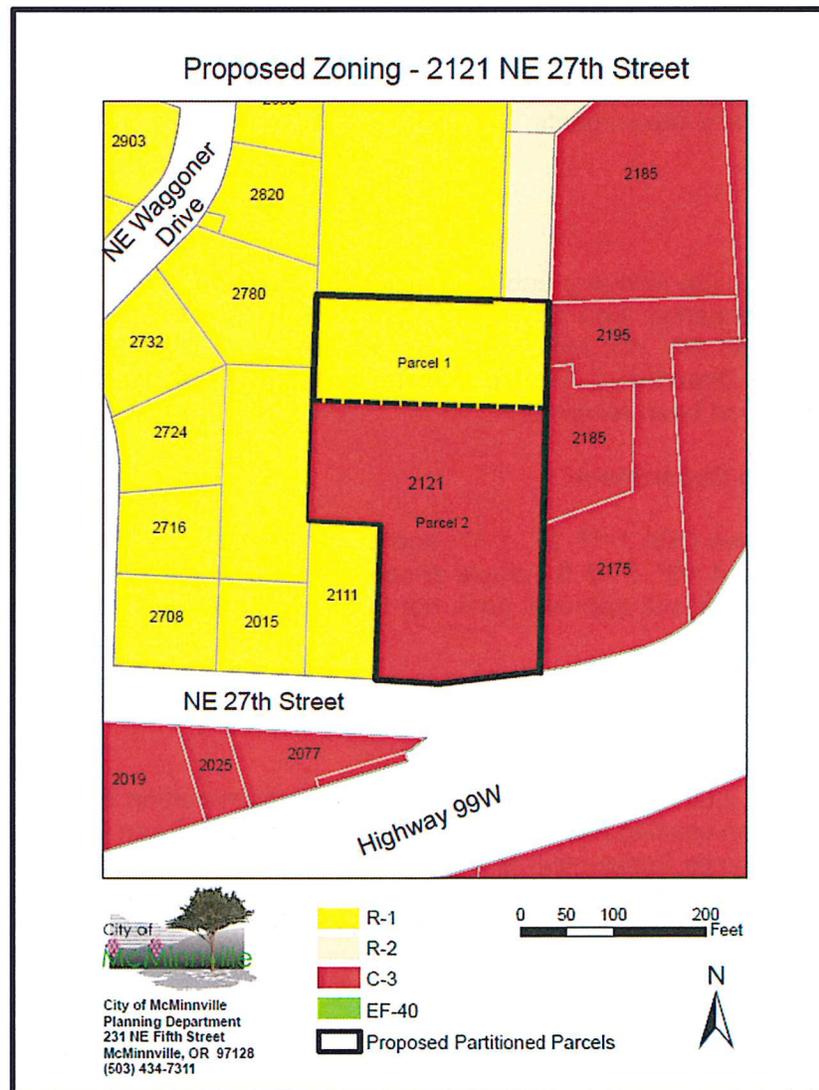
**Application Summary:**

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

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

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





**CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

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

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

**ATTACHMENTS**

1. ZC 1-17 Application and Attachments

**COMMENTS**

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

**McMinnville Engineering Department**

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

**FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City*

*shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

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

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-1 Single-Family Residential Zone:

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

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

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

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

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

Review Criteria:

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

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

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

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

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

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

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

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

CD:sjs



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

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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

- DOCKET:** ZC 2-17 (Zone Change)
- REQUEST:** The applicant is proposing to rezone the southern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial) to only C-3. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 2 from the partition request being zoned C-3.
- LOCATION:** The subject site is located at 2121 NE 27<sup>th</sup> Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).
- APPLICANT:** Creekside Homes, LLC, on behalf of Jae & Ayliah Chon
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** March 16, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** April 25, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION AND CONDITIONS OF APPROVAL**

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the zone change (ZC 2-17) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

////////////////////////////////////  
**DECISION: APPROVAL WITH CONDITIONS**  
////////////////////////////////////

City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: \_\_\_\_\_

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

Date: March 16, 2017

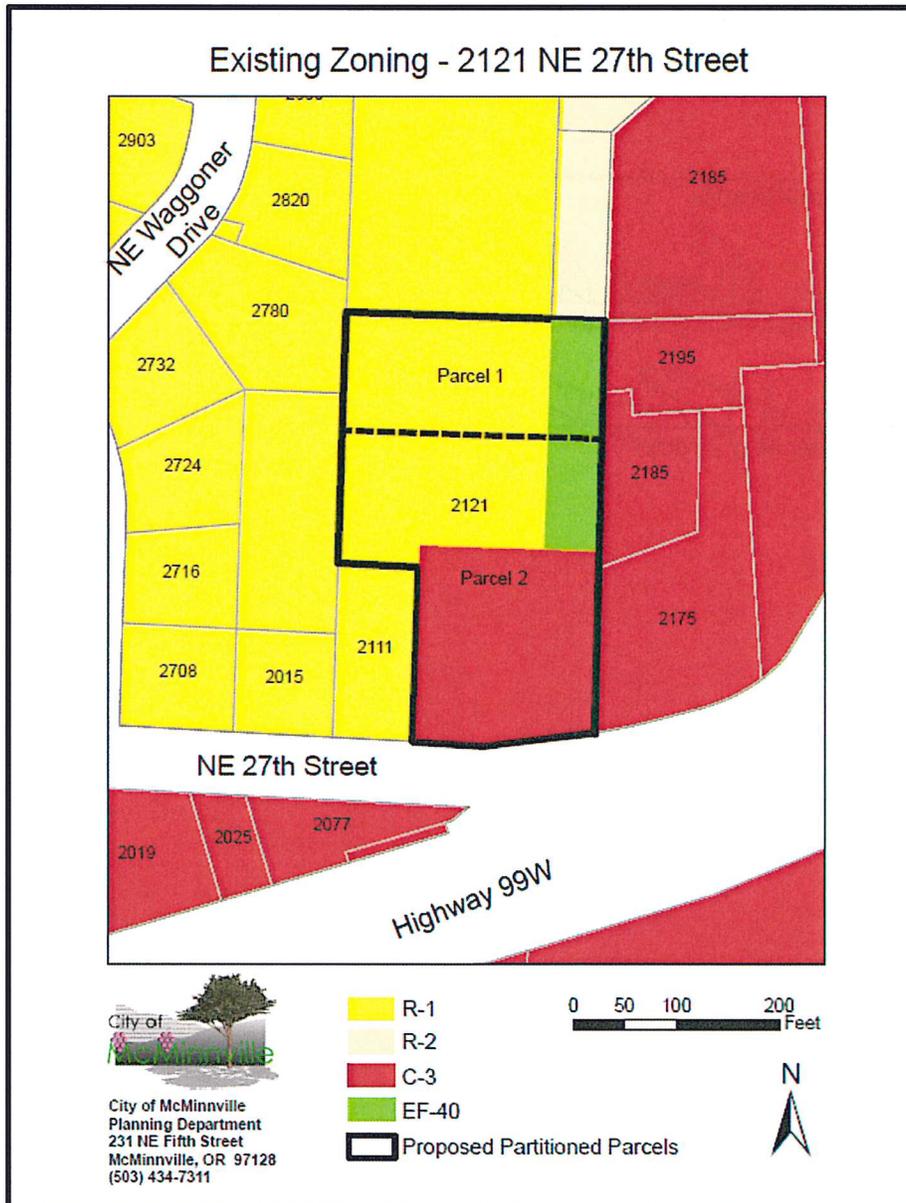
Planning Department: [Signature]  
Heather Richards, Planning Director

Date: 4/18/17

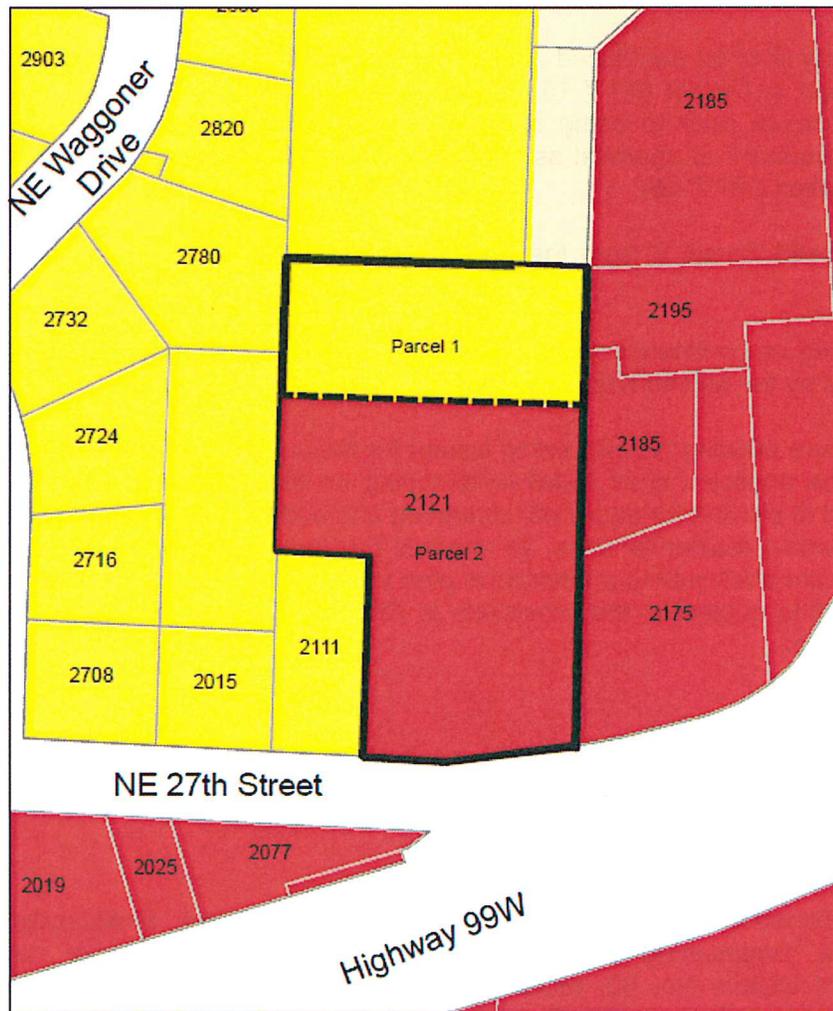
**Application Summary:**

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

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



### Proposed Zoning - 2121 NE 27th Street



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

R-1

R-2

C-3

EF-40

Proposed Partitioned Parcels

0 50 100 200 Feet



**CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

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

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

**ATTACHMENTS**

1. ZC 2-17 Application and Attachments

**COMMENTS**

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

**McMinnville Engineering Department**

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

**FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

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

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

C-3 General Commercial Zone:

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

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

C-2 Travel Commercial Zone:

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

F. Restaurant

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

Review Criteria:

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

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

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

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

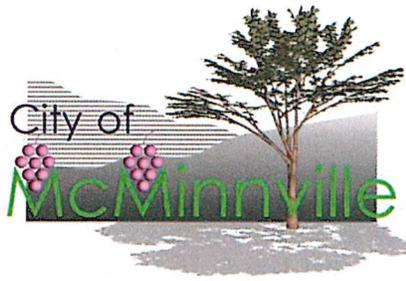
The southern portion of the site, as described above, has been functioning as a commercial establishment for many years. The existing use of the subject site as a commercial actually extends outside of the portion of the site that is shown on the Zoning Map as C-3 General Commercial. The main developed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

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

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

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

CD:sjs



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 2 - STAFF REPORT

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

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### Report in Brief:

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

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

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

### Background:

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

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#### Attachments:

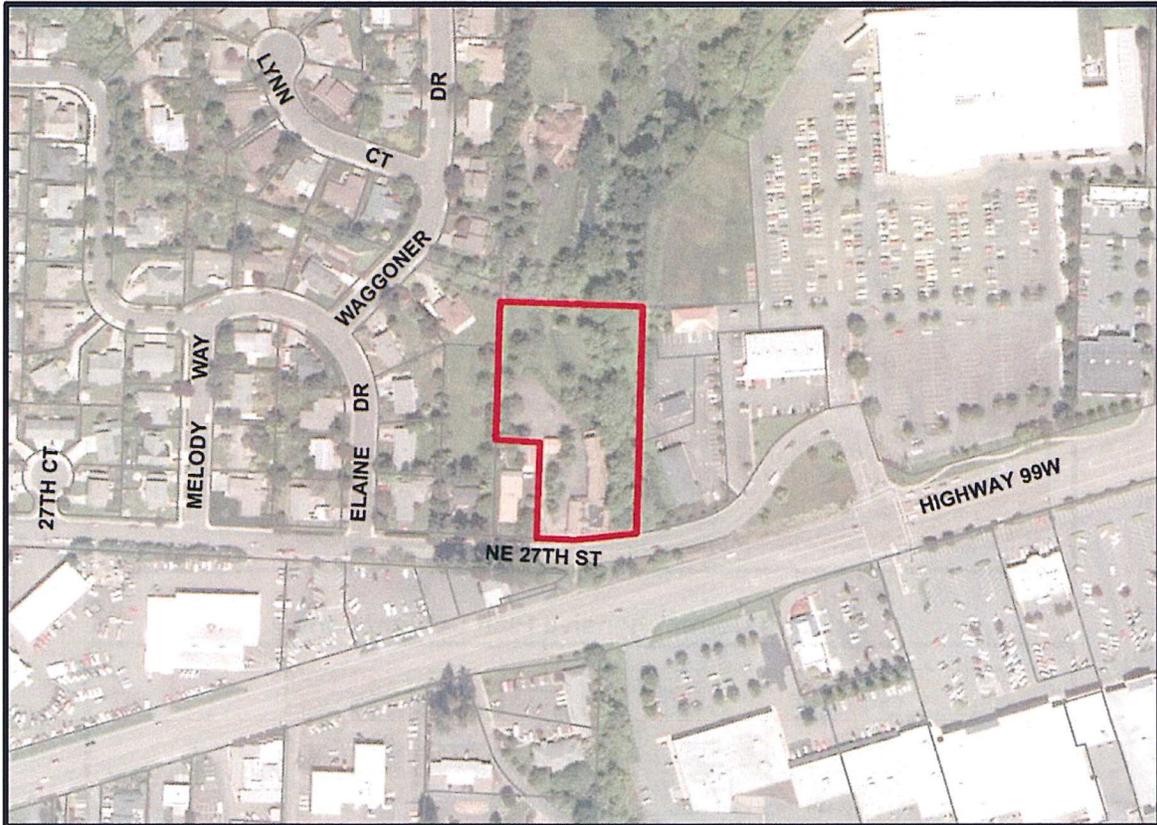
Attachment A – CPA 1-17 Decision Document

Attachment B – ZC 1-17 Decision Document

Attachment C – ZC 2-17 Decision Document

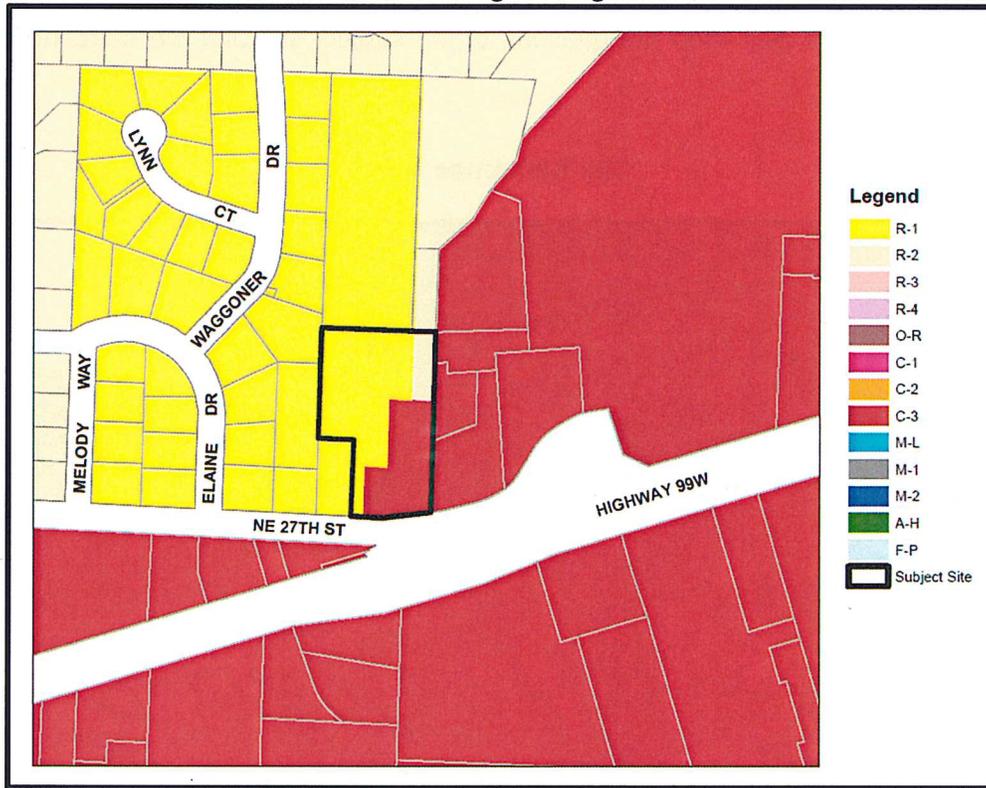
zoning map to have three (3) zoning designations and is shown on the Comprehensive Plan map to have two (2) land use designations. A visual of the subject site and reference maps showing the zoning and comprehensive plan map designations of the subject site and the surrounding properties are provided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

**Site Reference Map**

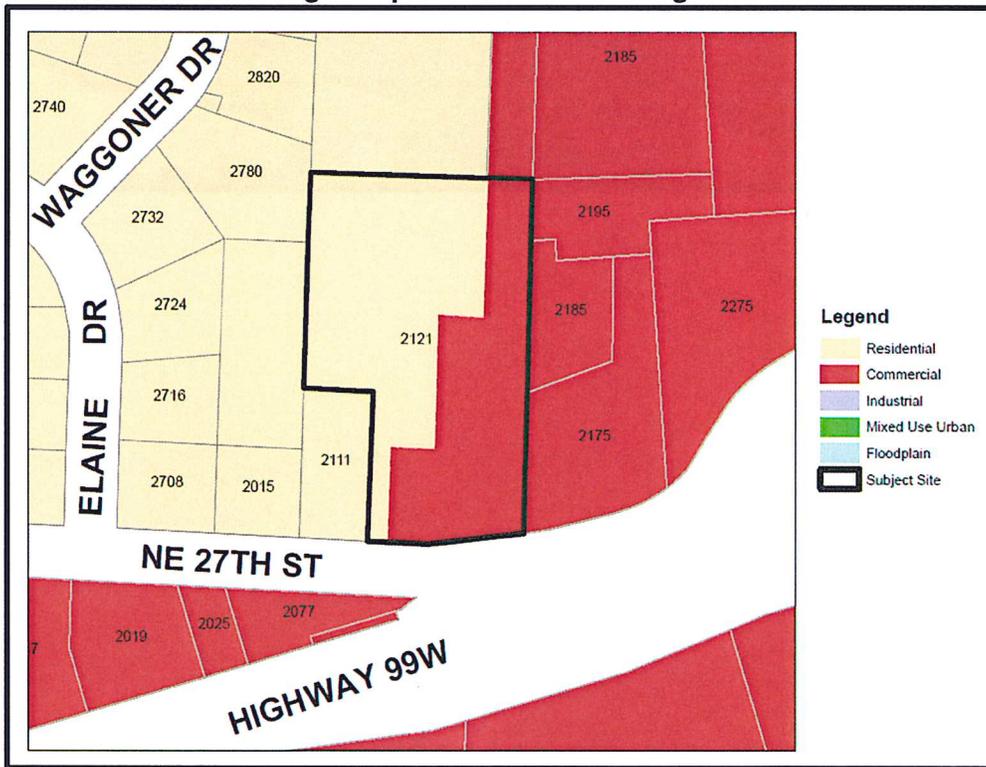


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- Attachments:**  
Exhibit A – CPA 1-17 Decision Document  
Exhibit B – ZC 1-17 Decision Document  
Exhibit C – ZC 2-17 Decision Document

### Existing Zoning



### Existing Comprehensive Plan Designations



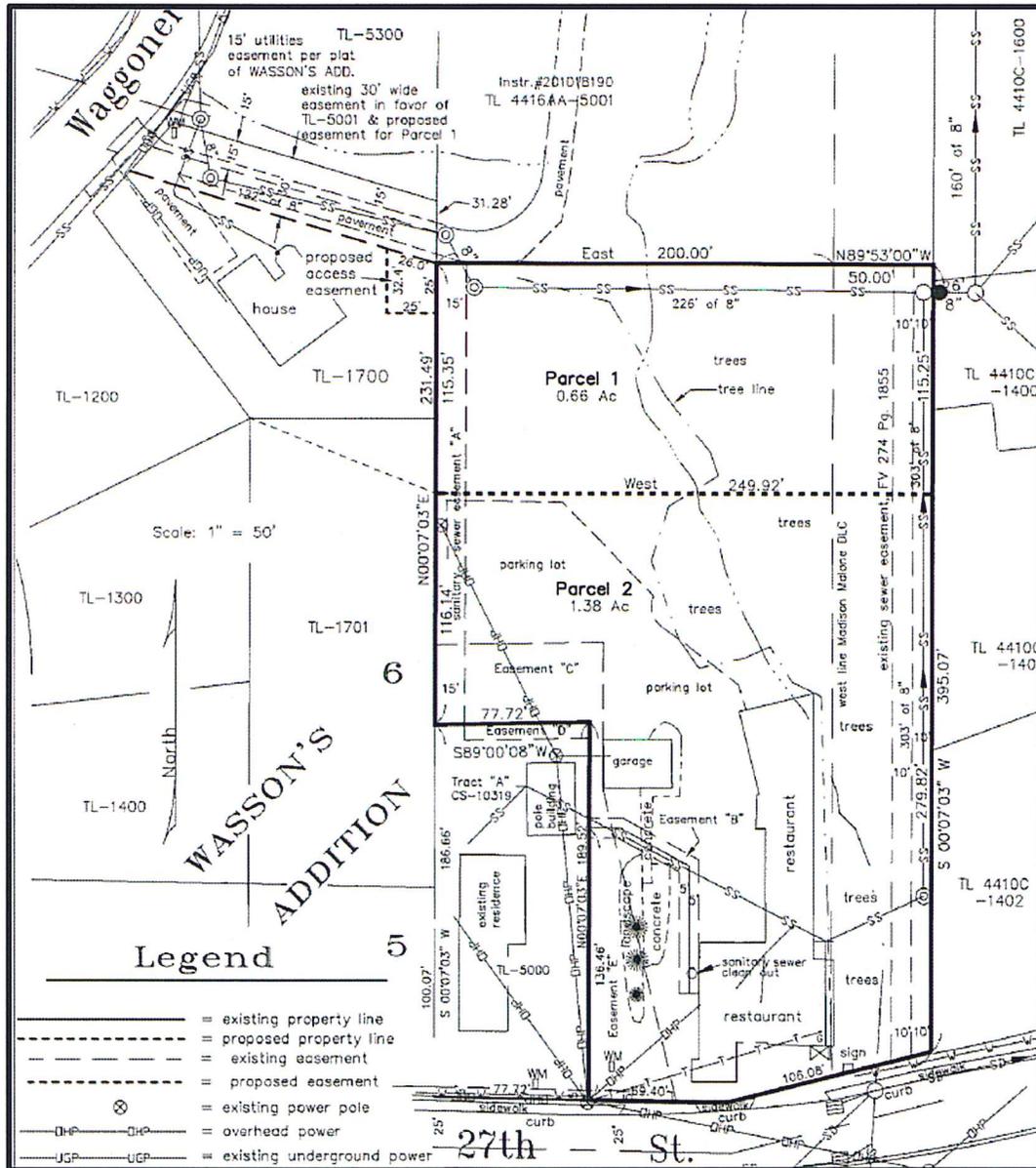
Attachments:

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Exhibit C – ZC 2-17 Decision Document

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



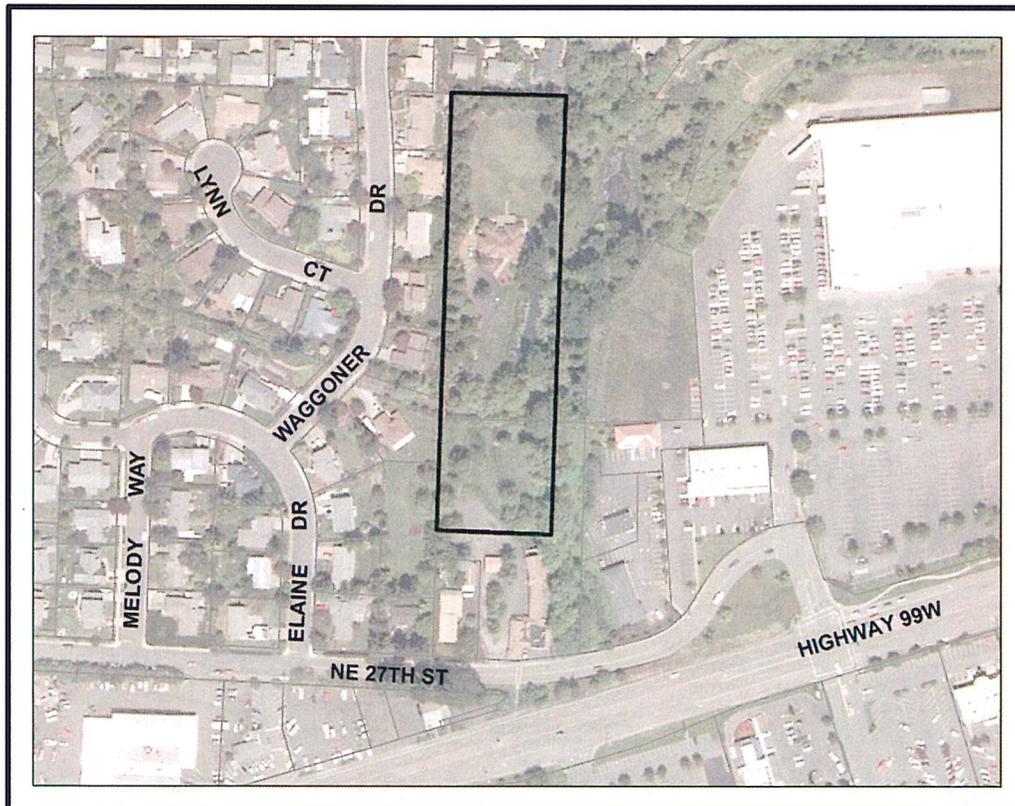
Upon investigating the existing zoning further, it was determined that there was an error in how the existing zoning of the property was displayed on the McMinnville Zoning Map.

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

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

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

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



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

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 Attachments:

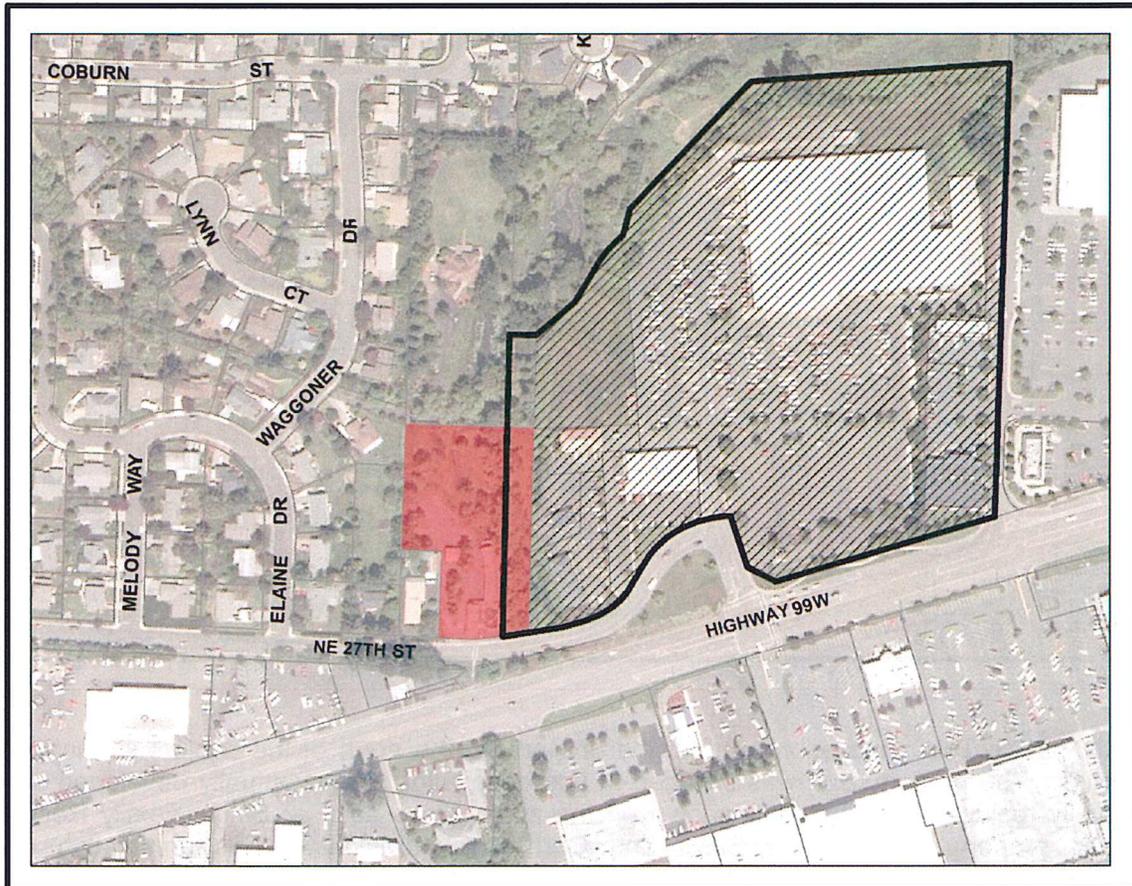
Exhibit A – CPA 1-17 Decision Document

Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

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

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



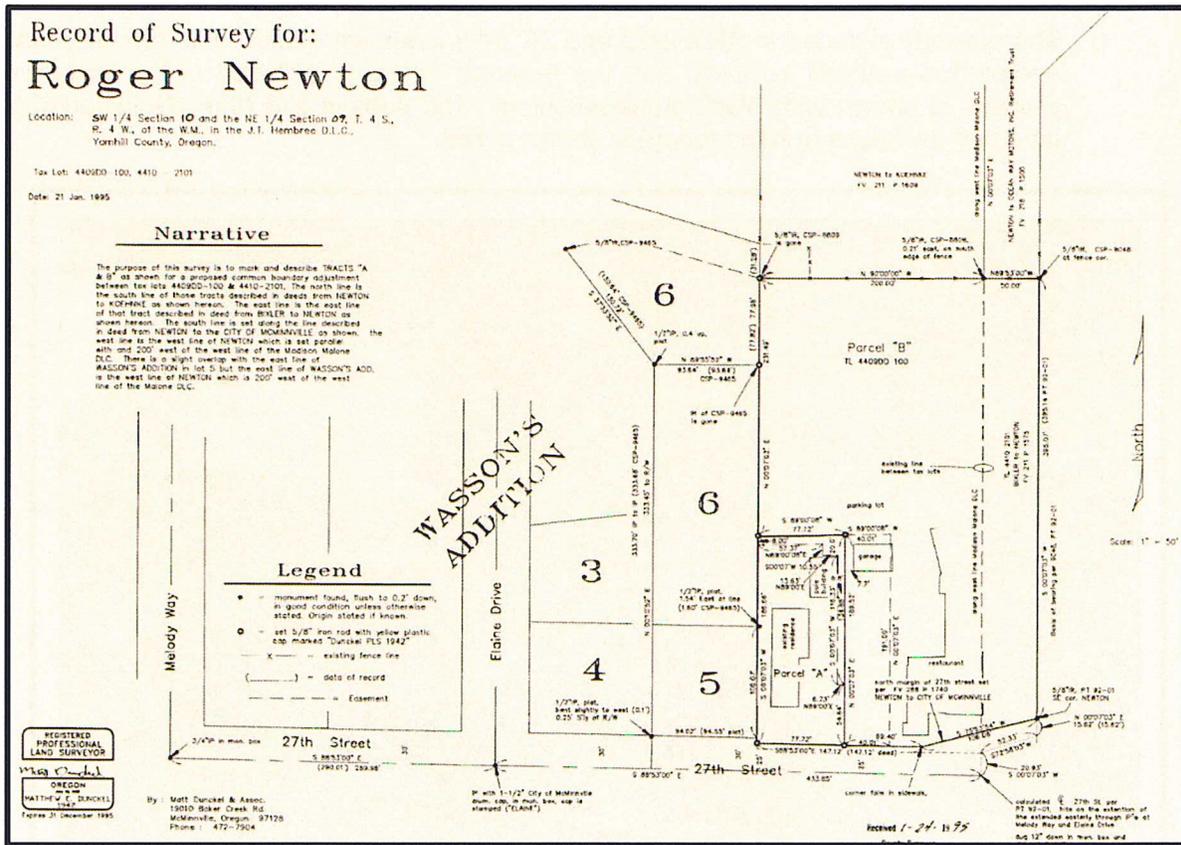
- Survey recorded with Yamhill County in 1995: The property owners at the time that this survey was recorded owned the restaurant that still exists on the subject site today and the single family home to the west. Both of those structures were located on one parcel, and the property owners had also,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

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

Attachments:

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 Exhibit C – ZC 2-17 Decision Document

- o The survey recorded in 1995 is shown below:

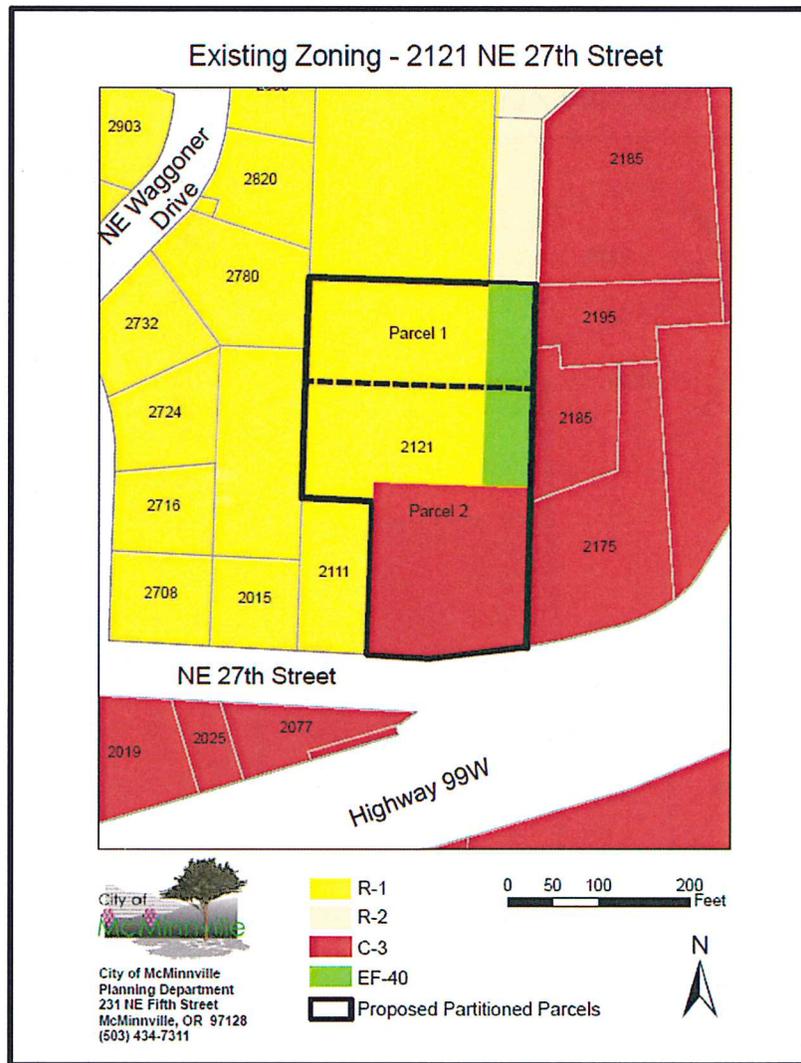


- ANX 2-96: This annexation brought the property to the north of the subject site into the city limits. The property that was included in this annexation was eventually developed as single family residential, and is now shown on the zoning map as (R-2 Single-Family Residential). This property includes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

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

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

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



**Discussion:**

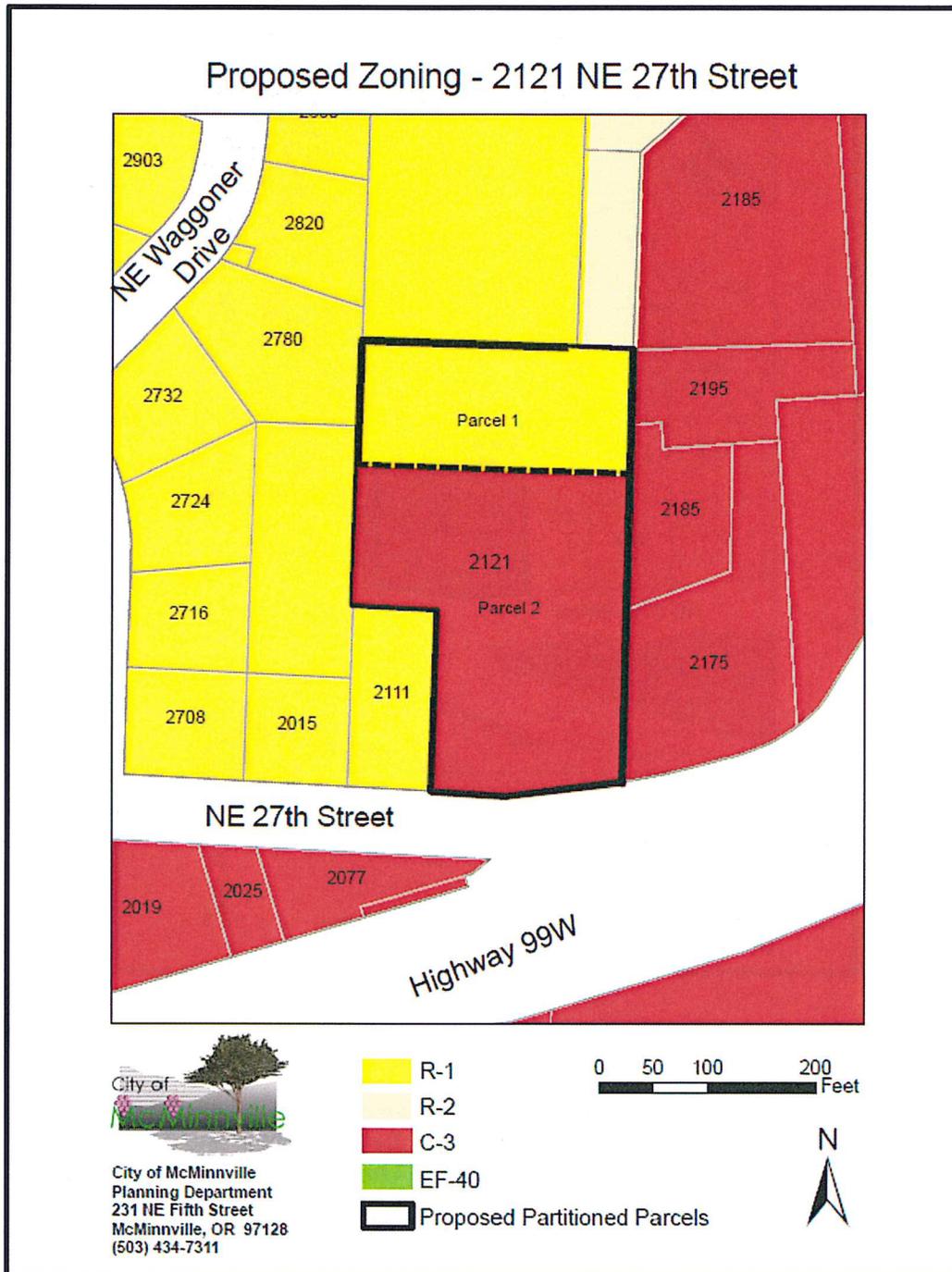
The applicant is requesting a comprehensive plan map amendment to designate the newly created Parcel 1 (the northern portion of the original parcel) as strictly Residential and then to rezone that same parcel from a mixed zoning of EF-40 and R-1 to only R-1. The applicant is also requesting to designate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

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

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

**Attachments:**

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The Planning Commission’s responsibility regarding these types of land use requests is to conduct a public hearing and, at its conclusion, render a decision to recommend approval of the comprehensive plan map amendment and zone change requests, or approval with conditions, to the City Council, or to deny the requests.

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

**Comprehensive Plan Map Amendment Review:**

The review criteria relevant to this request are as follows:

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

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

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

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

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

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

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

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

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

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

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*Exhibit C – ZC 2-17 Decision Document*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

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

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

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

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- Exhibit C – ZC 2-17 Decision Document*

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

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

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

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

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

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

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

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

**Zone Change (ZC 1-17) Review:**

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

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

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*Attachments:*

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*

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

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

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

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

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

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

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

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

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

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

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

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**Attachments:**

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

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

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

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

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

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

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

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

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

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

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

---

**Attachments:**

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

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

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

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

---

**Attachments:**

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

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

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

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

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

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

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

**Zone Change (ZC 2-17) Review:**

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

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*Attachments:*

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*

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

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

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

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

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

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

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

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

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

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

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

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**Attachments:**

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*

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

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

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

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

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

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

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

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

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

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

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

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*Attachments:*

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

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

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

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

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**Attachments:**

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*

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

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

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

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

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

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

**Fiscal Impact:**

None.

**Commission Options:**

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

**Recommendation/Suggested Motion:**

CPA 1-17

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**Attachments:**

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*

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

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

ZC 1-17

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

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

ZC 2-17

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

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

CD:sjs

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*Attachments:*

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# MINUTES

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**March 16, 2017**  
**Planning Commission**  
**Regular Meeting**

**6:30 pm**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**McMinnville, Oregon**

**Members Present:** Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Lori Schanche, Erica Thomas, and John Tiedge

**Members Absent:** None

**Staff Present:** Chuck Darnell – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

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## 1. Call to Order

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

## 2. Citizen Comments

None.

Chair Hall presented a gift to Wendy Stassens for over ten years of service on the Planning Commission. He introduced new Commissioners Erin Butler and Susan Dirks.

## 3. Approval of Minutes: February 16, 2017

Chair Hall called for action on the Planning Commission minutes from the February 16, 2017 meeting. Commissioner Geary MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 8-0.

## 4. Public Hearing (Quasi-Judicial)

### A. Comprehensive Plan Amendment and Zone Change (CPA 1-17, ZC 1-17, & ZC 2-17) (Exhibit 2)

**Request:** Approval of a comprehensive plan map amendment on a portion of a parcel of land from a mixed residential and commercial designation to only a commercial designation. The applicant is also requesting a rezoning of the northern portion of the same parcel from a mixed zoning of EF-40 (Exclusive Farm Use – 40-acre

Minimum) and R-1 (Single-Family Residential) to only R-1, and a rezoning of the southern portion of the same parcel from a mixed zoning of C-3 (General Commercial), EF-40, and R-1 to only C-3. The applicant intends to construct a single family home on the northern portion of the parcel and continue to operate the existing commercial business on the southern portion of the parcel. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1 from the partition request being zoned R-1 and the proposed Parcel 2 from the partition request being zoned C-3.

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

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

Chair Hall opened the public hearing at 6:40 p.m. and read the hearing statement. He called for abstentions, objections to jurisdiction, and disclosures. There were none. He asked how many commissioners had visited the site. Most of the commissioners had.

Associate Planner Chuck Darnell presented the staff report. This was a request for a Comprehensive Plan amendment and two zone changes for 2121 NE 27<sup>th</sup> Street. He discussed the location of the subject site. A recent partition application was submitted by the property owner that had been approved. It divided the lot into two, a parcel to the north and a parcel to the south. The request was to designate the northern parcel as residential and to designate the southern parcel as commercial on the Comprehensive Plan Map and to rezone the property from a mixture of three different zones to R-1, single family residential, on the north parcel and C-3, general commercial, on the south parcel. Commercial development exists to the east and south along Highway 99W and a single family residence to the west and north.

Associate Planner Darnell explained how portions of this site were annexed into the City in 1983 and 1986 and that County zoning still existed on a portion of the site. In 1995, a survey was recorded and the existing lot became a lot of record. One of the reasons for the rezoning was to change the County zoning to a City zoning designation to allow for urban development.

Associate Planner Darnell then described the review criteria. For the Comprehensive Plan Map amendment, the change would support local businesses and commercial businesses in the City. It would also provide a variety of housing types and densities, and urban services could be sufficiently provided to the property. The amendment would be more consistent with the new property lines and existing and historical uses of the property. The residential portion of the site would be adjacent to other residentially developed properties and the commercial portion would be adjacent to 27<sup>th</sup> Street and Highway 99W and other commercial properties. Existing utilities served the southern portion of the parcel where the restaurant exists today. Access and utilities could be provided to the northern portion of the property from NE Waggoner Drive. The existing and new vehicular access points would be upgraded to meet current standards.

For the R-1 zone change request, its approval would provide for a variety of housing types at densities consistent with the surrounding area. The area to the north was committed to R-1

zoning through a previous land use decision. The property owner planned to build one single family home on the parcel, which was consistent with the development pattern of the surrounding area. There is a stream that runs through the middle of the property limiting the developable area of the residential portion of the property, which qualifies the property for low density residential as stated in the Comprehensive Plan policies. Also, the Zoning Ordinance required the rezoning from the County zoning to a City zoning designation to allow for urban development.

The C-3 zone change request would support existing businesses in McMinnville and maximize the use of existing commercial uses and commercially designated lands. Utilities could be provided to the property. The County zoning would be removed from this parcel as well. The zone change was consistent with the existing and historical uses of the property. It was compatible with the surrounding land uses and development pattern.

Associate Planner Darnell recommended approval of the comprehensive plan amendment and two zone change requests subject to the conditions in the staff report. The Planning Commission would make a recommendation to the City Council who would hear this matter at their April 25, 2017 public meeting.

Commissioner Chroust-Masin asked if any of the property was in the flood plain. Mr. Darnell said it was not.

Commissioner Schanche asked if the access road was a private road and if there was a deadline for when the plat had to be completed. Mr. Darnell said there would be a private easement over the properties to the west. There was a driveway there currently that would be shared with Parcel 1. The deadline to complete the plat was 12 months after the tentative partition plat was approved. The utility improvements had to be done and easements still had to be recorded before the final plat was approved.

Commissioner Butler asked about a nearby R-1 parcel that would be impacted by the commercial zoning. It would no longer be next to another residential zone. Mr. Darnell explained one of the conditions of approval was that before any building permits were issued for the southern parcel, landscaping would be installed on the north and west property lines to provide buffering and transitioning between the commercial use and residential use.

Mr. Darnell said the applicant was not present and had waived their opportunity to give testimony.

Proponents: David Hunn, McMinnville resident, was in favor of the request. He thought property owners should be allowed to use their properties to the full extent. They paid taxes and were part of the community. The restaurant had been there for many years and this was an opportunity for further use of the property. It would be a commercial boundary where there was already a commercial business, and would transition to residential use.

Opponents: None.

Mr. Darnell said no additional testimony had been received.

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

Commissioner Chroust-Masin would have liked to hear from the applicant, but thought all of the criteria had been met.

Commissioner Tiedge said straightening out the County zoning was the correct thing to do. He had no objections.

Commissioner Thomas was in favor.

Commissioner Geary thought it was disrespectful and arrogant of the applicant not to show up to the meeting, however the application was cut and dry.

Commissioner Schanche was also in favor of the application as it was more of a housekeeping issue. Commissioner Butler concurred.

Commissioner Dirks agreed that the applicant should have been in attendance, but was in favor of the application.

Chair Hall thought it was a housekeeping issue as well.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve CPA 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 2-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

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

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

Applicant: City of McMinnville

Chair Hall opened the public hearing at 7:05 p.m.