



City of McMinnville
Planning Department
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STAFF REPORT – Exhibit 3

DATE: June 27, 2019
TO: Planning Commission Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC HEARING: CPA 2-19 (Comprehensive Plan Map Amendment), ZC 2-19 (Zone Change), PDA 1-19 (Planned Development Amendment), and CU 2-19 (Conditional Use)

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.	 HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
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Report in Brief:

This is a combined quasi-judicial hearing to consider four separate and distinct land-use applications for the electrical power substation property at 1901 NW Baker Creek Road. The Planning Commission will take all public testimony on these four applications during the combined public hearing. The applicant, Samuel Justice on behalf of McMinnville Water and Light, is requesting the following land use actions:

- 1) Comprehensive Plan Map Amendment – Amendment from the current mix of Residential and Commercial designations to Residential only
- 2) Zone Change – Rezoning from the current mix of R-1 (Single Family Residential) and EF-80 (Exclusive Farm Use) to R-1 (Single Family Residential) only
- 3) Planned Development Amendment – Amend the existing Planned Development Overlay District created by Ordinance 4633 to remove the subject property from the overlay and reduce the size of the overlay
- 4) Conditional Use – Approval of a conditional use permit to expand the existing electrical power substation facility. Section 17.12.020(L) of the MMC identifies “Electrical power substation” as a conditional use in the R-1 zone

Although all four land-use applications support one development (expansion of the existing electrical power substation), they each need to be treated as individual land-use decisions and are governed by different regulations and criteria. The order of consideration and approval should be the order described above.

Attachments:

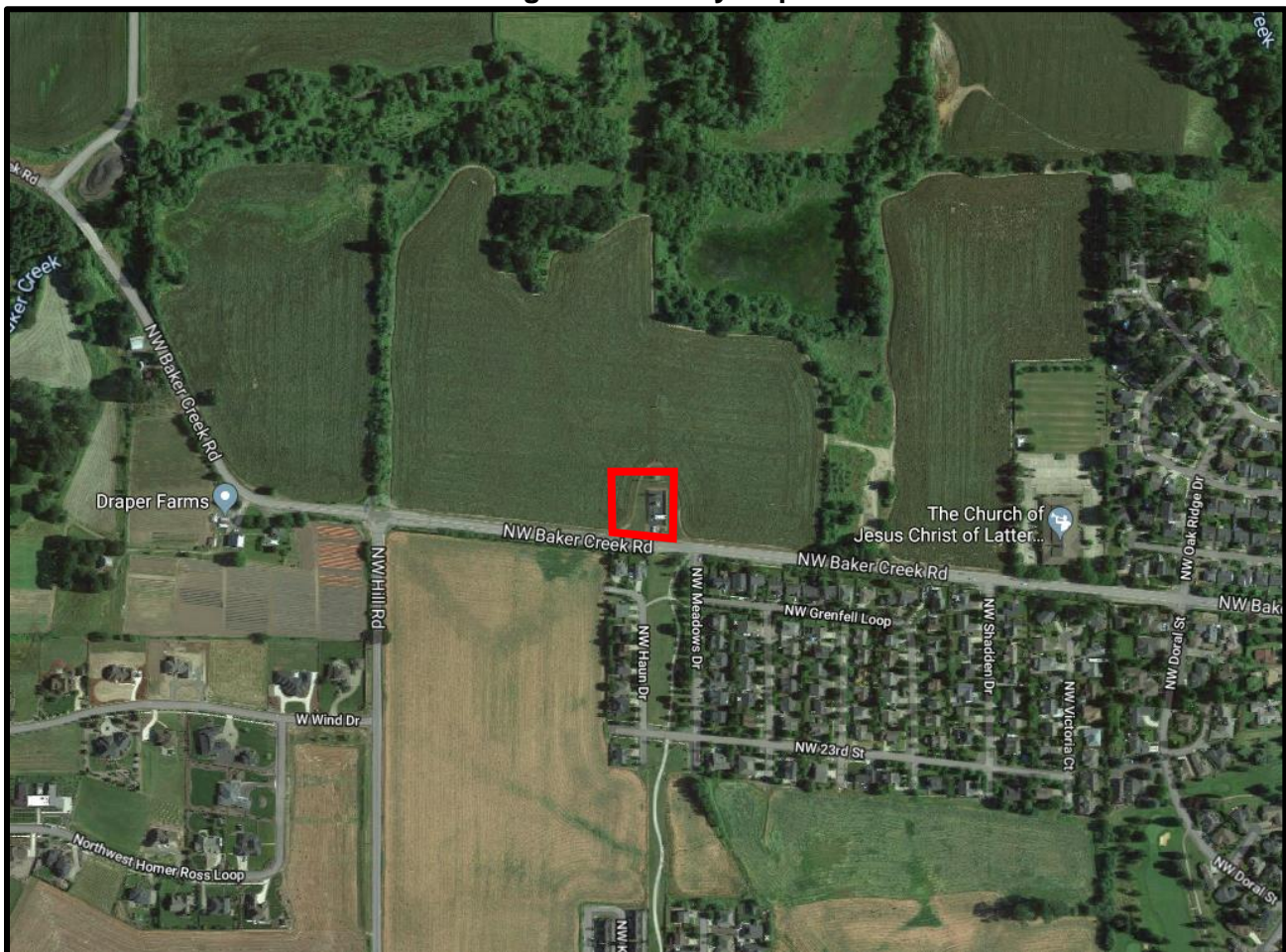
- Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of CPA 2-19*
Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of ZC 2-19
Attachment C: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of PDA 1-19
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The land use applications were submitted for review concurrently, as allowed by Section 17.72.070 of the MMC. When applications are submitted to be reviewed concurrently, Section 17.72.070 requires that each application be subject to the hearing procedure that affords the most opportunity for public hearing and notice. Three of the land use applications (CPA 2-19, ZC 2-19, and PDA 1-19) are subject to the quasi-judicial public hearing procedure specified in Section 17.72.130, which require that the Planning Commission make a recommendation to the City Council on the request. The Conditional Use (CU 2-19) request is normally decided upon by the Planning Commission, but because the application was submitted to be reviewed concurrently, that application will be processed with the same quasi-judicial public hearing procedure as required for the other land use applications. Therefore, the Planning Commission will make a recommendation on all four land use applications to the City Council.

Background:

The subject property is located at 1901 NW Baker Creek Road. The property is described in Instrument No. 201900618, Yamhill County Deed Records, and is also identified as Tax Lot 101, Section 18, T. 4 S., R. 4 W., W.M. See Vicinity Map (Figure 1) below.

Figure 1. Vicinity Map



The applicant has provided an overview of the history of the land use decisions related to the subject property. Staff has found the information provided to accurately reflect the relevant background, and excerpted portions are provided below to give context to the request

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1. Annexation into City of McMinnville:

- The original substation lot, Tax Lot R4418-00101, was annexed into the City on 9-10-1977 by Ordinance 3881. The lot was approximately 0.26 acres and was co-located on the existing BPA high-voltage transmission easement.
- The Comprehensive Plan Map and Zoning Map from the early 1980s identified the site as being in a Residential Comprehensive Plan Map designation and zoned R-1 (Single Family Residential)

2. Comp Plan Amendment - CPA 2-96:

- In 1996, Ordinance 4633 amended a 12.34 acre portion of a parcel on the Comprehensive Plan Map on the north side of Baker Creek Road from residential to commercial. This amendment split the original substation lot in half for comprehensive plan map purposes between Commercial and Residential.
 - Ordinance 4633 also created a Planned Development overlay on the same property, with some conditions related to the form of development and uses.
 - Ordinance 4633 did not change the zoning of the site, and the acreage property still retains the county EF-80 zoning (eventually annexed in 2008 – see more below).
 - A map showing dimensions of the area proposed to be designated as commercial was included in the 1996 land use application file submitted by the applicant at the time. Part of that map is depicted below in Figure No. 1.



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- The southern boundary of the new commercial area (965.95' dimension) extended from the Tax Lot R4418-00100's western boundary to a point that is within and near the center of substation lot (Tax Lot 101 as it existed)
 - It is noteworthy that at the time of the 1996 Comp Plan Amendment, Figure No. 1 shows plans for an expanded substation site. (See figure No. 1, above). The expanded substation use was shown within the commercial overlay designation.
3. Conditional Use Permit for Baker Creek Substation – CU 7-99:
 - In 1999, the city granted MW&L a conditional use permit for the Baker Creek Substation (approval letter with original conditions attached here as Attachment 6).
 - Findings of fact for that application stated that the subject site was designated Residential on the Comprehensive Plan Map and zoned R-1 (Single Family Residential).
 - The substation use was reviewed as a conditional use, as a “Utility transmission station” is a conditional use in a residential zone. Section 17.12.020 (a section of the R-1 chapter).
 - Construction of the new Baker Creek substation took place in 2000. Electric load was first placed on the substation in January 2001.
 4. Lot Line Adjustment
 - In 2002 tax lot 101 was expanded by lot line adjustment. [...] In 2002 the subject site was found to be designated Residential on the Comprehensive Plan Map and zoned R-1 (Single Family Residential)
 5. Annexation of Larger Baker Creek North Area:
 - In 2008 the larger acreage surrounding the Baker Creek substation was annexed into the city (approved 7-22-2008 by Ordinance 4895).
 6. Recent Property Line Adjustment – BLA 10-18:
 - In 2019 a lot line adjustment increased the size of the substation lot (Tax Lot 101) by moving the west property line approximately 103' to the west, the north property line to the north, and the east property line approximately 37' to the east. The lot now fronts Baker Creek Road for about 210'.
 - The western property line has now been moved west and toward the area within the overlay zone regulated in 1996 by CPA 2-96.

Discussion:

Ultimately, the applicant intends to develop the subject property by expanding the electrical power substation that currently exists on the site. The applicant has provided a preliminary site plan identifying the improvements that would occur, should all four land use applications be approved. See Preliminary Site Plan (Figure 2) below.

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

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

The specific review criteria for Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

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The applicant has provided a written narrative and findings to support their requests for a Comprehensive Plan Map Amendment, Zone Change, Planned Development Amendment, and Conditional Use. The narrative and findings are provided in the application materials, and are also reiterated and expanded upon in the Decision Documents for each land use application.

Overall, the proposal results in the subject property being simplified and organized in terms of having only one Comprehensive Plan Map designation and one zoning district apply to the property. The request to change the entire property to a Residential Comprehensive Plan Map designation and rezone the property to R-1 (Single Family Residential) allows for uniform planning and development of the subject property, and allows for a single zoning district's standards and regulations to be applied to the site. The zone change to R-1 (Single Family Residential) will also afford the most opportunity for public hearing and notice for the eventual intended use of the site through the Conditional Use review process. In addition, the proposed Comprehensive Plan Map Amendment and Zone Change are supported by the fact that residential land and R-1 zoned land are identified as needed land in the most recently acknowledged Buildable Lands Inventory and McMinnville Buildable Land Needs Analysis and Growth Management Plan.

Following the request to change the entire property to a Residential Comprehensive Plan Map designation and rezone the property to R-1 (Single Family Residential), the requested Planned Development Amendment is warranted given that the existing Planned Development Overlay District is Commercial, and the land use process for the site is now following that required by a Residential designation and R-1 zone. The conditional use permit to allow for the expansion of the existing electrical power substation was reviewed for its proposed location, size, design, and operating characteristics, and together with what was proposed by the applicant, some conditions of approval are recommended by staff to ensure that the expanded electrical power substation site can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood.

Below are some tables summarizing the applications' compliance with the critical review criteria. The Decision Documents for each land use application have the detailed analysis and findings for this compliance:

CPA 2-19 (Comprehensive Plan Map Amendment, Change Designation to Only Residential)

Issue	Notes	Condition to Help Meet Criteria
Consolidate Comprehensive Plan Map designation from a mix of Commercial and Residential to only Residential	Existing site has mix of Comp Plan Map designations, which complicates development of site	None
Reduction in size of Commercial land designation	2001 BLI (most recently acknowledged) identifies both Residential and Commercial lands as being needed and in deficit. Conversion of portion of site from Commercial to Residential removes small amount of Commercial land (approx.. 0.8 acres) and still addresses Residential land need	None

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ZC 2-19 (Zone Change, Rezone to Only R-1 (Single Family Residential) Zone)

Issue	Notes	Condition to Help Meet Criteria
Consolidate zoning of site from a mix of R-1 and EF-80 zones to only R-1 (Single Family Residential)	Existing site has mix of zones, which complicates development of site Existing EF-80 zoning is remnant county zoning from time of annexation, and code requires rezoning of this county zoning to a city zone prior to development	None
Appropriateness of R-1 zoning for the site	Existing site has some R-1 zoning (area of existing substation) and previous reviews were based on R-1 zone R-1 zone affords most opportunity for public review and notice for intended use (expanded substation)	None

PDA 1-19 (Planned Development Amendment, Removal of Property from Ordinance 4633)

Issue	Notes	Condition to Help Meet Criteria
Existing Planned Development Overlay District is a Commercial PD	Based on previous requests to change to Residential Comp Plan designation and R-1 zone, development standards applicable to site no longer consistent with Commercial PD overlay	
Continued applicability of existing Planned Development Overlay District	Request is to remove subject property from the PD overlay Approval would reduce the size of the existing PD overlay, but all other regulations and conditions of approval would remain in effect	Condition of Approval #1

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CU 2-19 (Conditional Use, Allow for Expansion of Existing Electrical Power Substation)

Issue	Notes	Condition to Help Meet Criteria
Right-of-way improvements to Baker Creek Road	<p>Applicant recently dedicated additional ROW to allow for development of Baker Creek Road to TSP standards</p> <p>Development of street will be required at time of building permits</p>	Condition of Approval #2
Timing of right-of-way improvements to Baker Creek Road	<p>Surrounding property also undergoing development review</p> <p>Require coordination of construction of ROW improvements with surrounding developing properties to minimize construction and livability impacts on existing developments</p>	Condition of Approval #3
Compatibility of the electrical power substation with surrounding and abutting land uses	<p>Proposed setbacks of equipment from property lines</p> <p>Require sight-obscuring fencing required around equipment</p> <p>Require landscaping, specific species and varieties to provide adequate screening</p> <p>Require street tree planting in Baker Creek Road ROW</p> <p>Require minimal lighting and standards for treatment of lighting</p>	<p>Condition of Approval #4</p> <p>Condition of Approval #5</p> <p>Condition of Approval #6</p>

Commission Options for Comprehensive Plan Map Amendment Application, CPA 2-19:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.

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- 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.

Commission Options for Zone Change Application, ZC 2-19:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, 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.

Commission Options for Planned Development Amendment Application, PDA 1-19:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, 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.

Commission Options for Conditional Use Application, CU 2-19:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, 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.

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Recommendation:

Staff recommends approval of all four land-use applications with the conditions specified in the decision documents. Recommended motions for each land-use application is provided below.

MOTION FOR CPA 2-19:

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 2-19.

MOTION FOR ZC 2-19:

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 2-19.

MOTION FOR PDA 1-19:

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 PDA 1-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR CU 2-19:

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 CU 2-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

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