



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT TO OPERATE A CROSSFIT GYM WITHIN A 4,000 SQUARE FOOT PORTION OF A 10,000 SQUARE FOOT BUILDING ON PROPERTY AT 1445 NE MILLER STREET.

DOCKET: CU 5-19 (Conditional Use Permit)

REQUEST: Application for a Conditional Use Permit to operate a crossfit gym within a 4,000 square foot portion of a 10,000 square foot building on property within the M-2 zone. The crossfit gym is classified as a conditional use in the M-2 zone, under the category "a privately owned and operated facility planned, located, and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application."

ADDRESS: 1445 NE Miller Street, Building C

TAX LOT: Tax Lot 2100, Section 15C, T. 4 S., R. 4 W., W.M.

ZONING: M-2 PD (General Industrial), Planned Development Overlay Ordinance 4550
Northeast Industrial Area Planned Development Overlay Ordinance 4135
Airport Overlay Zone – Conical Surface

APPLICANT: Melissa Alonzo

PROPERTY OWNER: Owyhee Properties, c/o Tyler Stoller

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: September 20, 2019

DECISION-MAKING BODY: Planning Commission

HEARING DATE: October 17, 2019

PROCEDURE: An application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

CRITERIA: The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed

request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

In addition, Section 17.74.040 authorizes conditions, and Section 17.74.050 requires compliance with the standards of the applicable zone(s), except as they are modified in granting a conditional use or as otherwise modified as specified in Section 17.74.050.

APPEAL:

As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City's final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, 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 document.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Conditional Use Permit (CU 5-19), **subject to the conditions of approval provided in Section II of this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Commission: Roger Hall
Roger Hall, Chair of the McMinnville Planning Commission

Date: Oct. 22, 2019

Planning Department: Heather Richards
Heather Richards, Planning Director

Date: October 22, 2019

I. APPLICATION SUMMARY & BACKGROUND:

The subject property is located at 1445 NE Miller Street. **See Exhibits 1 & 2.** The site is being developed with four 50'x200' 10,000 square foot industrial shell buildings in two phases. **See Exhibit 3.** Two buildings were built in Phase 1 (Buildings A and B) and Phase 2 is being built out with the remaining two buildings (Buildings C and D). The Phase 2 parking configuration has been reconfigured somewhat since the site plan was submitted at the time of construction of Phase 2. **See Exhibit 4.** Landscape plans for the site were approved with the phasing (L 39-17 and L 11-19). Exhibit 6 provides photos of the completed Phase 1 buildings and the Phase 2 development under construction.

The proposal is an application to operate a crossfit gym within a 4,000 square foot portion of Building C on the subject property, which is under construction as part of Phase 2. The use is classified as “a privately owned and operated facility planned, located, and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application.” This is a conditionally permitted use in the M-2 zone.

A Conditional Use Permit runs with the land, unless the use is discontinued for a period of 12 or more months. That means the current property owner, or any future property owner, has the right to continue use of the property consistent with the terms of the Conditional Use Permit approval, and will be bound by the terms of approval, whether or not it continues to be operated by the current applicant.

The requirements for this conditional use specify that the “specific use and plan” must be enumerated at the time of application.” Therefore, it is important to provide sufficient specificity so that the approval isn’t open ended, yet it is helpful to define the parameters in terms of use and characteristics, so that the approval isn’t so prescriptive that minor changes in operations would require an amendment to the Conditional Use Permit approval by the Planning Commission. The Zoning Ordinance does provide authorization for the Planning Director to authorize minor amendments without Planning Commission approval.

Since the use will occupy a portion of a building which has already been approved as part of the overall development of this site, there are no building or site development aspects of the proposed conditional use that require special review. Rather, the review focuses on compatibility of the conditional use with other uses, as well as consideration of any parking and traffic issues that may deviate from uses which are permitted outright in this zone, when considered together with the parking and traffic demand of other tenants on site. The Zoning Ordinance doesn’t provide parking standards for this specific use, and other uses listed in the Zoning Ordinance weren’t the best fit for the proposed conditional use. Therefore, other resources were consulted in evaluating suitable parking requirements for the proposal.

Exhibit 7 summarizes the current tenants on-site and remaining vacant portion of Building D. It also provides calculations associated with parking requirements based on both square footage and number of employees on site design the largest shift, related to the calculation method specified in the zoning ordinance for minimum parking requirements for industrial uses. When phase 2 was proposed, the site plan was revised to locate Buildings C and D further to the west to provide more parking between the buildings, since the applicant found a need for more parking for tenants than was provided in Phase 1 for Buildings A & B. The parking configuration was further revised with the Phase 2 site plan. **See Exhibits 3 and 4.** The buildings have some overhead doors facing the center aisle that limit where parking can occur for those businesses that require access to the overhead doors. **Exhibit 7** provides calculations of overall parking, with a breakdown of standard, compact, ADA spaces, and spaces abutting overhead roll-up doors.

Section 17.60.060 of The McMinnville Municipal Code (Parking Spaces – Number Required) does not have a classification for a fitness gym. In these instances, Section 17.60.090 (Requirements for Uses Not Listed) allows the Planning Director to make a determination of comparable classifications. After reviewing the applicant’s proposal and other parking standards, the most applicable standard for the

proposed conditional use is the standard found in the City of Redmond’s ordinance, which specifies a minimum parking requirement of 1 space per 300 square feet of net area. This is also similar to the standard in the DLCD’s Model Code.

As calculated in **Exhibit 7**, there is sufficient parking for the proposed use, existing tenants, and an assumption that remaining vacant space in Building D will be occupied by industrial tenants. With the additional parking added with the development of Phase 2, there would be surplus parking, based on the calculations and assumptions in **Exhibit 7**.

The application submittal includes the following information about the use and operating characteristics.

- The use will occupy 3,346 net square feet of the 4,000 square foot space after deducting spaces such as restrooms and storage. At a rate of 1 parking space per 300 net square feet, the proposed use will require 11 parking spaces.
- The gym will offer five classes per day, Monday through Friday at 5:30am, 9:00am, 12:00pm, 3:30pm, and 6:30pm. Each class is one hour in length. Only one class will be held at a time, and will host up to twelve members plus the coach. The business encourages members to sign up for classes prior to attending to ensure maintaining class size to no more than 12 participants; however, drop-ins will generally be accommodated. The class schedule allows for no overlap in parking demand between those students departing one class and those arriving for the next class.
- This allows the owner/operators to have substantial control of the number of people present at any time, since they can control the size of classes, number and timing of classes, whether or not there are multiple classes at the same time, as well as general hours of operation. This allows for determination of impacts associated with parking as well as daily and peak hour traffic.

Use and Operational Considerations for the Use and Site

Parking

The site has four 10,000 square foot buildings totaling 40,000 square feet of space. The parking shown in Exhibit 3, updated for Phase 2 as shown in Exhibit 4, provides a total of 103 parking spaces, as follows:

Phase 1:	24 (23 standard 1 ADA)
Phase 2:	79 (70 standard, 5 compact, 4 ADA)
Total:	103 (93 standard, 5 compact, 5 ADA)

Note: The phasing references only indicates when the parking was constructed. The property owner has control over whether any parking spaces on site are reserved for use by specific businesses.

Of this total, approximately 18 spaces in Phase 2 are in front of roll-up doors and could be eliminated for tenants that may require access to the overhead doors. If those spaces were to be removed, the remaining spaces would be 85, with 61 in Phase 2. Four of those are within the frontage of the space to be occupied by the proposed crossfit gym, with two-roll-up doors along the frontage of this space. In Phase 1, parking spaces are not located in front of roll-up doors.

The zoning ordinance specifies the following minimum parking requirements for the industrial land use category:

- Manufacturing establishment: One space per 1,000 square feet of floor area or two spaces per three employees working on the largest shift during peak season, whichever is greater.

- Wholesale establishment, warehousing: One space per 2,000 square feet of floor area or two spaces per three employees on the largest shift during peak season, whichever is greater.

Exhibit 7 provides the calculations for employees working on the largest shift. For reference, if the entire site was occupied by manufacturing establishments, the minimum parking requirement based on area calculation would be 40 spaces.

Hours of Operation

Five classes will occur starting at 5:30am and ending at 7:30pm on weekdays.

Traffic, Site Circulation

With five classes per day the use will generate approximately 125 average daily trips, half entering and half exiting (averaging approximately 31 trips per 1,000 gross square feet). This will be dispersed to arrivals and departures for each class, so approximately twelve simultaneous trips. Based on the proposed class times, this means trips would generally occur outside of the pm peak hour period, which typically falls somewhere between 4-6pm.

The tenant space is at the rear of the property, so on-site crossfit traffic will generally cross through the area occupied by industrial tenants.

Noise/Noise Sensitivity

The use is not expected to generate noise that would be impactful on surrounding businesses, and the use is not highly sensitive to noise that might be generated by surrounding uses that exist or might occur within the M-2 general industrial zone.

Space Characteristics / Impact on Public Facilities and Services

The tenant space is a single open space with storage and two restrooms, each containing toilets, a sink, and single shower stall.

Exhibit 1. Vicinity Map & Aerial Photo

(The aerial photo only shows Phase 1 improvements. Please see Exhibit 4 for site plan for current development and Exhibit 6 for photos of Phase 2 structures under construction).



Exhibit 2. Zoning Map.

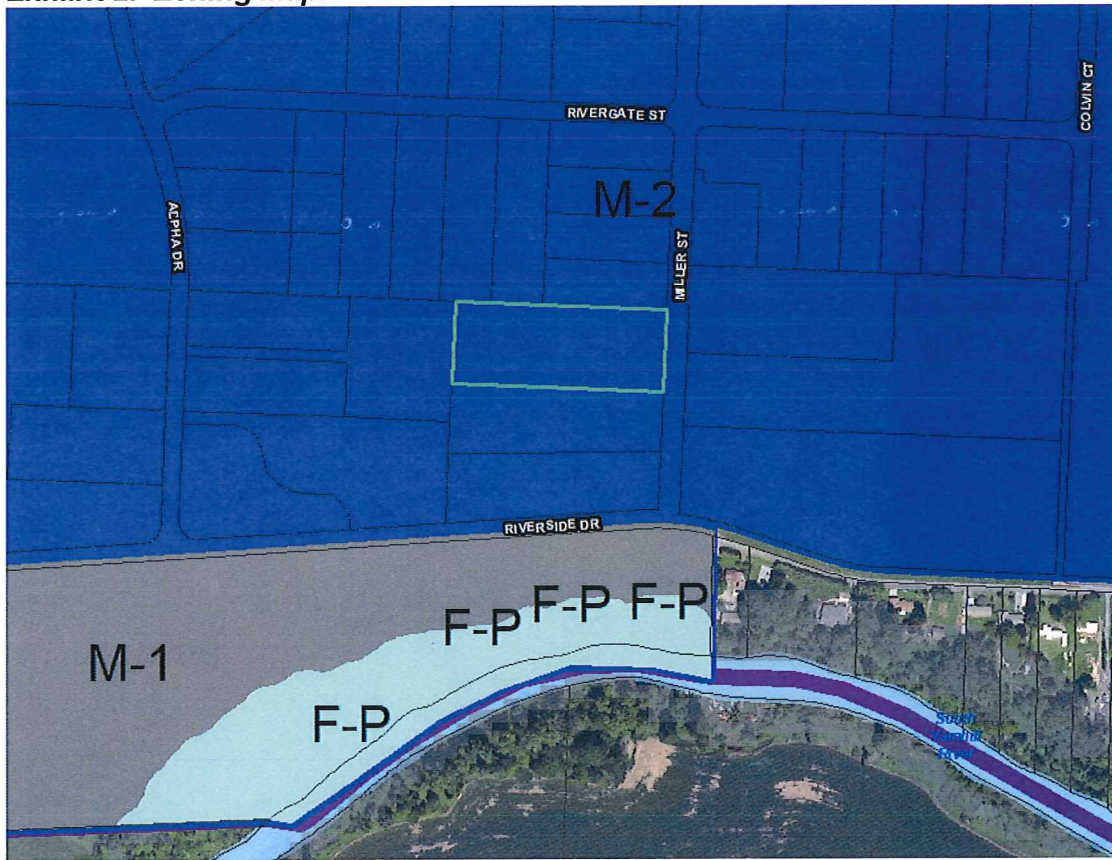


Exhibit 3. Site Plan

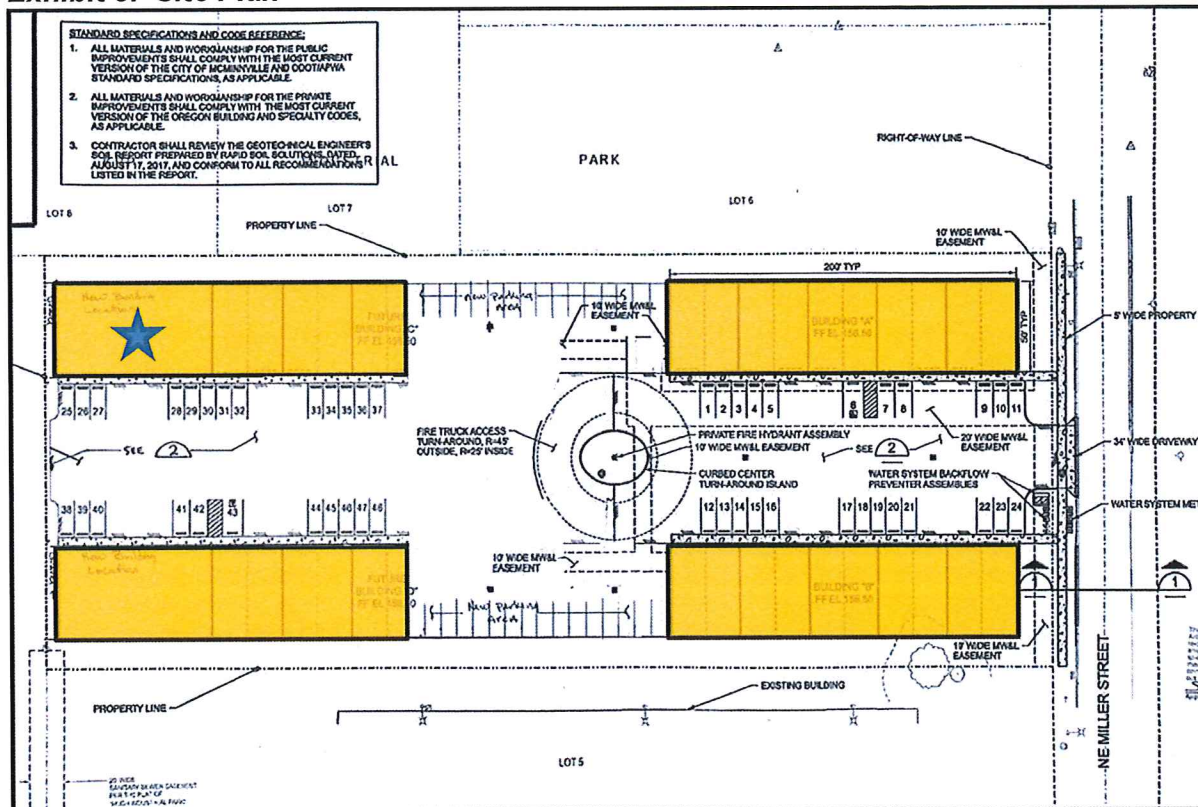


Exhibit 4. Site Plan Detail, Phase 2 (with revised parking)

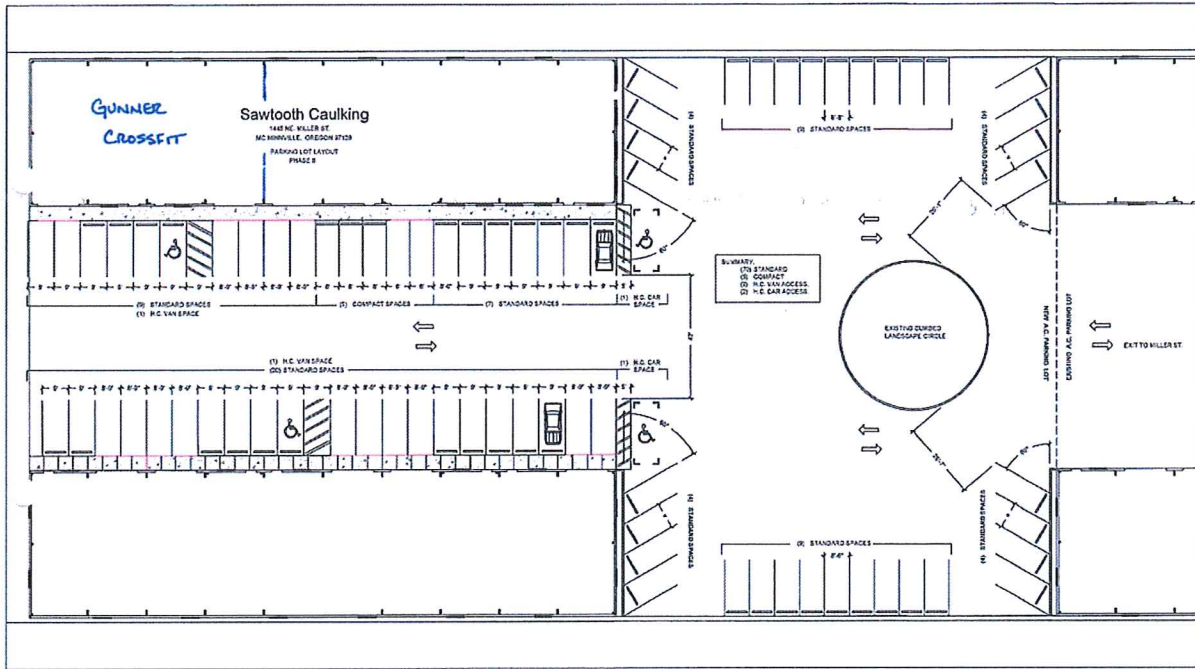


Exhibit 5. Tenant Improvement

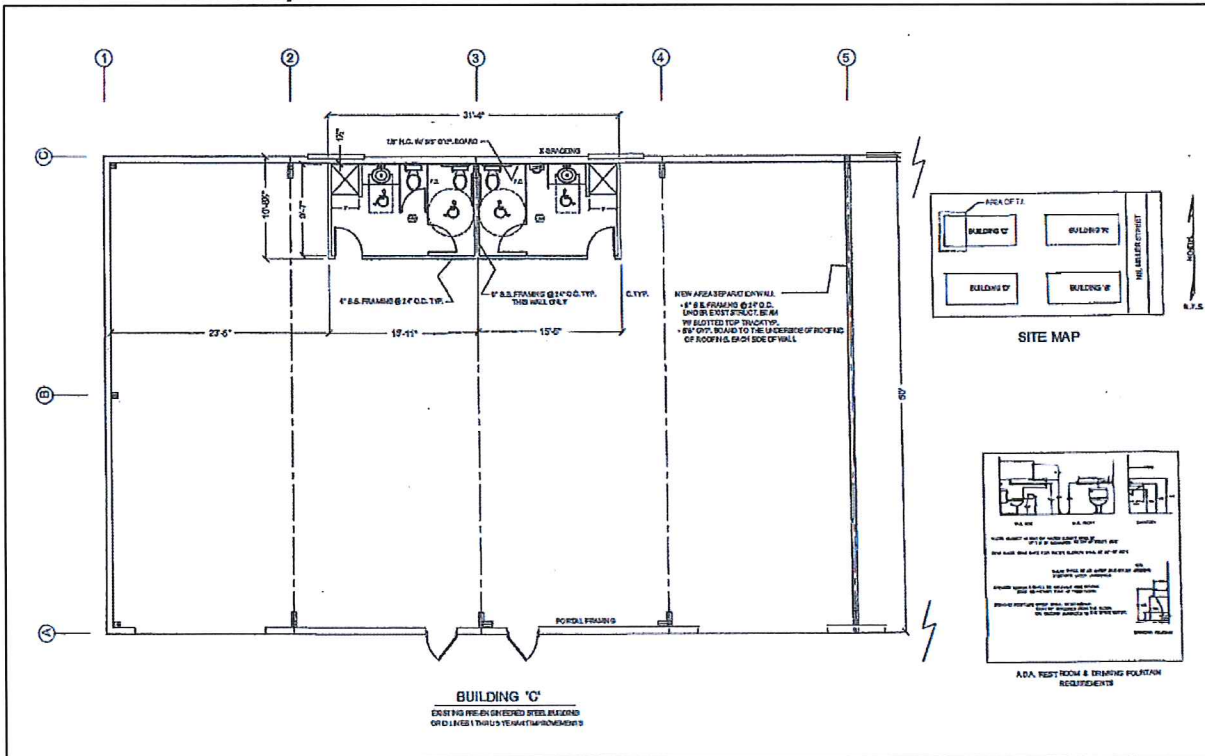


Exhibit 6. Photos



Phase 1- Buildings A&B



Phase 1-Building A



Phase 2- Buildings C&D



Phase 2-Building C Under Construction

Exhibit 7. Tenants & Parking Calculations

Owyhee Properties Tenant Info					
Name/Space	Space Leased	Industrial Land	Sq Ft	Emps / Shift	SUM
Green Light Manufacturing	Suites 1 & 2, Building A	Manufacturer	4,000	3/Day	14
Stebbins Engineering & Manufacturing Co.	Suite 3, Building A	Manufacturer	2,000	1/Day	
Precision Analytical, Inc	Suite 4, Building A	Manufacturer	2,000	6/Day	
Pacific Pattern Technologies, LLC	Suite 5, Building A	Manufacturer	2,000	4/Day	
eCNC	Suites 1 - 4, Building B	Manufacturer	8,000	10/Day	11
Hahn Window Specialties	Suite 5, Building B	Manufacturer	2,000	1/Day	
Sawtooth Caulking, Inc	Suites 1 - 3, Building C	Manufacturer	6,000	10/Day	12
Gunner Crossfit	Suites 4 & 5, Building C	TBD	4,000	2	
Hundred Suns Wine	Suite 1, Building D	Manufacturer	2,000	2/Day	2
Available	Suite 2, Building D			?	
Available	Suite 3, Building D			?	
Available	Suite 4, Building D			?	
Available	Suite 5, Building D			?	

39

Prelim Draft - Parking Demand (sf based)		Plus Bldg D Suites 2-5	
		Equiv Emp	Parking
Building A (10,000 sf)	10	15	10
Building B (10,000 sf)	10	15	10
Building C (10,000 sf)	6+13=19	9+CF	6+13
Demand, (Bldgs A, B, C)	39		
Supply	103 (93 standard, 5 compact, 5 ADA)		
	includes 18 spaces in front of roll-up doors in Phase 2 deduct if those are unavailable for tenants		
Balance avail. for Building D	64		
Demand, Bldg D @ Manuf.	10	15	10
Surplus/Deficit	54		
Minus 18 rollup (max Phase 2 deduction)	18		
Surplus/Deficit	36		
Total Demand These Calcs	Based on Occ. Of 40,000 sf 49	Based on Equivalent Employment 54+CF	36+CF
			49

II. CONDITIONS OF APPROVAL:

1. This conditional use permit approval shall be terminated if the proposed use does not commence within one year of the effective date of this approval, if the use once commenced lapses for any single period of time that exceeds one year in duration, if there is a failure to comply with conditions of approval, or for any other reason specified in Section 17.74.060 of the Zoning Ordinance. The determination for termination shall be made in accordance with the procedures in Section 17.74.060 of the Zoning Ordinance.
2. The use shall not occupy more than the 4,000 square foot portion of Building C without prior approval.
3. The use shall require a minimum of 11 parking spaces, based on 3,346 net square feet of area within the 4,000 square foot portion of the building space. The total parking demand for the entire site and tenants shall not exceed the available parking. When calculating total parking requirements, the calculation for this space and use shall be the 11 parking spaces described above.
4. Any signs for the property and the proposed use shall comply with Chapter 17.62 of the Zoning Ordinance.

III. ATTACHMENTS:

1. CU 5-19 Application and Attachments (on file with the Planning Department).

IV. COMMENTS:**Agency Comments**

This matter was referred to public agencies for comment, including the following: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and the Oregon Department of State Lands.

- The Engineering Department and McMinnville Water and Light replied with no comments.

Public Comments

Notice of this request and the Planning Commission hearing was mailed to property owners located within 200 feet of the subject site. Notice was also provided in the News Register on Tuesday, October 8, 2019. As of the date of the Planning Commission public hearing on October 17, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT – PROCEDURAL FINDINGS:

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on August 28, 2019.
2. The application was submitted on August 30, 2019.
3. The application was deemed complete on September 20, 2019.
4. On September 20, 2019, notice of the application was referred to the public agencies noted in this document for comment, and comments received are noted in this document.
5. On September 26, 2019, notice of the application and the October 17, 2019 Planning Commission public hearing was mailed to property owners within 200 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance. No public comments were received during the 14-day comment period. No request for hearing was received during the 14-day comment period.
6. On October 8, 2019, notice of the October 17, 2019 Planning Commission public hearing was published in the News Register, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On October 17, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS:

1. **Address:** 1445 NE Miller Street, Building C
2. **Map & Tax Lot:** Tax Lot 2100, Section 15C, T. 4 S., R. 4 W., W.M.
3. **Lot Size:** 3 acres

4. **Comprehensive Plan Map Designation:** Industrial
5. **Zoning & Overlay Zones:**
 - M-2 PD (General Industrial), Planned Developed Ordinance 4550
 - Northeast Industrial Area Planned Development Overlay Ordinance 4135
 - Airport Overlay (Conical Zone)
6. **Surrounding Zoning:**
 - Northeast Industrial Area Planned Development Overlay Ordinance 4135
 - M-2 PD (Ord. 4550) to the west and south
 - M-2 PD (Ord. 4628) to the north
 - M-2 PD (Ord 4160) to the east)
7. **Current Use:**
 - Buildings A and B: Multi-tenant buildings with industrial uses (**See Exhibit 7**)
 - Buildings C and D: Under construction
8. **Surrounding Use:**
 - North: Microtech Precision
 - South: Oregon Lithoprint
 - East: Vacant Building and Vacant Sites
 - West: Formerly American Metal Works
9. **Inventoried Significant Resources:** None Identified
10. **Other Features:** The site is generally level.
11. **Utilities:**
 - **Water:** The property is served by a 12” water main in NE Miller Street. An on-site fire hydrant is present in the landscaped island in the middle of the property.
 - **Sewer:** There are dual 18” and 30” force mains along the frontage in NE Miller, and an 8” main in NE Miller on the east side which extends south about halfway along the property frontage. The property has a public utility easement and access to an 8” water main at the southwest corner at the back of the property.
 - **Stormwater:** A 12” storm drain line is present along the frontage in NE Miller Street.
 - **Other Services:** Other private franchise utilities are also available to the property, some extended within easements on the subject property.
12. **Transportation:**
 - The property has frontage and access on NE Miller Street. The frontage is improved with curb, gutter, sidewalk, and planter strip.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. The provisions identified below specify the criteria and applicable standards and provisions for review of the Conditional Use Permit.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of

Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

- **Zoning Ordinance**
 - Chapter 17.42. M-2 (General Industrial) Zone, Standards
 - Chapter 17.52. Airport Overlay Zone
 - 17.52.070. Conical Zone Restrictions
 - Chapter 17.74. Review Criteria
 - 17.74.030. Authorization to Grant or Deny Conditional Use
 - 17.74.040. Placing Conditions on a Conditional Use Permit
 - 17.74.050. Compliance with Zone Standards-Exception
- **Planned Development Ordinance 4550**
 - Section 2. Conditions.
- **Northeast Industrial Area Planned Development Overlay Ordinance 4135**
 - Section 4. Policies
 - Section 5. Conditions of Development
- **Comprehensive Plan.**

McMinnville Zoning Ordinance

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

17.42. M-2 (General Industrial) Zone, Standards

FINDING: SATISFIED. The proposed use complies with the standards of the M-2 zone. The proposed use is conditionally permitted in the M-2 zone as “a privately owned and operated facility, planned, located and laid out for leisure time activities. The specific use and plan shall be enumerated at the time of application.” The proposed use will be located in a building that complies with the height and setback requirements of the zone, and the site was previously approved for building permits for the shall buildings and has approved landscape plans on file. No changes are necessary to the site plan or landscape plan for the proposed use.

17.52.070. Airport Overlay Zone – Conical Zone Restrictions

The following uses are prohibited in the Conical Zone: Any structure which exceeds a height greater than that established by this parabolic curve which starts at 309 feet above MSL and terminates at 509 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills.

FINDING: SATISFIED. The proposed use will be located within a structure that complies with the height limitations of the Airport Overlay Conical Zone restrictions.

17.74.030. Authorization to Grant or Deny Conditional Use.

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location

proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

FINDING: SATISFIED WITH CONDITIONS. Subject to the conditions of approval, there are no significant adverse conditions that would result from authorizing the proposed conditional use permit at the location proposed that would weigh against appropriateness, desirability, or public convenience or necessity. Information provided in Section I of this document regarding the characteristics of the use and information in Section VI regarding surrounding uses describe how the proposal will be compatible with existing, surrounding, and permitted uses.

17.74.030(A). *The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;*

APPLICANT’S RESPONSE: Under McMinnville Zoning Ordinance, 17.42.020 Conditional Uses Section F. “A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities.” Gunner CrossFit is a small, privately owned and operated CrossFit gym.

FINDING: SATISFIED WITH CONDITIONS. Findings regarding consistency with the Comprehensive Plan are provided below. Objectives of the Zoning Ordinance are provided through the purpose statements in Section 17.03.020 (in general), and in Sections 17.74.030 & 040 for conditional uses. There are no separate purpose statements provided in the Zoning Ordinance for the M-2 zone. The proposed use will not create adverse impacts related to compatibility or impacts on public facilities or services.

17.74.030(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;*

APPLICANT’S RESPONSE: Gunner CrossFit operates by running scheduled small group classes and will have minimal to no impact on the surrounding neighborhood and properties.

FINDING: SATISFIED WITH CONDITIONS. As discussed and addressed in Sections I and VI of this document, the proposed use, operating characteristics, and utilization of public facilities are compatible with the appropriate development of abutting properties and the surrounding area. The surrounding areas are non-residential, and the use doesn’t adversely affect livability. The proposed use will occur within a building which was previously authorized on the property, and the use will occur within that building with no change affecting scale, bulk, coverage, or density. There are adequate public facilities for the proposed use, and water and sewer demand is limited to the restroom facilities. The limited traffic impacts will be distributed throughout the day, and no substantial peak hour traffic is anticipated as discussed in Section I of the document. There was no attendance at the neighborhood meeting, and no public comments were received in advance of the public hearing.

17.74.030(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;*

APPLICANT’S RESPONSE: We feel that nothing will change. The fact that the neighbors are not concerned seems to represent the lack of impact.

FINDING: SATISFIED WITH CONDITIONS. The proposed use will occur within a portion of a building previously approved for the site and under construction. The use, scale, and operating characteristics of the proposal will cause no significant adverse impacts to the livability, value, or appropriate development of abutting properties in the surrounding areas, as compared to the impact of permitted development. No concerns were expressed by existing tenants, surrounding owners, or others at the neighborhood meeting (no attendance) or through the notice provided for the public hearing.

17.74.030(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;*

APPLICANT'S RESPONSE: N/A.

FINDING: NOT APPLICABLE. The proposed use will occur within a previously approved building and will not change the external physical site characteristics.

17.74.030(E). *The proposal will preserve environmental assets of particular interest to the community;*

APPLICANT'S RESPONSE: N/A.

FINDING: NOT APPLICABLE. The proposed use will occur within a previously approved building and will not change the external physical site characteristics.

17.74.030(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.*

APPLICANT'S RESPONSE: N/A.

FINDING: SATISFIED. The applicant has signed a lease with the property owner to operate the use as proposed in the conditional use permit application.

17.74.040. Placing Conditions on a Conditional Use Permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;

- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

FINDING: SATISFIED WITH CONDITIONS. Based on the application as proposed and submitted, together with the conditions of approval, the proposal avoids detrimental environmental impact, and the best interest of the surrounding area or the community as a whole is protected.

17.74.050. Compliance with Zone Standards-Exception

FINDING: SATISFIED WITH CONDITIONS. The proposal will comply with the standards of the zone in which it is located, and doesn't require any of the exceptions which are authorized by Section 17.74.050.

Planned Development Ordinance 4550

Section 2. Conditions.

FINDING: SATISFIED WITH CONDITIONS. The proposal will comply with the standards of the zone in which it is located, and doesn't require any of the exceptions which are authorized by Section 17.74.050.

Northeast Industrial Area Planned Development Overlay Ordinance 4135

Section 4. Policies. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and any other applicable city codes shall be adhered to.

FINDING: SATISFIED WITH CONDITIONS. The findings regarding compliance with the Comprehensive Plan and codes in the respective section of this document demonstrate compliance with this requirement.

Section 5. Conditions of Development. In the northeast industrial area the following limitations shall apply to all uses:

- (a) Development plans for any proposed use in the northeast industrial area must first be approved by the Planning Commission. The following areas must be addressed by the Commission prior to approval of the final development plans:
 - (1) Noise generation. The City will examine the potential noise generation of proposed developments and the potential impact of the noise on nearby residential areas. Landscaping, earthen berms, desirable building design and siting, and/or other methods may be required to lessen noise. DEQ standards will be used by the City as a guideline. Special attention shall be given to the protection of the Riverside residential area;
 - (2) Circulation pattern. The City will examine the proposed circulation pattern of any proposed development to insure that it facilitates a functional circulation pattern for the entire northeast industrial area;
 - (3) Air and water pollution. The City will examine potential air and water pollution impacts of developments and may place restrictions beyond State DEQ standards where deemed necessary;

- (4) Appearance. The City may require that the site be visually screened from neighboring residential areas through earthen berms, landscaping and/or other screening methods. This screening may fulfill portions of the required landscaping for the development.
- (b) In the northeast industrial area outside storage abutting or facing a residential zone shall be enclosed by a sight-obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Commission. Outside storage in a required yard shall not exceed ten feet in height;
- (c) All outside lighting shall be directed away from residential zones;
- (d) No development which is not a permitted use in the light industrial or limited light industrial zone shall be allowed to locate within 500 feet of any residentially designated area or any area in residential use;
- (e) Before any development is allowed, the City will develop a strategy for the improvement to industrial standards of the affected portions of Riverside Drive. Uses located in the northeast industrial area will be required to share in the improvement costs of said road;
- (f) If the improvement of Riverside Drive to industrial standards is to take place sometime after industrial uses have located in the northeast industrial area, the industrial uses may be required to finance a temporary improvement to said road before any development takes place. Participation in any temporary improvements shall not relieve the party from additional, different or new improvement required for Riverside Drive.
- (g) The Planning Commission may give conceptual approval to an industrial park plan for a portion or portions of the northeast area or for the entire area. When conceptual approval is requested a plan showing the major street pattern and the expected lotting pattern must be approved by the Commission. Specific site developments within an industrial park which has been conceptually approved are subject to the requirements of this ordinance and must be approved individually.

FINDING: SATISFIED WITH CONDITIONS. Some of these provisions are no applicable, as established requirements for public improvements that have already occurred at the time lands were subdivided. Further the proposed use will occur within a portion of an approved building with an approved site plan, and won't include external changes. As discussed above regarding compatibility, there are no foreseeable adversely impactful operational characteristics.

Comprehensive Plan Volume II:

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

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply to this application.

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

GOAL 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: SATISFIED. The process for a conditional use permit provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

TS:sjs