



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

STAFF REPORT

DATE: January 14, 2020
TO: Mayor and City Councilors
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: Ordinance No. 5090 (Zone Change ZC 4-19)
Ordinance No. 5091 (Conditional Use Permit CU 4-19)

STRATEGIC PRIORITY & GOALS:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.



ECONOMIC PROSPERITY

Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)

Create diverse housing opportunities that support great neighborhoods.

Report in Brief:

This action is the consideration of Ordinance Nos. 5090 and 5091, ordinances approving the following land-use actions for the property at 1945 NW 2nd Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.):

1. **Ordinance No. 5090: ZC 4-19, Zone Change** from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential).
2. **Ordinance No. 5091: CU 4-19, Conditional Use Permit** to allow the development of a dental clinic on R-4 (Multiple-Family Residential) zoned property.

The land-use decisions would allow a phased development concept that would include a dental clinic and approximately nine (9) townhouse style multi-family dwelling units.

The two (2) land-use applications were submitted by the applicant for concurrent review, as allowed by Section 17.72.070 of the MMC. When applications are submitted for concurrent review, the applications are subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission made recommendations on both applications to the City Council, and the City Council will make the final decisions on both applications.

These land-use requests were considered at a public hearing by the McMinnville Planning Commission on December 19, 2019. The public hearing was closed on December 19, 2019, following which the

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Attachment B: Ordinance No. 5091 including Exhibit A – CU 4-19 Decision Document

Attachment C: Public Notices

Attachment D: Draft Planning Commission Minutes, December 19, 2019

Attachment E: ZC 4-19, CU 4-19 Application Materials

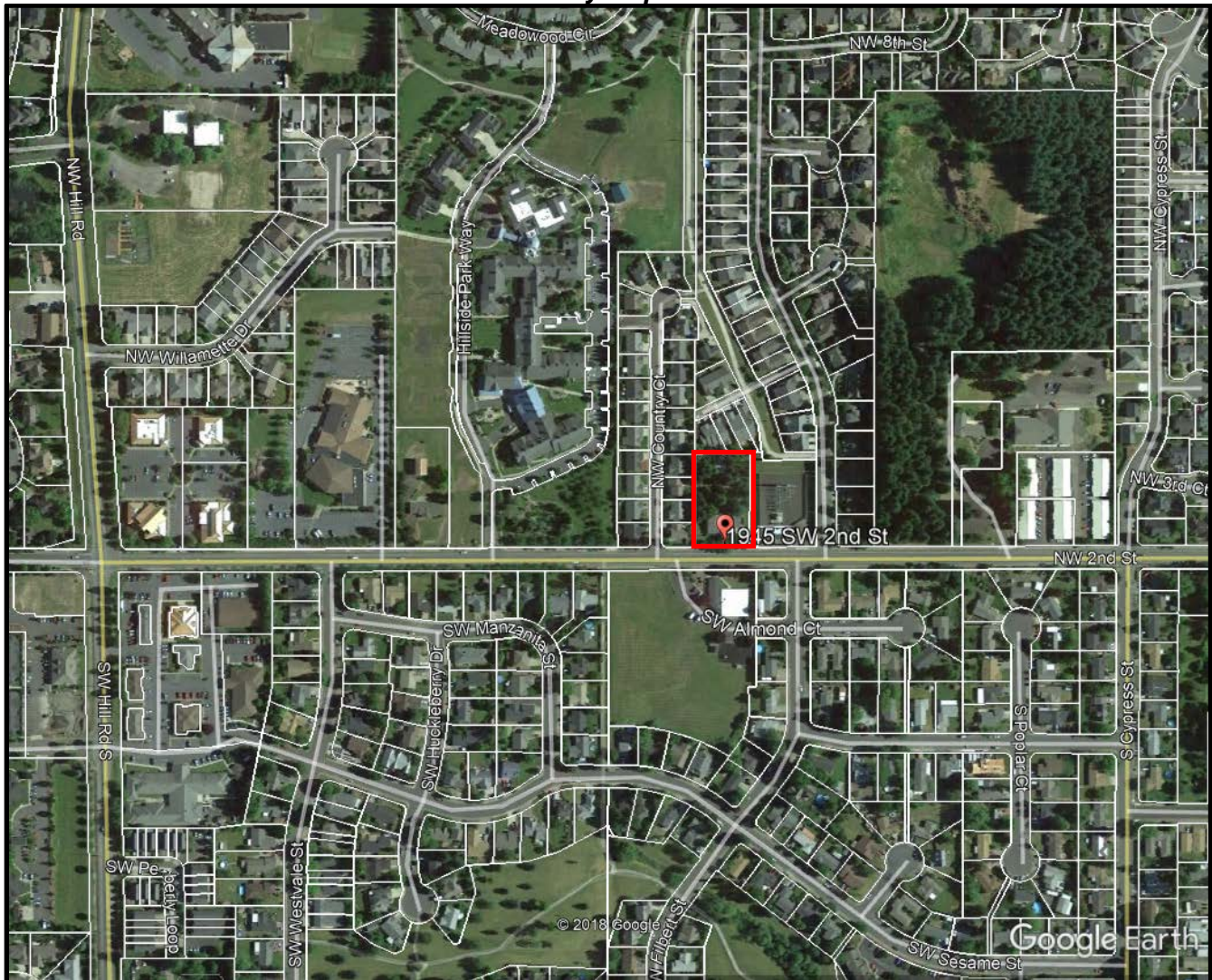
Planning Commission deliberated and voted to recommend that the Council consider and approve the Zone Change and Conditional Use Permit requests subject to conditions outlined in Ordinances No. 5090 and 5091, based on the Findings of Fact, the Planning Commission's Conclusionary Findings for Approval, and the materials submitted by the applicant.

Background:

Subject Property and Request

The subject property is a 0.82 acre parcel located at 1945 NW 2nd Street, on the north side of 2nd Street between NW Meadows Drive and NW Hill Road. **See Exhibit 1 (Vicinity Map & Aerial Photo).**

Exhibit 1: Vicinity Map & Aerial Photo



The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. **See Exhibit 2 (Current Zoning).** Predominant adjacent uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2nd Street to the south. Hillside, a continuing care

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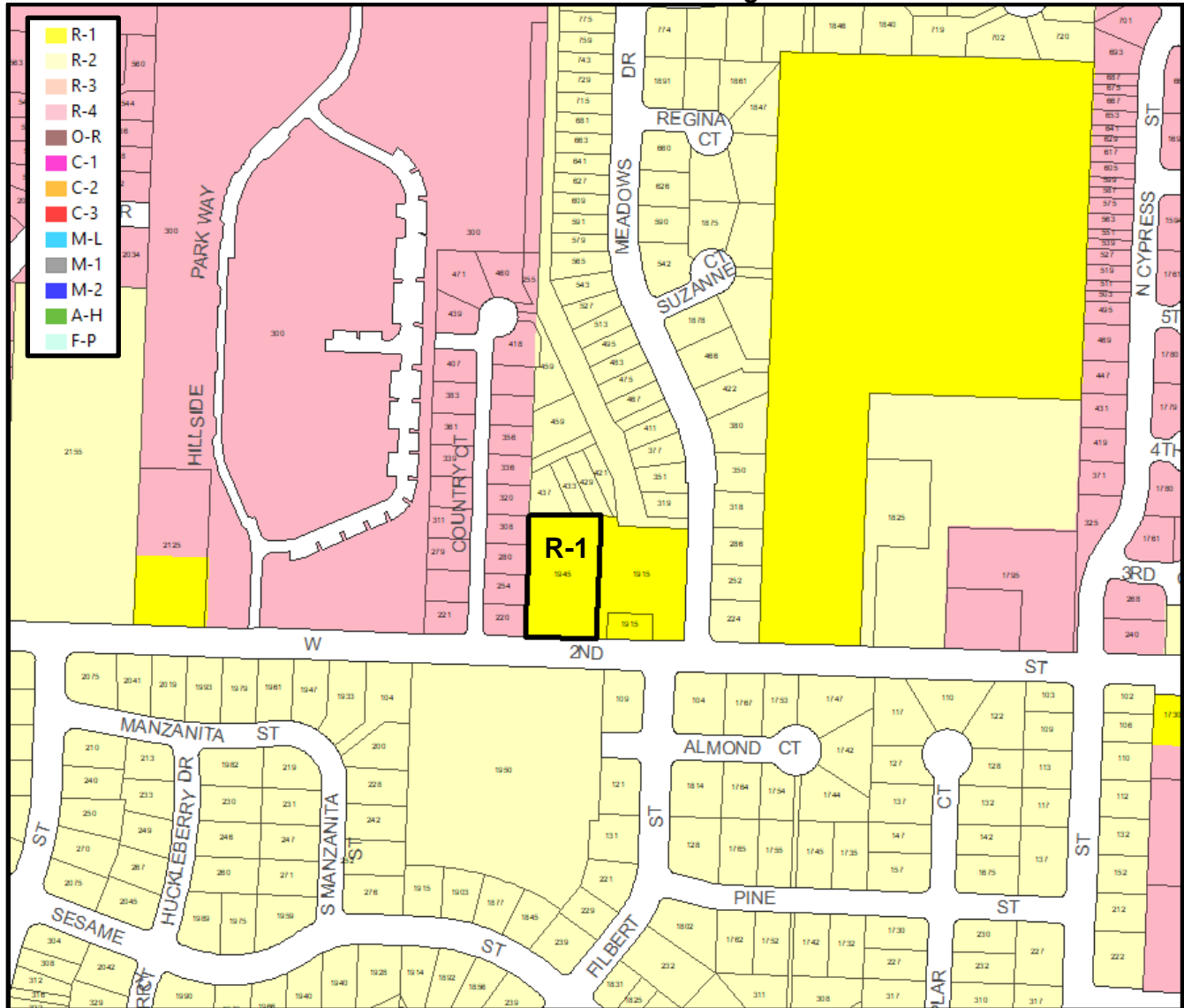
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retirement community, is located further west from the site along 2nd Street, and Calvary Chapel and a multi-family apartment complex are located further east of the site along 2nd Street. The subject property is developed with a single-family residence and accessory structures, and mature trees provide substantial tree cover as shown in the aerial photo.

Exhibit 2: Current Zoning



The concurrent requests would rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) to allow multiple-family residential housing and approve a dental clinic as a conditional use. **See Exhibit 3 (Proposed Zoning)**. The proposal would be developed in two phases: the first phase would include an approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2nd Street, and a future phase of development would include up to nine (9) townhouse-style multiple-family dwelling units on the northern half of the property. **Exhibit 4 (Proposed Preliminary Site Plan)** is provided for reference.

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Exhibit 3: Proposed Zoning

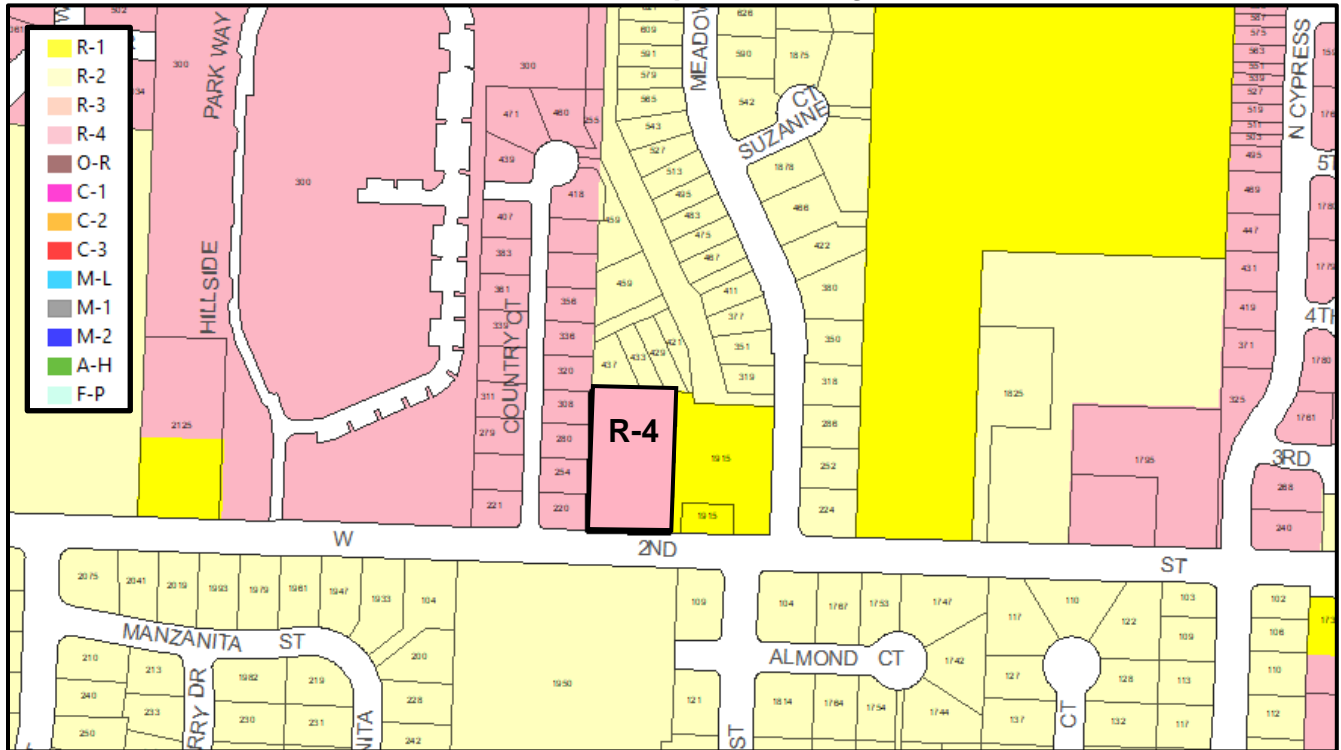
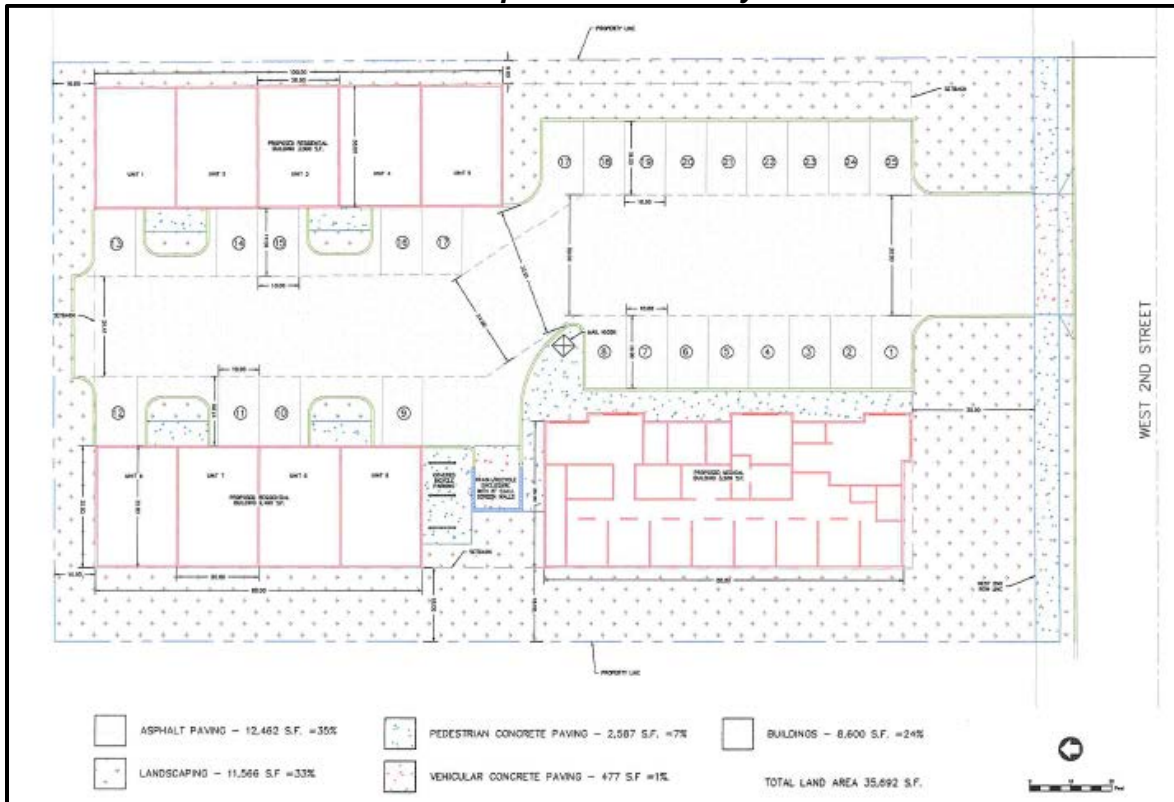


Exhibit 4: Proposed Preliminary Site Plan



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Summary of Review Criteria

Decisions and/or recommendations for both land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are two (2) different decision documents that provide the recommended Findings of Fact and Conclusionary Findings for each land-use application from the Planning Commission. These documents outline the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

Zone Change

The Zone Change (ZC 4-19) request is subject to the review criteria in Section 17.74.020 of the MMC and require the applicant to demonstrate that:

- 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 serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Conditional Use Permit

The Conditional Use Permit (CU 4-19) request is subject to the review criteria in Section 17.74.020 of the MMC requiring that the applicant 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;

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- 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.

Additionally, conditions may be imposed when permitting a new conditional use 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.

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Analysis of Land-Use Requests

The applicant has provided findings to support the requests for the land use applications described above. The applicant's findings are provided in their application materials. Staff prepared Decision Documents for each land-use application and request, where the applicant's findings are reiterated and in some cases refined or amended with a condition of approval in order to meet the applicable Comprehensive Plan policies and review criteria. These were considered and voted on by the Planning Commission as a recommendation to the City Council after conducting a public hearing. The detailed analysis, findings and conditions of approval are contained in each Decision Document attached to this staff report, but staff has also provided an overview of each land-use application and recommendation below.

Zone Change (ZC 4-19)

The applicant is requesting to rezone the subject site from its existing R-1 (Single-Family Residential) zoning to R-4 (Multiple-Family Residential). The R-4 zone would maintain consistency with the site's Residential designation on the Comprehensive Plan Map.

The rezone request meets most of the locational requirements for higher density housing found in McMinnville's Comprehensive Plan. The site is located on and accessed from 2nd Street, an arterial street and current public transit route. Neighborhood and general commercial areas are located nearby. The site is situated such that it can be buffered from adjacent low density residential areas. The site is not committed to low or medium density housing, nor is it subject to development limitations. The applicant submitted a trip generation evaluation, finding that the increase in traffic generated by the land-use requests would not significantly affect the capacity of surrounding transportation facilities, and therefore not requiring a more detailed Traffic Impact Analysis. However, one locational requirement is not currently achieved by the site. Despite close proximity to public open space, the site is not adjacent to private or public open space. To address the unsatisfied locational requirement, a condition of approval is recommended to require open space be provided as part of future multiple-family residential development. Also, to ensure the integrity of the surrounding transportation facilities, a condition of approval is recommended that will require a traffic impact analysis if the development (allowed by the R-4 zone) generates an increase of more than 200 average daily vehicular trips and/or more than 20 p.m. peak hour trips compared to the trip generation of existing development (allowed by the R-1 zone).

Provision of utility services is an identified issue for rezoning the property to allow more intense development. Urban services, including sanitary sewer collection and disposal lines, storm sewer and drainage lines, improved streets, and municipal water distribution facilities and water supplies, currently are available to the property and adequately serve the current use, a single-family residence and zoning, R-1 (Single Family Residential). Water and power can efficiently serve increased development allowed by the rezone. However, downstream pipeline capacity issues have been identified in the sanitary and storm sewer systems that would not accommodate full development of the site as allowed by the proposed R-4 zone. The current utility systems would allow for partial development of the site at R-4 intensity and density, however. To address the provision of the urban services to accommodate full development as allowed by the R-4 zone and to ensure future development does not overburden downstream utilities, a condition of approval is suggested to limit development of the site to the sanitary sewer flows assigned to the site under its current R-1 zoning until such time as downstream capacity of the sanitary sewer system is increased and can accommodate full development of the site at R-4 intensity. On-site stormwater detention would address system capacity issues.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

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Issue	Notes	Condition to Help Meet Criteria
Compatibility with Comprehensive Plan Locational Requirements for High Density Residential	<ul style="list-style-type: none"> • Adjacent to Arterial Street Intended to Support More Intense Development • Adjacent to Transit Route and Stops • Nearby Commercial Areas • Surrounding Low Density Residential Can Be Buffered • No Geographical or Topographical Development Limitations • Site Not Adjacent to Open Space 	<p><i>ZC 4-19 Condition of Approval #2:</i> Requires Traffic Impact Analysis if trip generation thresholds are exceeded</p> <p><i>ZC 4-19 Condition of Approval #4:</i> Requires Planning Dept. review and approval to remove mature trees from the site.</p> <p><i>ZC 4-19 Condition of Approval #8:</i> Requires increased setbacks if building height exceeds 35 feet</p> <p><i>ZC 4-19 Condition of Approval #9:</i> Requires landscape buffer along north property line</p> <p><i>ZC 4-19 Condition of Approval #10:</i> Requires provision of open space on-site for multi-family residential development</p> <p><i>ZC 4-19 Condition of Approval #12, 13:</i> Requires landscape plan and street trees</p>
Orderly and Timely Considering Surrounding Pattern of Development and Uses	<ul style="list-style-type: none"> • Variety of Housing Types and Densities in the Surrounding Area • Variety of Uses in the Surrounding Area 	
Provision of Utilities and Services	<ul style="list-style-type: none"> • Sanitary Sewer System Capacity Limited Downstream • Storm Sewer System Capacity Limited Downstream • 2nd Street Not Affected By Traffic Increase 	<p><i>ZC 4-19 Condition of Approval #1:</i> Limits sewer discharge from site until capacity is increased</p> <p><i>ZC 4-19 Condition of Approval #2:</i> Requires Traffic Impact Analysis if trip generation thresholds are exceeded</p> <p><i>ZC 4-19 Condition of Approval #3:</i> Requires stormwater detention</p>

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Zone Change (ZC 4-19) Recommended Conditions of Approval

1. That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.
2. That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.
3. That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.
4. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.
5. That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.
6. That prior to the issuance of building permits, the applicant shall dedicate a 10 (ten) foot public utility easement along the site's NW 2nd Street frontage.
7. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).
8. That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.
9. That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single-family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.
10. That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

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11. That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.
12. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
13. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

Conditional Use Permit

Subsequent to the Zone Change (ZC 4-19) request, if approved, the applicant is requesting approval of a conditional use permit to allow for the development of a dental clinic on the property, now rezoned to R-4 (Multiple-Family Residential). A clinic is defined in the MMC as "A medical facility for the treatment and examination of outpatients, conducted by a group of physicians, dentists and other licensed practitioners." "Hospital and clinic" is a conditional use allowed in the R-4 zone.

The approximately 3,200 square foot dental clinic, as shown in Exhibit 4 (Proposed Site Plan) above, is proposed to be located on the southwest portion of the site adjacent to 2nd Street. An associated parking lot providing required off-street parking would be located beside the building, on the southeast portion of the site. Access to the use would be from 2nd Street. The application indicates the development of the dental clinic would be the first phase of development on the property. For reference, a future second phase of multi-family residential housing would follow when required conditions of ZC 4-19 are met, allowing more intense development.

In judging whether or not a conditional use proposal shall be approved or denied, its appropriateness and desirability or the public convenience or necessity to be served must be weighed against any adverse conditions that would result from authorizing the particular development at the location proposed.

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Overall, the Planning Commission concurred with the applicant's findings and supports the approval of the Conditional Use, subject to some conditions to mitigate potential adverse conditions and protect the best interest of the surrounding area or the community as a whole.

The location, size, design, and operating characteristics of the conditional use as proposed would have minimal impact on the surrounding neighborhood. While specific architectural plans and elevations for the clinic structure were not included in the application, the site plan concept is for a residential-scale building on the southern portion of the site, oriented to the east. The site orientation would focus the activity of the use and off-street parking away from single-family residences adjacent to the site to the north and west. The adjacent use to the east is a substation, which would not be impacted by the conditional use. The dental clinic structure would relate in scale to the single-family residences to the west, and would help preserve the privacy of the rear yards of those residences. Suggested conditions of approval to limit the height of the clinic structure to 35 feet, to provide sight-obscuring fencing between the existing residences to the west and the subject site, and to limit the off-site impact of lighting will help minimize the impact of the conditional use on the surrounding area. Operationally, the clinic is anticipated to be open during typical business hours, and a condition is recommended to limit the hours of operation to between 7:00 AM and 8:00 PM.

An issue surrounding sufficient sewer service to the property, including the conditional use, was addressed more specifically in the zone change (ZC 4-19) request, where a condition would limit fixtures producing sanitary sewer flow for all development on the site until downstream pipeline capacity is increased. Similarly, the traffic impact of the proposed dental clinic and future multi-family residential development was evaluated as part of the zone change (ZC 4-19) request. It was found in that review that increases in traffic resulting from the currently proposed development would not significantly impact the surrounding street network. To ensure the integrity of the street network, a condition of approval was included to require a traffic impact analysis if identified trip generation thresholds are exceeded by the proposed uses on the site, including any conditional use.

Landscaping would be a requirement for development of the site, including landscaping around the building, parking lot, and street trees in the public right-of-way adjacent to the site. The applicant has stated that landscaping will be used to buffer and enhance the site. Factors considered during the review of landscape plans by the Landscape Review Committee include the screening of uses and inclusion of appropriate parking lot landscaping and street trees. Additionally, a condition of the Zone Change (ZC 4-19) approval would be that mature trees on the site are not to be removed without prior review and approval of the Planning Department.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

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Issue	Notes	Condition to Help Meet Criteria
Compatibility of Development with Surrounding Neighborhood	<ul style="list-style-type: none"> • Size and Height of Building • Location of Building on Site • Landscaping and Street Trees 	<p><i>CU 4-19 Condition of Approval #2:</i> Limit building height to 35 feet</p> <p><i>CU 4-19 Condition of Approval #3:</i> Requires privacy fencing along west property line</p> <p><i>CU 4-19 Condition of Approval #4:</i> Requires focusing and/or shielding of site and accent lighting to on-site targets</p> <p><i>ZC 4-19 Condition of Approval #9:</i> Requires landscape buffer along north property line</p> <p><i>ZC 4-19 Condition of Approval #12,13:</i> Requires landscape plan and street trees</p>
No Impacts on Livability, Value, or Appropriate Development of Abutting Properties	<ul style="list-style-type: none"> • Access to Site From 2nd Street (Minor Arterial) • Trips Generated By Use Will Not Affect Transportation Network • Development Limited By Sewer System Capacity Downstream 	<p><i>ZC 4-19 Condition of Approval #1:</i> Limits sewer discharge from site until capacity is increased</p> <p><i>ZC 4-19 Condition of Approval #2:</i> Requires Traffic Impact Analysis if trip generation thresholds are exceeded</p>
Operations of Facility	<ul style="list-style-type: none"> • Off-Street Parking Provided • Typical Business Hours 	<p><i>CU 4-19 Condition of Approval #5:</i> Restricts business hours to between 7AM and 8PM</p>
Preservation of Natural Features	<ul style="list-style-type: none"> • Mature Trees On Site 	<p><i>ZC 4-19 Condition of Approval #4:</i> Requires Planning Dept. review and approval to remove mature trees from the site.</p>

Conditional Use Permit (CU 4-19) Recommended Conditions of Approval

1. That the decision for approval of the Conditional Use Permit (CU 4-19) is not rendered, and does not take effect, until and unless the concurrent Zone Change (ZC 4-19) request is approved by City Council. All applicable conditions from Docket Number ZC 4-19 shall be satisfied.
2. That the structure housing the dental clinic shall be no more thirty-five feet in height.

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3. That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.
4. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.
5. That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

Discussion:

The McMinnville Planning Commission held a public hearing for the Zone Change (ZC 4-19) and Conditional Use Permit (CU 4-19) land-use requests at their regular meeting on December 19, 2019. No public testimony was received by the Planning Department prior to the public hearing. One oral testimony was provided during the public hearing. The testimony did not support or oppose the land-use requests, but expressed general concern over increasing traffic and congestion on 2nd Street.

It should be noted that the applicant provided a trip generation evaluation of the proposed Zone Change and Conditional Use requests that concluded the traffic impact of the proposals on 2nd Street would be negligible. McMinnville currently has no standard for requiring a more detailed traffic impact analysis (TIA) that would study impact of a proposed development on the level of service of the surrounding street network, and recommended mitigation, if necessary. The trip generation evaluation found that the increase in the number of trips generated by the proposed development over the trips generated by existing development would not surpass adopted thresholds used by comparable and nearby communities to determine when TIAs are required. A condition of approval would require a TIA to be submitted and accepted by the City if any proposed development on the site generates an increase in traffic that exceeds the strictest standards identified in the applicant's trip generation evaluation.

The public hearing was closed on December 19, 2019, following which the Planning Commission deliberated. The Planning Commission had discussion about the applications, and supported the approval of the requests to allow a dental clinic in proximity to other nearby medical offices. The Planning Commission then voted on each land-use request. By a vote of 7-0, the Planning Commission voted to recommend that the Council consider and approve Zone Change ZC 4-19 subject to the conditions described in detail in Ordinance No. 5090. By a vote of 7-0, the Planning Commission voted to recommend that the Council consider and approve Conditional Use Permit CU 4-19 subject to the conditions described in detail in Ordinance No. 5091.

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 - Exhibit A - ZC 4-19 Decision Document
- B. Ordinance 5091, including:
 - Exhibit A - CU 4-19 Decision Document
- C. Public Notices
- D. Draft Planning Commission Minutes, December 19, 2019
- E. ZC 4-19, CU 4-19 Application Materials

Fiscal Impact:

Not Applicable to these Quasi-Judicial Applications.

Attachments:

Attachment A: Ordinance No. 5090 including Exhibit A – ZC 4-19 Decision Document

Attachment B: Ordinance No. 5091 including Exhibit A – CU 4-19 Decision Document

Attachment C: Public Notices

Attachment D: Draft Planning Commission Minutes, December 19, 2019

Attachment E: ZC 4-19, CU 4-19 Application Materials

Ordinance 5090 (ZC 4-19) Alternative Courses of Action:

1. **ADOPT THE ORDINANCE** approving ZC 4-19 and adopting the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings per the decision document provided.
2. **CALL FOR A PUBLIC HEARING**, date specific to a future City Council meeting. The 120-day land use decision time limit expires on February 8, 2020. In order to hold a public hearing and meet all necessary noticing requirements, the public hearing would need to be scheduled for no sooner than February 4, 2020.
3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and/or conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5090.

Ordinance 5090 (ZC 4-19) Recommendation:

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found the criteria for the Zone Change were satisfied and **RECOMMENDED APPROVAL WITH CONDITIONS** of the application.

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the application as recommended by the Planning Commission.

Ordinance 5090 (ZC 4-19) Suggested Motion:

“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE TO ADOPT ORDINANCE NO. 5090.”

Ordinance No. 5091 (CU 4-19) Alternative Courses of Action:

1. **ADOPT ORDINANCE 5091**, approving CU 4-19 and adopting the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings per the decision document provided.
2. **CALL FOR A PUBLIC HEARING**, date specific to a future City Council meeting. The 120-day land use decision time limit expires on February 8, 2020. In order to hold a public hearing and meet all necessary noticing requirements, the public hearing would need to be scheduled for no sooner than February 4, 2020.
3. **DO NOT ADOPT THE ORDINANCE**, providing findings of fact and/or conclusionary findings based upon specific criteria to deny the application in the motion to not approve Ordinance No. 5091.

Ordinance No. 5091 (CU 4-19) Recommendation:

Attachments:

Attachment A: Ordinance No. 5090 including Exhibit A – ZC 4-19 Decision Document

Attachment B: Ordinance No. 5091 including Exhibit A – CU 4-19 Decision Document

Attachment C: Public Notices

Attachment D: Draft Planning Commission Minutes, December 19, 2019

Attachment E: ZC 4-19, CU 4-19 Application Materials

The Planning Commission reviewed the proposal for consistency with the applicable criteria. The Planning Commission found the criteria for the Conditional Use Permit were satisfied and **RECOMMENDED APPROVAL WITH CONDITIONS** of the application.

Staff **RECOMMENDS APPROVAL WITH CONDITIONS** of the application as recommended by the Planning Commission.

Ordinance 5091 (CU 4-19) Suggested Motion:

“BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE TO ADOPT ORDINANCE NO. 5091.”

JF

Attachments:

Attachment A: Ordinance No. 5090 including Exhibit A – ZC 4-19 Decision Document

Attachment B: Ordinance No. 5091 including Exhibit A – CU 4-19 Decision Document

Attachment C: Public Notices

Attachment D: Draft Planning Commission Minutes, December 19, 2019

Attachment E: ZC 4-19, CU 4-19 Application Materials