

**ORDINANCE NO. 5090**

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) FOR A 0.82 ACRE PARCEL ON NW 2<sup>nd</sup> STREET.**

**RECITALS:**

The Planning Department received application ZC 4-19 (Zone Change) from Doug Egan of MD Builders, Inc., on behalf of Melinda Judd, property owner, requesting approval of a Zone Change from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) for the subject property; and

The subject site is located at 1945 NW 2<sup>nd</sup> Street, and is more specifically described as Tax Lot 1500, Section 19AD, T. 4 S., R 4 W., W.M.; and

A public hearing before the McMinnville Planning Commission was held on December 19, 2019, after due notice had been provided in the local newspaper on December 10, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said request, found that the requested Zone Change conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission, by a vote of 7-0, recommended approval of said Zone Change to the Council; and

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

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A approving ZC 4-19; and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 14<sup>th</sup> day of January 2020, by the following votes:

Ayes: \_\_\_\_\_

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

\_\_\_\_\_  
MAYOR

Attest:

Approved as to form:

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

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



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) FOR A 0.82 ACRE PARCEL ON NW 2<sup>nd</sup> STREET**

- DOCKET:** ZC 4-19 (Zone Change)
- REQUEST:** Application for a zone change from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential)
- LOCATION:** 1945 NW 2<sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.)
- ZONING:** R-1 (Single-Family Residential)
- APPLICANT:** Doug Egan, MD Builders, Inc., on behalf of Melinda Judd, property owner
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** October 11, 2019
- DECISION MAKING BODY & ACTION:** The McMinnville City Council is the final decision-making body after a recommendation of approval by the McMinnville Planning Commission.
- DECISION DATE & LOCATION:** City Council, January 14, 2020, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville. Planning Commission, December 19, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville.
- PROCEDURE:** An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.
- CRITERIA:** The applicable criteria for a Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- APPEAL:** As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including

resolution of any local appeal. The deadline for the 120 day processing timeline is February 8, 2020.

**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. Comments were received from the McMinnville Engineering Department and Oregon Department of State Lands. Their comments are provided in this document.

**DECISION**

Based on the findings and conclusionary findings, the City Council **APPROVES** the Zone Change (ZC 4-19) **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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City Council: \_\_\_\_\_ Date: \_\_\_\_\_  
 Scott Hill, Mayor of McMinnville

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
 Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
 Heather Richards, Planning Director

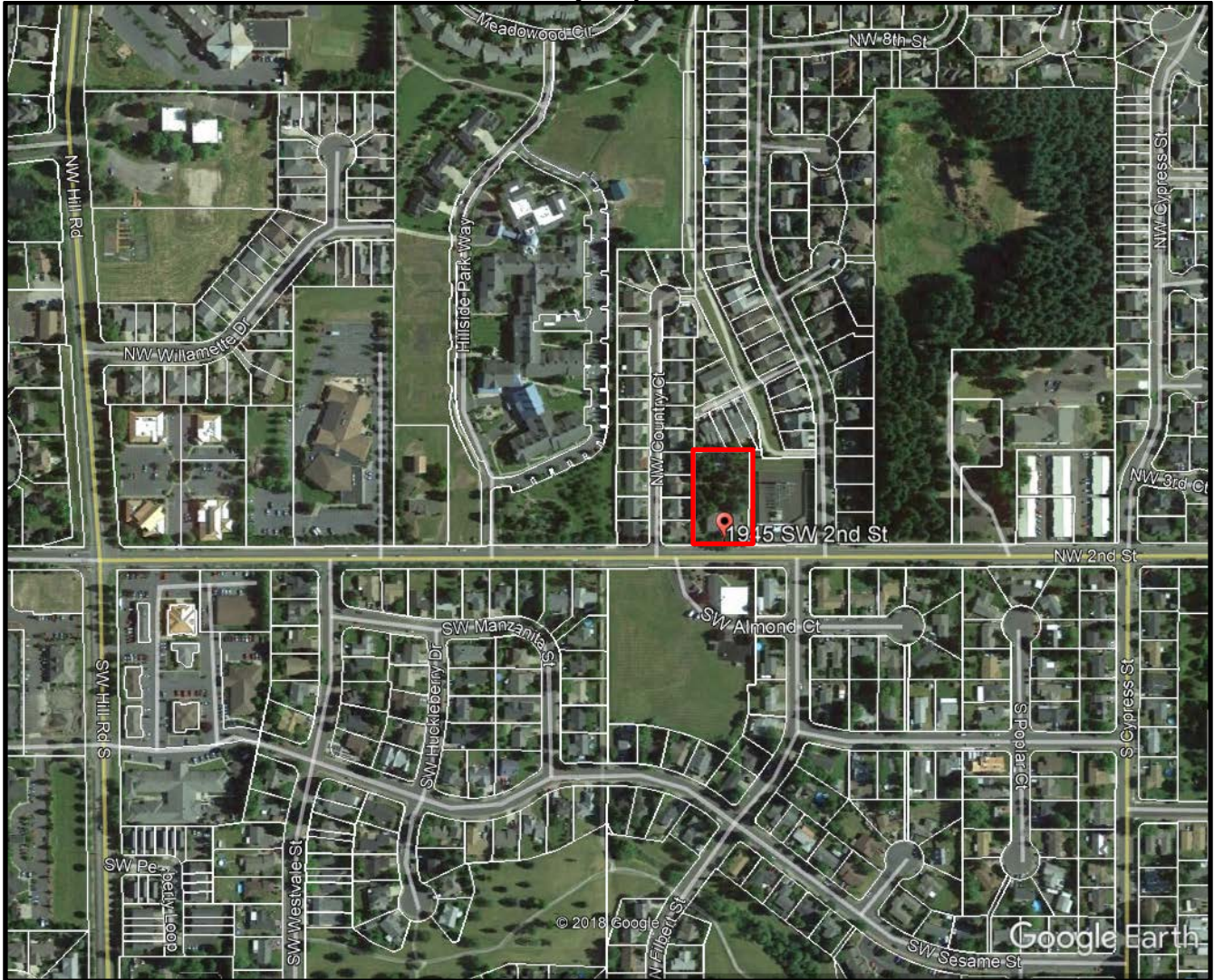
**I. APPLICATION SUMMARY:**

The proposal is an application for Zone Change (ZC 4-19) to rezone the subject property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). The application was submitted concurrently with an application for a Condition Use Permit application to allow a dental clinic on the site.

***Subject Property & Request***

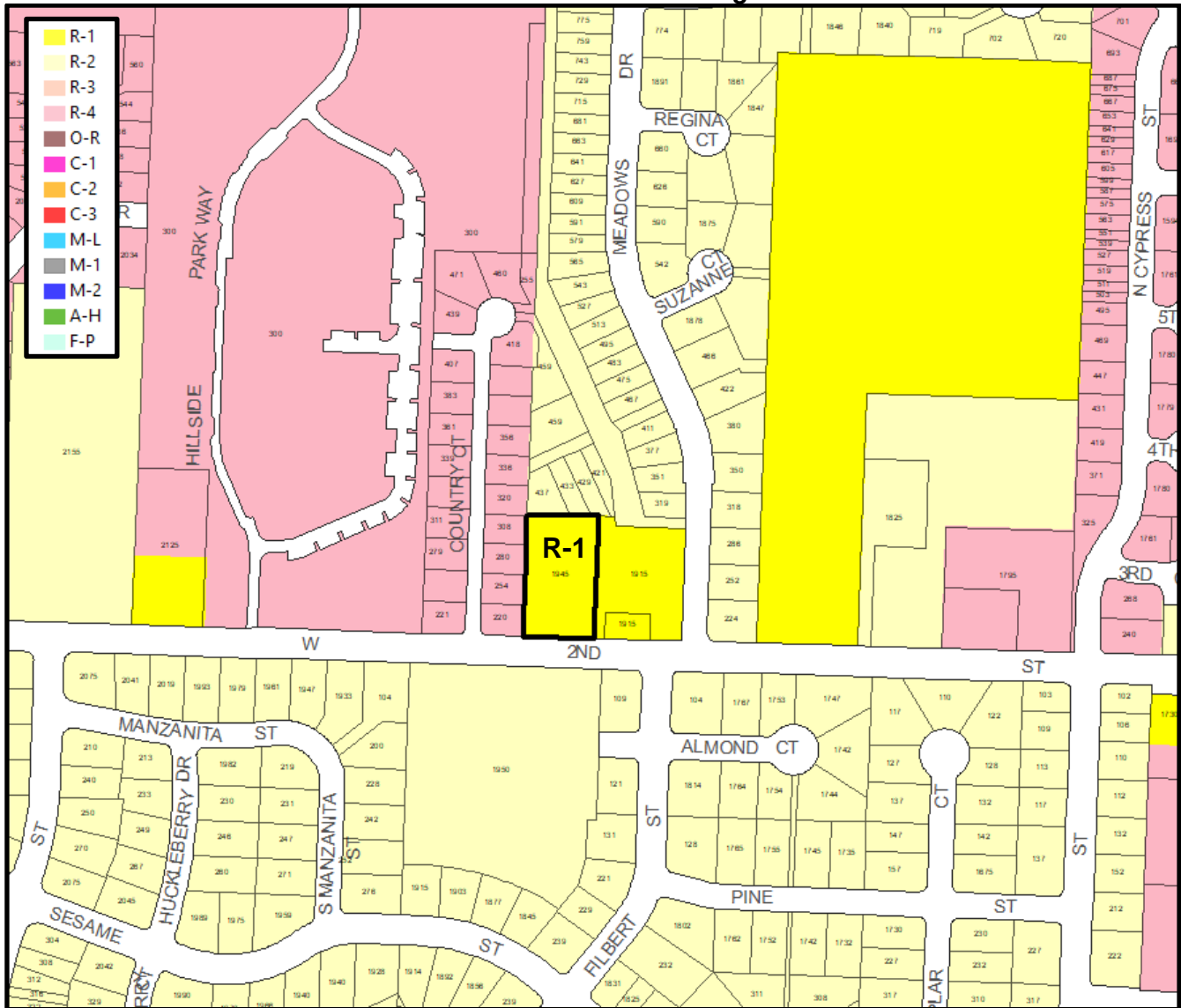
The subject property is a 0.82 acre parcel located at 1945 NW 2<sup>nd</sup> Street, on the north side of NW 2<sup>nd</sup> Street between Meadows Drive and Hill Road. **See Exhibit 1: Vicinity Map & Aerial Photo.**

***Exhibit 1: Vicinity Map & Aerial Photo***



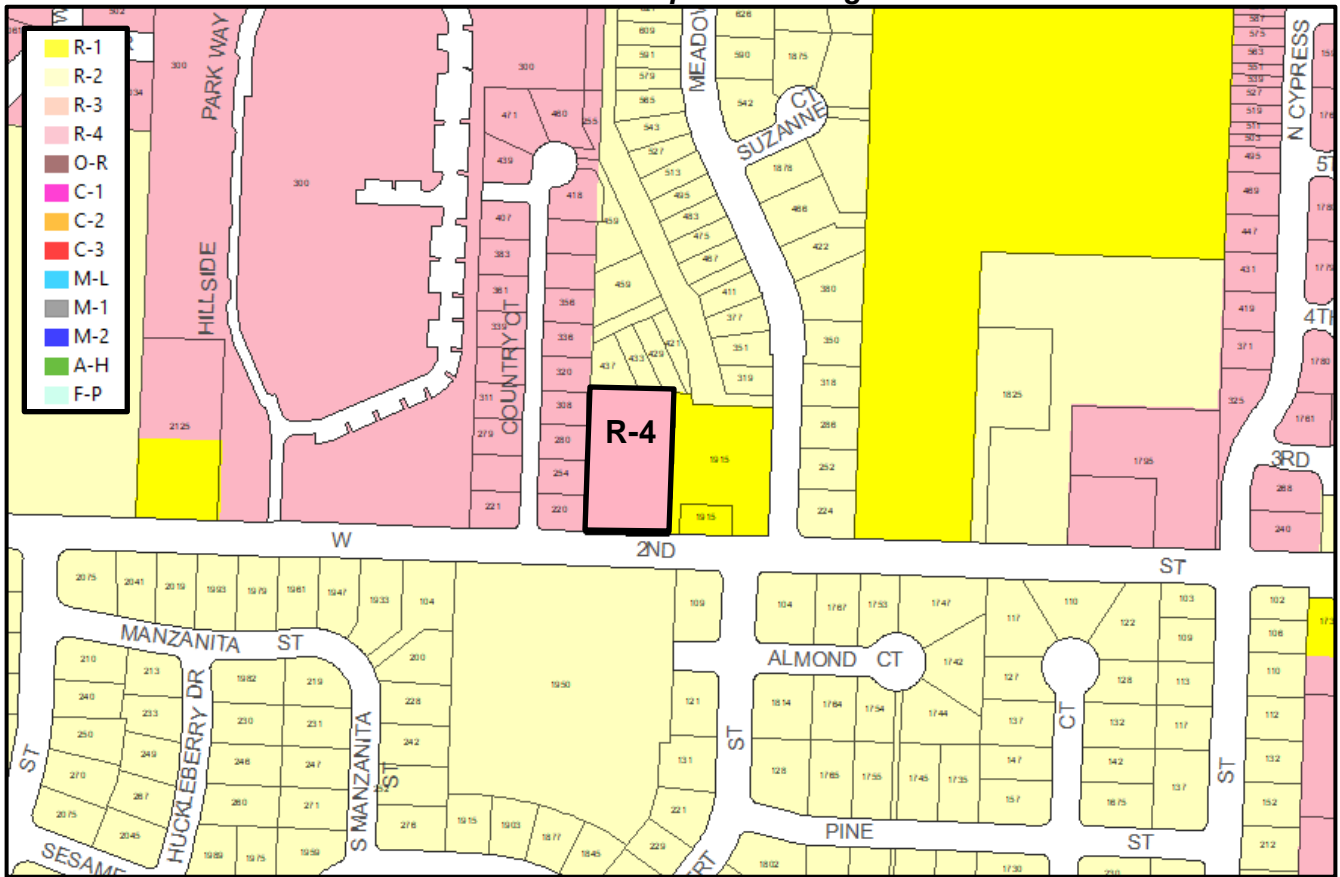
The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. **See Exhibit 2: Current Zoning.** Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2<sup>nd</sup> Street to the south. 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. Curb, gutter, and sidewalk are present along the property frontage on NW 2<sup>nd</sup> Street.

**Exhibit 2: Current Zoning**

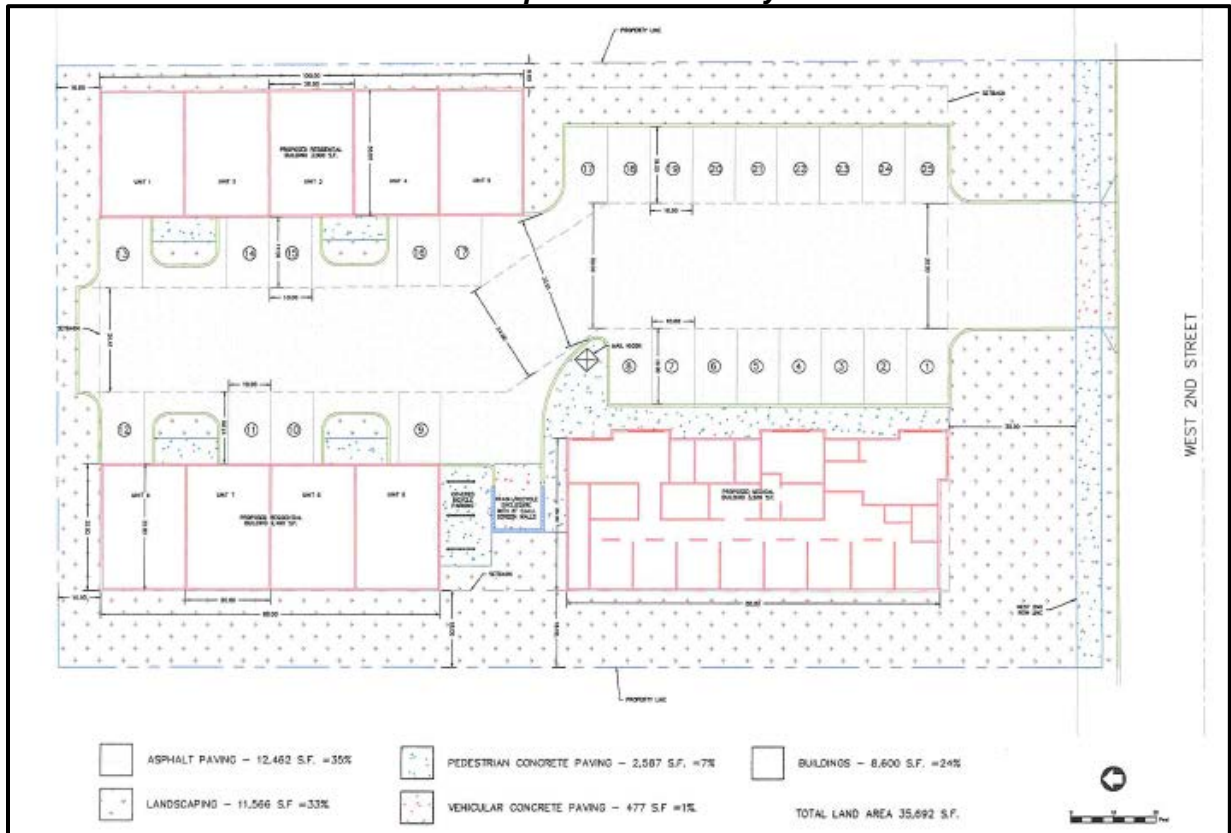


The concurrent requests would rezone the property from R-1 to R-4 to allow multiple-family residential housing and approve a dental clinic as a conditional use. **See Exhibit 3: Proposed Zoning.** The proposal would be developed in two phases: the first phase would include an approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2<sup>nd</sup> 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.

**Exhibit 3: Proposed Zoning**



**Exhibit 4: Proposed Preliminary Site Plan**



## **Summary of Criteria & Issues**

The application (ZC 1-19) is subject to Zone Change review criteria in Section 17.74.020 of the McMinnville Municipal Code (MMC). Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance 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.

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

## **II. CONDITIONS:**

- 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 2<sup>nd</sup> 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.
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.

### **III. ATTACHMENTS:**

1. ZC 4-19 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

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

- McMinnville Engineering Department

Good morning – We have reviewed proposed ZC 4-19 and CU 4-19, and noted that neither application included any discussion re: the expected increase in traffic due to the proposals. Therefore, the applications should be considered incomplete, and they should be denied.

Other comments re: the proposals include:

- 2nd Street is classified as a minor arterial in the City's Transportation System Plan (TSP). The existing right-of-way width for 2nd Street is 60', and the TSP identifies a right-of-way width of 76' for minor arterials. Prior to this issuance of building permits for the project, the applicant will need to dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.
- Prior to the issuance of building permits, the applicant shall also dedicate a 10' wide public utility easement along the property's 2nd Street frontage.
- As part of the development of the subject site, the applicant shall construct sidewalks meeting the TSP standard of 10-12' wide for commercial uses abutting a minor arterial.
- The City's adopted Sanitary Sewer Conveyance System Master plan (October 2008) was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre. The proposed upzoning of the site was analyzed using the City's conveyance system model, and it was determined that there is insufficient system capacity downstream of the subject site. The applicant was notified of the downstream capacity issues on April 5, 2019 (see attached). There are no current plans to address the identified downstream capacity issues. Thus, as noted in the applicant's materials, until such time as the downstream sanitary sewer capacity issues are addressed, the development of the site will be limited to the flows assigned in the Sanitary Sewer Conveyance System Master plan: 3.29 equivalent dwelling units (0.94 acres x 3.5 equivalent dwelling units per acre).
- The site plan does not reflect the existing 15' wide storm drainage easement along the site's west boundary.

- The City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. The City does not have identified funding to address storm system capacity issues. Thus, the development of the subject site will require the installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

Good morning – The following information is in addition to the comments previously provided via email on October 21, 2019.

The revised materials related to traffic generation do not seem to be accurate. No technical information / data was provided with the materials, the narrative simply states the estimated average daily trips generated by the development will be 30.

The 10th Edition of the Institute of Traffic Engineers' "*Trip Generation Manual*" provides the following information for trip generation for the proposed uses:

- Multi-family housing (ITE code 220): Average rate for daily vehicle trip generation is 7.32 daily trips per dwelling unit; and
- Medical-Dental Office Building (ITE code 720): Average rate for daily vehicle trip generation is 34.80 daily trips per 1,000 square feet of gross floor area.

Thus the expected daily trip generation for the proposed development will be 177 vehicle trips:

- 7.32 trips per dwelling unit x 9 units = 66 daily trips for the residential use; and
- 34.80 trips per 1,000 sq ft x 3.2 = 111 daily trips for the dental office.

Given the lack of data to support the estimated daily trip number (30) provided by the applicant, and the lack of evidence to support that the transportation network will handle the actual estimated trip generation of 177 vehicle trips per day, the applications should be considered incomplete and they should be denied.

*NOTE: A Trip Generation Memorandum was submitted on November 27, 2019, and after review, McMinnville Engineering had no further comments regarding the traffic impact.*

- McMinnville Water & Light  
No issues with Conditional Use. Developer, contact MWL to further discuss outlined section of attached PDF regarding power supply as well as water for phases I & II.
- Department of State Lands  
Please refer to the Statewide Wetlands Inventory (for you still the NWI for a few more months) and submit a wetland land use notice (WLUN) to the Department of State Lands if wetlands or waters are mapped near the project area. If construction will be delayed from the zone change and the applicant is still working on design the WLUN may be delayed. However, if aquatic resources are on site, then the sooner the identification of resource boundaries is done, then the applicant can have more surety in design etc. No time like the present. For more information about WLUN see <https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx> , or contact me. If it has been determined that no aquatic resources are within the project area, or you have already submitted a WLUN, please disregard this message.  
I have provided this notice to our proprietary program, they will comment separately if needed.

## Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, December 10, 2019. As of the date of the Planning Commission public hearing on November 21, 2019, no public testimony had been received by the Planning Department.

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

1. The applicant, Doug Egan of MD Builders, Inc., held a neighborhood meeting on July 29, 2019.
2. The applicant submitted the Zone Change application (ZC 4-19) on August 23, 2019.
3. The application was deemed incomplete on September 19, 2019. The applicant submitted revised application materials on October 2, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Notice was also provided to the Oregon Department of State Lands. In addition, notice was provided to the Oregon Department of Land Conservation and Development. Comments received from agencies are addressed in the Decision Document.
6. Notice of the application and the December 19, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Wednesday, November 27, 2019.
6. Notice of the application and the December 19, 2019 Planning Commission public hearing was published in the News Register on Tuesday, December 10, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance. Notice of the application was also provided to the Department of Land Conservation and Development on October 17, 2019.
7. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
8. On December 19, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 1945 NW 2<sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.):
2. **Size:** 0.82 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** Current: R-1, Requested: R-4
5. **Overlay Zones/Special Districts:** None

6. **Current Use:** Single-family Residence
7. **Inventoried Significant Resources:**
  - a. **Natural Resources:** None
  - b. **Other:** None Identified
8. **Other Features:** Generally level site slightly sloping north to south towards 2<sup>nd</sup> Street. A stormwater easement runs along the west property line.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on 2<sup>nd</sup> Street.
10. **Transportation:** 2<sup>nd</sup> Street is identified as a Minor Arterial in the 2010 McMinnville Transportation System Plan (TSP). 2<sup>nd</sup> Street currently has a right-of-way width of 60 feet along the property frontage, which is improved with two (2) vehicular travel lanes, a dedicated bicycle lane on the north side of the street, shoulders, curb and gutter, and curb-tight sidewalks. The TSP identifies a right-of-way width of 76 feet for minor arterials. Transit is available on 2<sup>nd</sup> Street, with nearby stops at Meadows Street and Hillside Park Way.
11. **Parks & Public Facilities:** Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot walk from the site. West McMinnville Linear Park is located south of 2<sup>nd</sup> Street, approximately 1000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

### **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, policies, and proposals as they apply to this application.

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

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

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

*Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*

**APPLICANT'S RESPONSE:** (58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00 [...]) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options.

**FINDING: SATISFIED.** Approval of the Zone Change request from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) will allow for the opportunity to develop the property and increase the variety of housing types and densities in this area. Higher density residential development is consistent with the surrounding development pattern, as surrounding properties are zoned R-2 (Single-Family Residential) and R-4 (Multiple-Family Residential). Findings for residential policies regarding locational factors are provided in more detail below.

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

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

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

*Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposal to rezone this land as requested is encouraged by the existing Residential designation of the site on the Comprehensive Plan Map. In addition, rezoning of this site to allow higher residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. Rezoning the property to R-4 (Multi-Family Residential) would provide additional supply of land planned and zoned for multi-family housing, a needed housing type identified in McMinnville's 2001 Residential Land Needs Analysis.

*Policy 71.07 The R-1 Zoning Designation shall be applied to limited areas within the McMinnville urban growth boundary. These include:*

- 1. The steeply sloped portions of the West Hills;*
- 2. Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities (Michelbook, for example);*

3. *Fox Ridge Road area;*
4. *Redmond Hill Road area;*
5. *Residential lands adjacent to existing or planned industrial areas.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is not in one of the limited areas that is to be committed to low density development. The property is not in the steeply sloped portion of the West Hills, Fox Ridge Road Area, Redmond Hill Road area, nor is it adjacent to existing or planned industrial areas. The site is currently zoned R-1 and developed to R-1 density, but the site is isolated and not in a neighborhood or group of properties approved for and developed to R-1 density, as exemplified in the above policy. Surrounding properties are zoned R-2 and R-4, with the exception of the adjacent power substation and the undeveloped Quarry Park site further east. Both of those sites are zoned R-1 and are not intended to develop residentially, but rather as public facilities. Therefore, the subject site is not committed to low density development as described in the above policy.

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

1. *Areas that are not committed to low density development;*
2. *Areas that have direct access from collector or arterial streets;*
3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter mile of existing or planned public transportation; and,*
6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

**APPLICANT’S RESPONSE:** The development will be high-density residential units with nine townhouse style dwellings units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #8, and #9.** The subject site is not committed to low density residential, as described in more detail in the finding for Policy 71.07 above. The site is accessed from 2<sup>nd</sup> Street, classified as a Minor Arterial in the 2010 McMinnville Transportation System Plan. A public transportation route is located along 2<sup>nd</sup> Street, and there are bus stops immediately east and west of the site at Meadows Drive and Hillcrest Parkway. Both stops are within one-quarter mile of the site. There are no identified limitations to development based on the physical characteristics of the site.

As a minor arterial, 2<sup>nd</sup> Street is designed to accommodate 20,000 average daily trips (ADT) and to be adjacent to medium to high intensity development. A Trip Generation Memorandum dated November 27, 2019, evaluated potential traffic impacts associated with the zone change request concluded that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. Although the City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, the City evaluated standards in six comparable nearby cities and finds that the estimated trip generation created by the applicant's request does not warrant a more detailed traffic impact analysis, since the most conservative standard of comparable cities was that any development generating more than 200 ADT or 20 PM Peak Hour trips may have an effect on the transportation system and needs to conduct a Traffic Impact Analysis. The City finds that the trip increase due to the proposed development would not have significant effect on the existing transportation facilities and that there is capacity for the proposed development. To ensure that the future development of the site does not significantly effect the surrounding transportation network, a condition of approval has been included limiting uses on the site to those that generate trip increases of less than 200 ADT and 20 PM Peak Hour unless a Traffic Impact Analysis is completed and accepted by the City.

The final factor to be considered in the designation of an area for higher density residential use is that the site can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. The areas immediately adjacent to the subject site to the north are established low density, single-family residential areas. Based on the orientation of the subject site and its access onto 2<sup>nd</sup> Street, the front yard of the site would be along the south property line. This would result in the north property line being treated as the rear yard. The rear yard setback in the R-4 zone is 20 feet. While this will provide space between the adjacent single family uses and the multiple-family residential uses that would be allowed on the site, there still could be adverse impacts of multiple-family development on the adjacent single family uses. One of those impacts could be additional vehicular traffic, noise, and headlight glare, as drive aisles and parking spaces do not require any specific setback in the R-4 zone.

To mitigate this, and to meet the Comprehensive Plan policy that requires buffering from low density residential areas, a condition of approval is included to require a dedicated 10 foot landscaped area 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 development site. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.

In addition, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded to better buffer the multiple-family development site from the adjacent low density residential areas. Currently the R-4 (Multiple-Family Residential) zone states all yards shall be increased over the requirements of the R-4 section by one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, it is recommended that the language for increasing the yard setbacks relative to building height over 35 (thirty-five) feet be increased to one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet (which is the maximum building height in the adjacent R-2 zone).

**CONDITION FOR FINDING:** 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.

That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

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.

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

- 1. Areas which are not committed to low or medium density development;*
- 2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*
- 3. Areas which have direct access from a major collector or arterial street;*
- 4. Areas which are not subject to development limitations;*
- 5. Areas where the existing facilities have the capacity for additional development;*
- 6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*
- 7. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*
- 8. Areas adjacent to either private or public permanent open space.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #8, #9, AND #10.** The subject site is currently zoned for low-density residential development. However, the site better meets the locational criteria for high-density residential development. As discussed in findings above, the site is not committed to low or medium density development as described in the Comprehensive Plan.

The subject site can be buffered by landscaping from adjacent lower density residential areas immediately to the north. A condition of approval is included to require landscaping as buffering along the northern property line to maximize the privacy of established lower density residential areas adjacent to the site. The condition of approval also requires that a landscape plan be submitted for review, at which time the Landscape Review Committee would ensure that any proposed landscaping is achieving the required buffering effect.

In addition, because the request is to rezone a property with a lower residential density to a higher residential density that has adjacency to existing single family development, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded. Currently the R-4 (Multiple Family Residential) zone states that a front yard shall not be less than 15 feet, a side yard shall not be less than six (6) feet, an exterior side yard shall not be less than 15 feet, and a rear yard shall not be less than 20 feet. Also, all yards shall be increased over the requirements of this section, one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040).



Since the subject site is adjacent to existing single family residential development, a condition of approval is included to require that yards be increased by one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet. Because there are no specific architectural plans associated with the applicant's request, this condition of approval will ensure that adequate spacing and buffering is provided.

Lower density residential areas south of the site are buffered by 2<sup>nd</sup> Street, which is identified as a minor arterial in the 2010 McMinnville Transportation System Plan. The minor arterial 2<sup>nd</sup> Street provides direct access to the property.

The site is not subject to development limitations, as the site has just a gentle slope from north to south and does not contain any significant natural or topographic features that would reduce or limit the developable area of the property.

The subject site is accessed and served by 2<sup>nd</sup> Street, identified as a minor arterial in the 2010 McMinnville Transportation System Plan. Minor arterials are designed to accommodate 20,000 Average Daily Trips and are intended to have medium to high density adjacent uses. An evaluation of proposed development's potential traffic impacts was completed by the applicant. On the applicant's behalf, DKS Associates provided a Trip Generation Memorandum dated November 27, 2019 concluding that the increase in trips generated as a result of the proposed development following the concurrent zone change and conditional use permit requests would not contribute a significant effect on 2<sup>nd</sup> Street and the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate 188 average daily trips (ADT) and 16 PM Peak Hour trips, an increase of 159 ADT and 13 PM Peak Hour trips. See Table 5 from the Memorandum below:

**Table 5: Proposed Development Trip Generation**

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise)	9 DU <sup>a</sup>	66	4	5
Clinic (630)	3.2 KSF <sup>b</sup>	122	12	11
<b>Total Trips Generated (Proposed Development)</b>		<b>188</b>	<b>16</b>	<b>16</b>
<b>Total Trips Generated (Existing R-1 Zoning)</b>		<b>29</b>	<b>3</b>	<b>3</b>
<b>Net New Trips (Proposed Development – R-1 Zoning)</b>		<b>159</b>	<b>13</b>	<b>13</b>

<sup>a</sup> DU = Dwelling Unit

<sup>b</sup> KSF = 1,000 square-feet

The Memorandum did not provide a Traffic Impact Analysis (TIA) of the proposed development on the surrounding transportation network. A TIA would typically study Average Intersection Delay, Intersection Level of Service, and Volume-to-Capacity Ratio to determine the impact of the proposed development and if mitigation was necessary. However, the Memorandum concluded that a TIA was not necessary because the increase in trips generated by the proposed development would not contribute to a significant effect on the transportation system and would be consistent with the statewide Transportation Planning Rule Goal 12 requirements.

The City of McMinnville does not currently have standards that specify when a Traffic Impact Analysis is required. To determine what was considered to be a "significant effect" DKS Associates considered thresholds from other sources to quantify what is significant. Below is a table of other comparable municipalities and their thresholds for requiring a TIA:

Municipality	Trip Generation Increase Requiring Traffic Impact Analysis	
	Average Daily Trips	PM Peak Hour
Redmond, OR	200	20

Independence, OR	200	20
Grants Pass, OR	500 <sup>1</sup>	25 <sup>1</sup>
Newberg, OR	n/a	40
Albany, OR	n/a	50
Newport, OR	n/a	100
Salem, OR	1000 <sup>1</sup>	n/a
Salem, OR	200 <sup>2</sup>	n/a

<sup>1</sup> Arterial or Collector streets only

<sup>2</sup> Local streets only

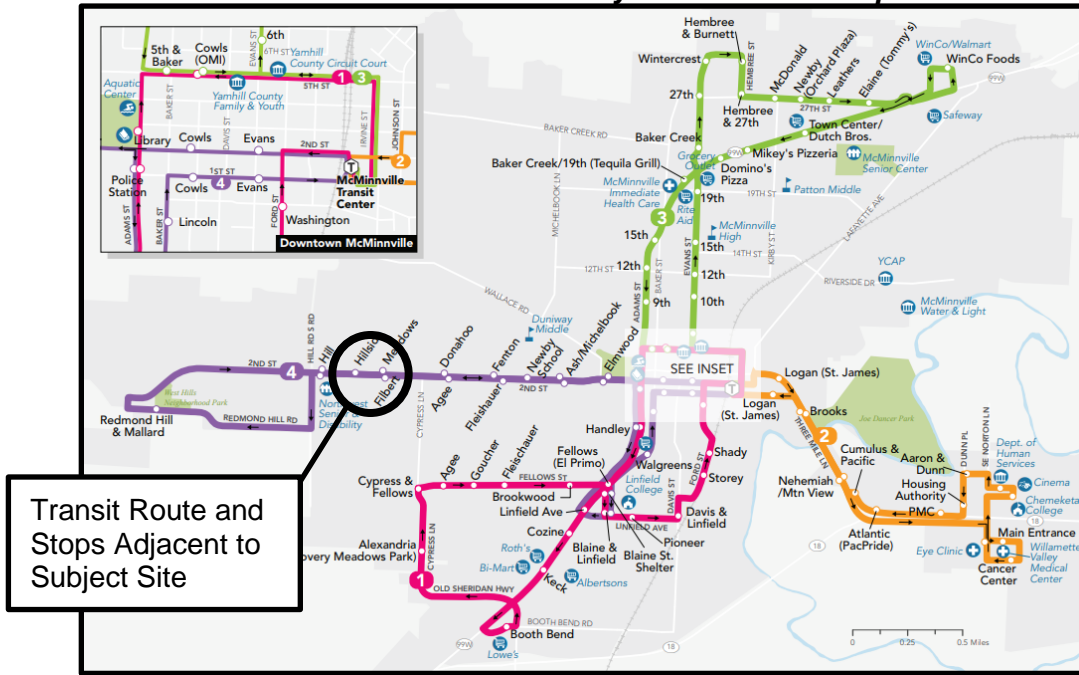
The strictest standards for requiring a TIA are trip generation increases of 200 or more average daily trips or 20 or more PM Peak Hour trips (Redmond, OR and Independence, OR). Given that the proposed development would generate an increase of 159 ADT and 13 PM Peak Hour trips, both below the most conservative comparable standards for requiring a TIA, the Trip Generation Memorandum concludes that the applicant's requests does not warrant a more detailed traffic impact analysis. The City finds that the trip increase due to the proposed development would not have significant effect on the existing transportation facilities and that there is capacity for the proposed development.

The City concurs that the conservative standards of trip generation increases of 200 or more ADT or 20 or more PM Peak Hour trips are appropriate thresholds for determining significant effect on transportation systems, thereby requiring a Traffic Impact Analysis for a proposed development. To ensure that the future development of the site does not contribute significant effect to the surrounding transportation network by this standard, a condition of approval has been included limiting uses on the site to those that generate trip increases of less than 200 ADT and 20 PM Peak Hour unless a Traffic Impact Analysis is completed and accepted by the City.

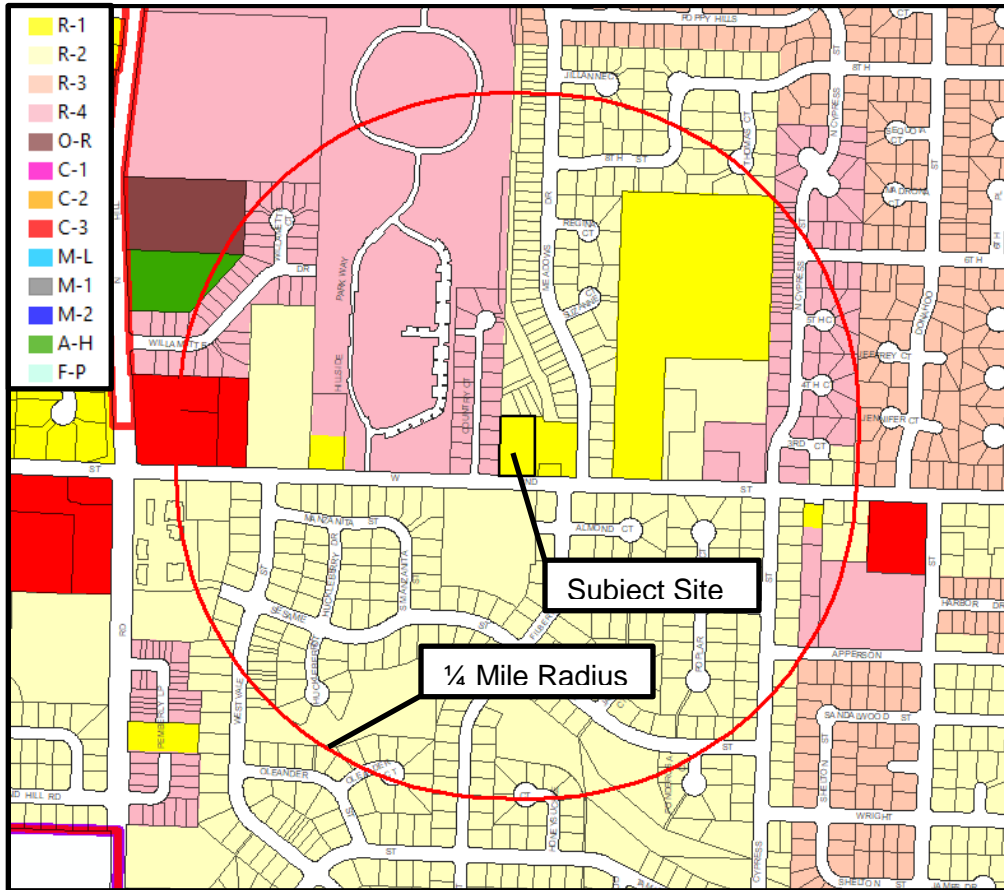
Public transit is available adjacent to the property on 2<sup>nd</sup> Street. Yamhill County Transit Route 4 (McMinnville West Loop) has hourly stops immediately east and west of the site at Hillside Parkway and Meadows Drive during the service period Monday through Friday. **See Exhibit 5: Yamhill County Transit Route Map.** The site is located less than one-quarter mile from commercially zoned areas near the intersection of Hill Road and 2<sup>nd</sup> Street. **See Exhibit 6: Commercial Areas Within ¼ Mile Radius.**

The final criteria for determining areas appropriate for high-density residential development is adjacency of the site to public or private open space. The subject site is centrally located between several nearby parks and open spaces. Within a ¼ mile radius of the site are the Westside Bicycle/Pedestrian Greenway, Linear Park, and the undeveloped Quarry Park site. **See Exhibit 7: Public Parks Within ¼ Mile Radius.** However, despite its proximity to public open space, the subject site is not adjacent to public or private open space. The applicant has indicated that usable open space will be provided on-site for residents of the future multiple-family development. Therefore, a condition of approval is included to require seven (7) percent of the gross area of the site committed to multiple-family residential development be reserved for usable open space. Also included in the condition are minimum dimensional requirements to ensure the usability of the open space.

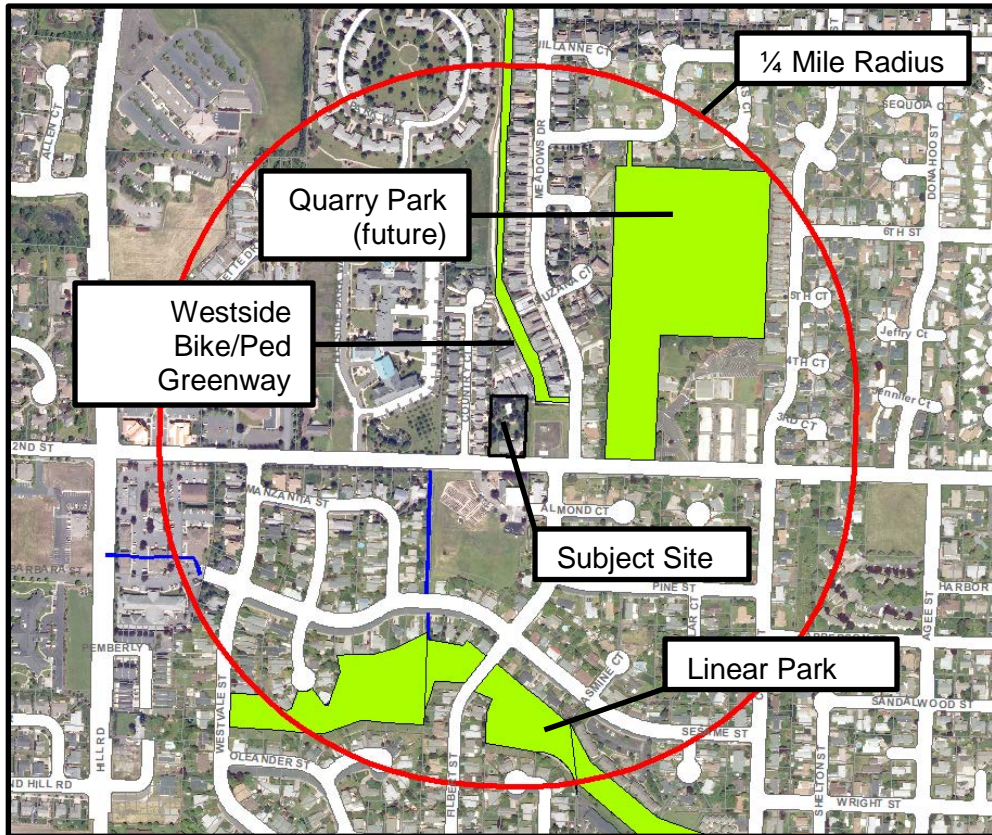
**Exhibit 5: Yamhill County Transit Route Map**



**Exhibit 6: Commercial Areas Within ¼ Mile Radius**



**Exhibit 7: Public Parks Within ¼ Mile Radius**



**CONDITIONS FOR FINDING:** 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.

That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

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.

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.

*Policy 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.*

**APPLICANT'S RESPONSE:** The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities.

**FINDING: SATISFIED.** The proposed zone change will allow for multiple-family housing in an area of the city that is not predominately high density residential housing. This disperses the density of the city throughout the community, but still does not result in an inundation of high density housing in the area of the subject site. The only other high density residential area in proximity to the subject site is a senior living community located immediately to the west. The other areas in proximity to the subject site are zoned for lower density residential uses, and the potential impacts of the proposed zone change and allowance for higher density residential uses on the subject site will be mitigated through the conditions of approval described in more detail above.

*Policy 89.00 Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #13.** Landscaping is required for development in the R-4 zone, and a landscape plan will be required to be submitted for review and approval by the Landscape Review Committee prior to issuance of building permits for the site.

**CONDITION FOR FINDING:** 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.

*Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.*

*Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development.*

*Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*

**APPLICANT'S RESPONSE:** Located on SW 2<sup>nd</sup> Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east.

**FINDING: SATISFIED.** The subject site is accessed from 2<sup>nd</sup> Street, which is classified as a Minor Arterial in the 2010 McMinnville Transportation System Plan. An existing Yamhill County Transit Route is located on 2<sup>nd</sup> Street with stops immediately east and west of the subject site at Meadows Drive and Hillside Parkway. The site is within one-quarter mile of the commercially zoned area at the intersection of 2<sup>nd</sup> Street and Hill Road. **See Exhibit 5: Yamhill County**

***Transit Route Map (above) and Exhibit 6: Commercial Areas Within ¼ Mile Radius (above).***

An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, established standards in nearby cities suggest that estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis.

*Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.*

**APPLICANT'S RESPONSE:** The proposed development is surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on R1 zoned land directly east of the site is screened. Plant material will be used to further enhance the site and buffer the uses.

**FINDING: SATISFIED.** City concurs with the applicant's findings. All land adjacent to the subject site is designated as Residential on the Comprehensive Plan Map, indicating the adjacent uses are compatible. The site is adjacent to a McMinnville Water and Light electric substation that is currently screened by a privacy fence. The applicant notes that plant material will be used to buffer the uses. Landscaping is a requirement for development in the R-4 zone, and could be used to further screen and buffer the adjacent substation. A landscape plan for the proposed development would be required to be submitted for review and approval by the McMinnville Landscape Review Committee prior to the issuance of building permits.

*Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.*

**APPLICANT'S RESPONSE:** The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks.

**FINDING: SATISFIED.** The subject property is located approximately 2,800 feet (0.54 miles) west of Newby Elementary School and Duniway Middle School, and approximately 1,000 feet (0.20 miles) east of the commercially zoned area at the intersection of 2<sup>nd</sup> Street and Hill Road. Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot (0.10 mile) walk from the site. West McMinnville Linear Park is located south of 2<sup>nd</sup> Street, approximately 1,000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site. Public transportation is available on 2<sup>nd</sup> Street, with nearby bus stops at Meadows Drive and Hillside Parkway. ***See Exhibit 5: Yamhill County Transit Route Map (above), Exhibit 6: Commercial Areas Within ¼ Mile Radius (above), and Exhibit 7: Public Parks Within ¼ Mile Radius (above).***

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

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

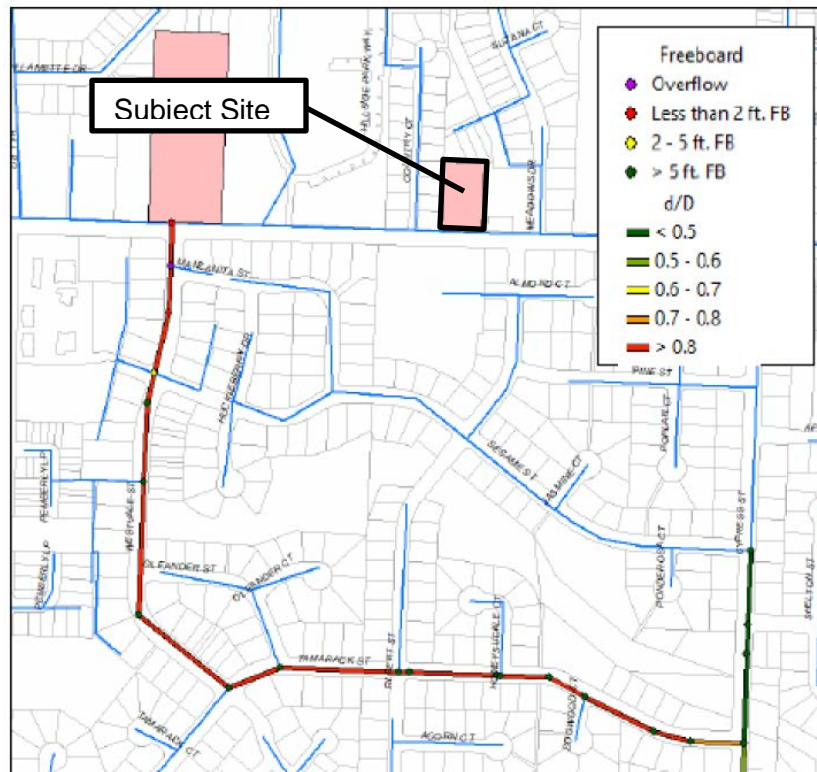
**APPLICANT'S RESPONSE:** All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 AND #3.** 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). If approved, the request to rezone the property from R-1 to R-4 (Multiple-Family Residential) along with the concurrent conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone.

The Engineering Department reviewed the application, and provided comments that the current sanitary sewer and storm water conveyance systems would not support the more intense development allowed by the change to the R-4 zone. The City's adopted Sanitary Sewer Conveyance System Master Plan from October, 2008 was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre, illustrated by the adequate service to the existing use. The proposed upzone to R-4 was analyzed using the City's conveyance system model, and it was determined that there is insufficient capacity downstream of the subject site for full development at densities allowed in the R-4 zone. Currently, the City has no plan in place to address the identified downstream capacity issues. **See Exhibit 8: Sanitary Sewer Capacity Analysis.**

**Exhibit 8: Sanitary Sewer Capacity Analysis**



Pipe is full under future conditions.  
No available freeboard for additional flow.

Therefore, a condition of approval is included to require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed.

The calculation to determine the Equivalent Dwelling Unit (EDU) fixture units currently allowed for the site that are accommodated by the Sanitary Sewer Conveyance System Master Plan is shown below:

$$48 \text{ EDU Fixture Units} = [0.82 \text{ acres} \times 3.5 \text{ EDU/acre}] \times 16 \text{ Fixture Units/EDU} \\ = 3 \text{ EDU (approx.)} \times 16 \text{ Fixture Units/EDU}$$

Additionally, the Engineering Department provided comments that the City’s Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. Currently, the City has no plan in place to address storm system capacity issues. Therefore, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan. These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

The subject site is accessed by NW 2<sup>nd</sup> Street, classified as a minor arterial in the 2010 McMinnville Transportation System Plan (TSP). The right-of-way width adjacent to the property is 60 feet, and the right-of-way is improved with two (2) travel lanes, a bike lane on the north side of the road, shoulders, curb and gutter, and a curb-tight sidewalks. The TSP indicates that the Complete Street cross section for a Minor Arterial includes five (5) foot wide sidewalks and



six (6) foot wide planter strips. Any necessary or required street improvements shall be required at the time of development of the subject site.

**CONDITIONS FOR FINDING:** 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 in the Sanitary Sewer Conveyance System Plan from October, 2008.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

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

*Streets*

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant and is described in more detail below. The conclusion was that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis. To ensure that the roadway network continues to provide safe and easy access to the subject site and surrounding parcels, and that safe access flows are maintained, a condition of approval is included to limit the development of the site to uses that generate an increase of less than 200 ADT or 20 PM Peak Hour Trips unless a Traffic Impact Analysis is performed and accepted by the City.

**CONDITION FOR FINDING:** That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the uses 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.

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

**APPLICANT'S RESPONSE:** Direct access from SW 2<sup>nd</sup> Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

**FINDING: SATISFIED.** The subject property is directly accessed via 2<sup>nd</sup> Street, which is classified as a minor arterial. The property is not adjacent to another right-of-way to gain access from. Approval of the Zone Change Application would rezone the property from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential). This would encourage redevelopment of the site from the existing small scale residential development (one single-family residence) to a larger scale residential development (eight to nine multi-family units). The multi-family residential development would occur during a second phase of development.

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]*

1. *Major, minor arterials.*
  - *Access should be controlled, especially on heavy traffic-generating developments.*
  - *Designs should minimize impacts on existing neighborhoods.*
  - *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
  - *On-street parking should be limited wherever necessary.*
  - *Landscaping should be required along public rights-of-way.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5.** An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic following the rezone would generate an estimated 188 daily trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis. Therefore, controlled access would not be required, because the development following the rezone would not be considered heavy traffic-generating.

2<sup>nd</sup> Street is classified as a minor arterial in the City's Transportation System Plan (TSP). The right-of-way width for 2<sup>nd</sup> Street adjacent to the property is 60 feet, however, the TSP identifies a right-of-way width of 76 feet for minor arterials. Therefore, prior to issuance of building permits for development on the site, the property owner will be required to dedicate additional right-of-way such that the total right-of-way is 38 feet wide north of the centerline for 2<sup>nd</sup> Street.

Currently, there is no on-street parking adjacent to the subject property, and on-street parking is not proposed.

Street trees are required in the public right-of-way for all new multi-family and commercial development with a dedicated planter strip or planting islands. Required street tree planting will be included on the landscape plan for the site to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

**CONDITIONS FOR FINDING:** 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.

## Parking

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

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

**APPLICANT'S RESPONSE:** Direct access from NW 2<sup>nd</sup> Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

**FINDING: SATISFIED.** City concurs with the applicant's finding. The proposed site plan, though not binding, indicates the incorporation of adequate off-street parking to meet the requirements of the intended uses. Off-street parking will be required based on the type of development and uses proposed and allowed on the subject site.

*Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.*

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is adjacent to NW 2<sup>nd</sup> Street, which incorporates a dedicated bicycle lane that connects to nearby activity areas. If existing public sidewalks adjacent to the property are determined to be insufficient at the time of development, they will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of building permit approval.

## Complete Streets

*Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Complete Streets policy is implemented:*

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
2. *Incorporate features that create a pedestrian friendly environment, such as:*
  - a. *Narrower traffic lanes;*
  - b. *Median refuges and raised medians;*
  - c. *Curb extensions (“bulb-outs”);*
  - d. *Count-down and audible pedestrian signals;*
  - e. *Wider sidewalks;*
  - f. *Bicycle lanes; and*
  - g. *Street furniture, street trees, and landscaping.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #7, #11, AND #12.** Currently, the street frontage adjacent to the subject site is improved with a curb-tight sidewalk. The 2010 McMinnville Transportation System Plan standards for minor arterials adjacent to residential areas include a five (5) foot wide sidewalk and a six (6) foot wide planter strip. Therefore, a condition to require the provision of new planter strip and sidewalk meeting Complete Streets standards is included. The addition of the planter strip along 2<sup>nd</sup> Street will allow for the addition of street trees in the right-of-way, and a condition requiring street trees is included as well.

**CONDITIONS FOR FINDING:** 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).

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.

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.

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

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

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

- 1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*

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

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

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

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

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

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

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

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

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

5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT'S RESPONSE:** The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the first phase dental office. The construction of the second phase multiple family R4 density development will be coordinated with the City of McMinnville to align with their installation of added sewer capacity.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 AND #3.** Based on comments received, adequate levels of municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

The Engineering Department reviewed the application, and provided comments that the current sanitary sewer and storm water conveyance systems would not support the more intense development allowed by the change to the R-4 zone. The City's adopted Sanitary Sewer Conveyance System Master Plan from October, 2008 was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre, illustrated by the adequate service to the existing use. The proposed upzone to R-4 was analyzed using the City's conveyance system model, and it was determined that there is insufficient capacity downstream of the subject site for full development at densities allowed in the R-4 zone. Currently, the City has no plan in place to address the identified downstream capacity issues. **See Exhibit 8: Sanitary Sewer Capacity Analysis (above).**

Therefore, a condition of approval is included to require 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.

Additionally, the Engineering Department provided comments that the City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. Currently, the City has no plan in place to address storm system capacity issues. Therefore, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

**CONDITIONS FOR FINDING:** 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.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency service departments were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

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

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

**APPLICANT'S RESPONSE:** None.

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

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville Water and Light and Northwest Natural Gas were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

*Policy 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** This proposal would amend the current zoning designation of the subject from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential) to allow for future development of multiple-family housing products, thereby achieving a more compact form of urban development and energy conservation than would have been achieved otherwise.

**GREAT NEIGHBORHOOD PRINCIPLES**

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

- 1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
  - a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.**
- 2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
  - a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.**
- 3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
  - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.**



4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
  - a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
  - b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*
5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
  - a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
  - b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*
6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
  - a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
  - b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*
7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
  - a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - b. *Design practices should strive for best practices and not minimum practices.*
8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
  - a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
  - b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
  - c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
  - a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. *Neighborhoods are designed such that owning a vehicle can be optional.*
10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
  - a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*
11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
  - a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*
12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
  - a. *Neighborhoods shall have several different housing types.*
  - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*
13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*
  - a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
  - b. *Opportunities for public art provided in private and public spaces.*
  - c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

**APPLICANT'S RESPONSE:** There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access

by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #4 AND #10.** The City concurs with the applicant's finding. The application indicates that several of the Great Neighborhood Principles have been incorporated into the proposal to better integrate future development of the site into the surrounding neighborhood and to provide amenities to potential residents, employers, employees, and visitors that help create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens. The following Great Neighborhood Principles can be found in the concurrent zone change and conditional use requests:

*Natural Feature Preservation.* The applicant intends to preserve existing mature trees on the site where possible. A concern that was addressed at the Neighborhood Meeting was the balance between thinning trees for safety purposes, and retaining enough trees to offer privacy to existing adjacent neighborhoods. To ensure that mature trees are thoughtfully considered for removal or retention, a condition of approval is included to require a tree inventory and arborist's report be submitted to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH).

*Parks and Open Spaces.* The subject site is centrally located between several nearby parks and open spaces. Within a ¼ mile radius of the site are the Westside Bicycle/Pedestrian Greenway, Linear Park, and the undeveloped Quarry Park site. The applicant has indicated that usable open space will be provided on-site for residents of the future multiple-family development. A condition of approval is included to require seven (7) percent of the gross area of the site committed to multiple-family residential development be reserved for usable open space. Also included in the condition are minimum dimensional requirements to ensure the usability of the open space.

*Pedestrian Friendly & Bike Friendly.* The site will be connected and integrated to existing neighborhoods through existing sidewalks and bike lanes. The proximity to the Westside Bicycle/Pedestrian Greenway and Linear Park trails will encourage pedestrian and bicycle use. Other amenities such as commercial areas and schools are within walking and bicycling distance of the site.

*Human Scale Design.* A development concept discussed at the Neighborhood Meeting for the application was a multi-story mixed use building with residential and clinic uses. However, after hearing concerns from the neighbors above the potential height of future development, the concept was abandoned for a single story dental clinic building that will have a size, form, and proportionality more in scale with the adjacent properties and existing uses.

*Mix of Activities.* The concurrent applications for a zone change to allow multiple-family residential development and a conditional use permit to allow a dental clinic on the site would provide easy and convenient access to a local service that residents use on a daily basis.

*Housing for Diverse Incomes and Generations.* The proposed townhouse-style multiple-family residential housing development would add to the range of housing forms and types in the neighborhood to provide for housing choice at different income levels and for different generations.

*Housing Variety.* The proposed development includes a variety of building forms and architectural variety to avoid monoculture design. It adds a different housing type to the

existing housing in the surrounding area to increase the overall variety available in the neighborhood.

**CONDITIONS FOR FINDING:** 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.

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.

**GOAL X1: 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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**McMinnville Zoning Ordinance**

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

**Chapter 17.74. Review Criteria**

**17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria.**

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

**17.74.020(A).** *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

**APPLICANT'S RESPONSE:** The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

## Volume II Goals and Policies

Preserve Quality of Air, Water, and Land Resources within the Planning Area 11:01.12 city shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

### Air, Water, and Land Resources Preservation II Response:

Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2nd St; in accordance with safe and visible access into the site and as required by development code.

Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

### Employment Diversification IV Response:

As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities; 59.00 opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City; 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets; 71.09 high density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments: 1) areas not committed to low density, 2) areas with direct access from collector or arterial streets, 3) areas not subject to development limitations, 4) where existing facilities have the capacity for development, 5) areas within one-quarter mile of existing or planned public transportation, 6) areas buffered from low density residential areas to maximize privacy of established low density areas; 71.13 criteria determining areas appropriate for high-density residential development: 1) areas not committed to low or medium density development, 2) areas buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential, 3) areas with direct access from a major collector or arterial street, 4) areas not subject to development limitations, 5) areas where existing facilities have the capacity for additional development, 6) areas within one-half mile wide corridor centered on existing or planned public transit routes, 7) areas within one-quarter mile from neighborhood and general commercial shopping centers, and 8) areas adjacent to either

private or public permanent open space; 86.00 dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the city to avoid a concentration of people, traffic congestion, and noise; 90.00 greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes; 91.00 multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined to have sufficient traffic carrying capacities; 92.00 high-density housing developments shall be encouraged to locate along existing or potential public transit routes; 92.01 high-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use; 92.02 high-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation; 99.00 adequate level of urban services, 1) sanitary sewer, 2) storm sewer, 3) streets, 4) water; {121.00} discourage direct access of small-scale residential developments onto major/minor arterial streets and major collector streets; {126.00} adequate off-street parking and loading facilities; {187.50} McMinnville Great Neighborhood Principles, 1) natural feature preservation, 3) parks and open space, 4) pedestrian friendly, 5) bike friendly, 8) human scale design, 9) mix of activities, 11} housing for diverse incomes and generations, 12} housing variety.

#### Housing V Response:

(58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00, 68.00, 69.00, 70.00) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options. (71.08) The site is fully served by public and private utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit. (71.09) The development will be high-density residential units with nine townhouse style dwelling units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple-family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away. (86.00) The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities. (90.00, 91.00, 92.00) Located on SW 2nd Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east. (92.01) The proposed development is surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on RI zoned land directly east of the site is screened. Plant materials will be used to further enhance the site and buffer the uses. (92.02, 99.00) The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks. All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service. (121.00, 126.00) Direct access from SW 2nd Street will serve eight to nine housing units

and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided. (187.50) There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

**FINDING: SATISFIED.** The proposed zone change is consistent with the goals and policies of the McMinnville Comprehensive Plan, as described on more detail above in the specific findings for each Comprehensive Plan goal and policy.

**17.74.020(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;*

**APPLICANT'S RESPONSE:** Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.

Surrounding zones are higher density R-2 and R-4.

**FINDING: SATISFIED.** The proposed zone change is orderly and timely, based on the pattern of development in the surrounding area. The development pattern in the surrounding area is varying. Within a quarter mile of the subject site, several different residential zones and housing types. To the west of the subject site are two (2) developments zoned R-4 (Multiple-Family Residential), the Country Crossings subdivision, and Hillside, a continuing care retirement community. Country Crossings features single family residences, and Hillside is a senior living facility featuring a campus with apartments, cottages, and a variety of accessory uses and services, including medical care. North of the site is low density single-family housing in the form of single-family dwellings and duplexes in the R-2 zoned (Single-Family Residential) Barclay Heights First Addition subdivision. Across 2<sup>nd</sup> Street from the subject site are the Westvale and Jandina subdivisions, also zoned R-2, are primarily single family residences with some duplexes. Also located across 2<sup>nd</sup> Street is the Salvation Army, a social services facility. East of the site is an electric substation, undeveloped park property, a church, and an apartment complex. The established development pattern for the larger surrounding area is clearly a mix of residential housing types and uses.

The subject site is the only parcel in the immediate vicinity that is zoned R-1 and developed with a single-family residence. The adjacent electric substation and nearby Quarry Park property are also zoned R-1, but are not developed with single-family residences. Therefore, the rezoning of the site to R-4 would be consistent with the zoning of other properties immediately adjacent to the site, and also would be consistent with the overall development pattern of the area. The rezoning of the property to R-4 will allow for more efficient and orderly development of land in this area of the city. Together with the adjacent land uses and pattern of development

in the surrounding area, the subject site better meets the locational policies for higher density residential development.

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

**APPLICANT'S RESPONSE:** The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the proposed development.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1, #2, AND #3.** As described in findings above, utilities and services currently are available to the site and serve the property adequately for the existing use, a single family residence, and zoning, R-1 (Single Family Residential). If approved, the request to rezone the property from R-1 to R-4 (Multiple-Family Residential) along with the concurrent conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone.

The Engineering Department has identified downstream pipeline capacity issues for both the sanitary sewer system and the stormwater drainage system to accommodate full development of the site at densities allowed in the R-4 zone. Therefore, a condition of approval is included to require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed. Additionally, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant and is described in more detail in finding above. The conclusion was that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips over trips generated by full development at R-1 densities. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis and that the transportation facilities have the capacity for the additional proposed development.

The City concurs that the conservative standards of trip generation increases of 200 or more ADT or 20 or more PM Peak Hour trips identified in the applicant's evaluation are appropriate thresholds for determining significant effect on transportation systems, thereby requiring a Traffic Impact Analysis for a proposed development. To ensure that the future development of the site does not contribute significant effect to the surrounding transportation network by this standard, a condition of approval has been included limiting uses on the site to those that



generate less than 200 ADT and 20 PM Peak Hour trips unless a Traffic Impact Analysis is submitted and the conclusions are accepted by the City.

**CONDITIONS FOR FINDING:** 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.

That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the uses 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.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** As addressed above, the housing policies of the Comprehensive Plan are addressed, and the effect of this decision doesn't exclude needed housing, decrease densities, or discourage needed housing through unreasonable cost or delay.

JF