

**ORDINANCE NO. 5091**

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A DENTAL CLINIC AT 1945 NW 2<sup>nd</sup> STREET.**

**RECITALS:**

The Planning Department received application CU 4-19 (Conditional Use Permit) from Doug Egan of MD Builders, Inc., on behalf of Melinda Judd, property owner, requesting approval of a Conditional Use Permit to allow the development of a dental clinic on 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 Conditional Use Permit 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 Conditional Use Permit 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 CU 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:  
\_\_\_\_\_  
CITY RECORDER

Approved as to form:  
\_\_\_\_\_  
CITY ATTORNEY



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR A DENTAL CLINIC AT 1945 NW 2<sup>nd</sup> STREET**

- DOCKET:** CU 4-19 (Conditional Use)
- REQUEST:** Application for a Conditional Use Permit to allow the development of a dental clinic
- LOCATION:** 1945 NW 2<sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.)
- ZONING:** R-4 (Multiple-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:** A concurrent application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.070 and Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- 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 Conditional Use Permit (CU 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: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

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

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

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

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

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

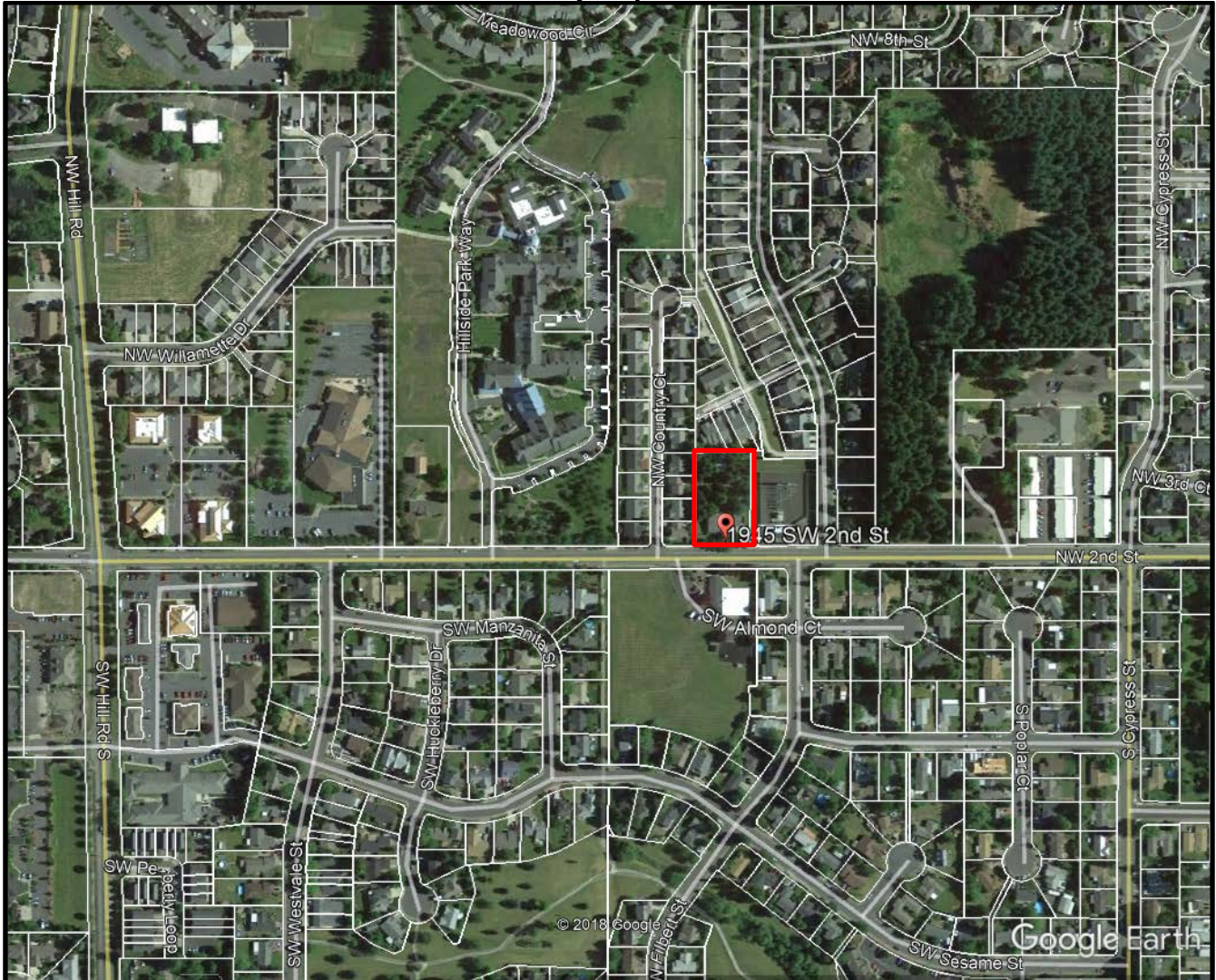
## **I. APPLICATION SUMMARY:**

The proposal is an application for Conditional Use Permit (CU 4-19) to allow for the construction of a new dental clinic. The application was submitted concurrently with an application for a Zone Change to rezone the subject property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). Clinic is a conditional use in the R-4 zone.

### ***Subject Property & Request***

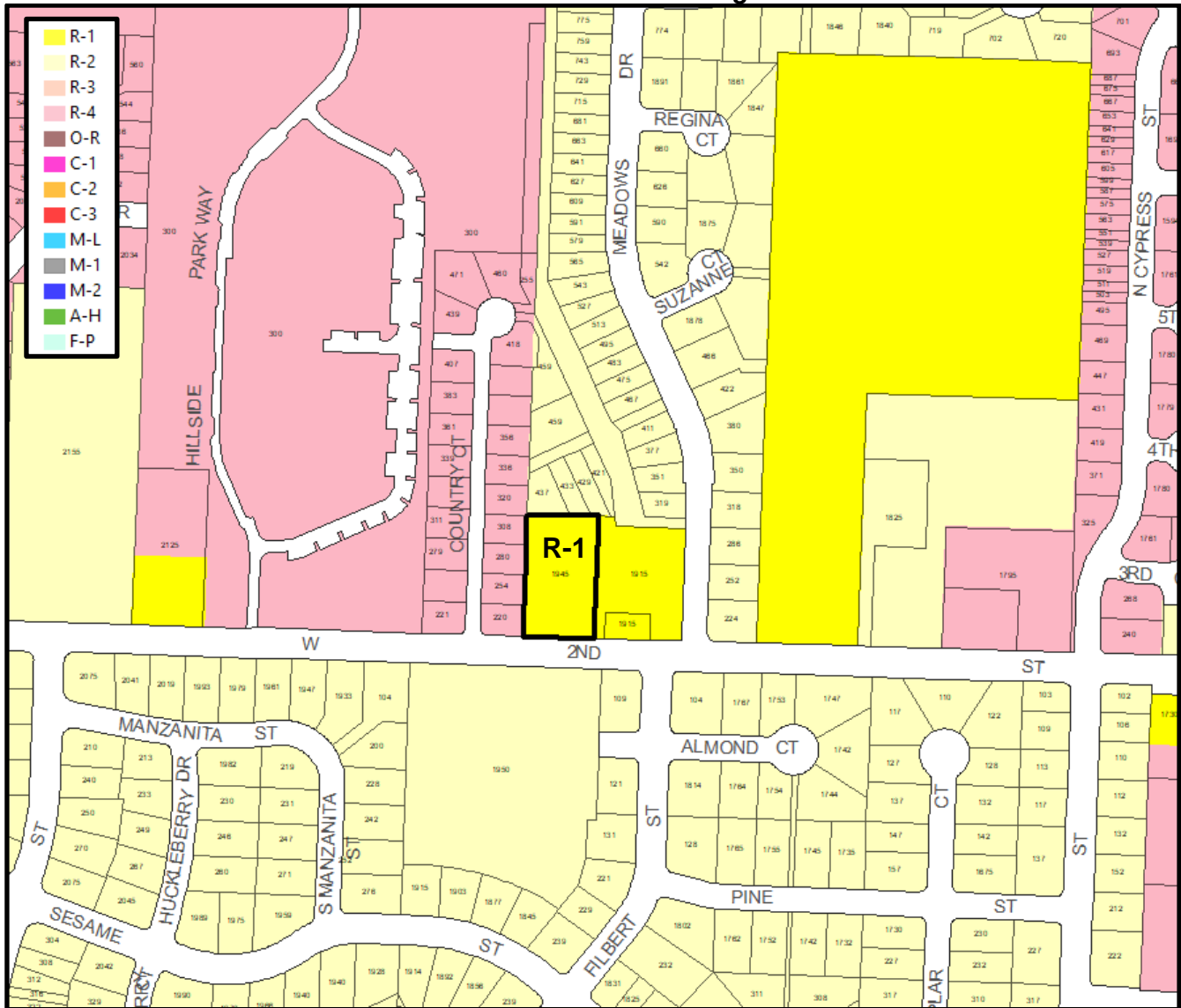
The subject property is a 0.82 acre parcel located at 1945 NW 2<sup>nd</sup> Street, on the north side of NW 2<sup>nd</sup> Street between Meadows Drive and Hill Road. **See Exhibit 1: Vicinity Map & Aerial Photo.**

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



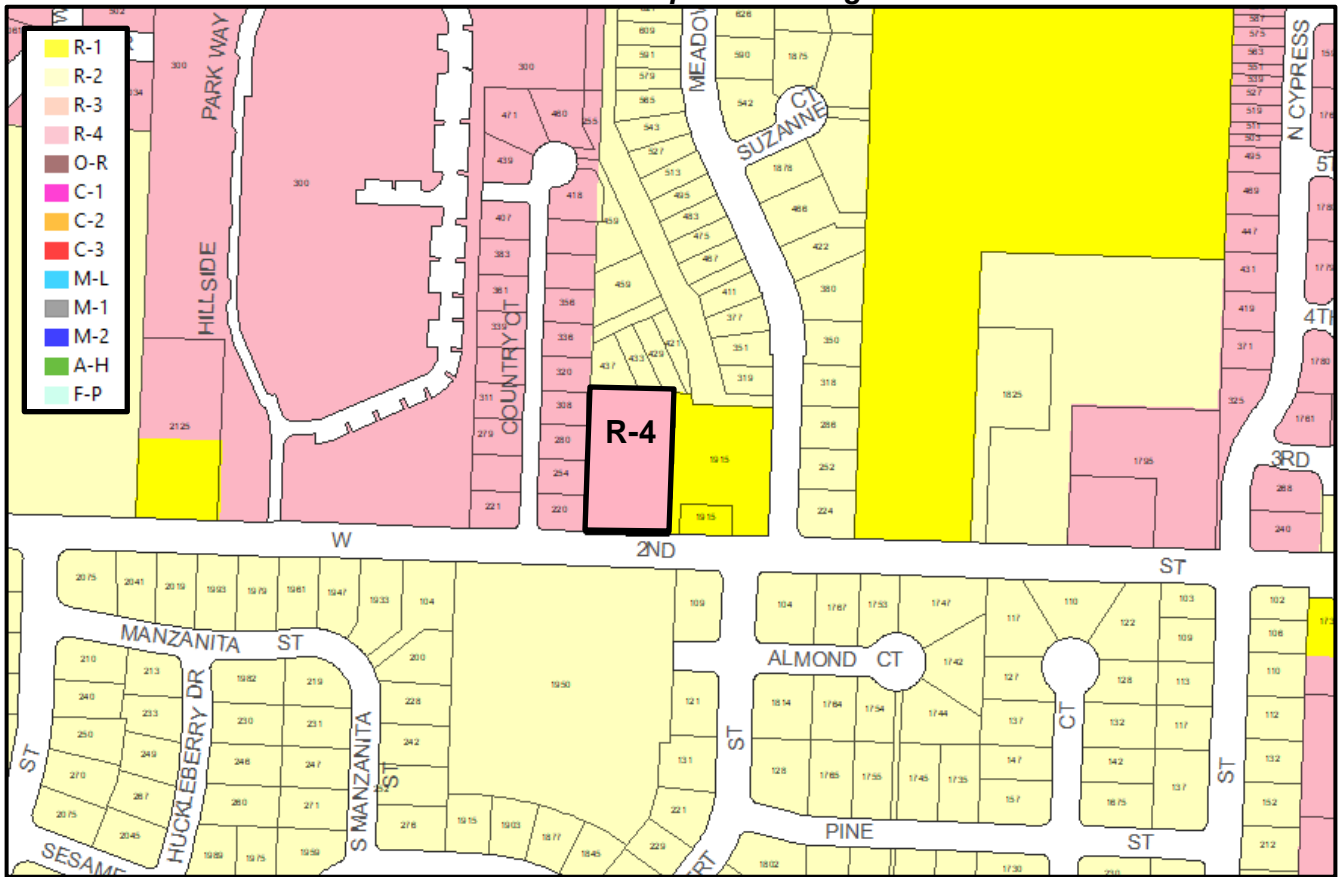
The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. **See Exhibit 2: Current Zoning.** Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and 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**

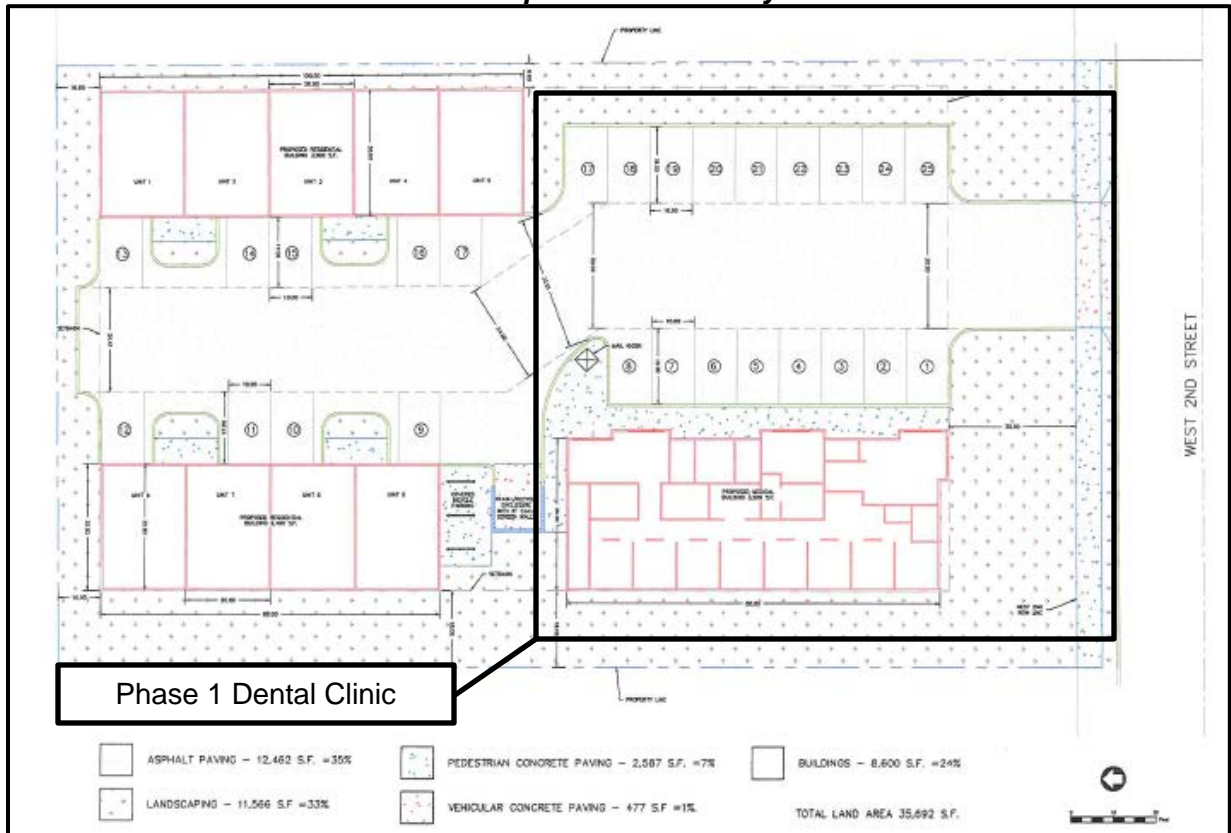


The concurrent requests would rezone the property from R-1 to R-4 to allow multiple-family residential housing and approve the development of dental clinic on the site as a conditional use. **See Exhibit 3: Proposed Zoning.** The proposal would be developed in two phases: the first phase would include the 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 is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the proposed location.” The Planning Commission may impose conditions it finds necessary “to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The predominant issues with a conditional use of this scale relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with conditional uses in residential areas include compatibility with residential character, privacy, noise, parking, and traffic.

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

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

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

## **II. CONDITIONS:**

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

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

### **III. ATTACHMENTS:**

1. CU 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. 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 December 19, 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 Conditional Use Permit application (CU 4-19) was submitted on August 23, 2019, concurrent with the Zone Change (ZC 4-19) application.
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. 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:** 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:**
  - a. **Topography:** Generally level site slightly sloping north to south towards 2<sup>nd</sup> Street.
  - b. **Easements:** 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 a curb-tight sidewalk. 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 Conditional Use are specified in Section 17.74.030 of the Zoning Ordinance.

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

### **Comprehensive Plan Volume II:**

The following Goals and Policies 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 II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.**

*Noise*

*Policy 12.00 The City of McMinnville 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.*

**APPLICANT'S 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.

**FINDING: SATISFIED.** The City concurs with the applicant's finding, and adds that a landscape plan is required to be submitted for review and approval prior to the issuance of building permits. The landscape plan shall include buffering along the north property line as required by Condition of Approval #9 in Docket ZC 4-19.

**GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.**

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

*Policy 21.02 The City shall encourage and support the start up, expansion or relocation of high-wage businesses to McMinnville.*

*Policy 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)*

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

**APPLICANT'S 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.

**FINDING: SATISFIED.** The City concurs with the applicant's finding, and adds that 2<sup>nd</sup> Street, which would serve and provide access to the dental clinic, is classified as a minor arterial in the 2010 McMinnville Transportation System 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: SATISFIED.** 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. A Trip Generation Evaluation of proposed development's potential traffic impacts was completed by the applicant on November 27, 2019 concluding that proposed development, including the conditional use permit request, 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 over full development at R-1 densities. Condition of Approval #2 in Docket ZC 4-19 limits the increase in trips generated by development on the site, including the proposed dental clinic, to less than 200 ADT or 20 PM Peak Hour trips unless a Traffic Impact Analysis (TIA) is conducted and the results are accepted by the City. This will help ensure that the transportation network provides safe and easy access to every parcel and safe access flows through the network.

*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.** As discussed above, a Trip Generation evaluation of potential traffic impacts associated with the concurrent zone change and conditional use permit requests was completed by the applicant on November 27, 2019, concluding that the increase in trips generated as a result of the requests 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 adopted standards that specify a trip generation threshold for a Traffic Impact Analysis, but has reviewed established standards in six comparable nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis, with the most conservative standard being 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. Therefore, controlled access would not be required, because the development as proposed, including the dental clinic, would not be considered heavy traffic-generating.

2<sup>nd</sup> Street is classified as a minor arterial in the City's 2010 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, as required by Condition of Approval #5 in Docket ZC 4-19.

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.

### *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 City of McMinnville Zoning Ordinance requires off-street parking in the amount of "One space per 200 square feet of floor area" for "Medical or dental office, including clinic". A 3,200 square foot dental clinic as proposed would require 16 parking spaces. The proposed site plan, though not binding, indicates the incorporation of 17 off-street parking in the parking lot adjacent to the proposed clinic to meet the requirements of the intended uses. Additional off-street parking will be required based on the type of development and uses proposed and allowed on the subject site.

### *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:  
[in part]*

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.** Right-of-way improvements consistent with applicable Complete Street Standards in the McMinnville Transportation System Plan are required through Conditions of Approval #7, #11, and #12 in Docket ZC 4-19, including compliance with Public Right-Of-Way Accessibility Guidelines, and the provision of sidewalks, planter strips, and street trees.

**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.**

#### *Sanitary Sewer System*

*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.*

#### *Storm Drainage*

*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.*

## Water System

*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.*

**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.** 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). The concurrent requests to rezone the property from R-1 to R-4 (Multiple-Family Residential) and the 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, including the dental clinic.

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, including the dental clinic. Therefore, a Conditions of Approval #1 and #3 in Docket ZC 4-19 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 and that that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions in Docket ZC 4-19 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.



*Police and Fire Protection*

*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 IX 2:** TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

*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 #2.** 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 conditional use request:

*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. 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) is required by Condition of Approval #4 in Docket ZC 4-19.

*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 about the potential height of future development, the concept was abandoned for a single story dental clinic building that does not include residential dwelling units that will have a size, form, and proportionality more in scale with the adjacent

properties and existing uses. A condition of approval is included to limit the dental clinic structure to no more than thirty-five in height, the maximum height of the R-1 zone.

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 allow multiple uses on the site and provide easy and convenient access to a local service that residents use on a daily basis.

**CONDITIONS FOR FINDING:** That the structure housing the dental clinic shall be no more than thirty-five feet in height.

**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 17.03. General Provisions**

**17.03.020 Purpose.** The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

**Chapter 17.21 Multiple-Family Residential Zone**

**17.21.020 Conditional Uses.** In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030:: [...]

J. Hospital and clinic;

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has submitted a concurrent application to rezone the subject site from R-1 (Single Family Residential) to R-4 (Multiple Family Residential). The R-4 zoning district would allow for the intended dental clinic use of the property as a conditional use. A dental clinic is consistent with the definition of “Clinic” in Section 17.06.015 of the McMinnville Municipal Code, which is “A medical facility for the treatment and examination of outpatients, conducted by a group of physicians, dentists and other licensed practitioners.”

### **Chapter 17.57 Landscaping**

**17.57.030 Zones where required.** Landscaping shall be required in the following zones except as otherwise noted:

A. R-4 (Multiple-Family Residential zone, except the construction of Single-Family or Two-Family Residential unit);

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has stated in the request that landscaping will be used to buffer and enhance the site. A landscape plan is required to be submitted for review and approval by the Landscape Review Committee prior to the issuance of building permits.

### **Chapter 17.58 Trees**

**17.58.080 Street Tree Planting—When Required.** All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Following the provision of planter strips as required in Condition of Approval # 11 in Docket ZC 4-19, street trees are required to be planted within the planter strips adjacent to the subject site. A street tree planting plan shall be included in the landscape plan required to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

### **Chapter 17.74 Review Criteria**

**17.74.030. Authorization to Grant or Deny Conditional Use.**

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

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

**APPLICANT’S RESPONSE:** The health clinic/dental office use 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

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:

The health clinic/dental office building 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 2<sup>nd</sup> Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial/and use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 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.

#### Housing V Response:

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. The concept provides a variety of housing types that are in high demand in the community. The site is fully served by public and private utilities; with transportation access from SW 2<sup>nd</sup> Street. The zone change from R-1 to R-4 and planned development overlay will help meet the city's objective for higher density and mixed-uses on flat sites with access from collector or arterial streets and one mile from area transit.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, but notes that the Housing policies referred to in the applicant's response are not applicable to the Conditional Use Permit request to allow a dental clinic. More specific findings are provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

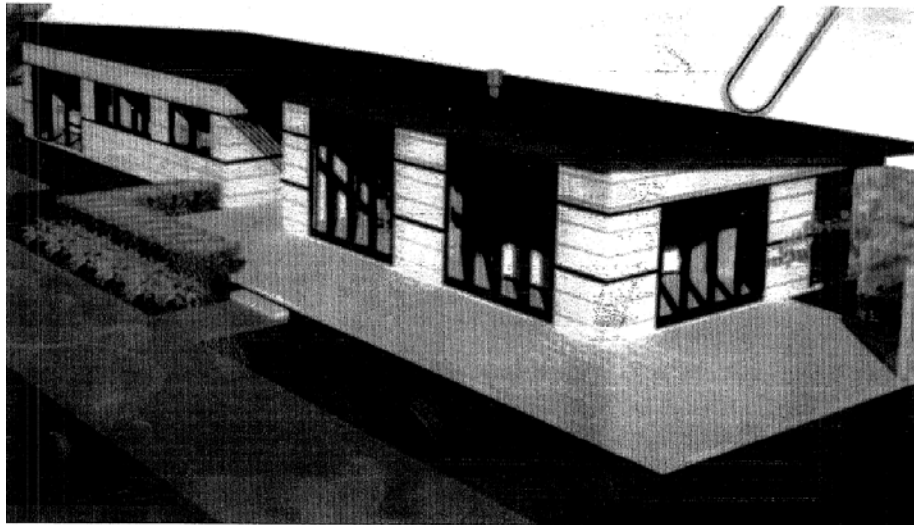
**17.74.030(B).** *That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;*

**APPLICANT'S RESPONSE:** The size, design, and operating characteristics are compatible with the neighboring properties. The dental office use is consistent with the surrounding land uses. Abutting 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. The scale and

density of the proposed development will be varied; with a single story professional health clinic/dental practice as an accessory to the adjacent multi-family building. The uses fit in the context of the surrounding uses and provide additional services and housing options to the community and will be consistent with the feel of the area. The proposed development will be complimentary to the neighborhood and will be adequately served by established public infrastructure.

**FINDING: SATISFIED WITH CONDITION #3, AND #4.** The City concurs with the applicant's findings, and further adds that the details of the proposed dental clinic as outlined in the application would have minimal impact on the livability or development of abutting properties or the surrounding neighborhood. The dental clinic is proposed to be located adjacent to 2<sup>nd</sup> Street, where required off-street parking would easily be accessed from. The building itself is oriented to the east on the site plan, with the front façade and activity associated with the front entrance facing away from the adjacent single family residences west of the site. While specific architectural plans of the clinic were not included in the application, a conceptual image was presented at the neighborhood meeting. The clinic is proposed to be a single-story building, consistent with those residences closest to the proposed location. Between the proposed clinic and adjacent homes to the west is a storm drainage easement with many mature trees and a privacy fence along the western property line. At the neighborhood meeting, a concern from neighbors was the condition of the existing fencing between the properties. Neighboring property owners indicated that the fence should be revamped or replaced to provide a higher level of privacy and buffering of the uses. Therefore, a condition of approval is included to require the provision of sight-obscuring fencing along the entire western property line of the subject site, outside of the required front yard where fence height is restricted to three (3) feet or less. The retention of mature trees and fence will screen and buffer the proposed clinic from adjacent properties, limiting the impact of the conditional use on the neighboring properties.

**Dental Clinic Concept Image**



To accommodate employees and patients, the dental clinic will have an associated off street parking lot. A concern of neighbors expressed at the neighborhood meeting was that sufficient lighting be provided in the parking lot for safety and security purposes. Care should be taken to ensure that the majority of exterior lighting of the dental clinic and parking lot reaches its intended target and reduces vertical and lateral glare that may impact neighboring properties. Therefore, a condition is included to require that lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.



The dental clinic is proposed to be 3,200 square feet, which is not out of scale with nearby buildings and uses. Across 2<sup>nd</sup> Street from the subject site to the south is the Salvation Army facility, and further west of the site is the Hillside facility, both of which are larger in scale and site coverage than the proposed clinic.

As a professional dental clinic, the operating characteristics would have minimal impact on surrounding properties. The typical business hours of the clinic would be compatible with the surrounding neighborhood. Business activity, noise, and traffic would be limited to within normal business hours during the week.

As discussed in findings above, an identified sanitary sewer capacity issue downstream from the subject site requires the clinic to be restricted in the number of fixture units that can be installed, limiting the flow to the sewer system so as not to overburden it. Similarly, the development of the proposed dental clinic would be required to include storm water detention on-site to mitigate identified downstream pipe capacity issues. This would assure the proposed development does not overburden the storm water system. These requirements help ensure that the proposed development would not unduly impact nearby properties or limit their development potential.

An evaluation of potential traffic impacts associated with the concurrent zone change and conditional use permit requests was completed by the applicant, concluding that the increase in trips generated as a result of the requests 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 is less than the most conservative standards and does not warrant a more detailed traffic impact analysis. If the proposed development were to generate more trips than those conservative standards used in the evaluation, a full Traffic Impact Analysis would be required to measure the impact on the surrounding street network and to recommend mitigation, if necessary.

**CONDITIONS FOR FINDING:** That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.

That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.

**17.74.030(C).** *That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;*

**APPLICANT'S RESPONSE:** Abutting properties house conditional uses that include electrical power generation and church services. The health clinic/dental service will fit with the neighborhood and it is less of an impact visually and to public infrastructure than the higher density building development permitted in the R- 4 zone.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the location, site, design, and operations of the substation facility will not cause any significant adverse impact on the livability, value, or appropriate development of abutting properties, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above.

**17.74.030(D).** *The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;*

**APPLICANT'S RESPONSE:** The design, placement, and variety of buildings fit the nature of the setting and will complement the area. The health clinic and multi-family buildings will be in an urban area located off SW 2<sup>nd</sup> Street which is a major arterial street classification. The project will help the City of McMinnville with its goal to expand high-wage business growth, locate health and housing options close to residents, and invest in urban infill along major street corridors.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the location, site, design, and operations of the dental clinic will be as attractive as the nature of the use and its setting warrant, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above. The City also notes that 2<sup>nd</sup> Street is classified as a minor arterial street.

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

**APPLICANT'S RESPONSE:** Not applicable; urban infill site that is flat and without unique environmental assets. Mature trees will be preserved to the extent possible.

**FINDING: SATISFIED.** The City concurs with the applicant's findings. As discussed in more detail above, existing mature trees on the site will be preserved where practical.

**17.74.030(F).** *The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.*

**APPLICANT'S RESPONSE:** The intent is to provide a variety in development pattern and mixed uses for community benefit through an increase in housing options and access to health services.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

**17.74.040. Placing Conditions on a Conditional Use Permit.**

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

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #5.** Conditions of approval have been included as specified by this Ordinance to limit the size of the proposed dental clinic to one story, provide sight-obscuring fencing along the western property line, and to require the shielding of exterior lighting associated with the dental clinic.

An additional condition of approval is recommended to restrict the hours of operation of the dental clinic from 7:00 AM to 8:00 PM. These operating hours coincide with the nuisance noise code for businesses adjacent to residential zones.

These conditions help preserve the best interest of the surrounding area and community as a whole.

**CONDITION FOR FINDING:** That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

JF