



**City of McMinnville**  
**Planning Department**  
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# MINUTES

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**December 19, 2019**  
**Planning Commission**  
**Regular Meeting**

**6:30 pm**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**McMinnville, Oregon**

**Members Present:** Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Gary Langenwaller, Roger Lizut, Amanda Perron, and Lori Schanche

**Members Absent:** Christopher Knapp

**Staff Present:** Heather Richards – Planning Director, Jamie Fleckenstein – Associate Planner, and Spencer Parsons – Legal Council

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## 1. Call to Order

Vice Chair Schanche called the meeting to order at 6:30 p.m.

## 2. Citizen Comments

None

## 3. Approval of Minutes

- **September 19, 2019 – Work Session**
- **September 19, 2019 – Regular Meeting**
- **October 17, 2019 – Work Session**
- **October 17, 2019 – Regular Meeting**

6:32 Commissioner Lizut moved to approve the September 19 and October 17, 2019 meeting minutes. The motion was seconded by Commissioner Chroust-Masin and passed unanimously.

## 4. Public Hearing:

### **A. Quasi-Judicial Hearing. . Zone Change (ZC 4-19) & Conditional Use (CU 4-19) (Exhibit 2)**

**Request:** Approval to rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential), and approval of a conditional use permit to allow for development of a dental clinic.

**Location:** 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.

Applicant: Doug Egan of MD Builders, Inc., on behalf of Melinda Judd

6:33 Opening Statement: Vice Chair Schanche read the opening statement and described the application.

6:38 Disclosures: Vice Chair Schanche opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Dirks recused herself from the hearing as Dr. Judd was her dentist and she did not think she could be unbiased in this matter. Dr. Judd was also Commissioner Langenwalter's dentist but he chose to continue with the hearing as he thought he could be impartial.

Vice Chair Schanche asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Vice Chair Schanche asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? One Commissioner had visited the site, but had no comments to make on the visit.

6:39 Staff Presentation: Associate Planner Fleckenstein stated this was a request for a zone change and conditional use permit for 1945 NW 2nd Street. This was a recommendation to the City Council. The subject property was 0.82 acres and the rezone would change the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). Approval of a conditional use permit would allow for development of a dental clinic in this location. He described the preliminary site plan which was not binding. The surrounding uses were R-2 single family homes to the north and south and R-4 single family homes to the west of the site and the McMinnville Water and Light substation and City-owned park site was to the east. He reviewed the criteria for the zone change. The chapters in the Comprehensive Plan that were relevant to the application included housing and residential development, locational considerations, transportation and community facilities, and urbanization. The Great Neighborhood Principles did apply to this application as well. Regarding adequate public facilities to serve the site, an increased sewer flow would be needed and there would also be increased traffic from the more intense development. This area was not committed to low or medium density development. The site could be buffered by landscaping and the arterial street. The site had direct access to a minor arterial, NW 2<sup>nd</sup>, and the site was not subject to any topographical limitations. The applicant submitted a trip generation memo showing that the proposed development would not significantly affect the transportation network of the surrounding streets. Minor arterials were designed for 20,000 average daily trips and designed to accommodate medium to high density adjacent uses. The traffic increase from the proposed development would not have a significant effect on NW 2<sup>nd</sup>. No traffic impact analysis was submitted which would have verified that, but there was currently no standard for requiring this analysis. The traffic increase related to the zone change and conditional use was below the thresholds of 200 average daily trips or 20 more pm peak hour trips that similar communities used. Staff concurred that a traffic impact analysis was not required and the minor arterial street would not be impacted by the development. There was a condition that would require the analysis if the proposed development produced trips in excess of the thresholds. The R-4 zoning should be located near public transit and there was a transit route on NW 2<sup>nd</sup> with stops immediately adjacent to the site. The R-4 zoning should also be located within a quarter mile of commercial shopping centers and there was commercial

development at the corner of 2<sup>nd</sup> and Hill Road. The area should be adjacent to open space, and this site was close to several parks and open spaces however it was not adjacent to those sites. In order to meet this criterion, staff drafted a condition that 7% of the site be reserved for usable open space. Regarding the Great Neighborhood Principles, several applied including natural feature preservation for the mature trees on the site, nearby parks and open space, pedestrian and bike friendly, and provision of multi-family housing which would help with diverse incomes and generations and housing variety. Staff found that the application was consistent with the Comprehensive Plan policies and goals. There were adequate transportation services to the site, however there were utility issues. Currently the sanitary sewer had capacity for full development of the site at the R-1 designation, however there was insufficient capacity at the R-4 designation. There was a condition that would limit the development to the 48 equivalent dwelling unit fixture units until the downstream capacity of the sewer system was improved to accommodate more capacity. There was also a stormwater capacity issue identified and a condition was added to include a stormwater detention plan that met the master plan requirements. With those conditions, the rezone to R-4 would not negatively impact the sanitary sewer or stormwater systems. He reviewed the conditions of approval which would help the application meet all of the criteria. No public testimony was received prior to the public hearing. Staff recommended approval of the zone change with conditions.

Associate Planner Fleckenstein then discussed the conditional use permit request to allow the development of a new dental clinic on the R-4 zoned site. He explained the definition of clinic and described the site plan concept with a 3,200 square foot dental clinic on the southwest corner with an associated off street parking lot at the southeast corner of the site. He went over the review criteria for the conditional use. The proposal was consistent with the Comprehensive Plan and objectives of the zoning ordinance. The location, size, design, and operating characteristics were reasonably compatible and had minimal impact on the livability of the surrounding properties. The development would cause no significant adverse impacts on livability of the area when compared to the impact of the permitted development that was not classified as conditional. The location and design of the site and structures would be as attractive as the nature of the use and its setting. Although architectural plans were not submitted, the concept met this criterion. Environmental assets would be preserved, which would be the mature trees on site. The applicant had a bonafide intent and capability to develop the land as proposed. There was a condition of approval that would limit the operating hours of the dentist office to be a friendly neighbor to the surrounding residential uses. There would also be a height limitation of 35 feet to match the residential area. There was also a condition requiring directional lighting so lights would not shine into neighboring properties and a condition requiring privacy fencing along the western property line. The office would be on the southern half of the site, close to the arterial street, and with the back to the backyards of the adjacent single family residences to the west. The landscaping and street trees would also help with compatibility. The impacts on livability and appropriate development of abutting properties was addressed with the conditions of the zone change such as limiting the sewer discharge and requiring a traffic impact analysis if development created more trips than the thresholds. The operations of the facility would be restricted to 7 a.m. to 8 p.m. There was a condition requiring Planning Department review and approval to remove mature trees from the site. Staff recommended approval of the conditional use with conditions.

7:09 Commission Questions: Commissioner Butler asked about condition for the fixture units limitation. Associate Planner Fleckenstein said the condition would limit the development to 48 fixture units. He explained what these fixtures were such as toilets, bathtubs, sinks, garbage disposals, etc., and how they affected the flow to the sewer system. This condition would limit the development to the same number of fixtures that the R-1 development would have had and

would assure that the flow would not exceed what was modeled. It was his understanding that the dental clinic would be able to be developed to the size proposed at 48 fixture units.

Commissioner Butler clarified until the sewer system increased capacity, the multi-family units would not be built. Associate Planner Fleckenstein said the total development on the site could not exceed the 48 fixture units.

Planning Director Richards said the number of fixture units for the dental clinic had not been established yet. Staff was working with the applicant on strategies to increase the capacity.

Commissioner Langenwaller asked about the Engineering Department's recommendation for denial. Associate Planner Fleckenstein explained the basis for the denial was an incomplete application due to the traffic impact analysis of the development not originally addressed. Since then the applicant submitted the trip generation memo and the Engineering Department had no more comments. The application was no longer incomplete.

Planning Director Richards clarified a traffic impact analysis was not required, but after the City went through a process of review with partner agencies, they decided that a trip generation report was needed which was done by the applicant.

7:16 Applicant's Testimony: Douglas Egan, representing the applicant, gave his background and how he was a local developer raising his family in McMinnville. He appreciated staff's help with this application and process. He wanted to develop a property and preserve what people bought. He held two neighborhood meetings, and some of the neighbors were concerned about replacing the fence on the west side. He had agreed to take care of the fence. He wanted his developments to improve the community. This would be an office that people could walk to. Regarding the sewer, there was a table that stated each fixture was worth a certain amount of flow. For this application, one single family dwelling was the equivalent to 16 fixture units. For his personal single family house he was building, he had 160 fixture units. If he developed this property into three single family dwellings he could have up to 300 fixture units. He thought the dental office would have no impact to the system. He was working on complying with the regulations for the multi-family development and sewer capacity issues. It would be the second phase of the project.

Commissioner Perron asked if 48 was a reasonable number for the application. Mr. Egan said they would still be able to put in the dentist office with that number, but it was tight.

Commissioner Chroust-Masin asked if he knew how soon he could proceed with the multi-family development. Mr. Egan said it depended on funding to build up to 9 units. He thought it would be in 3-6 years.

Committee Member Butler asked about preserving the trees on the property. Mr. Egan was trying to preserve as many as possible. The trees were brought up in the neighborhood meeting and the priority would be to try to preserve the privacy buffer between the office and neighborhood.

Public Testimony:

7:32 Proponent: Melinda Judd, applicant, gave her background and how she had been practicing dentistry for 11 years. She was currently limited in space and would like to expand to this location with better parking and facilities. She would like to stay in McMinnville.

7:35 Opponent: Anna Stahl, McMinnville resident, lived and worked nearby and walked when she could. There was a lot of traffic during peak hours, especially trying to turn left onto 2<sup>nd</sup> Street. She was concerned that this development would exacerbate the traffic issues.

7:38 Rebuttal: Mr. Egan said they had talked a lot about traffic. He lived in this area as well and thought the improvements that were done for the Baker Creek projects had helped with the traffic and getting in and out of this area. The City was also working on the transportation system and making improvements. He did not think the area had issues.

Ms. Judd said the first phase would be the office, and it would take her a while to get to the second phase. It would be her and three other employees going to the office at 8 a.m., and she would see two to three patients an hour on average and would work until 5 p.m. She did not think this development would make much of a traffic impact. She planned to be open four days per week.

7:42 Vice Chair Schanche closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

7:44 Commission Deliberation: Commissioner Chroust-Masin thought the application met the criteria. It would be a good location for this office.

Commissioner Langenwalter supported the idea of a dental office close to other medical facilities.

The rest of the Commission were in agreement.

7:45 Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to RECOMMEND the City Council APPROVE ZC 4-19 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Langenwalter. The motion PASSED 7-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwalter MOVED to RECOMMEND the City Council APPROVE CU 4-19 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Perron. The motion PASSED 7-0.

**5. Commissioner Comments**

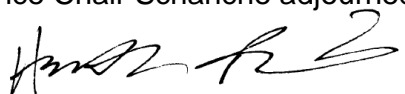
Vice Chair Schanche thanked Commissioner Chroust-Masin for his ten years on the Planning Commission.

**6. Staff Comments**

None

**7. Adjournment**

Vice Chair Schanche adjourned the meeting at 7:48 p.m.

  
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 Heather Richards  
 Secretary