



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF THREE MILE LANE DEVELOPMENT REVIEW FOR A NEW FREESTANDING SIGN AT 240 NE FIRCREST DRIVE

- DOCKET:** TML 3-19 (Three Mile Lane Development Review)
- REQUEST:** Application for Three Mile Lane Development Review to allow for the construction of a new monument sign for a new apartment complex within the Three Mile Lane Planned Development Overlay District.
- LOCATION:** 240 NE Fircrest Drive. The property is more specifically described as Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.
- ZONING:** R-4 (Multiple Family Residential)
- APPLICANT:** Matthew Conser, on behalf of Evergreen Valley Apts, LLC
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** November 27, 2019
- DECISION MAKING BODY & ACTION:** Planning Director (per MMC 17.72.110), acting as the Three Mile Lane Design Review Committee (per Three Mile Lane Planned Development Overlay, Sections 5 and 6(A)).
- DECISION DATE & LOCATION:** January 7, 2020
- PROCEDURE:** An application for Three Mile Lane Development Review is processed in accordance with the procedures in Section 17.72.110 of the Zoning Ordinance, which requires Planning Director review with property owner notification.
- CRITERIA:** The applicable criteria are specified in Section 4 (Policies) and Section 5 (Signs) of Ordinance 4131 - Three Mile Lane Planned Development Overlay as amended by Ordinance 4572. 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: The Director’s decision may be appealed to the Planning Commission within 15 days of the date the decision is mailed as specified in Section 17.72.170 of the McMinnville Zoning Ordinance.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the Planning Director finds the applicable criteria are satisfied with conditions and **APPROVES** the Three Mile Lane Development Review (TML 3-19), **subject to the conditions of approval provided in Section II of this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Department: 
Heather Richards, Planning Director

Date: January 7, 2020

I. APPLICATION SUMMARY:***Subject Property & Request***

The proposal is an application for Three Mile Lane Development Review to allow for the construction of a new monument sign for a new apartment complex within the Three Mile Lane Planned Development Overlay district. The subject site is located at 240 NE Fircrest Drive and is more specifically described as Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M. The property is located within Zone 3 of the Three Mile Lane Planned Development Overlay district.

The subject property is located on the east side of NE Fircrest Drive, north of NE Cumulus Avenue. The subject property is zoned R-4 (Multiple Family Residential).

See Vicinity Map (Figure 1), Zoning Map (Figure 2), and Applicant's Proposed Site Plan & Rendering (Figure 3) below.

Figure 1. Vicinity Map (Subject Site Approximate)



Figure 2. Zoning Map

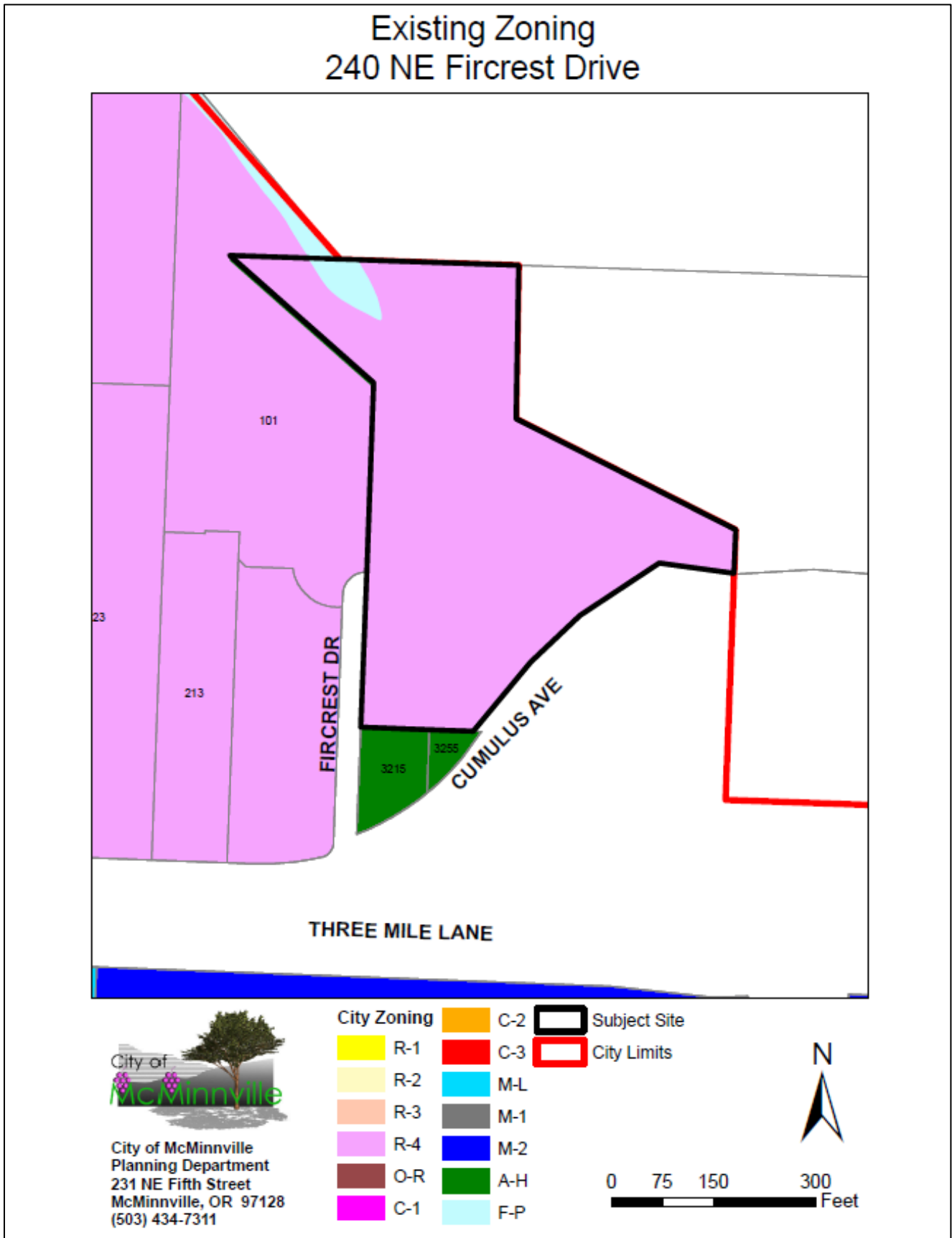
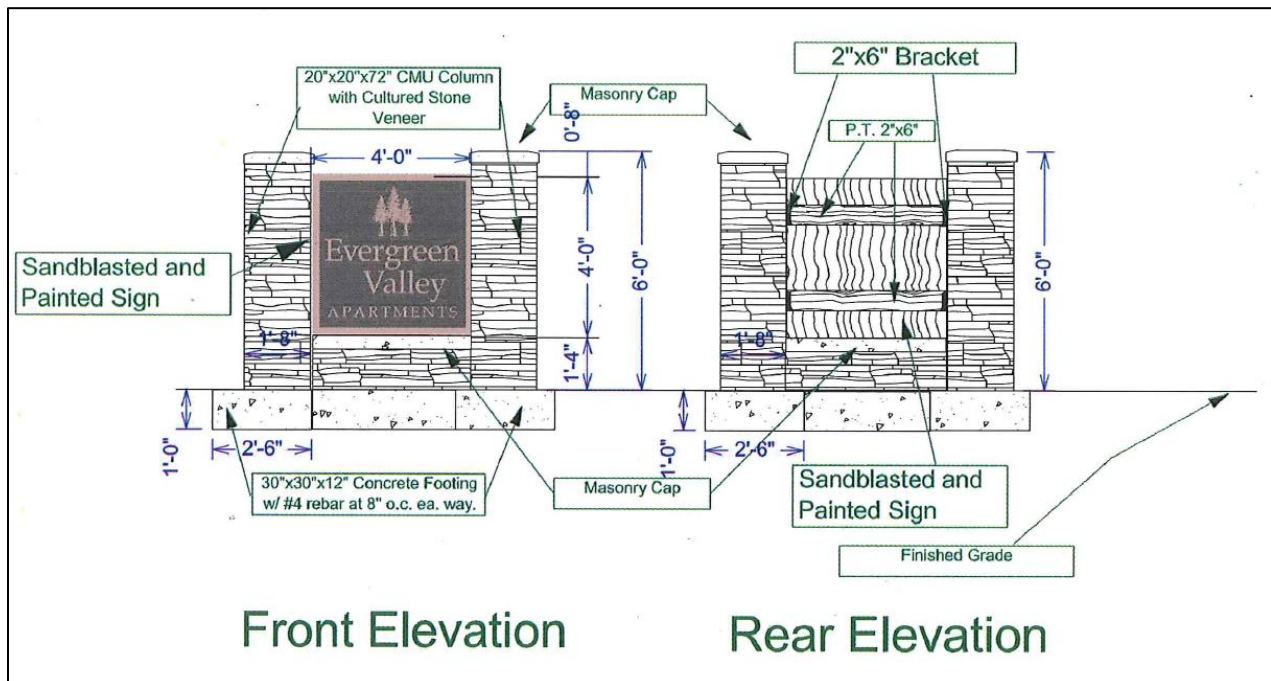
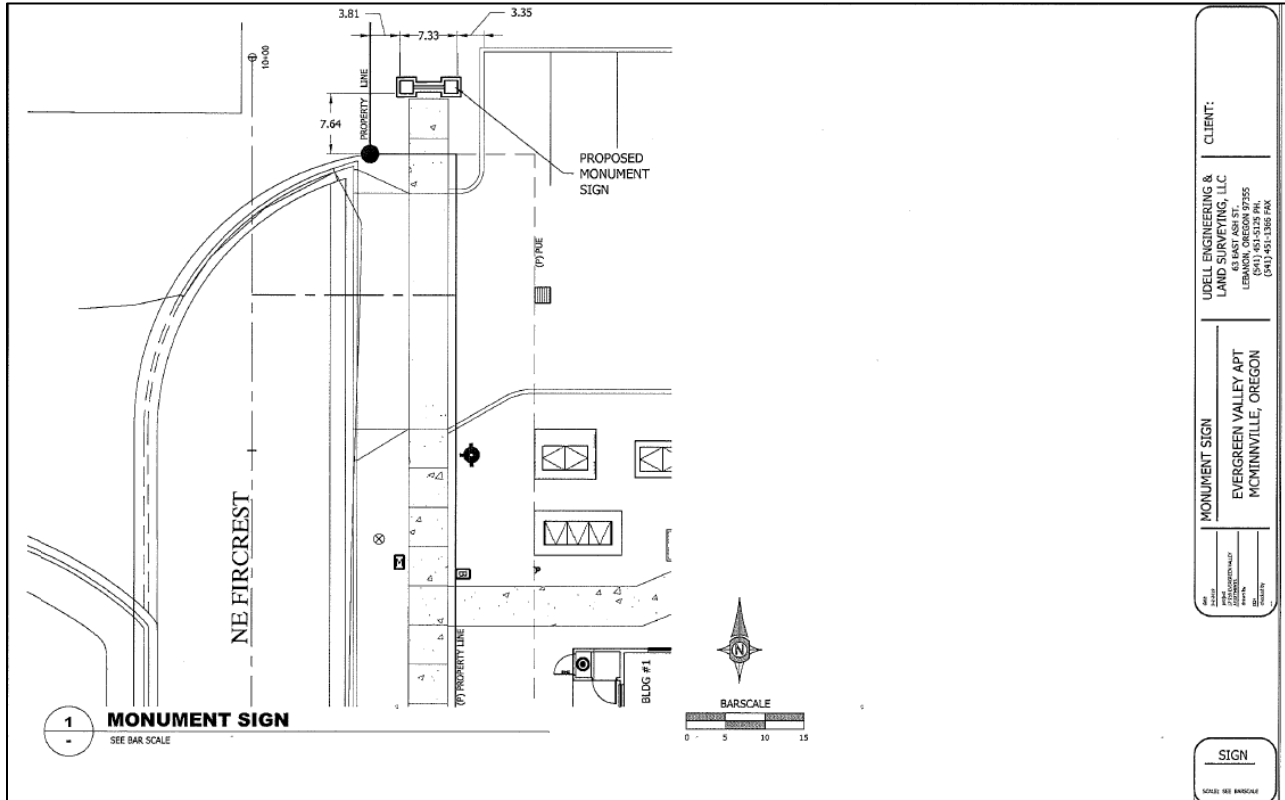


Figure 3. Applicant's Proposed Site Plan & Sign Plans



Summary of Criteria & Issues

The application is subject to the policies and procedures of the Three Mile Lane Planned Development Overlay district, which was originally adopted by Ordinance 4131 and later amended by Ordinance 4572. Section 4 of Ordinance 4572 includes the following policies that regulate development within the Three Mile Lane Planned Development Overlay district:

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.
- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:
 1. The minimization of entrances onto Three Mile Lane;
 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.
 4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.
- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.
- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380).

In addition, Section 5 of Ordinance 4572 includes standards for permanent signage within the Three Mile Lane Planned Development Overlay district. These standards will be described in more detail in Section VII (Conclusionary Findings) below.

The applicant has provided findings to support the request for Three Mile Lane Development Review. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That minor modifications to the approved landscape plan (L 17-18) shall be allowed for the installation of new landscaping in the location of the new sign, subject to review and approval by the Planning Director or their designee. The landscaping may be modified from what was shown on the approved landscape plan to allow for the placement of the sign, but the modifications shall not significantly impact the approved landscape design. Significant impacts would include the loss of any tree, or a reduction in the number of shrubs, grasses, and groundcover shown on the approved landscape plan.

III. ATTACHMENTS:

1. TML 3-19 Application and Attachments (on file with the Planning Department)

Attachments :

Attachment 1 – Application and Attachments

IV. COMMENTS:**Agency Comments**

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

- McMinnville Engineering Department

No comments.

Public Comments

Notice of this request was mailed to property owners located within 100 feet of the subject site, as required by Section 17.72.110 (Applications and Permits – Director’s Review with Notification). No public comments were received prior to the Planning Director’s decision.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Matthew Conser, on behalf of Evergreen Valley Apts, LLC, submitted the Three Mile Lane Development Review application (TML 3-19) on November 21, 2019.
2. The application was deemed complete on November 27, 2019. Based on that date, the 120 day land use decision time limit expires on March 26, 2020.
3. 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, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of the Decision Document.

4. Notice of the application and was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance.
5. No public testimony was submitted to the Planning Department prior to the Planning Director’s review of the application.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 240 NE Fircrest Drive (Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.)
2. **Size:** 5.3 acres (total existing site)
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 (Multiple Family Residential)

Attachments :

Attachment 1 – Application and Attachments

5. **Overlay Zones/Special Districts:** Three Mile Lane Planned Development Overlay District (Ordinances 4131 and 4572)
6. **Current Use:** Apartment complex (under construction)
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** A small portion of the northwest of the site is located within Zone AE of the floodway and 100-year floodplain of a drainage way that connects to the north to the South Yamhill River, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.
8. **Other Features:**
 - a. **Slopes:** A majority of the site is relatively flat, but a steep slope exists in the northern portion of the site. The proposed sign is located outside of the sloped area of the site.
9. **Utilities:**
 - a. **Water:** The property is served by a water main in NE Fircrest Drive. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by a sewer main in NE Fircrest Drive. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** The property is served by a stormwater sewer main in NE Fircrest Drive.
 - d. **Other Services:** Other services are available to the property. No overhead utilities are present on either side of NE Dunn Place.
10. **Transportation:** NE Fircrest Drive is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way was only 30 feet wide, but was recently increased with right-of-way dedication to allow for the construction of sidewalks adjacent to the subject site at the time of the development of the apartment complex on the site. The west side of NE Fircrest Drive is improved with curb and gutter. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for Three Mile Lane Development Review are specified in Ordinance 4131 and more specifically in Ordinance 4572 which amended Ordinance 4131.

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.

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:

Attachments :

Attachment 1 – Application and Attachments

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for a Three Mile Lane Development Review request provides an opportunity for citizen involvement throughout the process through the public notice and the application review process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials prior to the Planning Director's decision on the application. All members of the public have access to provide testimony and ask questions during the public review 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.

17.62.070 Permanent Sign Regulations. Permanent signs may be erected and maintained only in compliance with the following specific provisions:

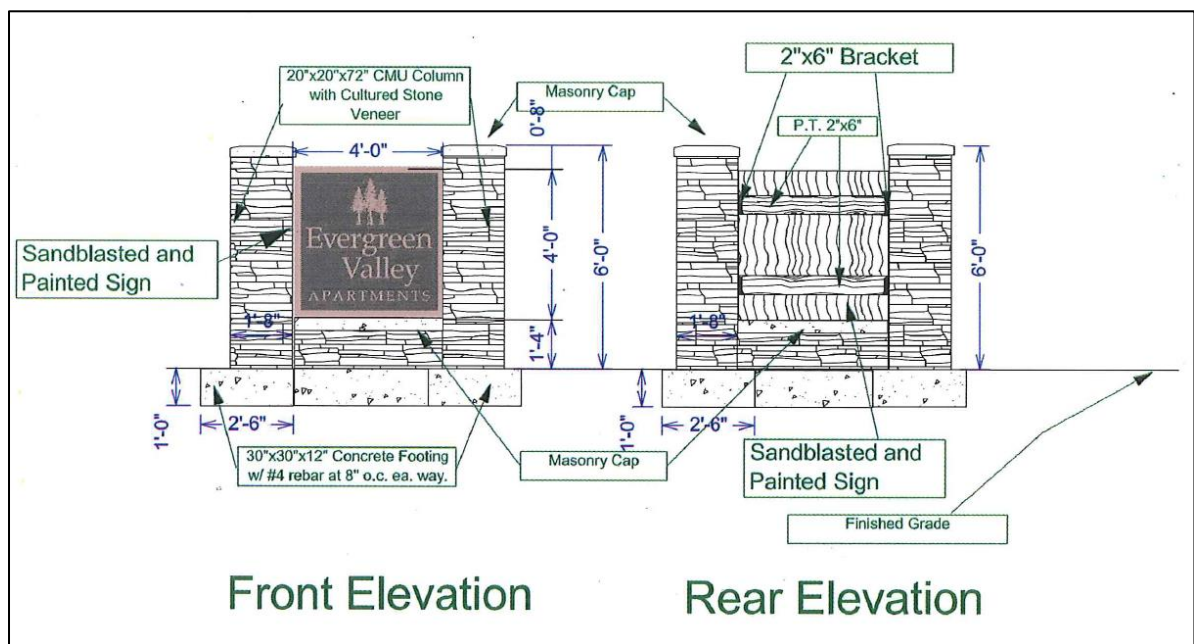
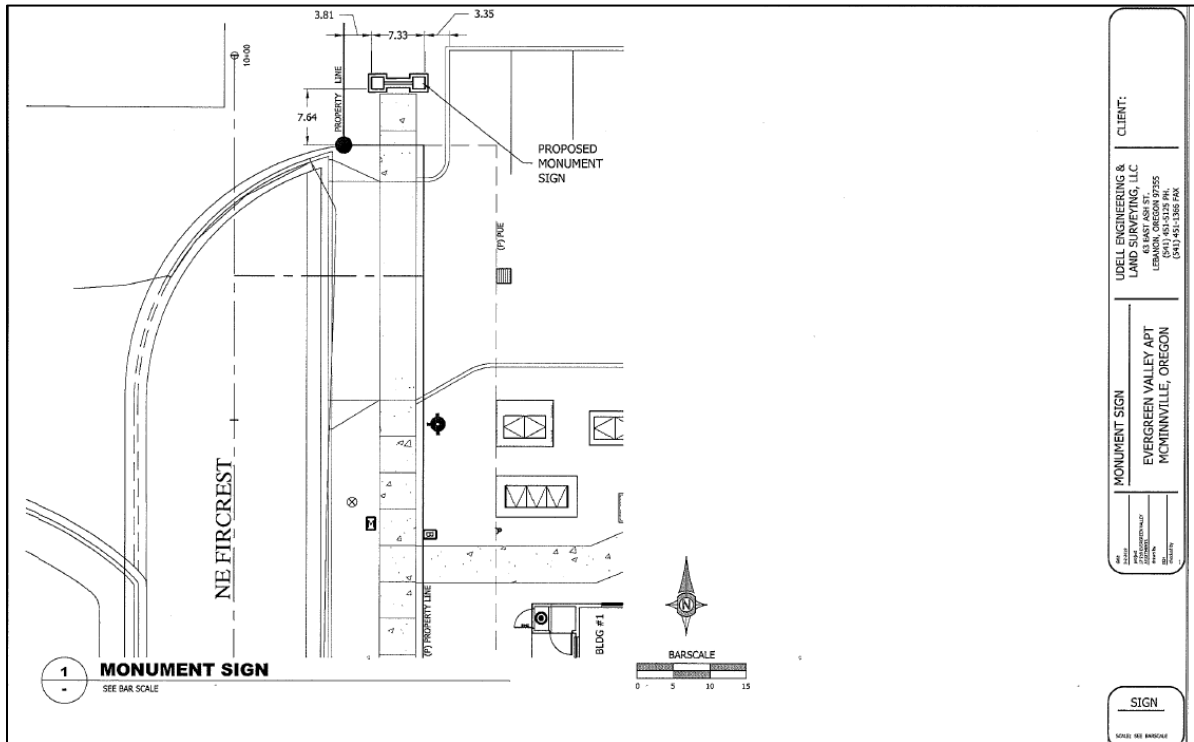
- A. Residential (R-1, R-2, R-3, and R-4) zones.
 1. Each subdivision or multi-family complex is permitted one permanent monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be nonilluminated.

APPLICANT'S RESPONSE: The columns of the sign will be just under 6' tall. The sign itself will be 5'4" high. The sign area is 4' x 4' or 16 square feet total. The entire sign, masonry columns included, will be about 45 square feet total. See attached monument sign plan and plot plan attached. The sign will not be illuminated.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City also adds that there is a discrepancy in the code between the Signs chapter (Chapter 17.62) and the Three Mile Lane Planned Development Overlay district Ordinance regulations. In the "Scope" section of the Signs chapter, in Section 17.62.020, it is stated that "this chapter does not apply to lands

within the areas described in ... the Three Mile Lane Ordinances 4572 and 4131.” However, the sign regulations in Section 5 of Ordinance 4572 only provide provisions for commercial and industrial designated properties. With no regulations for residentially designated properties in the Three Mile Lane Planned Development Overlay district Ordinance, the most applicable residential sign regulations from Chapter 17.62 of the Zoning Ordinance were applied.

The sign is proposed to be located near the entrance to the site, north of the end of NE Fircrest Drive. The location, design, and size of the sign can be seen below:



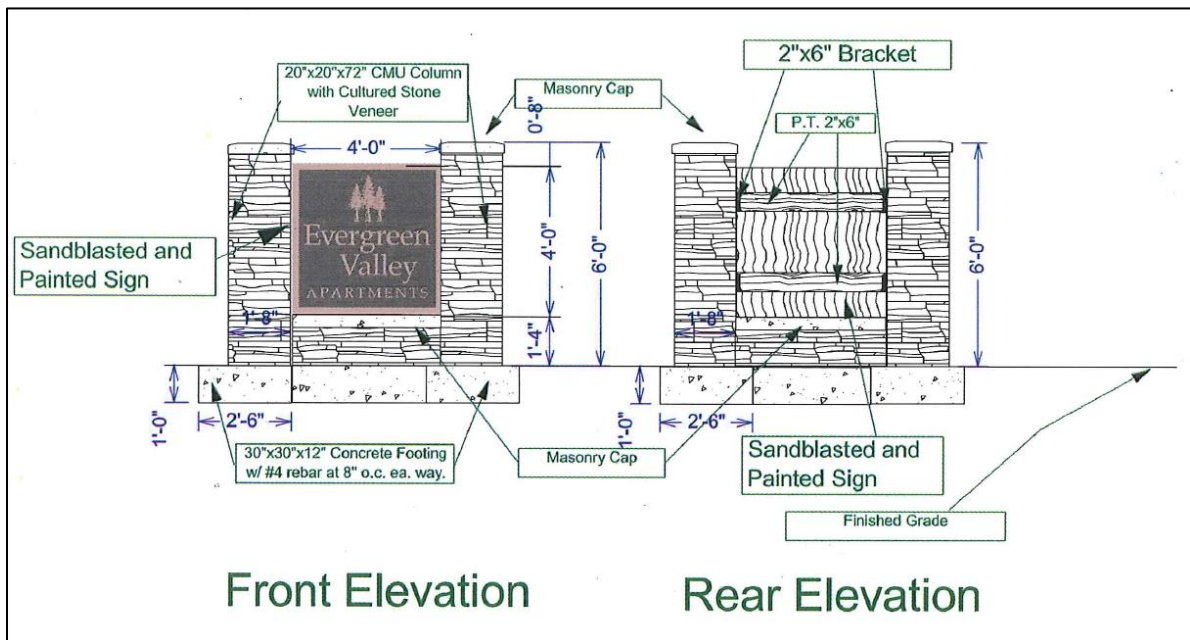
Planned Development Ordinances

The following Sections of the Three Mile Lane Planned Development Overlay district adopted by Ordinance 4131 provide criteria applicable to the request:

Section 1. Statement of Purpose. *The City of McMinnville finds that the development of lands on the north and south sides of Three Mile Lane (Oregon Highway 18) is acceptable if provisions are made to integrate the dual functions of the highway as a bypass around the City and a land service arterial for adjacent properties. The City also finds that development along Three Mile Lane is desirable if it is of good quality and design, if the living and working environments developed are compatible with each other, and if the living environment includes open spaces, parks, and features buffering of residential uses from the highway. The City recognized, during the comprehensive planning process, that to insure that these concerns are met, proper designations on the McMinnville Comprehensive Plan and Zoning Maps must be made, and, further, that a planned development overlay must be placed over the area establishing specific conditions for development.*

APPLICANT’S RESPONSE: We are seeking approval for a ground-mounted, monument-style sign at our nearly-completed multi-family project – Evergreen Valley Apts. The sign will be located north of the project entrance off of Fircrest Dr NE. The sign will have a concrete footing, stone masonry columns with a masonry stone cap. The stone will match that used on the m.f. units. The wood portion of the sign will be sand blasted and painted. That treatment provides for depth and character for the lettering and adds more interest. The paint color will be earth tone sage-green with almond-tone lettering.

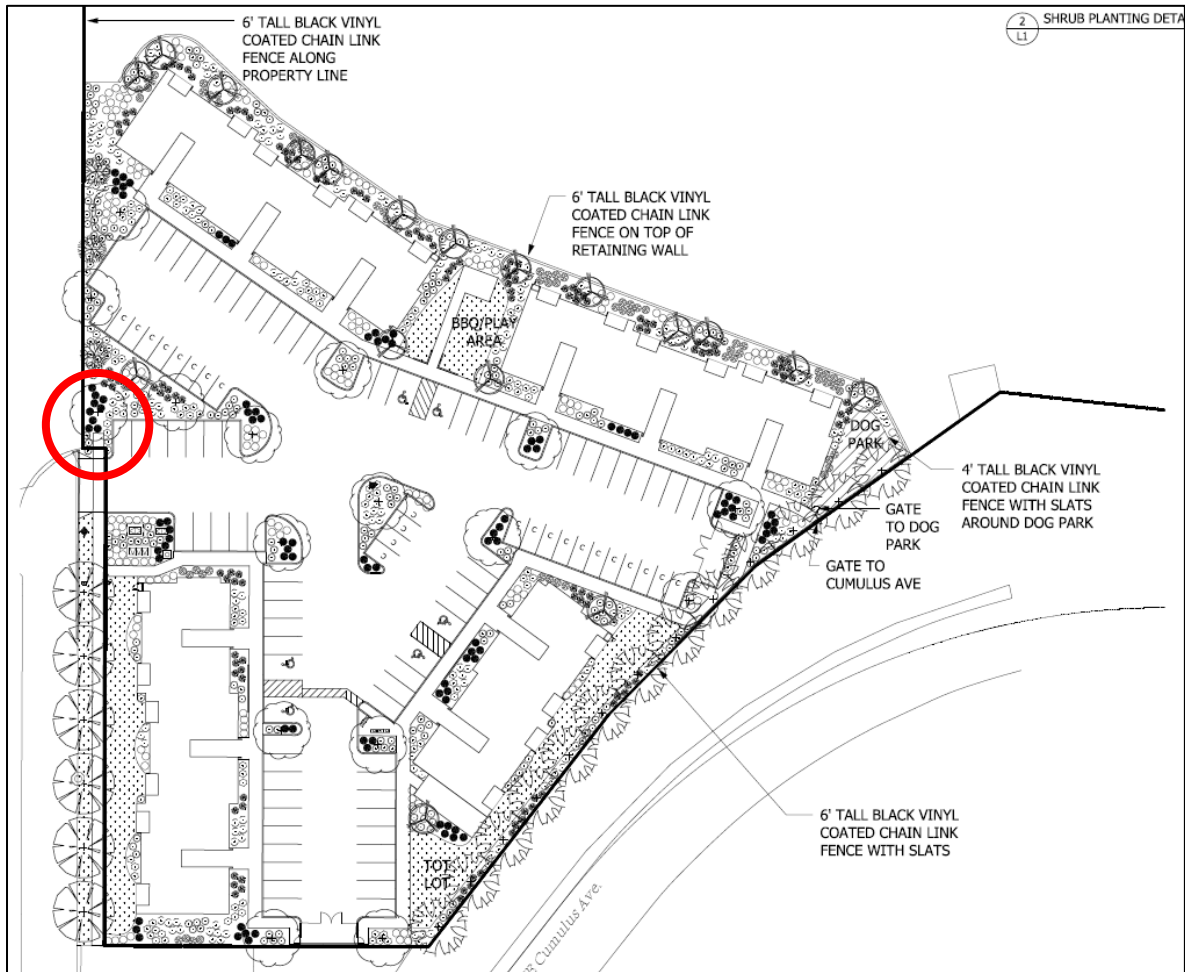
FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the signage proposed for the multiple family residential site is found to be acceptable for the Three Mile Lane Planned Development Overlay district. The design of the signage can be seen below:



Overall, the proposed signage is of a quality and design that is suitable for the proposed site, and is compatible with the structures on the same site. The monument sign will be supported by masonry columns, which will be finished with a stone material that matches the stone material used on the base of the multiple family buildings on the same site. The proposed monument sign is also compatible with surrounding land uses, as it is designed to be consistent with other

buildings on the site, is of a size that is well under the maximum size that would be allowed, and is non-illuminated to prevent any visual impact on neighboring properties.

The sign is proposed to be installed in a location that is shown to be landscaped with trees, shrubs, and groundcover on the approved landscape plan for the site. The landscape plan was approved under docket number L 17-18, and can be seen below (with the proposed location of the sign highlighted):



To allow for the placement of the sign without impacting the landscaping approved for the site, a condition of approval is included to allow for minor modifications to the approved landscape plan (L 17-18) for the installation of new landscaping in the location of the new sign, subject to review and approval by the Planning Director or their designee. The condition of approval states that landscaping may be modified from what was shown on the approved landscape plan (L 17-18) to allow for the placement of the sign, but the modifications shall not significantly impact the approved landscape design. The condition describes significant impacts to the landscape design as including the loss of any tree, or a reduction in the number of shrubs, grasses, and groundcover as shown on the approved landscape plan.

The following Sections of Ordinance 4572, which amended the Three Mile Lane Planned Development Overlay district, provide criteria applicable to the request:

Section 4. Policies. *The following policies shall apply to the property described on the map in Exhibit "A":*

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal is consistent with the applicable Comprehensive Plan goals and policies, as well as Zoning Ordinance requirements, as described in the findings for those policies above.

- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The southernmost portion of the subject property is located over 200 feet from the center line of Highway 18, and the signage proposed is located even further north from the southernmost property line.

- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

1. The minimization of entrances onto Three Mile Lane;
2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.
4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The application is for signage only and does not include any proposed changes to access to the site.

- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The application is for signage only and does not include any development along the highway frontage.

- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed monument sign will serve as identification for a multiple-family residential apartment complex site that will provide a mix of housing types in the area.

- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380).

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. No temporary signage is being proposed as part of the application.

Section 5. Signs. *The following regulations apply to those properties designated as either industrial or commercial on the McMinnville Comprehensive Plan Map and which are located within the area described in Exhibit "A." All signage must be approved by the Three Mile Lane Design Review Committee and may not exceed the maximums established in this section. The Three Mile Lane Design Review Committee may take into account color selection; sign material; relationship to site and building design; size, form, mass, height, and scale of sign; the sign's location and proximity to existing signs on adjacent parcels; and other sign design elements appropriate to ensuring that the proposed sign is compatible with the objectives of this ordinance. The Three Mile Lane Design Review Committee may require a proposed sign to be redesigned as necessary to make it consistent with the objectives of this ordinance including, but not limited to, restricting the size and height of the sign, its location, form, color, and material.*

- A. Zone 1. The following regulations apply to commercially or industrially designated properties which fall within zone 1:
1. That only one free-standing sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
 - a) The maximum height of any free-standing sign shall be 15 feet.
 - b) The maximum square footage per sign face is 24 square feet and there shall be a maximum of two sign faces per free-standing sign.
 - c) A free-standing sign is allowed only on properties with frontage on the Highway 18 frontage road.
 2. In lieu of a free-standing sign as listed in subsection 1 above, one monument-type sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
 - a) Maximum square footage per sign face shall be 50 square feet, and there shall be a maximum of two sign faces per monument sign.
 - b) Maximum sign height shall be six feet, and the top of the sign shall not be more than eight feet above the center line grade of the Three Mile Lane frontage road.
 - c) Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
 3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
 - a) Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 - b) The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
 4. If a parcel is divided after the date of the adoption of this ordinance, the sign allowances established in subsections 1. and 2 above will apply only to the original parcel or what remains of it and newly created parcels are limited to the sign allowances established in subsection 3 above except as provided in subsection (A) (5) below.
 5. The Three Mile Lane Design Review Committee may allow the sharing of a single free-standing sign by an original parcel or what remains of it and parcels divided after the date of the adoption of this ordinance. The total sign size shall not exceed that allowed for the original parcel.

6. Portable signs and signs with flashing or moving parts are prohibited.

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The subject site is not commercially or industrially designated, so the above sign regulations do not apply. Therefore, the most applicable residential sign regulations from Chapter 17.62 of the Zoning Ordinance were applied, as described in the findings for those regulations above.

Section 6. Procedures for Review:

A. *No development or signage may take place within the Three Mile Lane Planned Development Overlay without such development or signage gaining the approval of the Three Mile Lane Design Review Committee.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant submitted an application for Three Mile Lane Development Review, which was reviewed and processed prior to any installation of signage on the subject site.

CD:sjs