



231 NE Fifth Street • McMinnville, Oregon 97128 • www.mcminnvilleoregon.gov

SENT VIA EMAIL

August 17, 2020

Mike Andrews
Structure Development Advisors, LLC

Re: 235 SE Norton Lane – Land Use Application Approval

Dear Mr. Andrews:

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, August 11, 2020, your application for a Planned Development Amendment (PDA 1-20) was presented and considered. The subject property is located at 235 SE Norton Lane. The subject property is more specifically described as Parcels 1, 2, and 3, Partition Plat 2007-12. The site is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.

Based on the material submitted, testimony received, and the review criteria in Section 17.74.070 of the McMinnville Municipal Code, the City Council voted to **APPROVE** the Planned Development Amendment application (PDA 1-20), **subject to conditions**.

Enclosed for your records is a copy of Ordinance No. 5095, which was adopted by the City Council on August 11, 2020, and includes your land use decision with the Findings of Fact and Conclusionary Findings for approval.

The Planned Development Amendment (PDA 1-20) approval included conditions of approval, which are included in Ordinance No. 5095 and your land use decision document. We have also outlined those conditions of approval below. Please note that we are providing the conditions of approval within this letter as a courtesy. The official Decision Document with the Findings of Fact, Conclusionary Findings and Conditions of Approval is a separate document and is enclosed with this letter for the applicant and is also on file with the Planning Department.

Planned Development Amendment (PDA 1-20) Conditions of Approval

1. That the conditions of approval of Ordinance 4667, as amended by Ordinance 4851, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):
 1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontages. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to

residentially zoned lands. Street tree planting, as required by the City's tree ordinance, shall be provided as well.

2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved **through the Three Mile Lane Development Review application process** by the McMinnville Three Mile Lane Design Review Committee before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding development. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. ~~The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.~~
3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.

The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant's request for additional building height shall include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12 shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.

4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.
6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.

7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, **multiple-family dwellings, community buildings appurtenant to residential uses,** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or~~ medical office use, **multiple-family dwellings, or community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.

If the site is developed as multiple family dwellings, a minimum of 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. The open space area may be non-contiguous if approved by the Planning Commission at the time of the review of the updated master plan, as described in Condition 22. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.

8. That this zone change shall not take effect until and unless CPA 3-98 is approved by the City Council.
9. That the conceptual master plan for that portion of the applicant's property identified for "future development" shall in no way be binding on the City.
10. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
11. That the Planning Director shall be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Department of Transportation. All amendments shall be consistent with the City's development codes.
12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should include the finished grades of proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.
13. That utilities shall be extended to the property (or project) boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.

15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
16. That ~~the~~ final **master plan** development plans ~~as approved by the Three Mile Lane Design Review Committee~~ shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted ~~site~~ **master** plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by ~~him~~ **the Planning Director** may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.
19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
20. That ~~the proposed off-street parking lot be amended by removing the four spaces adjacent to the frontage road nearest the area proposed for "future development" and in their place provide landscaping.~~ In addition, the applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.
21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.
22. **That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing**

developed portions of the Planned Development Overlay District to continue to operate without disruption.

The review of the updated master plan shall be processed as a Planned Development Amendment, but the Planning Commission shall make the final decision on the updated master plan. The updated master plan shall be reviewed against the Planned Development Amendment review criteria in Section 17.74.070 of the McMinnville Municipal Code, and also against the Great Neighborhood Principles in Policy 187.50 of the McMinnville Comprehensive Plan.

The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and are entitled to notice as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code. If no appeal is filed on or before September 7, 2020, the decision of the City Council will be final.

If you have any questions regarding this matter, please feel free to contact me at (503) 434-7330.

Sincerely,



Chuck Darnell
Senior Planner

CD:sjs

cc: Vickie Ybarguen, HAYC, 135 NE Dunn Place, McMinnville, OR 97128
Steve and Doug Burch, 20325 SW Powerhouse Hill Road, McMinnville, OR 97128
Mark Davis, 652 SE Washington Street, McMinnville, OR 97128

Enclosure:

*Ordinance No. 5095
Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of a Planned Development Amendment to Add Multiple Family Residential as an Allowable Use, Amend Existing Building Height Limitations, and Amend the Master Plan for an Existing Planned Development Overlay District (Docket PDA 1-20)*