



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A CARD-LOCK FUELING STATION AT 855 NE MARSH LANE.

DOCKET: CU 2-20 (Conditional Use Permit)

REQUEST: Application for a Conditional Use Permit to construct and operate a card-lock fueling station

LOCATION: 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)

ZONING: M-1 (Light Industrial)

APPLICANT: McMinnville Water & Light, c/o Samuel R. Justice, General Counsel

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: July 17, 2020

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.

HEARING DATE & LOCATION: August 20, 2020, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, and Zoom Online Meeting ID 969 9314 6808

PROCEDURE: An application for a Conditional Use Permit is processed in accordance with the procedures in 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 17.72.180 of the Zoning Ordinance, the Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

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. Their comments are provided in this document.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Conditional Use Permit (CU 2-20), **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 Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property was recently reconfigured through a property line adjustment (BLA 11-19), and the resulting property is approximately 18.1 acres in size, located at the southwest corner of Riverside Drive and Marsh Lane, which includes the existing McMinnville Water and Light facilities. The proposed fueling station will occupy approximately one-half acre of the site near Marsh Lane, in the area located between the existing driveway to the equipment yard and the driveway entrance to the parking lot for the office.

The subject property is zoned M-1, and it is the site of McMinnville Water and Lights offices and fleet and equipment yards. Portions of the property to the north and west are undeveloped. Property across Marsh Lane to the east is also zoned M-1, which is vacant and owned by the City. It is leased for farming. Property to the west is zoned M-2, which is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace, which is zoned R-4. Property across Riverside Drive to the north is zoned M-2 zoning. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side. **See Exhibit 1 for vicinity map and Exhibit 2 for zoning map below.**

The applicant is now seeking approval of a conditional use permit for the construction and operation of a card-lock fueling station. The facility would be primarily for fueling McMinnville Water & Light fleet vehicles, also providing at least mutual aid (emergency use) for City of McMinnville fleet vehicles. The proposed facility will have access via Marsh Lane, and will occupy approximately one-half acre of the property. The proposed facility is comprised of two above-ground tanks and a card lock fueling pump kiosk under a permanent canopy. The applicant is requesting approval of two options which differ in access and fencing configuration, but are otherwise the same proposed facilities in the same location. **See Exhibits 3 and 4 for site plans for Option 1 and Option 2. Exhibit 5 is a photo representative of the canopy for the kiosk.**

The difference between the two options is as follows, with landscaping adjusted accordingly:

- Option 1. The existing northerly access (which provides access to the fenced and gated equipment yard) would be retained, a second access point to the kiosk would be added approximately 28 feet north of the entrance to the separate parking lot to the south for the office, and fencing and the gate to the equipment yard would be moved west of the fueling kiosk. This would leave the above-ground tanks in the fenced yard area with the other equipment. The fueling kiosk would be outside of the fenced area, accessible between the two driveways without fencing. The site plan doesn't show an additional gate to the equipment yard, so the new driveway would only provide access to the kiosk.
- Option 2. The existing northerly access would be retained. A secondary driveway would not be added as in Option 1. Fencing and the gate to the equipment yard would remain at the current location. This would mean the above-ground tanks and fueling kiosk would all be within the fenced and gated area with the equipment yard, with no facilities other than the existing access driveway accessible outside of the fenced and gated area.

The facility would be approximately 400 feet from the closest corner of the abutting property with the mobile home park.

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Neighborhood Meeting

Before a Conditional Use Permit application can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant conducted the required neighborhood meeting in accordance with these requirements and submitted the necessary documentation of the neighborhood meeting with the application, including a list of attendees and meeting notes.

The meeting notes indicated the meeting was attended by the Sam Justice, representing McMinnville Water and Light (MWL) and Dean Klaus, owner of nearby property. The meeting notes indicate Mr. Klaus stated that he would like to see the applicant build approximately 600 feet of sidewalk along the frontage of the MWL property along NE Riverside Drive as a condition of approval.

The meeting notes also indicate MWL received a phone call in advance of the meeting from Larry Schnell, owner of Riverside Mobile Terrace. The notes indicated he asked of the proposed fuel station would be next to the mobile home park, and he requested additional maps. Mr. Justice emailed maps and aerial photos showing the property location.

Discussion

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.

Typically, it isn't necessary to justify the need for a use that is listed as a conditional use in a zone. While permitted uses **are** authorized on any site with the correct zoning, subject to standards and criteria, conditional uses **may be** authorized on a specific site if the use is listed as a conditional use in that zone, provided the use and its specific characteristics are compatible with that site's location, and are compatible or can be made compatible with other permitted surrounding use and development through conditions of approval to adequately mitigate any potential adverse impacts. The applicant's narrative also addresses the need for the use and benefits of the use, which also provides benefits for emergency fuel storage for response for water and power. Generally, condition use permit criteria don't require justification of the need for the use; rather the criteria generally address compatibility.

The nature and scale of the current proposal doesn't rise to the scale of impacting the community as a whole. The predominant issues with a conditional use of this scale usually relate to the interest of the surrounding area, often related to compatibility with nearby uses. Typical concerns associated with conditional uses include compatibility with character, privacy, noise, parking, odors, vibration, and traffic. For the proposed fueling station, there may also be considerations of safety, as would apply to fueling stations with similar characteristics. Above ground storage tanks are regulated by the applicable state-adopted fire code.

Staff has reviewed the proposed site improvements and operations, agency comments, public comments, and applicable criteria. Staff finds that the applicable criteria can be satisfied with conditions which address the physical site development and operating characteristics. The addition of the fueling station at the location of existing MWL's fleet and equipment yard doesn't introduce significant impacts, and potential issues can be mitigated. The proposed kiosk is approximately 400 feet from the nearest residential use. Since the use isn't open to the general public, impacts such as traffic and parking are limited. The distance and separation from the residential use minimizes impacts associated with

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potential noise. Conditions of approval can address issues such as impacts from lighting, requiring that lighting be downcast and not shine onto adjacent right-of-way or residential properties that creates glare or visual impacts.

Figure 1. Vicinity Map

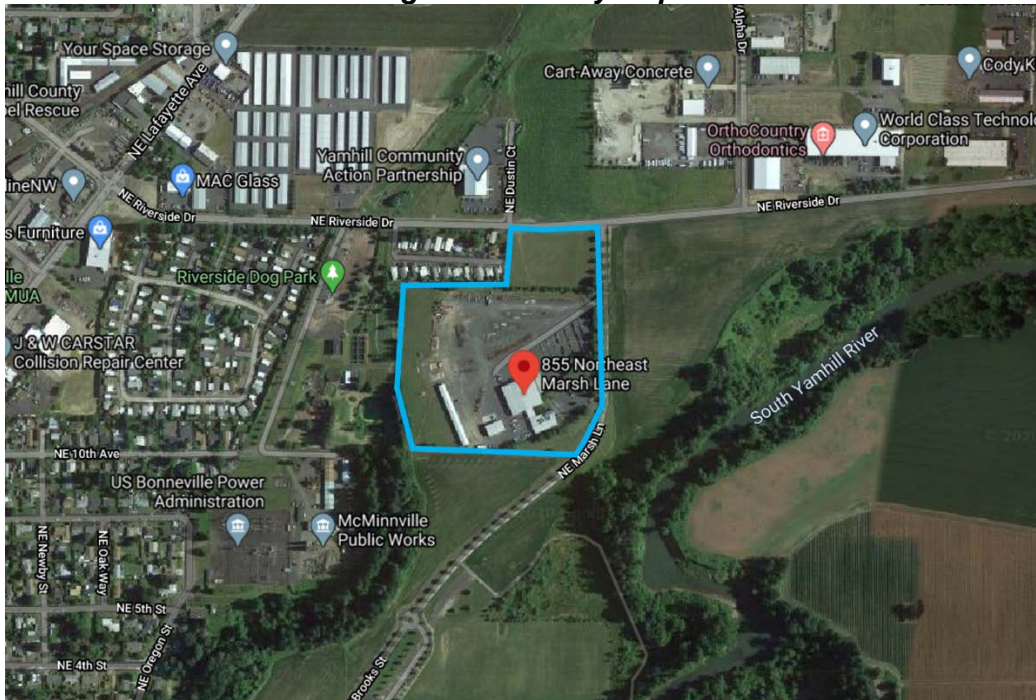
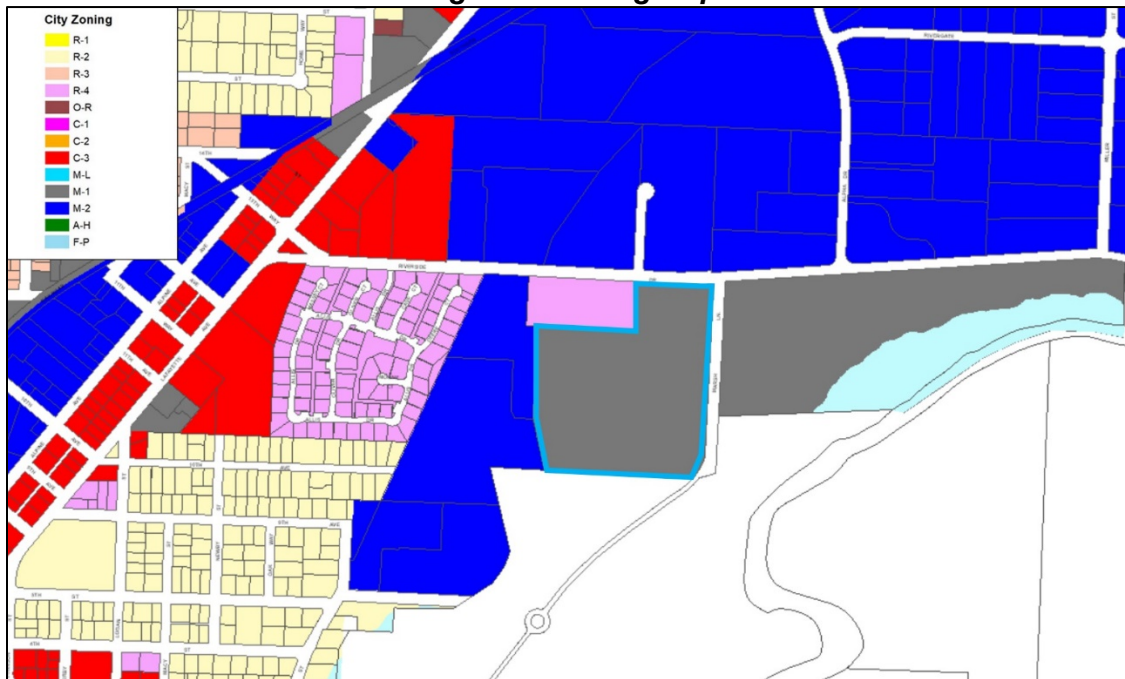


Figure 2. Zoning Map



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Figure 3. Site Plan Option 1

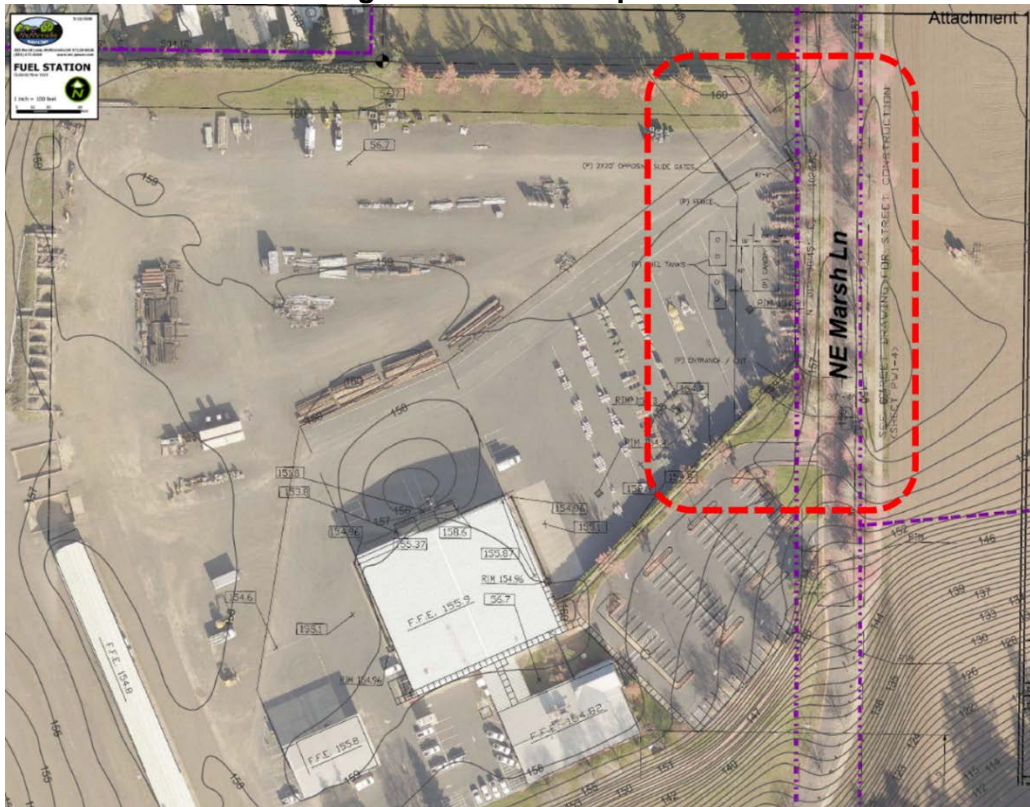


Figure 4. Site Plan Option 2



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Figure 5a. Photo of Representative Canopy



Photo No.1: This is a photo illustrating the canopy over the two fueling station dispensers.

Exhibit 5b. Photo of 12,000 gallon tank



Photo No.2: This is a photo of a 12,000 gallon fuel tank.

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Exhibit 5c. Photos of 20,000 gallon tank

Photo No. 3: This is a photo of a 20,000 gallon fuel tank.

II. CONDITIONS:

1. Prior to issuance of a building permit or construction, the applicant shall:
 - a. Submit the final site plan with Option 1 or Option 2 consistent with the preliminary site plan, and submit the final elevations for the canopy consistent with the provided photo.
 - b. Submit a landscape plan application for review and approval by the Landscape Review Committee, consistent with the proposed fencing, screening and landscaping described in the application. The landscape plan shall be consistent with the provisions of Chapter 17.57 and the applicable perimeter treatment and buffer yard standards of Section 17.39.040. Obtain approval of the landscape plan prior to issuance of building permits.
 - c. Submit a final lighting plan that demonstrates canopy lighting will be downcast and lighting will not create glare on adjoining properties or the public right-of-way.
 - d. Submit plans for sidewalks and driveway approaches along the project's frontage. PROWAG compliant sidewalks and driveways, 5' in width, will need to be constructed adjacent to the Project's frontage as part of the Project. Meandering of the sidewalk would be allowed if necessary to preserve existing trees.
 - e. **NOTE:** The existing sanitary sewer main is not shown on the conceptual drawings. No structures shall be located within the existing sanitary sewer easement.
 - f. Apply for a sign permit for any proposed signage.
 - g. Obtain all necessary local, state, and federal permits.

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2. All site work and construction shall be completed prior to use or occupancy, or financial surety provided as may be authorized for any site work that has not been completed.
3. This approval is for the improvements, use, and operating characteristics described in the application. No major deviation from the approved characteristics shall occur without prior approval in accordance with the procedures for amendment in Chapter 17.74. The Planning Director shall determine what constitutes a minor or major deviation. The approval is for use of the card-lock fueling station by specified fleet vehicles. It is not approved for general public use.
4. This conditional use permit approval shall be terminated if the proposed use does not commence within one year of the effective date of this approval, if the use once commenced lapses for any single period of time that exceeds one year in duration, if there is a failure to comply with conditions of approval, or for any other reason specified in Section 17.74.060 of the Zoning Ordinance. The determination for termination shall be made in accordance with the procedures in Section 17.74.060 of the Zoning Ordinance.

III. ATTACHMENTS:

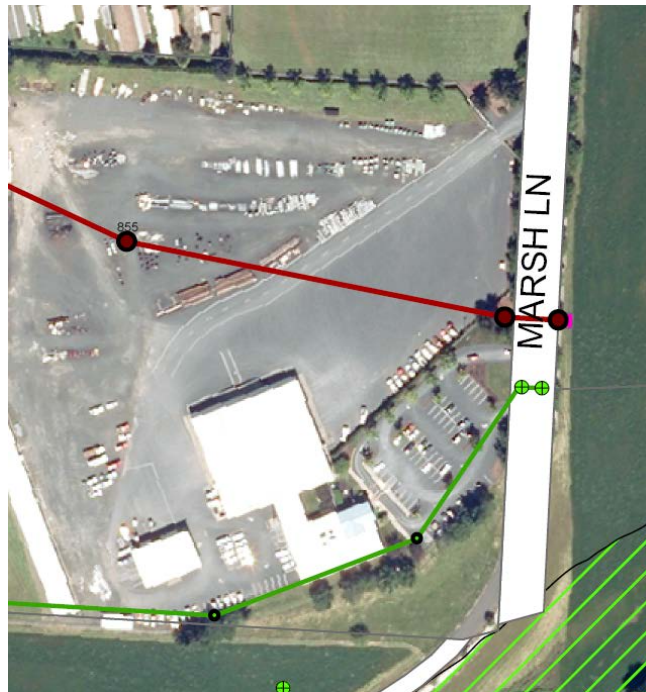
1. CU 2-20 Application and Attachments (on file with the Planning Department)

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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department
No concerns over the conditional use. Some comments on the application:
 - Marsh Lane is a local street with a 60' ROW and 36' wide street, not a minor collector as referred to in the application
 - PROWAG compliant sidewalks and driveways, 5' in width, will need to be constructed adjacent to the Project's frontage as part of the Project. Meandering of the sidewalk would be allowed if necessary to preserve existing trees.
 - The existing sanitary sewer main is not shown on the conceptual drawings. No structures shall be located within the existing sanitary sewer easement.



- McMinnville Water and Light
MW&L has no comments on this submittal
- Ziplay Fiber
No conflicts. Ziplay does request path/conduit to the Right-of-Way should the developer want communications for the new facilities. Or, at least contact Ziplay to discuss/meet.

Public Comments

Notice of this request was mailed to property owners located within 200 feet of the subject site. Notice of the public hearing was also provided in the News Register. As of the date of the Planning Commission public hearing on August 20, 2020, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on May 6, 2020.
2. The applicant submitted the Conditional Use Permit application on June 18, 2020.
3. The application was deemed complete on July 17, 2020.
4. 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.

Comments received from agencies are addressed in this Decision Document.

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5. On July 31, 2020, notice of the application and the August 20, 2020 Planning Commission public hearing was mailed to property owners within 200 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the August 20, 2020 Planning Commission public hearing was published in the News Register on Tuesday, August 11, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

7. On August 20, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)
2. **Size:** The property is approximately 18.1 acres. The area proposed for the fueling station facilities is approximately one-half acre.
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-1 (Light Industrial)
5. **Overlay Zones/Special Districts:**
 - a. **Airport Overlay:** Property is within the Conical Surface of the Airport Overlay Zone and a portion may also be within the Horizontal Surface
6. **Current Use:** McMinnville Water & Light Office and Facilities
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None identified.
 - b. **Other:** None identified.
8. **Utilities:**
 - a. **Water:** Public water mains are present in NE Riverside Drive and NE Marsh Lane and cross Tax Lot 100. There do not appear to be public easements for all of the water mains on the subject property.
 - b. **Sewer:** Public sanitary sewer mains are present in NE Riverside and cross Tax Lot 100. Some sewer easements are present on the property. A public sewer easement was dedicated at the time of the property line adjustment.
 - c. **Stormwater:** Public storm drain lines are present in NE Riverside and cross Tax Lot 100. There do not appear to be public easements for all of the storm drain facilities.
 - d. **Electric:** Power service is available to the subject property. Overhead power is present along the frontage of NE Riverside Drive.
 - e. **Other Services:** Other utility services are available to the subject properties.

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9. **Transportation & Access:** The property has frontage on NE Riverside Drive and NE Marsh Lane. The McMinnville Water & Light facilities take access from NE Marsh Lane.
- a. **NE Riverside Drive:** Major Collector. South side frontage improvements include bike lane, curb and gutter, no sidewalk
 - b. **NE Marsh Lane:** Local Street. West side frontage improvements include on-street parking, curb and gutter, no sidewalk
10. **Proposed Use and Development.** The proposed use is a card-lock fueling station, which is classified as a “service station.” The property is zoned M-1. A service station is a conditionally-permitted use listed in Section 17.39.030(C) for the M-1 zone. Uses in the M-1 zone are subject to the design standards in Section 17.39.040 and environmental standards of Section 17.39.050. They are also subject to development standards found in other chapters. These are also referenced in the Design Standards Section, 17.39.040. These include off-street parking and loading standards (17.60), clear vision standards (17.54.080), and landscaping standards (17.57). If not served, or substandard, properties are also responsible for provision of public facilities specified in the Municipal Code, Transportation System Plan, and McMinnville Water & Light standards.

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 Permit are specified in Section 17.74.030 of the Zoning Ordinance. Section 17.74.040 addresses conditions which the Planning Commission may impose “to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.”

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 applicant found the following goals and policies to be applicable to the request and provided responses regarding consistency with them. The applicant’s responses are provided below.

Chapter VI: Transportation

- Goal VI-1.
- **Streets:**
 - Policy 118.00
 - Policy 122.00
- **Growth Management:**
 - Policy 132.29.00

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Chapter VII: Community Facilities and Services

- Goal VII-1.
- *Public Administration and Storage Facilities*
 - Policy 135.00
- *Sanitary Sewer System*
 - Policy 136.00
 - Policy 139.00
- *Storm Drainage*
 - Policy 143.00
- *Water System*
 - Policy 144.00
 - Policy 145.00
 - Policy 146.00
 - Policy 147.00
- *Water and Sewer – Land Development Criteria*
 - Policy 151.00
- *Police and Fire Protection*
 - Policy 152.00

Chapter VIII: Energy

- Goal VIII-1.
- *Energy Supply Distribution*
 - Policy 171.00
 - Policy 173.00
 - Policy 175.00
 - Policy 176.00
 - Proposal 31.00
 - Proposal 34.00
 - Proposal 35.00

Chapter X: Citizen Involvement

- Goal X-1:
- Goal X-2:
- Policy 188.00

Below is a finding regarding applicability of these goals and policies as they relate to this conditional use permit application:

FINDING: Staff finds that some policies identified below are not independent approval criteria for this conditional use permit application, because they don't directly address the land use compatibility issues related to the conditionally permitted use. Instead, they provide guidance for the design and development standards to be implemented, guidance for coordinated planning and plans, and direction to the city in its role as a provider of public facilities networks and services. For this conditional use permit application, applicable goals and policies are those that relate to land use compatibility if the policies are not already sufficiently implemented and addressed through implementation measures and development standards. Applicable goals and policies are those which the City of McMinnville applies for land use compatibility considerations of the conditional use permit application for which McMinnville Water & Light is acting in the capacity of property owner and applicant.

- **Not Applicable:** 118.00, 122.00, 132.29.00, 136.00, 139.00, 144.00, 145.00, 146.00, 147.00, 152.00, 173.00.

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- **Applicable:** Policies 135.00, 143.00, 151.00, 175.00, 176.00, 188.00.
- **Proposals:** “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- **Other:** Policy 171.00 is somewhat unique as it relates to this conditional use permit, as the proposal is to provide a fueling station with storage tanks for use by the power and water utility, and is addressed below.

CHAPTER VI: TRANSPORTATION SYSTEM

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 118.00. The City of McMinnville shall encourage development of roads that include the following design factors:

1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths).
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

APPLICANT RESPONSE: The existing street, NE Marsh Lane is designed to meet city standards. The street limit currently has limited parking on the west side, where fuel station access will be needed. Except for turning radius requirement out of the facility, no street parking will be reduced. The existing street has an oversized walking/bicycle path on the east side of Marsh Lane. No additional walking or bicycle paths are needed to access Joe Dancer Park. The proposed development complies with Policy 118.00.

FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.

Policy 122.00. The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

2. Major, minor collectors.
 - 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. (Ord.4922, February 23, 2010)

APPLICANT'S RESPONSE: This policy is satisfied. The subject site is currently adjacent to NE Marsh Lane, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor

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collector streets as 30-40 feet. NE Marsh Lane is of the required width. Parking is currently restricted on the west side of the street. No additional right-of-way dedications are necessary.

Option 1: A condition of approval may be included to require that, at the time of development and building permit for the fuel station, right-of-way improvements will be required for additional entry onto the street.

FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.

(NOTE: Marsh Lane is a local street).

GROWTH MANAGEMENT

Policy 132.29.00. The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs, and shall be implemented so as to minimize impacts on existing development. Prioritization of improvements should consider the City's level of service standards. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: This Policy is satisfied. The development site (0.5 acres) is adjacent to and surrounded by other properties on all sides that are owned by the applicant (the city). Residential property on Riverside Drive, adjacent to the larger 18.1- acre parcel, is not served from Marsh Lane. Traffic into Joe Dancer Park may be disrupted during construction along Marsh Lane. However, timing of deliveries can be coordinated to avoid high traffic times in the afternoon. After the park closes for the season in the fall, there will be little other traffic on Marsh Lane beside MW&L customers.

MW&L vehicle traffic in and out of the facility will change very little with the addition of the Fuel Station. With onsite fueling, MW&L trips to offsite fueling will decline, reducing traffic on Marsh Lane and adjacent streets.

City of McMinnville vehicle trips may increase if the City utilizes the facility. The number of additional trips generated to Riverside Drive and Marsh Lane will depend on the extent that the City utilizes the facility for fueling. However, Marsh Lane as a minor collector is well proportioned to accommodate limited additional city-government vehicle traffic. The proposed fuel station is close to Citi/ of McMinnville Public Works fleet facilities (also located off of Riverside Drive). In the event of City fleet use, the proximity of the City's fleet may reduce trips to Lafayette Avenue for re-fueling.

No other agency users (other than City of McMinnville) are currently expected to use the facility.

FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.

CHAPTER VII: COMMUNITY FACILITIES AND SERVICES

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.

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PUBLIC ADMINISTRATION AND STORAGE FACILITIES

Policy 135.00. The City of McMinnville shall allow the placement of public storage and workshop facilities in areas where adverse impacts on surrounding lands are minimal or can be minimized by screening, landscaping, and/or other methods.

APPLICANT'S RESPONSE: Storage of fuel on at an existing utility facility will minimize adverse impact on surrounding lands and minimize need for screening, landscaping, and or other methods. The site is already committed to a light industrial use and the proposed fuel station is a visually similar use.

FINDING: SATISFIED WITH CONDITIONS. Adverse impacts on surrounding lands are minimal due to the location of the proposed facility on the site, which is separated from surrounding uses. Conditions regrading landscaping and screening will minimize visual impacts.

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 within the framework outlined below:

1. Sufficient municipal treatment plant 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.

APPLICANT'S RESPONSE: The facility is already equipped with sanitary sewer system and will not require additional modifications.

FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.

STORM DRAINAGE:

Policy 143.00. The City of McMinnville shall encourage the retention of natural drainage ways for stormwater drainage.

APPLICANT'S RESPONSE: The facility is already equipped with oil-water separating storm drains and will not require additional modifications to natural drainage.

FINDING: SATISFIED. The facility is sited at a location that has been previously used for storage of equipment. There are no natural drainageways that would be disturbed at the location of the proposed facility.

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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.

APPLICANT'S RESPONSE: At the time of development and building permits for the fuel station final development plans can require a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well, as described in more detail in the findings for Policy 122.0 and Policy 132.29.00 above.

FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.

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 a 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 146.00. The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to provide water system facilities and services commensurate with the projected population in the Comprehensive Plan.

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.

WATER AND SEWER - LAND DEVELOPMENT CRITERIA

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

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.

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3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and waste water quality standards can be adhered to.
5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

APPLICANTS RESPONSE: With regard to policies 144.00 to 147.00, and 151.00 (proposals 1-5) adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. The Water Reclamation Facility has the capacity to accommodate flow from development this site. No additional flow is anticipated. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to ensure the coordinated provision of utilities to developing areas and in making land-use decisions.

The MW&L site has a developed storm drainage system that is integrated into the City's storm drainage system. The site is already served by sanitary sewer, and water and power services. MW&L maintains an SPCC for the main facility. Attachment 17. The purpose of the SPCC Plan is "to prevent oil spills from occurring, and to perform safe, efficient and timely response in the event of a spill or leak." Attachment 17, Page 1-1. The SPCC Plan contains detailed drainage information from the site. Att. 17, Appendix B. The SPCC describes discharge drainage controls. Att. 17 at page 2-3. The SPCC Plan provides for oil containment and diversionary structures. Attachment 17, Pages 3-7. Any right-of-way improvements required for the subject site will be required at the time of development as well, as described in more detail in the findings for Policy 132.29.00 above.

In particular response to Policy 151.00 (1), the City's emergency planning document notes a threat-hazard relating to loss of utility service. Loss of fuel in McMinnville is a loss of resource supply that will degrade both water and electric utility service.

Attachment 6 (Emergency Operations Plan, "EOP"). While addressing water as only a supporting service (see table 1-5) the City's EOP ranks utility failure as a hazard with the highest weight factor. See Attachment 6, Page 2-3, Table 2-1. The additional fuel storage at Water and Light will mitigate against the recognized hazard of loss of resource supply and utility service. Attachment 5 (diesel supply may be extended 80- 160 days).

The likelihood of a fuel-supply (loss) event is discussed in the Oregon Fuel Action Plan, Attachment 8, page 5 ("[t]he Pacific Northwest region's most likely catastrophic event is the 9.0 Cascadia Subduction Zone (CSZ) earthquake and tsunami). See discussion under Policy 171.00, below. Approval of this application for a utility fuel station is consistent with Policy 151.00 in that the proposed use provides for emergency planning in operation of the water system.

FINDING: SATISFIED. There are adequate public services and facilities available to serve the site. Applicable laws and policies can be adhered to.

POLICE AND FIRE PROTECTION

Policy 152.00. The City of McMinnville shall encourage the provision of adequate police and fire facilities and personnel to meet the needs of the community as it expands.

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APPLICANT'S RESPONSE: The proposed fuel station will provide continuation of emergency fuel supplies in the event of disaster or emergency. See Attachment 5, pages 1-2. Increased fuel availability in the City will directly or indirectly promote emergency police and fire services for the community. Availability of emergency fuel for Water and Light will reduce the utility's draw on scarce community fuel resources during an emergency that can otherwise be made available to police and fire services during a period of fuel shortage.

FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.

CHAPTER VIII: ENERGY

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

ENERGY SUPPLY DISTRIBUTION

Policy 171.00. The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.

APPLICANT'S RESPONSE: According to the Oregon Fuel Action Plan "[t]he Pacific Northwest region's most likely catastrophic event is the 9.0 Cascadia Subduction Zone (CSZ) earthquake and tsunami." Attachment 8, page 5. "Oregon can expect to lose most of the normal incoming supply of fuel." Id. "Restoring the region's petroleum infrastructure would likely take months if not longer." Id.

The Oregon Fuel Action Plan assumes that all state, local, and tribal organizations with emergency authorities and responsibilities to save lives, protect public health and safety, and restore critical lifeline services have developed or are in the process of developing agency emergency response plans and strategies for responding to a catastrophic earthquake and tsunami.

Attachment 8. Pages 6-7. Approval of this application is consistent with Goal VIII, Policy 171.00 in examining projected energy supply during a catastrophic event.

The MW&L Continuation of Operations Plan ("the Coop Plan") designates supply of fleet, fuel and equipment as a tier 1, level 1 priority. Attachment 4, page 3-2. The approval of this application for conditional use permit is consistent with policy 171.00 in providing reliable fossil fuel supplies for use in the case of a disaster or emergency.

Approval of this conditional use demonstrates the City of McMinnville as a local organization taking action to respond to an anticipated emergency, like an earthquake. Current planning suggests that the proposed onsite fuel storage can supply MW&L utility operations for 20-45 days' (gasoline) and 80-160 days' (diesel) in an emergency. Attachment 5, page 2 (Memo of James Burke, Water Division Director). The City's Emergency Operations Plan (EOP) recognizes loss of fuel supply as part of the loss-of- resource hazard, relating to loss of utility service. Attachment 6, pages 2-3. Permitting the applicant's fuel station as a conditional use will support the GOAL VIII requirement to provide adequate energy supplies, especially in an emergency.

FINDING: SATISFIED. This criterion generally refers to having adequate energy supplies as the community grows. It wouldn't typically be a criterion for a conditional use permit, which focuses on land use compatibility. However, the proposed use is unique relative to this criterion. While a conditional use permit doesn't require justification of need for the use, in this case, the proposed land use helps ensure fuel to support the personnel and equipment for the power and water utility, include storage that is available in event of an emergency.

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

APPLICANT'S RESPONSE: Review for approval of this application, and the required neighborhood meeting, and the public hearing process demonstrates coordination between the City and MW&L that is consistent with policy 173.00. The City routinely seeks comment from MW&L prior to land use decisions. MW&L comments on land use applications that appear to impact its utility purposes and facilities. The City's approval of these application demonstrate an effort to coordinate with MW&L.

FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.

Policy 175.00. The City of McMinnville, recognizing McMinnville Water and Light, Northwest Natural Gas, and other private suppliers as the agencies or groups responsible for energy distribution, encourages the extension of energy distribution services within the framework outlined below:

(2). Facilities are planned in such a manner as to insure compatibility with surrounding land uses.

APPLICANT'S RESPONSE: Approval of the application is consistent with policy 175.00 and proposal No. 2, in that the planned additional facilities are integrated into the facilities plan for the MW&L Facility (See Attachment 1). The fuel station facility has been located to avoid conflict with existing structures, while leaving space for future development. The planned facility will maintain the security of enclosed areas behind fencing, and take advantage of the existing street (avoid additional street building). The expanded station use is consistent with the current uses.

MW&L has provided a preliminary landscape plan demonstrating that the facility will be compatible with the anticipated utility facilities and surrounding uses. See MW&L Landscape plan, Attachment 2.

FINDING: SATISFIED WITH CONDITIONS. The conditional permit review criteria and conditions provide sufficient opportunity to ensure compatibility with surrounding uses based on the design, location, and screening.

Policy 176.00. The City of McMinnville shall carefully consider the environmental impacts of the location and design of energy system facilities to minimize or eliminate adverse effects on residential, farm, and natural areas.

APPLICANT'S RESPONSE: This application and approval is consistent with this goal in that the application is supported by the site plan (Attachment 1) and landscape plan (Attachment 2). Design standards of the expanded facility will take into account state of the environmental protections for the expanded facility.

Environmental impacts of the proposed facility on surrounding farm, and natural areas have been considered in the design of the site. A service station is a conditional use in the proposed location, and additional standards and review criteria apply to conditional uses. Conditions of approval to ensure those standards and review criteria are satisfied as they are described in the findings for the Conditional Use review criteria below. The review of the proposed facility as a conditional use, and the conditions of approval described below, ensure that the proposed facility is compatible with future surrounding land uses, both agricultural and industrial.

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The expanded facility will include environmental protections. The protection (relating to the proposed new equipment) will include double-wall tanks to prevent oil leaking from the fuel tanks. Double walled construction will meet requirements of secondary containment. Tanks will meet a high level of U.L. specification. MW&L also maintains a current engineer-certified Spill, Prevention, Control and Countermeasures Plan (SPCC). Attachment 17. The SPCC demonstrates that applicant has a long history of competently addressing the danger of oil spills. The SPCC is certified by a licensed professional engineer (Attachment 17, page 3).

The pump island will be designed with oil water separators, protecting the storm water drains from contaminant. MW&L will update the SPCC Plan to address the addition of the fuel station. See Attachment 17, page 5 (graph showing history of revisions to the SPCC to address new equipment). MW&L has a demonstrated ability to professionally address the environmental impacts of the proposed use through its compliance with the SPCC Plan requirements over the course of years as demonstrated by s SPCC.

FINDING: SATISFIED. This policy generally applies to the energy distribution network. The proposal is a fueling station for the fleet, which is somewhat different. However, the location and design of the facility on the industrial site, co-located with the equipment yard for MWL, minimizes impacts on residential, farm, and natural area.

Proposal 31.00. The City of McMinnville should require energy system facility sites to be compatible in appearance with surrounding land uses either through landscaping or other screening methods

APPLICANT'S RESPONSE: Applicant's preliminary landscape plan (Attachment 2) and review by landscape review committee is consistent with Proposal 31.00. Applicant will also site the facility in a safe manner consistent with Oregon Fire Marshal rules that provide for the safety and security of fuel stations.

FINDING: SATISFIED WITH CONDITIONS. This is a “proposal.” “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. Conditions regarding screening and landscaping address this proposal.

Proposal 34.00. Proposed extensions of energy system facilities should be coordinated with the extension of other facilities (sewer and water, telephone lines, storm drainage, etc.) where necessary to insure provision of full urban services to developable areas within the urban growth boundary.

APPLICANT'S RESPONSE: This approval is consistent with Proposal 34.00 in that the proposed use will take place as part of a larger existing facility already being served by other utilities. The land for the Fuel Station is on the existing utility site/property and demands no extension of the other utility services. The use is consistent with and well served by utilities.

FINDING: SATISFIED. This is a “proposal.” “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. Facilities are available to the subject property.

Proposal 35.00. Construction of facilities that could have an adverse effect on natural areas, farmlands, and residential areas should be altered in such a manner as to minimize or eliminate these impacts.

APPLICANT'S RESPONSE: Potential adverse Impacts of the proposed facility on surrounding residential, farm, and natural areas has been considered in the design of the site. A service station is a conditional use in its proposed location, and additional standards and review criteria apply to conditional uses. MW&L maintains a current engineer-certified Spill, Prevention, Control and Countermeasures Plan. Attachment 17. Conditions of approval to ensure those standards and

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review criteria are satisfied are described in the findings for the Conditional Use review criteria below. The review of the proposed facility as a conditional use, and the conditions of approval described below, ensure that the proposed facility is compatible with future surrounding land uses.

FINDING: SATISFIED WITH CONDITIONS. This is a “proposal.” “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. The location and design of the proposed facility minimize impacts to natural areas, farmlands, and residential areas, as the proposed facility is co-located on an industrial site in a location separated from surrounding uses, and screened from the right-of-way.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

GOAL X-2. TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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: Goal X1 and Policy 188.00 are satisfied in that 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). AU members of the public have access to provide testimony and ask questions during the public review and hearing process. Applicant solicited input from neighbors (direct mail Attachment 10). Applicant posted signs. Attachments 12 and 13). Applicant conducted a neighborhood meeting on May 6, 2020 (See attendee sign in list, Attachment 15). Written materials were shared. Attachment 14. One neighbor attended the meeting and gave a brief comment, requesting that a sidewalk be placed along NE Riverside Drive. Attachment 16. A second neighbor had contacted applicant before the meeting with questions about the facility location. See Attachment 16.

The process for a Conditional Use review provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have an opportunity to provide testimony and ask questions during the public review and hearing process.

FINDING: SATISFIED. The process for a conditional use permit provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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McMinnville Zoning Ordinance

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

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: See this Exhibit 1, Section VII above (Proposed Conclusory Findings) for findings. In either configuration (Option 1 or 2), the fuel station will support adequate supplies of both water and electricity for the City. The fuel storage capacity will be significant in supporting utility supply and ongoing operations during a resource disaster where fuel supplies into the City are temporarily curtailed or disrupted. See Attachment 5 (memo of James Burke).

FINDING: SATISFIED WITH CONDITIONS. With conditions of approval, the proposal will be consistent with the Comprehensive Plan and zoning ordinance, addressing the conditional use permit criteria for compatibility with the intent of the conditional use permit provisions.

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 location and size of the Fuel Station is reasonably suited to the development of abutting properties. The footprint is large enough to accommodate the safety and maintenance needs of this service station facility, while at the same time providing for the required buffering to adjacent uses. The addition of a fuel station will cause an imperceptible increase in vehicle traffic as compared to the traffic accessing the existing facility. The proposed fuel station takes advantage of, and abuts the existing NE Marsh Lane. The expanded facility meets this criteria.

Property immediately adjacent, and across Marsh Lane to the east of the Fuel Station site is currently undeveloped and vacant. Property to the south toward Joe Dancer Park is also not developed. Both properties are owned by the utility applicant (MW&L). Property to the northwest is currently residential consistent with that property's zoning and its designation on the Comprehensive Plan Map. Property to the immediate west is City property, also industrial. The existing Comprehensive Plan Map is shown in figure 2, above.

The location and size of the site for the expanded fuel station have been planned to allow for continued growth and development of the surrounding property. The applicant is proposing to

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place the new fuel station equipment approximately 50-100 feet from the east property line. The siting of the equipment at these distances from the property lines will provide for compatibility and minimal impact on the appropriate development of abutting properties.

The design of the site will include sight-obscuring landscaping and fencing between the facility and Marsh Lane. The current fence is a six foot high fence with one-foot barbed wire placed atop the fence. Depending on whether the fuel islands are placed within or outside the perimeter fence, new fencing may be placed to secure the tanks and yard (if islands are placed outside this new fencing). To ensure that the landscaping provides adequate buffering of the site from surrounding properties, a condition of approval can be included to require that the fencing (slatted) be provided as proposed in the preliminary site plan and preliminary landscape plan. This may include the six foot tall cyclone fence (barbed-wire topped) with colored slats inserted (sight-obscuring).

Landscaping will be designed to meet NESC, Fire Marshal and McMinnville Water and Light safety and visibility standards.

The shrubs that are proposed are a variety of evergreen and deciduous shrubs that will provide for year-round screening and breaking up the line of sight into the fuel station site. A combination of evergreen and deciduous shrubs will both obscure the line of sight into the facility and deter potential unwanted access to the fenced area and decrease security concerns.

Shrubs proposed between the facility and Marsh Lane will include evergreen and deciduous shrubs that provide year-round vegetation for continuous screening, and such species and varieties of shrubs will be of a type that can grow to a height of at least 6 feet at maturity. It is noted that during winter months, and while Joe Dancer Park is closed, use of Marsh Lane is generally limited to only the applicant's customers.

The applicant proposes to establish tree species and varieties of a species and variety that grow to a mature canopy height of at least the tallest height of the equipment to be located on the site. Current tree and plants in the immediate area of the planned fuel station include:

- Acer rubrum - Red Maple (Street trees on Marsh Lane.)
- Pinus (not sure what species) Pine Tree (Trees near the parking lot entrance.)
- Viburnum tinus 'Compactum' - Spring Bouquet (The flowering plants near the parking lot entrance.)
- Cornus alba 'Sibirica' • Red Twig Dogwood (Near the gate entrance to the yard.)
- Pseudotsuga menziesii - Douglas Fir (The trees on the north side of the yard entrance).

Additional tree and shrub species planted will meet minimum requirements indicated during the review of the preliminary landscape plan (Attachment 2), and will generally complement the existing landscaping.

Applicant has identified the following plant species and varieties that may also be used:

- chestnut-hill-cherry-laurel/
- southern-moon-yedda-hawthorn/
- david-viburnum/
- compact-oregon-grape-holly/
- compact-escallonia/
- Rhododendron

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The fencing and landscaping requirements, along with the specific requirements of this condition of approval, will ensure that the fuel station will be compatible with and have minimal impact on the appropriate development of abutting properties.

Facility lighting will be provided for operations, maintenance and security. Lighting under the fuel island canopy will be directed to the ground for use at the pumps. See Attachment 18, page 1.

FINDING: SATISFIED WITH CONDITIONS. The applicant's response effectively describes the proposal, its size and scale and location, and the proposed screening and lighting. There are adequate public facilities to serve the proposed development, and additional traffic generation will be limited since the facility will predominantly serve the MWL fleet at this location. The landscaping and screening will address compatibility with the neighborhood,

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: The fuel station will positively impact livability, value and appropriate development of abutting properties of the surrounding area, as compared to other permitted development, by facilitating the reliable operation of the electric and water service. The location, site, design, and operations of the station 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(8) above.

FINDING: SATISFIED WITH CONDITIONS. The proposed use will not have characteristics that are more impactful than permitted industrial uses in the M-1 zone. This facility will predominantly serve MWL fleet vehicles, limiting vehicular traffic.

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: By its nature, a Fuel Station is of a utilitarian design. However, the design of the Fuel Station will be symmetrical and otherwise geometrically pleasing. Landscaping will be created to buffer and break of the line of sight into the facility, and not entirely obscuring the facility from outside view. In fact, Water and Light being a consumer-owned utility, the neighbors and passers-by may take some pleasure in seeing the fruits of their investment in this consumer-owned facility. The station facility 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.

FINDING: SATISFIED WITH CONDITIONS. The kiosk and canopy are small in scale, and the frontage of the property will be landscaped. The above ground tanks will be in the equipment yard area which will be screened by fencing and landscaping, and the canopy and kiosk would also be screened in one option. The proposal will minimize the paved area in front of the fenced and screened area, limiting paving to the areas needed for access and circulation.

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

APPLICANT'S RESPONSE: No particular environmental assets appear on the site.

FINDING: SATISFIED. The proposed improvements will predominantly occur on a portion of the site that has previously been used for equipment storage, and there are no unique environmental assets in this area.

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 intended expansion is described in the MW&L "Light" Budget (Attachment 7). The applicant has a well-established municipal utility purpose as described in the McMinnville Charter of 1971, as amended in 1978. The activities of the applicant are directed by the City of McMinnville, acting by and through its Water and Light Commission, a five-member board made up of the mayor and four appointed commissioners. The utility sets rates on a cost-of-service basis at public hearings and is prohibited by state law and its own policies from acting for speculative investment purposes.

FINDING: SATISFIED. The purpose of the proposal is to develop the fueling station, and it is not for speculative purposes.

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: Applicant expects conditions of approval from the city specifically focused on the construction of right-of-way improvements designating the size and materials for fencing and landscaping to ensure screening of the subject site, and describing the type of lighting on the site as described by the applicant in the application narrative. Based on the application as proposed and submitted, together with the conditions of approval, the proposal avoids detrimental environmental impact, allows for the development of the City in an orderly

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and efficient manner, and protects the best interest of the surrounding area and the community as a whole.

FINDING: SATISFIED WITH CONDITIONS. Based on the application as proposed and submitted, together with the conditions of approval, the proposal avoids detrimental environmental impact, and the best interest of the surrounding area or the community as a whole is protected.

TS:sjs