



City of McMinnville
Planning Department
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EXHIBIT 3 - STAFF REPORT

DATE: August 20, 2020
TO: Planning Commission
FROM: Tom Schauer, Senior Planner
SUBJECT: Conditional Use Permit Application CU 2-20
for Fueling Station at 855 NE Marsh Lane

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a Conditional Use Permit (CU 2-20) to develop and operate a card-lock fueling station at 855 NE Marsh Lane (Tax Lot 4421 00100). The decision of the Planning Commission is the final decision, unless appealed to City Council. The hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was submitted on June 18, 2020 and deemed complete on July 17, 2020.

Background:

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

Attachments:

Attachment A: Decision Document

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.

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.

Attachments:

Attachment A: Decision Document

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 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.

Public Comments

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

Agency Comments

Notice of the proposed application was sent to affected agencies and departments. Responses were received from the Engineering Division, McMinnville Water & Light, and Ziplly Fiber. Those comments are noted in the Decision Document and addressed as conditions when applicable.

Fiscal Impact:

Not Applicable for a quasi-judicial proceeding

Attachments:

Attachment A: Decision Document

Planning Commission Options (for Quasi-Judicial Hearing):

- 1) **APPROVE** the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

Staff Recommendation:

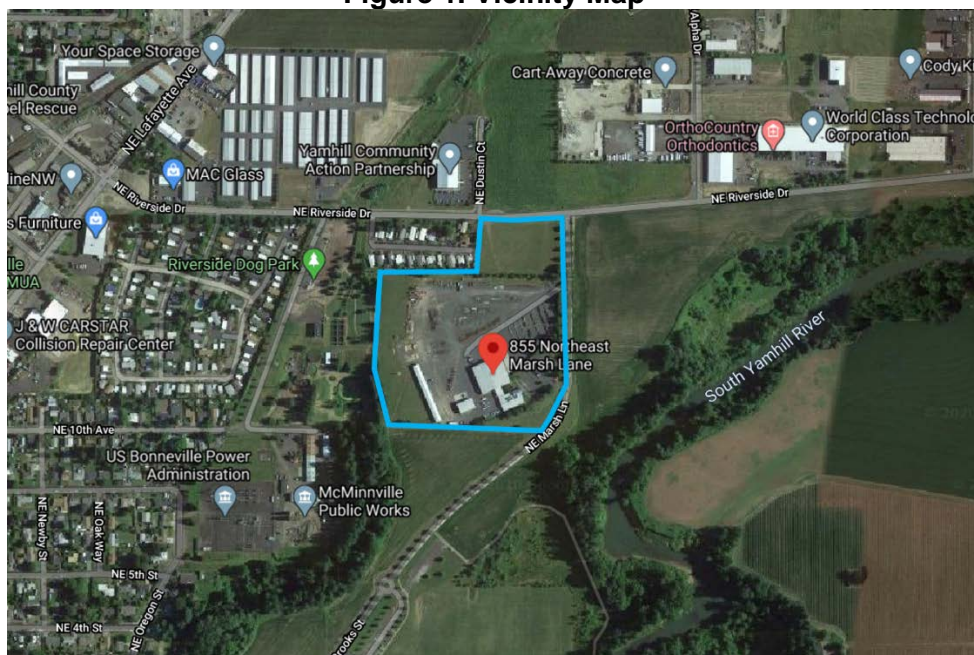
Staff has reviewed the proposal for consistency with the applicable criteria. Absent any new evidence to the contrary presented during the hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

Suggested Motion:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE CONDITIONAL USE PERMIT APPLICATION CU 2-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

Figure 1. Vicinity Map



Attachments:

Attachment A: Decision Document

Figure 2. Zoning Map

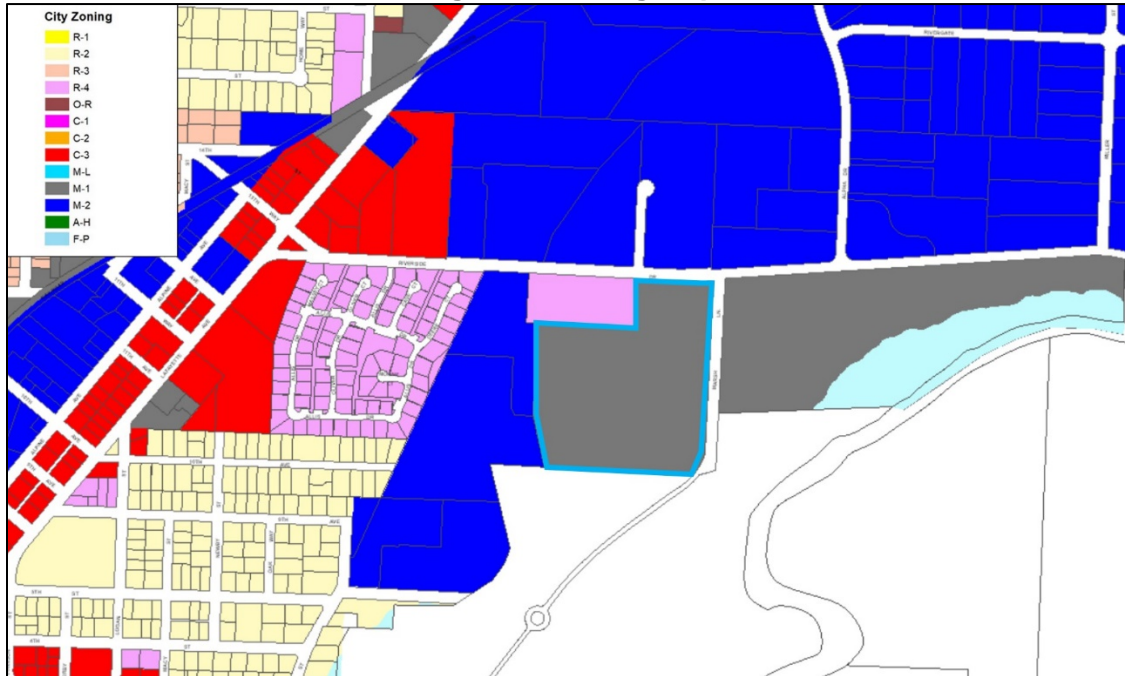


Figure 3. Site Plan Option 1

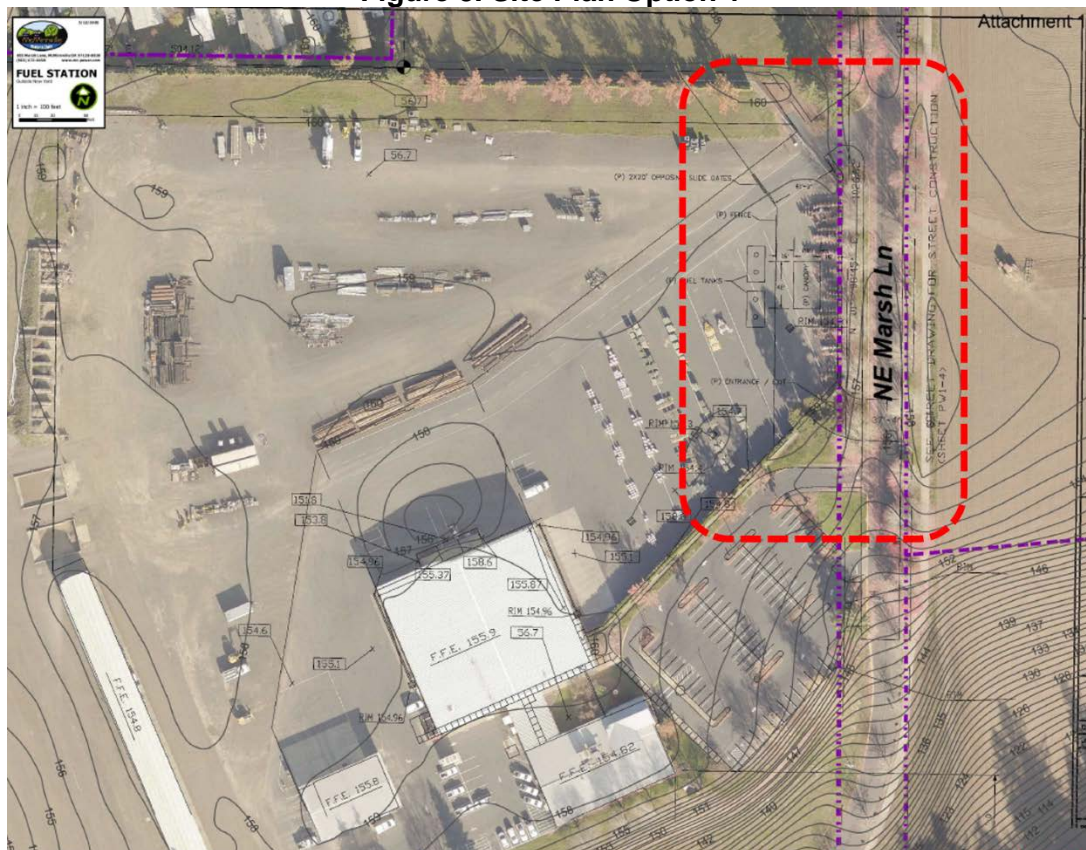


Figure 4. Site Plan Option 2



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.

Exhibit 5c. Photos of 20,000 gallon tank



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

TS:sjs