



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ADULT DAY CARE FACILITY AT 2270 NE McDANIEL LANE**

- DOCKET:** CU 3-20 (Conditional Use)
- REQUEST:** Application for a Conditional Use Permit to allow for an adult day care facility to provide services to developmentally diverse adults with the purpose of assisting clients in community integration and socialization.
- LOCATION:** 2270 NE McDaniel Lane. The property is more specifically described as Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.
- ZONING:** C-3 (General Commercial)
- APPLICANT:** Blair Goldstein, B<sup>2</sup> Community Care LLC
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** July 23, 2020
- DECISION MAKING BODY & ACTION:** The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.
- DECISION DATE & LOCATION:** August 20, 2019, 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.



**I. APPLICATION SUMMARY:**

***Subject Property & Request***

The proposal is an application for a Conditional Use Permit (CU 3-20) to allow for a new adult day care facility. The proposed adult day care facility would be located in an existing structure on the property and would provide services to developmentally diverse adults with the purpose of assisting clients in community integration and socialization. The subject site is located at 2270 NE McDaniel Lane, and is more specifically described as Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.

The subject property is located on the east side of NE McDaniel Lane between NE Highway 99W and Wortman Park. The subject property is zoned C-3 (General Commercial). Wortman Park, to the south of the subject property, is zoned R-2 (Single Family Residential). Other adjacent and surrounding properties to the north, east, and west of the subject property are zoned C-3 (General Commercial). Uses on the surrounding properties include Wortman Park and the McMinnville Senior Center to the south, an outdoor storage yard to the east, a gas station with convenience store and restaurant to the north, and a bank and a laundromat to the west across McDaniel Lane.

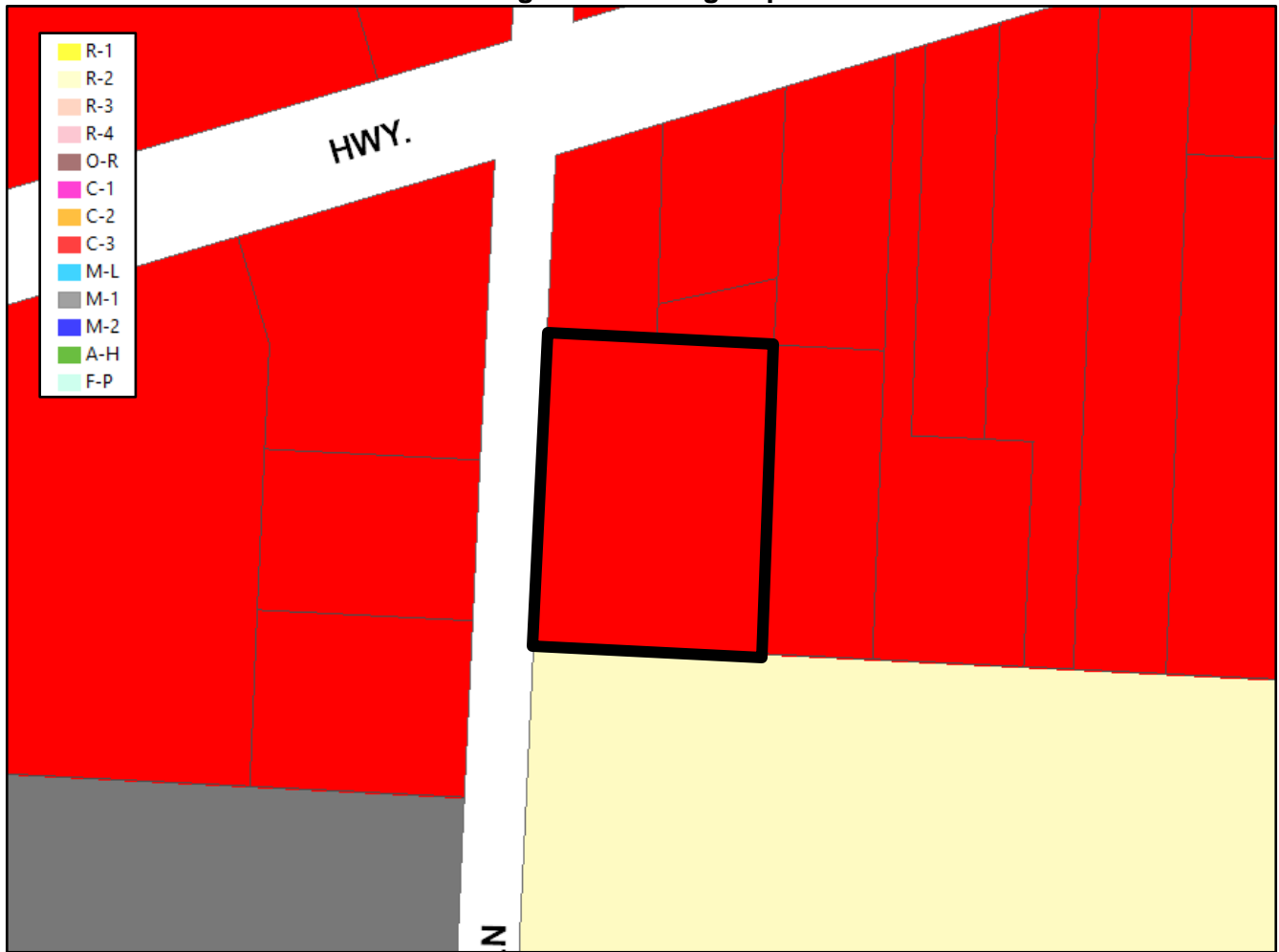
The subject property is developed with a building and off-street parking area. A state agency office (Department of Motor Vehicles) operates in the southern portion of the existing building. The northern portion of the existing building, previously a medical office, is currently vacant and the location of the proposed adult day care facility. The off-street parking area on the property provides 71 parking spaces, 11 of which are specifically marked for use by the previous medical office use, and would be for the adult day care facility use. To accommodate the proposed conditional use, three windows on the north side of the existing building would be replaced with egress doors, and a concrete walkway would be extended to the doors. The existing structure and site would not otherwise be altered for the conditional use.

**See Vicinity Map (Figure 1), Zoning Map (Figure 2), and Applicant’s Proposed Site Plan (Figure 3) below.**

**Figure 1: Vicinity Map**



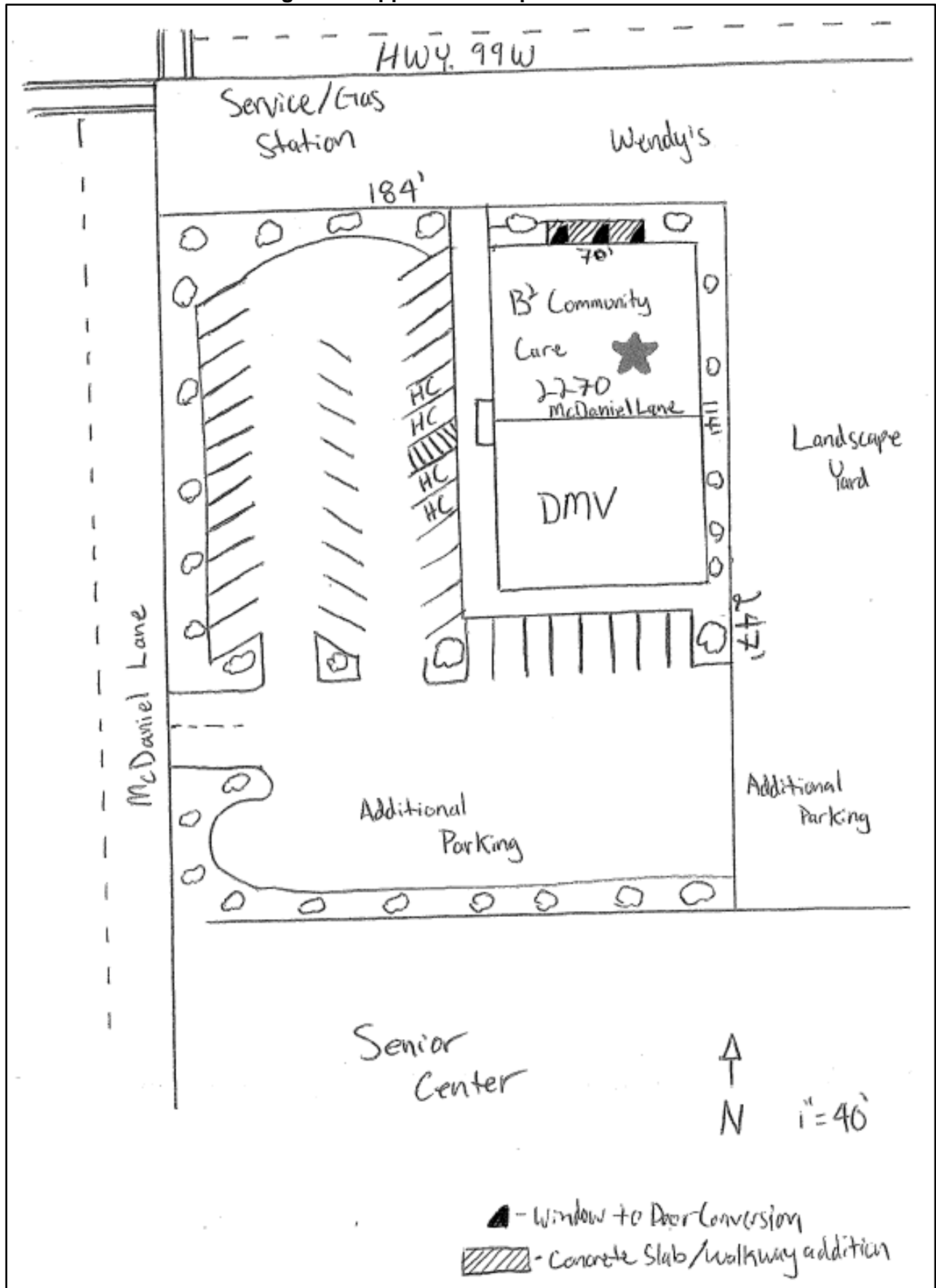
Figure 2: Zoning Map



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Figure 3. Applicant's Proposed Site Plan



The applicant provided the following information regarding the property and proposed conditional use request:

“The request is to utilize the space for the purpose of an (adult day care) center, with the purpose of assisting clients in community integration & socialization. Our proposal is to change the use of the space to an I-4 classification in which an adult day care or day care by other means should be allowed with the filing and acceptance of a Conditional Use application process. When accepted we will provide services to the developmentally disabled adults of our community.”

The applicant provided the following information regarding the business model for the proposed conditional use:

“B<sup>2</sup> Community Care LLC is a day support community center for the Developmentally Diverse and caters to those who may need assistance with taking on daily tasks such as self-care, travel, communicative skills, ambulatory ability or medication handling. We here at B<sup>2</sup> Community Care assist our clients daily to attend outings within the community that they may not be able to otherwise attend due to a lack of access or ability within their day to day lives at home. Our staff is expertly trained in all scenarios and cross trained further still for every individual to ensure that all are cared for in a safe, healthy, fun and most importantly professional environment. We take pride in providing a fun and safe environment for all who attend the program, along with an ease of mind for all parents, family, staff and providers who have the faith in our support professionals who assist clients daily. It is our hope to bring this location to life within the next few months [...]”

### **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.

The predominant issues with a conditional use of this nature relate to the interest of the surrounding area. Typical concerns associated with conditional uses include compatibility with the character of the surrounding area, privacy, noise, parking, and traffic.

The specific review criteria for Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- 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;
- 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;

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- 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;
- E. The proposal will preserve environmental assets of particular interest to the community;
- 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.

The applicant has provided findings to support the request for a Conditional Use. These will be discussed in detail in Section VII (Conclusionary Findings) below.

## **II. CONDITIONS:**

- 1. Prior to the issuance of building permits, the applicant shall coordinate with McMinnville Water & Light to determine if an additional water meter and/or backflow prevention is required.

## **III. ATTACHMENTS:**

- 1. CU 3-20 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, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No comments from Engineering.

- McMinnville Fire Department

We have no issues with this request.

- McMinnville Water & Light

Existing water meter is 1.5". This may be adequate for the total water fixture count. If a separate water meter is needed, the second existing service onsite will accommodate up to a ¾" water meter. Backflow protection may be required on the existing 1.5" meter and possible new meter to the adult day care. If they are doing any medical procedures at the location an RP will be required at the meter. If facility is used only for office purposes only a DCVA would be required at the meter, for premises isolation.

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## Public Comments

Notice of this request was mailed to property owners located within 200 feet of the subject site. No public testimony was received by the Planning Department.

## V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Blair Goldstein of B<sup>2</sup> Community Care, held a neighborhood meeting on June 9, 2020.
2. The applicant submitted the Conditional Use application (CU 3-20) on June 25, 2020.
3. The application was deemed complete on July 23, 2019. Based on that date, the 120 day land use decision time limit expires on November 20, 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, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

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

5. Notice of the application and the August 20, 2020 Planning Commission public hearing was filed 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.
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:** 2270 NE McDaniel Lane (Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.)
2. **Size:** 1.07 acres (total existing site); 3,400 square feet (area of existing building proposed for adult day care facility)
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Northern portion of existing structure: vacant (previously medical office)  
Southern portion of existing structure: state agency office (DMV)

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7. **Inventoried Significant Resources:**

- a. **Historic Resources:** None
- b. **Other:** None

8. **Other Features:**

- a. **Slopes:** The site is generally flat.
- b. **Easements:** None

9. **Utilities:**

- a. **Water:** Water service is available to the subject site.
- b. **Electric:** Power service is available to the subject site.
- c. **Sewer:** Sanitary sewer service is available to the subject site.
- d. **Stormwater:** Storm sewer service is available to the subject site.
- e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** NE McDaniel Lane is classified as a Minor Collector in the 2010 McMinnville Transportation System Plan (TSP). The existing right-of-way is 50 feet wide, with improved street surface of approximately 36 feet in width centered within the right-of-way. McDaniel Lane adjacent to the subject property is improved with curb and gutter and curb-tight sidewalk. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use 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.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

### **GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.**

#### *NOISE*

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*Policy 12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed conditional use of adult day care facility would not create noise that is incompatible with adjacent and surrounding land uses. The proposed conditional use is not anticipated to generate noise at higher levels than that created by uses permitted outright in the C-3 (General Commercial) zone, which include automobile repair garage, music studio, and auditorium exhibition hall.

**GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.**

**GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.**

*Policy 21.00 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the City. Such uses shall locate according to the goals and policies in the comprehensive plan.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare would provide a service to the McMinnville community and to developmentally diverse clients that is not presently available in the City. The location of the proposed conditional use is consistent with the comprehensive plan, as described in findings for applicable goals and policies in this section.

**GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.**

*Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare would be located in an existing commercial structure. The applicant has noted that the layout of the existing commercial space is ideal for the adult daycare operation, and minimal changes to the building to comply with a building code change of use are required. The reuse of the existing commercial structure is efficient use of the existing commercial property.

*Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.*

**APPLICANT’S RESPONSE:** None.

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**FINDING: SATISFIED.** The adult daycare conditional use is proposed for a commercially zoned property mainly surrounded by other commercially zoned and developed properties. To the south of the subject property is a public park and senior center on residentially zoned land. The proposed adult daycare would not conflict with adjacent land uses. Because the site was previously fully developed, city services are already in place and serve the site.

**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.**

#### *PARKING*

*Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*

*Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site has an off-street parking area with 71 available parking spaces. Compliance with off-street parking standards is described further in the findings for below.

**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.**

#### *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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed and is served by the municipal sewer system.

#### **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:** None.

**FINDING: SATISFIED.** The subject site is developed and is served by the municipal storm drainage system.

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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:** None.

**FINDING: SATISFIED.** The subject site is developed and is served by the municipal water system.

**POLICE AND FIRE PROTECTION**

*Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency services departments were provided an opportunity to review the proposal, and offered no comments or objections to the proposed development of the conditional use on the subject site.

**GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN**

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today’s technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

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*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*
  - a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** No significant natural features exist on the subject site, which is fully developed. The overall site plan would not be changed, and there would be no impact to existing trees on the property or the adjacent park.

2. *Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*
  - a. *Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** No significant scenic views exist on the subject site, which is fully developed. The overall site plan would not be changed, and there would be no impact to existing views to the adjacent park.

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
  - a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** No parks or open space exist on the subject site, which is fully developed. The site is adjacent to Wortman Park, which is designated as a community park in the McMinnville Parks Master Plan. Park amenities would be available for the use of the adult daycare staff and clients.

4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
  - a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
  - b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

**APPLICANT’S RESPONSE:** None.

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**FINDING: SATISFIED.** The subject site is developed with sidewalks that provide pedestrian connection to nearby and adjacent commercial areas and to Wortman Park. The trail network within the park can be utilized by the adult daycare staff and clients.

5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
  - a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
  - b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed with sidewalks that provide bicycle connection to nearby and adjacent commercial areas and to Wortman Park. McDaniel Lane is a designated street with shared lane (bicycle and vehicle) pavement markings and posted signs (“Sharrows) in the Bicycle System Plan described in the 2010 McMinnville Transportation System Plan. The bicycle network can be utilized by the adult daycare staff and clients.

6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
  - a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
  - b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed, and is located on McDaniel Lane, a designated Minor Collector in the 2010 McMinnville Transportation System Plan (TSP). No new streets are proposed as part of the conditional use permit application.

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
  - a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - b. *Design practices should strive for best practices and not minimum practices.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare facility would provide services to developmentally diverse clientele, a population to which accessibility and ease of use is important. The applicant has identified the available space on the subject site as meeting the needs of the business and its clients because of its accessibility and ease of use of the interior spaces.

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
  - a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

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- b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
- c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed with a building of a scale that is compatible with the surrounding built environment that is comprised of commercial uses to the north, east, and west. The only change to the existing building that is proposed as a result of the conditional use application is the conversion of three windows on the north side of the building to egress doors. The new doors are not visible from the public right-of-way, so the appearance and scale of the building would not change.

- 9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
  - a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. *Neighborhoods are designed such that owning a vehicle can be optional.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare use introduces a new use to the surrounding neighborhood that already includes a variety of commercial uses. Additionally, a part of the daycare program is to provide it clients access to a mix of activities and opportunities within the community. The adult daycare provides transportation for its clients to and from the facility, and to and from outings and activities, reducing its clients’ reliance on personal automobiles.

- 10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
  - a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is surrounded by other property that is also within the McMinnville Urban Growth Boundary. Therefore, buffers or transitions to rural lands are not applicable.

- 11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
  - a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

**APPLICANT’S RESPONSE:** None.

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**FINDING: SATISFIED.** Housing is not proposed in the conditional use permit application.

12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
- a. *Neighborhoods shall have several different housing types.*
  - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Housing is not proposed in the conditional use permit application.

13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*
- a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
  - b. *Opportunities for public art provided in private and public spaces.*
  - c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed, and major changes to the existing building and site conditions are not proposed in the conditional use permit application.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The process for a 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 access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

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

#### **Chapter 17.03. General Provisions**

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**17.03.020 Purpose.** The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

### **Chapter 17.33 General Commercial Zone**

**17.33.020 Conditional Uses.** In an C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030:: [...]

A. Day care facility;

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is zoned C-3 (General Commercial), which allows for the intended adult day care use of the property as a conditional use. Adult day care is specifically included in the definition of “Day Care Facility” in Section 17.06.015 of the McMinnville Municipal Code, which is “Any facility that provides care to three or more persons exclusive of family members during a limited portion of a 24-hour period, including a day nursery, family day care center, adult day care, or similar unit operating under any name or as may be licensed by the State of Oregon. This does not include educational or health care facilities, residential facilities or those offering overnight care or detention facilities.”

### **Chapter 17.57 Landscaping**

**17.57.030 Zones where required.** Landscaping shall be required in the following zones except as otherwise noted:

D. C-3 (General Commercial Zone);

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed and landscaping has previously been provided. The proposed use would not alter the site plan such that additional landscaping is required.

### **Chapter 17.58 Trees**

**17.58.080 Street Tree Planting—When Required.** All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

**APPLICANT’S RESPONSE:** None.

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**FINDING: SATISFIED.** The subject site is a previously developed commercial site on McDaniel Lane, and new development is not proposed in the conditional use application. McDaniel Lane does not have a curb-side planting strip adjacent to the site. Trees were previously planted between the parking lot and the public roadway. Therefore, no new street trees are required.

## Chapter 17.60 Off-Street Parking and Loading

**17.60.060 Spaces-Number Required.** Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

- B. Institutional land use category
5. Day care, preschool, nursery, or kindergarten One space for each teacher or supervisor

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has indicated that there will not be more than ten (10) staff at the adult daycare facility at a time. The existing parking lot on the property has a total of 71 parking spaces, and 11 parking spaces are designated for use by the commercial space where the adult daycare is proposed. Therefore, sufficient off-street parking for the proposed conditional use is available.

## Chapter 17.74 Review Criteria

### **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:** The plan will be consistent with the comprehensive plans of McMinnville's zoning ordinance due to the necessary steps of following a conditional use application process for any zoning being required for an adult day care center or any other day care center. This is rather than a simple change of use application process for a C-1, C-2, or C-3 classified building. The plans have followed all requirements for neighborhood meetings, notices, announcements and allowances for objection or suggestions for alterations to the original use plan.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

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**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:** As the property stands, it will be mostly maintained aside from a minor structural adjustment, there will be no alteration to the existing surrounding areas. There may in fact be a decrease in the impact on traffic flow due to the previously listed usage being a therapeutic/clinicians office. Our new project will provide transportation to clients reducing the number of vehicle trips to the area to simply staff and company vehicles. There will be a positive impact to the surrounding community due to the business model and strategy for client integration.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings. The adult daycare is proposed for an existing commercial space, and no new development on the site is proposed. The proposed adult daycare use is not incompatible with surrounding commercial uses or with the adjacent public park. The application states that part of the business model is to integrate the daycare's clients into the surrounding community and uses through outings and activities. The variety of nearby commercial and park uses and the daycare will be mutually beneficial as noted in the application.

The proposed conditional use will have minimal impact on the livability and development of surrounding properties. The scale, bulk, and coverage of the existing structure and site features would not change with the proposed conditional use. Public facilities and utilities have been provided and serve the existing site. Unlike a child daycare where children are often individually dropped off and picked up, the proposed adult daycare will provide transportation for its clients, who may be unable to drive themselves. This will limit trips to and from the site and the generation of additional traffic in the area.

These features of the proposed conditional use result in a use of the site and its existing elements that is reasonably compatible with and has minimal impact on the livability or appropriate development of abutting properties and the surrounding 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:** When compared to the impact of a regularly permitted use, our conditionally appropriate use would not have a significant impact. As it is understood an adult day care center or any day care center for that matter is listed as a conditional use. This conditional use would actually have a positive impact in the direct surrounding area more so than a regularly permitted use. This would be due to our staff and business model to integrate our clients into the community & assist them with activities and outings, on which they will spend their money, willingly, and boost local economic surplus. It can be said that the impact that would be had on abutting properties would either be positive or null.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings, and adds that the location, site, design, and operations of the adult daycare 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(B) above.

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**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:** The setting & property is essentially flawless, aside from a requirement for fire safety code regulations for our implementation of an egress door in all room in which care is provided, there will be no changes. We will simply be adding /altering three windows to be doors, there will be no effect or disruption of the surrounding area. The setting provided for conditionally appropriate use fits all of the need of the business perfectly, there are multiple large rooms, several smaller rooms for individualized or small group care or projects, and there is even a complete kitchen area with two rather large bathrooms with an abundance of space & ADA capabilities for DD adults.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings, and notes that the portion of the existing building visible from the public right-of-way and the site would not be altered. The location, site, design, and operations of the adult day care 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.

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

**APPLICANT’S RESPONSE:** It is our goal to make as few alterations possible to the existing features and site. That being said, I do not believe there are preservable or environmental assets within the property, if there are we have not been made aware by the owners who have signed off on all projects through this point.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings. As discussed in more detail above, no significant natural features or environmental assets are present on the site.

**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:** There are no motives to do such property value alterations or speculations of inflation or deflation. Our ownership has signed a tentative lease pending acceptance of a conditional use application and the proceeding of operations. This lease is a term of five years with an option known to managing partners.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

**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;

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- 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:** None

**FINDING: SATISFIED.** As described in findings for Section 17.74.030 above, the proposed conditional use (adult daycare) is adaptively re-using an existing commercial structure and commercial property, is relatively compatible with surrounding properties and uses, and causes no significant adverse impact on the livability, value, or appropriate development of the surrounding area, staff does not recommend any further conditions are necessary to protect the best interest of the surrounding area or the community as a whole.

JF