



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONING TEXT AMENDMENT TO THE THREE MILE LANE PLANNED DEVELOPMENT OVERLAY ORDINANCE (ORDINANCE NO. 4131 AS AMENDED BY ORDINANCE NO. 4572) TO ALLOW ADDITIONAL FREESTANDING SIGNS FOR BUSINESSES THAT EMPLOY DRIVE-UP SERVICE WITHIN ZONE 2 OF THE OVERLAY DISTRICT**

- DOCKET:** ZC 2-20 (Zoning Text Amendment)
- REQUEST:** Application to amend the Three Mile Lane Planned Development Overlay Ordinance (Ordinance No. 4131 as amended by Ordinance No. 4572) to allow additional freestanding signs for businesses that employ drive-up service within Zone 2 of the overlay district.
- LOCATION:** Not applicable
- ZONING:** Not applicable
- APPLICANT:** Alexander Taam, Freiheit Architecture, on behalf of McDonald's Corporation
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** January 22, 2021
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.
- HEARING DATE & LOCATION:** February 18, 2021, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 918 8312 0529.
- PROCEDURE:** An application for a Zoning Text Amendment is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. 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 McMinnville Municipal Code.
- CRITERIA:** The specific criteria for Zoning Text Amendment requests on the Zoning Text Amendment application have been deemed necessary by the Planning Director in accordance with MMC Section 17.72.020(G), and require the applicant to demonstrate that:
1. The proposed change is consistent with the relevant goals and policies of the McMinnville Comprehensive Plan and this code.
  2. There is a public need for a change of the kind in question.



## **I. APPLICATION SUMMARY:**

### ***Request***

The proposal is for an Zoning Text Amendment to amend the Three Mile Lane Planned Development Overlay Ordinance (Ordinance No. 4131 as amended by Ordinance No. 4572) to allow additional freestanding signs for businesses that employ drive-up service within Zone 2 of the overlay district.

The applicant is proposing to add the following language to Section 5B of the Three Mile Lane Planned Development Overlay which regulates signage on commercially and industrially designated properties within Zone 2:

“Additional freestanding signs are permitted with businesses that employ drive-up service. One such sign, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary sign, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding sign that has copy facing toward a public street shall be located a minimum of thirty (30) feet from that street’s property line. Wall mount signs shall be exempt from this.”

The proposed language is found in Section 17.62.070(F) – Permanent Sign Regulations of the McMinnville Zoning Ordinance. Section 17.62.070(F) was added to Section 17.62.070 in 2011 (Ordinance No. 4935) and amended to the current language seen above in 2016 (Ordinance No. 5013). However, Section 17.62.020-Scope states that “...this chapter does not apply to lands within the areas described in [...] the Three Mile Lane Ordinances 4572 and 4131.” Therefore, the applicant is requesting the zoning text amendment to the Three Mile Lane Planned Development Overlay Ordinance to include language allowing Drive-Up Service Signs as permitted in the City of McMinnville outside of the Three Mile Lane Overlay District.

An application for a Three Mile Lane Development Review has been submitted concurrently with the Zoning Text Amendment application. The Three Mile Lane development proposed by the applicant is the addition of a second drive-thru service lane with associated signage at an existing McDonald’s restaurant located in Zone 2 of the Three Mile Lane Planned Development Overlay District.

### ***Summary of Criteria & Issues***

The application (ZC 2-20) is subject to Zoning Text Amendment review criteria provided in the Zoning Text Amendment application and consistent with Section 17.74.020 of the McMinnville Municipal Code (MMC). Zoning Text Amendment requests are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific criteria for Zoning Text Amendment requests on the Zoning Text Amendment application have been deemed necessary by the Planning Director in accordance with MMC Section 17.72.020(G), and require the applicant to demonstrate that:

4. The proposed change is consistent with the relevant goals and policies of the McMinnville Comprehensive Plan and this code.
5. There is a public need for a change of the kind in question.
6. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

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

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#### *Attachments :*

Attachment 1 - Application and Attachments

**II. CONDITIONS:**

*Not applicable.*

**III. ATTACHMENTS:**

1. ZC 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, Engineering Department, Public Works Department, Building Department, Parks Department, Wastewater Services; and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Oregon Department of State Lands; Oregon Department of Transportation; Frontier Communications; Comcast; Recology; and Northwest Natural Gas. In addition, notice was provided to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Building Department  
No building code issues.
- McMinnville Engineering Department  
No comments.
- McMinnville Water & Light  
MW&L has no comments on either of these submittals.
- Comcast  
We have no conflicts with this project.

**Public Comments**

Notice of this request was mailed to property owners located within Zone 2 of the Three Mile Lane Planned Development Overlay District. Notice of the public hearing was also provided in the News Register on Tuesday, February 9, 2021. As of the date of the Planning Commission public hearing on February 18, 2021, no public testimony had been received by the Planning Department.

**V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant, Alexander Taam, Freiheit Architecture, on behalf of McDonald's Corporation, submitted the Zoning Text Amendment application (ZC 2-20) on November 24, 2020. Application fees were paid on December 9, 2020.
2. The applicant was not required to hold a neighborhood meeting, per MMC 17.72.095(A)(1).
3. The application was deemed incomplete on January 5, 2021. The applicant submitted revised application materials on January 7, 2021.
4. Based on the revised application materials, the application was deemed complete on January 22, 2021. Based on that date, the 120 day land use decision time limit expires on May 22, 2021.

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5. 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, Public Works Department, Building Department, Parks Department, Wastewater Services; and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Oregon Department of State Lands; Oregon Department of Transportation; Frontier Communications; Comcast; Recology; and Northwest Natural Gas. In addition, notice was provided to the Oregon Department of Land Conservation and Development. In addition, notice was provided to the Oregon Department of Land Conservation and Development. Comments received from agencies are addressed in the Decision Document.
6. Notice of the application and the February 18, 2021 Planning Commission public hearing was mailed to property owners within Zone 2 of the Three Mile Lane Planned Development Overlay District in accordance with Section 17.72.120 of the Zoning Ordinance on January 29, 2021.
7. Notice of the application was provided to the Department of Land Conservation and Development on February 2, 2021.
8. Notice of the application and the February 18, 2021 Planning Commission public hearing was published in the News Register on Tuesday, February 9, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
10. On February 18, 2021, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

*Not applicable.*

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

### **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:

## **CHAPTER IV: ECONOMY OF McMINNVILLE**

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**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.**

**APPLICANT'S RESPONSE:** The proposal is consistent with this goal because the proposed language would allow the growth of this restaurant through additional signage supporting a more efficient drive-thru configuration. With the addition of the updated drive-thru more customers will be able to access this restaurant which encourages the continued growth and diversification of McMinnville's economy.

**FINDING: SATISFIED.** Staff concurs with the applicant's finding.

**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 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** The proposed language we seek to adopt would allow continued growth of McMinnville as the commercial center for Yamhill County because it would encourage other businesses to utilize the allowable signage and increase public relations in the area. Other restaurants of the same nature would also have the opportunity to upgrade their drive-up services resulting in providing more services to the city and county residents.

**FINDING: SATISFIED.** Adoption of the proposed text amendment would support existing business within Zone 2 of the Three Mile Lane Planned Development Overlay District. The additional signage allowed would allow expansion of commercial and industrial uses that employ drive-thru services to respond to changing public demand.

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

*Policy 34.00 The City of McMinnville shall develop and maintain guidelines concerning the size, placement, and type of signs in commercial areas.*

**APPLICANT'S RESPONSE:** The proposal ensures the maximum efficiency of land use through the utilization of the existing McDonald's and the existing commercially designated land it is on. Our proposal is based from using the existing restaurant by enhancing the current service with more instances of signage; maintaining size, placement and type of signage in commercial areas. Our proposal is simply to increase the instance quantity of signage drive-thru establishments.

**FINDING: SATISFIED.** Staff concurs with the applicant's finding. Staff adds that the proposed text amendment would apply guidelines concerning the size, placement, and type of additional signs associated with drive-thru services on commercially designated lands within Zone 2 of the Three Mile Lane Planned Development Overlay District. Additionally, the proposed text amendment would not change the requirement for all signage in the Three Mile Lane area to undergo review and approval by the Three Mile Lane Design Committee.

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

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** 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). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**Three Mile Lane Planned Development Overlay**

The Three Mile Lane Planned Development Overlay was adopted by Ordinance No. 4131 and amended by Ordinance No. 4572. The following Sections of the Three Mile Lane Planned Development Overlay (Ord. No. 4131 as amended by Ord. No. 4572) are applicable to the request:

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Staff finds that the proposed text amendment to the Three Mile Lane Planned Development Overlay is consistent with the Statement of Purpose. The proposed language supports desirable development, encourages good quality and design of commercial lands, and further helps to ensure the compatibility of living and working environments.

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

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.
- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:
  - 1. The minimization of entrances onto Three Mile Lane;
  - 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
  - 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.
  - 4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or

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on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.

- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.
- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380). (Ord. 4988 §1, 2015)

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** As described in specific findings above, the proposed text amendment to the Three Mile Lane Planned Development Overlay is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan, Volume II.

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

The Three Mile Lane Planned Development Overlay area is hereby divided into three “sign zones” which are depicted on Exhibit “B” which is attached hereto and is by this reference herein incorporated. Signage shall be regulated within the various sign zones as follows:

- B. Zone 2. The following regulations apply to commercially and industrially designated properties which fall within zone 2:
  - 1. That only one free-standing sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit “B”, subject to the following:
    - a. The maximum height of any free-standing sign shall be 30 feet, except as provided in subsection (B) (1) (c) below.
    - b. The maximum square footage per sign face is 64 square feet, and there shall be a maximum of two sign faces per free-standing sign, except as provided in subsection (B) (1) (c) below.
    - c. If two or more properties share a single free-standing sign, said sign shall be a maximum of 35 feet in height, and each property sharing the sign shall be entitled to up to 64 square feet of sign face per side on a maximum of two sides. The shared free-standing sign would exhaust the allowance for free-standing signs listed in subsection (B) (1) (a) above for all parcels represented.
    - d. A free-standing sign is allowed only on properties with frontage on the Highway 18 frontage road.
  - 2. In lieu of a free-standing sign as listed in subsection 1 above, one monument-type sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit “B”, subject to the following:
    - a. Maximum square footage per sign face shall be 50 square feet, and there shall be a maximum of two sign faces per monument sign.

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- b. Maximum sign height shall be six feet, and the top of the sign shall not be more than eight feet above the center line grade of the Three Mile Lane frontage road.
  - c. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
3. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
    - a. Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
    - b. The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
  4. If a parcel is divided after the date of the adoption of this ordinance, the sign allowances established in subsections 1 and 2 above will apply only to the original parcel or what remains of it and newly created parcels are limited to the sign allowances established in subsection 3 above except as provided in subsection (B) (5) below.
  5. The Three Mile Lane Design Review Committee may allow the sharing of a single free-standing sign by an original parcel or what remains of it and parcels divided after the date of the adoption of this ordinance. The total sign size shall not exceed that allowed for the original parcel.
  6. Portable signs and signs with flashing or moving parts are prohibited.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed amendment to this section is not inconsistent with existing sign regulations for Zone 2 of the Three Mile Lane Planned Development Overlay District. The amendment would allow and regulate additional signs only for uses that employ drive-thru services, and does not revise other sign standards as adopted by Ordinance No. 4572.

Section 6. Procedures for Review:

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

B. Zone changes submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of McMinnville Ordinance 3380 (Zoning Ordinance)

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed amendment is not inconsistent with existing procedures for review of the Three Mile Lane Planned Development Overlay District. Additional signage for uses employing drive-thru services would be subject to review and approval by the Three Mile Lane Design Review Committee.

**McMinnville Zoning Ordinance**

The McMinnville Zoning Ordinance is Title 17 of the McMinnville Municipal Code. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

**Chapter 17.72. Applications and Review Process**

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**17.72.020 Application Submittal Requirements.** Applications shall be filed on forms provided by the Planning Department and shall be accompanied by the following;

- A. A scalable site plan of the property for which action is requested. The site plan shall show existing and proposed features, such as access, lot and street lines with dimensions in feet, distances from property lines, existing and proposed buildings and significant features (slope, vegetation, adjacent development, drainage etc.)
- B. An explanation of intent, nature and proposed use of the development, and any pertinent background information.
- C. Property description and assessor map parcel numbers(s).
- D. A legal description of the property when necessary.
- E. Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.
- F. Materials required by other sections of the McMinnville Zoning Ordinance specific to the land use application.
- G. Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.

**APPLICANT’S RESPONSE:** [See responses below].

**FINDING: SATISFIED.** In response to the applicant’s request for a Zoning Text Amendment, the Planning Director required demonstration of compliance with the following three (3) criteria, as provided on the Zoning Text Amendment application form. See findings for individual criteria below:

1. The proposed change is consistent with the relevant goals and policies of the McMinnville Comprehensive Plan and this code.

**APPLICANT’S RESPONSE:** [See responses provided for specific goals, policies, and code].

**FINDING: SATISFIED.** As demonstrated in findings in this document, the proposed text amendment is consistent with Comprehensive Plan goals and policies, and this code.

2. There is a public need for a change of the kind in question.

**APPLICANT’S RESPONSE:** Given the current status of the nation more people are turning toward services that minimize human contact. Allowing additional signage to this drive-thru would fulfill the public’s need for a safe delivery method of food. Ultimately the allowance for more signage at business with drive-up services would allow for a more positive customer experience.

**FINDING: SATISFIED.** Staff concurs with the applicant’s finding. Since the start of the COVID-19 pandemic, consumer research has shown that the demand for drive-thru service and accommodation of digital ordering and pickup has increased as consumers seek a contactless experience. The text amendment request is in response to changing demographics in the restaurant industry stemming most recently from public health and safety concerns, and the need to have the flexibility to adjust business practices for those eligible uses to reflect the changing public need.

3. The need will be best served by changing the classification of the particular piece of property in question as compared to other available property.

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**APPLICANT’S RESPONSE:** Comparing to other available properties is not applicable as this project is not evaluating alternative properties; our goal is to improve the existing drive-thru restaurant by increasing ease of the customer experience by providing a more efficient method of ordering and receiving food, the proposed additional signage will support that effort.

**FINDING: SATISFIED.** The proposed text amendment allowing additional signage for uses employing drive-thru services would only impact those commercial and industrial properties within Zone 2 of the Three Mile Lane Planned Development Overlay District. The same allowances are provided for other commercially designated properties throughout the City by MMC Section 17.62.070(F). Relocating existing commercial or industrial uses that employ drive-thru services within Zone 2 of the Three Mile Lane Planned Development Overlay District to an area outside of the overlay district so that the demand for additional drive-thru services can be met is not practical.

JF