



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311

www.mcminnvilleoregon.gov

Planning Commission
ZOOM Online Meeting:
July 16, 2020

Please Note that this meeting will be conducted via ZOOM meeting software due to the COVID-19 event.

6:30 PM Regular Meeting

ZOOM Meeting: You may join online via the following link:

<https://mcminnvilleoregon.zoom.us/j/94235998716?pwd=eGkySXU3dkh1MGZzeUlrMnJncXpJQT09>

Zoom ID: 942 3599 8716
Zoom Password: 641661

Or you can call in and listen via zoom: 1 699 900 9128
ID: 942 3599 8716

If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."

Commission Members	Agenda Items
Roger Hall, Chair Lori Schanche, Vice-Chair Robert Banagay Erin Butler Susan Dirks Gary Langenwaller Roger Lizut Amanda Perron Beth Rankin	<p>6:30 PM - REGULAR MEETING</p> <ol style="list-style-type: none"> 1. Call to Order 2. Public Hearing <p>A. <u>Quasi-Judicial Hearing: Conditional Use Permit (CU 1-20)</u> – (Exhibit 1)</p> <p>Request: Approval of a conditional use permit to allow for the operation of a short term rental on the subject property.</p> <p>Location: 1113 NE 4th Street and is more specifically described as Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.</p> <p>Applicant: Casey McLane</p>

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

B. Quasi-Judicial Hearing: Planned Development Amendment (PDA 1-20) – (Exhibit 2)

Request: Approval of a Planned Development Amendment to amend the conditions of approval of the existing Planned Development Overlay District governed by Ordinance 4667. The requested amendments would include:

- 1) Amending a condition of approval that currently limits use of the site to professional office, medical office, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, to also allow multiple family dwellings and community buildings associated with residential uses.
- 2) Removal of a condition with an existing 35 foot building height limitation, resulting in the ability to construct to the maximum building height allowed in the underlying C-3 zone.
- 3) Addition of a new condition of approval requiring future review of a master plan prior to any development of the site.
- 4) Addition of a new condition of approval requiring a minimum of 10 percent of the site to be developed with usable open space if the site is developed with multiple family dwellings.

Location: 235 SE Norton Lane and is more specifically described as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.

Applicant: Housing Authority of Yamhill County, on behalf of property owner Burch Feero, Inc.

C. Legislative Hearing: Zoning Ordinance Text Amendments: General Provisions – Code Compliance (G 5-20) – (Exhibit 3)

Request: The City of McMinnville is initiating a legislative text amendment to amend Chapter 17.03, “General Provisions” relative to compliance, enforcement and violations of the Zoning Ordinance to align it with Chapter 2.50 of McMinnville Municipal Code.

Applicant: City of McMinnville

3. Work Session: Residential Site and Design Review: Cottage Clusters (Exhibit 4)

4. Citizen Comments

5. Commissioner/Committee Member Comments

6. Staff Comments

7. Adjournment



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EXHIBIT 1 - STAFF REPORT

DATE: July 16, 2020
TO: Planning Commission Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC HEARING: CU 1-20 (Conditional Use) – 1113 NE 4th Street

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 is a quasi-judicial hearing to consider a request for a Conditional Use (CU 1-20) to allow for the operation of a short term rental lodging use on a property within the Northeast Gateway Planned Development Overlay District

Background:

The subject site is located at 1113 NE 4th Street and is identified as Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M. The location of the subject site is provided in Figure 1 and the proposed site plan is provided in Figure 2 below:

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of CU 1-20

Attachment B: CU 1-20 Application Materials

Figure 1. Vicinity Map (Property Lines Approximate)

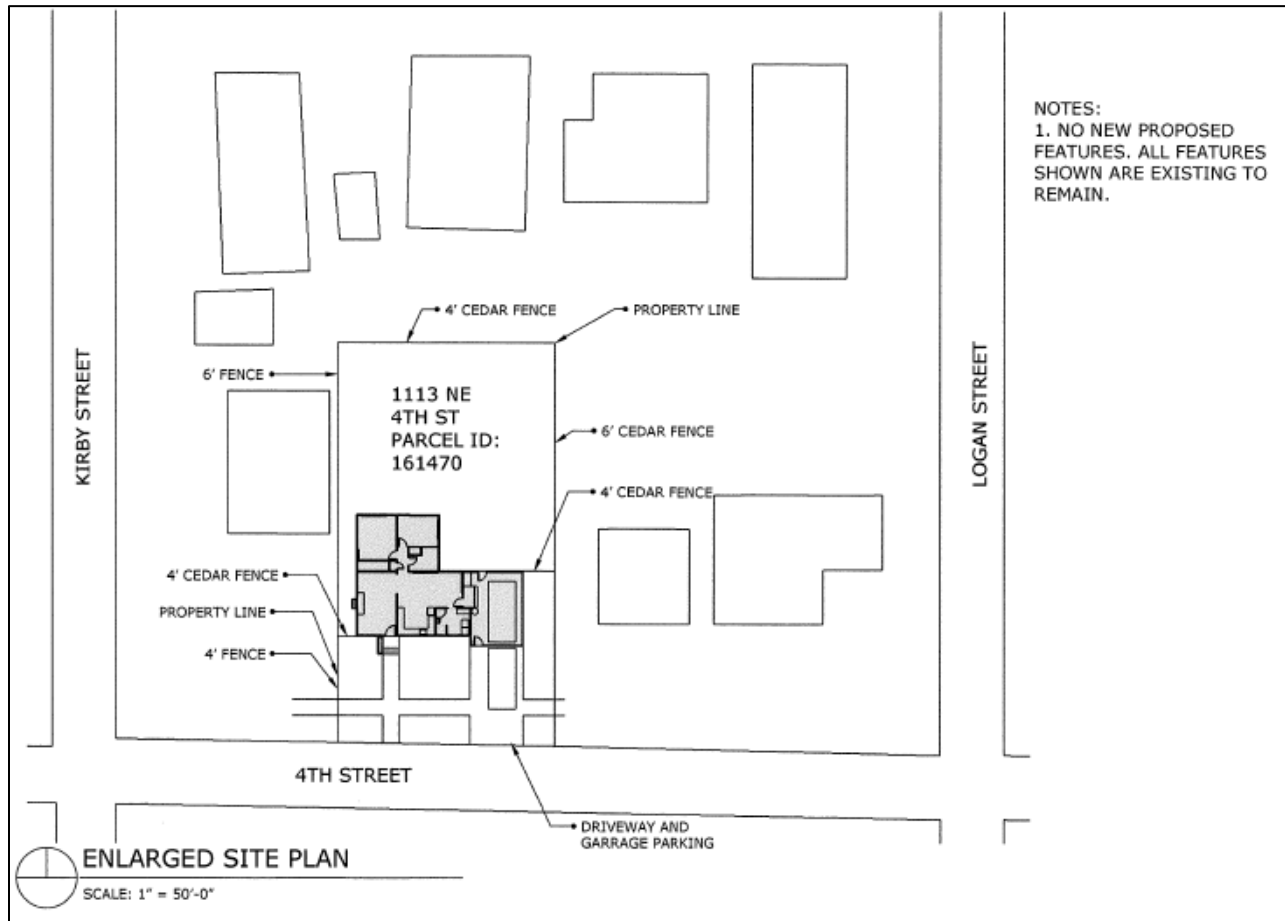


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Figure 2. Site Plan



In July 2013, Ordinance 4971 was approved, establishing the Northeast Gateway Planned Development Overlay District (NEG PD), which includes the subject property at 1113 NE 4th Street. The NEG PD included the establishment of three sub-areas or zones, and the subject property is located in Zone 3 of the NEG PD. The NEG PD also included a table of uses that are permitted and conditionally permitted in each zone. These uses are described in Table 1 of Ordinance 4971, and Section 6 of Ordinance 4971 states that the uses in Table 1 "...supplant the uses that are currently permitted or conditionally permitted in the underlying zones." In Zone 3, "Lodging: Bed and Breakfast/Vacation Home Rental" is listed as a Conditionally Permitted use in Residential zones. The underlying zoning of the subject property is R-2, and therefore a Conditional Use Permit is required for the lodging use.

At the time of adoption of Ordinance 4971 and the establishment of the Northeast Gateway Planned Development Overlay District in July 2013, the use of dwelling units for short term lodging use was described and defined in the McMinnville Municipal Code (MMC) as "vacation home rentals". Vacation home rentals were allowed at that time in residential zones within the city, but only as conditional uses requiring the review and approval of a conditional use permit by the Planning Commission. Since that time, vacation home rentals were changed from conditional uses to permitted uses, subject to some operational requirements (approved by Ordinance 4984 in November 2014). Even more recently, these types of uses were re-defined and are now described as "short term rentals" (approved by Ordinance 5047 in April 2018). Staff believes that the "Lodging: Bed and Breakfast/Vacation Home Rental" use in Table 1 and Section 6 of Ordinance 4971 was likely included as a conditional use at the time of adoption based on how those uses were treated in other residential zones at the time. The current application for a lodging use is being treated as a short term rental use as that type of use is currently defined in the

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MMC. However, the requirements of Ordinance 4971 do still apply and therefore the Conditional Use Permit was applied for by the applicant.

Discussion:

The decisions for this land-use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached is a decision document that provides the Findings of Fact and Conclusionary Findings for the requested Conditional Use. This document outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that, if achieved, put the application in compliance with the criteria.

The Conditional Use application (CU 1-20) is subject to the Conditional Use review criteria in Section 17.74.030 of the Zoning Ordinance. The use of the site is also subject to the requirements of the Northeast Gateway Planned Development Overlay District as adopted by Ordinance 4971. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

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;
- 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.

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. The applicant has provided a narrative and findings to support the request for the Conditional Use, based on how they believe it meets the applicable review criteria and other Comprehensive Plan goals and policies.

Overall, staff concurs with the applicant's arguments and supports the approval of the Conditional Use, subject to some conditions. The location, size, and design of the building and the other site improvements

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are not proposed to be changed in any way to accommodate the proposed new use of a short term rental. Therefore, the existing dwelling will remain in its residential character and continue to exist in a size and scale that is compatible with the surrounding neighborhood. The surrounding neighborhood includes a variety of uses, but the block on which the subject site is located is primarily single family residential uses.

The subject site is located in the Northeast Gateway Planned Development Overlay District, specifically in Zone 3 of the overlay district. The purpose of the Northeast Gateway Planned Development Overlay District, as described in Section 2 of Ordinance 4971, is to “...guide the transition of a light and heavy industrial area to a vital, mixed use, pedestrian-friendly neighborhood, consistent with the vision described in the adopted NE Gateway Plan. In so doing, this PDO provides a design framework and specific use standards that allows for a complementary mix of uses to include residential, employment, cultural/tourism, education, and neighborhood-scale support services.” More specifically, Zone 3 is described in Section 3 of Ordinance 4971 as being meant “...to allow for the development of a mixed-use, residential zone with a variety of housing types, neighborhood scale commercial uses, and an education component.” The proposed use of a short term rental introduces a mix of uses in the area, and also provides a “cultural/tourism” use that is described in the purpose of the Northeast Gateway Planned Development Overlay District. In addition, the subject site is located directly across the street from a property to the south that is commercially zoned and in Zone 1 of the Northeast Gateway Planned Development Overlay District. Zone 1 allows for a much wider variety of uses, including many that could have comparatively greater impacts on the livability, value, or appropriate development of abutting properties of the surrounding area. The proposed use is of a limited size and scale that is less than impactful than could occur for more intensive permitted uses in the surrounding area.

Staff is suggesting that some conditions of approval be included to ensure that the operation of the short term rental use is compatible with some of the surrounding and existing residential uses. These operational conditions are able to be applied through the conditional use process to protect the best interest of the surrounding area or the community as a whole. These operational conditions include requirements of the applicant to participate in the Transient Lodging Tax program, provide adequate smoke/CO2 detectors in the structure, limit the number of occupants that can use the structure as a short term rental, and also limit the size of any signage for the short term rental use.

Below is a table summarizing the application’s compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

CU 1-20 (Conditional Use)

Issue	Notes	Condition to Help Meet Criteria
Compatibility of Development with Surrounding Neighborhood	<ul style="list-style-type: none"> • No Changes to Size and Height of Building • Existing Residential Character to be Retained 	Condition of Approval #4 – Limit on the size of signage for the short term rental business to help retain existing residential character
No Impacts on Livability, Value, or Appropriate Development of Abutting Properties	<ul style="list-style-type: none"> • No Changes to Size and Height of Building • Existing Residential Character to be Retained • Existing Driveway Somewhat Shallow 	Condition of Approval #5 – Not allowing parking of vehicles in driveway that extend into sidewalk and pedestrian space

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<p>Operations of Facility</p>	<ul style="list-style-type: none"> • Applicant Proposing Limit on Occupancy, Quiet Hours, and Limit on Parties or Events 	<p>Conditions of Approval #1 - 3 – Require participation in Transient Lodging Tax program, smoke/CO2 detectors for safety, and limit on number of occupants</p>
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Commission Options:

- 1) Close the public hearing and **APPROVE** the application, per the decision document provided which include 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 in the motion to deny.

Recommendation:

Staff recommends approval of the land-use application with the conditions specified in the decision document. A recommended motion is provided below.

MOTION FOR CU 1-20:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 1-20, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

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**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 A SHORT TERM RENTAL AT 1113 NE 4TH STREET

- DOCKET:** CU 1-20 (Conditional Use)
- REQUEST:** Application for a Conditional Use to allow for the operation of a short term rental lodging use on a property within the Northeast Gateway Planned Development Overlay District.
- LOCATION:** 1113 NE 4th Street. The property is more specifically identified as Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.
- ZONING:** R-2 (Single Family Residential) and Zone 3 of the Northeast Gateway Planned Development Overlay District (Ordinance 4971)
- APPLICANT:** Casey Mclane
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** June 11, 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:** July 16, 2020, Zoom Online Meeting ID 942 3599 8716.
- 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 1-20) to allow for the operation of a short term rental lodging use on the subject site. The subject site is located at 1113 NE 4th Street and is identified as Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.

The subject property is located on the north side of NE 4th Street between NE Kirby Street and NE Logan Street. The subject property is zoned R-2 (Single Family Residential), and is also located in Zone 3 of the Northeast Gateway Planned Development Overlay District adopted by Ordinance 4971. The surrounding properties have multiple zoning designations, including R-2 (Single Family Residential) to the west, north, and east, and C-3 (General Commercial) to the south. The surrounding properties are all also located within Northeast Gateway Planned Development Overlay District. Uses on the surrounding properties include single family residential on the entire block as the subject site, and an office use (currently the Yamhill County Veteran’s Service Office) to the south across 4th Street.

See Vicinity Map (Figure 1), Zoning Map (Figure 2), Northeast Gateway Planned Development Overlay Zones (Figure 3), and Applicant’s Proposed Site Pan (Figure 4) below.

Figure 1. Vicinity Map (Property Lines Approximate)



Attachments:
Attachment 1 – Application and Attachments

Figure 2. Zoning Map

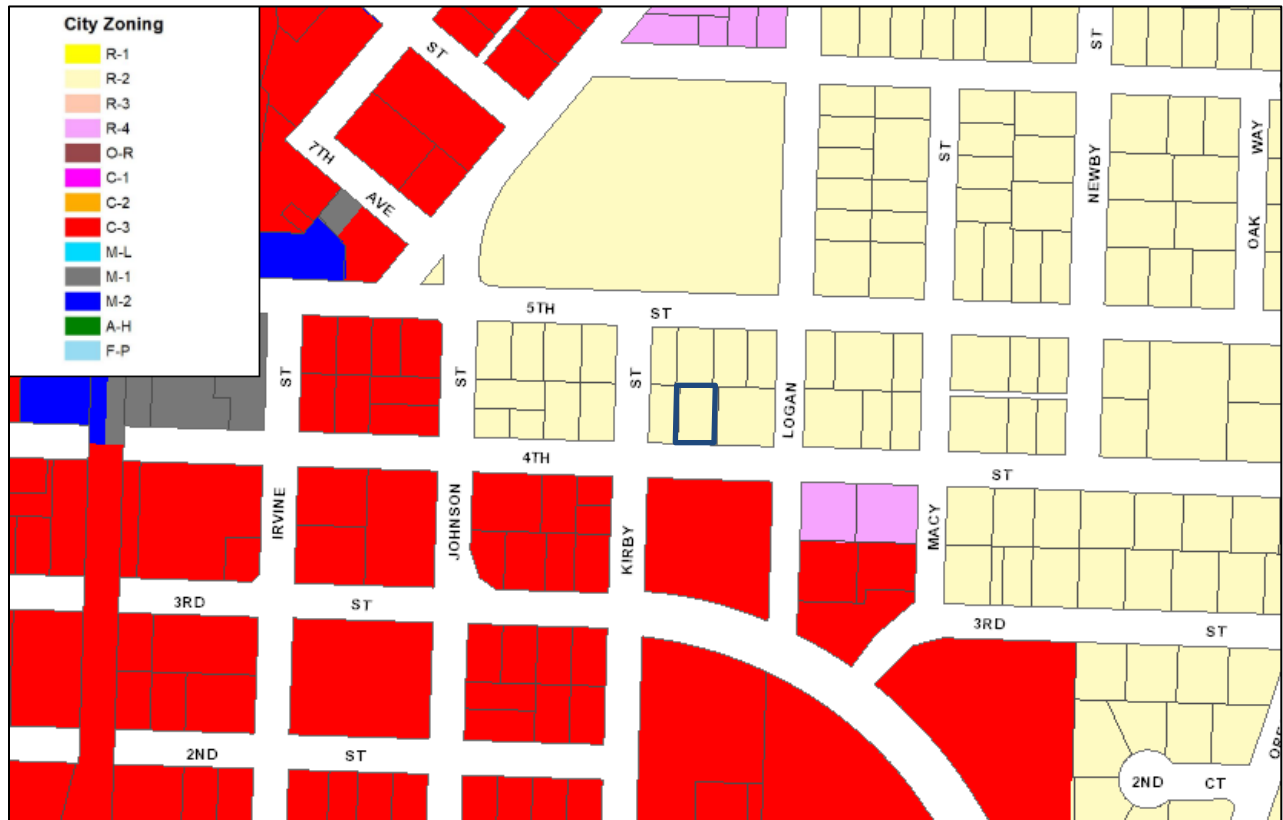


Figure 3. Northeast Gateway Planned Development Overlay District Zones

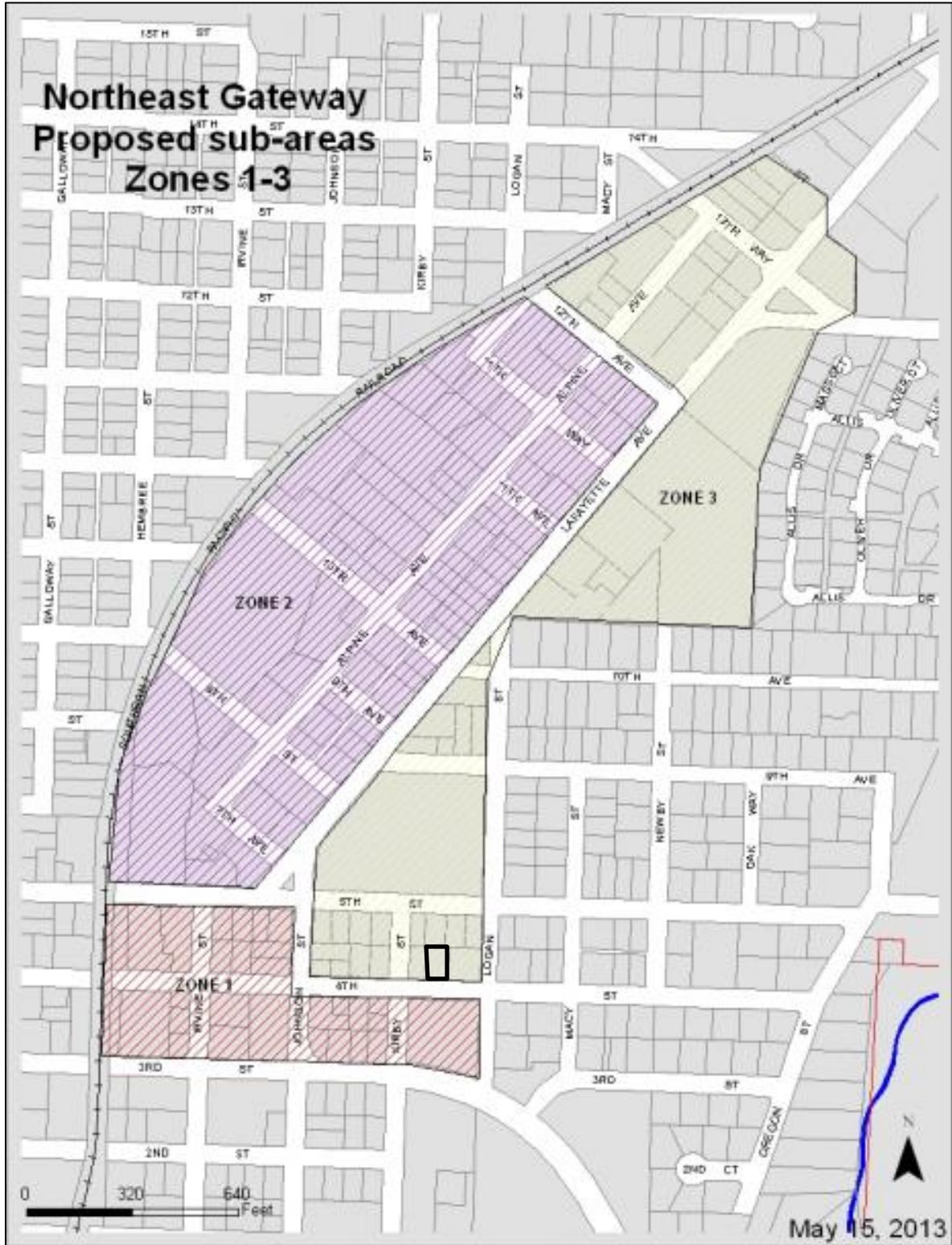
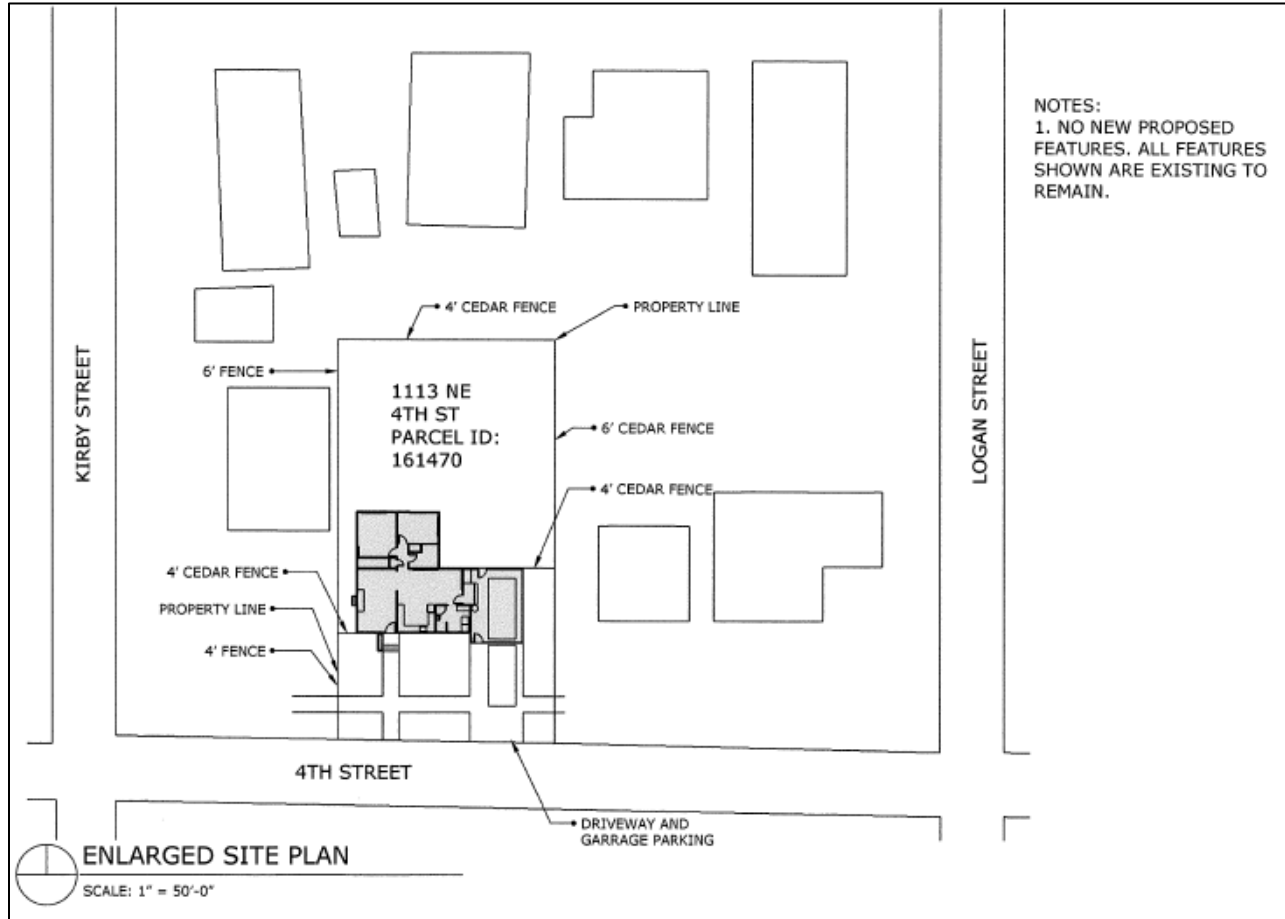


Figure 4. Site Plan



In July 2013, Ordinance 4971 was approved, establishing the Northeast Gateway Planned Development Overlay District (NEG PD), which includes the subject property at 1113 NE 4th Street. The NEG PD included the establishment of three sub-areas or zones, and the subject property is located in Zone 3 of the NEG PD. The NEG PD also included a table of uses that are permitted and conditionally permitted in each zone. These uses are described in Table 1 of Ordinance 4971, and Section 6 of Ordinance 4971 states that the uses in Table 1 “...supplant the uses that are currently permitted or conditionally permitted in the underlying zones.” In Zone 3, “Lodging: Bed and Breakfast/Vacation Home Rental” is listed as a Conditionally Permitted use in Residential zones. The underlying zoning of the subject property is R-2, and therefore a Conditional Use Permit is required for the lodging use.

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 scale relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with

conditional uses in residential areas include compatibility with residential character, 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;
- 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. That prior to use of the subject property for short term rental purposes, the applicant shall register with the McMinnville Finance Department as a transient lodging provider. Local Transient Lodging Tax shall be collected and remitted to the City as provided in McMinnville Ordinance No. 4974.
2. That 10-year Lithium battery powered smoke/CO2 detectors must be installed in all bedrooms and hallways within 15 feet from bedrooms.
3. That, as this use is required to be occupied as a single-family residence, occupancy of the vacation home rental shall be limited at all times to no more than five unrelated persons, or one or more individuals related by blood, marriage, adoption, or legal guardianship, or other duly authorized custodial relationship.
4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of surface face area. The only type of signage allowed will be wall-mounted signage, and the wall-mounted sign shall only be placed in traditional locations in order to fit within architectural features to satisfy the requirements of the Northeast Gateway Planned Development Overlay District.

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5. That in order to maintain adequate maneuvering space for pedestrians, vehicles shall not park in the driveway if they extend into and block the sidewalk space within the right-of-way adjacent to the subject site.

III. ATTACHMENTS:

1. CU 1-20 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; and Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No comments.

- McMinnville Water and Light

MW&L has no comments on this conditional use permit.

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 prior to the Planning Commission public hearing.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Casey Mclane, held a neighborhood meeting on June 5, 2020.
2. The applicant submitted the Conditional Use application (CU 1-20) on June 8, 2020.
3. The application was deemed complete on June 11, 2020. Based on that date, the 120 day land use decision time limit expires on October 9, 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; and Northwest Natural Gas.

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

5. Notice of the application and the July 16, 2020 Planning Commission public hearing was mailed to property owners within 200 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.

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6. Notice of the application and the July 16, 2020 Planning Commission public hearing was published in the News Register on Tuesday, July 7, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On July 16, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1113 NE 4th Street (Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.)
2. **Size:** Approximately 6,700 square feet
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2 (Single Family Residential)
5. **Overlay Zones/Special Districts:** Northeast Gateway Planned Development Overlay District (Ordinances 4971)
6. **Current Use:** Single-family dwelling
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:**
 - a. **Slopes:** None
 - b. **Easements and Utilities:** None
9. **Utilities:**
 - a. **Water:** The property is served by a water main in NE 4th Street. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by an 8" sewer main in NE 4th Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** Storm water in NE 4th Street is conveyed by curb and gutter to catch basins and storm drains in NE 4th Street.
 - d. **Other Services:** Other services are available to the property. Overhead utilities are present on the north side of NE 4th Street adjacent to the subject site.
10. **Transportation:** NE 4th Street is classified as a Local Residential Street in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide, with improved street surface of approximately 30 feet in width that is centered within the right-of-way. Sidewalks exist on both sides of 4th Street, with a planter strip that is wider (approximately 9 to 10 feet) than the typical 5 foot planter strip identified for Local Residential Streets in the TSP. 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

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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 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. 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

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.

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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 17.74 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: This property is in compliance with Zone 3 regulations goals of creating a mixed use neighborhood. I have not altered or changed the property or landscape other than maintenance. The only change I am proposing is the change in use to Lodging / Vacation Home Rental.

FINDING: SATISFIED. The City concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan policies and Northeast Gateway Planned Development Overlay District policies in Section VII (Conclusionary Findings).

17.74.030(B). *That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;*

APPLICANT'S RESPONSE: The size and design of the home has not changed therefor will have minimum impact on the livability of the abutting properties. Generation of traffic will not change as there is a no events or parties policy for the short term rental and a maximum of 5 adults.

FINDING: SATISFIED WITH CONDITION #3. The City concurs with the applicant's findings. The proposed use of the existing structure and site, including parking and landscaping improvements, will not result in any physical changes from how they currently exist. Therefore, the structure will retain its residential appearance, which is consistent with the appearance and the scale of the development pattern of much of the surrounding neighborhood. No development is proposed that would result in impacts on the abutting properties or the surrounding neighborhood.

The applicant is proposing operating characteristics that would result in the use having minimal impact on the surrounding neighborhood, including limiting the occupancy to a maximum of 5 adults and prohibiting events or parties. A condition of approval is included to limit the occupancy of the short term rental use as described by the applicant, and also as consistent with the limitations on occupancy of other short term rental uses in other residential zones within the city.

Attachments :

Attachment 1 – Application and Attachments

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: Updates to the property include paint, light fixtures, landscaping, front door, security hardware all add to the value of the home and in turn the neighborhood. As a short term rental and personal vacation home, the impact to the surrounding properties will not be significantly impacted. My girlfriend and I currently use the property on the weekend and plan to do so off and on through out the course my ownership. For short term guests, I have a maximum of 5 adults can stay in the home at one time. There is a no parties or events policy. No pets and quite hours begin at 10pm on week nights and 11pm on weekends.

The property is directly across from the Yamhill County Veteran Service Office which is closed in the evening and on weekends. Parking by any guest can either be in the driveway and/or garage. Short term rentals bring tourists and revenue to local businesses.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the Northeast Gateway Planned Development Overlay District allows a wide range of permitted and conditional uses. The subject property is in Zone 3, but is directly across the street (to the south) from properties in Zone 1 of the Northeast Gateway Planned Development Overlay District. Permitted uses in both of these Overlay District zones, but particularly Zone 1, could have comparatively greater impacts on the livability, value, or appropriate development of abutting properties of the surrounding area. The proposed use is of a limited size and scale that is less than impactful than could occur for more intensive permitted uses in the surrounding area.

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: Curb appeal and property will be constantly maintained to keep in line with the neighborhood. The property highlights fruit trees and berries and has 100% of the existing landscaping to enhance the attractive natural of the home.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the design and operations of the short term rental use will be as attractive as the nature of the use and its setting warrant. The proposed use of the existing structure and site, including parking and landscaping improvements, will not result in any physical changes from how they currently exist. Therefore, the structure will retain its residential appearance, which is consistent with the appearance and the scale of the development pattern of much of the surrounding neighborhood.

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

APPLICANT’S RESPONSE: All vegetation is maintained. Trees are regularly trimmed. Street side grapevines are trimmed and maintained. Lawn is mowed regularly.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The City adds that there are not any significant or protected environmental assets of particular interest to the community on the subject site, but the applicant is proposing to maintain all existing vegetation and trees on the subject site. None of the existing vegetation or trees will be impacted by the proposed use, as the existing improvements will be used with no new structures or parking areas proposed on-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.*

Attachments :

Attachment 1 – Application and Attachments

APPLICANT’S RESPONSE: The short term rental does not artificially alter property or the value or have an inappropriate purpose. Short term rentals bring tourists and revenue to local McMinnville businesses.

FINDING: SATISFIED. The applicant intends to use the property as a short term rental once approved by the City.

17.74.040. Placing Conditions on a Conditional Use Permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS #1, #2, #3, AND #4. In order to protect the best interest of the surrounding area and the community as a whole, the City is including conditions of approval to require that the same operational standards are required for the proposed use as are required of other short term rental uses that take place in single dwelling units in other residential zoning districts. These operational standards will limit the manner in which the use is conducted in an effort to maintain safe operations of the short term rental lodging use in an area with surrounding residential uses. Those operational conditions related to the best interest of the community as a whole include that the applicant register with the McMinnville Finance Department to participate in the local Transient Lodging Tax program. Operational conditions related to the best interest of the surrounding area include that adequate smoke and CO2 detectors be installed in the structure, and that the occupancy of the short term rental be limited at all times to no more than five unrelated persons, or one or more individuals related by blood, marriage, adoption, or legal guardianship, or other duly authorized custodial relationship. In addition, to ensure that the structure maintains its residential appearance and character as described by the applicant, signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.

Operational standards that are required of other short term rentals in other residential zones are not included or required of the proposed use at this subject site, such as parking requirements or spacing standards between short term rental uses, because they are superseded by standards in the Northeast Gateway Planned Development Overlay District.

Planned Development Ordinance

The following Sections of the Planned Development adopted by Ordinance 4971 provide criteria applicable to the request:

Section 2 – Purpose. The NE Gateway Planned Development Overlay (PDO) is designed to guide the transition of a light and heavy industrial area to a vital, mixed use, pedestrian-friendly neighborhood, consistent with the vision described in the adopted NE Gateway Plan. In so doing, this PDO provides a design framework and specific use standards that allows for a complementary mix of uses to include residential, employment, cultural/tourism, education, and neighborhood-scale support services. In addition, the PDO includes design standards and guidelines that are intended to reflect the area’s unique character and history, while promoting an attractive, walkable, and vibrant neighborhood.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is located in Zone 3 of the Northeast Gateway Planned Development Overlay District, and the proposed use is listed as a conditional use in that zone. The short term rental use will provide for a mix of uses within the surrounding neighborhood, including a cultural/tourism use as is listed in the mix of uses in the purpose statement.

Section 3 – Applicability of NE Gateway PDO. The provisions within the NE Gateway Planned Development Ordinance apply to an approximately 75-acre area located generally south of 14th Street, east of the Portland and Western Railroad, north of 3rd Street, and west of Logan Street and Lafayette Avenue, and as depicted in Exhibit A. The affected area is further divided into three zones (refer to map, Exhibit B), described as follows: [...]

- C. Zone 3 includes the remainder of the study area and is bordered by 14th Street to the north, the railroad track to the west, Logan Street and the properties fronting the eastern side of Lafayette Avenue to the east, and the portion of 4th Street (between Johnson and Logan Streets) to the south. Given the extent of existing development in this area, Zone 3 is considered a transition area between Alpine Avenue and Zone 2 to the west, established industrial uses to the north, and residential neighborhoods to the east. The purpose of Zone 3 is to allow for the development of a mixed-use, residential zone with a variety of housing types, neighborhood scale commercial uses, and an education component.
- D. The regulations contained in this ordinance apply to all new development within the area subject to this ordinance including the following:
 - 1. New construction.
 - 2. Any expansion of an existing development or structure involving the addition of 15 percent or more of the existing square footage of the building. Incremental additions over a period of three (3) consecutive years totaling 15 percent or more of the original square footage of the structure shall also be subject to the design standards in this ordinance.
 - 3. New signage.
 - 4. Parking lot design.
 - 5. New roofing.
 - 6. Changes to façade material (re-siding).
 - 7. Window replacement/modification.

APPLICANT’S RESPONSE: None.

Attachments :

Attachment 1 – Application and Attachments

FINDING: SATISFIED. The subject site is located in Zone 3 of the Northeast Gateway Planned Development Overlay District, and the proposed use is listed as a conditional use in that zone. The applicant is not proposing any development or changes to the existing structure or site. Therefore, the development standards and development review process is not necessary, as none of the development activities listed in Section D of Ordinance 4971 are occurring.

Section 6 – Permitted and Conditionally Permitted Uses. One of the primary goals of the adopted NE Gateway Plan is to create a mixed-use neighborhood that allows for a variety of complementary uses within the same area. Thus the purpose of this section is to establish a list of such uses that would supplant traditional zoning for the area and help achieve this goal.

Table 1 describes the uses that are permitted or conditionally permitted in each of the three (3) Zones. The uses listed in Table 1 supplant the uses that are currently permitted or conditionally permitted in the underlying zones as noted in the Zoning Ordinance. However, for properties zoned R-2 (Single-Family Residential) and R-4 (Multi-Family Residential) in Zone 3, the permitted and conditionally permitted uses listed in Chapters 17.15 and 17.21 respectively shall apply.

If a use is not listed in Table 1 as either permitted or conditionally permitted, it should be considered a prohibited use. Alternatively, the procedure for determining the permissibility of a particular use that is not listed as permitted or conditionally permitted is stated in Section 17.54.010 (Classification of an Unlisted Use) of the Zoning Ordinance.

Table 1

Use	Zone	Zone	Zone
	1	2	3
P - Permitted C –Conditionally Permitted			
Residential			
Single-Family	P ³	P ⁴	P –Only in R-2/R-4 zones
Social Relief Facility (up to 5 Individuals)	P	P	P
Two-Family	P	P	P ⁵
Multi-Family	P	P	P – Not permitted in R-2 zone
Group Living			
Assisted Living Facility/Nursing Home	C	C	C – Not permitted in R-2 Zone
Social Relief Facility (six or more)	C	C	C
Commercial			
Animal Grooming	P	P	P –Not permitted in Res zones
Call Center/Centralized Office	P	P	P –Not permitted in Res zones
Club/Lodge	C	C	C – Not permitted in Res zones
Commercial Recreation Center	C	C	C –Not permitted in Res zones
Conference Center	C	C	C – Not permitted in Res zones
Daycare (up to 12 individuals)	P	P	P
Daycare (more than 12 individuals)	C	C	C
Financial Services	P	P	P – Not permitted in Res zones
Food and Beverage Establishment (non-drive-through)	P	P	P – Not permitted in Res zones
Laundry Services	P	P	P – Not permitted in Res zones
Lodging: Bed and Breakfast/Vacation Home Rental	P	P	P – C in res zones
Lodging: Hotel/Motel	P	P	P –Not permitted in Res zones
Office Medical/Professional	P	P	P – Not permitted in Res zones
Parking Lot (non-accessory to existing use)	P	P	P – Not permitted in Res zones
Parking Lot (Public)	P	P	P – Not permitted in Res zones
Personal Services (including gym, spa, barber shop)	P	P	P – Not permitted in Res zones
Retail Sales(General) up to 25,000 square-feet on ground floor – non-auto	P	P	P –Not permitted in Res zones
Retail Sales(General) greater than 25,000 square-feet on ground floor – non-auto	P	C	C – Not permitted in Res zones
Repair /Service (non-auto)	P	P	P – Not permitted in Res zones
Theater	P	P	P – Not permitted in Res zones
Industrial			
Food/Beverage Manufacturing	-	P	-
Industry, Light ⁶	-	P	-

Attachments :
Attachment 1 – Application and Attachments

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is located in Zone 3 of the Northeast Gateway Planned Development Overlay District. The underlying zoning district is R-2 (Single Family Residential), which requires a conditional use permit for the proposed lodging or short term rental use.

Section 8 – Off-Street Parking and Loading- Location and Standards. The NE Gateway Plan recognizes that application of the City’s current off-street parking requirements may not be practicable or conducive to the goals and future development of the area. The following off-street parking standards shall apply to development within this area. Except as noted below, the standards listed in Chapter 17.60 (Off-Street Parking and Loading) of the Zoning Ordinance shall apply to the development of properties in Zone 1-3.

- A. No off-street parking shall be required for non-residential uses having 3,000 square feet or less of floor area. Off-street parking must be provided for the floor area in excess of 3,000 square feet.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #5. The proposed use is non-residential, as the lodging or short term rental use is listed under the Commercial category of Table 1 in Section 6 in Ordinance 4971. The existing structure is a 2 bedroom, 2 bath dwelling unit of approximately 1,191 square feet in size. The structure is less than 3,000 square feet, and for non-residential use as proposed would not require off-street parking spaces. While not required, the applicant is proposing to maintain the existing garage and driveway to allow parking to occur on site within those spaces. The driveway is currently only approximately 14 feet in depth as measured from the garage wall to the property line, which does not meet the minimum depth dimension of a standard parking space as required in other development standards in Chapter 17.60. However, some smaller vehicles may be able to park within this driveway adequately. Therefore, a condition of approval is included to require that vehicles shall not park in the driveway if they extend into and block the sidewalk space within the right-of-way adjacent to the subject site.

Section 9 – Signage. [...]

Zone 2 and Zone 3: Signage in Zone 2 and Zone 3 shall comply with the standards of Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance except as follows:

- A. Each site or multi-tenant complex is allowed a maximum of one (1) permanent monument sign not to exceed 48 square feet in area and six (6) feet in height.
- B. Properties with frontage on Lafayette Avenue may have one additional permanent free-standing sign per site not to exceed 12 feet in height and 48 square feet in area. If the property has frontage on Lafayette Avenue and one or more additional public streets, the additional free-standing sign is permitted only on Lafayette Avenue.
- C. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet. Wall signage shall be constructed of a material that is complementary to the material of the building façade. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as above transoms or below cornices.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #4. While no signage was proposed with the current application, a condition of approval related to signage is included to satisfy requirements of the conditional use process, as described in more detail above. This condition requires that signage be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area. This limitation on size results in signage consistent with the Northeast Gateway Planned Development Overlay District standards for size. In addition, the condition of approval requires that the only signage allowed will be wall-mounted signage, and

Attachments :

Attachment 1 – Application and Attachments

that the wall-mounted sign only be placed in traditional locations in order to fit within architectural features to be consistent with the Northeast Gateway Planned Development Overlay District standards related to locations of wall-mounted signage.

Section 10 – Landscaping. Landscaping plans are subject to the review and design standards outlined in Chapter 17.57 (Landscaping) of the Zoning Ordinance and as noted below:

All Zones:

- A. Landscaping shall be provided between the public street right-of-way and the front building line, exclusive of pedestrian walk-ways, patios, plazas, and similar facilities. Such landscaping shall be designed to provide interest to pedestrians and shall be maintained at a height no more than three (3) feet so that it is not site obscuring.
- B. Off-street parking located behind the building but visible from the public right-of-way shall be screened through the provision of a continuous row of shrubs, or a fence or seating wall, not less than three feet and no more than four feet high.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The applicant is not proposing any development or changes to the existing structure or site. Therefore, the application of the landscaping standards is not necessary.

CD:sjs



Planning Department
231 NE Fifth Street o McMinnville, OR 97128
(503) 434-7311 Office o (503) 474-4955 Fax
www.mcminnvilleoregon.gov

509-20-000287-Plng
Office Use Only:
File No CU 1-20
Date Received 6-8-2020
Fee -
Receipt No. -
Received by [Signature]

Conditional Use Application

Applicant Information

Applicant is: [X] Property Owner [] Contract Buyer [] Option Holder [] Agent [] Other
Applicant Name Casey Mclane Phone 503-515-9526
Contact Name (If different than above) Phone
Address 1113 NE 4th Street
City, State, Zip McMinnville, Oregon 97128
Contact Email caseyjmclane@gmail.com

Property Owner Information

Property Owner Name (If different than above) Phone
Contact Name Phone
Address
City, State, Zip
Contact Email

Site Location and Description

(If metes and bounds description, indicate on separate sheet)
Property Address 1113 NE 4th Street, McMinnville, Oregon 97218
Assessor Map No. R4421BD 00600 - Total Site Area 6,534 SF
Subdivision Rowland's Addition Block 24 Lot: 161470
Comprehensive Plan Designation: Gateway Planned Zoning Designation: Zone 3 R-2
Development Overlay

1. State nature of the request in detail:

Application for conditional use: Lodging / Vacation Home Rental.

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance:

This property is in compliance with Zone 3 regulations goals of creating a mixed use neighborhood. I have not altered or changed the property or landscape other than maintenance. The only change I am proposing is the change in use to Lodging / Vacation Home Rental.

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration 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:_____

The size and design of the home has not changed therefor will have minimum impact on the livability of the abutting properties. Generation of traffic will not change as there is a no events or parties policy for the short term rental and a maximum of 5 adults.

4. Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional: _____

Updates to the property include paint, light fixtures, landscaping, front door, security hardware all add to the value of the home and in turn the neighborhood.

As a short term rental and personal vacation home, the impact to the surrounding properties will not be significantly impacted. My girlfriend and I currently use the property on the weekend and plan to do so off and on through out the course my ownership. For short term guests, I have a maximum of 5 adults can stay in the home at one time. There is a no parties or events policy. No pets and quiet hours begin at 10pm on week nights and 11pm on weekends.

The property is directly across from the Yamhill County Veteran Service Office which is closed in the evening and on weekends. Parking by any guest can either be in the driveway and/or garage. Short term rentals bring tourists and revenue to local businesses.

5. Describe how 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:

Curb appeal and property will be constantly maintained to keep in line with the neighborhood. The property highlights fruit trees and berries and has maintain 100% of the existing landscaping to enhance the attractive natural of the home.

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how?

All vegetation is maintained. Trees are regularly trimmed. Street side grapevines are trimmed and maintained. Lawn is mowed regularly.

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

This short term rental does not artificially alter property or the value or have an inappropriate purpose. Short term rentals bring tourists and revenue to local McMinnville businesses.


In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A legal description of the property, preferably taken from deed.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature

Date



Property Owner's Signature



Date

RECORDING REQUESTED BY:



1215 NE Baker Street
McMinnville, OR 97128

GRANTOR'S NAME:
Carl D. Breese and Michele S. Breese

GRANTEE'S NAME:
Joseph C. McLane

AFTER RECORDING RETURN TO:
Order No.: 471819085193-KD
Joseph C. McLane
1113 NE 4th Street
McMinnville, OR 97128

SEND TAX STATEMENTS TO:
Joseph C. McLane
1113 NE 4th Street
McMinnville, OR 97128

APN: 161470
Map: R4421BD 00600
1113 NE 4th Street, McMinnville, OR 97128

Yamhill County Official Records	201914237
DMR-DDMR	10/04/2019 11:10:00 AM
Sl#4 JENSENC	
2Pgs \$10.00 \$11.00 \$5.00 \$60.00	\$86.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Carl D. Breese and Michele S. Breese, Grantor, conveys and warrants to Joseph C. McLane, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

A tract of land lying and being in the Northwest quarter of Section 21, Township 4 South, Range 4 West of the Willamette Meridian in the City of McMinnville, Yamhill County, Oregon and being more particularly described as follows:

PARCEL 1:

Beginning at a point 110 feet East of the Southeast corner of Block 24 in Rowland's Addition to the City of McMinnville, Yamhill County, Oregon; thence East 57 feet; thence North 100 feet; thence West 57 feet; thence South 100 feet to the place of beginning.

PARCEL 2:

Beginning 167 feet East of the Southeast corner of Block 24 of Rowland's Addition to the City of McMinnville in Yamhill County Oregon; thence North 100 feet; thence East 10 feet; thence South 100 feet; thence West 10 feet to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED NINETY-TWO THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$292,900.00). (See ORS 93.030).

Subject to:

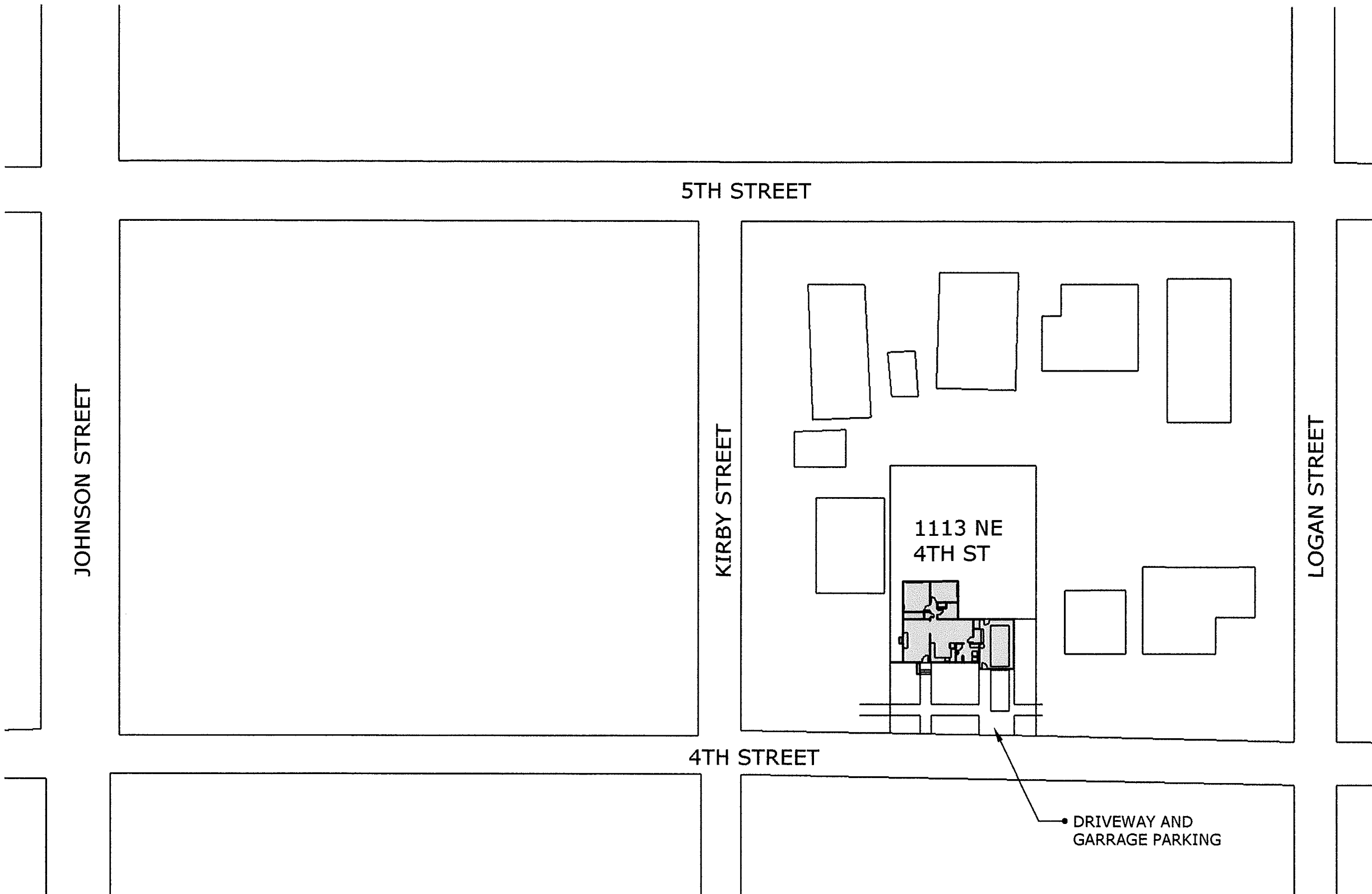
Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.

Rights of the public to any portion of the Land lying within the area commonly known as NE 4th Street.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

471819085193
TICOR TITLE

CASEY MCLANE
1113 NE 4TH Street
McMinnville, Oregon 97128



DATE:
June 7, 2020

LOCATION:
1113 NE 4TH Street,
McMinnville, OR 97128
Parcel ID: 161470

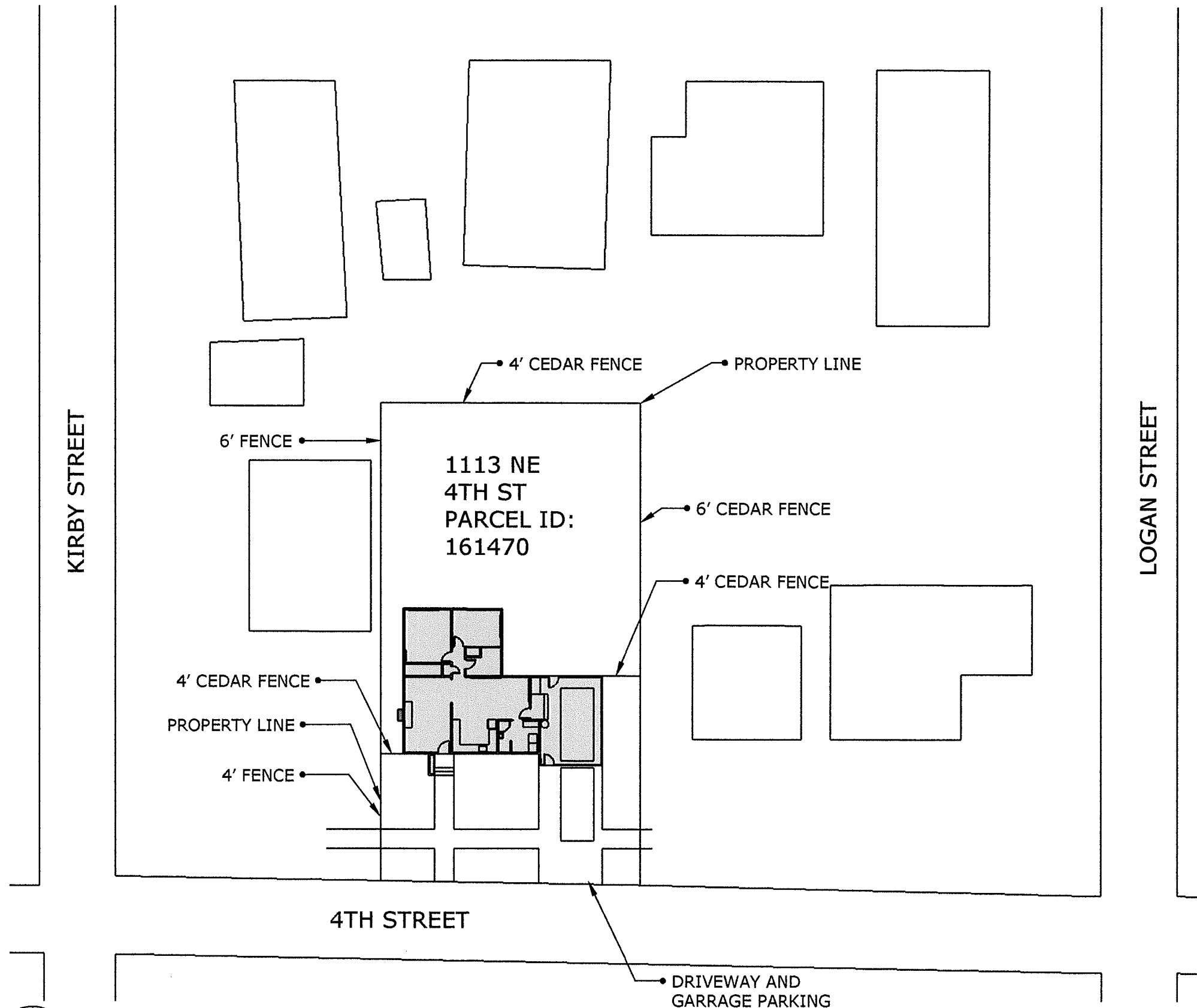
DESCRIPTION:
For Conditional Use
Application Review

 **SITE PLAN**
SCALE: 1" = 50'-0"

S1.0

CASEY MCLANE
1113 NE 4TH Street
McMinnville, Oregon 97128

NOTES:
1. NO NEW PROPOSED
FEATURES. ALL FEATURES
SHOWN ARE EXISTING TO
REMAIN.



DATE:
June 7, 2020

LOCATION:
1113 NE 4TH Street,
McMinnville, OR 97128
Parcel ID: 161470

DESCRIPTION:
For Conditional Use
Application Review

ENLARGED SITE PLAN
SCALE: 1" = 50'-0"

S1.1



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311
www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: July 16, 2020
TO: Planning Commission Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC HEARING: PDA 1-20 (Planned Development Amendment) – 235 SE Norton Lane

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.</p>	 <p>HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.</p>
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Report in Brief:

This is a quasi-judicial hearing to consider a request for a Planned Development Amendment to amend the conditions of approval of the Planned Development Overlay District adopted by Ordinance 4667. The requested amendments would result in the allowance of multiple family dwellings and community buildings associated with residential uses and the removal of an existing 35 foot building height limitation. The requested amendments would also result in the addition of new conditions of approval requiring future review of a master plan prior to any development of the site, and requiring a minimum of 10 percent of the site to be developed with usable open space if the site is developed with multiple family dwellings.

Background:

The subject property is located west of SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M. See Vicinity Map (Figure 1) below.

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Figure 1. Vicinity Map (Property Lines Approximate)



In 1998, the City approved Ordinance 4667 which adopted the Planned Development Overlay District that exists on the subject site and the adjacent parcels today. Ordinance 4667 included 21 conditions of approval. Those conditions of approval are still applicable to the property and are provided in Ordinance 4667, which is included as Attachment 2 to the Decision Document attached to this staff report. Two conditions of approval that are applicable to the current Planned Development Amendment request (PDA 1-20) limit the uses allowed within the Planned Development Overlay District and also limited the height of buildings within the overlay district. Those conditions of approval are provided below:

3. No building shall exceed the height of 35 feet.

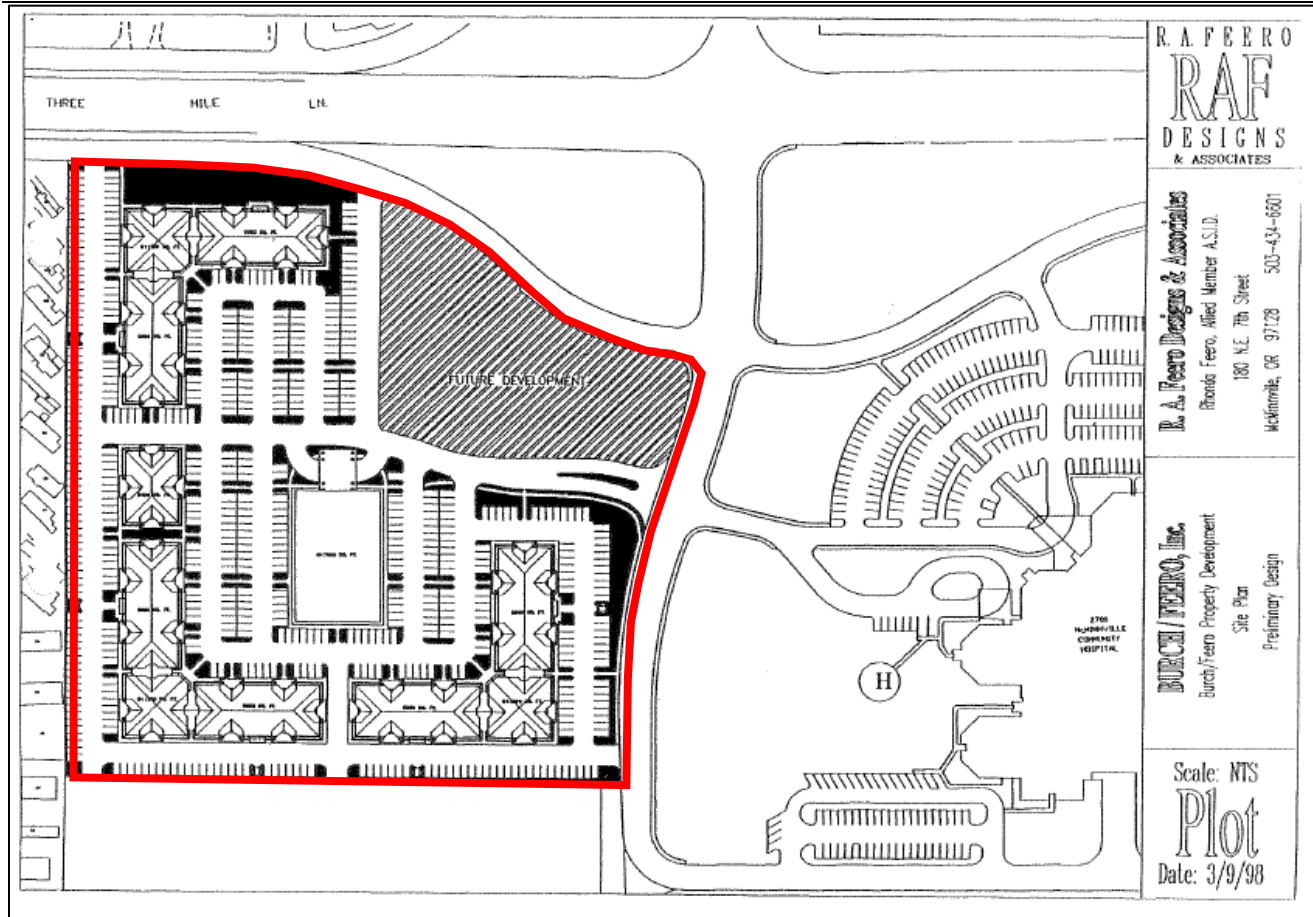
7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use or medical office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

Ordinance 4667 also adopted a master plan for the Planned Development Overlay District, which is shown below (property subject to the master plan highlighted):

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As shown above, Ordinance 4667 and the master plan originally included all of the property at the southwest quadrant of the intersection of SE Stratus Avenue and SE Norton Lane. Only portions of the property in the master plan area have developed since the adoption of Ordinance 4667, and further land divisions and Planned Development Amendment applications have occurred since the adoption of Ordinance 4667.

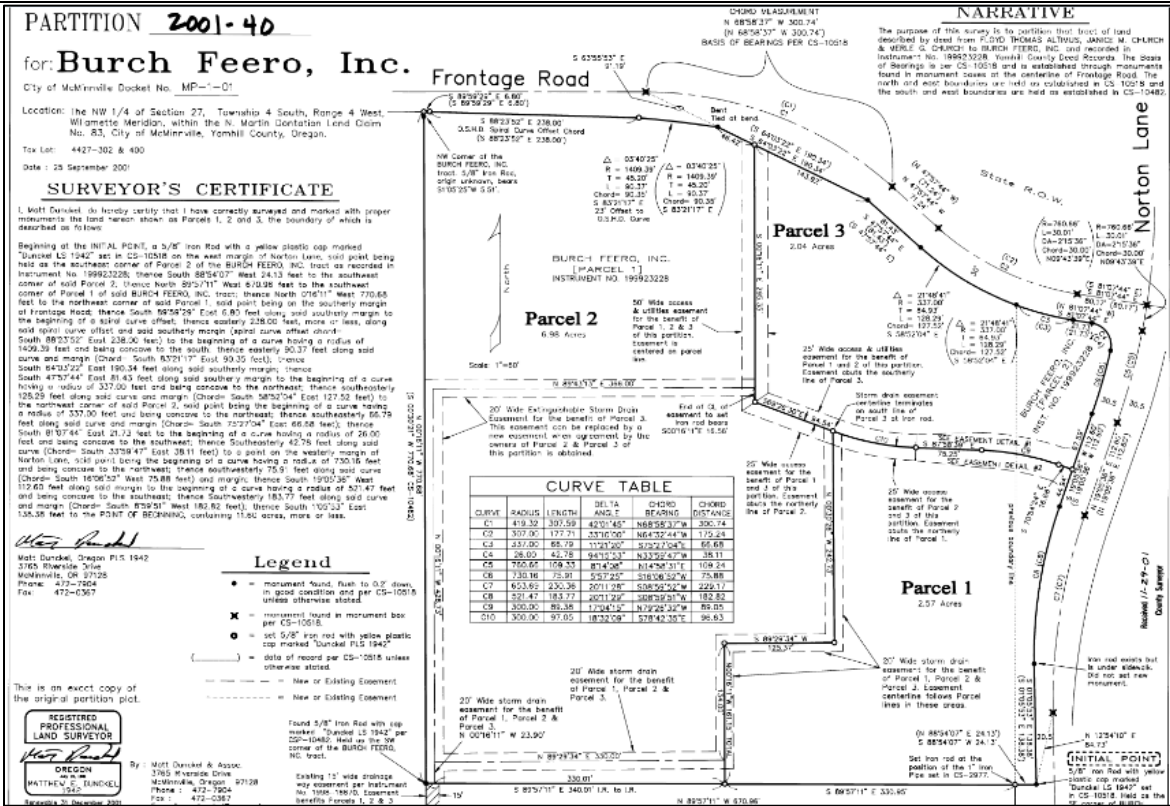
In 2001, the property within the master plan area was partitioned into three parcels by Partition Plat 2001-40. Parcel 1 of Partition Plat 2001-40 was the southeastern office building in the master plan, and has since been developed in accordance with the master plan. Parcel 2 of Partition Plat 2001-40 is the subject site associated with the current Planned Development Amendment request (PDA 1-20). Parcel 3 of Partition Plat 2001-40 is the “Future Development” area shown in the Ordinance 4667 master plan.

Partition Plat 2001-40 is shown below:

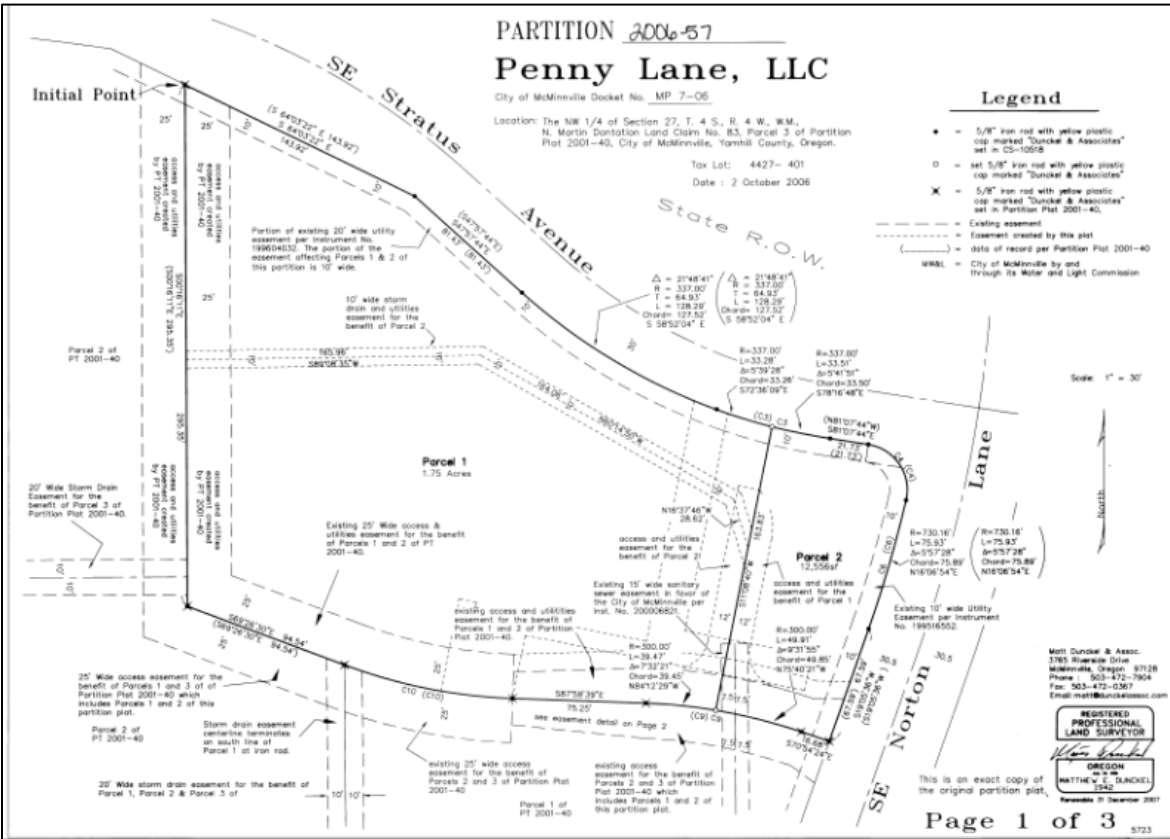
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The area shown as "Future Development" in the master plan was then partitioned again by Partition Plat 2006-57 into two parcels. Partition Plat 2006-57 is shown below:



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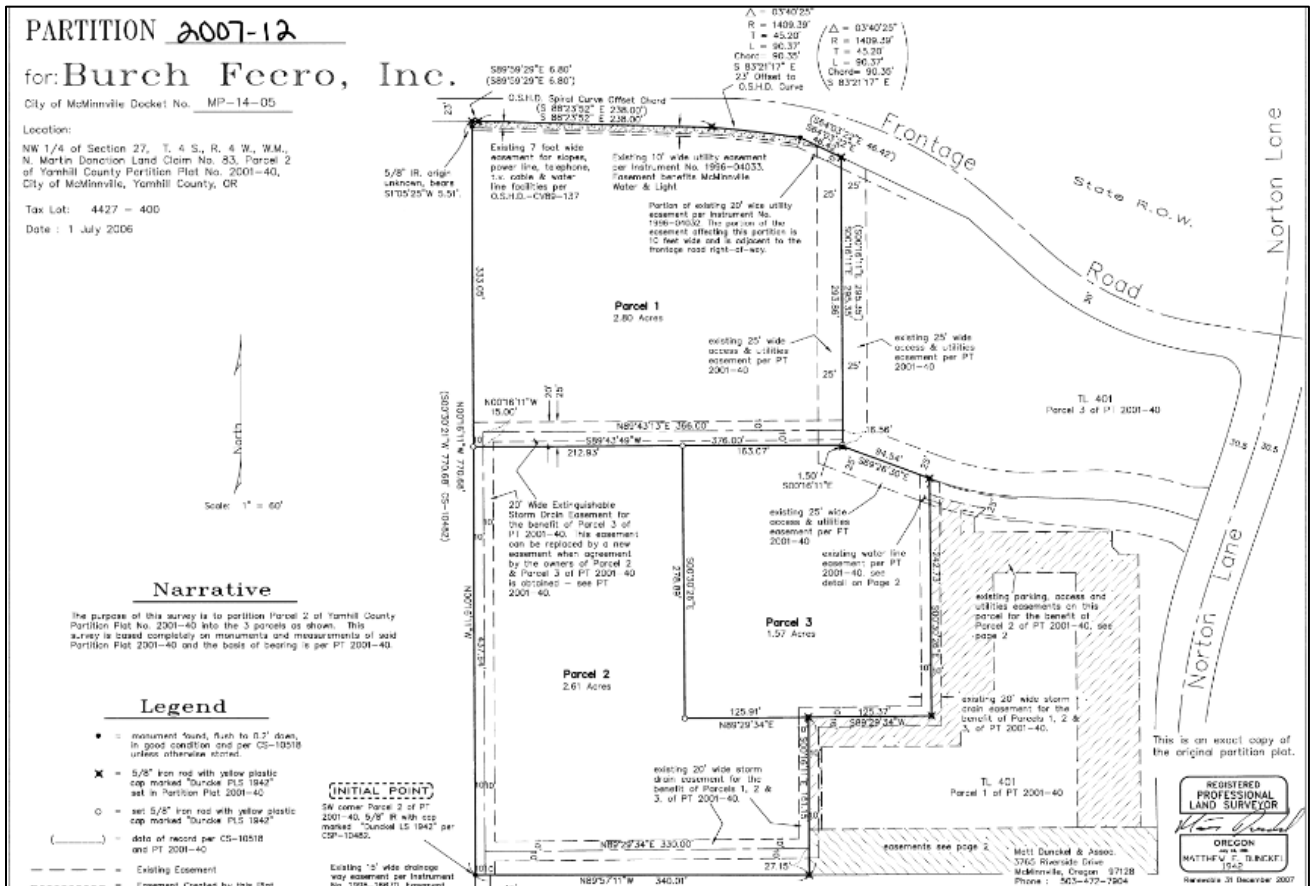
Parcel 1 of Partition Plat 2006-57 is now the site of the Comfort Inn and Suites, and was developed as approved under a subsequent Planned Development Amendment application that was approved after the adoption of Ordinance 4667 and applied only to that “Future Development” area. Ordinance 4851 was adopted in 2006, and amended the allowable building height to allow buildings up to 45 feet in height, but only applied to Parcel 1 of Partition Plat 2006-57 (referred to as Tax Lot 401 at the time and in Ordinance 4851). Ordinance 4851 actually amended condition #3 from Ordinance 4667 as follows:

“No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.”

Development of Parcel 2 of Partition Plat 2006-57 was later approved by Ordinance 4884 in 2007 and Ordinance 4937 in 2011 which amended the allowable uses from Ordinances 4667 to eventually allow all uses in the underlying C-3 zone, with the exception of a few specific auto-oriented uses. Both Ordinance 4884 and Ordinance 4937 applied only to Parcel 2 of Partition Plat 2006-57, and neither resulted in any changes to Ordinance 4667 (other than finalizing the “Future Development” area in the master plan approved by Ordinance 4667). Parcel 2 of Partition Plat 2006-57 was developed with a commercial structure that is currently the site of The Diner restaurant.

In 2007, the subject site was partitioned again by Partition Plat 2007-12 into the three parcels that exist today. These three parcels are the parcels included in the current Planned Development Amendment request (PDA 1-20).

Partition Plat 2007-12 is shown below:



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The applicant is requesting amendments to three of the existing conditions of approval in Ordinance 4667 and inclusion of two new conditions of approval, as described below:

- 1) Amend Condition 3 to remove stricken language:
~~“No building shall exceed the height of 35 feet.”~~
- 2) Amend Condition 7 to add the **bold** language:
 “That the subject site, outside of that area identified for “future development” is limited to professional office use, medical office use, **Multiple-Family Dwellings, community buildings appurtenant to residential uses** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than a professional office use, or medical office use, or **Multiple-Family Dwellings, community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.”
- 3) Amend Condition 16 to add **bold** language and remove the ~~stricken~~ language:
~~“That final development plans as approved by the Three Mile Lane Design Review Committee shall be placed on file with the Planning Department and become a part of the zone and binding on the owner developer.”~~

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

- 4) Add new Condition reflected in **bold** language:
“The master plan previously approved relating to Ordinance No. 4667 does not apply to the undeveloped portions of the subject site. An updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site.”
- 5) Add new Condition reflected in **bold** language:
“If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the Subject Site and does not need to be contiguous. Area calculated and included as part of the 10 percent requirement must have dimensions of at least 20 feet. Any area may be located adjacent to the front yard setback area and may include 5 feet of the front yard set back towards the 10 percent open space. All open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.”

Discussion:

The decision and/or recommendation for approval of the Planned Development Amendment application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached is a decision document that provides the Findings of Fact and Conclusionary Findings for the land-use application. This document

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outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Municipal Code require the applicant to demonstrate that:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

The applicant has provided a written narrative and findings to support their request for a Planned Development Amendment. The narrative and findings are provided in the application materials, and are also reiterated and expanded upon in the Decision Document for the land use application.

The amendments requested by the applicant fall into a few general topic areas, which will be described below separately. Those include amendments to the uses allowed to allow multiple family residential, a proposed new condition requiring open space if the site is developed with multiple family residential uses, a removal of an existing limitation on building height, a revision to the master plan associated with the Planned Development Overlay District, and other procedural amendments to reflect current City review processes.

Multiple Family Residential Use

The applicant is requesting to amend the existing list of allowed uses to allow multiple family dwellings, with their argument primarily being that the amendment would allow for the provision a housing type that is needed in the community and that the proposed use is permitted in the underlying C-3 (General Commercial) zoning district. Overall, staff concurs with the applicant's arguments for the allowance of multiple family dwelling units on the subject site. The proposed amendment would provide additional benefits to the community and the City as a whole by expanding the allowable uses on the subject site and providing an opportunity for a variety of land uses in the area of the planned development overlay district. The proposal would provide greater flexibility in the development of land, encourage mixed uses in the planned area, and allow for the development of a housing type that is needed in the community. The subject site also meets most of the locational requirements in the Comprehensive Plan for higher density housing, with exception to the adjacency to open space which will be discussed in more detail below.

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In addition, in both the most recently acknowledged Housing Needs Analysis and the more recently completed Draft Housing Needs Analysis, additional land for residential use and specifically higher density use is identified as needed. While the allowance of multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

Open Space for Multiple Family Residential Use

The applicant has acknowledged that the subject site does not meet locational requirements for higher density housing from the Comprehensive Plan, specifically that the site is not immediately adjacent to public or private open or park space. The applicant has also acknowledged that the City has required the development of usable open space in other scenarios where this condition exists. Therefore, the applicant has suggested a new condition of approval to require that a minimum of 10 percent of the gross area of the site be developed with usable open space if the site is developed with multiple family dwellings. This 10 percent size is consistent with recent City requirements of other Planned Development Overlay Districts that contain multiple family residential uses. The applicant is requesting some language within the new condition of approval to allow for more flexibility in the development of the usable open space than what has been required in other scenarios.

The City's previous precedent for open space in Planned Development Overlay Districts with multiple family uses was to require the usable open space to be a contiguous area with each dimension being at least 25 feet. The usable open space has previously been required to be located outside of the front yard setback area, and was also allowed to count towards the minimum 25 percent of the site that must be landscaped (per MMC landscaping requirements for multiple family uses). The applicant's proposed condition of approval seeks flexibility to allow for the open space areas to not be contiguous, to be a minimum dimension of 20 feet, and to allow the open space to encroach up to 5 feet into a front yard. The applicant's intent for these changes is to allow for multiple areas for open space due to the size of the site and to allow flexibility in providing different forms of usable open space, such as a playground oriented towards children and another space with benches for adults without children.

Staff believes that there may be benefit in having the flexibility to provide multiple areas for usable open space on the subject site, due to its size being relatively large at just under 7 acres. However, staff believes that the minimum size of a contiguous area that has been required of other sites be required on this site as well for consistency. Staff would note that the requirement for a minimum of 10 percent is not a substantial amount of the site, considering that the code also requires that a minimum of 25% of the site be landscaped if developed with multiple family uses. Therefore, the contiguous open space area could be developed as required, but there would still be other opportunities for the additional usable open spaces that the applicant desires on other portions of the site. Also, staff believes that the other size and locational requirements for the usable open space should be consistent with requirements of other sites. Therefore, staff is suggesting that the condition require the usable open space areas to be contiguous, and that the minimum dimension still be 25 feet and not be allowed in the front yard. The front yard in the case of the subject site will be the Stratus Avenue frontage, and staff does not believe that usable open space should be allowed to be located in an area immediately adjacent to a minor collector street that is also a Highway 18 frontage road. These requirements are suggested to be added to existing condition #7.

Building Height

The applicant is requesting that the existing condition of approval that limits building height to 35 feet be removed. Their arguments for removing this building height limitation include that the previously approved master plan that identified a single story office park may no longer be applicable, that taller

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buildings exist in the immediately surrounding area, and that the underlying zoning district allows taller building heights. The underlying zoning district of C-3 (General Commercial) allows building height up to 80 feet. If multiple family residential uses were allowed as requested by the applicant, the C-3 zone requires that multiple family residential use follow the requirements of the R-4 (Multiple Family Residential) zone, which allows building heights up to 60 feet. The applicant has also cited other examples of taller buildings in the areas surrounding the site, including the Comfort Inn and Suites (which is within the same Planned Development Overlay District), Willamette Valley Medical Center across Norton Lane, and the Chemeketa Community College building across Highway 18.

Staff reviewed the original land use application materials (CPA 3-98 and ZC 6-98) from the applications that led to the adoption of Ordinance 4667 and the existing Planned Development Overlay District, in an effort to determine what the rationale or reasoning was for including the 35 foot building height limitation. Staff was not able to identify any specific language in the staff report, decision document, or minutes that provided reasoning for the 35 foot building height limitation. It was suggested as a condition of approval by staff in the staff report at that time, and was eventually included in the final decision of the City Council. The land use application at that time included building plans for the office park that is shown in the previously approved master plan. Those building plans identify the office park buildings being single story, and may have been the reason that the building height was limited at that time. As noted in the Background section above, only one of these buildings was ever developed, that being the existing single story medical office building on the southeastern portion of the Planned Development Overlay District immediately adjacent to Norton Lane.

However, the same 35 foot building height limitation is included on a number of Planned Development Overlay Districts in the Three Mile Lane corridor. This may have been intentional to limit building form and bulk from dominating the horizon along the corridor, where there is also a minimum 120 foot setback from the center of the highway and a pattern of lower-scale and horizontal building forms with distinctive roof features and patterns.

In further analyzing the history of the subject site and the land use decisions that have occurred, staff determined that the existing condition #3 in Ordinance 4667 was actually amended at the time of the development of the Comfort Inn and Suites building. In 2006, Ordinance 4851 was adopted and amended condition #3 in Ordinance 4667 to allow buildings up to 45 feet in height, but only applied to Parcel 1 of Partition Plat 2006-57 (referred to as Tax Lot 401 at the time and in Ordinance 4851). Parcel 1 of Partition Plat 2006-57 is the property of the Comfort Inn and Suites building. Ordinance 4851 amended condition #3 from Ordinance 4667 as follows:

“No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.”

At that point in time, the City had determined that a building height of 45 feet was acceptable for a parcel within the Planned Development Overlay District. Staff believes that this could be precedent for allowing taller buildings on the other undeveloped portions of the Planned Development Overlay District including the subject site. However, this previous allowance for a height of 45 feet was only approved after more detailed building plans had been submitted to ensure the development was compatible with the Three Mile Lane Planned Development Overlay District.

The applicant’s request for the removal of the building height limitation is to allow for flexibility in the process of developing plans for the buildings on the subject site. Staff believes that this additional flexibility could be consistent with the purpose of the Planned Development Overlay District, which includes allowing for greater flexibility and greater freedom of design in the development of land, to facilitate a desirable aesthetic and efficient use of open space, and to create public and private common open spaces. However, staff believes that additional information should be required prior to allowing

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building heights to exceed the current limitation of 35 feet. Other existing and new conditions of approval still require that an updated master plan (condition #22 described in more detail below) and detailed building plans (condition #2) to be submitted to the City for review. These future review processes will allow for more detailed analysis of building design and how those buildings are oriented on the site, which will provide an opportunity for the City to address and mitigate any potential impact of a taller building on the subject site.

Staff is suggesting that, instead of removing the building height limitation entirely at this point in time, the condition related to building height be updated to provide an opportunity for the applicant to request additional building height at the time that the updated master plan and building plans are submitted for review by the City. Staff would suggest that the condition require that the request for additional building height include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District, and that the height and setback of any proposed building on the subject site is similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. Staff would also suggest that the condition specify that the Planning Commission would review the request for additional building height, and that the Planning Commission would also take into consideration the proposed architectural and building form for its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.

Master Plan

As discussed in detail in the Background section above, the original master plan adopted by Ordinance 4667 identified the development of an office park within the Planned Development Overlay District. Obviously, this master plan would not allow for the development of multiple family residential uses in a manner that would be functional for the type of use or beneficial for the future residents. Therefore, the applicant is requesting a new condition to state that the master plan previously approved by Ordinance 4667 not apply to the undeveloped portions of the site (which are the three parcels subject to the current Planned Development Amendment request). The proposed condition would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development taking place.

Staff supports this request, as the existing master plan is now over 20 years old and is not functional for the uses that may be allowed to be developed on the site, should the allowed uses be amended to include multiple family residential uses. However, in order to preserve the previous approvals and developments that have occurred in other portions of the Planned Development Overlay District, staff is suggesting some changes to the new condition of approval. The changes would require that the updated master plan identify existing developed portions of the Planned Development Overlay District, and that it would replace the previously approved master plan. The condition would require that the master plan incorporate all necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption. The condition would also specify that the updated master plan be reviewed by the Planning Commission, be processed as a Planned Development Amendment but with the Planning Commission making the final decision, and that the master plan review would be subject to the Planned Development Amendment review criteria and the Great Neighborhood Principles in the McMinnville Comprehensive Plan.

Procedural Amendments

The applicant had requested one procedural amendment to reflect the correct review process for future development of the site, which was to remove language from condition #16. However, after further analysis of the existing conditions of approval in Ordinance 4667 against the City's current development review processes and the other amendments to the Planned Development Overlay District being requested by the applicant, staff has identified some other procedural amendments that could be made

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as part of the current Planned Development Amendment process. These procedural amendments include:

- Changes to condition #2 to reference the Three Mile Lane Development Review process that is currently followed by the City to satisfy the development review process required in the overarching Three Mile Lane Planned Development Overlay District (Ordinances 4131 and 4572). Three Mile Lane Development Review applications are currently reviewed by the Planning Director, as described in the application review process in MMC Section 17.72.110 (Applications – Director’s Review with Notification). Appeals of that review process are captured by MMC Section 17.72.170, so the appeal language in the existing condition #2 is proposed to be removed.
- Changes to condition #16 to clarify that only the final master plan approved for the Planned Development Overlay District become part of the zone and binding on the owner and developer.
- Removal of language in condition #20 that is related to a change to the previously adopted master plan. This language required the removal of four specific parking spaces from the previously approved master plan. As requested by the applicant, the previously approved master plan would no longer be applicable to the subject site, so this language is proposed to be removed.

Suggested Conditions of Approval

Due to the complex history of the multiple land use decisions that apply to this Planned Development Overlay District, staff is suggesting that the current conditions of approval from Ordinance 4667 and Ordinance 4851 be combined into the Decision Document for the current Planned Development Amendment (PDA 1-20), along with any additional amendments to the conditions resulting from the current request. This will provide clarity for the property owners, any future developers, and the City by carrying forward all conditions in one approval document.

Therefore, staff is suggesting the following conditions of approval, if the Planning Commission supports the approval of the Planned Development Amendment (PDA 1-20) request:

1. That the conditions of approval of Ordinance 4667, as amended by Ordinance 4851, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):
 1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontages. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to residentially zoned lands. Street tree planting, as required by the City’s tree ordinance, shall be provided as well.
 2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved **through the Three Mile Lane Development Review application process** by the ~~McMinnville Three Mile Lane Design Review Committee~~ before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding development. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. ~~The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee’s decision.~~
 3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.

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- The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant's request for additional building height shall include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12 shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.**
4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
 5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.
 6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.
 7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, **multiple-family dwellings, community buildings appurtenant to residential uses,** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or~~ medical office use, **multiple-family dwellings, or community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.
- If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.**
8. That this zone change shall not take effect until and unless CPA 3-98 is approved by the City Council.
 9. That the conceptual master plan for that portion of the applicant's property identified for "future development" shall in no way be binding on the City.

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10. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
11. That the Planning Director shall be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Department of Transportation. All amendments shall be consistent with the City's development codes.
12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should include the finished grades of proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.
13. That utilities shall be extended to the property (or project) boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.
15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
16. That ~~the final **master plan** development plans as approved by the Three Mile Lane Design Review Committee~~ shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

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

17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.
19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
20. That ~~the proposed off-street parking lot be amended by removing the four spaces adjacent to the frontage road nearest the area proposed for "future development" and in their place provide landscaping.~~ In addition, the applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.
21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise,

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vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.

- 22. That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.**

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

Commission Options:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, 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 in the motion to deny.

Recommendation:

Staff recommends approval of all four land-use applications with the conditions specified in the decision documents. Recommended motions for each land-use application is provided below.

MOTION:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 1-20, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of PDA 1-20

Attachment B: PDA 1-20 Application Materials



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO ADD MULTIPLE FAMILY RESIDENTIAL AS AN ALLOWABLE USE, AMEND EXISTING BUILDING HEIGHT LIMITATIONS, AND AMEND THE MASTER PLAN FOR AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT

- DOCKET:** PDA 1-20 (Planned Development Amendment)
- REQUEST:** Approval to amend the conditions of approval of the Planned Development Overlay District adopted by Ordinance 4667. The requested amendments would result in the allowance of multiple family dwellings and community buildings associated with residential uses and the removal of an existing 35 foot building height limitation. The requested amendments would also result in the addition of new conditions of approval requiring future review of a master plan prior to any development of the site, and requiring a minimum of 10 percent of the site to be developed with usable open space if the site is developed with multiple family dwellings.
- LOCATION:** 235 SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.
- ZONING:** C-3 PD (General Commercial Planned Development)
- APPLICANT:** Housing Authority of Yamhill County, on behalf of property owner Burch Feero, Inc.
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** June 22, 2020
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.
- HEARING DATE & LOCATION:** July 16, 2020, Zoom Online Meeting ID 942 3599 8716.
- PROCEDURE:** An application for a Planned Development 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 applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Planned Development Amendment (PDA 1-20) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

////////////////////////////////////
RECOMMENDATION: APPROVAL WITH CONDITIONS
////////////////////////////////////

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (included as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The application (PDA 1-20) is a request for a Planned Development Amendment to amend conditions of approval from Ordinance 4667. The applicant is requesting that a condition of approval (condition #7) that currently limits use of the site to professional office, medical office, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family dwellings and community buildings appurtenant to residential uses to the list of allowable uses in the existing Planned Development Overlay District. The base C-3 zone allows multiple-family residential as a permitted use. The applicant is also requesting that an existing condition of approval (condition #3) that limits building height to 35 feet be removed, and that some language (in condition #16) related to future review processes be removed to reflect the current applicable review processes in the City's code. The applicant is also proposing that two new conditions of approval be added to reflect the potential changes in use in the Planned Development Overlay District, which are to require that the original master plan related to Ordinance 4667 not apply to the undeveloped portions of the subject site, and that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the site. The second new condition proposed by the applicant would be to require 10 percent of the site to be reserved for usable open space if the site is developed as multiple family dwellings.

The subject property is located west of SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.

Excerpts from Land Use Application Narrative and Findings:

Existing Conditions

The Site is currently undeveloped and used for farming. The site is generally flat. There are no significant or distinguishing natural features associated with this property.

Access to the property is off SE Stratus Avenue, which is accessible from SE Norton Ln. Access to Highway 18 via Norton Lane is within 400 feet of the site. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of Highway 18, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the subject site.

Access and Utilities

The Site fronts on the south side of SE Stratus Avenue for approximately 376 feet. Access is available along this frontage. Additionally, easements with the properties to the east provide access from SE Norton Lane. Ordinance No. 4667 Conditions 18 and 19 provide for Oregon Department of Transportation review and approval, as required, of Highway 18 frontage improvements.

Surrounding Uses

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Ordinance 4667

Attachment 3 – Ordinance 4851

North – Immediately north of the site is SE Status Avenue and Highway 18. Across Highway 18 are a variety of commercial uses, including the offices of the Applicant.

East – The property immediately north of the subject property is the Altimus Plaza medical offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant.

South – The property immediately south is currently undeveloped. In 2019 Planned Development Overlay Ordinance No. 5072 was passed amending a prior Ordinance relating to this site.

West – The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

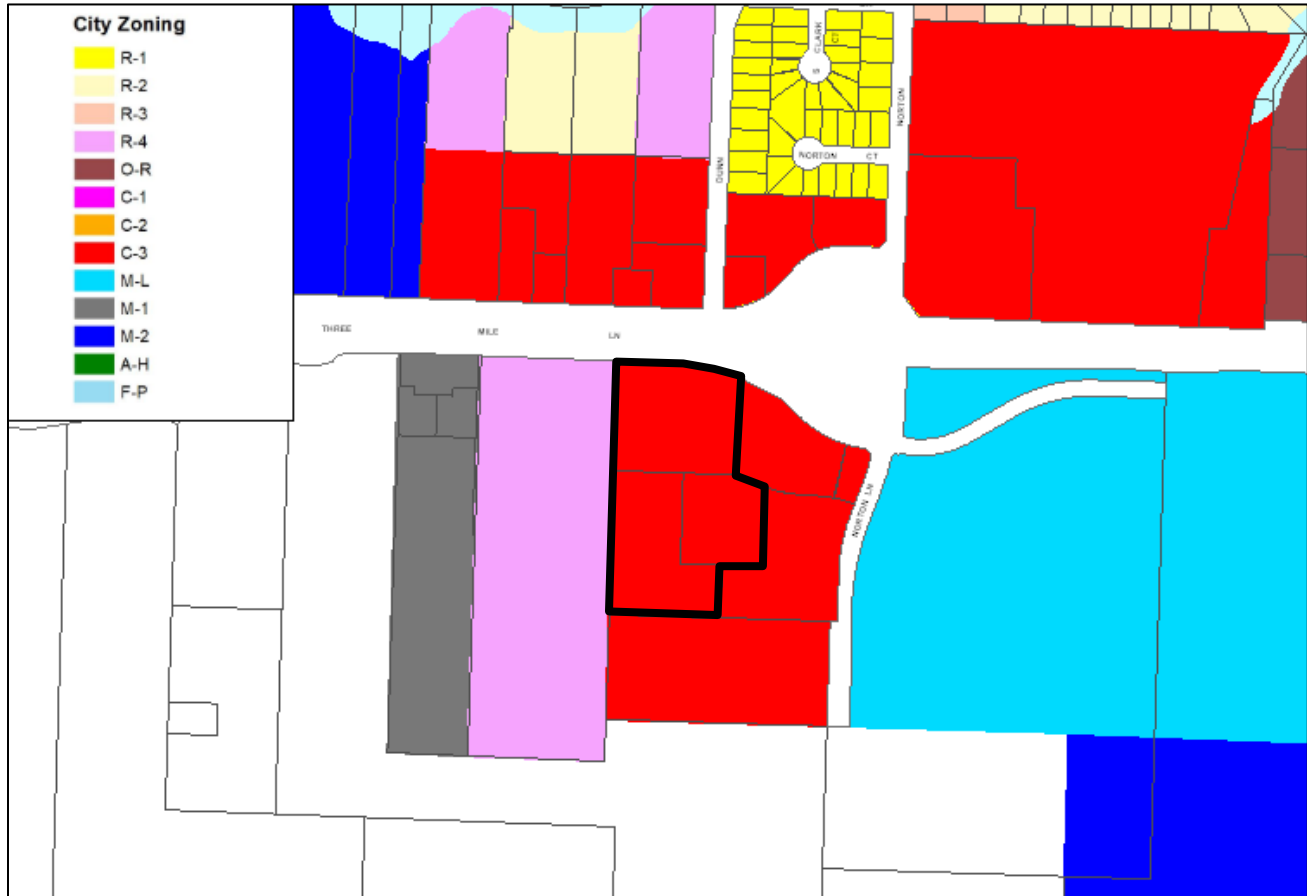
See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.

Figure 1. Vicinity Map (Property Lines Approximate)



- Attachments :**
 Attachment 1 – Application and Attachments
 Attachment 2 – Ordinance 4667
 Attachment 3 – Ordinance 4851

Figure 2. Zoning Map (Property Lines Approximate)



Background

Excerpts from Land Use Application Narrative and Findings:

The subject site is within the Three Mile Lane Planned Development Overlay area, originally established by Ordinance 4131 in 1981 and updated by Ordinance 4572 in 1994.

By Ordinance 4131, the City of McMinnville established Planned Development requirements for the Three Mile Lane area (Oregon Highway 18 Corridor). The area covered by this requirement extends north and south of Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18.

In 1994, Ordinance 4131 was amended to add specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) by Ordinance 4572.

In 1998, the Owner made application for and received approval for Planned Development Amendment, Ordinance No. 4667. The Master Plan submitted in support of Ordinance 4667 included the Subject Site and two additional parcels (R4427 00402 and R4427 00401) that are no longer owned by the current owner and are not part of this application. The Master Plan called for development of an office park on the Subject Site and additional two tax lots. Development did not occur.

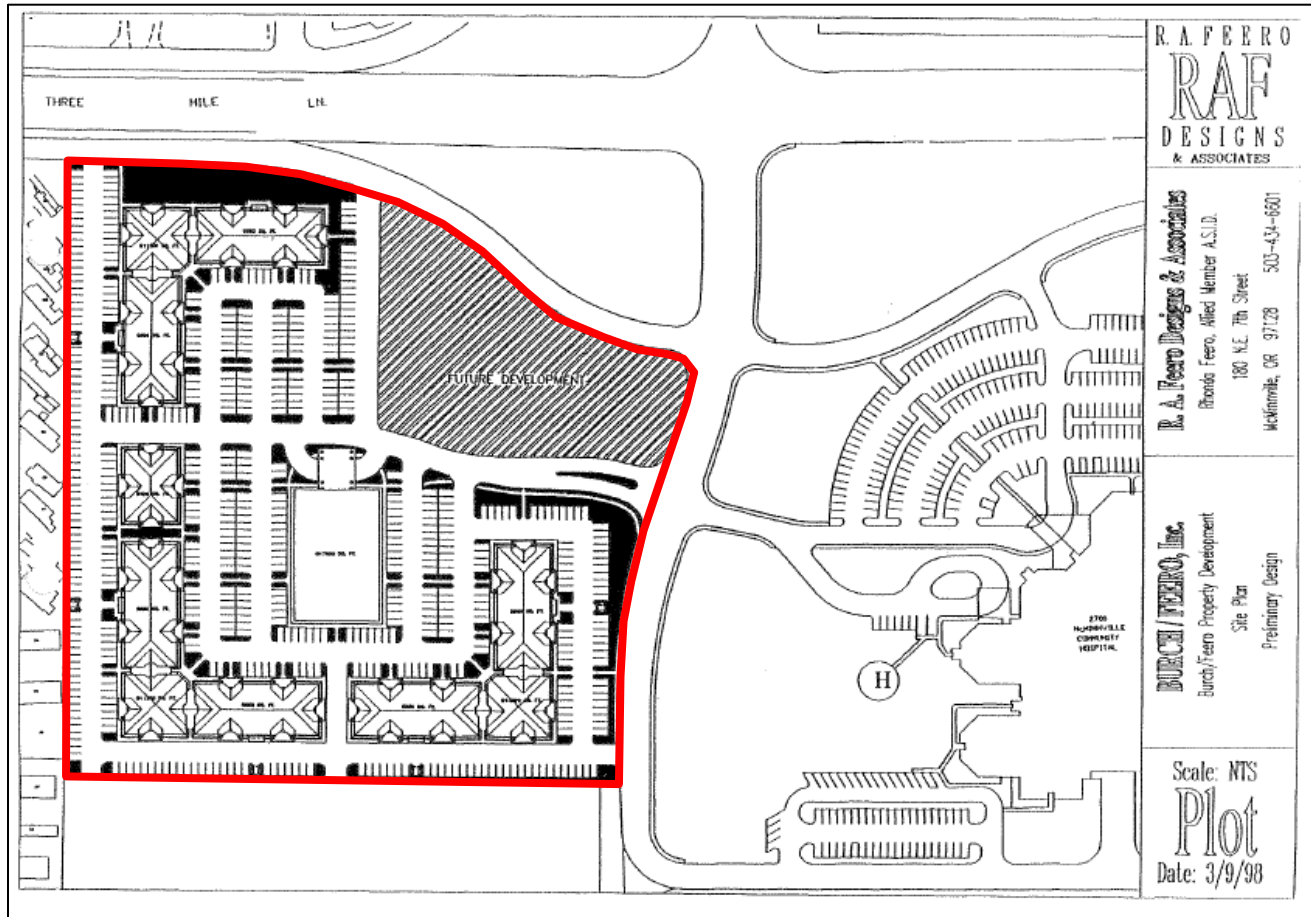
Attachments :

- Attachment 1 – Application and Attachments
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The owners have made the Subject Site available for sale. The Applicant and Owners originally entered into a Purchase and Sales Agreement on February 2020. This agreement has been amended. Owner and Applicant are cooperating to make this amendment.

As described above, Ordinance 4667 adopted the Planned Development Overlay District that exists on the subject site and the adjacent parcels today. Ordinance 4667 included 21 conditions of approval. Those conditions of approval are still applicable to the property and are provided in Ordinance 4667, which is included as Attachment 2 to this Decision Document.

Ordinance 4667 also adopted a master plan for the Planned Development Overlay District, which is shown below (property subject to the master plan highlighted):

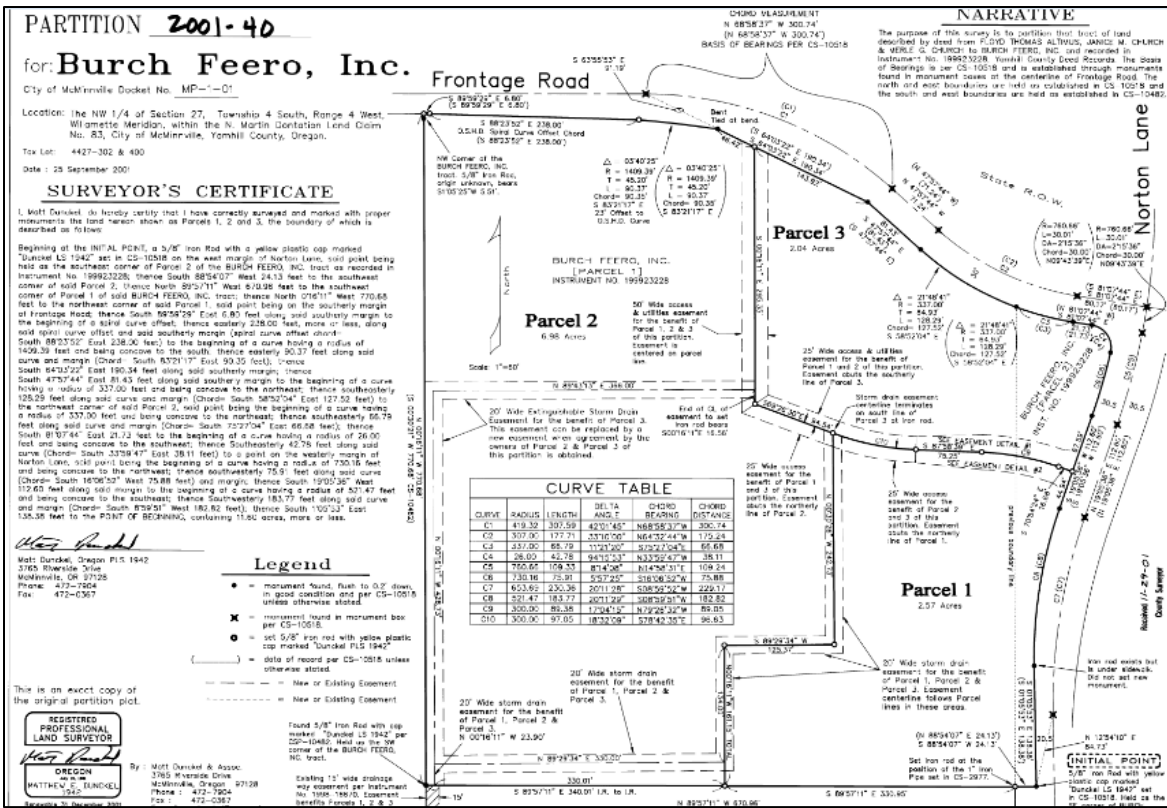


As shown above, Ordinance 4667 and the master plan originally included all of the property at the southwest quadrant of the intersection of SE Stratus Avenue and SE Norton Lane. Only portions of the property in the master plan area have developed since the adoption of Ordinance 4667, and further land divisions and Planned Development Amendment applications have occurred since the adoption of Ordinance 4667.

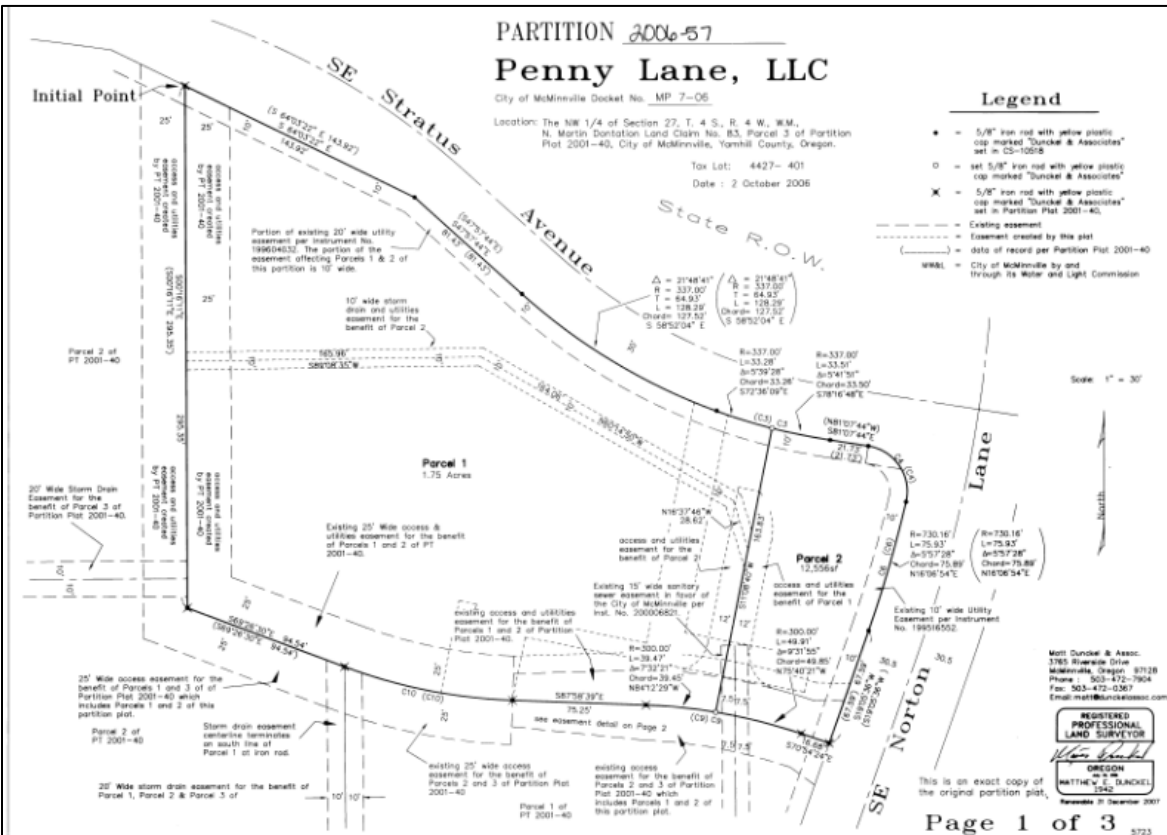
In 2001, the property within the master plan area was partitioned into three parcels by Partition Plat 2001-40. Parcel 1 of Partition Plat 2001-40 was the southeastern office building in the master plan, and has since been developed in accordance with the master plan. Parcel 2 of Partition Plat 2001-40 is the subject site associated with the current Planned Development Amendment request (PDA 1-20). Parcel 3 of Partition Plat 2001-40 is the “Future Development” area shown in the Ordinance 4667 master plan. Partition Plat 2001-40 is shown below:

Attachments :

- Attachment 1 – Application and Attachments
- Attachment 2 – Ordinance 4667
- Attachment 3 – Ordinance 4851



The area shown as "Future Development" in the master plan was then partitioned again by Partition Plat 2006-57 into two parcels. Partition Plat 2006-57 is shown below:



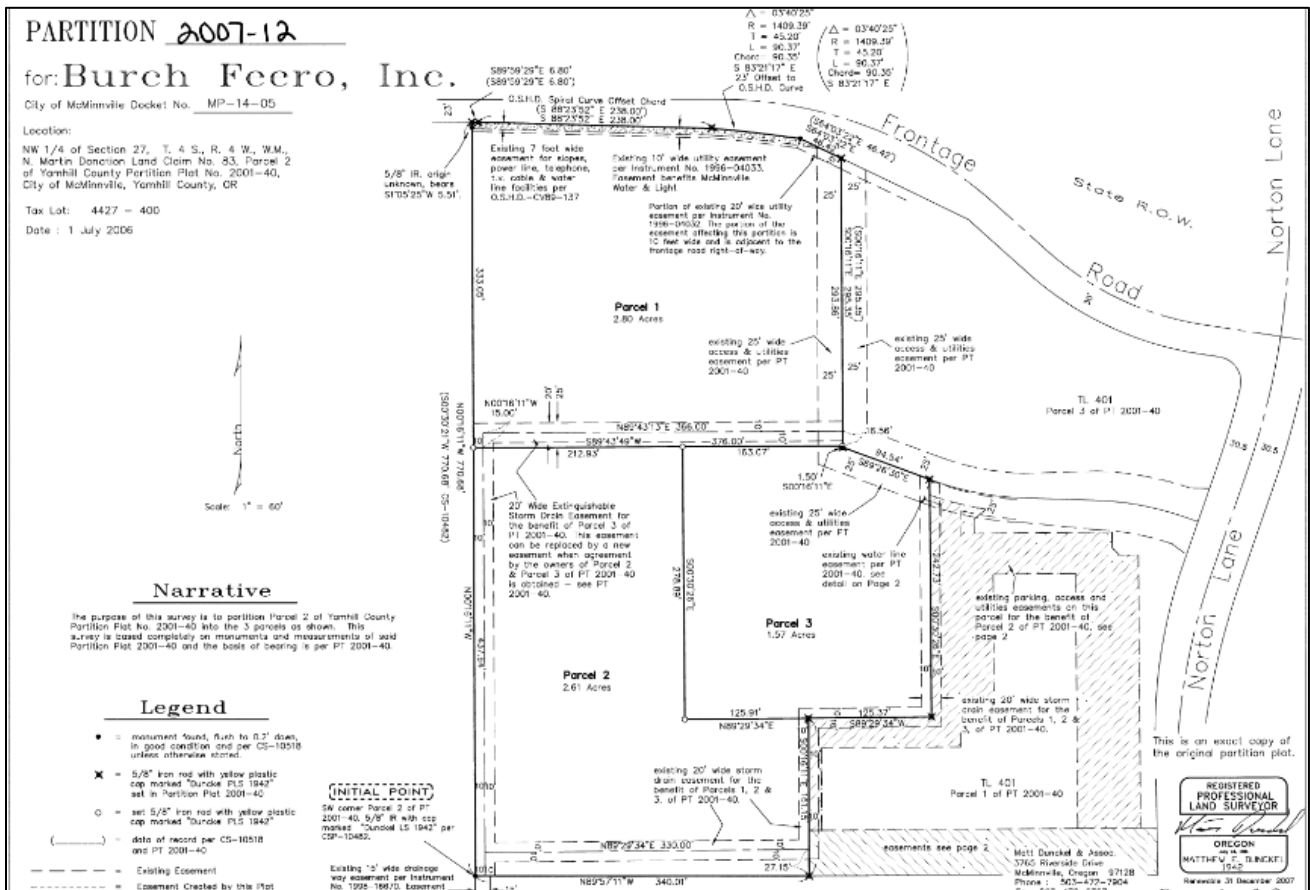
- Attachments:**
- Attachment 1 – Application and Attachments
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Parcel 1 of Partition Plat 2006-57 is now the site of the Comfort Inn and Suites, and was developed as approved under a subsequent Planned Development Amendment application that was approved after the adoption of Ordinance 4667 and applied only to that “Future Development” area. Ordinance 4851 was adopted in 2006, and amended the allowable building height to allow buildings up to 45 feet in height, but only applied to Parcel 1 of Partition Plat 2006-57 (referred to as Tax Lot 401 at the time and in Ordinance 4851). Ordinance 4851 actually amended condition #3 from Ordinance 4667 as follows:

“No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.”

Parcel 2 of Partition Plat 2006-57 later was approved by Ordinance 4884 in 2007 and Ordinance 4937 in 2011 which amended the allowable uses from Ordinances 4667 to eventually allow all uses in the underlying C-3 zone, with the exception of a few specific auto-oriented uses. Both Ordinance 4884 and Ordinance 4937 applied only to Parcel 2 of Partition Plat 2006-57, and neither resulted in any changes to Ordinance 4667 (other than finalizing the “Future Development” area in the master plan approved by Ordinance 4667).

In 2007, the subject site was partitioned again by Partition Plat 2007-12 into the three parcels that exist today. These three parcels are the parcels included in the subject site and the current Planned Development Amendment request (PDA 1-20). Partition Plat 2007-12 is shown below:



- Attachments:**
Attachment 1 – Application and Attachments
Attachment 2 – Ordinance 4667
Attachment 3 – Ordinance 4851

The applicant is requesting amendments to three of the existing conditions of approval in Ordinance 4667 and inclusion of two new conditions of approval, as described below:

- 1) Amend Condition 3 to remove stricken language:
“No building shall exceed the height of 35 feet.”
- 2) Amend Condition 7 to add the **bold** language:
“That the subject site, outside of that area identified for “future development” is limited to professional office use, medical office use, **Multiple-Family Dwellings, community buildings appurtenant to residential uses** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than a professional office use, or medical office use, or **Multiple-Family Dwellings, community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.”
- 3) Amend Condition 16 to add **bold** language and remove the ~~stricken~~ language:
~~“That final development plans as approved by the Three Mile Lane Design Review Committee shall be placed on file with the Planning Department and become a part of the zone and binding on the owner developer.~~

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

- 4) Add new Condition reflected in **bold** language:
“**The master plan previously approved relating to Ordinance No. 4667 does not apply to the undeveloped portions of the subject site. An updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site.**”
- 5) Add new Condition reflected in **bold** language:
“**If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the Subject Site and does not need to be contiguous. Area calculated and included as part of the 10 percent requirement must have dimensions of at least 20 feet. Any area may be located adjacent to the front yard setback area and may include 5 feet of the front yard set back towards the 10 percent open space. All open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.**”

Summary of Criteria & Issues

The application (PDA 1-20) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be 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.

Attachments :

Attachment 1 – Application and Attachments
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The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

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

Generally, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements. It should be noted in this case that the subject site is already regulated by an existing Planned Development (Ordinance No. 4667), and the request is only to expand the list of uses that are listed as permitted on the subject site, change the allowable building height, update the future review processes to reflect more current code procedures, and add new conditions of approval related to the development of the uses that would now be allowed on the site.

II. CONDITIONS:

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

Attachments :

Attachment 1 – Application and Attachments
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planted visual screen shall be required along the property lines adjacent to residentially zoned lands. Street tree planting, as required by the City's tree ordinance, shall be provided as well.

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

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

4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.
6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.
7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, **multiple-family dwellings, community buildings appurtenant to residential uses,** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or~~ medical office use, **multiple-family dwellings, or**

Attachments :

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community buildings appurtenant to residential uses may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.

If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.

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

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

Attachments :

- Attachment 1 – Application and Attachments
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17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.
19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
20. ~~That the proposed off-street parking lot be amended by removing the four spaces adjacent to the frontage road nearest the area proposed for "future development" and in their place provide landscaping. In addition, the applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.~~
21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.
22. **That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.**

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

III. ATTACHMENTS:

1. PDA 1-20 Application and Attachments (on file with the Planning Department)
2. Ordinance No. 4667
3. Ordinance No. 4851

IV. COMMENTS:

Agency Comments

Attachments :

Attachment 1 – Application and Attachments
 Attachment 2 – Ordinance 4667
 Attachment 3 – Ordinance 4851

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation. The following comments were received:

- McMinnville Engineering Department

Per Jacobs Engineering’s email dated June 12, 2020, sewer modeling indicates that sufficient sewer capacity exists to accommodate the additional flows created by the proposed PDA. The appropriate infrastructure improvements will be determined at the time of development.

- McMinnville Fire Department

We have no issues with this planned development.

- McMinnville Water and Light

Water is available on Stratus Ave at the NW corner of the parcel and at two locations on the neighboring parcel R442700404. The main on Stratus will need to be interconnected with at least one of the other existing main locations on R442700404. A McMinnville Water and Light Extension Agreement will be required.

- Oregon Department of Transportation

ODOT has received a copy of an application by the Housing Authority of Yamhill County to amend the Planned Development Ordinance No. 4667 for property located at 235 SE Norton Lane. We have reviewed the application materials and, as a land use matter only, ODOT has no comments to provide. The property fronts on SE Stratus Avenue which is an ODOT facility. The applicant will, therefore, have to apply to ODOT for a permit for any proposed access to Stratus Avenue.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, July 7, 2020. As of the date of the Planning Commission public hearing on July 16, 2020, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Housing Authority of Yamhill County, on behalf of property owner Burch Feero, Inc., held a neighborhood meeting on June 10, 2020.
2. The applicant submitted the Planned Development Amendment application (PDA 1-20) on June 17, 2020.
3. The application was deemed incomplete on June 17, 2020. The applicant submitted a revised application on June 19, 2020 that included the information identified and requested in the incomplete notification.

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4. The application was deemed complete on June 22, 2020. Based on that date, the 120 day land use decision time limit expires on October 20, 2020.
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, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the July 16, 2020 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, June 25, 2020.
7. Notice of the application and the July 16, 2020 Planning Commission public hearing was published in the News Register on Tuesday, July 7, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On July 16, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** 235 SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 6.98 acres.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 PD (General Commercial Planned Development)
5. **Overlay Zones/Special Districts:** Three Mile Lane Planned Development Overlay District (Ordinance No. 4131 and Ordinance No. 4572). Planned Development Overlay District (Ordinance 4667, as amended by Ordinance 4851).
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** The site is described by the applicant as being generally flat. There are no significant or distinguishing natural features associated with this property.
9. **Utilities:**

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- 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 is available to serve the site.
 - f. **Easements:** There are a number of private and public utility and access easements on the subject site, as identified in Partition Plat 2007-12, Partition Plat 2006-57, and Partition Plan 2001-40
10. **Transportation:** The site is adjacent to SE Stratus Avenue, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to Oregon Department of Transportation and City standards on the site's SE Stratus Avenue frontage at the time of development.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 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 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 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take

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corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

APPLICANT’S RESPONSE: The comprehensive plan map is already consistent with these Goals and this Policy. The subject site and surrounding properties to the south and east are designated commercial and zoned C-3PD.

The proposed amendment does not change this designation, and the property remains zoned C-3PD. The amendment only adds Multi-Family apartments to the list of allowed uses.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed amendment to Condition 7 would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility would be allowed to be developed on the site along with the additional use of multiple family dwelling units.

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

Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

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.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

APPLICANT’S RESPONSE: As noted, the Subject Property is designated commercial, consistent with these policies. The designation does not change with this proposed amendment. Section 17.33.01 provides that Multifamily dwelling is permitted in C-3 zones. With this request, the applicant is requesting that the Multi-Family Dwellings not be excluded from base zone.

The provisions of Policy 29.00 remain in effect and have been implemented by the existing transportation improvements in the immediate area. As demonstrated by the traffic impact report attached with this application, the proposed Multi-Family use will generate less traffic impacts than the base commercial office uses.

FINDING: SATISFIED. The existing property is already designated on the Comprehensive Plan as Commercial, and is zoned C-3 PD (General Commercial Planned Development) as determined to meet Goal IV 3 and Policies 24.50 and 25.00 by the previous actions to amend the Comprehensive Plan (CPA 3-98) and adopt the existing Planned Development (ZC 6-98) by Ordinance 4667. The proposed amendment to add multiple family dwelling units as an allowed

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use would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility would be allowed to be developed on the site.

The existing property has frontage on SE Stratus Avenue, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the consideration of the impacts of a new direct access on land uses and traffic patterns in the area of the development is not required by Policy 29.00 because the adjacent roadway is not an arterial. However, the applicant provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use.

Proposal 6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

APPLICANT’S RESPONSE: The Three Mile Lane Planned Development is consistent with this proposal. The PD Overlay remains in effect, the amendment simply adds Multi-Family apartments as an allowed use and will maintain consistency with the underlying C-3 zoning.

Restoring the height permissible in the R-4 zone will allow for more options to site and design a project in a manner that allows for open space, circulation and achieving an optimal development capacity.

FINDING: SATISFIED BY CONDITIONS #1, #2, and #22. The City concurs with the applicant’s findings, and adds that the existing conditions of approval from Ordinance No. 4667 remain in effect. Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping. In addition, a new condition of approval proposed by the applicant, condition 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site.

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

Policy 61.00 The City of McMinnville shall monitor the conversion of lands to residential use to ensure that adequate opportunities for development of all housing types are assured. Annual

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reports on the housing development pattern, housing density and mix shall be prepared for city review.

APPLICANT’S RESPONSE: The City has implemented these Policies through adoption of the Zoning Code, which includes residential zones accommodating various densities and housing types. Further, the underlying C-3 zone allows Multi-Family development, consistent with R-4 standards, per Section 17.33.010.3. The proposed amendment simply adds this allowed use, maintaining consistency with the C-3 code.

There is residential R-4 land immediately to the west of the subject site. The Planned Development Amendment controlling the lot to the south was recently amended to allow for Multi-Family. There is basis for concluding that R-4 residential is compatible with the professional and medical office commercial designation for the remainder of the Planned Development Area.

The requested change will not alter the current density allocated for the property. The allowed density will remain consistent with the R-4 standards for Multi-Family housing.

Therefore, the requested amendment maintains consistency with the applicable zoning.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 64.00 The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.

Policy 66.00 The City of McMinnville shall continue to allow development of its fair share of the region’s low-cost housing. The share accepted will be based on quantifiable studies which take into account the amount of the low-cost housing already in the community and the overall housing opportunities in the city and region.

APPLICANT’S RESPONSE: Oregon’s Statewide Housing Plan defines a shortage of 4,945 units of affordable housing in Yamhill County. Applicant is a “housing authority” defined by ORS Chapter 456, operating in Yamhill County for the purpose of providing, “To provide decent, safe and sanitary urban or rural housing for persons or families of lower income.”

Housing Authority of Yamhill County is the applicant.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

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- Policy 70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.*
- Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*
- Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)*

APPLICANT'S RESPONSE: The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, and 71.05.

Utilizing the existing Planned Development Amendment process to permit the development of Multi-Family is an innovation use of a zoning ordinance that is likely to result in creation of housing that will expand the variety of type and price available in McMinnville.

Restoring the height allowable by the base zone will allow for greater flexibility in development options. The base zone height of 60' is in keeping with the surrounding development pattern (Comfort Inn, medical center, and community college).

It is also worth noting the site is located in the Airport Overlay Zone, and specifically within the Horizontal Zone as defined by 17.52.060. A 60' height limit on the Subject Site will not cause the buildings to exceed the limits allowed in a Horizontal Zone.

FINDING: SATISFIED. The proposed Planned Development Amendment would result in the addition of multiple family residential to the list of allowed uses in the existing Planned Development area. The subject property is not designated as residential, but has an underlying zone of C-3 (General Commercial). The underlying C-3 zone allows multiple family residential uses as a permitted use, so the proposed amendment is not inconsistent with the underlying zone and provides an opportunity for the development of residential uses.

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

In regards to building height, the limitation on building height was amended to allow buildings up to 45 feet in height, but was not removed entirely, as described in the findings for the Planned Development Amendment review criteria below.

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Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

1. *Areas that are not committed to low density development;*

APPLICANT’S RESPONSE: The site is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.05 and 71.09.

The current Planned Development Overlay is consistent with the criteria for location of medium and high density residential, which is allowed under Policy 71.09 and also specifically allowed in the C-3 zone.

Ordinance 4667 did not list Multi-Family dwelling as a permitted use. Except for not having been listed in Ordinance 4667 the C-3 zone would otherwise allow Multi-Family Dwelling, consistent with R-4 standards, as a permitted use.

The applicant's intent is to develop Multi-Family Dwellings consistent with the R-4 standards, as required by the C-3 zone. Under the C-3 zoning, the density is not being increased, as the R-4 standards will be applied.

FINDING: SATISFIED. The City concurs with the applicant’s findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low density development.

2. *Areas that have direct access from collector or arterial streets;*

APPLICANT’S RESPONSE: The subject site has direct access from the Highway 18 via from SE Stratus Avenue and SE Norton Lane.

FINDING: SATISFIED. The subject site has frontage on SE Stratus Avenue, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the subject site has direct access from a collector street.

3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*

APPLICANT’S RESPONSE: The subject site is an open generally flat field, with no development restrictions.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

4. *Areas where the existing facilities have the capacity for additional development;*

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APPLICANT’S RESPONSE: The commercial area along Norton Lane is served by a full range of urban services including sanitary sewer, water, storm drainage and franchise utilities. All of these services generally have sufficient capacity to serve the proposed development.

With respect to Sewer capacity, in 2019 the property owner to the south commissioned a study to determine conveyance capacity for additional residential development. The study, performed by CH2M, determined capacity for additional residential development.

FINDING: SATISFIED. The Engineering Department provided comments (provided on June 30, 2020) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. That analysis was completed by Jacobs Engineering and communicated to the City on June 12, 2020. Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use’s impact on the surrounding transportation network.

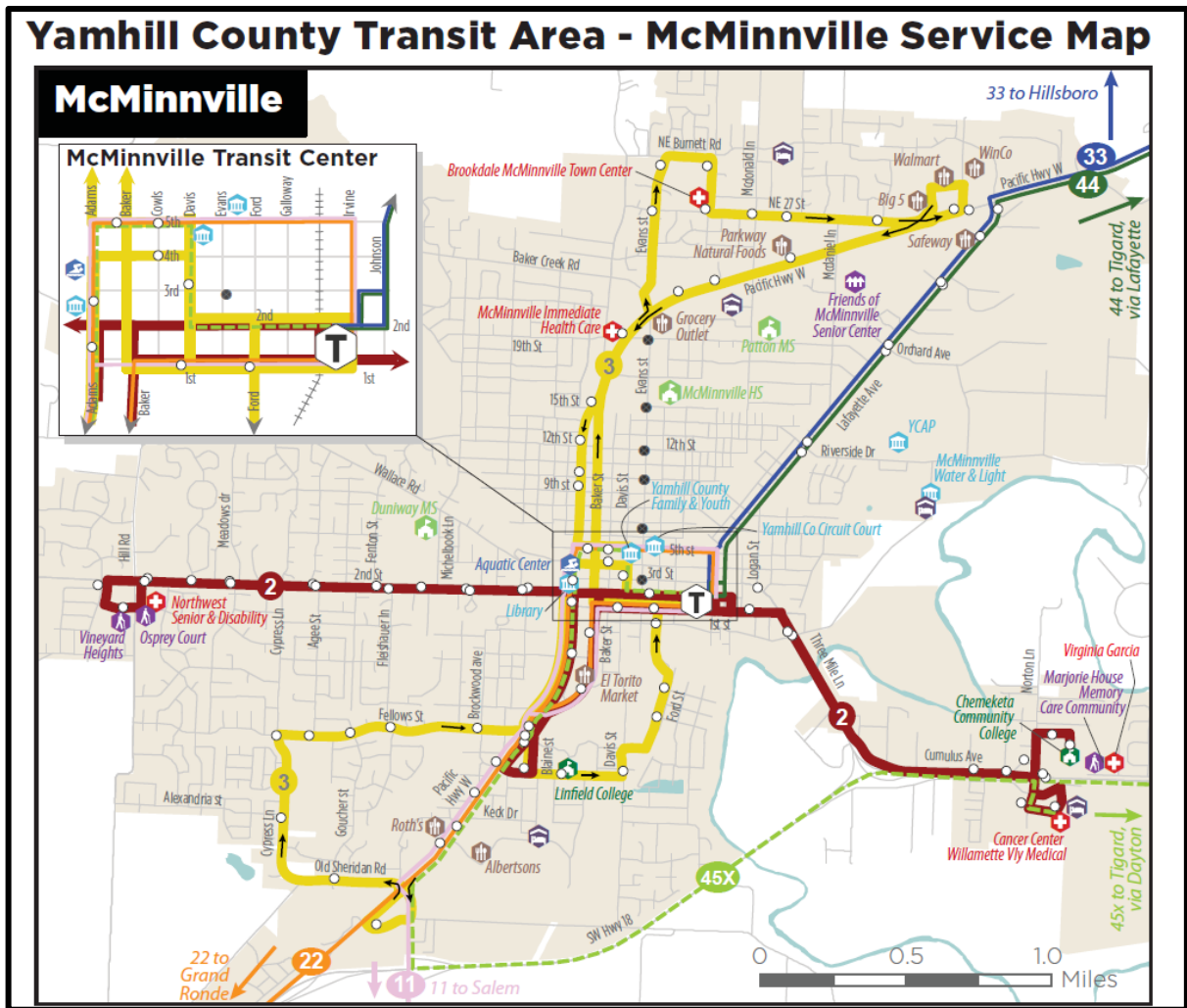
5. Areas within one-quarter mile of existing or planned public transportation; and,

APPLICANT’S RESPONSE: Local Transit Routes 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center, which is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative.

Route 2 provides regularly scheduled weekday service. This route connects to the Transit Center for connection to the Yamhill County Transit route for access to the other parts of town.

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FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities.

- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.

APPLICANT’S RESPONSE: And, there is residential R-4 land immediately to the west of the subject site, which establishes the buffer of lower density residential per criteria 6.

The requested change will not alter the current density allocated to the property. The density will remain as is consistent with the R-4 standards for Multi-Family housing.

FINDING: SATISFIED. The subject site is not located adjacent to any existing low density residential areas. Therefore the subject site and area does not require any buffering from low density residential areas.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:

- 1. Areas which are not committed to low or medium density development;

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APPLICANT’S RESPONSE: The subject property is zoned C-3 General Commercial with a PD overlay. The C-3 zone allows high density residential use. Therefore it is not committed to low or medium density development.

FINDING: SATISFIED. The City concurs with the applicant’s findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low density development.

2. *Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*

APPLICANT’S RESPONSE: There is no designated low density residential in the surrounding neighborhood. There is R-4 zoning to the west, which provides a buffer between the site and other zoning. Therefore this criterion is met.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

3. *Areas which have direct access from a major collector or arterial street;*

APPLICANT’S RESPONSE: The subject site has direct access from the Highway 18 via SE Norton Lane. Therefore this criterion is met.

FINDING: SATISFIED. While Highway 18 (Three Mile Lane) is identified as a major arterial in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010, the subject site does not have direct access from Highway 18. The subject site has frontage and direct access only onto SE Stratus Avenue, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. However, the applicant provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4667.

4. *Areas which are not subject to development limitations;*

APPLICANT’S RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

5. *Areas where the existing facilities have the capacity for additional development;*

APPLICANT’S RESPONSE: Sewer capacity in the immediate area was analyzed by CH2M as part of the Planned Development Amendment recently approved for the lot immediately south. This study found sufficient capacity in the system to convey additional residential development.

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FINDING: SATISFIED. The Engineering Department provided comments (provided on June 30, 2020) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. That analysis was completed by Jacobs Engineering and communicated to the City on June 12, 2020. Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

6. *Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*

APPLICANT'S RESPONSE: Local Transit Route 2 runs on the Highway 18 and on SE Norton Lane to the Willamette Valley Medical Center. The Medical Center is located with 250 feet of the site. See the attached route map and schedule included as an appendix. Therefore this criterion is met.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities. More detail on the transit routes is provided in the finding of Policy 71.09(5) above.

7. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*

APPLICANT'S RESPONSE: The City's zoning for Neighborhood Commercial is C-1, which General Commercial is C-2.

The subject property and adjacent property to the north (770 feet) to Stratus Avenue is zoned C-2, General Commercial, with a PD overlay. There is also C-2 zoning on the north side of the Highway 18 on both sides of NE Norton Lane.

The closest C-1 zoning is approximately 1/4 mile east of the Norton Lane intersection with the Highway 18.

Therefore this criterion is met.

FINDING: SATISFIED. While the McMinnville Municipal Code (MMC) does have a Neighborhood Business Zone (C-1), that zoning district has been applied very narrowly and is only designated on two parcels in the entire city limits (the two parcels that the applicant notes approximately 1/4 mile east of the Norton Lane intersection with Highway 18). Also, the MMC does not have any definition of neighborhood or general commercial shopping centers. Therefore, the commercial designation of property is used in analyzing this Comprehensive Plan policy and high density residential locational factor. The subject site is located within one-quarter mile of commercially zoned property. The commercially zoned property within one-quarter mile

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of the subject site is zoned C-3 (General Commercial) – which is a correction on the applicant’s response where General Commercial is identified as C-2 – to allow general retail, service, and shopping type uses.

8. Areas adjacent to either private or public permanent open space.

APPLICANT’S RESPONSE: The closest public open space to the site is Joe Dancer Park, which is located on E. Brooks Street, approximately 1.4 miles to the northwest.

Ordinance 4667 Conditions 1 & 2 requires approval of site design prior to issuance of a building permit. These conditions will ensure adequate open space is provided in the development. Therefore this criterion is met.

Applicant proposes a condition to provide for adequate open space in the Multi-Family housing project.

Supplemental Response: Open space is a critical element to a successful multifamily family project on the Subject Site. Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programming of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposed condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

FINDING: SATISFIED WITH CONDITION #7. The subject site is not located adjacent to private or public open space. There are only three public parks within ½ mile of the subject site, and two of those parks (Bend-o-River and Kingwood) are what would be classified as Mini-Parks in the McMinnville Parks, Recreation, and Open Space Master Plan. The other park within ½ mile of the subject site is Joe Dancer Park, which is identified as a Community Park in the McMinnville Parks, Recreation, and Open Space Master Plan. However, Joe Dancer Park is located across the Yamhill River and is not actually accessible within a ½ mile distance of the subject site.

The factor for high density residential development calls for open space to be adjacent to the site, not within a certain distance. While there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, condition 7 is updated to require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of

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the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area. The condition does require that each dimension of the open space be at least 25 feet in length, that the open space be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

Planned Development Policies

Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

APPLICANT’S RESPONSE: The existing Planned Development Amendment, Ordinance 4667 includes development standards to ensure a residential development. Condition 2 requires “to the extent possible, the site and building design should be compatible with the surrounding development.”

FINDING: SATISFIED. The City concurs with the applicant’s findings. The existing Planned Development overlay, approved by Ordinance No. 4667, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family residential use, along with the other commercial uses currently allowed by the existing Planned Development condition of approval, would provide an opportunity for a wider variety of housing types than is currently allowed.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

APPLICANT’S RESPONSE: The proposed amendment will allow for Multi-Family Dwelling in the C-3 zone by removing its exclusions. The anticipate residential development will offer housing that is affordable, thus adding a missing housing type within the larger vicinity and City.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The existing Planned Development overlay, approved by Ordinance No. 4667, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family residential use, along with the other commercial uses currently allowed by the existing Planned Development condition of approval, would provide an opportunity for a wider variety of housing types than is currently allowed.

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

APPLICANT’S RESPONSE: There are no distinctive natural, topographic or aesthetic features associated with the site. The property is flat, and currently abuts farm land to the south, a mobile home part to the west, and office and hospitality to the east.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.

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APPLICANT’S RESPONSE: Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programing of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

FINDING: SATISFIED WITH CONDITION #7. The City concurs with the applicant’s findings. Staff would add that, while there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, condition 7 is updated to require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area. The condition does require that each dimension of the open space be at least 25 feet in length, that the open space be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

APPLICANT’S RESPONSE: Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

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FINDING: SATISFIED WITH CONDITION #7. The City concurs with the applicant's findings. Staff would add that, while there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, condition 7 is updated to require that, if the site is developed with multiple-family residential uses, an area equivalent to 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area. The condition does require that each dimension of the open space be at least 25 feet in length, that the open space be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

Further, the existing conditions of approval from Ordinance No. 4667 remain in effect. Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, a new condition of approval proposed by the applicant, condition 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the required open space is located in an area readily accessible to all occupants.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

APPLICANT'S RESPONSE: No specific development plans are being proposed at this time. However, the applicant is proposing an apartment development. Typical development plans provide landscaped open space, circulation for pedestrians and bicycles.

Site plan details will be provided as required by Condition 2 of Ordinance 4667.

FINDING: SATISFIED. The existing conditions of approval from Ordinance No. 4667 remain in effect. Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, a new condition of approval proposed by the applicant, condition 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the internal traffic system promotes safe and efficient traffic flow and gives consideration to providing pedestrian and bicycle pathways.

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Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

APPLICANT’S RESPONSE: Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18 intersection with Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the area.

FINDING: SATISFIED. The site is adjacent to SE Stratus Avenue, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City and Oregon Department of Transportation (ODOT) standards on the site’s SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure the traffic system within planned developments will be compatible with adjoining properties. In addition, the applicant provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. At the time of development, all necessary permits will be required to be obtained by ODOT, as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use’s impact on the surrounding transportation network.

Residential Design Policies

Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed amendment to the existing Planned Development condition would add multiple family residential as an allowed use. Multiple family residential is a permitted use in the underlying C-3 (General Commercial) zone, subject to the standards and provisions of the R-4 (Multiple Family Residential) zone. Therefore, the future development, if it includes multiple family residential dwelling units, will be subject to the density requirements of the R-4 zone.

Further, existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18).

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This will ensure that the density of the future development is shown to be able to be served by public services.

Urban Policies

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use’s impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on 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.

Streets

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

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

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*

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2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
4. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
5. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

APPLICANT’S RESPONSE: The City's transportation Goal and Policies are further refined and implemented through the Transportation System Plan (TSP). The TSP provides the functional classification of streets, including arterial, collector and local designations.

The TSP identifies corridor improvements for the Highway 18 Corridor:

ODOT, the City of McMinnville and Yamhill County have mutually approved the Highway 18 Corridor Refinement Plan, which was completed in 1996. The Plan includes a series of traffic control and frontage roads improvements north and south of Highway 18, to include closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.

Some frontage road improvements have been completed since the 1996 Plan was adopted. Exhibit 4-10 illustrates the current state of the Plan. It is important to note, however, that the northernmost collector access road depicted in the Highway 18 Corridor Refinement Plan is not shown in the TSP due to the fact that it is located outside of McMinnville's current urban growth boundary. Under Oregon Administrative Rule (OAR 660-012), transportation facilities outside of urban growth boundaries are not permitted as part of a TSP unless a "reasons" exception to the applicable goal(s) has been approved by the City. In this case, McMinnville finds such action premature due to the lack of certainty as to the street corridor's location and design. An amendment to this plan, and a Goal 2 (Land Use) exception, would be part of any future proposal to add this element to the TSP and permit its construction and use for urban purposes.

Some of the corridor improvements have already been completed, including the Norton Lane intersection and Stratus Avenue frontage road. The future interchange discussed is further to the east, at Cumulus Avenue. However, no decision regarding an interchange has yet been made.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

Primary access to the property is from Highway 18, designated as an arterial street. SE Norton Lane intersects with Highway 18 north of the subject property. The property fronts on the west

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side of SE Norton Lane, just south of the intersection with SE Stratus Avenue. Stratus Avenue is classified as a collector.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but would clarify that the site is adjacent to SE Stratus Avenue, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane).

Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site’s SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use’s impact on the surrounding transportation network.

Further, Conditions 2 and 22 of Ordinance 4667 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

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

2. Major, minor collectors.

-Designs should minimize impacts on existing neighborhoods.

-Sufficient street rights-of-way should be obtained prior to development of adjacent lands.

-On-street parking should be limited wherever necessary.

-Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)

-As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site’s SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use’s impact on the surrounding transportation network.

Parking

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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.

Bike Paths

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

APPLICANT’S RESPONSE: Conditions 1 and 2 of Ordinance 4667, and the proposed open space condition, require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design, including off-street parking and bike and pedestrian connections associated with the future development plan.

FINDING: SATISFIED. Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, new conditions of approval proposed by the applicant, conditions 7 and 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site and that open space be provided if the site is developed with multiple family residential uses. These reviews would ensure review of site design, including off-street parking and bike and pedestrian connections associated with the future development plan.

Supportive of General Land Use Plan Designations and Development Patterns

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)

APPLICANT’S RESPONSE: See response to Policies 117.00 - 121.00 above.

FINDING: SATISFIED. The City concurs with the applicant’s findings, along with the additional findings provided for Policies 117.00 – 121.00 above.

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Public Safety

Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site’s SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

Livability

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)

Pedestrian Programs

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

APPLICANT’S RESPONSE: Conditions 1 and 2 of Ordinance 4667, and the proposed open space condition, require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

FINDING: SATISFIED. Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site’s SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards.

Further, Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, new conditions of approval proposed by the

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applicant, conditions 7 and 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site and that open space be provided if the site is developed with multiple family residential uses. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

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.

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

Storm Drainage

Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

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: The surrounding development along SE Norton Lane has been constructed consistent with the Public Facilities Goal and these Policies for specific utilities. All required urban services are currently available and adequate to support development of the

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property consistent with these policies, assuming that CH2M makes positive findings with their sewer system analysis, being paid for by the applicant.

The proposed amendment will not result in development that will create substantially greater demands on the available services than the types of development that is already allowed.

FINDING: SATISFIED. Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site.

Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. *Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*
2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*
4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Water and Sewer – Land Development Criteria

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*

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2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

APPLICANT’S RESPONSE: Conditions 2, 12, and 13 of the existing Ordinance remain in effect. Additionally, given the nature of the proposal development, application will adhere to the standards of the implementing regulations for the National Environmental Policy Act promulgated by the U.S. Department of Housing and Urban Development in CFR Part 58.

FINDING: SATISFIED. An existing conditions of approval from Ordinance No. 4667, which remains in effect, will require that final development plans include the provision of utility improvements (Condition 13). This will ensure that the density of the future development is shown to be able to be served by McMinnville Water and Light services. McMinnville Water and Light was provided an opportunity to review the proposal, and offered no objections to the proposed amendment to the allowable uses on the subject site.

Police and Fire Protection

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

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other 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 amendment to the allowable uses on the subject site.

Parks and Recreation

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

APPLICANT’S RESPONSE: None.

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FINDING: SATISFIED. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

Energy Conservation

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

Energy Supply Distribution

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

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. McMinnville Water and Light and Northwest Natural Gas were provided an opportunity to review the proposal, and offered no objections to the proposed amendment to the allowable uses 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: There are no significant natural features associated with the Subject Site. Approval of this request will not adversely impact sensitive natural features or conditions.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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: Surrounding Uses adjacent to the Subject Site do not offer scenic views of natural features, landscapes or vistas. The larger vicinity within which the Subject Site is located do not offer scenic views of natural features, landscape or vistas. Granting the requested changes will not adversely impact a future design’s ability to oriented open space or buildings.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant’s findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to potential scenic views from the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

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: Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an

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area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programming of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

FINDING: SATISFIED WITH CONDITION #7 AND #22. The City concurs with the applicant's findings, but clarifies that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to the provision of park and open space within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles. A condition of approval is included to require a minimum amount of usable open space within the subject site if the site is developed with multiple family residential uses.

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: The Three Mile Lane Preferred Alternative identifies land uses and trail systems. Adjacent to the Subject Site on SE Stratus is an existing trail network. Within 75 feet of the site along SE Norton Lane is an existing trail network. Bisecting the site, running east west is an existing trail network.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to pedestrian connections within and around the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*

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- 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: The Three Mile Lane Preferred Alternative identifies land uses and trail systems. Adjacent to the Subject Site on SE Stratus is an existing trail network. Within 75 feet of the site along SE Norton Lane is an existing trail network. Bisecting the site, running east west is an existing trail network.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant’s findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to bicycle connections within and around the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

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: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant’s findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to street improvements adjacent to the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles. Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site’s SE Stratus Avenue frontage at the time of development.

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

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- 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: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant’s findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to accessibility within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

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.*
 - 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: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant’s findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to accessibility within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

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: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned

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Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED. The proposed amendments to allow for multiple family residential uses on the subject site will introduce an opportunity for a mix of uses and activities within the area surrounding the subject site. The existing development adjacent to the subject site and in the surrounding area is primarily commercial, which will provide services within walking distance to residential uses that could potentially be developed on the site.

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: Surrounding Uses buffer the Subject Site from adjacent rural land. The Subject Site is located within the Three Mile Lane Planned Development Overlay. The buffering nature of the surrounding uses and the context of the Three Mile Lane Planned Development make Multi-Family uses complement and transitional uses with nearby rural areas.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the subject site is surrounded by other property that is also within the McMinnville Urban Growth Boundary.

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: Yamhill County is experience is shortage of affordable housing. This fact is documented in the Oregon Housing and Community Service State Housing Plan. Several studies have concluded barriers to the development of housing contribute to the shortage of supply. Housing starts falling short of household creation is a consequence leading to the shortage of housing.

The application is a Housing Authority organized under state law. Their purpose is to develop affordable housing. The applicant intends to develop a Multi-Family housing community consistent with their purpose and state law defining the powers of housing authorities.

As a result, the applicant's development of the subject site will provide Multi-family housing that is not prevalent in the City of McMinnville. Therefore, the creation of affordable housing by the Applicant will contribute to housing opportunities for a greater range of incomes in the City.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the type of housing envisioned by the applicant would also increase the range of housing opportunities in this specific area of the City.

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.*

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- b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

APPLICANT’S RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant’s findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to building form and architectural variety within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

- 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: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

FINDING: SATISFIED WITH CONDITION #22. The City concurs with the applicant’s findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to design elements within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

- GOAL X 1:** TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.
- GOAL X 2:** TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

APPLICANT’S RESPONSE: [site public meeting]

FINDING: SATISFIED. The process for a planned development amendment 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

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 17.06. Definitions

17.06.015 General Definitions

Apartment House – See “Dwelling, Multifamily.”

Dwelling, Multi-Family – A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling Unit – A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Family – For the purpose of this Zoning Ordinance, “family” refers to: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group

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of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. (Ord. 4988 §1, 2015; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT’S RESPONSE: Referencing definitions as a basis for proposed amendments.

FINDING: SATISFIED. The City acknowledges the applicant’s clarification of the definitions of apartment and multi-family dwelling. The use that is added to the amended Condition 7 of Ordinance 4667 is “multiple-family dwelling” because that is the specific use that is listed as permitted in the C-3 (General Commercial) zone in Section 17.33.010 of the McMinnville Zoning Ordinance.

Chapter 17.21. R-4 Multiple-Family Residential Zone

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.33. C-3 General Commercial Zone

17.33.010 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

3. Multiple-family dwelling subject to the provisions of the R-4 zone; [..]

APPLICANT’S RESPONSE: The base C-3 zone allows for Multi-Family Dwellings as a permitted use, subject to the R-4 zoning standards and density, per Chapter 17.21.

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FINDING: SATISFIED. The City acknowledges that multiple-family dwellings are permitted in the underlying C-3 zone, subject to the same development standards, including setbacks, density, and height, would apply to the development of multiple-family dwellings in the R-4 zone.

Chapter 17.51. Planned Development Overlay

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed amendment to allow multiple family residential use on the subject site would provide for greater flexibility and greater freedom of design in the development of the subject site than is currently allowed by the existing condition of approval. The proposed amendment to add multiple family residential as an allowed use would not remove any ability to develop other uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, would still be allowed on the subject site, along with multiple family residential. This increases the opportunity for mixed uses in the planned development area. The proposed amendment to allow multiple family residential use on the subject site is also not a guise to circumvent the intent of the zoning ordinance, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district.

The applicant has also requested an amendment to building height to allow for greater flexibility and greater freedom in design in the development of the subject site. Findings related to this amendment to building height are provided below in the findings for the applicable Planned Development Amendment review criteria.

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposed amendment to allow multiple family residential use on the subject site will not be inconsistent with the comprehensive plan or zoning designation of the subject site, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district. The density of any eventual residential development will be determined by the existing regulations in the underlying C-3 zone.

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17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

- A. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
 - a. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 - b. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
 - c. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
 - d. The plan can be completed within a reasonable period of time;
 - e. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
 - f. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
 - g. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

APPLICANT'S RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date.

FINDING: SATISFIED WITH CONDITION #22. Section 17.51.030 is satisfied in that the Commission will have an opportunity to review a future development plan, per new condition 22 as proposed by the applicant, which would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site. The updated master plan will be required to identify existing developed portions of the Planned Development Overlay District, and will replace the previously approved master plan. The master plan is required to incorporate all necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption. The condition specifies that the updated master plan be reviewed by the Planning Commission, be processed as a Planned Development Amendment but with the Planning Commission making the final decision, and that the master plan review would be subject to the Planned Development Amendment review criteria and the Great Neighborhood Principles in the McMinnville Comprehensive Plan.

In addition, conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. Findings for the criteria listed in subsection A are provided below, as those criteria are the review criteria for a Planned Development Amendment, as found in 17.74.070 of the McMinnville Municipal Code.

17.74.070. Planned Development Amendment – Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Ordinance 4667

Attachment 3 – Ordinance 4851

APPLICANT’S RESPONSE: Applicant has submitted a Planned Development Amendment request to be reviewed by the Planning Commission.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

17.74.070. Planned Development Amendment – Review Criteria. [...] An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

17.74.070(A). *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

APPLICANT’S RESPONSE: The base zone of this site is C-3, which permits R-4. This amendment will restore the ability to include Multi-Family dwellings on this site. Developing Multi-Family housing in McMinnville will address the shortage of housing supply resulting from a decline in housing starts compared to households created, which is behind the rise in housing cost in Yamhill County. Oregon Housing and Community Services’ statewide housing plan estimated the shortage of housing in Yamhill County affordable to families earning less than 80% of the Area Median Income to be 4,945 units. More supply of housing is needed in the City of McMinnville.

The prior master plan called for the development of an office park with one or two story buildings. For this master plan, 35 feet was feasible. A residential project may include buildings that are three floors or greater. In an R-4 zone, a building shall not exceed sixty feet in height (17.21.050). This amendment restores the base zone requirements. Additionally, the project is subject to design review which will allow for consideration of design criteria prior to issuing a permit. This change is consistent with the height limited on the property to the south with the same zone. The Comfort Inn Suites, Medical Center and Chemketa Community College are nearby buildings that each exceed 35 feet.

FINDING: SATISFIED WITH CONDITIONS #2, #3, #7, #16 AND #20. The City generally concurs with the applicant’s findings, but does provide some clarifying points and additional findings below. Specifically, clarifying findings for the requested building height are provided below.

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The City of McMinnville is currently updating its Residential Buildable Lands Inventory and Housing Needs Analysis, and while these reports are not finalized or acknowledged, the analyses are identifying a deficit of land zoned for residential dwelling units. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone). The special objective of providing an opportunity for a housing type that is needed in the community warrants the departure from the existing Planned Development Overlay District’s limitation on uses on the subject site. Therefore, condition 7 is amended to allow for multiple family dwellings and also to allow community buildings associated with residential uses.

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Ordinance 4667

Attachment 3 – Ordinance 4851

The applicant has also requested an amendment to remove an existing limitation on building height, which prohibits buildings from exceeding a height of 35 feet. As noted by the applicant, the master plan for the subject site that was originally adopted by Ordinance 4667 envisioned an office park and the limitation to 35 feet may have been feasible for the type of development proposed at that time. However, the underlying zoning district (C-3) allows for a maximum building height of 80 feet. The subject site is also located within the Horizontal Zone of the Airport Overlay Zone, which has a height limitation of 309 feet above mean sea level. The subject site has an elevation of approximately 150 to 155 feet. Even if construction was allowed to the maximum height of the C-3 zone, the building height would not conflict with the Airport Overlay Zone standards.

There are multiple examples of buildings in the surrounding area that exceed 35 feet in height, including the Chemeketa Community College and Willamette Valley Medical Center. Also, since the time of adoption of Ordinance 4667, the “future development” area within the master plan has been developed. The Comfort Inn and Suites hotel building that was developed within the “future development” area was allowed by Ordinance 4851 to be constructed up to 45 feet in height. During that review process, 45 feet was determined to be an acceptable building height on the parcel immediately to the north of the subject site and within the same Planned Development Overlay District. However, this previous allowance for a height of 45 feet was only approved after more detailed building plans had been submitted to ensure the development was compatible with the Three Mile Lane Planned Development Overlay District. In addition, the same 35 foot building height limitation is included on a number of Planned Development Overlay Districts in the Three Mile Lane corridor. This limitation has resulted in a limit on building form and bulk from dominating the horizon along the corridor, where there is also a minimum 120 foot setback from the center of the highway and a pattern of lower-scale and horizontal building forms with distinctive roof features and patterns.

The applicant’s request for the removal of the building height limitation is to allow for flexibility in the process of developing plans for the buildings on the subject site. The City finds that this additional flexibility could be consistent with the purpose of the Planned Development Overlay District, which includes allowing for greater flexibility and greater freedom of design in the development of land, to facilitate a desirable aesthetic and efficient use of open space, and to create public and private common open spaces. However, the City finds that additional information should be required prior to allowing building heights to exceed the current limitation of 35 feet. Other existing and new conditions of approval require that an updated master plan (condition #22) and detailed building plans (condition #2) to be submitted to the City for review. These future review processes will allow for more detailed analysis of building design and how those buildings are oriented on the site, which will provide an opportunity for the City to address and mitigate any potential impact of a taller building on the subject site. Therefore, condition #7 is updated to provide an opportunity for the applicant to request additional building height at the time that the updated master plan and building plans are submitted for review by the City. The condition requires that the request for additional building height include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District, and that the height and setback of any proposed building on the subject site is similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The condition specifies that the Planning Commission shall review the request for additional building height, and that the Planning Commission also take into consideration the proposed architectural and building form for its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.

Some other conditions of approval are updated to reflect current City policies and development review procedures, to avoid confusion in the next steps in the development review process.

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Ordinance 4667

Attachment 3 – Ordinance 4851

These include: changes to condition #2 to reference the Three Mile Lane Development Review process that is currently followed by the City to satisfy the development review process required in the overarching Three Mile Lane Planned Development Overlay District (Ordinances 4131 and 4572); changes to condition #16 to clarify that only the final master plan approved for the Planned Development Overlay District become part of the zone and binding on the owner and developer; and removal of language in condition #20 that is related to the previously approved master plan which is now required to be updated.

17.74.070(B). *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

APPLICANT'S RESPONSE: Findings supporting the claim that allowing Multi-Family Dwellings on this site is not inconsistent with the Comprehensive Plan Volume II objectives are contained in Section IV of this supplemental information.

Removing Condition 3 would not result in a condition inconsistent with the Comprehensive Plan objectives. By removing the condition, the 60' height limit permissible in the base zone would be allowed. This height is consistent with the development pattern, character of the surrounding area, and the intent of the Three Mile Lane Development Plan.

FINDING: SATISFIED. The City concurs with the applicant's findings. The proposed Planned Development Amendment would not be inconsistent with the applicable goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy. The City notes that the amendments to the building height were to allow buildings up to 45 feet in height, not to remove the existing condition of approval entirely.

17.74.070(C). *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

APPLICANT'S RESPONSE: Access to the Subject Site is from SE Stratus Avenue, which connects from SE Norton Lane and Highway 18. This proposed amendment does not alter access to the site or increase demand beyond estimated trip generation attributable to the current Planned Development Overlay Ordinance.

FINDING: SATISFIED. Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City and Oregon Department of Transportation (ODOT) standards.

17.74.070(D). *The plan can be completed within a reasonable period of time;*

APPLICANT'S RESPONSE: The applicant is under contract to purchase the Subject Site. Closing will occur either before July 1, 2020 or (for reasons related to tax implications, after January 1, 2021). The applicant is in the process of engaging an architectural and engineering team need to support the creation of a master plan. Development efforts will continue in earnest.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.74.070(E). *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

Attachments :

Attachment 1 – Application and Attachments
Attachment 2 – Ordinance 4667
Attachment 3 – Ordinance 4851

APPLICANT’S RESPONSE: The existing streets serving the property are designed and constructed to City standards, with adequate capacity, based on the C-3 zoning. As part of the Planned Development Amendment process resulting in Ordinance 5072 for the property to the south, the owner commissioned a Traffic Impact Report, prepared from Lancaster Engineering, which is part of the public record. The report compares the Multi-Family traffic impacts to those of the allowed commercial offices and Multi-Family housing. Below is a table reflecting the trip generation information.

Type Use	Average Weekly Trip Rate	Total Weekly Trips	PM Peak Hours Trips
Senior Apartments *	3.70/unit	463	.26/hr = 33
Multi-Family Apartments **	7.32/unit	842	.56/hr = 64
Medical Office ***	34.8/1,000 sf	4,486	3.46/hr = 446

*Senior units estimated using R-4 standards, at 25/acre = 125 units, with 1-2 bed units, 2-story structures.
 **Multi-Family estimated using R-4, at 23/acre = 115 units, with 2, 3 & 4 bed units, and mix of 2 and 3-story structures.
 ***Office use estimated at 128,900 square feet.

FINDING: SATISFIED. Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site’s SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City and Oregon Department of Transportation (ODOT) standards. At the time of development, all necessary permits will be required to be obtained by ODOT, as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use’s impact on the surrounding transportation network.

The applicant has also provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4667.

17.74.070(F). *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

APPLICANT’S RESPONSE: All necessary public and franchise utilities are available to the site. Stormwater services are also available and will be made part of a larger stormwater management plan once the project is fully designed.

FINDING: SATISFIED. Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). This will ensure that the density of the future development is shown to be able to be served by public services.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed

Attachments :
 Attachment 1 – Application and Attachments
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analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. In addition, McMinnville Water and Light and other utility providers were provided an opportunity to review the proposal, and offered no objections to the proposed amendment to the allowable uses on the subject site.

17.74.070(G). *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

APPLICANT’S RESPONSE: The noise, air, and water pollutants caused by the Multi-Family development allowed by this amendment will not result in any substantial change as compared to the current list of allowed uses, in particular the senior housing, which is substantially similar in potential impacts.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

CD

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Ordinance 4667

Attachment 3 – Ordinance 4851



Norton Lane Planned Development Amendment

OWNERS: Burch Feero, Inc
APPLICANT: Housing Authority of Yamhill County
APPLICANT REPRESENTATIVE: Structure Development Advisors, LLC



Norton Lane
Planned Development Amendment

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June 12, 2020

Heather Richards, Planning Director
Planning Department
City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Re: 235 SE Norton Lane
R442700409
Planned Development Amendment

Dear Ms. Richards;

On behalf of the Housing Authority of Yamhill County, and with the consent of the property owners, please find the enclosed application to amend the existing Planned Development overlay Ordinance No 4667 relating to above reference property.

We appreciate the guidance and support provided by you and your department as we've developed this application and an overall approach to entitlements needed to support this project.

Housing Authority of Yamhill County intends to develop affordable housing on the subject site. Their experience as a developer and owner of affordable housing positions them well for this important project.

We are available to answer any questions you may have and look forward to working with you to move this application forward.

Best regards,



Michael Andrews
Principal

Cc: Joyce Morrow
Vickie Ybarguen

Norton Lane
Planned Development Amendment

APPLICATION FORM



Planning Department
 231 NE Fifth Street ◦ McMinnville, OR 97128
 (503) 434-7311 Office ◦ (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:
File No. _____
Date Received _____
Fee _____
Receipt No. _____
Received by _____

Planned Development Amendment Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name Housing Authority of Yamhill County Phone 503-833-4334

Contact Name Structure Development Advisors (Mike Andrews) Phone 503-318-5658
(If different than above)

Address 135 NE Dunn Pl,

City, State, Zip McMinnville, OR 97128

Contact Email vybarguen@hayc.org

Property Owner Information

Property Owner Name Burch Feero, Inc. Phone 503-434-0500 - Steve
(If different than above)

Contact Name Steve Burch / Doug Burch Phone 503-237-4494 - Doug

Address 20325 SW Power House Hill

City, State, Zip McMinnville, OR 97128

Contact Email steverburch@hotmail.com & dburch@viclink.com

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 235 SE Norton LN C, McMinnville, OR 97128

Assessor Map No. R442700400 - Total Site Area 6.98 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Commercial Zoning Designation C-3 PD

1. Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property: _____

See attached supplemental information for response.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Volume II): _____

See attached supplemental information for response.

3. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely: _____

See attached supplemental information for response.

4. Describe any changes in the neighborhood or surrounding area which might support or warrant the request: _____

See attached supplemental information for response.

5. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use: _____

See attached supplemental information for response.


6. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation? _____

See attached supplemental information for response.

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A copy of the current planned development overlay ordinance.
- A legal description of the subject site, preferably taken from the deed.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

6-12-2020
Date

DocuSigned by:

Property Owner's Signature

6/11/2020 | 8:18 PM PDT
Date

Norton Lane
Planned Development Amendment

Supplemental Information and Findings

**Norton Lane
Planned Development Amendment
Supplemental Information and Findings**

I. FACT SHEET

Owner: Burch Feero, Inc
Steve Burch

Applicant: Housing Authority of Yamhill County
Vickie Ybarguen, Executive Director
503-883-4318
vybarguen@hayc.org

Applicant Representative: Structure Development Advisors, LLC
Mike Andrews, Principal
503-318-5658
Mike@structurepdx.com

Community Meeting Date: June 10, 2020 @ 6PM

Location: 235 NE Norton LN C
McMinnville, OR 97128

Tax Lots R4427 00400 (Parent tax lot), R4427 00404 and R4427 00405

Size: 6.98 acres

Comprehensive Plan
Map Designation: Commercial

Zoning: C-3 PD (General Commercial Planned Development)

Overlay Zone / Special Districts: Three Mile Lane Planned Development Overlay District
(Ordinance No. 4131 and Ordinance 4572)

Current Use: Undeveloped

Inventoried Significant Resources:
Historic Resources: None
Other: None

Other Features: The slight is generally flat. There are no significant natural features associated with this property.

Utilities:

Water: Water service is available to the site.
Electric: Power service is available to the site.
Sewer: Sanitary service is available to the site.
Stormwater: Storm sewer service is available to the site.
Other: Other franchise utility service is available to the site. Gas is available to the site.

Transportation: The site is approximate to SE Norton Lane, which is identified as a minor collector in the McMinnville Transportation System Plan.

[The remainder of this page intentionally left blank]

II. SUMMARY:

Existing Conditions:

The Site is currently undeveloped and used for farming. The site is generally flat. There are no significant or distinguishing natural features associated with this property.

Access to the property is off SE Stratus Avenue, which is accessible from SE Norton Ln. Access to Highway 18 via Norton Lane is within 400 feet of the site. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of Highway 18, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the subject site.

Access and Utilities:

The Site fronts on the south side of SE Stratus Avenue for approximately 376 feet. Access available along this frontage. Additionally, easements with the properties to the east provide access from SE Norton Lane. Ordinance No. 4667 Conditions 18 and 19 provide for Oregon Department of Transportation review and approval, as required, of Highway 18 frontage improvements.

Included as an Attachment is a tax parcel map reflecting utility locations.

Surrounding Uses:

- North Immediately north of the site is SE Status Avenue and Highway 18. Across Highway 18 are a variety of commercial uses, including the offices of the Applicant.
- East The property immediately north of the subject property is the Altimus Plaza medical offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant.
- South The property immediately south is currently undeveloped. In 2019 Planned Development Overlay Ordinance No. 5072 was passed amending a prior Ordinance relating to this site.
- West The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

Following is a Vicinity and Zoning map of the Site.

Figure 1: Vicinity Map

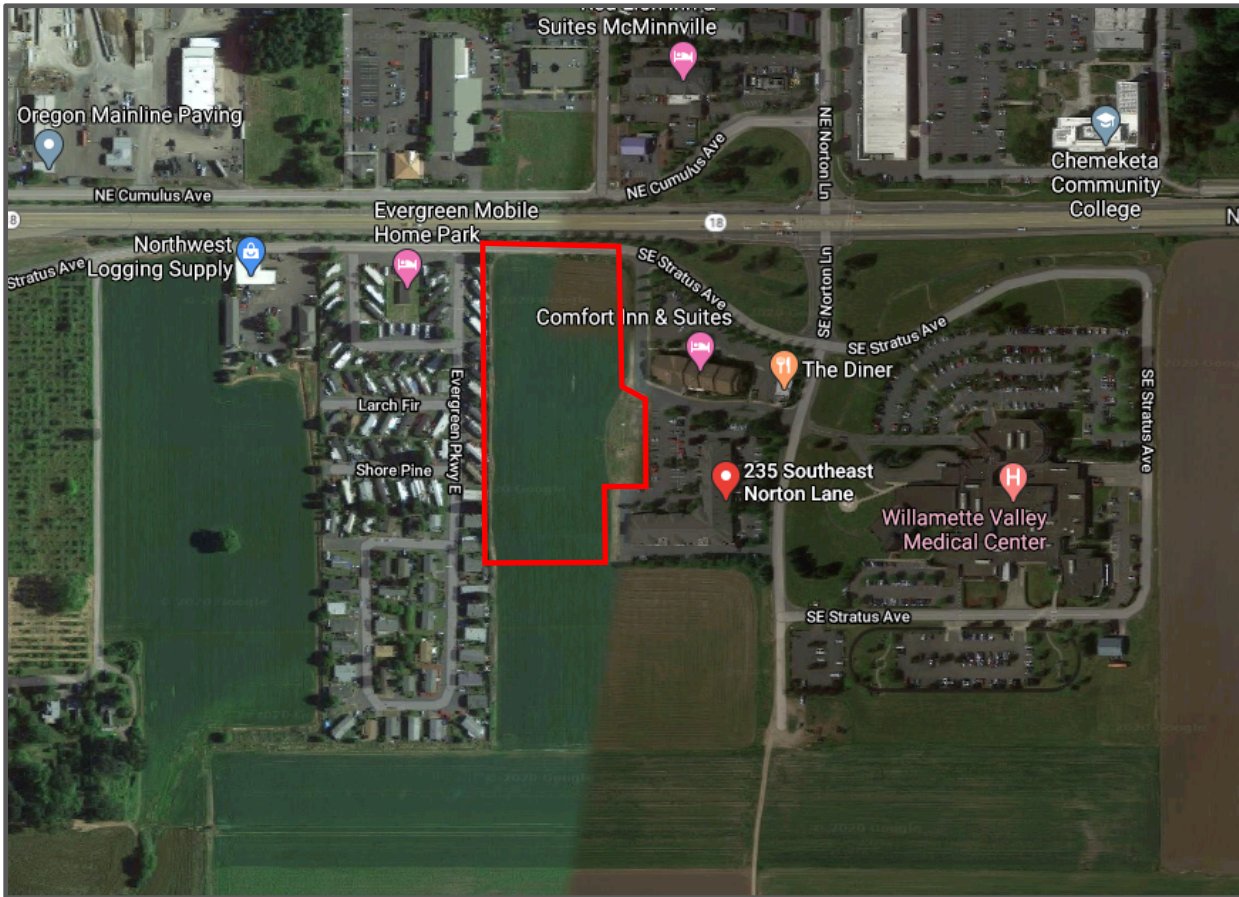
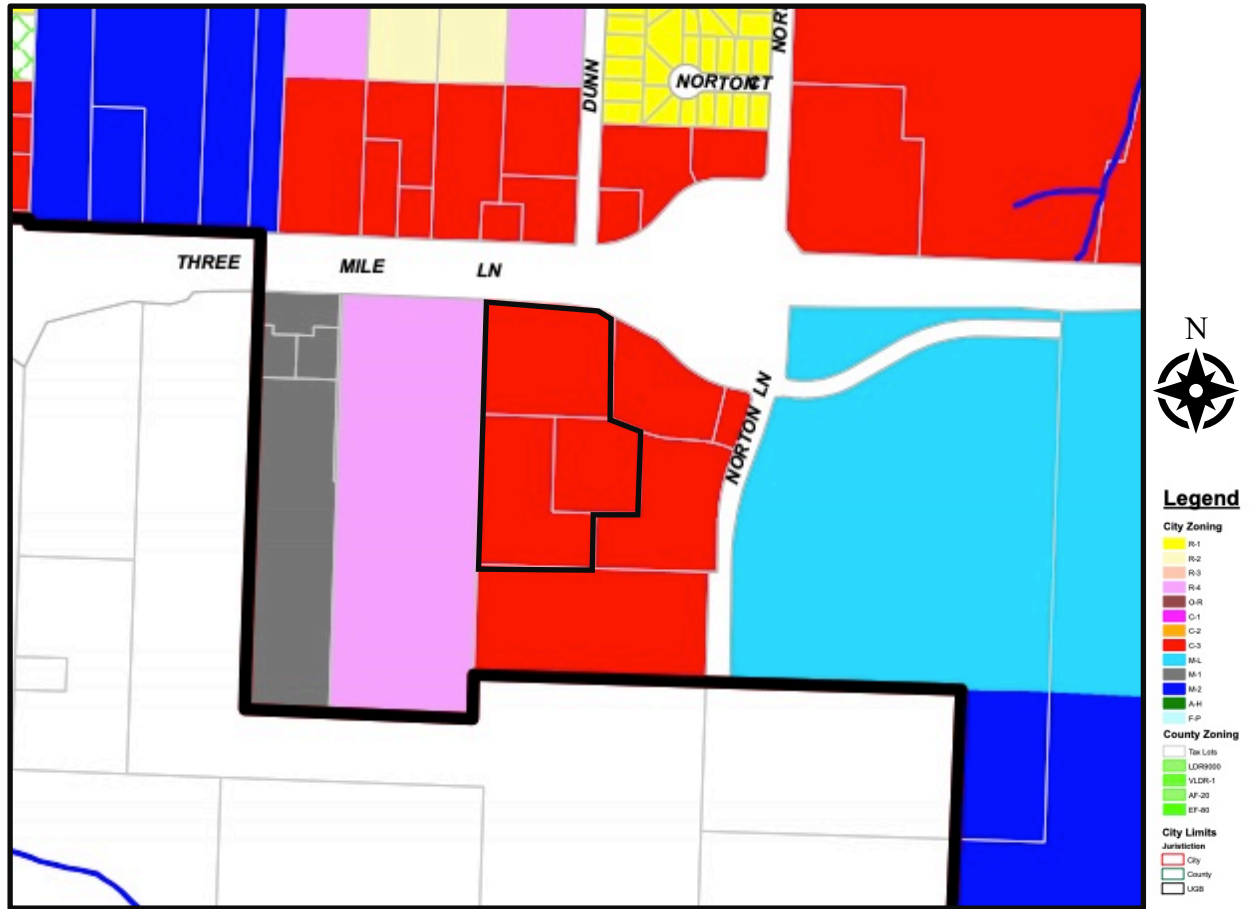


Figure 2: Zoning Map



Property Description:

The Subject Site consists of three tax lots; R4427 00400 (Parent tax lot), R4427 00404 and R4427 00405 and is known for address purposes of 235 SE Norton LN C. The Subject Site is 6.98 acres and is zoned C-3 PD.

Background:

The subject site is within the Three Mile Lane Planned Development Overlay area, originally established by Ordinance 4131 in 1981 and updated by Ordinance 4572 in 1994.

By Ordinance 4131, the City of McMinnville established Planned Development requirements for the Three Mile Lane area (Oregon Highway 18 Corridor). The area covered by this requirement extends north and south of Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18.

In 1994, Ordinance 4131 was amended to add specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) by Ordinance 4572.

In 1998, the Owner made application for and received approval for Planned Development Amendment, Ordinance No. 4667. The Master Plan submitted in support of Ordinance 4667 include the Subject Site and two additional parcel (R4427 00402 and R4427 00401) that are no longer owned by the current owner and are not part of this application. The Master Plan called for development of an office park on the Subject Site and additional two tax lots. Development did not occur.

The owners have made the Subject Site available for sale. The Applicant and Owners originally entered into a Purchase and Sales Agreement on February 2020. This agreement has been amended. Owner and Applicant are cooperating to make this amendment.

Requested Amendments to Ordinance No. 4667:

The applicant requests the following amendments to the existing Planned Development Overlay ordinance for the Subject Site:

- 1) Amend Condition 7 to add the **bold** language:

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

DISCUSSION: The intent of this amendment is to add Multi-Family Dwelling as defined in Chapter 17.21 to the existing Planned Development Overlay as a permitted use. Additionally, propose adding language related to community buildings that is not currently allowed for in the C-3 PD zone. The intent is to allow for residential otherwise permitted in C-3 and for community rooms, meeting rooms, management space that is not residential but critical to the successful operations of the residential use.

- 2) Amend Condition 16 to add **bold** language and remove the ~~stricken~~ language:

~~“That final development plans as approved by the Three Mile Lane Design Review Committee shall be placed on file with the Planning Department and become a part of the zone and binding on the owner developer.~~

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

DISCUSSION: Removal of the first sentence is proposed as a procedural accommodation to avoid confusion or conflict that would exist with two master plans simultaneously existing as part of the zone and both binding on the developer. City maintains standing to approve the new master plan.

- 3) Amend Condition 3 to remove stricken language:

~~“No building shall exceed the height of 35 feet.”~~

DISCUSSION: The prior master plan called for the development of an office park with one or two story buildings. For this master plan, 35 feet was feasible. A residential project may include buildings that are three floors or greater. In an R-4 zone, a building shall not exceed sixty feet in height (17.21.050). This amendment restores the base zone requirements. Additionally, the project is subject to design review which will allow for consideration of design criteria prior to issuing a permit. This change is consistent with the height limited on the property to the south with the same zone. The Comfort Inn Suites, Medical Center and Chemketa Community College are nearby buildings that each exceed 35 feet.

- 4) Add new Condition reflected in **bold** language:

“The master plan previously approved relating to Ordinance No. 4667 does not apply to the undeveloped portions of the subject site. An updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site.”

DISCUSSION: An additional procedural and housekeeping accommodation responding to the fact tax lots R4427 00402 and R4427 00401 are not part of this application.

- 5) Add new Condition reflected in **bold** language:

“If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the Subject Site and does not need to be contagious. Area calculated and included as part of the 10 percent requirement must have dimensions of at least 20 feet. Any area may be located adjacent to the front yard setback area and may include 5 feet of the front yard set back towards the 10 percent open space. All open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.”

DISCUSSION: Open space is a critical element to a successful multifamily family project on the Subject Site. Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units.

A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programming of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

Public Comments:

The applicant requested and received mailing address from the City of McMinnville for every property owner required to receive a notice. Notices were mailed on May 20, 2020. A notice was also mailed to the City of McMinnville Planning Department. A sign was posted on the site within 20' of the ROW on May 21, 2020. Copies of the mailing list, notice and picture of the sign are included.

The public meeting was held via a Zoom call on June 10, 2020 at 6PM. The Applicant, the Owners and the Applicant's Representative attended the call. Two members of the public not related to the project also attended. These members asked factual questions and expressed support for the project planned by the Applicant. Notes from this meeting are included. The application will also send to City a .mp4 file that is a recording of the meeting.

III. MCMINNVILLE ZONING ORDINANCE

Chapter 17.06.015 – General Definitions

Apartment House - See "Dwelling, Multifamily."

Dwelling, Multi-Family - A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Dwelling Unit - A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Family - For the purpose of this Zoning Ordinance, "family" refers to:

An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one

housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. (Ord. 4988 §1, 2015; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

RESPONSE: Referencing definitions as a basis for proposed amendments.

CHAPTER 17.21. R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

17.21.010 – Permitted Uses (A to T). In an R-4 zone, the following uses and their accessory uses are permitted.

C. Multi-Family dwelling

17.21.050 - Building height. In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.010 – Permitted Uses. In a C-3 Zone, the following and their accessory uses are permitted:

3. Multi-Family Dwelling subject to the provisions of the R-4 zone.

RESPONSE: The base C-3 zone allows for Multi-Family Dwellings as a permitted use, subject to the R-4 zoning standards and density, per Chapter 17.21.

CHAPTER 17.51 PLANNED DEVELOPMENT OVERLAY

17.51.010 Purpose, section B, “The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved.”

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
 3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

4. The plan can be completed within a reasonable period of time;
5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date.

CHAPTER 17.74 REVIEW CRITERIA

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access

RESPONSE: Applicant has submitted a Planned Development Amendment request to be reviewed by the Planning Commission.

17.74.070 An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

RESPONSE: The base zone of this site is C-3, which permits R-4. This amendment will restore the ability to include Multi-Family dwellings on this site. Developing Multi-Family housing in McMinnville will address the shortage of housing supply resulting from a decline in housing starts compared to households created, which is behind the rise in housing cost in Yamhill County. Oregon Housing and Community Services' statewide housing plan estimated the shortage of housing in Yamhill County affordable to families earning less than 80% of the Area Median Income to be 4,945 units. More supply of housing is needed in the City of McMinnville.

- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

RESPONSE: Findings supporting the claim that allowing Mullit-Family Dwellings on this site is not inconsistent with the Comprehensive Plan Volume II objectives are contained in Section IV of this supplemental information.

Removing Condition 3 would not result in a condition inconsistent with the Comprehensive Plan objectives. By removing the condition, the 60' height limit permissible in the base zone would be allowed. This height is consistent with the development pattern, character of the surrounding area, and the intent of the Three Mile Lane Development Plan.

- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

RESPONSE: Access to the Subject Site is from SE Stratus Avenue, which connects from SE Norton Lane and Highway 18. This proposed amendment does not alter access to the site or increase demand beyond estimated trip generation attributable to the current Planned Development Overlay Ordinance.

- D. The plan can be completed within a reasonable period of time;

RESPONSE: The applicant is under contract to purchase the Subject Site. Closing will occur either before July 1, 2020 or (for reasons related to tax implications, after January 1, 2021). The applicant is in the process of engaging an architectural and engineering team need to support the creation of a master plan. Development efforts will continue in earnest.

- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;

RESPONSE: The existing streets serving the property are designed and constructed to City standards, with adequate capacity, based on the C-3 zoning. As part of the Planned Development Amendment process resulting in Ordinance 5072 for the property to the south, the owner commissioned a Traffic Impact Report, prepared from Lancaster Engineering, which is part of the public record. The report compares the Multi-Family traffic impacts to those of the allowed commercial offices and Multi-Family housing. Below is a table reflecting the trip generation information.

Type Use	Average Weekly Trip Rate	Total Weekly Trips	PM Peak Hours Trips
Senior Apartments *	3.70/unit	463	.26/hr = 33
Multi-Family Apartments **	7.32/unit	842	.56/hr = 64
Medical Office ***	34.8/1,000 sf	4,486	3.46/hr = 446

*Senior units estimated using R-4 standards, at 25/acre = 125 units, with 1-2 bed units, 2-story structures.

**Multi-Family estimated using R-4, at 23/acre = 115 units, with 2, 3 & 4 bed units, and mix of 2 and 3-story structures.

***Office use estimated at 128,900 square feet.

- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

RESPONSE: All necessary public and franchise utilities are available to the site. Stormwater services are also available and will be made part of a larger stormwater management plan once the project is fully designed.

- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

RESPONSE: The noise, air, and water pollutants caused by the Multi-Family development allowed by this amendment will not result in any substantial change as compared to the current list of allowed uses, in particular the senior housing, which is substantially similar in potential impacts.

IV. CONSISTENCY WITH COMPREHENSIVE PLAN VOLUME II OBJECTIVES

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 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City

shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

RESPONSE: The comprehensive plan map is already consistent with these Goals and this Policy. The subject site and surrounding properties to the south and east are designated commercial and zoned C-3PD.

The proposed amendment does not change this designation, and the property remains zoned C-3PD. The amendment only adds Multi-Family apartments to the list of allowed uses.

GOAL IV3: 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 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)

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.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

RESPONSE: As noted, the Subject Property is designated commercial, consistent with these policies. The designation does not change with this proposed amendment. Section 17.33.01 provides that Multifamily dwelling is permitted in C-3 zones. With this request, the applicant is requesting that the Multi-Family Dwellings not be excluded from base zone.

The provisions of Policy 29.00 remain in effect and have been implemented by the existing transportation improvements in the immediate area. As demonstrated by the traffic impact report attached with this application, the proposed Multi-Family use will generate less traffic impacts than the base commercial office uses.

Proposal 6.00

A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.

RESPONSE: The Three Mile Lane Planned Development is consistent with this proposal. The PD Overlay remains in effect, the amendment simply adds Multi-Family apartments as an allowed use and will maintain consistency with the underlying C-3 zoning.

Restoring the height permissible in the R-4 zone will allow for more options to site and design a project in a manner that allows for open space, circulation and achieving an optimal development capacity.

GOAL V 1:

TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00

City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

Policy 59.00

Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

Policy 61.00

The City of McMinnville shall monitor the conversion of lands to residential use to ensure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.

RESPONSE: The City has implemented these Policies through adoption of the Zoning Code, which includes residential zones accommodating various densities and housing types. Further, the underlying C-3 zone allows Multi-Family development, consistent with R-4 standards, per Section

17.33.010.3. The proposed amendment simply adds this allowed use, maintaining consistency with the C-3 code.

There is residential R-4 land immediately to the west of the subject site. The Planned Development Amendment controlling the lot to the south was recently amended to allow for Multi-Family. There is basis for concluding that R-4 residential is compatible with the professional and medical office commercial designation for the remainder of the Planned Development Area.

The requested change will not alter the current density allocated for the property. The allowed density will remain consistent with the R-4 standards for Multi-Family housing.

Therefore, the requested amendment maintains consistency with the applicable zoning.

Policy 64.00

The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.

Policy 66.00

The City of McMinnville shall continue to allow development of its fair share of the region's low-cost housing. The share accepted will be based on quantifiable studies which take into account the amount of the low-cost housing already in the community and the overall housing opportunities in the city and region

RESPONSE: Oregon's Statewide Housing Plan defines a shortage of 4,945 units of affordable housing in Yamhill County. Applicant is a "housing authority" defined by ORS Chapter 456, operating in Yamhill County for the purpose of providing, "To provide decent, safe and sanitary urban or rural housing for persons or families of lower income."

Housing Authority of Yamhill County is the applicant.

GOAL V 2:

TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Policy 70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

RESPONSE: The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, and 71.05.

Utilizing the existing Planned Development Amendment process to permit the development of Multi-Family is an innovation use of a zoning ordinance that is likely to result in creation of housing that will expand the variety of type and price available in McMinnville.

Restoring the height allowable by the base zone will allow for greater flexibility in development options. The base zone height of 60' is in keeping with the surrounding development pattern (Comfort Inn, medical center, and community college).

It is also worth noting the site is located in the Airport Overlay Zone, and specifically within the Horizontal Zone as defined by 17.52.060. A 60' height limit on the Subject Site will not cause the buildings to exceeds the limits allowed in a Horizontal Zone.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density

range (4 - 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 - 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

1. Areas that are not committed to low density development;

RESPONSE: The site is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.05 and 71.09.

The current Planned Development Overlay is consistent with the criteria for location of medium and high density residential, which is allowed under Policy 71.09 and also specifically allowed in the C-3 zone.

Ordinance 4667 did not list Multi-Family dwelling as a permitted use. Except for not having been listed in Ordinance 4667 the C-3 zone would otherwise allow Multi-Family Dwelling, consistent with R-4 standards, as a permitted use.

The applicant's intent is to develop Multi-Family Dwellings consistent with the R-4 standards, as required by the C-3 zone. Under the C-3 zoning, the density is not being increased, as the R-4 standards will be applied.

2. Areas that have direct access from collector or arterial streets;

RESPONSE: The subject site has direct access from the Highway 18 via from SE Stratus Avenue and SE Norton Lane.

3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

RESPONSE: The subject site is an open generally flat field, with no development restrictions.

4. Areas where the existing facilities have the capacity for additional development;

RESPONSE: The commercial area along Norton Lane is served by a full range of urban services including sanitary sewer, water, storm drainage

and franchise utilities. All of these services generally have sufficient capacity to serve the proposed development.

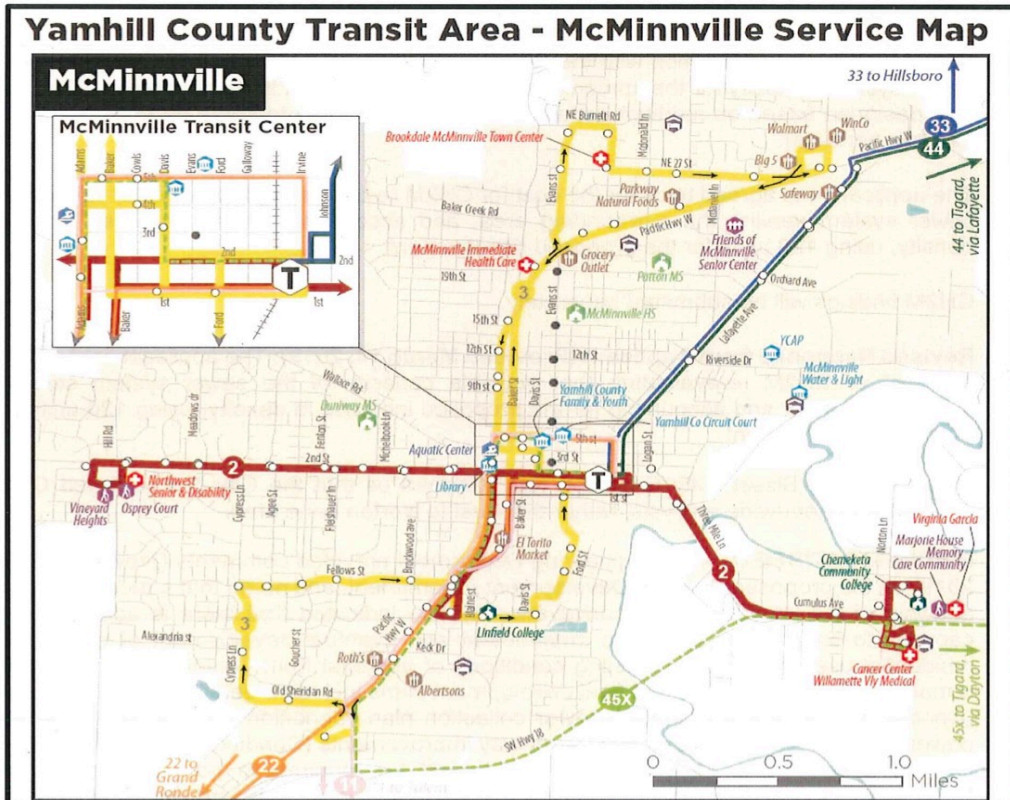
With respect to Sewer capacity, in 2019 the property owner to the south commissioned a study to determine conveyance capacity for additional residential development. The study, performed by CH2M, determined capacity for additional residential development.

5. *Areas within one-quarter mile of existing or planned public transportation; and,*

RESPONSE: Local Transit Routes 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center, which is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative.

Route 2 provides regularly scheduled weekday service. This route connects to the Transit Center for connection to the Yamhill County Transit route for access to the other parts of town.

Figure 3: Transit Map



6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low-density residential areas.*

RESPONSE: And, there is residential R-4 land immediately to the west of the subject site, which establishes the buffer of lower density residential per criteria 6.

The requested change will not alter the current density allocated to the property. The density will remain as is consistent with the R-4 standards for Multi-Family housing.

Policy 71.13 *The following factors should serve as criteria in determining areas appropriate for high- density residential development:*

1. *Areas which are not committed to low or medium density development;*

RESPONSE: The subject property is zoned C-3 General Commercial with a PD overlay. The C-3 zone allows high density residential use. Therefore it is not committed to low or medium density development.

2. *Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low-density residential areas;*

RESPONSE: There is no designated low density residential in the surrounding neighborhood. There is R-4 zoning to the west, which provides a buffer between the site and other zoning. Therefore this criterion is met.

3. *Areas which have direct access from a major collector or arterial street;*

RESPONSE: The subject site has direct access from the Highway 18 via SE Norton Lane. Therefore this criterion is met.

4. *Areas which are not subject to development limitations;*

RESPONSE: The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

5. *Areas where the existing facilities have the capacity for additional development;*

RESPONSE: Sewer capacity in the immediate area was analyzed by CH2M as part of the Planned Development Amendment recently approved for the lot immediately south. This study found sufficient capacity in the system to convey additional residential development.

6. *Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*

RESPONSE: Local Transit Route 2 runs on the Highway 18 and on SE Norton Lane to the Willamette Valley Medical Center. The Medical Center is located with 250 feet of the site. See the attached route map and schedule included as an appendix. Therefore this criterion is met.

7. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*

RESPONSE: The City's zoning for Neighborhood Commercial is C-1, which General Commercial is C-2.

The subject property and adjacent property to the north (770 feet) to Stratus Avenue is zoned C-2, General Commercial, with a PD overlay. There is also C-2 zoning on the north side of the Highway 18 on both sides of NE Norton Lane.

The closest C-1 zoning is approximately 1/4 mile east of the Norton Lane intersection with the Highway 18.

Therefore this criterion is met.

8. *Areas adjacent to either private or public permanent open space.*

RESPONSE: The closest public open space to the site is Joe Dancer Park, which is located on E. Brooks Street, approximately 1.4 miles to the northwest.

Ordinance 4667 Conditions 1 & 2 requires approval of site design prior to issuance of a building permit. These conditions will ensure adequate open space is provided in the development. Therefore this criterion is met.

Applicant proposes a condition to provide for adequate open space in the Multi-Family housing project.

Policy 72.00

Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

RESPONSE: The existing Planned Development Amendment, Ordinance 4667 includes development standards to ensure a residential development. Condition 2 requires “to the extent possible, the site and building design should be compatible with the surrounding development.”

Policy 73.00 *Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*

RESPONSE: The proposed amendment will allow for Multi-Family Dwelling in the C-3 zone by removing its exclusions. The anticipate residential development will offer housing that is affordable, thus adding a missing housing type within the larger vicinity and City.

Policy 74.00 *Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*

RESPONSE: There are no distinctive natural, topographic or aesthetic features associated with the site. The property is flat, and currently abuts farm land to the south, a mobile home part to the west, and office and hospitality to the east.

Policy 75.00 *Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*

Policy 77.00 *The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*

RESPONSE: No specific development plans are being proposed at this time. However, the applicant is proposing an apartment development. Typical development plans provide landscaped open space, circulation for pedestrians and bicycles.

Site plan details will be provided as required by Condition 2 of Ordinance 4667.

Policy 78.00 *Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

RESPONSE: Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18 intersection with

Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the area.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Streets

Policy 117.00 The City of McMinnville shall endeavor to ensure that the roadway network provides safe and easy access to every parcel.

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

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 4. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 5. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

Policy 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

RESPONSE: The City's transportation Goal and Policies are further refined and implemented through the Transportation System Plan (TSP). The TSP provides the functional classification of streets, including arterial, collector and local designations.

The TSP identifies corridor improvements for the Highway 18 Corridor:

ODOT, the City of McMinnville and Yamhill County have mutually approved the Highway 18 Corridor Refinement Plan, which was completed in 1996. The Plan includes a series of traffic control and frontage roads improvements north and south of Highway 18, to include closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.

Some frontage road improvements have been completed since the 1996 Plan was adopted. Exhibit 4-10 illustrates the current state of the Plan. It is important to note, however, that the northernmost collector access road depicted in the Highway 18 Corridor Refinement Plan is not shown in the TSP due to the fact that it is located outside of McMinnville's current urban growth boundary. Under Oregon Administrative Rule (OAR 660-012), transportation facilities outside of urban growth boundaries are not permitted as part of a TSP unless a "reasons" exception to the applicable goal(s) has been approved by the City. In this case, McMinnville finds such action premature due to the lack of certainty as to the street corridor's location and design. An amendment to this plan, and a Goal 2 (Land Use) exception, would be part of any future proposal to add this element to the TSP and permit its construction and use for urban purposes.

Some of the corridor improvements have already been completed, including the Norton Lane intersection and Stratus Avenue frontage road. The future interchange discussed is further to the east, at Cumulus Avenue. However, no decision regarding an interchange has yet been made.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

Primary access to the property is from Highway 18, designated as an arterial street. SE Norton Lane intersects with Highway 18 north of the subject property. The property fronts on the west side of SE Norton Lane, just south of the intersection with SE Stratus Avenue. Stratus Avenue is classified as a collector.

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.

Bike Paths

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

RESPONSE: Conditions 1 and 2 of Ordinance 4667, and the proposed open space condition, require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design, including off-street parking and bike and pedestrian connections associated with the future development plan.

Supportive of General Land Use Plan Designations and Development Patterns

Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities an service shall be based on serving current and future travel demand-both short- term and long-term planned uses. (Ord. 4922, February 23, 2010)

RESPONSE: See response to Policies 117.00-121.00 above.

Livability

Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)

Pedestrian Programs

Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

RESPONSE: Conditions 1 and 2 of Ordinance 4667, and the proposed open space condition, require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

Sanitary Sewer System

Policy 136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

- 1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*

3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
4. *Extensions will implement applicable goals and policies of the comprehensive plan. Storm Drainage*

Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

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

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.

RESPONSE: The surrounding development along SE Norton Lane has been constructed consistent with the Public Facilities Goal and these Policies for specific utilities. All required urban services are currently available and adequate to support development of the property consistent with these policies, assuming that CH2M makes positive findings with their sewer system analysis, being paid for by the applicant.

The proposed amendment will not result in development that will create substantially greater demands on the available services than the types of development that is already allowed.

Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. *Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*
2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the*

water services are to be utilized.

4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Water and Sewer-Land Development Criteria

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and wastewater quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

RESPONSE: Conditions 2, 12, and 13 of the existing Ordinance remain in effect. Additionally, given the nature of the proposal development, application will adhere to the standards of the implementing regulations for the National Environmental Policy Act promulgated by the U.S. Department of Housing and Urban Development in CFR Part 58.

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

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

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.

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

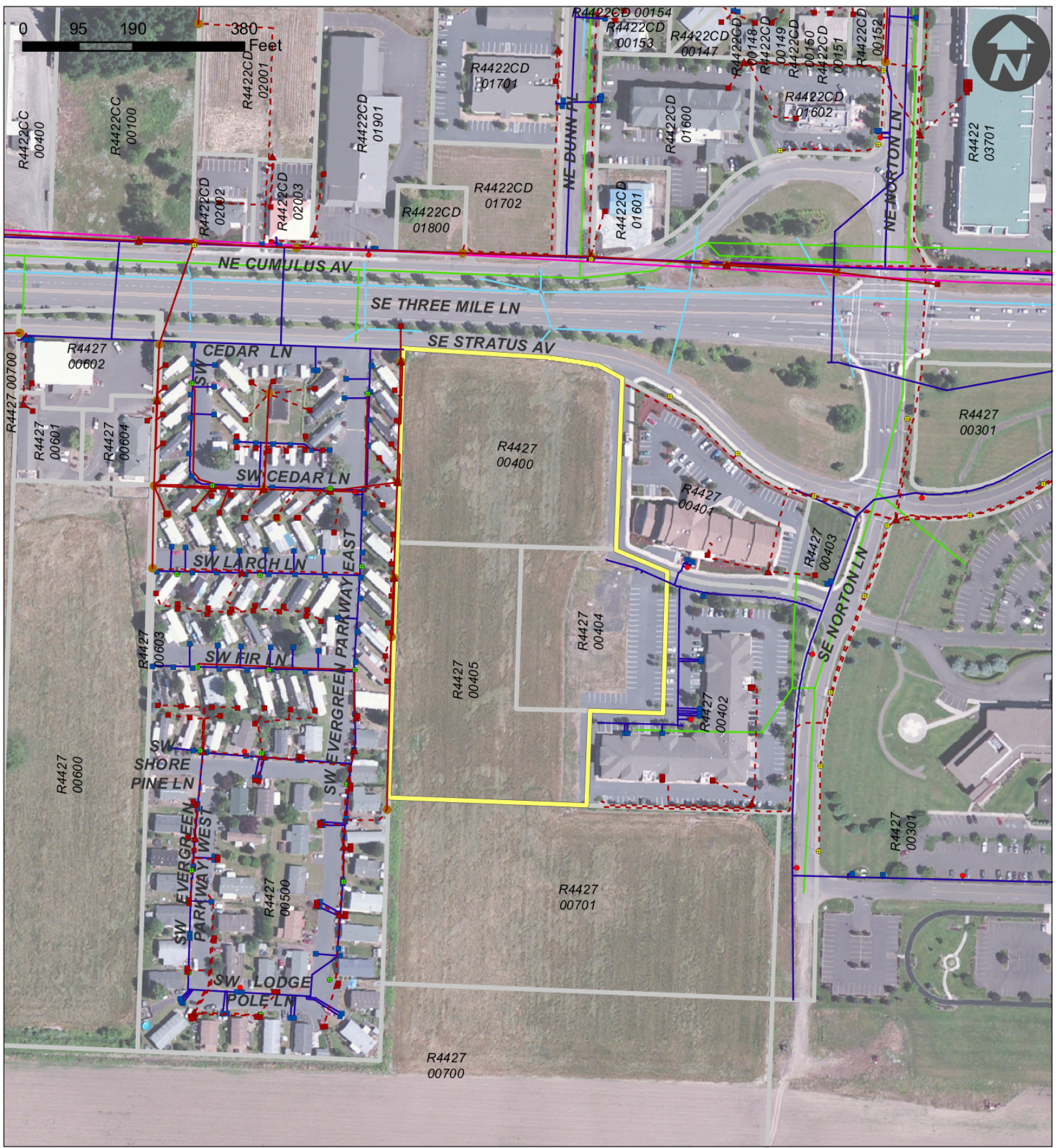
GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

RESPONSE: [site public meeting]

Norton Lane
Planned Development Amendment

SITE DESCRIPTION



- | | | | | |
|-------------------|-----------------------------|-------------------|---------------|------------------|
| ■ Power Meter | ▲ Transformer | ● Pole | ■ Water Meter | — Storm Sewer |
| ⊕ Municipal Light | - - - - - Underground Power | ● City Hydrant | — Water Mains | — Sanitary Sewer |
| ● Rental Light | — Overhead Power | ● Private Hydrant | — Fiber Optic | |

PARTITION 2001-40

For: Burch Feero, Inc.

City of McMinnville Docket No. MP-1-01

Location: The NW 1/4 of Section 27, Township 4 South, Range 4 West, Willamette Meridian, within the N. Martin Donation Land Claim No. 83, City of McMinnville, Yamhill County, Oregon.

Tax Lot: 4427-302 & 400

Date: 25 September 2001

SURVEYOR'S CERTIFICATE

I, Matt Duncel, do hereby certify that I have correctly surveyed and marked with proper monuments the land hereon shown as Parcel 1, 2 and 3, the boundary of which is described as follows:

Beginning at the INITIAL POINT, a 5/8" iron rod with a yellow plastic cap marked 'Duncel LS 1942', set in CS-10518 on the west margin of Norton Lane, said point being held as the southeast corner of Parcel 2 of the BURCH FEERO, INC. tract as recorded in Instrument No. 199923228; thence South 88°54'07" West 24.13 feet to the southwest corner of said Parcel 2; thence North 89°57'11" West 670.96 feet to the southwest corner of Parcel 1 of said BURCH FEERO, INC. tract; thence North 01°61'17" West 770.68 feet to the northwest corner of said Parcel 1, said point being on the southerly margin to the portion Road; thence South 89°59'29" East 680 feet along said southerly margin to the point of beginning; thence South 82°21'52" East 238.00 feet, along said southerly margin to said spiral curve offset and said southerly margin (spiral curve offset) of 1409.39 feet and being concave to the south; thence easterly 90.37 feet along said curve and margin (Chord=South 83°21'17" East 90.35 feet); thence South 54°03'22" East 190.34 feet along said southerly margin; thence South 47°57'44" East 81.43 feet along said southerly margin to the beginning of a curve having a radius of 337.00 feet and being concave to the northeast; thence southeasterly 128.29 feet along said curve and margin (Chord=South 58°52'04" East 127.52 feet) to a radius of 337.00 feet and being concave to the northeast; thence southeasterly 128.29 feet along said curve and margin (Chord=South 58°52'04" East 127.52 feet) to a radius of 337.00 feet and being concave to the northeast; thence southeasterly 42.78 feet along said curve (Chord=South 33°59'47" East 38.11 feet) to a point on the westerly margin of Norton Lane, said point being the beginning of a curve having a radius of 730.16 feet and being concave to the northwest; thence southeasterly 75.91 feet along said curve (Chord=South 18°08'52" West 73.88 feet) and margin; thence South 19°05'35" West 112.60 feet along said curve and margin (Chord=South 18°08'52" West 112.60 feet) to the beginning of a curve having a radius of 183.79 feet and being concave to the north; thence southeasterly 183.79 feet along said curve and margin (Chord=South 83°91'51" West 182.82 feet); thence South 1°05'37" East 138.38 feet to the POINT OF BEGINNING, containing 11.60 acres, more or less.

Matt Duncel, Oregon PLS 1942
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax: 472-0587

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON MATTHEW E. DUNCLE 1942

By: Matt Duncel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 472-7904
Fax: 472-0587
E-Mail: sduncel@spasson.com

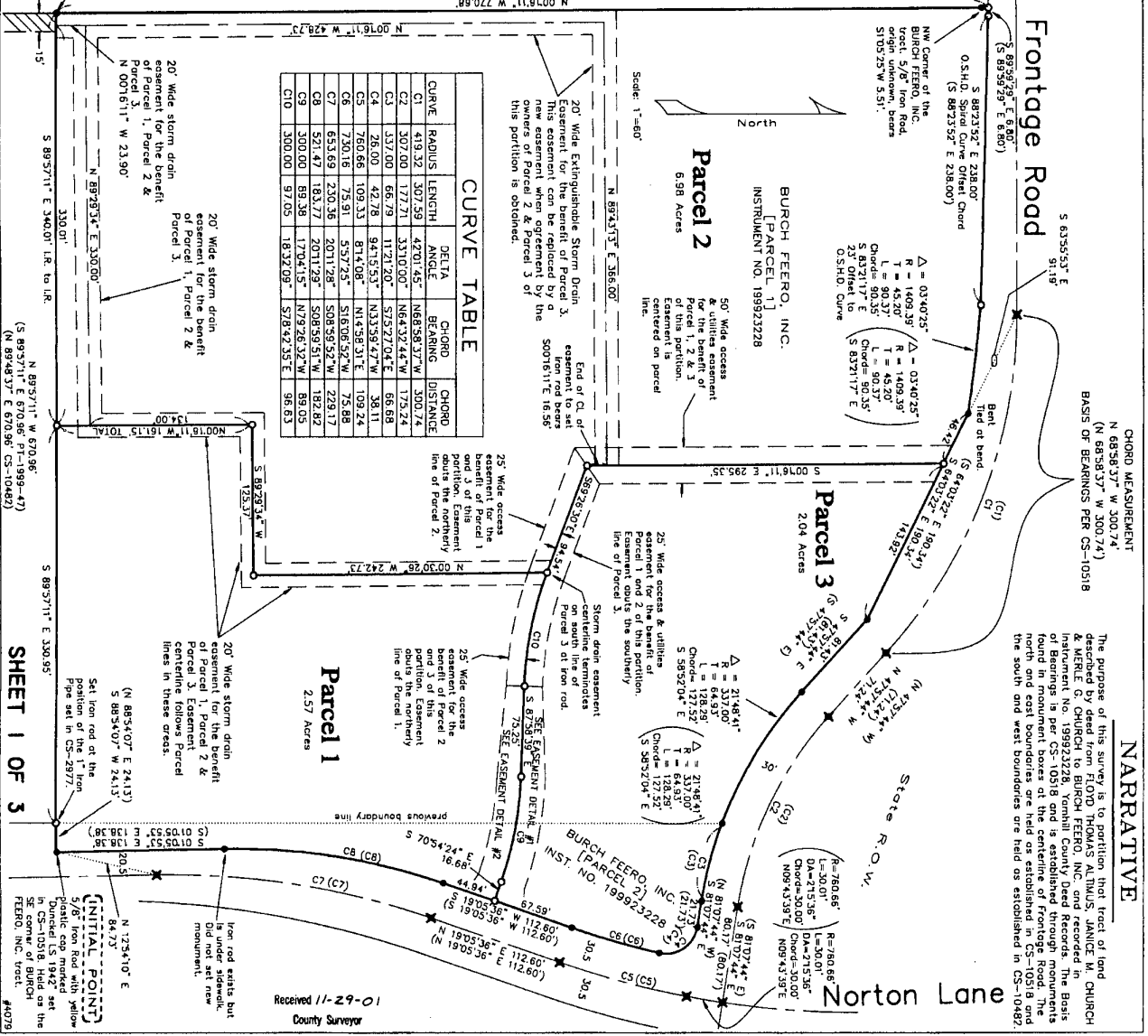
This is an exact copy of the original partition plot.

Legend

- monument found flush to 0.2" down in good condition per CS-10518 unless otherwise stated
- × monument found in monument box per CS-10518
- set 5/8" iron rod with yellow plastic cap marked 'Duncel PLS 1942' unless otherwise stated
- New or Existing Easement
- New or Existing Easement

Found 5/8" iron rod with cap marked 'Duncel LS 1942' per CS-10482. Held as the SW corner of the BURCH FEERO, INC. tract.

CURVE	RADIUS	LENGTH	DELTA ANGLE	CHORD BEARING	CHORD DISTANCE
C1	419.32	307.59	42701.45°	N68°58'37"W	300.74
C2	307.00	177.71	33100.00°	N64°32'44"W	175.24
C3	337.00	66.79	1171.20°	S75°27'04"E	66.68
C4	26.00	42.78	94°5'53"	N33°59'47"E	38.11
C5	760.66	109.33	81°4'08"	N14°58'31"E	109.24
C6	730.16	75.91	5°57'25"	S16°06'52"W	75.88
C7	653.69	230.36	20711.78°	S08°59'52"W	229.17
C8	521.47	183.77	20711.78°	S08°59'51"W	182.82
C9	300.00	89.38	179°4'15"	N79°26'32"W	89.05
C10	300.00	97.05	18°32'09"	S78°42'35"E	98.63



RECEIVED 11-29-01
County Surveyor

Norton Lane PD Amendment
Page 37
Housing Authority of Yamhill County
PARTITION 2001-40
140 of 252

PARTITION 2001-40

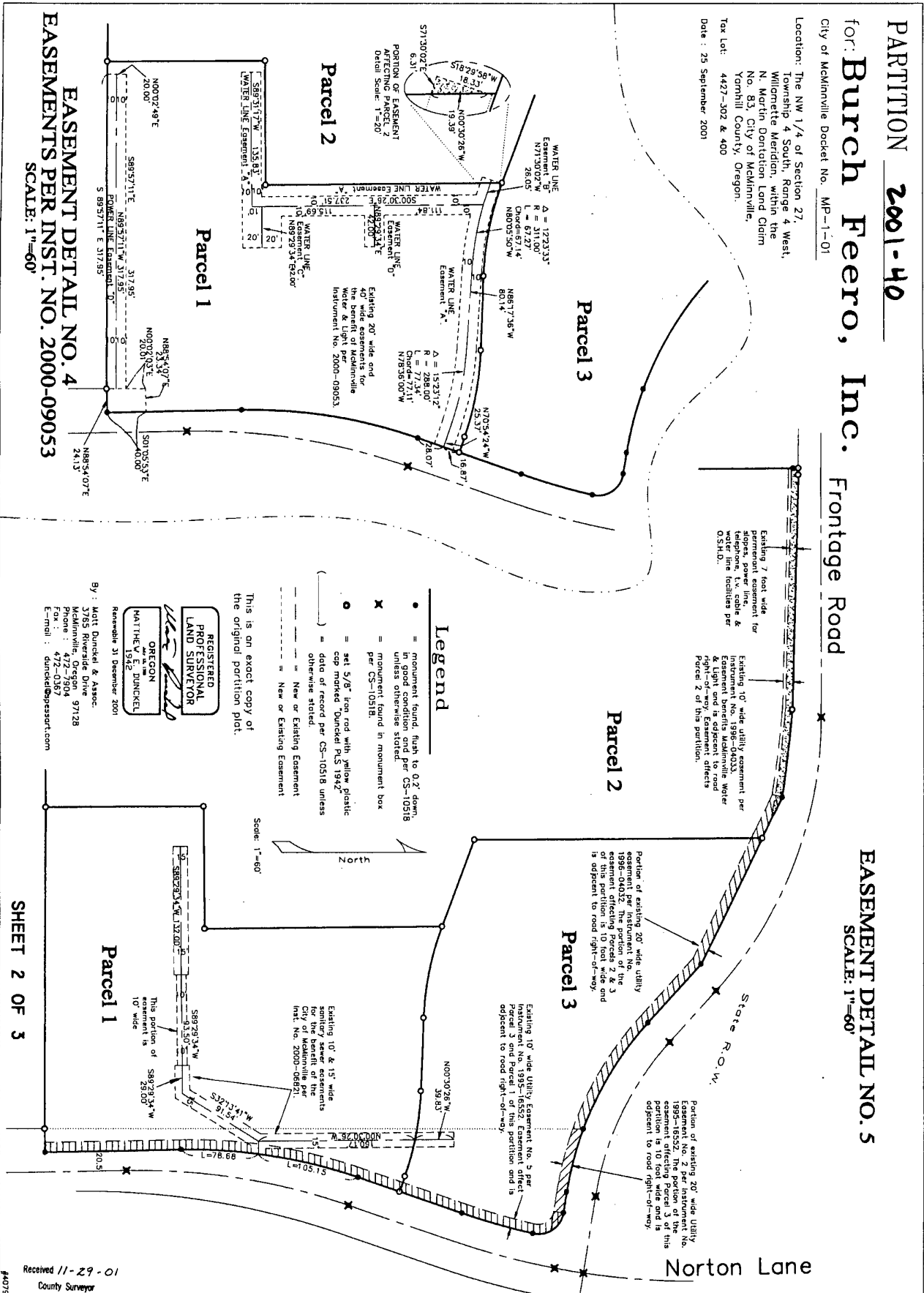
for: **Burch Feero, Inc.**
 City of McMinnville Docket No. MP-1-01

Location: The NW 1/4 of Section 27,
 Township 4 South, Range 4 West,
 Willamette Meridian, within the
 N. Martin Donation Land Claim
 No. 83, City of McMinnville,
 Yamhill County, Oregon.

Top Lot: 4427-302 & 400
 Date: 25 September 2001

Frontage Road

EASEMENT DETAIL NO. 5
 SCALE: 1"=60'



Existing 7 foot wide permanent easement for slopes, power line, water, gas, & other utilities per O.S.H.D.

Existing 10' wide utility easement per Instrument No. 1998-04033. Easement benefits McMinnville Water Utility. Easement affects Parcel 2 of this partition.

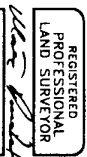
Portion of existing 20' wide utility easement per Instrument No. 1995-18552. The portion of this partition is 10 foot wide and is adjacent to road right-of-way.

Portion of existing 20' wide utility easement per Instrument No. 2 per Instrument No. 1995-18552. The portion of the easement affecting Parcel 3 of this partition is 10 foot wide and is adjacent to road right-of-way.

Legend

- = monument found, flush to 0.2" down, in good condition and per CS-10518 unless otherwise stated.
- ✕ = monument found in monument box per CS-10518.
- = set 5/8" iron rod with yellow plastic cap marked "Dunckel PLS 1942" date of record per CS-10518 unless otherwise stated.
- = New or Existing Easement
- - - = New or Existing Easement

This is an exact copy of the original partition plot.



By: Matt Dunckel & Assoc.
 3755 Riverside Drive
 McMinnville, OR 97128
 Phone: 472-4904
 Fax: 472-0387
 E-mail: dunckel@essort.com

Revised 31 December 2001

Scale: 1"=60'



Parcel 1

Existing 10' & 15' wide sewer easements for the benefit of the City of McMinnville per Inst. No. 2000-0689.

This portion of easement is 10' wide.

Parcel 3

Existing 10' wide utility easement No. 5 per Instrument No. 1995-18552. Easement affects Parcel 3 and Parcel 1 of this partition and is adjacent to road right-of-way.

PARTITION 2001-40

for: Burch Feero, Inc.

City of McMinnville Docket No. MP-1-01

Location: The NW 1/4 of Section 27,
Township 4 South, Range 4 West,
Willamette Meridian, within the
N. Martin Donation Land Claim
No. 83, City of McMinnville,
Yamhill County, Oregon.

Tax Lot: 4427-302 & 400

Date: 25 September 2001

APPROVALS:

Steve Burck
Yamhill County Surveyor
City of McMinnville Planning Director

Steve Burck
Yamhill County Tax Collector

OFFICIAL YAMHILL COUNTY RECORDS
PHILIP STEIN, COUNTY CLERK
200121025 3:18:21 PM 11/29/2001
\$55.00
Pre-Paper Cost: \$11.00
\$45.00 plus per \$11.00

Yamhill County Clerk
This is an exact copy of
the original partition plat.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MATTHEW E. DUNDELF
1992

By: Matt Dundel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 472-7904
Fax: 472-7904
E-mail: dundel@passport.com

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that we BURCH FEERO, INC., an Oregon Limited Liability Corporation, is the owner of the lands represented on the attached map and more particularly described in the Surveyors Certificate and have caused said lands to be partitioned into the parcels and easements as shown.

Steve Burck
STEVE BURCH
General Partner, BURCH FEERO, INC.

ACKNOWLEDGMENT

Notary Public *Matthe Dunde*
STATE OF OREGON)
COUNTY OF YAMHILL)
On this day the 25th of Sept., 2001, did personally appear STEVE BURCH, in the capacity shown in the above Declaration, who being duly sworn, did say that he is the identified person named in the foregoing instrument and that he executed said instrument freely and voluntarily.

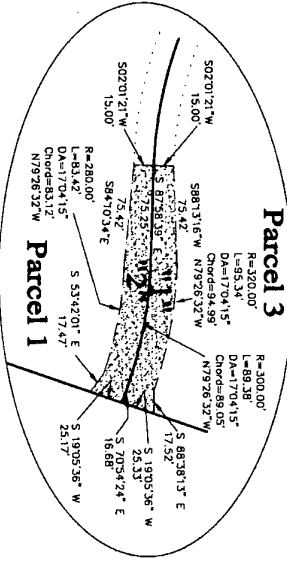
Matthe Dunde
KURT FEERO
General Partner, BURCH FEERO, INC.

ACKNOWLEDGMENT

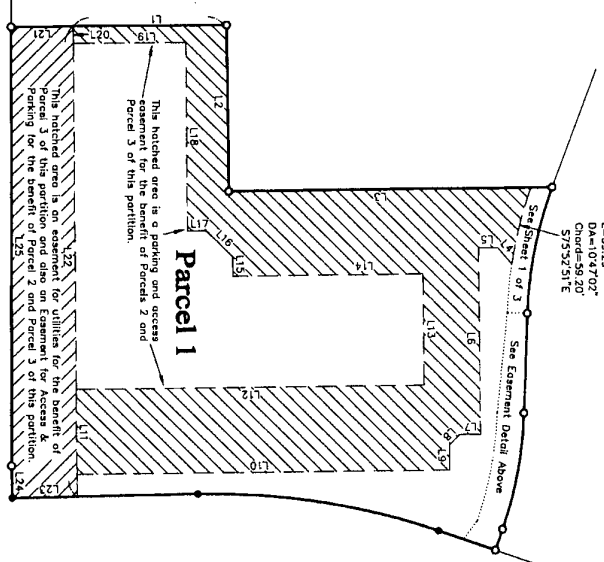
Notary Public *Matthe Dunde*
STATE OF OREGON)
COUNTY OF YAMHILL)
On this day the 25th of Sept., 2001, did personally appear KURT FEERO in the capacity shown in the above Declaration, who being duly sworn, did say that he is the identified person named in the foregoing instrument and that he executed said instrument freely and voluntarily.

Notes
1) All parcels have legal access to the public roads.

LINE	BEARING	DISTANCE
L1	N00°16'11"W	114.67
L2	N89°29'34"E	125.37
L3	N00°30'26"W	228.72
L4	S49°41'46"W	16.09
L5	S00°30'20"E	14.47
L6	N89°29'34"E	14.50
L7	S00°30'26"E	15.00
L8	S43°30'26"E	10.61
L9	N89°29'34"E	19.00
L10	S00°30'26"E	279.53
L11	S89°43'23"W	64.00
L12	N00°30'26"W	260.77
L13	S89°29'34"W	84.00
L14	S00°30'26"E	142.50
L15	S89°43'23"W	14.56
L16	S44°29'34"W	27.37
L17	S00°30'26"W	14.92
L18	S89°43'23"W	14.92
L19	S00°30'26"E	84.03
L20	S89°43'23"W	13.00
L21	N00°16'11"W	46.48
L22	N89°43'23"E	354.38
L23	S00°30'26"E	48.01
L24	S89°43'23"W	24.13
L25	N89°37'11"W	330.95



"1" = Access & Utility Easement for the benefit of Parcel 1 & 2 of this partition.
"2" = Access Easement for the benefit of Parcel 2 & 3 of this partition.
EASEMENT DETAIL #1 & #2
SCALE: 1"=60'



EASEMENTS DETAIL NO. 3
SCALE: 1"=60'

SHEET 3 OF 3

Received 11-29-01
County Surveyor

Norton Lane
Planned Development Amendment

LEGAL DESCRIPTION

Norton Lane

Legal Description

Parcels 1, 2, and 3, of Partition Plat 2007-12 recorded March 7, 2007 as Instrument No. 200705096, Deed and Mortgage Records, Yamhill County, State of Oregon.

Norton Lane
Planned Development Amendment

CURRENT PLANNED DEVELOPMENT OVERLAY
ORDINANCE NO. 4667
ORDINANCE NO. 4131
ORDINANCE NO. 4572

ORDINANCE NO. 4667

An ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Industrial designation to a Commercial designation and rezoning certain property from a County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on a parcel of land approximately eleven acres in size.

RECITALS

The Planning Commission received an application (CPA 3-98 / ZC 6-98) from Burch/Feero, Inc., dated March 13, 1998, for a comprehensive plan map amendment from an industrial designation to a commercial designation and zone change from a County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone on a parcel of land approximately eleven acres in size and described as Tax Lot 400, Section 27, T. 4 S., R. 4 W., W.M.

A public hearing was held on April 23, 1998, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on April 18, 1998, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request found that said change conformed to the review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based upon the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the plan amendment and zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said plan map amendment and zone change and has recommended said change to Council; and

Subsequently, additional material was received from the Department of Land Conservation and Development, requiring a public hearing before the City Council. In accordance with City ordinances, the public hearing was scheduled for June 9, 1998 at 7:30 p.m. in the City Council Chambers and was continued to June 23, 1998. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the local newspaper; and

The McMinnville City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in City of McMinnville Ordinance No. 3682. The testimony of the proponents and opponents was received and, in addition, the record generated by the McMinnville Planning Commission, supplemental staff reports, supplemental reports from other agencies, and additional exhibits were duly incorporated into the record and were considered by the Council; and

The City Council, being fully informed about said request, found that said change conformed to the review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based upon the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the plan amendment and zone change are consistent with the Comprehensive Plan; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Burch/Feero, Inc.

Section 2. That the Comprehensive Plan Map shall be amended from an industrial designation to a commercial designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a County EF-40 (Exclusive Farm Use - 40-acre Minimum) zone to a C-3 PD (General Commercial Planned Development) zone, subject to the following conditions:

1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontages. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to residentially zoned lands. Street tree planting, as required by the City's tree ordinance, shall be provided as well.
2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved by the McMinnville Three Mile Lane Design Review Committee before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding

development. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.

3. No building shall exceed the height of 35 feet.
4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.
6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.
7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.
8. That this zone change shall not take effect until and unless CPA 3-98 is approved by the City Council.
9. That the conceptual master plan for that portion of the applicant's property identified for "future development" shall in no way be binding on the City.
10. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
11. That the Planning Director shall be granted authority to amend the submitted site plan as may be necessary to accommodate the

requirements of the Oregon Department of Transportation. All amendments shall be consistent with the City's development codes.

12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should include the finished grades of proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.
13. That utilities shall be extended to the property (or project) boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.
15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
16. That final development plans as approved by the Three Mile Lane Design Review Committee shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

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

17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.

19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
20. That the proposed off-street parking lot be amended by removing the four spaces adjacent to the frontage road nearest the area proposed for "future development" and in their place provide landscaping. In addition, the applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.
21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.

Passed by the Council this 23rd day of June, 1998, by the following votes:

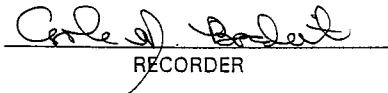
Ayes: Aleman, Hughes, Kirchner, Massey, Payne

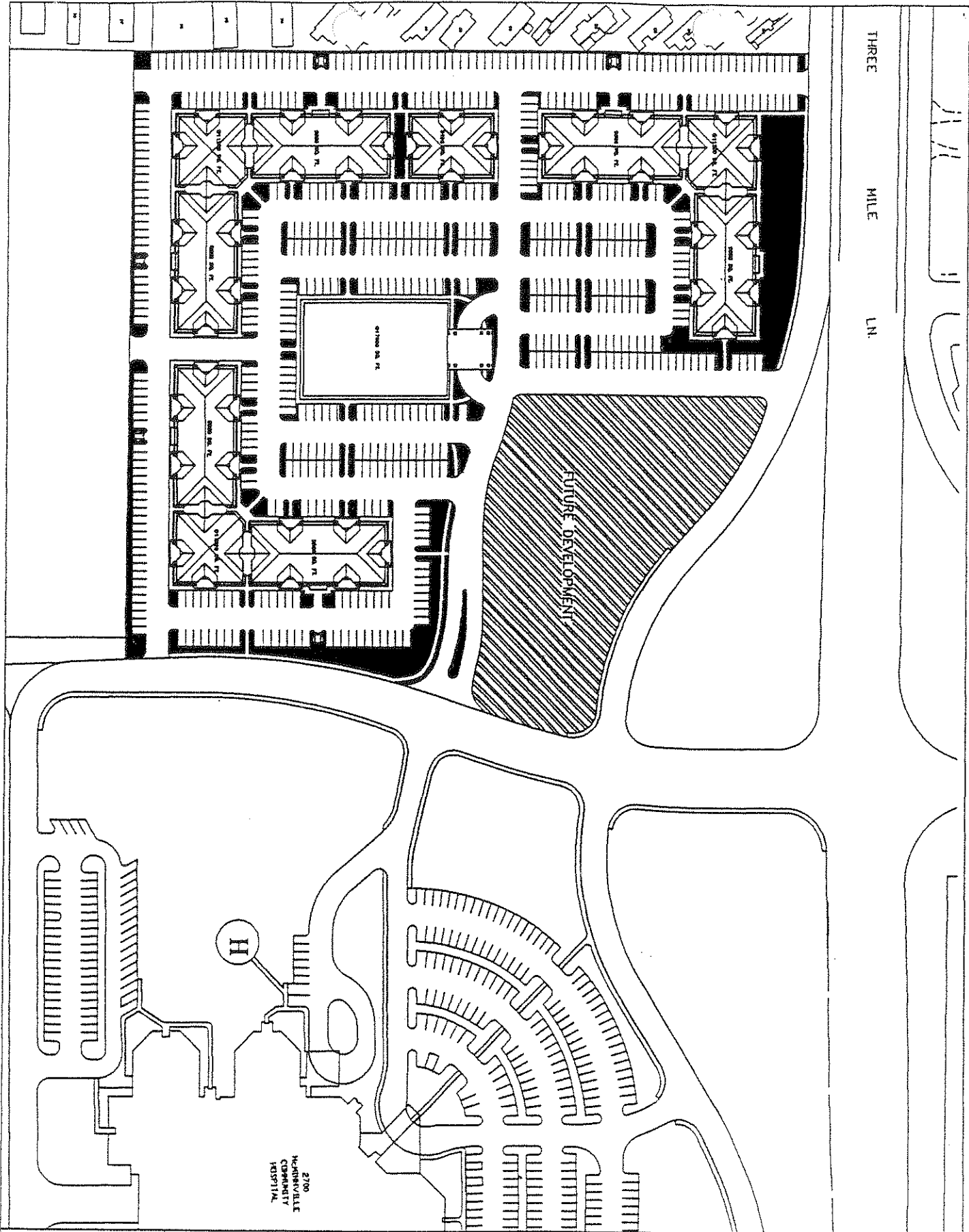
Nays:

Approved this 23rd day of June, 1998.


MAYOR

Attest:


RECORDER



Date: 3/9/98
Plot
 Scale: NTS
 Norton Lane PD Amendment

BURCH / FEERO, Inc.
 Burch/Feero Property Development
 Site Plan
 Preliminary Design

R. A. Feero Designs & Associates
 Rhonda Feero, Allied Member A.S.I.D.
 180 N.E. 7th Street
 McMinnville, OR 97128
 Housing Authority of Yamhill County
 503-434-6601

R. A. FEERO
DESIGNS
 & ASSOCIATES
 151 of 252

ORDINANCE NO. 4131

THREE MILE LANE

An Ordinance enacting conditions for development in an area hereinafter described, and commonly known as Three Mile Lane; now, therefore,

THE CITY OF McMinnville ORDAINS AS FOLLOWS:

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.

Section 2. Planned Development Overlay. The planned development overlay which is created and implemented by this ordinance shall be placed over areas to the north and south of Oregon Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18. The affected area is further described by map in Exhibit "A". Areas within and without the city limits shall carry this designation. The policies and procedures set by this ordinance shall be applied to all land use decisions under the jurisdiction of the City of McMinnville. The overlay shall not impinge the legal jurisdiction of Yamhill County for areas outside the city limits.

Section 3. Notation on Zoning and Comprehensive Plan Maps. The perimeters of the areas affected by this ordinance shall be noted on the official McMinnville Comprehensive Plan Map of 1980 and the official McMinnville Zoning Map of 1980.

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;
 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 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) Residentially designated areas covered by this ordinance shall be developed at R-1 zoning classification densities. Mixed housing-type residential developments shall be allowed and encouraged.
- (f) Residential developments shall provide parkland under the provisions of Section 35 of Ordinance No. 3702, unless safe and convenient pedestrian access is provided to an existing park. If no land is required, money in lieu of land shall be required.

The following policies shall apply to specified properties north and south of Three Mile Lane, described on the map in Exhibit "B". The written descriptions, uses, and written policies included below are to apply to the interpretation of the map and be of at least equal weight and importance.

Municipal Airport (Area 1)

The airport shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980 to accommodate aviation related facilities in keeping with the Airport Master Plan, as amended. Facilities identified in the plan for upgrading and expanding the aviation aspects of the airport shall be exempted from review by the provisions of the planned development overlay. Any private or public aviation related industrial development that may in the future be contemplated shall be subject to the provisions of this ordinance. The adoption of an airport zoning ordinance in the future may be appropriate, and additional requirements of such a zone shall be applied in conjunction with the requirements of this ordinance.

West of Municipal Airport (Area 2)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The City shall encourage the location of aviation related industries or industries requiring extensive use of airport services, in this area. Zone changes to M-L (Limited Light Industrial), to M-1 (Light Industrial) and AH (Agricultural Holding) shall be allowed. Zone changes to M-2 (General Industrial) may be allowed upon findings that the intended use of the property shall be an aviation related industry, or an industry which requires extensive use of the airport services for its operation.

West of Municipal Airport to Mobile Home Park (Area 3)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The City shall allow zone changes to M-L (Limited Light Industrial) and AH (Agricultural Holding) designations.

East of Pacific Avenue - Industrial Area (Area 4)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980 to accommodate the existing industrial uses. Expansion of those uses may take place if compatibility with surrounding properties is insured.

Airport Rendezvous (Area 5)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The areas designated AH (Agricultural Holding) on the map shall remain so designated until completion of the update of the Airport Master Plan. The adoption of an airport zoning ordinance, recommended land uses, and development controls for identified noise contours may be appropriate upon completion of the Airport Master Plan; any additional requirements enacted by the City shall be applied in conjunction with the requirements of this ordinance. Redesignation of the properties may be allowed after completion of the Airport Master Plan update and adoption of appropriate Master Plan recommendations, provided that the requirements of this ordinance are met, and upon determination that the proposed use is compatible with surrounding properties.

Remainder of Planned Development Area

The remainder of the properties within the area covered by this ordinance shall be developed according to the designations on the McMinnville Comprehensive Plan Map. Site plan review as required in Chapter 17.51 of Ordinance No. 3380 shall include conditions to insure compatibility of allowed developments with proposed uses in surrounding areas.

Section 5. Procedures for Review.

- (a) Annexation to the City of lands within the area covered by this ordinance shall meet the requirements of the annexation ordinance.
- (b) Comprehensive Plan Map amendments shall be processed under procedures set out in Ordinance No. 4127.
- (c) Zone changes and land divisions submitted for approval shall be processed under the requirements and standards of Chapter 17.51 of Ordinance No. 3380 (Zoning Ordinance). If standards and requirements of Chapter 17.51 differ with those established elsewhere by the City, the more restrictive standards and requirements shall be adhered to.
- (d) Land division requests shall also be processed under the requirements of Ordinance No. 3702 (Land Division Ordinance).
- (e) Amendments to this ordinance shall be processed under procedures set out in Chapter 17.51 of Ordinance No. 3380 (Zoning Ordinance).

Passed by the City Council on April 7, 1981.



EXHIBIT A
Three Mile Lane
Planned Development Overlay

Ordinance No. 4131

CITY OF McMINNVILLE

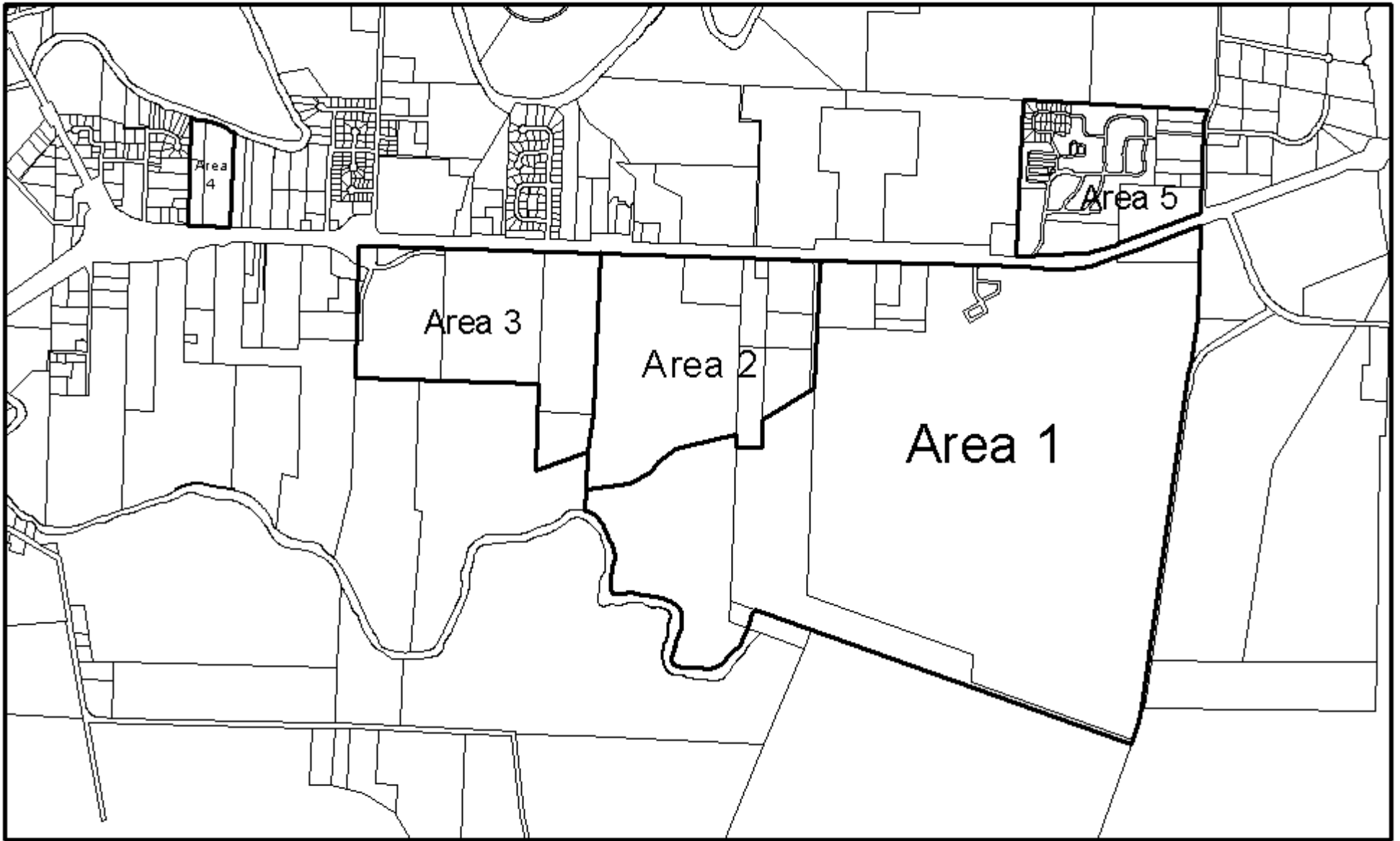


EXHIBIT B
Three Mile Lane
Planned Development Overlay

Ordinance No. 4131

CITY OF McMINNVILLE

ORDINANCE NO. 4572

An Ordinance amending Ordinance 4131 (Three Mile Lane Planned Development Overlay) by supplanting the terms and provisions of Sections 4 and 5 and by adding new sections, and amending Ordinance 4506 (Commercial Lands) by repealing subsections 10(h) and 10(i).

RECITALS

The City of McMinnville has found that certain terms and provisions of the Three Mile Lane Planned Development Overlay have become dated since the 1981 passage of the ordinance and are in need of replacement. The City Council believes it is also in the best interest of the citizens of McMinnville and of the community as a whole to regulate commercial signage along the Three Mile Lane corridor as it leads into McMinnville.

At the direction of the City Council, staff developed amendments to the Three Mile Lane Planned Development Overlay which included regulations governing the use of commercial signage. The McMinnville Planning Commission held a work session on September 8, 1994 and a public hearing on October 13, 1994 on the proposed amendments, after which they recommended that the amendments be approved; now, therefore,

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. The terms and provisions of Section 4 of Ordinance 4131 are hereby supplanted with the following terms and provisions:

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 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.

Section 2. The terms and provisions of Section 5 of Ordinance 4131 are hereby supplanted with the following terms and provisions:

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:

- A. Zone 1. The following regulations apply to commercially or industrially designated properties which fall within zone 1:
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 15 feet.
 - b) The maximum square footage per sign face is 24 square feet and there shall be a maximum of two sign faces per free-standing sign.
 - c) 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.

- 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 (A) (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.
- 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.
 - 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.
- C. Zone 3. The following regulations apply to commercially and industrially designated properties which fall within zone 3:
1. That free-standing signs are prohibited.
 2. That one monument-type sign shall be allowed per parcel, except that a second monument sign shall be allowed if the parcel has more than 600 feet of frontage on Highway 18 or on the Highway 18 frontage road, subject to the following:
 - a) Maximum square footage per sign face shall be 80 square feet and there shall be a maximum of two sign faces per monument sign.
 - b) Maximum sign height shall be eight feet, and the top of the sign shall not be more than ten feet above the center line grade of Highway 18 or the Highway 18 frontage road, whichever is applicable.
 - 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.

- c) Signage for the third building in the Tanger Factory Outlet Mall shall be consistant in terms of sizes and percent of coverage with that on buildings one and two.
- 4. Portable signs and signs with flashing or moving parts are prohibited.

Section 3. That the following section is hereby added to Ordinance 4131:

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).

Section 4. Subsections 10(h) and 10 (i) of Ordinance 4506 are hereby repealed in their entirety.

Section 5. That this ordinance shall be subject to the terms and conditions of Ordinance 3823 entitled "Initiative and Referendum" for a period of thirty days.

First Reading - Read and passed by the Council this 8th day of November 1994 by the following votes:

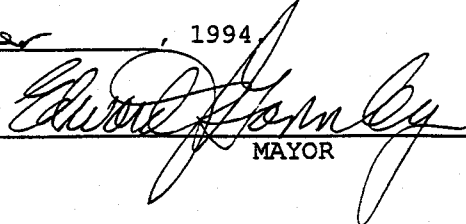
Ayes: Payne, Tomcho, Windle

Nays: Kirchner, Olson

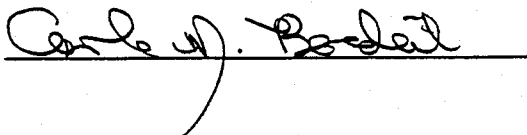
Second Reading - Read and passed by the Council this 22nd day of November 1994 by the following votes:

Ayes: Olson, Tomcho, Windle, Gormley

Nays: Kirchner, Massey, Payne

Approved this 22nd day of November, 1994.

MAYOR

Attest:



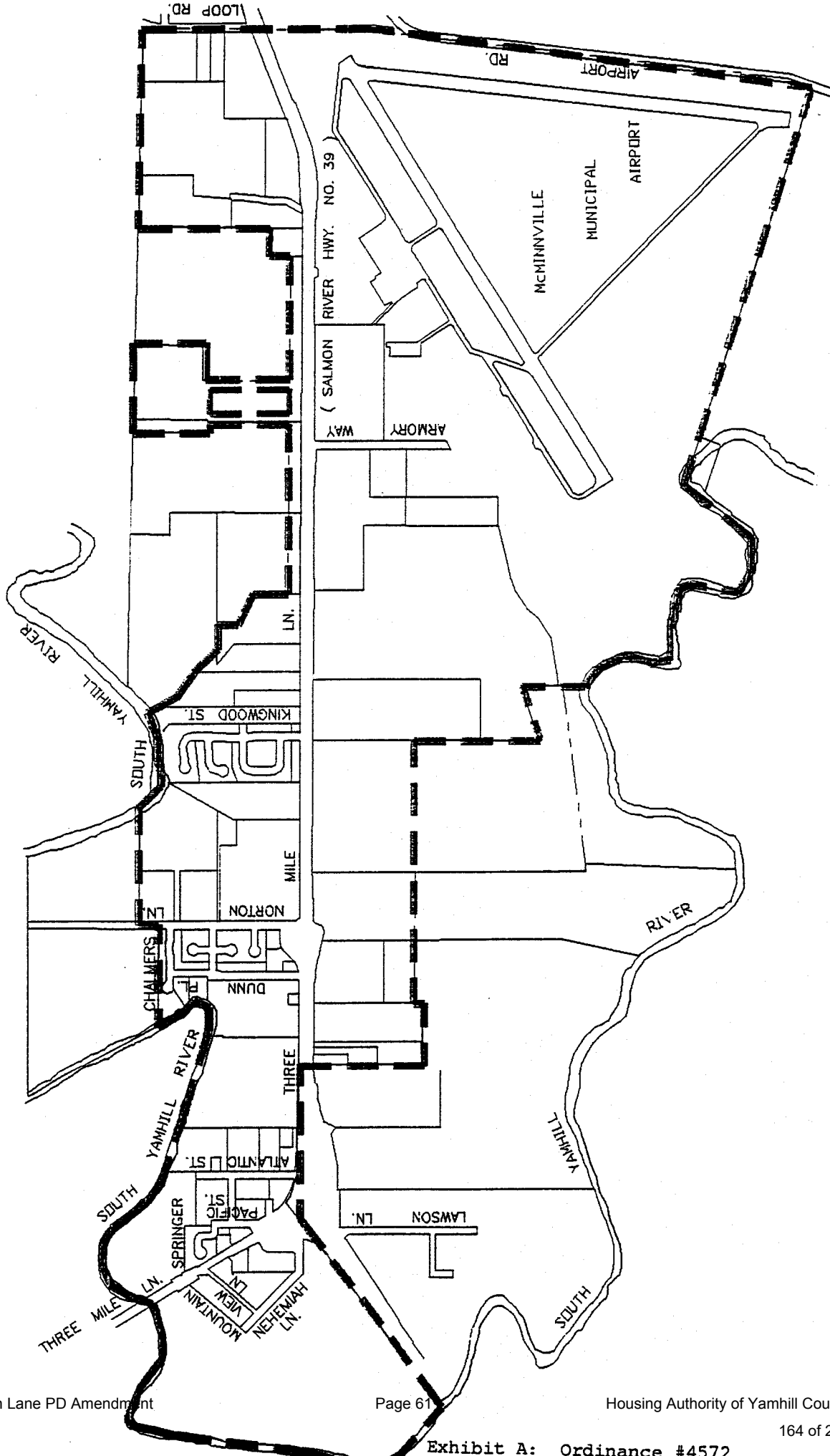
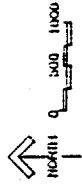


EXHIBIT "A"

Three Mile Lane
Planned Development Overlay
Ordinance No. 4131



URBAN GROWTH
BOUNDARY

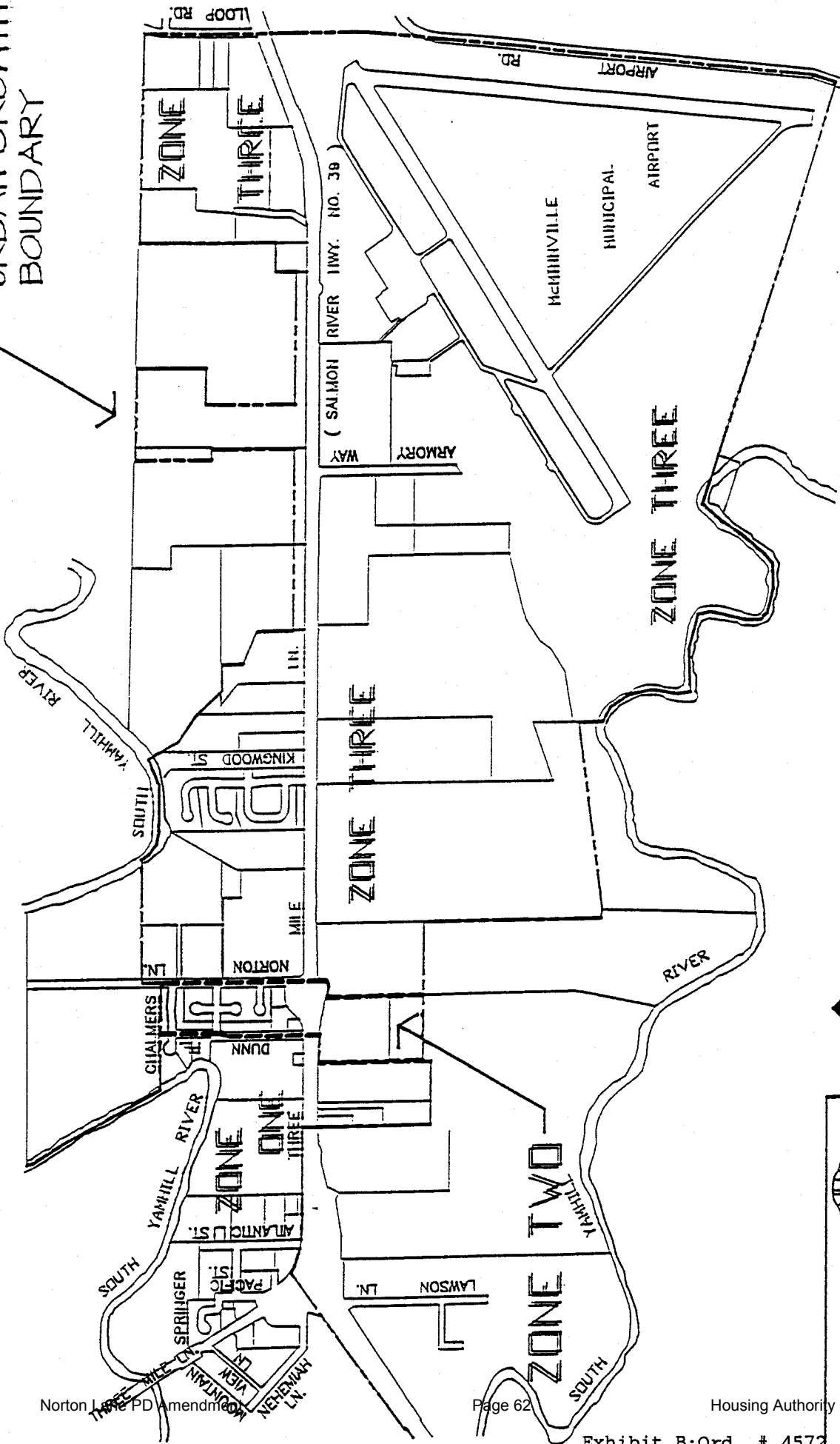
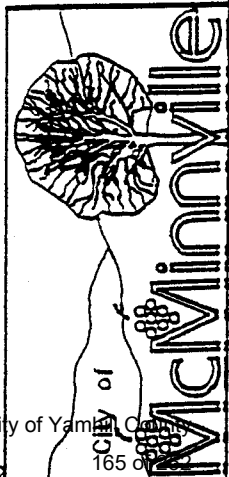
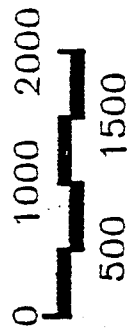


EXHIBIT "B"

Three Mile Lane
Planned Development Overlay
Ordinance No. 4131



Norton Lane
Planned Development Amendment

NEIGHBORHOOD MEETING REQUIREMENTS

May 19, 2020

RE: NOTICE OF NEIGHBORHOOD REVIEW MEETING
PLANNED DEVELOPMENT AMENDMENT (PDA) TO AMEND EXISTING CONDITIONS OF
APPROVAL IN PLANNED DEVELOPMENT OVERLAY ORDINANCE 4667

Dear Resident or Property Owner;

Structure Development Advisors is representing a developer of property located south of SE Stratus Avenue and west of SE Norton Lane, more specifically tax lots R4427 00400, R4427 00405, and R4427 00404, as show in the attached map. The developer is proposing an amendment to the current land use, under Ordinance 4667, to allow for a multifamily residential and to amend the master plan. The land is currently zoned C-3 PD General Commercial Planned Development.

Prior to applying to the City of McMinnville we would like to take the opportunity to discuss the proposal in more detail with you.

The purpose of this neighborhood meeting is to provide an informal forum for the applicant and surrounding property owners/residents to review the proposal and to identify issues so that such issues may be considered before the formal application is turned in to the City. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with City of McMinnville's Community Development Code.

Pursuant to Section 17.72.095 of the McMinnville Development Code, you are invited to attend a Neighborhood meeting on:

**Wednesday, June 10, 2020
at 6:00 pm**

Due to the health risks created by COVID-19 and to help slow its spread, Governor Brown has issued Executive Orders directing individuals to stay home. During this time, Public Meetings are to be held by telephone, video or electronic means. This meeting will be help via Zoom at:

<https://structurepdx.zoom.us/j/6124463297>

or

1- 253-215-8782 Meeting ID 612 446 3297

Please note this meeting will be an informational meeting to discuss the change in allowed use, but not specific development plans are proposed at this time. Depending upon the type of land use action required, you may receive a future official notice from the City for you to either participate with written comments and/or an opportunity to attend a public hearing.

I look forward to more specifically discussing the proposal with you. Please feel free to contact me at 503-318-5658 or email at mike@structurepdx.com if you have any questions.

Mike Andrews
Principal

**NOTICE OF NEIGHBORHOOD REVIEW MEETING
PLANNED DEVELOPMENT AMENDMENT (PDA) TO AMEND EXISTING CONDITIONS OF APPROVAL
IN PLANNED DEVELOPMENT OVERLAY ORDINANCE 4667**

Zoning Map and Aerial Photo

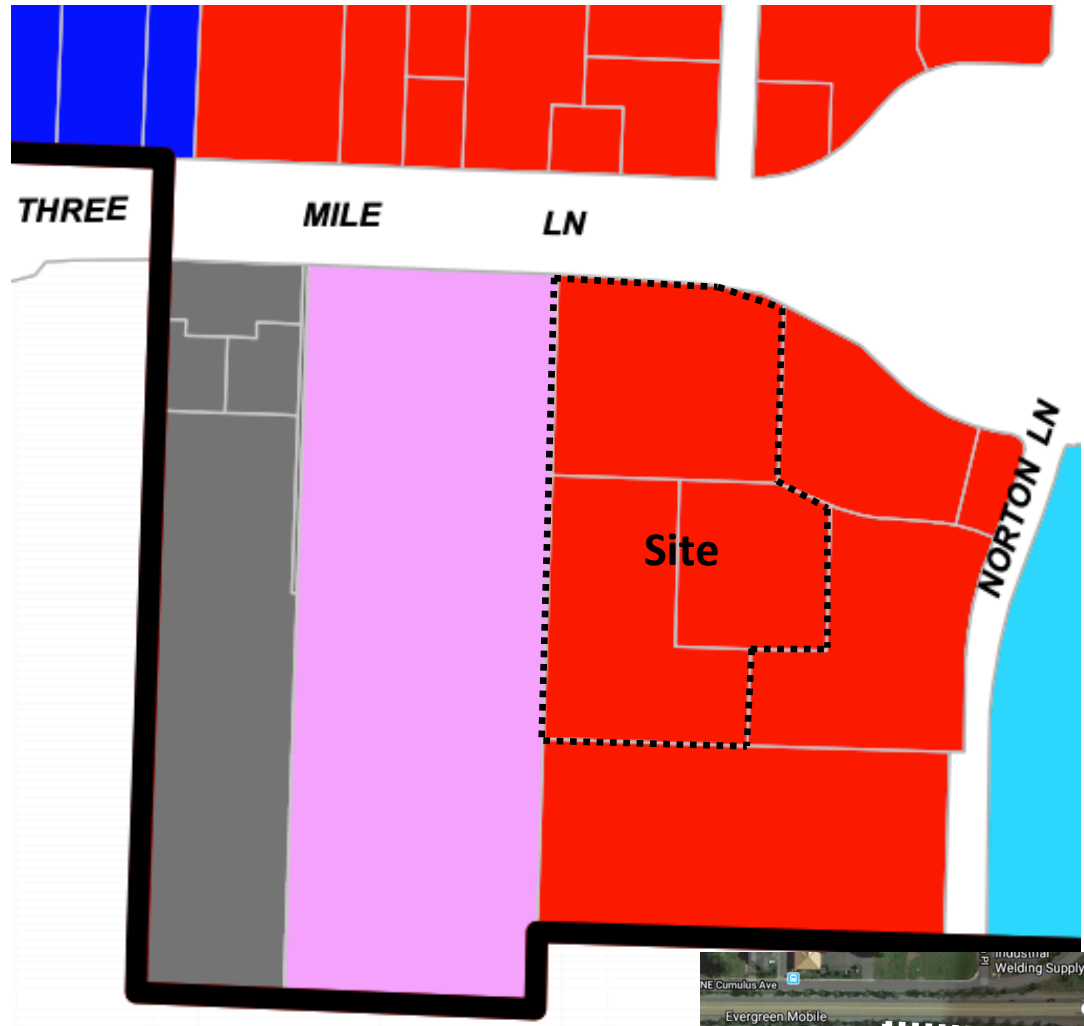


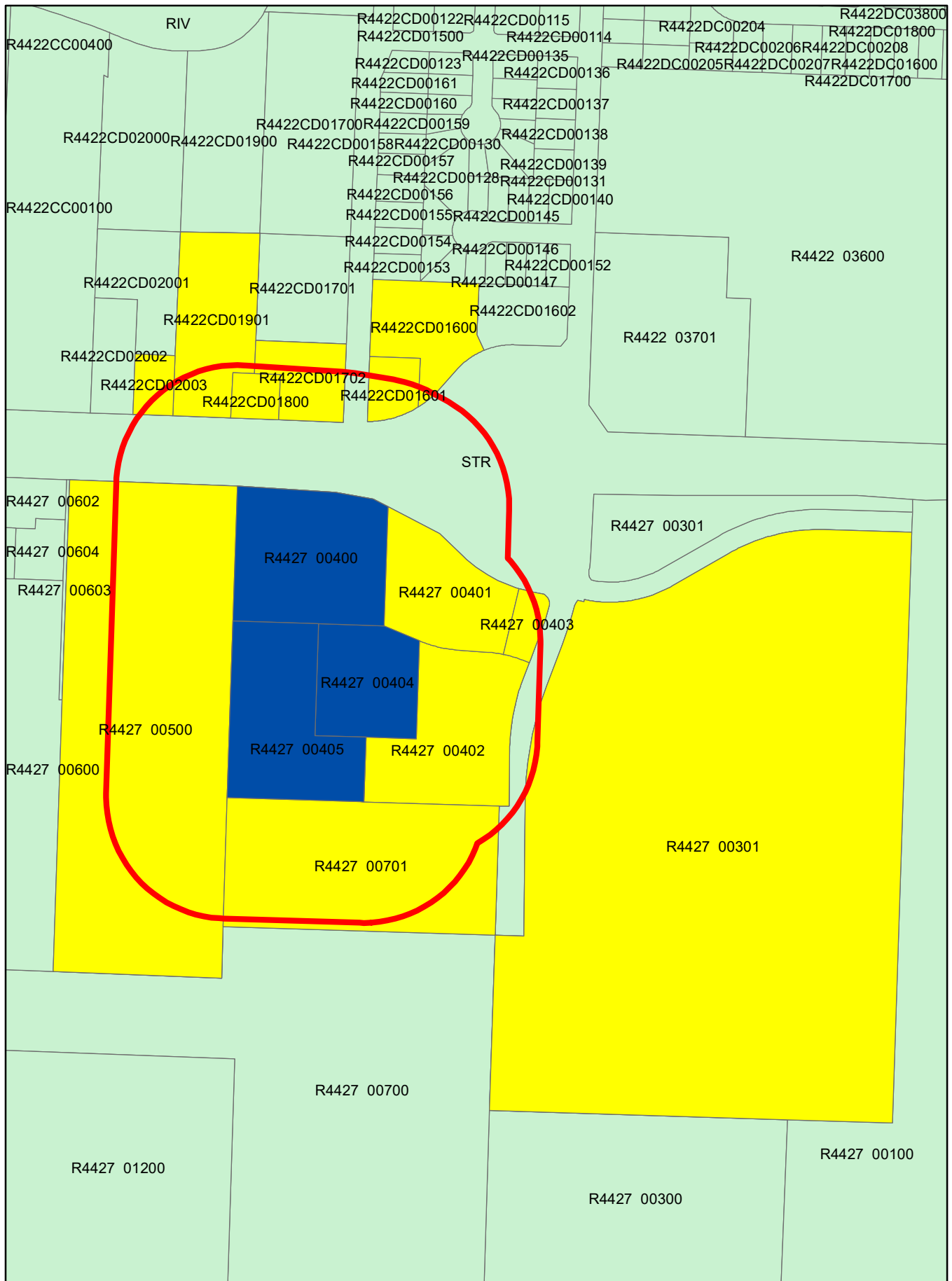
Figure 1 City of McMinnville Zoning



Figure 2 Google Maps

Norton Lane Public Meeting
Mailing List

Tax Lot	SITUS	Owner	Add1	Add2	Add3	Add4	Zipcode
R4427 00301	2700 SE STRATUS AVE	MPT OF MCMINNVILLE-CAPELLA LLC	MPT OF MCMINNVILLE-CAPELLA LLC	1000 URBAN CENTER DR SUITE 501	BIRMINGHAM AL		35242
R4422CD01600	2535 NE CUMULUS AVE	EJJ PROPERTIES INC	EJJ PROPERTIES INC	2535 NE CUMULUS AVE	MCMINNVILLE OR		97128
R4427 00404	n/a	BURCH FEERO	BURCH FEERO INC	237 NE FORD ST STE 1	MCMINNVILLE OR		97128
R4427 00400	345 SE NORTON LN	BURCH FEERO INC	BURCH FEERO INC	237 NE FORD ST STE 1	MCMINNVILLE OR		97128
R4422CD01901	2435 NE CUMULUS AVE	PMC INVESTMENTS LLC	PMC INVESTMENTS LLC	2435 NE CUMULUS AVE STE A	MCMINNVILLE OR		97128
R4427 00402	375 SE NORTON LN	BURCH-FEERO PROPERTY I INC	BURCH-FEERO PROPERTY I INC	237 NE FORD ST STE 1	MCMINNVILLE OR		97128
R4427 00500	2400 SE STRATUS AVE	EVERGREEN MOBILE HOME PARK LLC	EVERGREEN MOBILE HOME PARK LLC	836 SW CURRY ST #1300	PORTLAND OR		97239
R4422CD02003	2397 NE CUMULUS AVE	K SHORE HOLDINGS LLC	K SHORE HOLDINGS LLC	9800 NE MEADOW LOOP RD	NEWBERG OR		97132
R4427 00401	2520 SE STRATUS AVE	MAC HOTEL PROPERTIES LLC	MAC HOTEL PROPERTIES LLC	2520 SE STRATUS AVE	MCMINNVILLE OR		97128
R4427 00403	2580 SE STRATUS AVE	MAC DINING LLC	MAC DINING LLC	2580 SE STRATUS AVE	MCMINNVILLE OR		97128
R4422CD01601	2525 NE CUMULUS AVE	LOISELLE ANDRE	LOISELLE ANDRE	15100 NW WILLIS RD	MCMINNVILLE OR		97128
R4427 00405	n/a	BURCH FEERO	BURCH FEERO INC	237 NE FORD ST STE 1	MCMINNVILLE OR		97128
R4427 00701	CNTY	MOYER PHYLLIS	MCMULLIN FAMILY RESIDUAL TRUST	6738 E HUBBELL	SCOTTSDALE AZ		85257
R4422CD01800	2445 NE CUMULUS AVE	HOUSING AUTHORITY OF YAMHILL COUNTY	HOUSING AUTHORITY OF YAMHILL COUNTY	135 NE DUNN PLACE	MCMINNVILLE OR		97128
R4422CD01702	2455 NE CUMULUS AVE	HOUSING AUTHORITY	HOUSING AUTHORITY OF YAMHILL COUNTY	135 NE DUNN PLACE	MCMINNVILLE OR		97128





MEETING NOTICE
PROPOSAL TO AMEND EXISTING CONDITIONS OF
APPROVAL IN PLANNED DEVELOPMENT
OVERLAY ORDINANCE 4667

DATE: Wednesday, June 10, 2020
TIME: 6:00 pm
LOCATION: 30399 LLBentonville.com/3124663287
1-253-215-8782 Meeting ID 612 446 1297
CONTACT: Mike Andrews
503-318-5658



Norton Lane

Community Meeting

Agenda:

- 1) Introductions
- 2) Housing Authority of Yamhill County
- 3) Amendment Request
- 4) Q&A



Project Examples



Deskins Commons

Housing Authority of Yamhill County

Our Mission...

To provide the opportunity for decent, safe, and affordable housing to individuals and families in our community and opportunities to position themselves for success.

The Housing Authority was created in 1951, and is an independent local public agency under federal and state



Tice Park

Projects / Site owned:

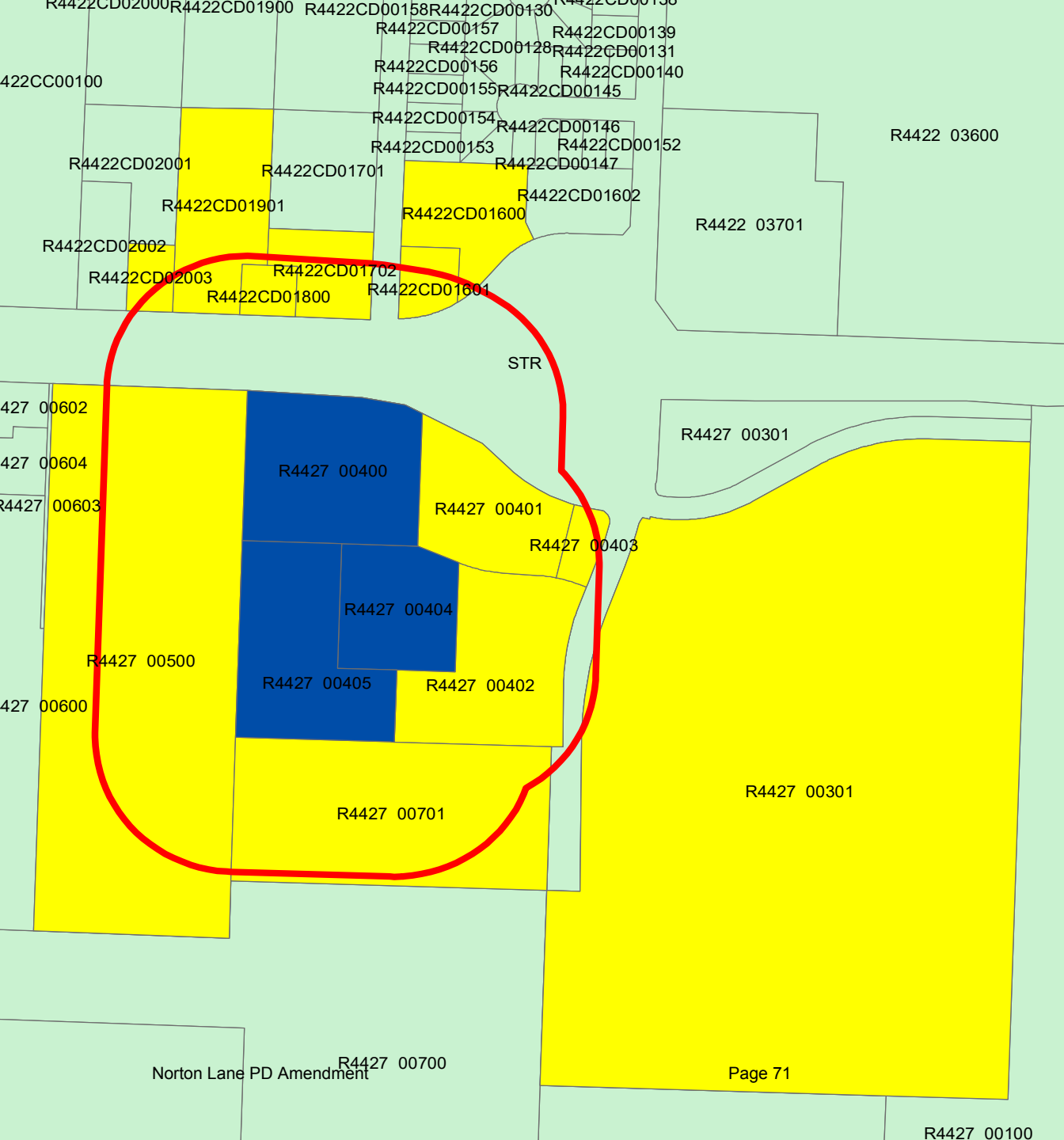
16 multifamily sites



Heritage Place

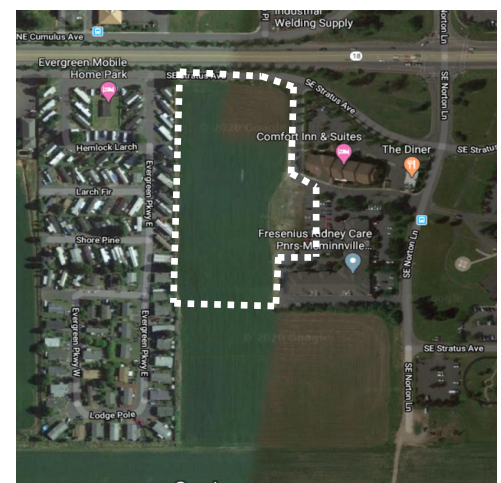
Units owned:

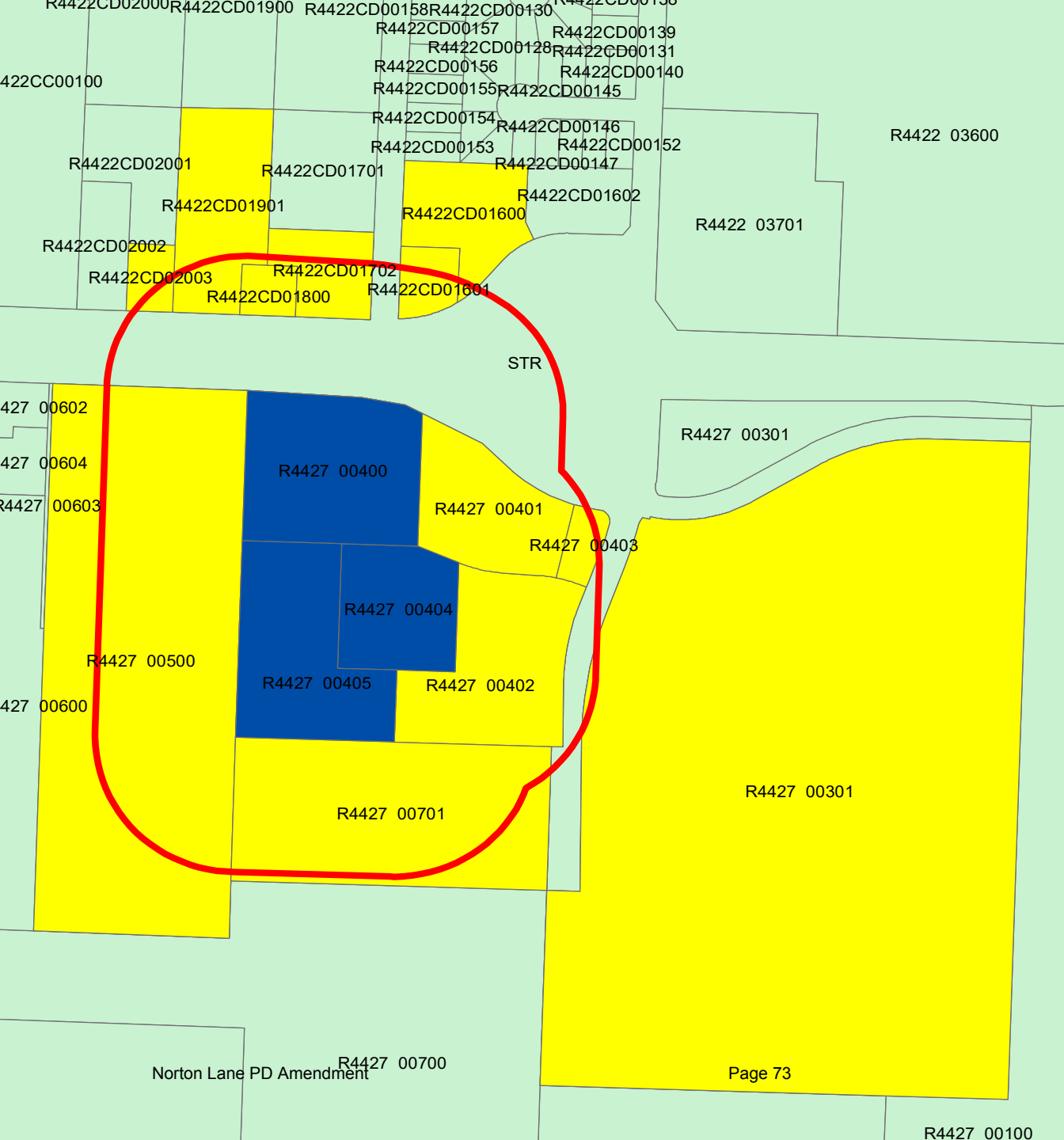
660 units



Norton Lane: Amendment Request

Site Overview

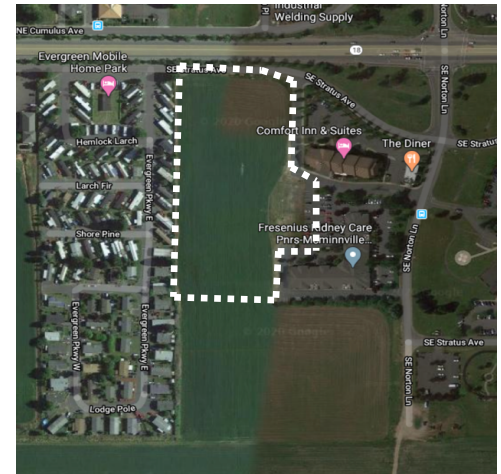


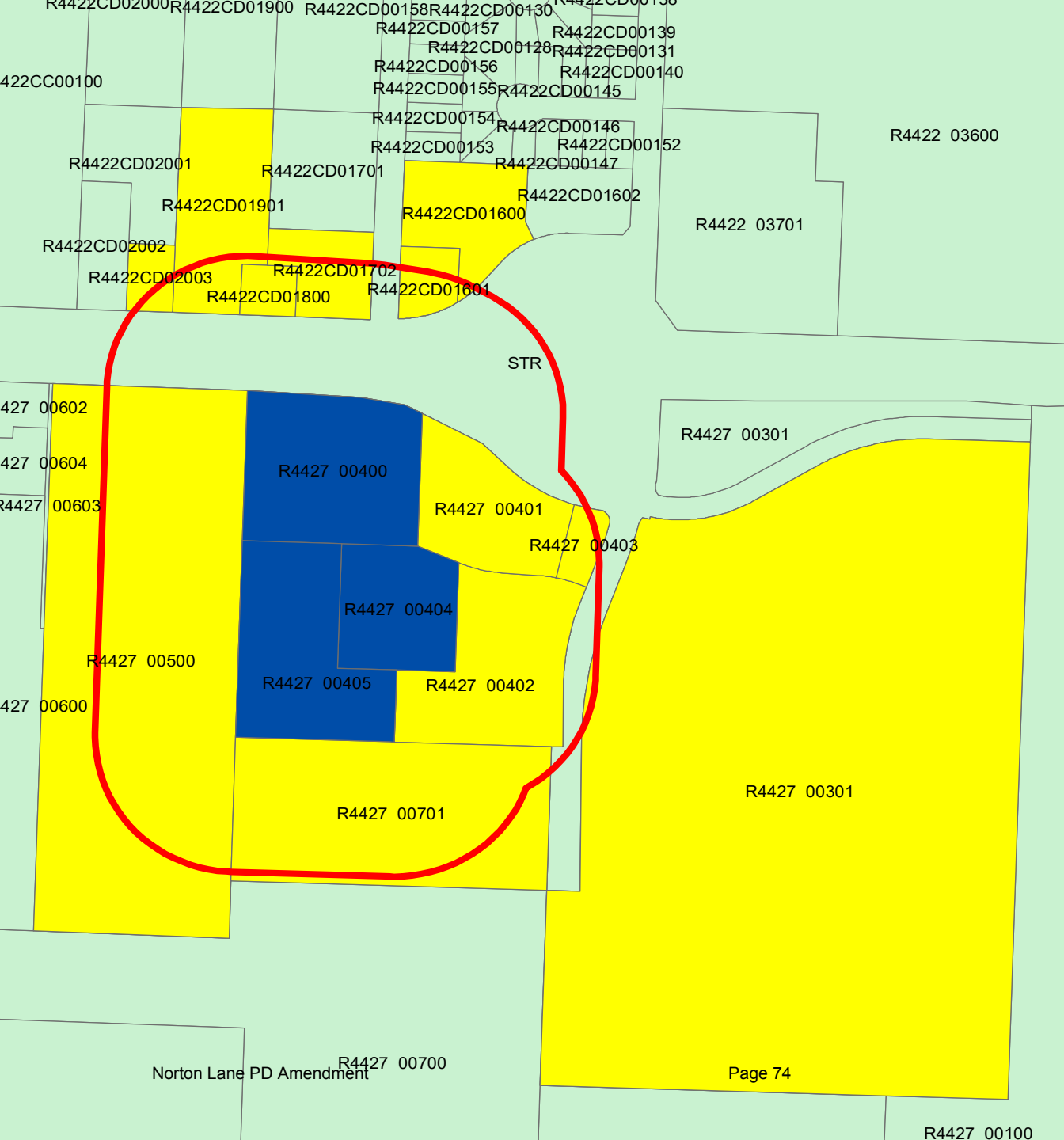


Norton Lane: Amendment Request

Next steps

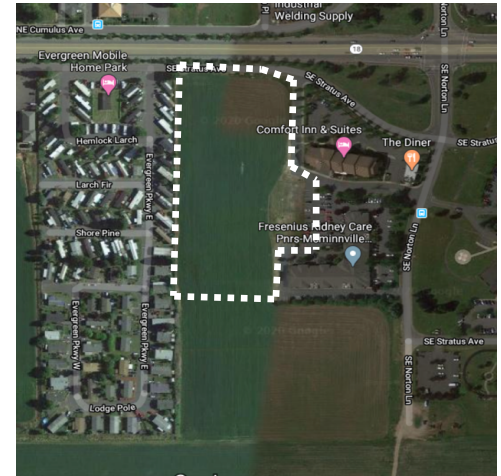
- Submit application to City of McMinnville
- Planning Commission meeting
- Develop schematic design
- Submit project specific request for approval of site plan and design





Norton Lane: Amendment Request

Questions & Answers



Meeting Participants

(X)	Name	Org	Email	Phone
X	Vickie Ybarguen	HAYC	Vickie@hayc.org	503-883-4318
X	Joyce Morrow	HAYC	joyce@hayc.org	503-883-4318
X	David Hummel	HAYC	david@hayc.org	503-883-4334
X	Fred Mickelson	HAYC		
X	Mike Andrews	Structure	mike@structurepdx.org	503-318-5658
X	Kim Hasty	Structure	kim@structurepdx.com	757-619-7561
X	James Lee	Structure	James@structurepdx.com	503-941-8774
X	Dean Klaus	Public Participant		
X	Dillon Kiger	Public Participant		
X	Steve Burch	Public Participant		
X	Stan Feero	Public Participant		
X	Doug Burch	Public Participant		

Norton Lane
Planning Development Amendment
Public Meeting

The meeting was held via Zoom as described in the meeting notice and post on the site sign. The meeting was recorded using the Zoom platform. All participants were made aware of the recording before the recording began.

The meeting was called to order at 6PM. Below is a summary of the meeting presentation and comments from the public. The meeting was adjourned at 6:20pm

Presentation Summary

- HAYC introduced themselves, reviewed their mission and previous developments
- A review of the site in the current state and the potential project was provided (PowerPoint)
- Explanation of the items being asked to the Planning Department includes removal of the current master plan and adding a new master plan; request to change the height limits

Questions and Public Comment

- What will the requested change in height limit be? The request will be to meet the city's limit of 60 feet
- How many "doors" will there be? Although a design has not been finalized, the approximate number of units will be 200
- Participant feels that this is a tremendous opportunity for the community and the project is an ideal location in proximity to services. A small grocery/community store would be nice to have.

Norton Lane
Planned Development Amendment

ATTACHMENTS



First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

Order No.: 1031-3400828
February 21, 2020

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

MICHELLE GREGOR, Escrow Officer/Closer
Phone: (503)472-4627 - Fax: (866)800-7294 - Email:MGregor@firstam.com
First American Title Insurance Company
775 NE Evans Street, McMinnville, OR 97128

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Preliminary Title Report

County Tax Roll Situs Address: 235 NE Norton Lane C, McMinnville, OR 97128

2006 ALTA Owners Standard Coverage	Liability \$	2,371,501.00	Premium \$	4,158.00
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9.10, 22			Premium \$	
Govt Service Charge			Cost \$	60.00
Other			Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

Parcels 1, 2, and 3, of Partition Plat [2007-12](#) recorded March 7, 2007 as Instrument No. 200705096, Deed and Mortgage Records, Yamhill County, State of Oregon.

and as of February 13, 2020 at 8:00 a.m., title to the fee simple estate is vested in:

Burch Feero, Inc., an Oregon corporation

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
 - B. Affidavit regarding possession
 - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
 6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
 7. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
 8. City liens, if any, of the City of McMinnville.
- Note: There are no liens as of February 17, 2020. All outstanding utility and user fees are not liens and therefore are excluded from coverage.
9. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
 10. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded September 02, 1963, Yamhill County Circuit Court Case 23303 , which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

11. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation filed July 24, 1980, Yamhill County Circuit Court Case CV89-119 Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

Second Amended Stipulated Final Judgement record March 25, 1991, Film [Volume 253, Page 139](#), Deed and Mortgage Records.

12. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation filed September 06, 1990, Yamhill County Circuit Court Case CV89-137 Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

13. Easement, including terms and provisions contained therein:
Recording Information: March 18, 1996, Instrument No. [199604032](#), Deed and Mortgage Records
In Favor of: City of McMinnville, a municipal corporation of the State of Oregon acting by and through its Water & Light Commission
For: Utility

14. Easement, including terms and provisions contained therein:
Recording Information: March 18, 1996, Instrument No. [199604033](#), Deed and Mortgage Records
In Favor of: City of McMinnville, a municipal corporation of the State of Oregon acting by and through its Water & Light Commission
For: Utility

15. Easement, including terms and provisions contained therein:
Recording Information: August 25, 1998, Instrument No. [199816670](#), Deed and Mortgage Records
In Favor of: Burch Feero, Inc.
For: Drainage way

16. Easement, including terms and provisions contained therein:
Recording Information: June 30, 2000, Instrument No. [200009053](#), Deed and Mortgage Records
In Favor of: City of McMinnville, a Municipal Corporation of the State of Oregon, acting by and through its Water & Light Commission
For: Right-of-way

17. Easement as shown on the recorded plat/partition [2001-40](#)
For: 50 foot wide access & utilities

18. Easement as shown on the recorded plat/partition [2001-40](#)
For: 20 foot extinguishable storm drain

19. Easement as shown on the recorded plat/partition [2001-40](#)
For: 20 foot storm drain

20. Notes as they appear on the recorded Partition Plat [2001-40](#).
21. Restrictive Covenant to Waive Remonstrance, pertaining to abutting frontage road including the terms and provisions thereof
Recorded: June 28, 2006, Instrument No. [200614364](#), Deed and Mortgage Records
22. Easement as shown on the recorded plat/partition [2007-12](#)
For: Parking, access & utilities
23. Notes as they appear on the recorded Partition Plat [2007-12](#).
24. Declaration of Condition Covenants and Restrictions (Common Driveway and Access Maintenance and Shared Parking Easement), including terms and provisions thereof.
Recorded: February 22, 2018, Instrument No. [201802572](#), Deed and Mortgage Records
25. Any conveyance or encumbrance by Burch Feero, Inc. should be executed pursuant to their Operating Agreement , a copy of which should be submitted to this office for inspection.
26. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$38.75
Map No.:	R4427 00400
Property ID:	172431
Tax Code No.:	40.0

(Affects Parcel 1)

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$1,187.94
Map No.:	R4427 00404
Property ID:	537598
Tax Code No.:	40.0

(Affects Parcel 3)

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$36.12
Map No.:	R4427 00405
Property ID:	537601
Tax Code No.:	40.0

(Affects Parcel 2)

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Crops and

Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

Situs Address as disclosed on Yamhill County Tax Roll:

235 NE Norton Lane C, McMinnville, OR 97128

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION

Filing Address: **Yamhill County**
777 Commercial Street SE, Suite 100
Salem, OR 97301

Recording Fees: \$ **81.00** for the first page
\$ **5.00** for each additional page

cc: Housing Authority Of Yamhill County
cc: Burch Feero Inc
cc: Jennifer Feero, Willamette West Realtors
708 NE Baker Street, McMinnville, OR 97128
cc: Steve Roesch, NextHome Realty Connection
12923 NW Cornell Road, Suite 101, Portland, OR 97229



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien" or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



Privacy Notice

Effective: January 1, 2020

Notice Last Updated: January 1, 2020

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties. For more information about our privacy practices, please visit <https://www.firstam.com/privacy-policy/index.html>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect both **personal** and **non-personal information** about and from you. **Personal information** is non-public information that can be used to directly or indirectly identify or contact you. **Non-personal information** is any other type of information.

How Do We Collect Your Information? We collect your **personal** and **non-personal information**: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your personal information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. We may use your **non-personal information** for any purpose.

How Do We Share Your Personal Information? We do not sell your **personal information** to nonaffiliated third parties. We will only share your **personal information**, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. If you have any questions about how First American shares your **personal information**, you may contact us at dataprivacy@firstam.com or toll free at 1-866-718-0097.

How Do We Secure Your Personal Information? The security of your **personal information** is important to us. That is why we take commercially reasonable steps to make sure your **personal information** is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your **personal information**.

How Long Do We Keep Your Personal Information? We keep your **personal information** for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your **personal information**. In accordance with applicable law, your controls and choices. You can learn more about your choices, and exercise these controls and choices, by sending an email to dataprivacy@firstam.com or toll free at 1-866-718-0097.

International Jurisdictions: Our Products are hosted and offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your **personal information** to us in the US, and you consent to that transfer and use of your **personal information** in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 (“CCPA”). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure of your personal information; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the personal information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Right to Opt-Out. We do not sell your personal information to third parties, and do not plan to do so in the future.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Collection Notice. The following is a list of the categories of personal information we may have collected about California residents in the twelve months preceding the date this Privacy Notice was last updated, including the business or commercial purpose for said collection, the categories of sources from which we may have collected the personal information, and the categories of third parties with whom we may have shared the personal information:

Categories of Personal Information Collected	The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver’s license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.
Categories of Sources	Categories of sources from which we’ve collected personal information include, but may not be limited to: the consumer directly; public records; governmental entities; non-affiliated third parties; social media networks; affiliated third parties
Business Purpose for Collection	The business purposes for which we’ve collected personal information include, but may not be limited to: completing a transaction for our Products; verifying eligibility for employment; facilitating employment; performing services on behalf of affiliated and non-affiliated third parties; debugging to identify and repair errors that impair existing intended functionality on our Websites, Applications, or Products; protecting against malicious, deceptive, fraudulent, or illegal activity

© 2019 First American Financial Corporation and/or its affiliates. All rights reserved. NYSE:FAF



Categories of Third Parties Shared	The categories of third parties with whom we've shared personal information include, but may not be limited to: advertising networks; internet service providers; data analytics providers; service providers; government entities; operating systems and platforms; social media networks; non-affiliated third parties; affiliated third parties
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Categories of Personal Information We Have Sold In The Past Year. We have not sold any personal information of California residents to any third party in the twelve months preceding the date this Privacy Notice was last updated.

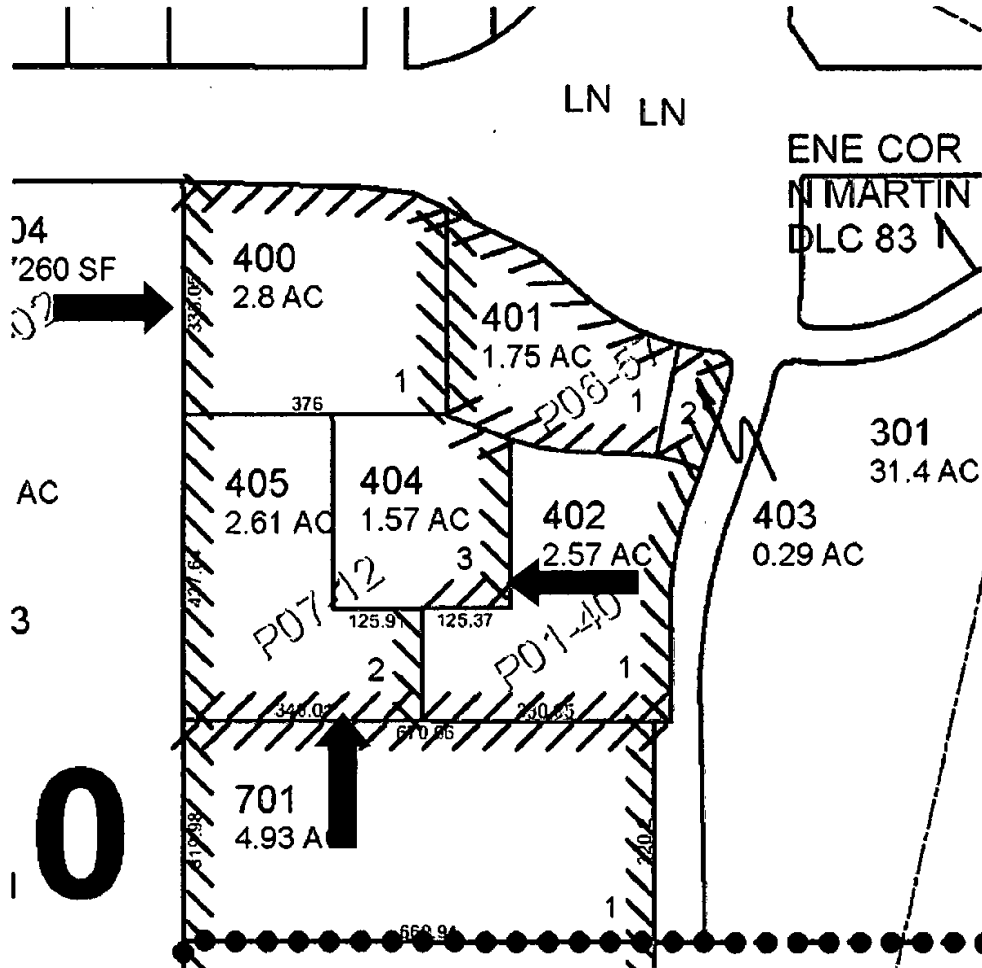
Categories of Personal Information Disclosed For A Business Purpose In The Past Year. The following is a list of the categories of **personal information** of California residents we may have disclosed for a business purpose in the 12 months preceding the date this Privacy Notice was last updated: The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver's license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.



First American

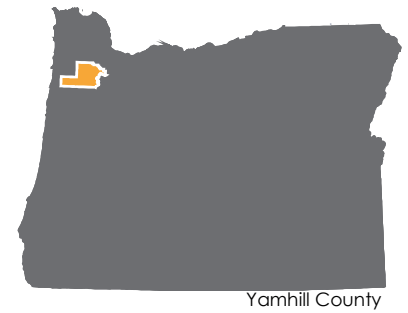


This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



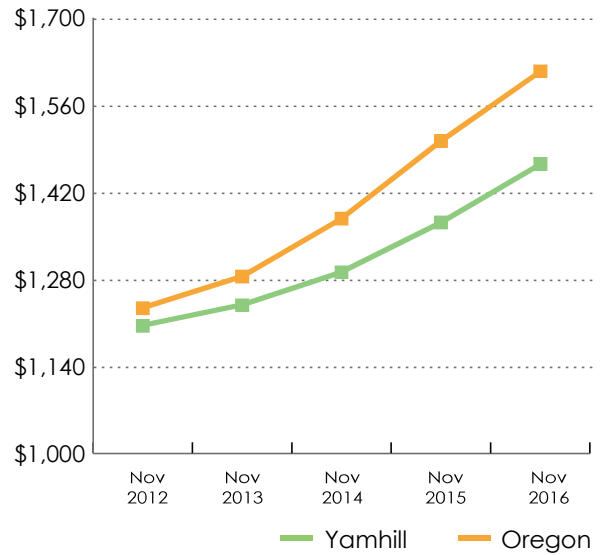
YAMHILL COUNTY

DEMOGRAPHIC & HOUSING PROFILES



Population	Yamhill	Oregon	United States
Total (2015 est.)	102,659	4,028,977	312,418,820
# Change since 2010	3,466	197,903	12,673,282
% Change since 2010	3.5%	5.2%	4.1%

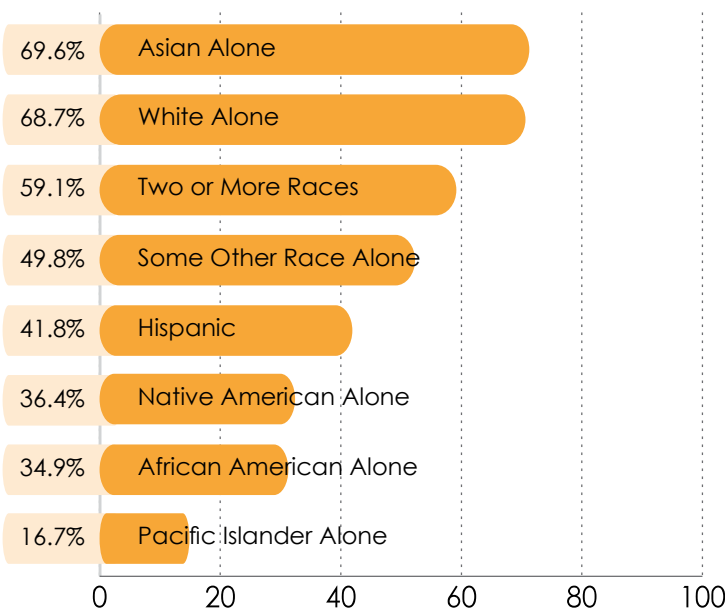
Median Rents, 2012-2016



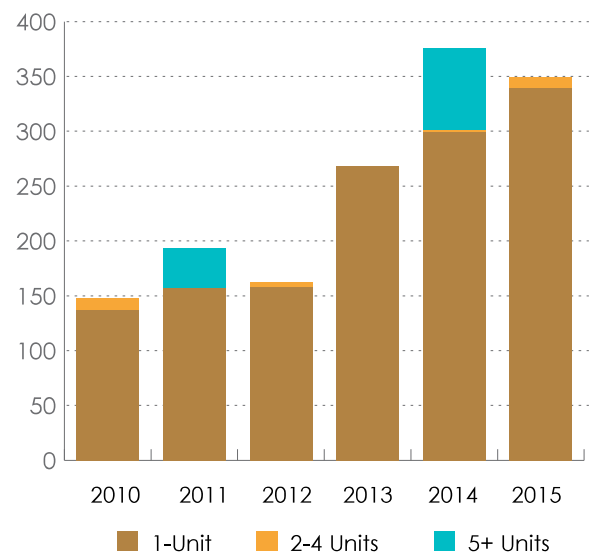
Vacancy Rates, 2011-2015



Homeownership Rates by Race/Ethnicity, 2011-2015



Building Permits Issued in County



YAMHILL COUNTY

Employment and Industry Growth

Jobs by Industry	2015	% Change Since 2009	2015 Average Wage
Natural Resources	2,052	-3.7%	\$30,506
Construction	2,564	-22.3%	\$43,412
Manufacturing	7,531	9.9%	\$49,585
Wholesale Trade **	1,490	6.0%	\$36,720
Retail Trade**	4,573	-6.0%	\$36,720
Transportation **	1,461	-30.3%	\$36,720
Information	597	-34.9%	\$45,771
Finance	2,403	3.1%	\$50,134
Professional, Scientific	3,820	34.2%	\$41,515
Education, Healthcare	9,499	-1.2%	\$41,461
Leisure, Hospitality	4,088	14.7%	\$17,903
Public Administration	2,158	17.2%	\$20,545
Other Services	1,878	-19.8%	Not Available
Total	44,114	0.0%	

** Combined average wage shown per BLS.

\$ 11.68

Yamhill County's mean renter wage

\$23.88

The hourly wage needed to afford a 2-bedroom apartment at HUD's Fair Market Rent.



Ninety-three hours per week at minimum wage is needed to afford a 2-bedroom apartment.

Median Home Sales by Region, 2015

Oregon Region*	Sales Price
Yamhill County	\$221,866
Central	\$276,545
Eastern	\$143,468
Gorge	\$238,045
North Coast	\$221,895
Portland Metropolitan Statistical Area	\$315,632
South Central	Not Available
Southwestern	\$212,159
Willamette Valley	\$217,611

*Regions are defined on the back cover.

1 out of 4

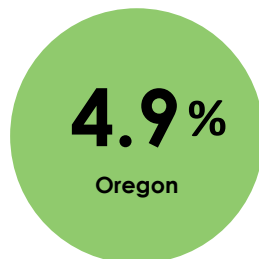
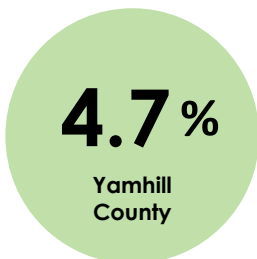


of all renters are paying more than 50% of their income in rent

3 out of 4



renters with extremely low incomes are paying more than 50% of their income in rent



Unemployment Rates, 2016

YAMHILL COUNTY

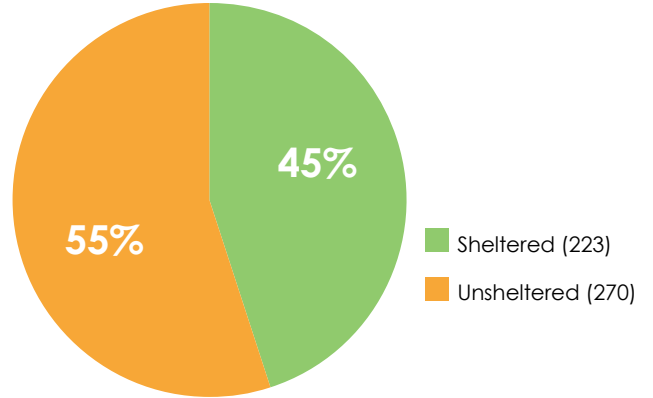
Shortage of Affordable Units, 2010-2014

Renter Affordability	< 30% MFI	< 50% MFI	< 80% MFI
Renter Households	2,905	5,180	7,515
Affordable Units	1,260	4,840	9,780
Surplus / (Deficit)	(1,645)	(340)	2,265
Affordable & Available*	770	3,010	6,875
Surplus / (Deficit)	(2,135)	(2,170)	(640)

*Number of affordable units either vacant or occupied by person(s) in income group.

Owner Affordability	... for MFI	.. for 80% MFI	.. for 50% MFI
Max Affordable Value	\$237,890	\$190,312	\$118,945
% of Stock Affordable	53.7%	40.2%	17.6%

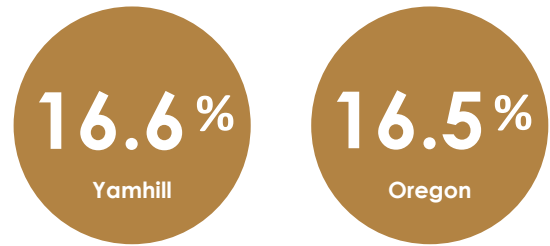
Point-in-Time Homelessness, 2017 Yamhill County: Total 493



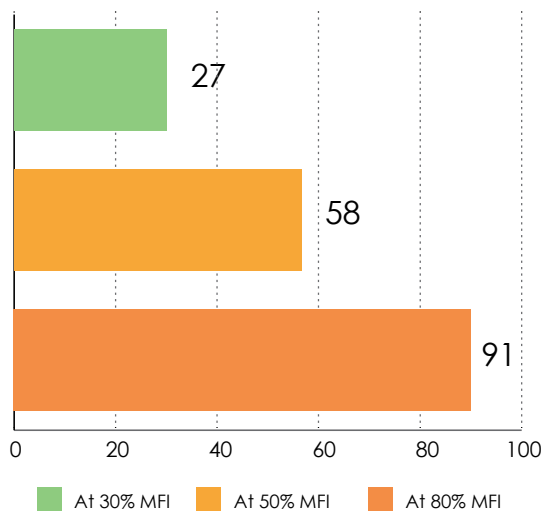
\$60,909

Yamhill County's
Median Family Income (MFI)

Poverty Rates, 2011-2015



Affordable and Available Rental Homes per 100 Renter Households, 2015



Self-Sufficiency Standard for Select Counties and Family Types, 2014

	One Adult	One Adult One Preschooler	Two Adults One Preschooler One School-Age
Clackamas	\$24,469	\$47,211	\$65,490
Deschutes	\$20,631	\$40,088	\$49,572
Jackson	\$19,728	\$37,497	\$47,587
Klamath	\$19,264	\$27,477	\$41,817
Lane	\$19,892	\$43,125	\$60,005
Marion	\$19,642	\$31,149	\$43,779
Multnomah	\$19,993	\$47,037	\$65,027
Washington	\$24,353	\$47,571	\$65,800
Yamhill	\$22,635	\$39,305	\$49,635

OREGON HOUSING AND COMMUNITY SERVICES
2017 STRATEGIC GOALS



Data Sources

Page 1:

Population Estimates: U.S. Census Bureau, Annual Population Estimates, 2010 and 2015
 Homeownership Rates by Race/Ethnicity: U.S. Census Bureau, 2011-2015 American Community Survey Estimates
 Median Rents: Zillow Rent Index, 2010-2016
 Vacancy Rates: U.S. Census Bureau, 2011-2015 American Community Survey Estimates
 Building Permits: U.S. Census Bureau, Building Permit Survey, 2010-2015

Page 2:

Employment and Industry Growth: 2011-2015 American Community Survey Estimates and Oregon Employment Department, Employment and Wages by Industry
 Median Home Sales by Region: RMLS Data from Local Administrators, 2015
 Unemployment Rate: Oregon Employment Department, Unemployment Rates, 2016 Not Seasonally Adjusted
 Oregon's Renter Wage, Housing Wage, and Hours Needed to Work at Minimum Wage: National Low Income Housing Coalition, Out of Reach 2016
 Rent Burden Infographics: 2011-2015 American Community Survey Estimates

Regions:

Central: Crook, Deschutes, Jefferson
 Eastern: Baker, Gilliam, Grant, Harney, Malheur, Morrow, Umatilla, Union, Wallowa, Wheeler
 Gorge: Hood River, Sherman, Wasco
 North Coast: Clatsop, Columbia, Tillamook
 Portland Metropolitan Statistical Area: Clackamas, Multnomah, Washington
 South Central: Klamath, Lake
 Southwestern: Coos, Curry, Douglas, Jackson, Josephine
 Willamette Valley: Benton, Lane, Lincoln, Linn, Marion, Polk, Yamhill

Page 3:

Shortage of Affordable Units: HUD, 2010-2014 Comprehensive Housing Affordability Strategy Data
 Oregon's Median Family Income: 2011-2015 American Community Survey Estimates
 Affordable and Available Rental Homes per 100 Renter Households: HUD, 2010-2014 Comprehensive Housing Affordability Strategy Data
 Point-in-Time Homeless Count: 2017 Point-in-Time Count estimates from HUD Continuums of Care
 Poverty Rate: 2016 American Community Survey Estimates
 Self-Sufficiency Standard for Select Counties and Family Types: The Center for Women's Welfare,
 The Self-Sufficiency Standard for Oregon, 2014
 Norton Lane PD Amendment



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 #oregonstatewidehousingplan

DATE: January 25, 2019
TO: BLI, HNA, and HS Project Advisory Committee
CC: Heather Richards and Tom Schauer, City of McMinnville
FROM: Bob Parker and Sadie DiNatale, ECONorthwest
SUBJECT: KEY THEMES FROM FOCUS GROUP 1

The City of McMinnville is developing a Housing Needs Analysis, Buildable Land Inventory, and Housing Strategy (the Project). To inform the Project and the Project Advisory Committee, the City and ECONorthwest hosted the first of two focus groups. The purpose of the focus group was to have a targeted discussion with realtors, developers, and housing providers to learn about what they see as opportunities and constraints associated with housing development in McMinnville for the next 5, 10, 20 and 50 years.

This memorandum distills key themes from the Focus Group that occurred on January 22, 2019.

Attendees

The focus group included realtors, developers, and housing providers. Participants were: Mary Stern (Habitat for Humanity), Massey Casper and Yanira Vera (Housing Authority), Alan Ruden and Brian Ruden (housing developers), Kathryn Jernstedt (Friends of Yamhill County), Robert Banagay (TTR, Executive Workforce), and Jen Feero.

Also present at the focus group were Heather Richards (Planning Director for the City of McMinnville), Tom Schauer (Senior Planner for the City of McMinnville), and Bob Parker and Sadie DiNatale (consultants from ECONorthwest).

Focus Group Themes

The focus group consisted of a series of questions posed to participants. The City and ECONorthwest asked six questions (see Appendix A), and other probing questions came up naturally. Themes coming out of the discussion were:

Housing products are becoming more expensive to produce.

Barely out of the recession (building activity didn't pick up until the past 3-5 years), participants explained there is a lot of pent up demand for housing. Price points for new construction, on the more affordable side, are between \$300,000 and \$350,000. Subsidized housing built for homeowners between about 40% and 60% of AMI are climbing in value as well. A specific example provided was a 1,300 square foot home in the Aspire complex (appraised originally at \$217,000, up to \$295,000 at the second appraisal). Another participant explained that five years ago, the average cost of a home in Yamhill County was about \$189,000 and today the average home is more like \$400,000.

When asked what is driving up the market value of housing products, participants explained there are just not enough products on the market for either ownership or rent. Some commented it is basic supply and demand intensified by new households migrating into the area with higher incomes. The cost of land, raw materials, and labor are all more expensive today than last year. For example, the recent spike in lumber adds about \$100,000 to hard costs for multifamily construction alone.

As a result of increased costs and competition, McMinnville is experiencing a decrease in first-time homebuyers due to limited options and competition from wealthier households. Prospective homebuyers are disappointed to find their options limited to mobile homes on their own land.

Land availability is the biggest barrier to developing housing in McMinnville.

Participants agree McMinnville must address land supply. The previous UGB process in the early 2000s brought in less than half the land needed, and the impacts are increasingly apparent. Participants also recognize the worth of developing compactly before taking large tracks of high-value farmland. Expanding the Urban Growth Boundary appears to be necessary based on the previous work but must be done thoughtfully. In the interim, developers are finding opportunities for infill development, but infill is more costly than larger greenfield developments. A participant explained this development pattern cannot always close the affordability gap, particularly in McMinnville's downtown.

Representatives from Yamhill County Housing Authority indicated that land availability restricts attempts to develop affordable housing complexes of 50-units or more – a requirement to receive Low Income Housing Tax Credit (LIHTC) funding. The State of Oregon previously identified McMinnville as an excellent candidate to receive LIHTC funding, but past attempts to find suitable land for this venture have failed.

If more land were available, developers would be more likely to build a broader range of housing products including “missing middle” housing. Participants indicated they felt demand exists for bungalows with accessory dwelling units above the garage, duplexes, tri- and four-plexes, and townhomes. Some participants commented on concerns that larger developers or national developers would acquire any newly available land to build “cookie cutter subdivisions” but as it stands now, there is no land to pursue. Planned Developments were viewed positively as they present fewer unknowns, less neighborhood resistance, and are more flexible and innovative. That said, Planned Developments still require land supply.

Neighborhood resistance is a challenge in McMinnville.

Stereotypes persist in McMinnville for both owner-occupied and renter-occupied affordable housing. Participants explained that the pre-development process for multifamily developments almost always comes with neighborhood resistance. Developers can expect packed public hearings “even for human scale development.” Stereotypes make it difficult to

sell single-family homes across from multifamily, affordable housing projects at financially feasible price points.

Addressing perceptions through education and public engagement is necessary to ensure that residents understand that affordable housing today is not built at the same standards as they were historically. Many residents resisting these projects may be unaware that they would be eligible to live there. Participants agree that residents must be engaged so compromises can be sought early on in the pre-development process.

Lower-income residents are especially burdened in McMinnville.

Because of heightened competition for housing, households inquiring about rental units are often unable to find suitable affordable housing. Participants indicated it is not uncommon for renters to get ultimatums - take the unit now or miss the opportunity. Attempts to engage landlords in the housing conversation are less than successful. "Economics doesn't lie," one participant says, and no measures exist to reduce landlords inflated rents.

One participant offered the solution of rent control. Rents are so high that housing subsidy programs (such as HUD's Section 8 Housing Choice Voucher Program) are going underused. The use rate for vouchers is about 58% (about 1,425 unused vouchers). Households literally cannot find housing that is affordable enough even with the housing subsidy. This has a long-term effect as HUD bases voucher funding on prior year utilization rates.

Households who cannot find suitable housing have limited choices. "Homelessness, RV living, or couch surfing" are among the options that households are faced. Some housing insecure households belong to religious congregations. These households are lucky to stay at the homes of congregation members, but not everyone has such a community. These matters, and concerns about gentrification and displacement of existing residents, are worsening. Participants are also worried employers, looking to locate in the area, will pass up the community because there is nowhere for their employees to live.

Participants agreed that the community must acknowledge the actual needs of home buyers and renters. Right now, need does not synch up with actual inventory.

McMinnville is moving in the right direction.

Participants were grateful for the City's Planning Department. The Department's approach is proactive, and changes previously made have provided relief. No participant had examples of any land use impediment to solve. Of course, there is always room to provide more flexibility in the zoning code to improve the use of space. Participants also recognize the support from City Council. Council appears to want to create "something good" for McMinnville.

Throughout the focus group, participants identified locations for residential development/infill/rehabilitation. Areas include: Urban Renewal District, downtown, along Northeast Gateway, around Alpine, and at the Yamhill Hotel (above Serendipity).



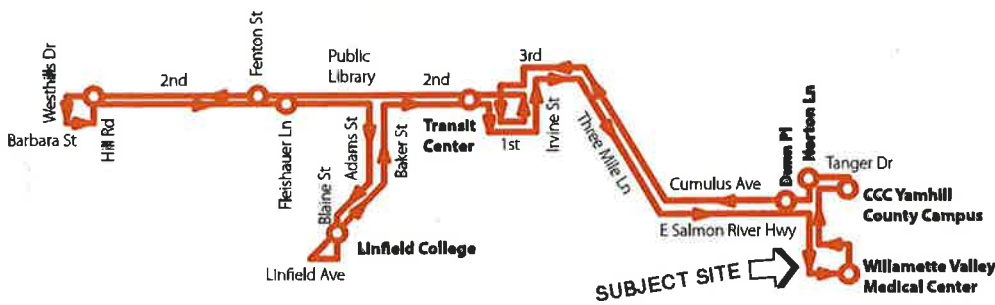
Yamhill County Transit Area

Routes 2&3

McMinnville

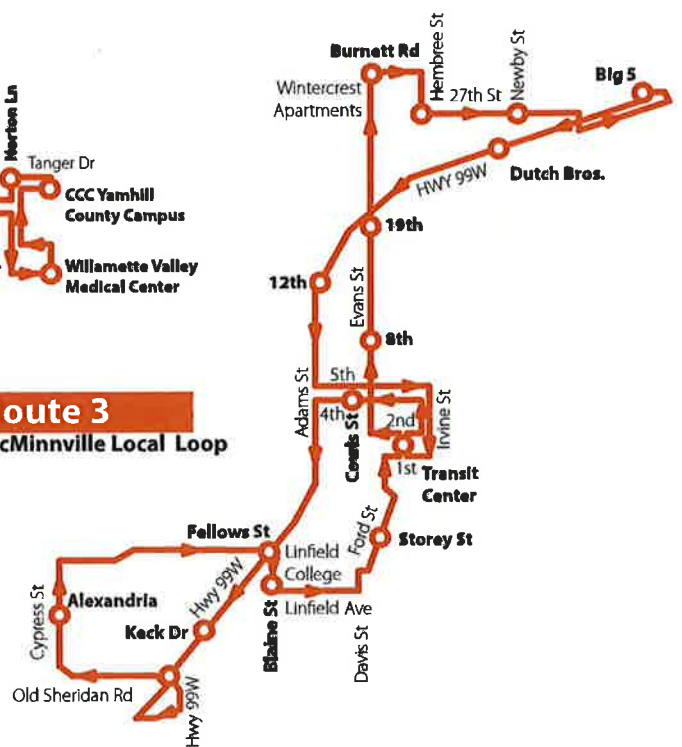
Route 2

McMinnville East-West Express



Route 3

McMinnville Local Loop



Routes 2 & 3 **McMinnville**

Route 2 McMinnville East-West Express										
McMinnville Transit Center	SE Norton Ln (Willamette Valley Medical)	NE Tanger Dr (CCC)	NE Tanger Dr & NE Norton Ln (DHS)	Cumulus & Dunn Pl	McMinnville Transit Center	W 2nd & Fenton	W 2nd & Hill Rd	W 2nd & Fleishauer	Founder Way & SW Blaine St (Linnfield College)	McMinnville Transit Center
7:00	7:05	7:15	7:17	7:20	7:30	7:35	7:40	7:45	7:50	7:55
8:00	8:05	8:15	8:17	8:20	8:30	8:35	8:40	8:45	8:50	8:55
9:00	9:05	9:15	9:17	9:20	9:30	9:35	9:40	9:45	9:50	9:55
10:00	10:05	10:15	10:17	10:20	10:30	10:35	10:40	10:45	10:50	10:55
11:00	11:05	11:15	11:17	11:20	11:30	11:35	11:40	11:45	11:50	11:55
12:00	12:05	12:15	12:17	12:20	12:30	12:35	12:40	12:45	12:50	12:55
1:00	1:05	1:15	1:17	1:20	1:30	1:35	1:40	1:45	1:50	1:55
2:00	2:05	2:15	2:17	2:20	2:30	2:35	2:40	2:45	2:50	2:55
3:00	3:05	3:15	3:17	3:20	3:30	3:35	3:40	3:45	3:50	3:55
4:00	4:05	4:15	4:17	4:20	4:30	4:35	4:40	4:45	4:50	4:55
5:00	5:05	5:15	5:17	5:20	5:30	5:35	5:40	5:45	5:50	5:55

Weekday Service Only

PM times in **bold**

Yamhill County Transit Area (YCTA) operates eleven routes; including (4) local fixed routes in McMinnville and Newberg and (7) commuter, express Mon-Fri to Salem, Grand Ronde, Hillsboro, and Tigard. Saturday routes to Grand Ronde and Tigard. Customers can connect to TriMet at Hillsboro MAX station and Tigard Transit Center and to Cherriots at Glen Creek Transit Center and the Coastal Connector at Spirit Mountain. YCTA also offers paratransit service in Newberg and McMinnville and general public dial-a-ride on a limited basis.

Bus Stops - Flag Stops

Flag Stops are allowed on the McMinnville and Newberg local fixed routes. Customers may flag down a YCTA bus along these routes. Please check the website and google maps for the preferred safe flag stop locations. NO flag stops on Commuter Routes. Please check the website and google maps for the preferred safe bus stop locations. YCTA is working on installing bus stop signs and shelters along commuter routes.

Route 3 McMinnville Local Loop																	
McMinnville Transit Center	NE Evans & NE 8th St	NE Evans & NE 10th St	NE Evans & NE 12th St	Hemlock St & 27th St	NE 27th St & NE Newby St	Hwy 99W @ BIC'S Store	Hwy 99W @ Dutch business	Hwy 99W & 12th St	McMinnville Transit Center	4th & Cowie @CMI	Hwy 99W @ Fellows St	Hwy 99W & Keck Dr (B-Hard)	Beathland & Hwy 18	SW Cypress & SW Alcantara	Founder Way & SW Blaine St	Food St & Storey	McMinnville Transit Center
8:00	8:01	8:03	8:06	8:07	8:08	8:14	8:16	8:21	8:30	8:32	8:34	8:36	8:40	8:45	8:49	8:52	8:55
9:00	9:01	9:03	9:06	9:07	9:08	9:14	9:16	9:21	9:30	9:32	9:34	9:36	9:40	9:45	9:49	9:52	9:55
10:00	10:01	10:03	10:06	10:07	10:08	10:14	10:16	10:21	10:30	10:32	10:34	10:36	10:40	10:45	10:49	10:52	10:55
11:00	11:01	11:03	11:06	11:07	11:08	11:14	11:16	11:21	11:30	11:32	11:34	11:36	11:40	11:45	11:49	11:52	11:55
12:00	12:01	12:03	12:06	12:07	12:08	12:14	12:16	12:21	12:30	12:32	12:34	12:36	12:40	12:45	12:49	12:52	12:55
1:00	1:01	1:03	1:06	1:07	1:08	1:14	1:16	1:21	1:30	1:32	1:34	1:36	1:40	1:45	1:49	1:52	1:55
2:00	2:01	2:03	2:06	2:07	2:08	2:14	2:16	2:21	2:30	2:32	2:34	2:36	2:40	2:45	2:49	2:52	2:55
3:00	3:01	3:03	3:06	3:07	3:08	3:14	3:16	3:21	3:30	3:32	3:34	3:36	3:40	3:45	3:49	3:52	3:55
4:00	4:01	4:03	4:06	4:07	4:08	4:14	4:16	4:21	4:30	4:32	4:34	4:36	4:40	4:45	4:49	4:52	4:55
5:00	5:01	5:03	5:06	5:07	5:08	5:14	5:16	5:21	5:30	5:32	5:34	5:36	5:40	5:45	5:49	5:52	5:55

Weekday Service Only

PM times in **bold**

Fare Information

Local & Commuter Routes
 Single one-way fare \$1.25
 Single day pass \$2.50
 Unlimited monthly pass \$35.00
 10 day pass book \$18.00

General Public Dial-A-Ride
 Single one-way fare \$1.75
 Unlimited monthly pass \$40.00
 Paratransit Single one-way fare \$2.50
 Children under 6 ride free

Passes Available at the following McMinnville locations
 Any YCTA driver (exact change only)
 Board of Commissioners Office 434 NE Evans Street (check or exact change)
 Transit Center (First Transit office) 800 NE 2nd Street (cash or check only)



YCTA
 Route and Schedule Information
 First Transit
 800 NE 2nd Street
 McMinnville, OR 97128
 503-474-4900 | 503-538-7433 (Newberg)
 www.yctatransitarea.org
 Oregon Relay Service 1-800-735-2900

Technical Memorandum

To: Kim McAvoy
KWDS, LLC

From: Daniel Stumpf, EI
William Farley, PE

Date: December 18, 2018

Subject: Norton Lane Planned Development Overlay Amendment
Trip Generation & Transportation Planning Rule Analysis



REVISIONS: 12/31/2019



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Introduction

This memorandum reports the findings of a trip generation analysis conducted for an amendment to the Planned Development (PD) overlay on a property located west of SE Norton Lane and south of SE Stratus Avenue in McMinnville, Oregon. The study reviews the morning peak hour, evening peak hour, and average daily trip generation potentials of the site under both the existing overlay and the proposed amended overlay and addresses the Transportation Planning Rule (TPR) to ensure that the transportation system is capable of supporting any changes in traffic intensity resulting from the proposed amendment.

Location & Project Description

The project site, zoned as *General Commercial Zone (C-3)*, is located west of SE Norton Lane and south of SE Stratus Avenue in McMinnville, Oregon. The site includes a single tax lot, lot 701, which encompasses an approximate total of 4.93 acres. The site is currently vacant; however, upon amending the PD overlay, is planned for development as a 110 to 115-unit apartment facility.

The PD overlay on the site restricts development to professional and medical offices as well as a variety of senior housing, inclusive of condominiums, apartments, and assisted living facilities. The proposed amendment to the overlay will allow for the development of residential apartments.

The original overlay permitted the construction of office commercial uses, or other compatible uses, which was then expanded upon to include the allowable development of senior housing. The intent for imposing the overlay was to restrict the development of strip commercial uses, as was historically constructed within the area.

Figure 1 presents an aerial image of the nearby vicinity with the project site outlined in yellow.

1e



Figure 1: Aerial Photo of Site Vicinity (Image from Google Earth)

Trip Generation

The subject site is currently restricted to development of either professional/medical office or senior housing by a zoning overlay. An amendment to the PD overlay is proposed to include development of general apartment uses. To determine the impacts of the proposed PD amendment, trip generation between existing and proposed conditions were compared.

To estimate the number of trips that could be generated by the site, a variety of land uses provided within the *Trip Generation Manual*¹ were referenced and compared to one another. Table 1 presents trip generation rates for applicable land uses that are available within the trip generation manual.

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017.



Table 1: Land Use Trip Generation Comparison

ITE Code		Variable	Morning Peak Hour Rate	Evening Peak Hour Rate	Weekday Rate
Proposed Conditions	Multifamily Housing (Low-Rise or 1 to 2 Floors)	220 trips/dwelling unit	0.46	0.56	7.32
	Multifamily Housing (Mid-Rise or 3 to 10 Floors)	221 trips/dwelling unit	0.36	0.44	5.44
	Multifamily Housing (High-Rise or 10+ Floors)	222 trips/dwelling unit	0.31	0.36	4.45
Existing Conditions	Senior Adult Housing - Detached	251 trips/dwelling unit	0.24	0.30	4.27
	Senior Adult Housing - Attached	252 trips/dwelling unit	0.20	0.26	3.70
	Congregate Care Facility	253 trips/dwelling unit	0.07	0.18	2.02
	Assisted Living	254 trips/bed	0.19	0.26	2.60
	Continuing Care Retirement Community	255 trips/unit	0.14	0.16	2.40
	Medical-Dental Office Building	720 trip/1,000 sq.ft.	2.78	3.46	34.80

BOLDED text indicates highest trip generating land use of each variable type (note trips/bed and trips/unit were treated as trips/dwelling unit).

Based on Table 1, the highest reported trip generating land use on a per dwelling unit basis was land use code 220, *Multifamily Housing (Low-Rise)*, while the highest trip generating land use on a per 1,000 square foot basis was land use code 720, *Medical-Dental Office Building*. Since land use code 220 projects higher trip generation than any other residential land use, regardless of looking at existing or proposed conditions, land use code 220 may be considered the highest trip generating land use under the proposed conditions. However, since it's unknown whether land use code 720 under existing conditions could generate more or less trips than land use code 220, additional analyses comparing the two is necessary.

Existing Conditions

To determine trip generation under existing conditions, utilizing data from land use code 720, a reasonable site developable area needs to be determined. The following assumptions were considered:

- It is assumed that a reasonable maximum total building footprint would cover approximately 30 percent of developable area. The remaining developable area is considered as space necessary to accommodate parking, street right-of-way improvements, public space, etc.
- Per City of McMinnville's Title 17 Zoning Code for a *Planned Development Overlay*, the maximum building height shall not exceed 35 feet. Upon assessing the building heights of other surrounding land uses, it is assumed that a reasonably sized medical office building may include two floors.

Given the site encompasses approximately 4.93 acres, after applying the aforementioned assumptions the site could include the development of a 128,900 square foot medical office building.

Proposed Conditions

To determine trip generation under proposed conditions, it is assumed that the proposed development following the amendment to the PD overlay may be considered the reasonable "worst-case" development scenario. Therefore, for the purposes of this analysis a 115-unit apartment facility was considered.

Analysis Summary

The trip generation calculations show that under existing conditions, the subject site could reasonably be developed to generate up to 280 morning peak hour trips, 438 evening peak hour trips, and 4,864 average weekday trips. Following the amendment to the PD overlay, the site could be developed with apartment uses that generate up to 53 morning peak hour trips, 64 evening peak hour trips, and 842 average weekday trips. Accordingly, if developed with residential apartments instead of medical offices, the net change in trip generation potential of the site after the proposed PD amendment is projected to be 227 less trips during the morning peak hour, 374 less trips during the evening peak hour, and 4,022 less average weekday trips.

The trip generation estimates are summarized in Table 1, Detailed trip generation calculations are included as an attachment to this memorandum.



Table 2: Trip Generation Summary – Proposed Zone Change

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Existing Conditions									
Medical Office Building	720	128,900 sq.ft.	218	62	280	123	315	438	4,864
Proposed Conditions									
Multifamily Housing	220	115 units	12	41	53	40	24	64	842
Net Change in Trip Generation			-206	-21	-227	-83	-291	-374	-4,022

Based on the above analysis, following the amendment to the PD overlay, the development of a general 115-unit apartment facility will not generate more trips than the 128,900 square foot medical office building that can be constructed under existing conditions. It should be noted that a medical office could still potentially be developed within the site following approval of the PD overlay amendment, whereby the net change in site trip generation potential is zero.

Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted in italics below, with responses following.

660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted*

December 18, 2018
Page 6 of 6

TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In the case of this analysis, subsections (a) and (b) are not triggered since the proposed PD overlay amendment will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

With regard to subsection (c), the proposed PD overlay amendment is not projected to increase the morning peak hour, evening peak hour, or average daily trip generation potential of the site. Accordingly, the proposed PD amendment will have no significant impact on the operation of area streets and intersections since it cannot result in an increase in the peak hour or daily trip generation potential of the site. Therefore, subsection (c) will not be triggered.

Conclusions

The proposed amendment to the Planned Development overlay will not degrade the performance of any existing or planned transportation facility. Accordingly, the TPR is satisfied and no mitigation is necessary or recommended in conjunction with the proposed zone change.

If you have any questions regarding this technical memorandum, please don't hesitate to contact us.

Le

TRIP GENERATION CALCULATIONS
Existing Conditions

Land Use: Medical-Dental Office Building
Land Use Code: 720
Setting/Location General Urban/Suburban
Variable: 1,000 Sq Ft Gross Floor Area
Variable Quantity: 128.9

AM PEAK HOUR

Trip Equation: $\ln(T) = 0.89\ln(X) + 1.31$

	Enter	Exit	Total
Directional Distribution	78%	22%	
Trip Ends	218	62	280

PM PEAK HOUR

Trip Equation: $T = 3.39(X) + 2.02$

	Enter	Exit	Total
Directional Distribution	28%	72%	
Trip Ends	123	315	438

WEEKDAY

Trip Equation: $T = 38.42(X) - 87.62$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	2,432	2,432	4,864

SATURDAY

Trip Rate: 8.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	552	552	1,104

Source: TRIP GENERATION, Tenth Edition

TRIP GENERATION CALCULATIONS Proposed Conditions

Land Use: Multifamily Housing (Low-Rise)
Land Use Code: 220
Setting/Location: General Urban/Suburban
Variable: Dwelling Units
Variable Value: 115

AM PEAK HOUR

Trip Rate: 0.46

	Enter	Exit	Total
Directional Distribution	23%	77%	
Trip Ends	12	41	53

PM PEAK HOUR

Trip Rate: 0.56

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	40	24	64

WEEKDAY

Trip Rate: 7.32

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	421	421	842

SATURDAY

Trip Rate: 8.14

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	468	468	936

Source: TRIP GENERATION, Tenth Edition



Norton Lane
Planned Development Amendment
Supplemental Submission
June 19, 2020

OWNERS: Burch Feero, Inc
APPLICANT: Housing Authority of Yamhill County
APPLICANT REPRESENTATIVE: Structure Development Advisors, LLC



June 19, 2020

Chuck Darnell, Senior Planner
Planning Department
City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Re: 235 SE Norton Lane
R442700409
Planned Development Amendment – Supplemental Submission

Dear Ms. Richards;

Thank you for your June 17, 2020 letter regarding the 235 NE Norton Lane – Land Use Application Completeness Review. We appreciate your quick and clear response to our application.

Please find a Supplemental Submission to our Planned Development Amendment application.

Best regards,



Michael Andrews
Principal

Cc: Joyce Morrow, HAYC
Vickie Ybarguen, HAYC
Heather Richards, City of McMinnville
Steve Burch, Burch Feero, Inc.
Doug Burch, Burch Feero, Inc.

**Norton Lane
Planned Development Amendment**

Supplemental Information and Findings

Supplemental Submission – June 19, 2020

Completeness Items:

The following information is provided in response reasons the application was determined incomplete.

I. CONSISTENCY WITH COMPREHENSIVE PLAN VOLUME II OBJECTIVES

Policy 75.00 *Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*

Policy 76.00 *Parks, recreations facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*

RESPONSE: Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programming of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

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.*

RESPONSE: There are no significant natural features associated with the Subject Site. Approval of this request will not adversely impact sensitive natural features or conditions.

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.*

RESPONSE: Surrounding Uses adjacent to the Subject Site do not offer scenic views of natural features, landscapes or vistas. The larger vicinity within which the Subject Site is located do not offer scenic views of natural features, landscape or vistas. Granting the requested changes will not adversely impact a future design's ability to oriented open space or buildings.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance.

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.*

RESPONSE: Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programing of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

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).

RESPONSE: The Three Mile Lane Preferred Alternative identifies land uses and trail systems. Adjacent to the Subject Site on SE Stratus is an existing trail network. Within 75 feet of the site along SE Norton Lane is an existing trail network. Bisecting the site, running east west is an existing trail network.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

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.*

RESPONSE: The Three Mile Lane Preferred Alternative identifies land uses and trail systems. Adjacent to the Subject Site on SE Stratus is an existing trail network. Within 75 feet of the site along SE Norton Lane is an existing trail network. Bisecting the site, running east west is an existing trail network.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

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.*

RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

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.*

RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

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.*
 - 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).

RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

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.*

RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

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.*

RESPONSE: Surrounding Uses buffer the Subject Site from adjacent rural land. The Subject Site is located within the Three Mile Lane Planned Development Overlay. The buffering nature of the surrounding uses and the context of the Three Mile Lane Planned Development make Multi-Family uses complement and transitional uses with nearby rural areas.

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.*

RESPONSE: Yamhill County is experience is shortage of affordable housing. This fact is documented in the Oregon Housing and Community Service State Housing Plan. Several studies have concluded barriers to the development of housing contribute to the shortage of supply. Housing starts falling short of household creation is a consequence leading to the shortage of housing.

The application is a Housing Authority organized under state law. Their purpose is to develop affordable housing. The applicant intends to develop a Multi-Family housing community consistent with their purpose and state law defining the powers of housing authorities.

As a result, the applicant's development of the subject site will provide Multi-family housing that is not prevalent in the City of McMinnville. Therefore, the creation of affordable housing by the Applicant will contribute to housing opportunities for a greater range of incomes in the City.

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.*

RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

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. (Ord 5066 §2, April 9, 2019)*

RESPONSE: No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

Not Necessarily Required for Completeness.

The following information is provided at the suggestion of the City and is not required in order to deem the application complete but could improve the application.

II. MCMINNVILLE ZONING ORDINANCE

CHAPTER 17.74 REVIEW CRITERIA

17.74.070 An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

RESPONSE: The prior master plan called for the development of an office park with one or two story buildings. For this master plan, 35 feet was feasible. A residential project may include buildings that are three floors or greater. In an R-4 zone, a building shall not exceed sixty feet in height (17.21.050). This amendment restores the base zone requirements. Additionally, the project is subject to design review which will allow for consideration of design criteria prior to issuing a permit. This change is consistent with the height limited on the property to the south with the

same zone. The Comfort Inn Suites, Medical Center and Chemketa Community College are nearby buildings that each exceed 35 feet.

Policy 71.13

The following factors should serve as criteria in determining areas appropriate for high- density residential development:

8. Areas adjacent to either private or public permanent open space.

RESPONSE: Open space is a critical element to a successful multifamily family project on the Subject Site. Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

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There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposed condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.



City of McMinnville
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 231 NE Fifth Street
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EXHIBIT 3 - STAFF REPORT

DATE: July 16, 2020
TO: Planning Commission Members
FROM: Heather Richards, Planning Director
SUBJECT: G 5-20, Proposed Code Amendments to Chapter 17.03, General Provisions

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

Report in Brief:

This is the consideration of proposed code amendments to Title 17 of the McMinnville Municipal Code, Chapter 17.03, General Provisions, relative to code enforcement of the McMinnville Zoning Ordinance. (Please see Attachment 1 – Proposed Code Amendments to Chapter 17.03).

Background:

Historically the City of McMinnville relied on the Municipal Court to resolve city code violations. This process was very long and labor intensive. In August, 2019, the McMinnville City Council amended the McMinnville Municipal Code to create a code compliance process that relies on a civil administrative process which is more efficient and fiscally prudent than the court system. The City has moved forward with amending many aspects of its city codes so that the enforcement of the codes could utilize this new process. (Please see Attachment 2 – Chapter 2.50 of the McMinnville Municipal Code, Code Compliance).

The new code compliance program provides for an administrative structure for a notice of violation, abatement and collection program that saves the City time and resources in processing code enforcement cases to ensure compliance in a timely manner.

Discussion:

The proposed amendments align the enforcement of the McMinnville Zoning Ordinance with this new code compliance program.

Attachments:

- Attachment 1 – Proposed Code Amendments to Chapter 17.03, General Provisions*
- Attachment 2 – Decision Document, G 5-20*
- Attachment 3 – Chapter 2.50 of the McMinnville Municipal Code, Code Compliance*

The proposed amendments reference penalties assigned as Class Code Violations. These violations were established in 2019 with the adoption of Chapter 2.50 of the MMC and are provided below as reference. The fees associated with these Class Code Violations have been approved by resolution of the City Council as part of the McMinnville Fee Schedule.

CODE VIOLATION FEES

TYPE OF FEE	FEE
Class 1 Code Violation	\$5,000.00
Class 2 Code Violation	\$2,000.00
Class 3 Code Violation	\$1,000.00
Class 4 Code Violation	\$500.00
Class 5 Code Violation	\$250.00
Class 6 Code Violation	\$100.00
Class 7 Code Violation	\$50.00
Class 8 Code Violation	\$25.00

Attachments:

- Attachment 1 – Proposed Code Amendments to Chapter 17.03 of the McMinnville Zoning Ordinance.
- Attachment 2 - Decision Document, G 5-20
- Attachment 3 - Chapter 2.50 of the McMinnville Municipal Code

Fiscal Impact:

This action should save the City significant funds in court costs and staff resources.

Recommendation:

Staff recommends the Planning Commission recommend the proposed code amendments to the McMinnville City Council for adoption.

Attachments:

Attachment 1 – Proposed Code Amendments to Chapter 17.03, General Provisions

Attachment 2 – Decision Document, G 5-20

Attachment 3 – Chapter 2.50 of the McMinnville Municipal Code, Code Compliance



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
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**PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE –
Chapter 17.03, General Provisions**

New proposed language is represented by **bold font**, deleted language is represented by ~~strikethrough font~~.

Chapter 17.03

GENERAL PROVISIONS

Sections:

- 17.03.010 Title.
- 17.03.020 Purpose.
- 17.03.025 Consistency with Plan and Laws**
- 17.03.030 Severability.
- 17.03.040 ~~Interpretation—More restrictive provisions govern.~~
Provisions of this Code Declared to Be Minimum Requirements
- 17.03.050 Compliance with provisions required.
- 17.03.055 Conditions of Approval**
- 17.03.060 ~~Enforcement.~~
Revocation – Conditions Violated.
- 17.03.070 Inspection and Right-of-Entry.
- 17.03.080 ~~Violation—Procedure—Penalty.~~
Enforcement
- 17.03.090 ~~Legal Proceedings as Alternative Remedy.~~
Violations.
- 17.03.100 **Legal Proceedings as Alternative Remedy**

17.03.010 Title. The ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title shall be known as “The McMinnville Zoning Ordinance of 1981.” (Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title 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, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare. (Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.025 Consistency with Plan and Laws. Each development and use application and other procedure initiated under this title shall be consistent with the adopted Comprehensive Plan of the City of McMinnville, the provisions of this title, and all other applicable local ordinance, State laws and regulations.

17.03.030 Severability. Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, that judgment shall affect only that part held invalid and shall not impair the validity of the remainder of these regulations. (Ord. 4920, §2, 2010).

17.03.040 Provisions of this Code Declared to Be Minimum Requirements.

- A. **Minimum Requirements Intended.** The provisions of this title are minimum requirements adopted for the protection of the public health, safety and general welfare.
- B. **Most Restrictive Requirements Apply.** Where the conditions and requirements imposed by any provision of this Title are less restrictive, vary from or conflict with other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are most restrictive or the highest standard shall govern. When requirements of this title vary from or conflict with other provisions of the McMinnville Municipal Code, the more specific provision shall prevail over a more general provision.

~~17.03.040 Interpretation—More restrictive provisions govern. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern. (Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

17.03.050 Compliance with provisions required. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits. **Construction, alteration, maintenance or use of any building or structure or land division or transfer in violation of this codes is prohibited. Except to the extent that this code provides decision-making authority to others, City planning staff shall administer this code and shall apply the standards and criteria in this to all applications for approval required or authorized by**

this code. Any use of land in violation of this code is declared to be a nuisance.(Ord. 4920, §2, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.055 Conditions of Approval. The Planning Director, Planning Commission, the City Council or the Hearings Officer when acting as the hearing authority, may impose conditions of approval on any planning action to modify that planning action to comply with the criteria of approval or to comply with other applicable City ordinances. Such conditions shall be binding on the approved planning action, and a violation of a condition imposed by the hearing authority shall be a violation of this ordinance, and subject to all the penalties thereof.

17.03.060 Revocation – Conditions Violated. Any zoning permit or planning action granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit or action are violated or if any law or ordinance is violated in connection therewith.

17.03.070 Inspection and Right-of-Entry. Whenever the Planning Director or their designee they shall have cause to suspect a violation of any provision of this ordinance, or when necessary to investigate an application for or revocation of any zoning approval under any of the procedures prescribed in this ordinance, officials responsible for enforcement or administration of this ordinance, or their duly authorized representatives, may enter onto any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless a warrant authorizing entry and inspection for a zoning violation is first obtained from the court. A warrant shall not be issued unless good and sufficient grounds based upon reliable evidence is shown by the officials responsible for enforcement and administration of this ordinance. (A secured building means a building having doors and windows capable of locking, fully enclosed, and occupied.) No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. (Ord. 4920, §2, 2010)

17.03.080 Enforcement. The Planning Director or their designee, ~~or in his absence the Building Official,~~ shall have the power and duty to enforce the provisions of this ordinance. **A person aggrieved by an enforcement action of the Planning Director or their designee may appeal that action per the process outlined in Chapter 2.50.510 of the McMinnville Municipal Code.** ~~An appeal from a ruling by him regarding the requirements of this ordinance may be made only to the Planning Commission.~~ (Ord. 4920, §2, 2010)

17.03.090 Violations.

- A. Any use of land in violation of this title shall be and hereby is declared to be unlawful and a public nuisance, including but not limited to the following:
1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title.
 2. Any use of land, building or premise established, conducted, operated or maintained contrary to the provisions of this title.
 3. Offering for public view any use of land, building, or premise established, conducted, operated without a valid land use approval or otherwise maintained contrary to the provisions of this tile.

- B. All violations that are public nuisances will be noticed and abated per the process and procedures outlined in Chapter 2.50 of the McMinnville Municipal Code.**
- C. If the violation is deemed to be a public nuisance, in addition to any corrective action ordered by the City, a person found to have violated the provisions of this Chapter may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 2 Code Violation.**
- D. If the violation is deemed to be an immediate public safety hazard, in addition to any corrective action ordered by the City, the amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 1 violation.**
- E. Notwithstanding the other remedies in this chapter, if the Building Official determines that any building under construction, mechanical work, or plumbing work on any building or any structure poses an immediate threat to the public health, safety or welfare, they may order the work halted and the building or structure vacated pending further action by the City and its legal counsel.**
- F. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under City ordinance or state statutes.**
- G. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.**

~~17.03.080 Violation Procedure Penalty.~~

- ~~A. A uniform complaint, or citation to appear, may be issued to the owner or occupier of property being used in violation of this ordinance, requiring said owner or occupier to appear in court regarding a violation of the zoning ordinance;~~
- ~~B. A trial shall be heard before the judge without a jury. No appeal from the decision may be taken. The standard of proof required shall be by a preponderance of the evidence;~~
- ~~C. A person convicted of violating a provision of this ordinance shall, upon conviction, be punished by a fine of not more than five hundred dollars for each day that the violation continues;~~
- ~~D. A violation of this title shall be considered a separate offense for each day that the violation continues;~~
- ~~E. In the event the owner/occupier fails to pay any fine imposed upon conviction of a violation, the court may issue a Show Cause Order to the individual so charged and require his presence in court to set forth the reasons for said failure to pay. If good and sufficient reasons do not exist, the court may request the City Council to adopt an ordinance making the amount a lien against the property. (Ord. 4920, §2, 2010)~~

17.03.100090 Legal Proceedings as Alternative Remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or land is, or is proposed to be, used in violation of this title, the building or land thus in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration, or use. (Ord. 4920, §2, 2010)



**CITY OF MCMINNVILLE
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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE CITY CODE, TITLE 17, CHAPTER 17.03, GENERAL PROVISIONS.

- DOCKET:** G 5-20
- REQUEST:** The City of McMinnville is proposing to amend Title 17, Chapter 17.03 of the McMinnville Municipal Code, General Provisions, to align the enforcement of Title 17 with the city’s new code compliance program.
- LOCATION:** N/A
- ZONING:** N/A
- APPLICANT:** City of McMinnville
- STAFF:** Heather Richards, Planning Director
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** July 16, 2020. Meeting held virtually via Zoom meeting software, Zoom Online Meeting ID 942 3599 8716.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** TBD
- PROCEDURE:** The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.
- CRITERIA:** Amendments to the McMinnville Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.
- APPEAL:** The Planning Commission will make a recommendation to the City Council. The City Council’s decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council’s decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 5-20) to the McMinnville City Council.

////////////////////////////////////
DECISION: APPROVAL
////////////////////////////////////

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. Application Summary:

The City of McMinnville is proposing to amend Title 17, Chapter 17.03 of the McMinnville Municipal Code (MMC), General Provisions, to align the enforcement of Title 17 with the city's new code compliance program.

II. CONDITIONS OF APPROVAL

None.

III. FINDINGS OF FACT – PROCEDURAL FINDINGS

1. Notice of the application and the July 16, 2020 Planning Commission public hearing was published in the News Register on Tuesday, July 7, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.
2. On July 16, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

IV. FINDINGS OF FACT – GENERAL FINDINGS

3. Title 17 of the MMC provides the code provisions for zoning and development regulations for the City of McMinnville.
4. Chapter 17.03, entitled, General Provisions, provides the methodology for enforcing the provisions of Title 17.
5. Historically, the City of McMinnville has used a municipal court process for code compliance and enforcement, however on August 13, 2019, the McMinnville City Council adopted Ordinance no. 5078, amending the McMinnville Municipal Code to establish a civil code enforcement process that is more efficient.

V. CONCLUSIONARY FINDINGS:

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

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

Citizen Involvement

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

Finding: Goals X 1 is satisfied by this proposal in that the proposed modifications were reviewed at a public hearing by the McMinnville Planning Commission on July 16, 2020.

Chapter 2.50

CODE COMPLIANCE

Sections:

- 2.50.010** **Applicability of chapter.**
- 2.50.020** **Definitions.**
- 2.50.110** **Identification and investigation.**
- 2.50.120** **Notice of code violation.**
- 2.50.210** **Corrective action by responsible person.**
- 2.50.220** **Corrective action by compliance officer.**
- 2.50.230** **Obtaining a corrective action warrant.**
- 2.50.240** **Executing a corrective action warrant.**
- 2.50.250** **Notice and collection of corrective action costs.**
- 2.50.260** **Corrective action remedies not exclusive.**
- 2.50.310** **Notice of civil penalty.**
- 2.50.320** **Civil penalty classification levels.**
- 2.50.510** **Protests and appeals.**

2.50.010 **Applicability of chapter.**

A. The provisions of this chapter apply to the enforcement of civil code provisions identified in the following portions of the McMinnville Municipal Code, including all plans, permits, or licenses adopted or issued pursuant to such provisions:

1. All chapters of Title [5](#) of this code (Business Taxes, Licenses and Regulations);
2. All chapters of Title [8](#) of this code (Health and Safety);
3. All chapters of Title [17](#) of this code (Zoning) and all ordinances adopted pursuant to Title [17](#) of this code or the McMinnville comprehensive plan, regardless of whether such ordinances are codified in the McMinnville Municipal Code.

B. Notwithstanding the provisions of subsection [A](#) of this section, the provisions of this chapter do not apply to the enforcement of any violation identified as a misdemeanor or for which the punishment may include any term of imprisonment, or to any criminal, traffic or parking laws, including the laws set forth in the following titles of the McMinnville Municipal Code:

1. Title [9](#) of this code – Public Peace, Morals and Welfare;
2. Title [10](#) of this code – Vehicles and Traffic. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.020 Definitions.

As used in this chapter:

“Code” or “McMinnville Municipal Code” means the provisions of all ordinances adopted by the city council, regardless of whether codified into the McMinnville Municipal Code, that are subject to the provisions of this chapter, as described in Section [2.50.010](#).

“Code violation” means any substance, condition or action that violates any requirement or prohibition set forth in the McMinnville Municipal Code, including the terms and conditions of any permit, license, or other grant of authority issued or executed pursuant to the provisions of such code.

“Compliance officer” means any person designated by the city manager or designee as having responsibility for enforcing the civil provisions of the McMinnville Municipal Code.

“Corrective action” means an action that is necessary and sufficient to bring any substance, condition or action into compliance with the provisions of the McMinnville Municipal Code.

“Exigent circumstances” means any circumstances that would cause a reasonable person to believe that immediate entry on a premises or other relevant action is necessary to prevent:

1. Physical harm to persons or property;
2. Destruction of evidence; or
3. Other consequences that would improperly frustrate legitimate code compliance efforts.

“Person” means a natural person, firm, partnership, association or corporation.

“Person in charge of a premises” means an owner, agent, occupant, guest, tenant, lessee, contract purchaser, contractor, employee, squatter, or any other person having possession or control of a premises, or supervision over a construction project on a premises.

“Post” or “posting” means the action of physically placing or affixing a notice authorized or required to be posted by this chapter to any portion of the premises in a manner likely to be seen by any responsible person. In the event that the premises is occupied, posting of notice may be accomplished by personal delivery to any person in charge of the premises.

“Premises” means any publicly or privately owned building, lot, parcel, real estate, land or portion of land, whether improved or unimproved.

“Responsible person” means any person that is responsible for permitting, allowing, or causing to exist any substance, condition or action that is prohibited by the provisions of the McMinnville Municipal Code.

“Warrant” or “administrative warrant” means a written order issued by the McMinnville municipal court judge, authorizing entry onto a premises for the purpose of carrying out any of the provisions of this chapter related to the investigation or correction of a code violation. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.110 Identification and investigation.

- A. Upon the receipt of a complaint or the proactive observance of any city employee, a compliance officer is authorized to investigate and determine whether a code violation exists by gathering and documenting evidence, as appropriate to the nature of the alleged violation.
- B. When entry on private property is necessary or desirable for the identification or investigation of the code violation, a compliance officer is authorized as follows:
1. A compliance officer is authorized to enter onto a public or private premises that is open to the public at all reasonable times to determine whether a code violation exists.
 2. A compliance officer is authorized to enter onto a private premises that is not open to the public at reasonable times to determine whether a code violation exists when the compliance officer:
 - a. Has received permission from any person in charge of the premises;
 - b. An administrative warrant has been issued pursuant to the provisions of this chapter authorizing entry for inspection of the premises;
 - c. Determines that an emergency or other exigent circumstances exist requiring immediate entry.
- C. An administrative search warrant may be issued by the municipal court judge upon the oath and application of a compliance officer, which must include a sworn affidavit showing probable cause for the entry and inspection by stating the purpose and extent of the proposed inspection, citing the chapter(s) of the McMinnville Municipal Code that serve(s) as the basis for the inspection, and giving information concerning the code violation in question and/or the premises on which it is located.
- D. A person must not interfere with or attempt to prevent a compliance officer from entering onto any premises when such entry is authorized by the provisions of this section. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.120 Notice of code violation.

- A. If the city manager or designee is satisfied that a code violation exists, the compliance officer will cause a notice of code violation to be posted on the premises, or at the site of the code violation, directing the responsible person to correct the code violation.
- B. At the time of posting, the compliance officer must also cause a copy of the notice of code violation to be forwarded by certified mail, postage prepaid, to any person in charge of the premises and to the owner of the premises (or registered agent) at the last known address of such person(s) as shown on the tax rolls of Yamhill County. If the mailed notice of code violation is returned as undeliverable or is unclaimed by the property owner, it will not preclude the city from taking enforcement or corrective actions as described in this chapter.
- C. The notice of code violation must contain:

1. A description of the real property, by street address or otherwise, on which the code violation exists.
 2. A description of the code violation found to exist by the compliance officer.
 3. A determination of whether the code violation presents an immediate threat to the public health, welfare or safety.
 4. A direction to correct the code violation within 10 days from the date of notice.
 5. If the code violation is for a public nuisance described in Chapter [8.10](#), a statement that unless the code violation is corrected by the deadline, the city may correct the code violation and assess the full cost of corrective action, including administrative charges, against all responsible persons and that such corrective action costs will become a lien on the property if not paid in full within 30 days of invoicing.
 6. A statement that failure to correct a code violation may warrant imposition of a civil penalty upon all persons responsible for the code violation.
 7. A statement that the owner or any responsible person may protest the notice of code violation by giving written notice to the city manager within 10 days from the date of the notice, together with a written statement as to why a code violation does not exist.
- D. Upon completion of the posting and mailing of the notice of code violation, the compliance officer must execute and place on file with the city manager or designee a certificate stating the date and place of the mailing and posting.
- E. If the compliance officer meets all requirements for posting and mailing the notice of code violation set forth in this section, then the failure of any person to receive actual notice will not void any code compliance process set forth in this chapter.
- F. If the owner or other responsible person fails to appeal the notice of code violation in compliance with the procedures set forth at Section [2.50.510\(A\)](#), then the violation will be deemed proved and no further appeal of the notice of code violation will be allowed. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.210 Corrective action by responsible person.

- A. All responsible persons must correct all violations described in the notice of code violation not later than the date set forth in the notice, or the date set forth in any final order or judgment issued on appeal.
- B. If a responsible person admits responsibility for the violation, they may submit a voluntary compliance plan for correcting the violation to the compliance officer within 10 days after posting and mailing of the notice of violation. The compliance plan must contain the following:
1. The responsible person's name, mailing address, telephone number and email address;
 2. A written admission of responsibility for the violation;

3. A detailed plan for correction of the violation(s) over a reasonable period of time;
 4. Written consent for the compliance officer or their designee to enter the premises for the purpose of:
 - a. Verifying compliance with the terms of the compliance plan; or
 - b. Taking actions to correct the violation upon determining that the terms of the compliance plan have not been met.
- C. The compliance officer will review the voluntary compliance plan and may approve the plan as presented, approve a modified plan, or reject the plan, at their discretion. The decision of a compliance officer regarding whether to accept, reject or modify a voluntary compliance plan is final and not subject to appeal. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.220 Corrective action by compliance officer.

- A. The city may enter a premises as provided in this section, and may take all necessary actions to correct code violation, whenever a responsible person fails to take corrective action as described in Section [2.50.210\(A\)](#), or upon the determination by a compliance officer that a person has failed to comply with the terms of a voluntary compliance plan approved pursuant to Section [2.50.210\(C\)](#). Except when the compliance officer has received consent from a responsible person or as provided in subsection [B](#) of this section, a corrective action warrant is required before a compliance officer may enter the premises.
- B. If the violation for which a notice of code violation has been issued is determined to be an immediate threat to the public health, welfare or safety, and is not corrected within the specified time frame, the city manager may order the code violation to be corrected without a warrant. The following nonexclusive list of code violations may be corrected by the city without a warrant:
1. Any structural element that has been significantly compromised as determined by the city building official or designee, and not governed by any other section of this code.
 2. Any fire hazard as determined by the fire marshal or designee, and not governed by any other section of this code.
 3. Any public nuisance violation identified Chapter [8.10](#), as determined by a compliance officer to present an immediate threat to the public health, welfare or safety, including but not limited to violations involving rat harborage and weed abatement.
- C. The McMinnville municipal court is authorized to issue a corrective action warrant authorizing any compliance officer to make searches and seizures reasonably necessary to enforce any provision of the McMinnville City Code pertaining to code violations. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.230 Obtaining a corrective action warrant.

A. Every warrant authorized by this section must be supported by affidavit or sworn testimony establishing probable cause to believe that a code violation has occurred, describing:

1. The applicant's status in applying for the warrant;
2. The premises to be entered;
3. A statement of the violation to be corrected;
4. The ordinance or regulation requiring or authorizing the corrective action;
5. The basis for taking the corrective action;
6. A statement that consent to enter onto the property to correct the violation has been unsuccessfully sought from a responsible person or other facts and circumstances that reasonably justify the failure to seek or inability to obtain such consent.

B. Probable cause to issue a warrant will be found when:

1. There is reasonable belief that a code violation exists with respect to the premises;
2. The city has complied with the notice requirements set forth in Section [2.50.120](#); and
3. The time period for the owner or other responsible person to correct the violation has passed.

C. The court may, before issuing a corrective action warrant, examine the applicant and any other witness under oath and must be satisfied of the existence of grounds for granting such application. If the court is satisfied that cause for correcting the violation(s) exists and that the other requirements for granting the application are satisfied, the court must issue the corrective action warrant, particularly describing the person or persons authorized to execute the warrant, the premises to be entered, and a statement of the general corrective actions that may be taken.

D. In issuing a corrective action warrant, the court may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described premises to remove any person or obstacle and to assist a compliance officer in any way necessary to enter the premises to correct the violation. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.240 Executing a corrective action warrant.

A. *Occupied Property.* In executing a corrective action warrant, the person authorized to execute the warrant must, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant must be left with the occupant or the person in possession. The warrant is not required to be read aloud.

- B. *Unoccupied Property.* In executing a warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person. In such case a copy of the warrant must be conspicuously posted on the property.
- C. *Return.* A warrant must be executed within 30 days of its issue and returned to the court by whom it was issued within 30 days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.
- D. A person must not interfere with or attempt to prevent a compliance officer from entering onto any premises when such entry is authorized by the provisions of this section.
- E. The city manager has the final authority to decide whether or not to enter onto a premises to correct or abate a code violation in each particular case. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.250 Notice and collection of corrective action costs.

- A. The owner, all persons in charge of the premises, and all other responsible persons are jointly and severally liable for all costs associated with corrective actions taken by the city, including administrative costs, warrant costs, and attorney fees.
- B. The city manager or designee must keep an accurate record of the full cost recovery expense incurred by the city for all corrective actions.
- C. After the code violations have been determined by the city to be corrected, the city manager or designee must cause a notice of corrective action costs to be posted on the premises, or at the site of the code violation.
- D. At the time of posting, the city manager or designee must also cause a copy of the notice of corrective action costs to be forwarded by certified mail, postage prepaid, to any person in charge of the premises and to the owner of the premises (or registered agent) at the last known address of such person(s) as shown on the tax rolls of Yamhill County.
- E. The notice of corrective action costs must contain:
1. A copy of the notice of code violation and any final orders issued in the matter;
 2. The total costs of corrective actions due and payable within 30 days of the notice of corrective action costs;
 3. Notification that the costs of corrective actions will become a lien against the premises if not paid when due; and
 4. Notification that if any owner or other responsible person objects to the notice of corrective action costs, a written protest must be filed with the city manager within 10 days from the date of the notice.
- F. *Collection and Abatement Costs.*

1. The costs listed in the notice of corrective action costs will become delinquent if not paid within 30 days of the date of the notice or within 10 days of the date set forth in any final order or judgment issued on appeal of the cost notice, whichever comes later.
 2. Assessment of the delinquent correction action costs must be made by city council resolution to be entered in the docket of city liens. When the entry is made, it will constitute a lien on all real property on which the corrective action occurred.
 3. The lien will be enforced in the same manner as liens for street improvements, as described in Chapter [3.12](#), and will bear interest at the rate of nine percent per year, accruing from the date of the entry of the lien into the lien docket.
- G. If the compliance officer meets all requirements for posting and mailing the notice of corrective action costs set forth in this section, then the failure of any person to receive actual notice will not void the assessment of any corrective action costs.
- H. If the owner or other responsible person fails to appeal the notice of corrective action costs in compliance with the procedures set forth at Section [2.50.510\(A\)](#), then the cost assessment shall be deemed proved and no further appeal of the notice of corrective action costs will be allowed. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.260 Corrective action remedies not exclusive.

- A. The correction of code violations and the assessment of any costs associated with corrective actions are not penalties, but are additional remedies.
- B. The imposition of a civil penalty does not relieve a person of the duty to correct a code violation or pay all corrective action costs assessed by the city.
- C. The correction of a code violation within 10 days of the date of the notice of code violation or the final order issued upon any appeal of the notice, will relieve a responsible person from the imposition of any civil penalty under this chapter. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.310 Notice of civil penalty.

- A. Upon finding that a code violation exists and has not been voluntarily corrected within 10 days of the date of the notice of code violation or the final order issued upon appeal of the notice, the city manager or designee may impose a civil penalty.
- B. Each day that a code violation continues to exist will constitute a separate violation and a new civil penalty may be assessed for each consecutive day the violation continues without correction.

- C. The compliance officer shall cause the notice of civil penalty to be posted on the premises and forwarded by certified mail, postage prepaid, to any person in charge of the premises and the owner of the premises (or registered agent) at the last known address of such person(s) as shown on the tax rolls of Yamhill County.
- D. If the certified notice of civil penalty is returned as undeliverable or is unclaimed by any person, it will not preclude the city from imposing a civil penalty as described in this chapter.
- E. The notice of civil penalty must contain the following:
1. A description of the real property, by street address or otherwise, on which the code violation exists.
 2. A description of the code violation found to exist by the compliance officer.
 3. A copy of the notice of code violation and any final orders issued in the matter.
 4. A statement indicating whether the code violation has been corrected or is considered a continuing violation subject to the imposition of a daily civil penalty.
 5. A calculation of the total amount of the civil penalty or, in the case of a continuing violation, the amount of civil penalty that has accrued as of the date of the notice.
 6. A statement that the amount of the civil penalty may become a lien on the premises if not paid in full within 30 days of invoicing.
 7. A statement that the owner or any responsible person may protest the notice of civil penalty by giving written notice to the city manager within 10 days from the date of the notice, together with a written statement as to why the civil penalty should be modified or not assessed.
- F. If the compliance officer meets all requirements for posting and mailing the notice of civil penalty set forth in this section, then the failure of any person to receive actual notice will not void the assessment of any civil penalty.
- G. If the owner or other responsible person fails to appeal the notice of civil penalty in compliance with the procedures set forth at Section [2.50.510\(A\)](#), the amount of the civil penalty will be deemed final and no further appeal of the notice of civil penalty will be allowed. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.320 Civil penalty classification levels.

- A. The penalty for committing a code violation that is subject to the provisions of this chapter is a civil penalty. The amount of the civil penalty will be established by city council resolution.
- B. Code violations are classified for the purpose of assessing a civil penalty into the following categories:
1. Class 1 code violations;
 2. Class 2 code violations;
 3. Class 3 code violations;

4. Class 4 code violations;
5. Class 5 code violations;
6. Class 6 code violations;
7. Class 7 code violations;
8. Class 8 code violations;
9. Unclassified code violations as described in subsection [C](#) of this section; and
10. Specific fine code violations, as described in subsection [D](#) of this section.

C. The violation of any code provision that is subject to this chapter and that does not specify the classification of the code violation is an unclassified code violation. An unclassified code violation may be assessed a civil penalty in lieu of a fine as a Class 3 code violation, except that when a code violation is classified in accordance with ORS [153.012](#), then:

1. A Class A violation may be assessed a civil penalty as a Class 3 code violation;
2. A Class B violation may be assessed a civil penalty as a Class 4 code violation;
3. A Class C violation may be assessed a civil penalty as a Class 5 code violation; and
4. A Class D violation may be assessed a civil penalty as a Class 6 code violation.

D. The violation of any code provision that is subject to this chapter, and that specifies a specific fine amount or maximum fine amount, may be assessed a civil penalty in lieu of the fine, in a daily amount not to exceed the specific fine. (Ord. 5078 §1 (Exh. 1 (part)), 2019).

2.50.510 Protests and appeals.

A. *Protest to the City Manager.*

1. An owner or other responsible person of a premises may protest a notice of code violation issued pursuant to Section [2.50.120](#), a notice of corrective action costs issued pursuant to Section [2.50.250](#), or a notice of civil penalty issued pursuant to Section [2.50.310](#) by submitting a written protest to the city manager within 10 days of the date of the notice.
2. The written protest must, at a minimum, contain the following information:
 - a. The name, mailing address, telephone number and email address of the person submitting the protest;
 - b. A description of the real property, by street address or otherwise, on which the code violation is alleged to exist;

c. A written statement, and all supporting evidence, specifying the basis for the protest.

3. The city manager will review the notice and the protest, together with all supporting evidence in the record, and will issue a final order that either upholds, amends, or dismisses the findings and determination set forth in the notice.

4. If the city manager issues a final order that upholds or amends the Notice, the owner or responsible person must comply with the terms of the order within 10 days from the date of the order.

B. *Appeal to the Hearings Officer.*

1. An owner or other responsible person of a premises may dispute a final order issued by the city manager pursuant to subsection [A](#) of this section by submitting a written appeal to the city recorder within 10 days of the date of the final order. A hearings officer will preside over the appeal hearing.

2. The written appeal must, at a minimum, contain the following information:

a. The name, mailing address, telephone number and email address of the person submitting the protest;

b. A description of the real property, by street address or otherwise, on which the code violation is alleged to exist;

c. A written statement, and all supporting evidence, specifying the basis for appealing the city manager's final order.

3. Subject to the requirements of this code section, the McMinnville hearings officer may adopt additional procedures for the conduct of any hearings before them, but at a minimum, must allow:

a. Each party to introduce evidence, including rebuttal evidence, that is relevant to prove or refute any matter raised in the underlying notice or city manager's final order; and

b. An opportunity for each party to cross-examine all witnesses who testify.

4. Following the close of the record, the McMinnville hearings officer will issue a decision within 10 days that either upholds, amends, or dismisses the city manager's final order.

5. If the hearings officer decision upholds or amends the city manager's final order, then the hearings officer's final order must include:

a. A brief statement of the findings of fact;

b. The amount of any assessed corrective action costs, civil penalties, and associated administrative costs;

c. The date by which any costs and assessments must be paid; and

d. An order directing the responsible person to correct the code violation, pay the assessed corrective action costs or pay the assessed civil penalty, as appropriate to the nature of the appeal;

6. If the hearings officer decision dismisses the city manager's final order, then the hearings officer's final order must include:

- a. An order that any incurred fees be refunded; and
- b. An order that all costs of the abatement will be dismissed or refunded.

C. *Appeal of Hearings Officer's Final Order.* Any party to the appeal may obtain review of the hearings officer's final order by writ of review pursuant to ORS Chapter [34](#). (Ord. 5078 §1 (Exh. 1 (part)), 2019).

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The McMinnville Municipal Code is current through Ordinance 5092, passed April 14, 2020.

Disclaimer: The city recorder's office has the official version of the McMinnville Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

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EXHIBIT 4 - STAFF REPORT

DATE: June 18, 2020
TO: Planning Commission Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: WORK SESSION – Residential Development and Design Standards – Cottage Clusters

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsibly & responsibly to enhance our unique character.</p>	 <p>HOUSING OPPORTUNITIES <small>(ACROSS THE INCOME SPECTRUM)</small> Create diverse housing opportunities that support great neighborhoods.</p>
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Report in Brief:

This is a work session discussion item for the Planning Commission to receive information on the Residential Development and Design Standards project. The Residential Development and Design standards project involves the creation of site development and building design standards for missing middle housing types.

Background:

In 2019, the Oregon Legislature passed House Bill 2001 (HB 2001), a bill that will result in changes to the types of housing that are allowed to be constructed in residential areas in cities across the state of Oregon. HB 2001 requires cities of certain sizes to allow “middle housing” in areas and properties that allow for the development of detached single-family dwellings. Middle housing is defined in HB 2001 as including duplexes, triplexes, quadplexes (fourplexes), cottage clusters, and townhouses. More specifically, HB 2001 requires that large cities, or those with a population over 25,000 (which includes McMinnville), shall allow the development of the following:

- “All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings” and
- “A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.”

Cities that fall within the large city category are required to adopt land use regulations and Comprehensive Plan amendments to address HB 2001 by June 30, 2022.

At the same time that the HB 2001 discussions were occurring in the Oregon Legislature, the City of McMinnville was underway on the development of a Draft Housing Strategy to respond to housing needs in the community that are identified in the Draft Housing Needs Analysis that was drafted in 2018 and

Attachments:
 Attachment A: Cottage Cluster Pages from the Draft Residential Development and Design Standards Document

2019. The Draft Housing Strategy includes a number of potential actions for the City to pursue related to middle housing. In addition, the City of McMinnville recently adopted Great Neighborhood Principles (GNP) which, as stated in Comprehensive Plan Policy 187.10, are intended 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...". Two GNPs are specific to housing, including:

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.
12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

The GNP section of the McMinnville Comprehensive Plan also includes Proposal 46.00, which states that "The City shall develop development codes that allow for a variety of housing types and forms, and shall develop site and design requirements for those housing types and form."

In preparation for the implementation of HB 2001, and also to support the GNP and the potential actions in the Draft Housing Strategy, the McMinnville Planning Department began work on the creation of development and design standards for the housing types that are described in HB 2001 and commonly referred to as middle housing types. The Planning Department worked with a consultant to develop an initial first draft of potential residential development and design standards, which is attached to this staff report for the Planning Commission's review and consideration.

The Planning Commission began their detailed review of the draft residential development and design standards at their meeting on May 21, 2020. At that meeting, the Planning Commission reviewed the Universal Design Standards portion of the draft residential development and design standards. The Planning Commission then reviewed the detailed development standards for the following housing types at their June 18, 2020 meeting: Single Dwellings, Tiny Houses, Townhouses, Plexes (including duplex, triplex, and quadplex), and Accessory Dwelling Units (ADU).

Discussion:

Residential Development and Design Standards Overview

The Residential Development and Design Standards have been drafted to include standards for all of the middle housing types required by HB 2001, and also single dwellings, accessory dwelling units (ADUs), and multiple family apartments in an effort to include all of the various housing types in one section of the City's code. The housing types included in the Residential Development and Design Standards include:

- Tiny Houses
- Cottage Clusters
- Plexes (including duplex, triplex, and quadplex)
- Single Dwellings
- Townhouses
- Accessory Dwelling Units (ADU)
- Apartments

In an effort to address the Great Neighborhood Principles, particularly those of Pedestrian Friendly, Accessibility, Human Scale Design, and Housing Variety, the residential development and design standards were developed with a holistic approach that focuses on a combination of site design, building form, and

Attachments:

Attachment A: Cottage Cluster Pages from the Draft Residential Development and Design Standards Document

architectural features. These components were also considered to allow for the development of these potentially new housing types in a manner that is compatible with existing neighborhoods and housing in McMinnville. To achieve this, basic development standards are proposed for each housing type, including basic site standards such as lot size, lot width, lot depth, building setbacks, and building height. In addition to these basic development standards, more detailed design standards are proposed to be applied to all of the housing types, which are referred to as Universal Design Standards. The intent is that the application of both the Universal Design Standards and the basic site development standards will combine to result in building forms that are compatible with the existing development pattern and character of McMinnville, while still allowing the new housing types that are required by HB 2001.

As discussed above, the Planning Commission reviewed the Universal Design Standards at their work session on May 21, 2020, and the development standards for most housing types at their work session on June 18, 2020. More detail on the Universal Design Standards and development standards by housing type can be found in the May 21, 2020 and June 18, 2020 Planning Commission work session packet materials. Staff would like to now introduce the development standards for the Cottage Cluster housing type.

Cottage Clusters

Similar to other housing types, the basic development standards for cottage clusters are proposed to include standards that would apply in three different scenarios, including new development with an alley, new development without an alley, and infill development. Infill development is intended to apply to housing types that are developed in existing neighborhoods, and the standards for those infill housing types are proposed to be required to match the existing zone, subdivision, or Planned Development Overlay District that the site is located within.

The development standards tables and graphics for the cottage cluster housing type are provided below (the pages from the draft Residential Development and Design Standards document applicable to cottage clusters are also attached to the staff report):

Cottage Cluster



Cottages with layers of open space from private porches to common shared open space.

Concept
Cottage clusters are groupings of no fewer than four detached housing units with a footprint of less than 900 square feet each and that include a common courtyard. Cottages are located on a single lot, clustered around pockets of shared open space. The ownership model for cottages could be structured to allow individual ownership of each cottage, such as through a condominium plat. Parking and common areas are co-owned and managed. Given their small footprint and low profile, cottages may provide an alternative housing option that fits seamlessly into detached single family neighborhoods.



Cottage cluster design with shared common house and parking grouped in small areas.

Cottage Clusters may fit seamlessly into existing residential neighborhoods. Their configuration around shared open space may work well for odd-shaped lots and lots with sensitive natural resources.

Guiding Principle
Shared open space should be provided and located so that it serves as a central feature of the cluster of dwellings.
Layer zones of landscaping to create a gradual transition from the commonly owned green to the privately-owned garden and porch of individual dwellings.
Spacing between cottage cluster housing units shall meet applicable building code requirements.

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Cottage Cluster Development Standards

COTTAGE CLUSTER DEVELOPMENT STANDARDS			
	WITH ALLEY	WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 100	Min. 100	Match existing zone, subdivision, or Planned Development overlay district.
b Lot depth (feet)	Min. 100	Min. 100	Match existing ¹
c Lot size (square feet)	Min. 10,000	10,000	Match existing ¹
d Front setback (feet)	Min. 15	Min. 15	Match existing ¹
e Side setback (feet)	Interior: Min. 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 15
f Rear setback (feet)	0 with garage, 20 without garage ²	Min. 20	Min. 20
g Building height (feet)	Max. 25	Max. 25	Max. 25
h Parking Zone	For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.		
Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
Off-street Parking	See McMinnville Municipal Code Chapter 17.60 Cottage Cluster developments utilize shared parking areas and shared driveways.		
Minimum number of units	4	4	4
Universal Design Standards and Subdivision Standards that apply	Street frontage Front yard Alleys Private open space Common open space Compatibility Façade Parking Subdivision Standards: Usable Side Yard, Through Block, and Corner Common Greens		

¹ Per McMinnville Municipal Code Section 17.54.050.
² From alley property or easement line.

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The overarching concept behind the cottage cluster housing type is to provide an opportunity for multiple, smaller scale single dwelling units to be located on a single property with shared open space, parking, and circulation areas. Cottage cluster developments could also include shared-access community buildings. There are some key standards to note for the cottage cluster housing type. One is that, in order for a site to be developed under the cottage cluster development standards, there would need to be a minimum of 4 dwelling units on the lot. In addition, each dwelling unit would be required to be less than 900 square feet and no taller than 25 feet in height, which is slightly lower than the maximum building height for other, larger housing types (35 feet).

Cottage clusters would be subject to the same Universal Design Standards (UDS) as other housing types to ensure consistency in design features and compatibility with surrounding development. The UDS that would apply include Façade, Street Frontage, Front Yard, Alleys, Parking, Private Open Space, and Compatibility. However, cottage clusters would also be subject to the Common Open Space UDS as a housing type that is intended to provide shared open space on the development site. The Common Open Space UDS has one standard that is specific to cottage clusters, which is as follows:

“Common Open Space for Cottage Clusters must provide a minimum of 400 sf per unit. Up to 50% can be in a constrained area (e.g., wetlands, forested areas, or steep slopes). Cottages must front at least two sides of common open space. Common open space can be one contiguous area, or no more than three separate areas. Each separate area needs a minimum of 4 cottages surrounding the common open space.”

Commission Options:

As a work session discussion item, no specific action is required.

Recommendation:

As a work session discussion item, no specific action is required. Staff suggests that the Planning Commission provide direction to staff where appropriate on the draft Residential Development and Design Standards document.

CD



Residential Site and Design Review: Design & Development Standards

City of McMinnville, Oregon

Final Draft | March 2020

u r b s w o r k s

Cottage Cluster



Cottages with layers of open space from private porches to common shared open space.

Concept

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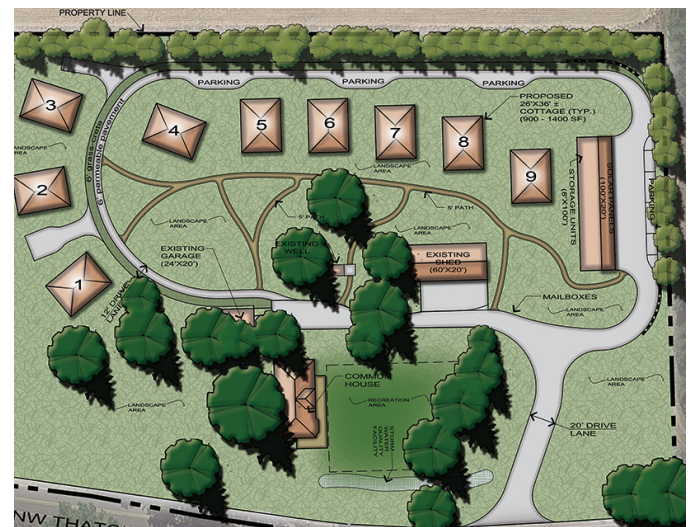
Cottage Clusters may fit seamlessly into existing residential neighborhoods. Their configuration around shared open space may work well for odd-shaped lots and lots with sensitive natural resources.

Guiding Principle

Shared open space should be provided and located so that it serves as a central feature of the cluster of dwellings.

Layer zones of landscaping to create a gradual transition from the commonly owned green to the privately-owned garden and porch of individual dwellings.

Spacing between cottage cluster housing units shall meet applicable building code requirements.



Cottage cluster design with shared common house and parking grouped in small areas.

Cottage Cluster



Cottage on the corner has setback from the walking path.



Cottages towards the back have a smaller setback in relation to the walking path.

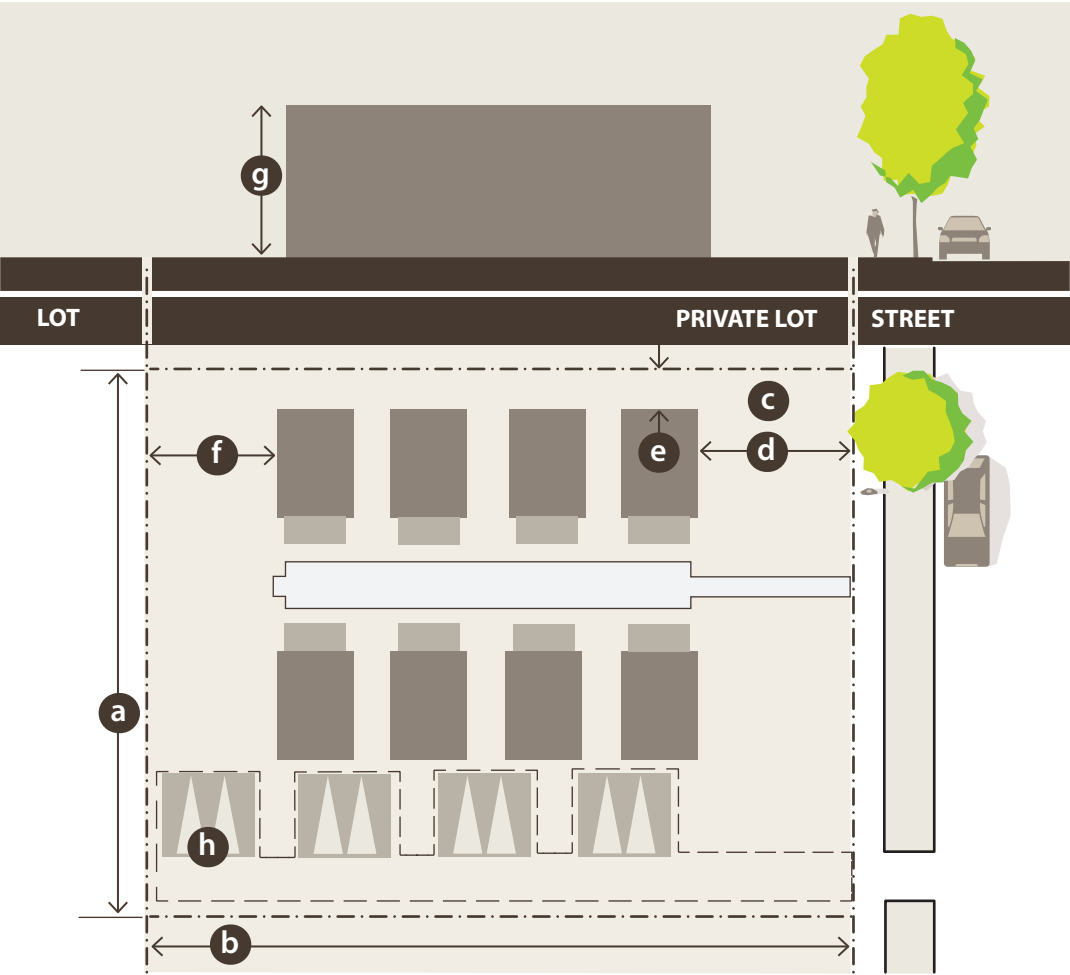
Cottage Cluster Development Standards

COTTAGE CLUSTER DEVELOPMENT STANDARDS				
	WITH ALLEY	WITHOUT ALLEY	INFILL	
a	Lot width (feet)	Min. 100	Min. 100	Match existing zone, subdivision, or Planned Development overlay district.
b	Lot depth (feet)	Min. 100	Min. 100	
c	Lot size (square feet)	Min. 10,000	10,000	
d	Front setback (feet)	Min. 15	Min. 15	Match existing ¹
e	Side setback (feet)	Interior: Min. 7.5 Exterior: 10	Interior: Min.7.5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 15
f	Rear setback (feet)	0 with garage, 20 without garage. ²	Min. 20	Min. 20
g	Building height (feet)	Max. 25	Max. 25	Max. 25
h	Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage.</p> <p>For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.</p>		
	Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
	Off-street Parking	<p>See McMinnville Municipal Code Chapter 17.60</p> <p>Cottage Cluster developments utilize shared parking areas and shared driveways.</p>		
	Minimum number of units	4	4	4
	Universal Design Standards and Subdivision Standards that apply	<p>Street frontage</p> <p>Front yard</p> <p>Alleys</p> <p>Private open space</p> <p>Common open space</p> <p>Compatibility</p> <p>Façade</p> <p>Parking</p> <p>Subdivision Standards: Usable Side Yard, Through Block, and Corner Common Greens</p>		

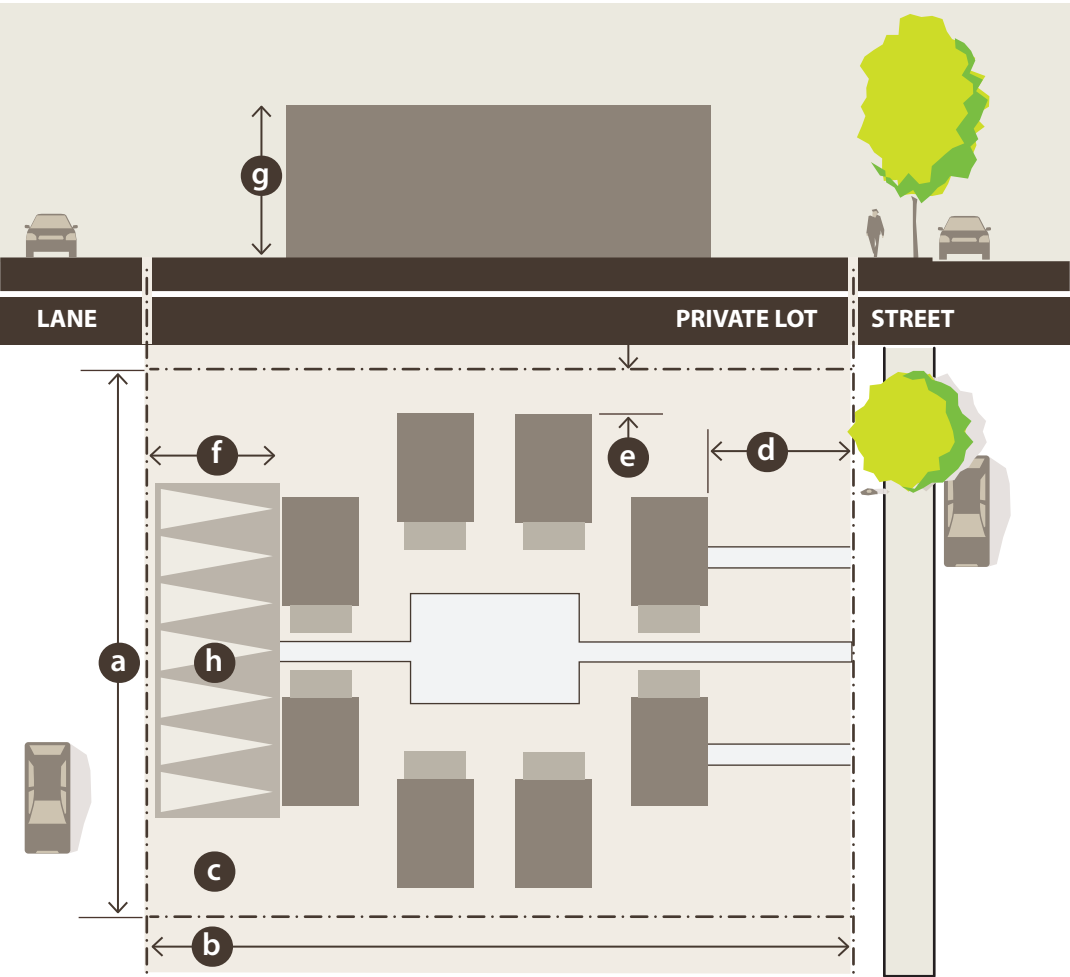
¹ Per McMinnville Municipal Code Section 17.54.050.

² From alley property or easement line.

Cottage Cluster without Alley



Cottage Cluster with Alley



Introduction to Universal Design Standards

The universal design standards are standards that apply to all or most housing types. These standards are related to site design and provide information about how buildings face the street, handle parking, are compatible with neighboring homes, and must meet specific open space or private space requirements.

Universal Design Standards Summary Table

Universal design standards apply to each housing type marked with an “X”, except where indicated as optional.

	Tiny House	Cottage Cluster	Plex	Single Dwelling	Town-house	ADU	Apartment
Façade	X	X	X	X	X	X	X
Street Frontage	X	X	X	X	X	X	X
Front Yard	X	X	X	X	X	X	X
Alleys	X	X	X	X	X	X	X
Parking	X	X	X	X	X		X
Common OS		X					X
Private OS	X	X	X	X	X	X	X
Compatibility	X	X	X	X	X	X	X
Partial alley (optional)	X	X	X	X	X	X	X
Usable Site Yard Setback (optional)	X		X	X		X	X
Common Green (optional)	X	X	X	X	X	X	X

Common Open Space

Design Guidelines

Common open spaces offer residents social and health benefits while also defining and bringing character to a development. Common open spaces may include shared recreational facilities such as play areas, sports fields or swimming pools; rooftop decks that prompt interaction and include shared amenities such as grills, play space, or seating. Common open spaces may be located along connecting pathways and courtyards or shared streets that allow for impromptu games of tag and the opportunity to pass neighbors. Critical to the success of a common open space is its location and territorial definition. Common open space should be appropriately located so users feel safe and residents take ownership and responsibility for the shared space. The design should take into account its relationship to units, entries, and windows, as well as how landscaping or other barriers may impact sight corridors. Common open spaces should have clear intended uses with visual cues to inform users as to the desired function. Avoid large, hard-surfaced or landscaped areas that lack furnishings or other design elements suggesting specific activities. Break down large spaces into smaller, comfortable outdoor rooms through the use of fencing or low walls, furnishings and lighting, building placement, and plantings. Sensitive design will produce greater benefits than expensive materials or furnishings and certainly more options for use than large undefined open areas.

Applicability

- » For the following housing types: Cottage Clusters, Apartments
- » For infill and new subdivisions
- » In the following zones: [to be determined]

All developments over four units shall meet the fundamental requirements for Common Open Space. In addition, projects shall provide at least [four] of the options listed under Menu of Options.

Fundamental requirements:

- A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open space shall be accessible to all residents.

Principle 3 - Parks and Open Spaces.

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.

Principle 4 - Pedestrian Friendly.

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.

Principle 7 - Accessibility.

To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.

- Common open space shall be a minimum of 12.5% of the site. Passive open space shall not be more than [TBD]% of the site.
- When vehicular areas are located between dwellings and common open space, clearly defined pathways shall be provided to enhance pedestrian safety. Pathway surface shall be clearly marked and differentiated from the vehicular area with paint or alternative paving material.
- Common open space shall have a minimum width or depth of 20 ft.
- Walkways are required between dwellings and common open space.

Common Open Space

Exceptions

Common Open Space for Cottage Clusters must provide a minimum of 400 sf per unit. Up to 50% can be in a constrained area (e.g., wetlands, forested areas, or steep slopes). Cottages must front at least two sides of common open space. Common open space can be one contiguous area, or no more than three separate areas. Each separate area needs a minimum of 4 cottages surrounding the common open space.

Common open space size may be reduced to 10% of the site when the site is immediately adjacent to a public park or plaza.

Properties within the Downtown Design Guidelines Area may provide 100% of common open space as a rooftop deck or provide alternative options to meet the fundamental requirements in a way that is consistent with the design guidelines.



Cottage Clusters have shared open space at the heart of their design, providing space for gathering or gardening, as well as preserving existing trees and wetland areas.

Menu of Options

- Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sport fields, play structure, bike track, courts, swimming pool, or other options.
- Provide tall deciduous trees for summer shade and winter solar access. When possible preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.
- Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.
- Incorporate landscaping that receives at least 50% of its irrigation from harvested rainwater.
- Provide opportunities for food cultivation include a community garden and/or incorporate cultivated species into the landscaping.
- A maximum of 50% of common open space may be provided in a rooftop deck that includes shared amenities, weather protection, and landscaping, and is accessible to all residents.
- A shared outdoor courtyard or shared street/woonerf that is enfronted by individual entrances, windows, and balconies. There should be a combination of hardscape and landscaped space and/or planters.



Make the use of semi-public spaces unambiguous.