



City of McMinnville
Planning Department
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MINUTES

April 15, 2021
Planning Commission
Regular Meeting

6:30 pm
Zoom Online Meeting
McMinnville, Oregon

Members Present: Roger Hall, Robert Banagay, Gary Landenwaller, Sylla McClellan, Brian Randall, Lori Schanche, Dan Tucholsky, Beth Rankin, and Sidonie Winfield

Members Absent: Ethan Downs – Youth Liaison

Staff Present: Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Approval of Minutes

None

3. Citizen Comments

None

4. Legislative Hearing: Zoning Ordinance Text Amendments: Allowing Childcare as an Outright Permitted Use in Commercial and Industrial Zones (G 1-21)

Request: This is a legislative amendment initiated by the City of McMinnville to remove regulatory barriers for the development of childcare centers in the city's commercial and industrial zones where development standards can be implemented that would allow for the permitted outright use of childcare centers without negative impact to adjacent properties.

Applicant: City of McMinnville

Opening Statement: Chair Hall read the opening statement and described the application.

Disclosures: Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Presentation: Planning Director Richards presented the staff report. These were zoning ordinance text amendments removing regulatory barriers for childcare opportunities and becoming compliant with Oregon Revised Statutes and Oregon Administrative Rules. There was a shortage of childcare in Oregon. Staff had talked to businesses in McMinnville and it was not as much of a crisis in the City. She discussed the percentage of children with access to childcare in metropolitan and nonmetropolitan counties and how there was a childcare desert in Yamhill County. The City's zoning ordinance allowed childcare uses in R1, R2, R3, R4, and OR zones but only twelve or fewer people could be present at any one time at the center. A daycare facility that had 13 or more people present at any one time was a conditional use. Childcare was only allowed as a conditional use in the commercial and industrial zones, C3, ML, M1, and M2. One off street parking space was required per teacher or supervisor. She explained how the definitions of childcare had changed. A registered family child care home was a facility in the provider's own home with up to ten children, including their own. A certified family childcare home was a facility in the provider's own home for up to 16 children, including their own. A childcare center was a facility, usually located in a commercial building, and the number of children was dependent upon the size of the building. Cities and counties could only apply zoning restrictions on registered or certified family child care in an area zoned for residential or commercial use if the conditions were no more restrictive than conditions imposed on other residential buildings in the same zone. That meant that the current regulations requiring conditional use for facilities over 12 children was out of compliance with state regulations. The proposed amendments would update the definitions for registered/certified child care homes and child care centers, registered and certified child care homes would be allowed as outright permitted uses and child care centers would be allowed as conditional uses in residential zones (R1, R2, R3, R4, R5, and OR). Child care centers would be allowed as outright permitted uses in C1, C2, C3, ML, and M1 and as conditional uses in M2. Child care centers would need to provide a designated pick-up and drop-off zone for two vehicles. Notices were sent to the News Register, Chamber of Commerce, MEDP, and partner agencies. Comments received were from DLCD requesting to keep the record open until April 30 for further review.

Commission Questions: Commissioner Langenwalter asked why a church was a conditional use instead of permitted use. Planning Director Richards said that was not a change. Churches were conditional uses in all the City's zones due to the size and impact to the neighborhood.

Commissioner Langenwalter said there had to be a parking space for every employee, even if they were part time and not currently on site. He suggested changing the wording to one space per contemporaneously working employee. Planning Director Richards said they had to have a number of employees relative to the number of children they were applying to have a license for. They might be able to use that as the parking requirement, but she would have to think more about it. Historically they had used the word daycare facility for child care facility and there were adult daycare facilities. As they brought in definitions for the state child care facility for up to age 18, they also changed the definition of daycare facility to an adult daycare but still with the same uses in the code.

Chair Hall noted that even with part time employees there might be times when all of the employees would be at the facility. Planning Director Richards said DLCD already asked to keep the record open and this would come back to the Commission for a final action in May. She would work with DLCD to see if they had recommended language for that.

Commissioner Randall thought it could be one spot per on-site employee. He asked if neighbors were notified when someone wanted to open a family daycare center. Planning Director Richards said if it was a conditional use, there would be a neighborhood meeting. If it was a permitted outright use, there was no neighborhood meeting required.

Commissioner Randall asked if they could require notification, not a meeting. Planning Director Richards would have to ask legal counsel.

Commissioner Tucholsky asked if the child care facilities would be allowed in the R-5 zone. Planning Director Richards said that was a new zone that was only multi-family. Based on the provisions in the law, they had to allow child care homes in multi-family. The number of children allowed would depend on the size of the residential unit.

Commissioner Tucholsky was concerned about the quality of care if there was a home that had 16 children next to another home with 16 children. There would be a significant amount of children in a zone for which it might not be appropriate. Planning Director Richards said the state might have spacing standards and she could find out before the next meeting.

Commissioner Banagay asked for clarification on the pick up and drop off zone, particularly for a multi-family zone. Planning Director Richards said they could not require it for child care homes. It was only a requirement for child care centers which were not in residences. Where it would be in a multi-family complex was in ground floor commercial where it was rented out as a child care center. They would have to have the parking for employees and a drop off and pick up zone that could accommodate two vehicles. In a residential area those would be conditional uses and would be reviewed for impact on the neighborhood.

Commissioner Winfield asked if CC&Rs or other restrictions could prevent child care facilities in some neighborhoods. Planning Director Richards would find out.

Commissioner Langenwalter asked if Planning Director Richards could find out how many children were allowed per square foot in a residential home.

Public Testimony:

Proponents: None

Opponents: None

Chair Hall asked if the Commission wished to continue or close the hearing.

There was consensus to close the hearing. Chair Hall closed the public hearing but the record would remain open for additional written testimony until April 30, 2021.

5. Presentation: Three Mile Lane Area Plan Update

Planning Director Richards gave the project update. She discussed the grant funding to do the area plan, study area, project goals, Comprehensive Plan designations, zoning for the area, major property owners, land use opportunities, existing conditions for transportation, intersection traffic operations, vehicle safety evaluation, economic analysis, public outreach, redevelopment case study, process, and reference documents. The foundational elements were: the boundaries would remain the same with the UGB in the same location and the developable land was roughly 400 acres, the airport was expected to develop per the 2004 Airport Plan, and the local roadway designs were adaptable to any land use concept. They were committed to having frontage roads on Highway 18 and to have complete streets with bicycle and pedestrian amenities. The Three Mile Lane Bridge would be improved for bicycle and pedestrian safety. She showed the final designs for the major collector and local residential streets. She explained the urban design to ensure new development

reflected the regional agricultural and historic forms and supported this area's function as a gateway to McMinnville. There would be trail connections to neighborhoods and business campuses as well as recreational access to the Yamhill River.

She described the preferred land use alternative for the area. Some of the key features were a walkable commercial center, innovation campus, and mixed use neighborhoods. Regarding transportation, she explained the OR 18 options which included interchanges and roundabouts. The preferred design had jug handles, traffic signals, and roundabouts. She discussed the evaluation and implementation of the preferred design, Comprehensive Plan changes, improved vehicle, pedestrian, and bicycle performance, concept phasing and costs, Transportation System Plan update, design standard exceptions, applying Great Neighborhood Principles, and regulatory framework. She then reviewed the next steps.

Commissioner Tucholsky asked if there was a timeframe for the improvements to be made. Planning Director Richards said there was not a timeframe yet. Some of it would be required from private developers and some would be a City and ODOT project. The roundabout was still being discussed. The improvements would be adopted as an addendum to the Transportation System Plan and the capital improvements would be folded into the TSP update next fiscal year.

Commissioner Banagay said there were a lot of opportunities for the Innovation Center which would help with business growth and continued investment in McMinnville.

Commissioner Rankin asked how downtown Bend reacted after the Old Mill District was up and running. Planning Director Richards said downtown felt threatened by the new district, but today she thought they would say they were complimentary to each other because they had different niches that they were filling.

Kathleen McKinney, McMinnville resident, participated in the public open houses and charrettes. There were a lot of people living in this area and the improvements would increase livability for residents. However, the airport was expanding and hosting the Air Show every year which was in conflict with improving the area.

Planning Director Richards said they could add a goal specific to residential livability.

Commissioner Rankin wanted to make sure they added a pedestrian overpass to the McDonald's. Planning Director Richards said that was included in the study. They found that it was an extremely wide area for an overpass and would knock out a lot of the built environment on either side. They were now looking at safe crossings with the signalized intersections.

Commissioner Winfield said there were a lot of roads in disrepair in this area as well as very narrow roads. Were they planning to be improved as well? Planning Director Richards said this plan was only about land uses and transportation relative to classifications and where they would be built. The road conditions and widening issues would be addressed in the TSP update.

6. Commissioner Comments


None

7. Staff Comments

Planning Director Richards reminded the Commission of their joint meetings with City Council on April 27 and May 11 to discuss the Highway 99W bike and pedestrian plan and Three Mile Lane Plan.

8. Adjournment

Chair Hall adjourned the meeting at 8:14 p.m.



Heather Richards
Secretary