



**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 APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO COMMERCIAL AND A ZONE CHANGE FROM M-2 (GENERAL INDUSTRIAL) to C-3 PD (GENERAL COMMERCIAL WITH A PLANNED DEVELOPMENT OVERLAY) FOR 37.7 ACRES OF A 90.4-ACRE PROPERTY LOCATED AT 3310 SE THREE MILE LANE, TAX LOT R4426 00700

DOCKET: CPA 2-20 (Comprehensive Plan Map Amendment), ZC 3-20 (Zone Change, including Planned Development Overlay Designation)

REQUEST: An application for an amendment to the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.

The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future public transportation improvement. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

LOCATION: Site Address: Part of 3310 SE Three Mile Lane
Map & Tax Lot: Part of R4426 00700

ZONING: M-2 (General Industrial), Three Mile Lane Overlay, Airport Overlay

APPLICANT: Kimco McMinnville LLC, c/o Michael Strahs

PROPERTY OWNER: Kimco McMinnville LLC

STAFF: Tom Schauer, Senior Planner

Attachments:

Attachment 1 – Application and Attachments;
Attachment 2 - DSL Wetland Land Use Notice Response

DATE DEEMED**COMPLETE:** April 8, 2021**HEARINGS BODY
& ACTION:**

The McMinnville Planning Commission makes a recommendation for approval, approval with conditions, or denial of the land use application to the City Council.

PLANNING COMMISSION**HEARING DATE****& LOCATION:**

May 20, 2021 at 6:30 P.M. Public hearing held virtually via Zoom meeting software. Zoom Online Meeting ID: 960 2576 9049

**DECISION-MAKING
BODY**

: The McMinnville City Council approves, approves with conditions, or denies the land use application.

**MEETING DATE
& LOCATION:**

To be determined.

PROCEDURE:

An application for a Comprehensive Plan Map Amendment and Zone Change, including a Planned Development Overlay, 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 Comprehensive Plan Map Amendment and Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. The criteria for a Planned Development Overlay are specified in Chapter 17.51 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:

The Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision. 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.

Note: *The City's final decision is usually subject to a 120-day processing timeline, including resolution of any local appeal. However, per ORS 227.178(7), the 120-day period does not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.*

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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; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Director finds that additional information from the applicant and review by ODOT in coordination with the City is needed regarding the application’s consistency with certain criteria pertaining to transportation facilities and mitigation to make conclusionary findings regarding those issues and criteria. Therefore, following the staff report, applicant’s presentation, and public testimony at the May 20 hearing, the Planning Director **RECOMMENDS A CONTINUANCE TO A DATE CERTAIN** to be specified at the May 20 hearing to address the remaining transportation issues. The Planning Director finds the other criteria are satisfied, or satisfied subject to the conditions in Section II.

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RECOMMENDATION: CONTINUANCE TO A DATE CERTAIN
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Planning Department: 
Heather Richards, Planning Director

Date: May 20, 2021

I. APPLICATION SUMMARY:

Subject Property & Request

An application for an amendment to the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property. The proposed map amendment includes 4.25 acres intended for right-of-way dedication for future highway transportation improvements. The 37.7 acres less the 4.25 acres is approximately 33.5 acres. The application also shows a portion of the area subject to the map amendment intended for future right-of-way for a north-south extension of Cumulus Avenue and future east-west street connectivity. **See *Vicinity Map (Figure 1), Comprehensive Plan Map (Figure 2), Zoning Map (Figure 3), and Applicant's Proposed Map Amendment (Figure 4).***

Please note Figures 3 and 4 don't yet reflect the land added to the UGB north of Three Mile Lane between the highway and the Evergreen Museum.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development designation to be applied without a development plan; however, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Summary of Criteria & Key Issues

Introduction

The proposal includes a requested comprehensive plan map amendment, zoning map amendment, and planned development (PD) overlay designation, with the deferred development plan option as described above.

Key requirements for the comprehensive plan map amendment and zoning map amendment are consistency with the Comprehensive Plan (including identified need, suitability of the property to meet the need, and whether the proposed zoning designation is appropriate to meet the identified need), and orderliness and timeliness of the amendment, and ability to efficiently provide utilities and services to serve uses permitted in the proposed zoning district.

With the PD overlay designation, when the option to defer the approval of the preliminary development plan is considered (Section 17.51.010(B)), there must be findings that the property has unique characteristics and the development of which may have an impact on the surrounding area or the city as a whole. In addition, the Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

Some provisions of state law also apply to map amendments. In considering consistency with the Comprehensive Plan, the provisions of state law at OAR 660-012-0060 must also be addressed. This is part of the Transportation Planning Rule relating to Plan and Land Use Regulation Amendments.

As addressed in these findings, the following summarizes the key findings related to the applicable criteria for the map amendment in Chapter 17.74 and the Planned Development Overlay in Chapter 17.51.

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- **17.74.020(A) (Consistency with the Comprehensive Plan).** The commercial land need, suitability of the site to meet the need, and the suitability of the C-3 PD commercial designation to meet the need are well documented in the Comprehensive Plan and 2013 Economic Opportunities Analysis (EOA) adopted on February 25, 2014 by Ordinance No. 4976 and referenced in the application submittal.
- **17.74.020(B) (Orderly and Timely) and (C) (Efficient Provision of Utilities and Services).** The agency notification process resulted in responses which indicated no significant issues in the ability to provide service to the property for uses permitted in the proposed zoning district, except for some expressed concerns by ODOT that still need to be addressed prior to approval of the application. Some upgrades to power feeder lines may be required at the time of development, depending on the specific use and development proposed.

Transportation: Regarding transportation facilities and the requirements of Transportation Planning Rule, OAR 660-012-0060(1) specifies:

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.

The rule provides detail about the definition of a “significant effect” and how a significant effect may be addressed. In short, the applicant’s Traffic Impact Analysis (TIA) found there would be significant effects associated with the amendment, and proposed mitigations to address those effects associated with the proposed map amendment for the subject property.

ODOT has provided comments that it needs to review additional information associated with the TIA recommendations and to approve any mitigation to OR-18 which is under their jurisdiction.

The City has also requested additional information to evaluate the proposed mitigation improvements.

Staff recommends a continuance of the public hearing to provide additional time to address this issue.

- **17.51.010(B).** Regarding the requirements associated with the approval of the planned development overlay and deferred development plan, there are unique characteristics associated with the property, and there are areas of concern that will need to be addressed at the time the final PD development plan is submitted.

Most notably, the City has been engaged in a three-year public planning process for the Three Mile Lane Area Plan (3MLAP) specifically for this area of the community. This process is nearing completion. In order to incorporate the outcomes of this planning process, the applicant has agreed to a planned development overlay that will incorporate the design and development standards that has been developed by the Three Mile Lane Area planning process.

It should be noted that while the proposal meets the criteria for being orderly and timely, the timing poses some unique issues that need to be identified and addressed as “areas of concern that must be addressed when final plans are submitted” for the PD approval. Those timing issues relate to the fact that a public planning process is underway for the Three Mile Lane Area, which is intended to update and guide the land use, circulation, design, development and

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redevelopment, and other aspects of the area, to achieve a desired area-wide outcome. As a result, there are draft new standards and zoning to be adopted for the area which aren't yet in effect. In addition, there is a draft preferred transportation alternative which has some preferred circulation and intersection improvements which differ from those in the adopted Transportation System Plan and Highway 18 Corridor Plan.

Therefore, the timing of the application presents some unique issues which the application must address:

- As a condition of approval, the final development plan will be subject to the design and development principles and standards attached to this decision document, except that, if 3MLAP principles and standards are adopted prior to submittal of the PD final development plan, the more stringent principles and standards shall apply.
- The applicant will need to submit additional information for ODOT and City review and approval, and demonstrate the proposed mitigation is consistent with the OR-18 Corridor Plan and Draft 3MLAP Preferred Transportation Alternative as interim improvements consistent with each plan, and that they are providing the necessary public right-of-way dedication for the future long-term improvements needed. **Staff has recommended a continuance of the public hearing as both ODOT and the City have requested additional information from the applicant relative to this issue.**

Figure 1. Vicinity Map

(See Figure 4 for portion proposed for map amendment).



Attachments:

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Figure 2. Comprehensive Plan Map
(See Figure 4 for portion proposed for map amendment)

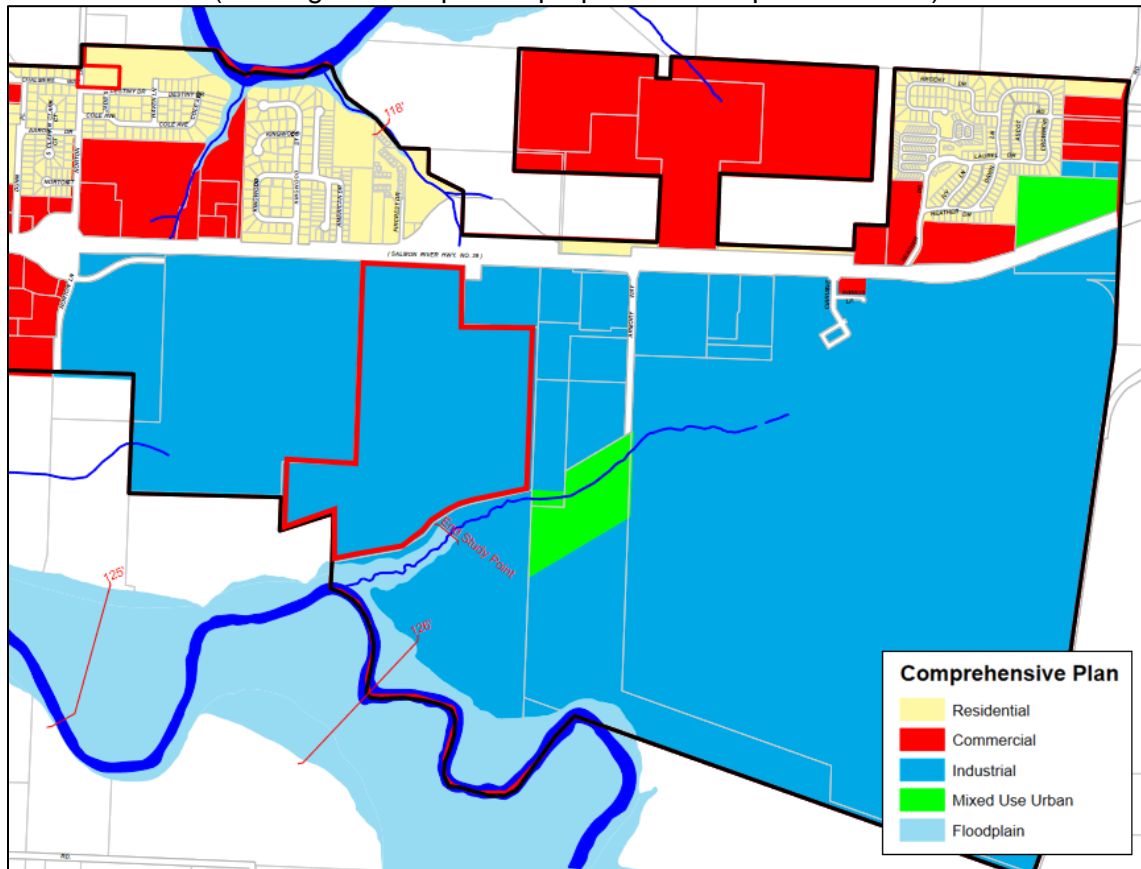
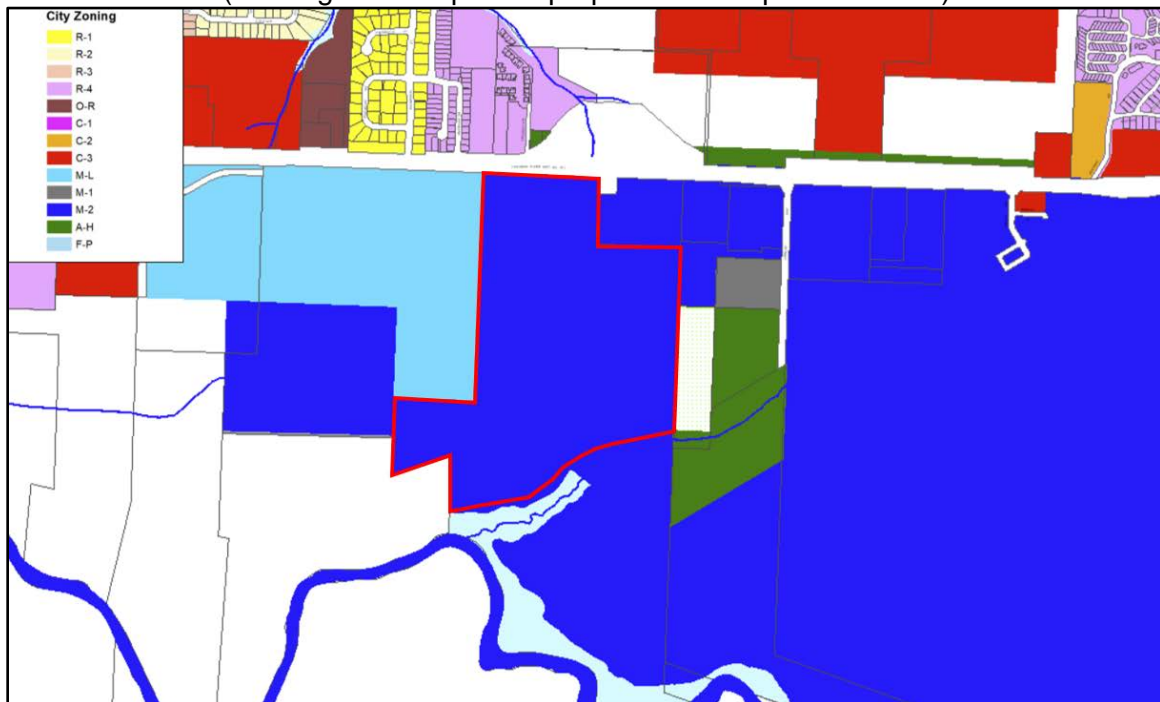


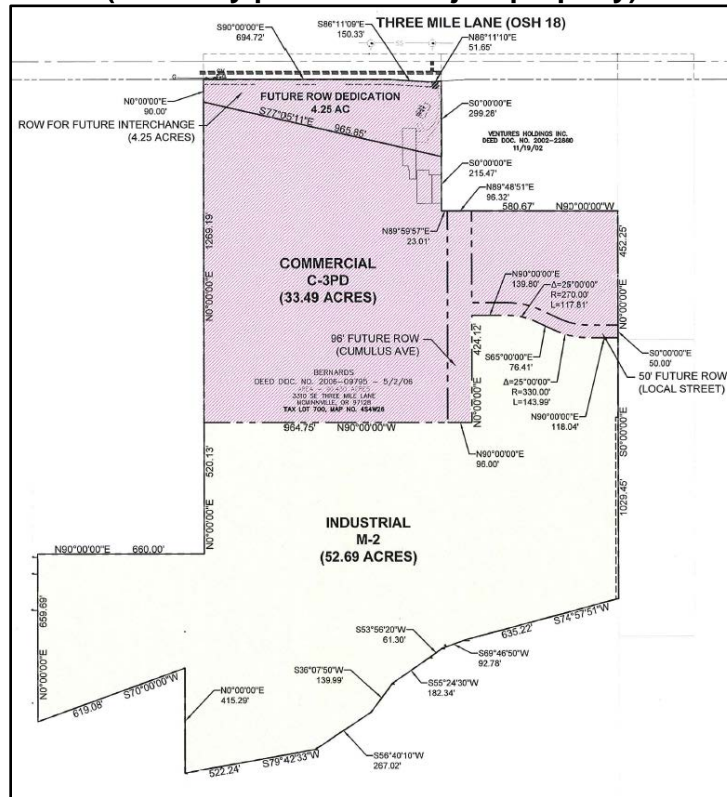
Figure 3. Zoning Map
(See Figure 4 for portion proposed for map amendment)



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**Figure 4. Applicant's Proposed Map Amendment
(Northerly portion of subject property).**



II. CONDITIONS:

1. For transportation mitigation, the applicant shall provide additional information to the City and ODOT for their review and approval and shall obtain their approval for transportation mitigation of "significant effect" that affects the state and local systems. The specific designs of the mitigation improvements will need to be approved prior to the submittal of the preliminary development plan.
2. Prior to development, the applicant shall submit a preliminary development plan for the site to be reviewed in the same manner as a planned development amendment per Section 17.72 of McMinnville Municipal Code. The applicant will need to submit a development plan that meets all of the criteria of Section 17.51.030 (except that they only need to submit twelve (12) copies of the preliminary development plan and one electronic file). The preliminary development plan to be submitted shall also be subject to the design and development principles and standards attached as **Attachment 2**. If the 3MLAP is adopted prior to submittal of the preliminary development plan, then the most restrictive provisions shall apply.
3. Use and development of the property shall be subject to any overlays which apply to the property. Including the Three Mile Land Overlay and the Airport Overlay Zone.
4. Disposition of any wetlands on the property at the time of submittal of the development plan shall be subject to the design and development principles and standards, and subject to review and approval by DSL.

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5. The applicant shall record a copy of the approving ordinance, disclosing these conditions of approval.

III. ATTACHMENTS:

1. CPA 2-20/ZC 3-20 Application and Attachments (on file with the Planning Department)
2. Development Standards Adopted as Condition of PD Overlay Approval
3. DSL Wetland Land Use Notice (on file with the Planning Department)
4. ODOT Comments

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; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Responses were received from the following agencies, provided below:

- McMinnville Engineering Department
- McMinnville Building Department
- McMinnville Fire Department
- McMinnville Water & Light
- Oregon Department of State Lands
- Oregon Department of Transportation

- McMinnville Engineering Department:
No concerns from Engineering

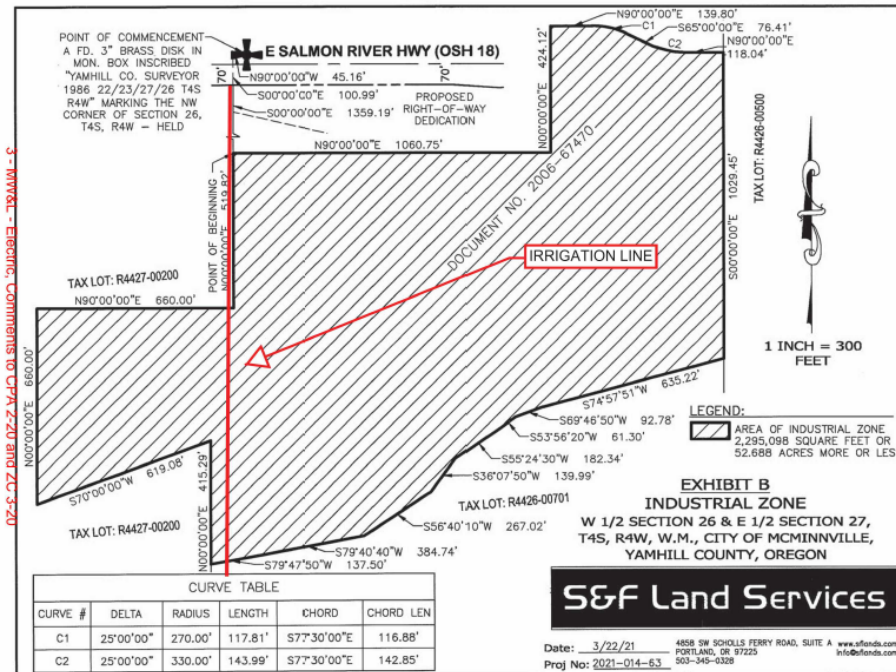
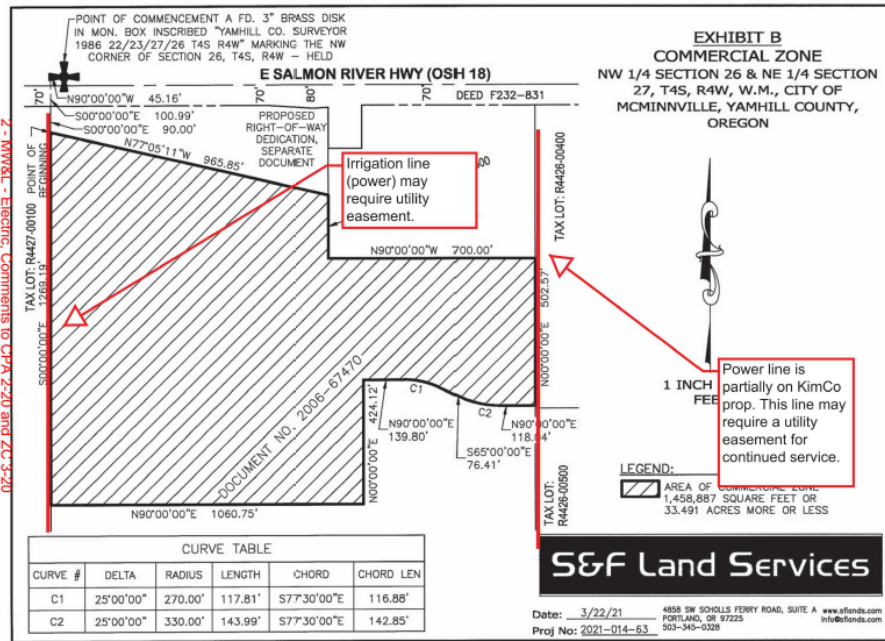
- McMinnville Building Department
No identified building code issues at this time.

- McMinnville Fire Department
No issues from the Fire Department for the development. Note: required access and water supply must be approved prior to development.

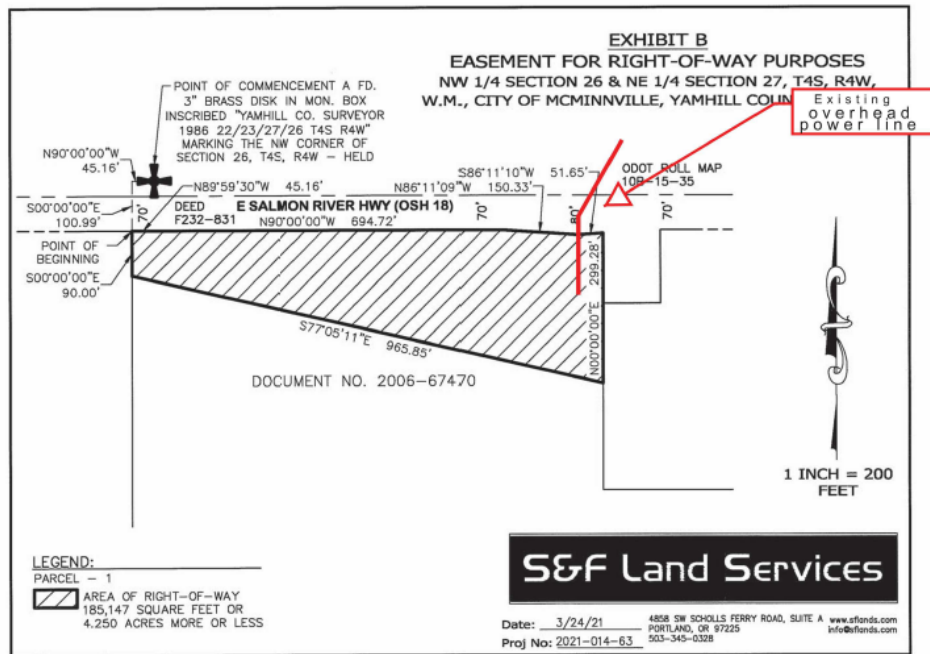
- McMinnville Water & Light
McMinnville Water & Light provided comments in mark-up text call-out boxes on pages excerpted from the application, summarized and shown below. (Some issues will apply at time of development, and not in conjunction with the map amendment).

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- Note provided on Page 9 of Applicant's Narrative: "MWL's ability to provide adequate electric service to the commercial and/or remaining industrial property is predicated upon the intensity of the development's requirements. Additional infrastructure may be required to serve all or some of the site."
- Note provided on Page 31 of Applicant's Narrative: "In previous inquiries involving this parcel, MW&L has communicated that it may not have sufficient feeder/distribution capacity to serve a full development of the 90 acres. Significant upgrades to the existing electric system, or construction of a new feeder may be necessary."
- Oregon Department of Transportation
ODOT provided initial comments followed by a letter from ODOT Region 2 Traffic.

Initial Comments:

The following are provided as ODOT comments on the proposal:

1. The City and ODOT, working with the public and area stakeholders, have spent a great deal of time and effort developing the Three Mile Lane Area Plan which is close to completion. To respect those efforts, any mitigation required for this development should be consistent with the agreed upon recommendations of the city's area plan.
2. No funding has been identified for any remaining improvements recommended in the original Three Mile Lane Refinement Plan or recommended improvements in the current plan discussed above. Therefore, any improvements necessary as a result of this project are considered development mitigation.
3. Region 2 Traffic staff are completing their review of the transportation impact analysis (TIA) and comments will be available tomorrow (May 4). I will forward those comments as soon as they are received.

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Thank you again for the opportunity to comment on this proposal. These are ODOT's comments on the proposed CPA/ZC and should be included in the record of the project proceedings. You can contact me if you have any questions or need additional information.

Letter from ODOT Region 2 Traffic:

A May 4, 2021 letter from ODOT Region 2 Traffic is attached as **Attachment 4**.

- Oregon Department of State Lands

We have an OLD determination, WD2004-0629, and an old, now expired, delineation WD 2009-0013 showing wetlands on this property. We have no other records regarding this property. A new delineation will be needed. A WLUN submittal to verify this is appropriate. The proprietary program will review and comment separately if needed.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. No public testimony was submitted in advance of the hearing at the time this staff report was prepared.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on December 21, 2020. The applicant submitted the necessary documentation to demonstrate a neighborhood meeting was noticed and held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.
2. The application was initially deemed incomplete on January 20, 2021, and additional information was requested and submitted on March 29, 2021.
3. The application was deemed complete on April 8, 2021.
4. On April 8, 2021, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
5. On April 13, 2021, 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, and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands. Notice of the application was also subsequently provided to the City Attorney.

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

6. On April 29, 2021, notice of the application and 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.
7. On May 11, 2021, notice of the application and Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
8. The Planning Commission held a public hearing on May 20, 2021 to consider the request.

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VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - o **Site Address:** Part of 3310 SE Three Mile Lane
 - o **Map & Tax Lot:** Part of R4426 00700
2. **Size:** The map amendment applies to 37.7 acres of a 90.4-acre property. The 37.7 acres includes 4.25 acres intended for right-of-way dedication for future highway improvements. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:**
 - a. **Subject Property:** M-2 (General Industrial)
 - b. **Surrounding Properties:**
 - i. **North:** Across Highway 18: Public right-of-way and R-4; M-2 south of the Highway to the north and east of the portion of the property proposed for amendment.
 - ii. **West:** M-L to the west of the portion of the property proposed for amendment
 - iii. **South:** To the south of the portion of the property proposed for amendment is the remainder of the property proposed to be retained with M-2 zoning.
 - iv. **East:** The property to the east of the portion of the property proposed for is zoned M-2. There is also an area of county AF-20 zoning within City limits to the southeasterly extent of the area proposed for amendment.
5. **Overlay Zones/Special Districts:**
 - a. Three Mile Lane Overlay (Ordinance 4131 as subsequently amended)
 - b. Airport Overlay
6. **Current Development:** The property is predominantly unimproved. There is an agricultural building on the northerly portion of the property to the east of NE Cumulus Avenue.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** Wetlands (See comments from DSL. Also, the Statewide Wetland identifies possible wetlands near the west property line (PEM1A)
8. **Other Features:**
 - a. **Slopes:** The property is generally level.
 - b. **Easements:** There are no public easements identified on the property.
 - c. **Trees:** There is a stand of trees near the OR-18 Highway frontage.
 - d. **Irrigation:** There is an irrigation line along the westerly portion of the property.
9. **Utilities:**
 - a. **Water:** A 24-inch distribution line is present along the OR-18 Highway frontage.
 - b. **Sewer:** 12" sanitary sewer is present along the north side of Highway OR-18, with an 8" crossing to the south side on the west side of NE Cumulus Avenue
 - c. **Stormwater:** There are storm drainage lines along OR-18 and along the south side of the property
 - d. **Power:** Overhead power is present near the NE corner of the property west of NE Cumulus Avenue and along the east side of the property.

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10. **Transportation and Access:** The property has frontage along Highway OR-18 and along the east side of the frontage of the NE Cumulus Avenue right-of-way which extends approximately 140' south of the OR-18 right-of-way. That right-of-way terminates on the adjacent property, with private access on that property continuing from the terminus of the right-of-way, extending to the south and east.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Comprehensive Plan Map amendment and Zone Change are found in Chapter 17.74 of the Zoning Ordinance. The additional criteria for a Planned Development Overlay designation, including with a deferred development plan, are found in Chapter 17.51 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 many of the goals, policies, and proposals as they apply to quasi-judicial land use applications 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 certain applications, and are not addressed below

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

CHAPTER II. NATURAL RESOURCES

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

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. The policies provided under this goal don't relate to a quasi-judicial application to amend the Comprehensive Plan map and zoning map. The land policies address issues such as unincorporated lands within the UGB, natural hazards, mineral and aggregate resources, and reclamation of aggregate site. The water policies address issues such as drinking water standards, floodplain, water quality standards, and drinking water source watershed protection. Other provisions of the Comprehensive Plan which address natural features such as wetlands, trees, etc. are addressed under the respective provisions herein.

CHAPTER III. CULTURAL, HISTORICAL, AND EDUCATION RESOURCES

HISTORIC PRESERVATION

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GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHEOLOGICAL SIGNIFICANCE TO THE CITY OF MCMINNVILLE.

GOAL III 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE’S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

Policies:

17.04. *Increase interpretation effort’s of the City’s historic resources.*

Proposals:

3.11. *Support character and place identity of neighborhoods within the City through survey and historic context research to understand the unique history and their role relative to the growth and development of McMinnville. This can help support a connection between residents and their neighborhoods’ history, the preservation of buildings, and education through walking tours.*

GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES

GOAL III 5: DOCUMENT AND PROTECT HISTORIC RESOURCES

Proposals:

3.39. *Evaluate a MPD (Multiple Property Designation) for “Historic Granaries of McMinnville.”*

GOAL III 6: INCREASE HERITAGE TOURISM

Policies

17.14. *Amplify the heritage tourism program for McMinnville.*

APPLICANT’S RESPONSE REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: No response.

FINDING REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: SATISFIED WITH CONDITIONS. (Condition 2). The Goals, Policies, and Proposals of this Chapter of the Comprehensive Plan reflect the community’s desire to see it’s history and heritage reflected in the built environment and including increased interpretive efforts of it’s history and heritage. This theme is integral in the planning goals for the Three Mile Lane Area Plan (3MLAP). In addition, this chapter reflects an understanding of the economic development benefits of heritage tourism as a competitive advantage when the built form differentiates itself from other communities by incorporating it heritage into new development as growth occurs. In the Three Mile Lane area, this is reflected in the agricultural and aviation traditions. Retaining, interpreting, and incorporating elements of the heritage into the development of the property provide an authenticity which provides a competitive advantage.

As specified in Section 17.51.010(B)(2), the Council and Planning Commission shall set forth reasons for approval and the areas of concern that must be addressed when final plans are submitted.

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As a condition of approval, design and development principles and standards are attached to the PD overlay designation, specifying that this issue is to be addressed in the development plan, in order to address an area of concern that McMinnville retain its unique identify and that consistency with the Comprehensive Plan requires that this issue be addressed as part of a Planned Development. Specifically, development should address use of the existing agricultural building on the property and provide for landscape elements consistent with the agricultural character of the area.

This heritage is distinctly different from the history and heritage-based characteristics of the historic downtown area. The development plan should complement the downtown, and not duplicate or mimic the experience provided downtown.

CHAPTER IV. ECONOMY OF MCMINNVILLE

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.

COMMERCIAL DEVELOPMENT

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.

Policies

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

APPLICANT'S RESPONSE: The 2013 EOA's conclusion about retail leakage, which is supported by the 2020 EOA and 3MLAP, is quoted above. The application summary findings in the "Property Description" and Project Background" sections and these findings describe the Property's suitability for capturing retail leakage and accommodate population-growth related retail demand. The proposed rezone will allow (upon subsequent land use reviews) which are not presently available or are underserved, to locate on the Property.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The application notes that retail leakage is occurring in part due to a lack of product offerings available in McMinnville. As a condition of approval, the development plan should include businesses that represent a mix of offerings, including those categories not already present in McMinnville to address retail leakage, expanding the mix of offerings rather than only duplicating those which are already available elsewhere in McMinnville, and which would not help address the retail leakage.

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.*

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APPLICANT’S RESPONSE: In support of the requested land use change designation, the adopted 2013 EOA stated:

“As with the prior 2001/03 EOA projections, an anticipated surplus is indicated for industrial lands versus a shortfall associated with commercial lands:

- Commercial land demand is expected to exceed supply – resulting in a forecast shortfall of an estimated 36 acres through 2033.
- Industrial land demand is anticipated to come in well under the BLI supply – resulting in a surplus forecast at close to 236 acres over the 20-year planning horizon.

In summary, this (2013) EOA update indicates that industrial land needs can be more than amply met over the next 20 years while commercial land supply will fall short of meeting anticipated demand.” (2013 EOA, Pg 56)

The proposal to rezone 33.5 excess industrial acres to commercial is consistent with Policy 21.01 and the 2013 EOA. The Property is suitable for commercial zoning, as described in the “Suitability of the Property for Conversion from Industrial to Commercial” section of the application findings and detailed throughout these findings, the Property includes site characteristics which are conducive to capturing retail leakage and accommodating population growth-related retail, such as visibility from and access to Highway 18 and proximity to retail leakage markets.

FINDING: SATISFIED. As demonstrated by the EOA, McMinnville has a deficit of commercial land within the UGB, and redesignation of a portion of the industrial surplus to commercial consistent with the identified need is a corrective action that addresses the identified deficit.

21.02 *The City shall encourage and support the start up, expansion or relocation of high-wage businesses to McMinnville.*

1. *The City shall coordinate economic efforts with the Greater McMinnville Area Chamber of Commerce, McMinnville Industrial Promotions, McMinnville Downtown Association, Yamhill County, Oregon Economic and Community Development Department, and other appropriate groups.*
2. *Economic development efforts shall identify specific high-wage target industries and ensure that adequately sized, serviced, and located sites exist within the McMinnville urban area for such industries.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). This policy is included under the “**COMMERCIAL DEVELOPMENT**” section of Chapter IV of the Comprehensive Plan, so its references to “high-wage businesses” and “high-wage target industries” are not limited to industrial use “industries.” The design and development principles and standards document attached as a condition of approval includes some “recommendations” which are advisory only. One of the “recommendations” in the document is that, where there are multiple options to select businesses that will meet the same or similar need, including the need to offset retail

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leakage on the property, the applicant is **encouraged** to select businesses which offer comparatively higher than average wages and/or benefits.

- 21.03 *The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses.*

APPLICANT’S RESPONSE: The 2013 EOA indicates that there is an annual leakage of \$192 million in consumer spending in Yamhill County to areas outside its boundaries (Pg 32) along with a shortfall of 36 commercially designated acres through 2033 (Pg 56). Furthermore, the 2013 EOA states local businesses suffer from “Limited duration of tourism visitation & low expenditure capture. While the McMinnville area and Yamhill County can now boast some of the state’s top tourism attractions, visitor spending does not appear to match visitation. This is because visitors tend not to stay overnight (but are often day visitors) and do not appear to be making substantial expenditures while in the area. A key challenge for the future is to provide more and better value-added opportunities for visitors to spend more time and money while visiting the McMinnville area.” (2013 EOA Pg 32-33)

The Property is suitable for capturing retail leakage documented in the 2013 EOA and further supported by the 2020 EOA and 3MLAP, as quoted above. Because the leakage sales are not being met in the market, existing businesses do not rely upon those sales, which means that satisfying the leakage will not impact existing business. Instead, existing businesses could be supported by retail development of the Property because consumers will stay within and be drawn to the market area.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2).

Note: *The 2013 EOA was completed prior to the formation of Visit McMinnville, McMinnville’s Destination Marketing Organization (DMO), and Visit McMinnville’s reports subsequent reports provided updated trends and visitor surveys regarding visitation and overnight stays.*

While direct conditions regarding specific tenants are beyond the scope of this quasi-judicial land use application, the development and design principles and standards attached as a condition of approval includes “recommendations” which are advisory only. Consistent with the objectives of the 3MLAP, it is **recommended** that the applicant seek out and market to local businesses consistent with the 3MLAP principles and seek to maximize the local multiplier effect. This may include (a) supporting existing local businesses, and (b) considering the needs of locally owned, managed, and controlled small businesses that may seek a location in the Three Mile Lane Area consistent with the vision of the Three Mile Lane Area Plan which is under development. This can be in seeking to provide a mix of retail, entertainment, and hospitality uses that serve as a destination that complements the downtown and existing local businesses, serving to increase day trips and also providing additional reasons for visitors to make overnight trips and stay longer. This includes providing a development and mix of uses that support and complement local businesses and purchase of locally made products, and the planned innovation campus, providing an experiential concept that is uniquely McMinnville. The mix of uses should also be supportive of the needs of the neighborhoods planned in the surrounding area.

While it is beneficial to reduce retail leakage, it is also beneficial to maximize the Local Multiplier Effect. In effect, it is beneficial for money to be spent in McMinnville to reduce leakage; however, it is also important that dollars spent in McMinnville stay and in McMinnville and be “recycled” in the local economy.

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The applicant is encouraged to give preference to tenants that maximize the positive economic impact to McMinnville and the region, including through the “Local Multiplier Effect”

For example:

- Businesses that offer comparatively higher wages and benefits to employees
- Locally and/or regionally-owned businesses
- Businesses that use locally-based services, such as banking, accounting, marketing, printing, etc.
- Businesses that source local raw materials or products and/or sell local products
- Businesses that support community causes

21.05 *Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: See response to Policy 21.00.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). While some businesses may seek to maximize their saturation with multiple locations within a community, that doesn’t necessarily reduce retail leakage if that strategy doesn’t offer the diversified offerings of commercial uses and services which are not presently available to McMinnville residents. In marketing to tenants, the applicant has control over whether the mix of uses and services provides increased saturation of uses that are already present in the community, or whether the mix of uses and services offers a diversified mix and choice, more effectively reducing leakage. That is not intended to be mutually exclusive from encouraging clusters of similar or complementary uses that offer choice, may attract a greater breadth of consumers, and may help McMinnville be recognized as a destination for a cluster. As a “recommendation” in the development and design standards attached a condition of approval, the applicant is encouraged to seek and market to these uses consistent with the intent of this policy and the 3MLAP.

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

APPLICANT’S RESPONSE: The 2013 EOA concluded that utilizing existing commercially designated lands are not sufficient to accommodate the demonstrated commercial land need, and that re-designating excess industrial land is the solution.

No specific development is proposed with this application. Once a formal project application is submitted to the City, the requested Planned Development overlay designation means that the development will be subject to the Planned Development Ordinance. The project application will be open to public comment, be reviewed by the Planning Commission, and approved at the discretion of the City Council. The project layout and design elements shall be assessed at that time.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). As addressed in the 2020 UGB amendment, the Comprehensive Plan provisions specify that part of the commercial land need is to be met by the redesignation of surplus industrial acreage to commercial acreage. Otherwise, a larger industrial surplus would remain, and the City would have needed to increase the size of the UGB by about 35 acres to meet the identified commercial land need. The Three Mile Lane Planning work underway identifies the need and suitability for commercially-designated land at this location. Those project goals are also consistent with

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the Goal to discourage strip development. That is achieved through a master planned development which has good circulation and connectivity to the surrounding area, while limiting piecemeal development and uncoordinated access to major streets. With the development plan subject to the development and design standards attached to the PD overlay as a condition of approval addressing site design issues, this criterion is satisfied with conditions.

General Policies:

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

APPLICANT'S RESPONSE: The types of retail that is leaking from the City requires parcels that range from 5 to 20+ acres. The City's inventory of vacant and partially vacant commercially designated properties in that size range are very limited: the 2013 EOA, Figure 27 indicates there is one vacant commercially designated parcels that is 11 acres, and 2 over 20 acres, one of which is the Evergreen Aviation & Space Museum, which is encumbered with a tourism-related PUD; 2020 EOA, Exhibit 39 shows that there are zero vacant or partially vacant C-3 lot. This lack of inventory led the s, and a single 12.1 acre partially vacant C-3 lot the 2013 EOA concluded that utilizing existing commercially designated lands was not sufficient to accommodate the demonstrated commercial land need, and that re-designating excess industrial land is the solution. Therefore, the ability of existing commercial lands to be revitalized and reused will not be impacted by this amendment, because the needed retail uses that will be facilitated by this amendment cannot be accommodated on existing commercially zoned parcels.

FINDING: SATISFIED. The designation or redesignation of lands to meet identified needs does not conflict with policies to encourage the most efficient use of existing commercially designated lands and/or the revitalization and reuse of existing commercial properties. Different commercial needs can be met through a balanced approach.

- 23.00 *Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. There is an identified need in the Comprehensive Plan for redesignation of industrial land to commercial designation. It is appropriate to redesignate land needed for commercial use, rather than leave it in an industrial designation if that is not the intended use.

Further, the Three Mile Lane planning work is intended to evaluate the broader area and apply appropriate designations and compatible mix of uses for a variety of types of residential, commercial, and industrial uses.

- 24.00 *The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

APPLICANT'S RESPONSE: No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance which will discourage auto-oriented strip development. The project application will be open to public comment, be reviewed by the Planning Commission, and approved at the

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discretion of the City Council. The project layout and design elements shall be assessed at that time.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The provisions of Section 17.51.010(B)(2), regarding an initial PD overlay designation without an initial specific development plan provide that the Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

As a condition of approval of the PD overlay, the accompanying development and design principles and standards specify that the development plan shall not be auto-oriented strip development, and they provide guidance on what that means for site development.

Locational Policies:

- 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)*

APPLICANT'S RESPONSE: The 2013 EOA identified a deficit of at least 36 acres of commercial land, which should be accommodated by redesignating excess industrial land. The 2013 EOA Conversion Suitability Factors (detailed above), as well as the 3MLAP and 2020 EOA, support the conclusion that the Property is suitable to accommodate retail leakage and growth-related retail uses. Among the Property's key site characteristics are site size, proximity to retail leakage markets, and visibility and access to Highway 18.

FINDING: SATISFIED. The proposed map amendment is consistent with the type and amount of commercial land needs identified in the Comprehensive Plan and EOA, and provides opportunities for site design consistent with the needed site sizes for a mix of commercial uses.

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

APPLICANT'S RESPONSE: The only existing adjacent uses south of Highway 18 are the Jackson Family Winery and the US Army National Guard Armory and Recruiting Office, which are located on M-2 and M-1 land east of the Property, farming activity on the M-L zoned land to the west, and farming activity on the land zoned M-2 to the south. Given the width of Highway 18, land north of the highway is not "adjacent" to the Property. Nevertheless, the uses north and north east of the Property include a senior housing development and single family development (R1 and R-4 zoning) and to the northwest is the Evergreen Aviation & Space Museum (C-3PD zoning).

The Property is within the City's Three Mile Lane Plan area updating 1981 Three Mile Lane Overlay District (amended in 1994) and the 1996 Highway 18 Corridor Refinement Plan. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. Though the timeline for the adoption of this plan is unknown, the current draft "includes a significant retail center south of Three Mile Lane at Cumulus Avenue. This could take the form of a large-format retail anchor that would take advantage of traffic on OR SH 18 with additional smaller retail uses. While serving as a regional retail attractor, it would also function as an important local amenity, providing convenient access to

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shopping and services for adjacent office and residential development.” (3MLAP Memorandum 6, pg 10-13)

For the development of larger scale retail like the Project is expected to include, the Property’s location is superior to other potential properties because of the minimal impact on surrounding neighborhoods. The only potential offsite impact is traffic. As detailed in the TIA, rezoning the Property would allow for the scale of retail development associated with capturing retail leakage with minor upgrades to surrounding streets and a new intersection. There would minimal impacts to the overall urban fabric of the more established and densely developed areas of McMinnville. In comparison, any proposed development at the intersection of SH-18 and SH-99W (Linfield Property) would raise serious traffic infrastructure problems if it is to be developed with intense retail uses. This would include reconstruction of the Old Sheridan Road intersection and a reconfiguration and widening of the interchange between the two state highways. In that immediate vicinity, SH 99W is an interior arterial in McMinnville, and the regional traffic generated by major retail at this location would be disruptive to the internal city traffic patterns and the McMinnville “feel.”

Specifically for the Property, Kittelson & Associates, Inc. prepared a transportation impact analysis (TIA) and Transportation Planning Rule (TPR) analysis for the proposed project. **(Attachment XX)** The OR 18 corridor has the capacity to accommodate trips to the proposed site without widening to six (6) lanes. The traffic impact analysis (TIA) supports this finding and recommends some access modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the site with the proposed rezoning and subsequent commercial development. These modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan.

No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address and minimize potential conflicts, if any, through revisions or conditions of approval, and any deficiencies in city services can be addressed through conditions of approval.

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue. The applicant has submitted a TIA with recommended mitigation for “significant effect” on transportation facilities to be addressed for consistency with the Transportation Planning Rule. ODOT has requested additional information for review of the TIA and must approve any proposed mitigation affecting Highway 18. Further, at the time of a specific development plan, specific traffic characteristics of the specific use, development, and access configuration will need to be evaluated and addressed consistent with the OR-18 Corridor Plan, as may be amended, and the 3MLAP.

FINDING: SATISFIED WITH CONDITIONS. (Condition 1 and 2). The Three Mile Lane planning work underway has evaluated several concepts and developed a preferred alternative which demonstrates how a mix of different types of residential, commercial, and industrial uses and land use designations can be planned in a compatible configuration that can minimize conflicts and complement one another. Consistency of the PD development plan with the development and design principles and standards attached as a condition of

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approval provides for compatibility with the 3MLAP work underway.

Notice of the proposed amendment was provided to service providers, and no issues were identified capacity of major utilities including sewer, water, or stormwater drainage based on the proposed map amendment. Specific issues will need to be reviewed when a final development plan is submitted. McMinnville Water & Light noted some potential issues related to power that may need to be addressed at the time of development, depending on the scale and intensity for the specific development (some of which could potentially apply to a more intensive development of the property with industrial use, and are therefore not comments which are specifically applicable to the proposed map amendment.

- 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT'S RESPONSE: As detailed in response to Policy 25.00 the Property is an appropriate location for commercial development. No specific development is proposed with this application. However, the type of retail that could be developed on the property that is intended to capture retail leakage would likely be considered large-scale or a regional shopping facility by Policy 26.00. The Property is a suitable location for these commercial uses based upon Policy 25.00's and 26.00's considerations. The Property is located on OR 18, which McMinnville's TSP classifies as a Major Arterial and a State Highway. The 33.5 acre Property is adequately sized to accommodate internal traffic circulation and parking. For example, the site plan at Exhibit XX includes an internal road system.

FINDING: SATISFIED. The location of the proposed commercial designation is suitable for a commercial site of approximately 34 acres, and includes the characteristics described by this policy. The Applicant's response effectively supports this finding.

Design Policies:

- 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.*
- 30.00 *Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.*
- 31.00 *Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms. (Ord.4796, October 14, 2003)*
- 32.00 *Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*
- 33.00 *Encourage efficient use of land for parking; small parking lots and/or parking lots that are broken up with landscaping and pervious surfaces for water quality filtration areas. Large*

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parking lots shall be minimized where possible. All parking lots shall be interspersed with landscaping islands to provide a visual break and to provide energy savings by lowering the air temperature outside commercial structures on hot days, thereby lessening the need for inside cooling. (Ord.4796, October 14, 2003)

APPLICANT’S RESPONSE (Policies 29-33): No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address the Project’s access, bicycle/pedestrian connections, landscaping/screening, parking, layout and design elements shall be assessed at that time.

FINDING (Policies 29-33): SATISFIED WITH CONDITIONS. (Condition 2). The issues identified in these design policies are areas of concern identified by the Council and Planning Commission to be addressed as part of the Planned Development Overlay designation, which are included in development and design principles and standards attached as a condition of approval, and which are to be addressed during review of the specific PD development plan.

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). This issue is an area of concern identified by the Council and Planning Commission as part of the Planned Development Overlay designation, which is included in development and design principles and standards attached as a condition of approval, and to be addressed during review of the specific PD development plan, in addition to the sign standards of the Zoning Ordinance and Three Mile Lane overlay.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.

Downtown Development Policies

36.00 *The City of McMinnville shall encourage a land use pattern that:*

1. *Integrates residential, commercial, and governmental activities in and around the core of the city;*
2. *Provides expansion room for commercial establishments and allows dense residential development;*
3. *Provides efficient use of land for adequate parking areas;*
4. *Encourages vertical mixed commercial and residential uses; and,*
5. *Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

APPLICANT’S RESPONSE: This application for designating additional land as “Commercial” in Comprehensive Plan under a C-3 zoning district would potentially permit additional retail development within the City that cannot be accommodated in the format of downtown merchant spaces. One fundamental goal of this land use change application is to maintain

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consumer spending within the City limits and will contribute to the overall vibrancy and well being of residents. Rather than cannibalizing retail dollars from the downtown district, alleviating the shortage of commercial acreage that is attributable to retail leakage could draw shoppers to McMinnville for a spectrum of needs that currently cannot be found within the City limits.

FINDING: SATISFIED. The Comprehensive Plan identifies a deficit of commercial land of approximately 35 acres, which the proposed amendment would address. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area.

- 41.00 *The City of McMinnville shall encourage the expansion of retail and other commercial enterprises east of the railroad tracks and north and south of Third Street consistent with the adopted “Downtown Improvement Plan.”*

APPLICANT’S RESPONSE: The area included in the Downtown Improvement Plan adopted in 2000 focused on a targeted collection of parcels on the eastside of McMinnville’s commercial business district. Despite this land being designated “Commercial” land use and within the C-3 zoning district, the 2013 EOA indicates there remains a shortage of available commercial acreage within the City limits. The proposed amendment is targeted at satisfying the existing land need, which includes retail leakage. The amendment has no impact on the development potential of the area east of the railroad tracks and north and south of Third Street.

FINDING: SATISFIED. The Comprehensive Plan identifies a deficit of commercial land just over 35 acres, which the proposed amendment would address. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area, including the area east of the railroad tracks and north and south of Third Street.

- 46.00 *The City shall work to implement the recommendations of the adopted “McMinnville Downtown Improvement Plan.”*

APPLICANT’S RESPONSE: The area included in the Downtown Improvement Plan adopted in 2000 focused on a targeted collection of parcels on the eastside of McMinnville’s commercial business district. Despite this land being designated “Commercial” land use and within the C-3 zoning district, the 2013 EOA indicates there remains a shortage of available commercial acreage within the City limits. The proposed amendment is targeted at satisfying the existing land need, which includes retail leakage. The amendment has no impact on the development potential of the McMinnville Downtown Improvement area.

FINDING: SATISFIED. The Comprehensive Plan identifies a deficit of commercial land just over 35 acres, which the proposed amendment would address. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area.

Proposals:

- 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 application requests a Planned Development overlay, consistent with Policy 6.00. No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned

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Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address the Project's site design, on-site and off-site circulation, parking, and landscaping, shall be assessed at that time.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The City is the planning process for the Three Mile Lane Area Plan intended to address the overall development of the area, including large commercial development areas. As a condition of approval of the PD overlay, development and design principles and standards specify issues that will need to be addressed at the time of submittal of a specific development plan. Those standards include provisions addressing site design, circulation, parking, and landscaping. Those issues are also “areas of concern” that must be addressed when final development plans are submitted.

8.00 *The City of McMinnville should encourage the development of a commercial planned development center in the southwestern portion of the city large enough in scale to serve the needs of the area's population. The center should be in proximity of the intersection of Old Sheridan Road, U.S. Highway 99W, and Oregon Highway 18.*

APPLICANT'S RESPONSE: This area is already zoned C-3, which allows large scale commercial development, and is currently undeveloped. The 2013 EOA included this area as a part of the City's inventory of available commercial land and concluded that there is nevertheless a 35.8 acre deficit. The proposed amendment is targeted at satisfying the existing land need, which includes retail leakage. The amendment has no impact on the development potential of the southwestern portion of the city.

FINDING: NOT APPLICABLE. This proposal is separate from, and in addition to, the need to designate an additional 35.8-acres of commercial land to address the identified deficit.

INDUSTRIAL DEVELOPMENT

GOAL IV 5: TO CONTINUE THE GROWTH AND DIVERSIFICATION OF McMINNVILLE'S INDUSTRIAL BASE THROUGH THE PROVISION OF AN ADEQUATE AMOUNT OF PROPERLY DESIGNATED LANDS.

APPLICANT'S RESPONSE: In support of the requested land use change designation, the adopted 2013 EOA stated:

“As with the prior 2001/03 EOA projections, an anticipated surplus is indicated for industrial lands versus a shortfall associated with commercial lands:

- Commercial land demand is expected to exceed supply – resulting in a forecast shortfall of an estimated 36 acres through 2033.
- Industrial land demand is anticipated to come in well under the BLI supply – resulting in a surplus forecast at close to 236 acres over the 20-year planning horizon.

In summary, this (2013) EOA update indicates that industrial land needs can be more than amply met over the next 20 years while commercial land supply will fall short of meeting anticipated demand.” (2013 EOA, Pg 56). Figure 27 of the 2013 EOA indicates that there are 5 industrial parcels that are 20+ acres in size, so the City will continue to have an adequate supply of larger industrial parcels if the Property is converted from Industrial to Commercial.

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FINDING: SATISFIED. The Comprehensive Plan and EOA identify a surplus of industrially-designated land. There is sufficient industrial acreage to redesignate the proposed area to a commercial designation while retaining a surplus of industrially designated land.

GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.

Locational Policies

49.00 *The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.*

APPLICANT’S RESPONSE: The 2013 EOA concluded that there is an excess amount of industrial land. Converting some of that surplus land to commercial will have no impact on the uses permitted in the remaining industrial land. Further, 3MLP that is currently moving through the community and legislative review process recommends a mix of commercial and industrial uses within this area, specifically focusing commercial districts along the OR-18 frontage.

FINDING: SATISFIED. The Applicant’s response addresses this policy.

49.01 *The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods. (Ord. 4961, January 8, 2013)*

49.02 *The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord. 4961, January 8, 2013)*

50.00 *The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.*

APPLICANT’S RESPONSE: Policies 49.01, 49.02 and 50.00 are directed at the suitability of sites for industrial development. The 2013 EOA has “recommended to better match the commercial inventory to current and anticipated needs include re-designating a portion of the excess industrial inventory to commercial use including focus on needs for commercial sites across a range of size classes, increasing emphasis on redevelopment and density of development, and greater flexibility of use for mixed commercial/industrial areas. Also needed may be parcelization of some larger 20+ acre industrial sites for which there is no readily apparent demand to meet demonstrated needs for smaller industrial sites, especially in the 1-9- acre size ranges.” (2013 EOA, Pg 67).

The 2013 EOA Conversion Suitability Factors (detailed above) confirm that the Property has site characteristics that are more appropriate for commercial development than industrial development. Redesignating the Property from Industrial to Commercial will not impact the adequacy of the supply of suitable industrial sites; the City will continue to have a surplus of over 200 acres of industrial land, including four parcels that are 20+ acres. 2013 EOA, Figure 27.

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The Property is within the City's Three Mile Lane Plan area updating 1981 Three Mile Lane Overlay District (amended in 1994) and the 1996 Highway 18 Corridor Refinement Plan. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. Though the timeline for the adoption of this plan is unknown, the current draft "includes a significant retail center south of Three Mile Lane at Cumulus Avenue. This could take the form of a large-format retail anchor that would take advantage of traffic on OR SH 18 with additional smaller retail uses. While serving as a regional retail attractor, it would also function as an important local amenity, providing convenient access to shopping and services for adjacent office and residential development." (3MLAP Memorandum 6, pg 10-13)

FINDING: SATISFIED. Policies 49.01, 49.02, and 50.00 address industrial land needs and attributes of land to be designated or redesignated for industrial use. The proposed amendment is to redesignate industrial land to commercial land. The amount of land to be redesignated is based on the need identified in the Comprehensive Plan, and retains an industrial surplus.

51.00 *The City of McMinnville shall encourage the location of airport-related industrial uses only on the industrial land which is adjacent to the airport. Those lands so reserved shall be designated in the planned development overlay covering this area.*

APPLICANT'S RESPONSE: The Property is near the airport, but does not abut it, and is separated from the airport by a public park (Galen McBee Airport Park), the South Yamhill River, a military base and the Jackson Family Winery. The portion of the Property closest to the airport is the southerly 52.5 acres that will retain an Industrial land use designation.

FINDING: SATISFIED. The proposed amendment doesn't redesignate industrial land adjacent to the airport.

52.00 *The City of McMinnville shall create a new "limited light industrial" zone which shall be placed on the industrial areas on the south side of Three Mile Lane in those areas where residential development is expected on the north side of the road. The new zone will allow only those types of industrial uses that will not conflict with the residential uses.*

APPLICANT'S RESPONSE: Policy 52.00 is directed at the City pursuing a legislatively created new zoning designation. Policy 52.00 reflects the City's desire to minimize conflicts with residential uses north of Three Mile Lane. As detailed elsewhere in these findings, the uses allowed by the proposed C-3PD designation are more compatible with residential uses than those uses permitted allowed by the current M-3 zoning, which is consistent with Policy 52.00. Further, the City is in the process of re-evaluating the Three Mile Lane Area through the 3MLAP. That city-led long range planning process is the forum for addressing Policy 52.00.

FINDING: NOT APPLICABLE. The proposed amendment is to redesignate land from industrial to commercial. A limited light industrial zone wouldn't be applicable to commercial land.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

APPLICANT'S RESPONSE: No response.

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FINDING: NOT APPLICABLE. Chapter V addresses residential use, residential designations, and residential planned developments, which are not applicable to the proposed map amendment from industrial to commercial.

CHAPTER VI. TRANSPORTATION SYSTEM

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.

MASS TRANSPORTATION

Policies:

100.00 *The City of McMinnville shall support efforts to provide facilities and services for mass transportation that serve the needs of the city residents.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). As a condition of the Planned Development overlay designation, the development and design principles and standards provide for coordination with the transit provider and provision of a conveniently located transit stop as part of the final PD development plan.

TRANSPORTATION DISADVANTAGED

Policies:

106.00 *The City of McMinnville, through public and private efforts, shall encourage provision of facilities and services to meet the needs of the transportation disadvantaged.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). As a condition of the Planned Development overlay designation, development and design principles and standards will provide for coordination and provision of a conveniently located transit stop as part of the final PD development plan. Additional provisions address convenient and comfortable transportation facilities for other modes for all ages and abilities.

AIR

115.00 *The City of McMinnville shall encourage the development of compatible land uses in the vicinity of the airport as identified in current and future airport and comprehensive plans.*

APPLICANT’S RESPONSE: The Property is within .5 miles of the McMinnville Municipal Airport. While the Airport Layout Plan completed in 2004 discourages the expansion of residential use near the airport and encourages agricultural and manufacturing areas, it does not explicitly address commercial use (McMinnville Municipal Airport Layout Plan Study – December 2004, 1-9). The request to add a commercial element through the land use designation and zoning change would not run incongruent to the future sustainability and potential expansion of the airport.

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FINDING: SATISFIED. The Three Mile Lane Area Planning work underway addresses properties in the vicinity of the airport. Current comprehensive plan policies also address industrial use of properties adjacent to the airport. Some of these policies focus on the economic development aspect of compatible uses adjacent to the airport. The Airport Overlay zone also addresses safety and compatibility issues in the vicinity of the airport. Any development will be required to comply with the provisions of the different sub-areas of the Airport Overlay Zone, which include use, height, radio interference, and other safety considerations.

STREETS

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

APPLICANT’S RESPONSE: The OR 18 corridor has the capacity to accommodate trips to the proposed site without widening to six (6) lanes. The traffic impact analysis (TIA) supports this finding and recommends some access modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the site with the proposed rezoning and subsequent commercial development. These modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan.

FINDING: SATISFIED. The proposed commercial designation is located where it would be served by existing and planned major transportation corridors identified in the Transportation System Plan. Additional streets will be needed for local connectivity, to be addressed at time of submittal of a final development plan, and to address connectivity needs to be consistent with those to be identified in the Three Mile Lane Area Planning work underway.

123.00 *The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.*

APPLICANT’S RESPONSE: Kittelson & Associates, Inc. prepared a transportation impact analysis (TIA) and Transportation Planning Rule (TPR) analysis for the proposed project. The scope, methodology, findings and recommendations have been coordinated with the City of McMinnville and the Oregon Department of Transportation (ODOT). In addition, at the time development is proposed on the Property in the future, the City of McMinnville will notice the ODOT, surrounding project owners, and the city at-large, issue a staff report and conduct planning commission and city council hearings to assess that proper development and maintenance of the road network is ensured.

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue. The City is coordinating with ODOT in the 3MLAP process, and will coordinate review to ensure mitigation is consistent with the 3MLAP preferred transportation alternative and that interim mitigation measures don’t conflict with the 3MLAP alternative.

The applicant has submitted a TIA with recommended mitigation for “significant effect” on transportation facilities to be addressed for consistency with the Transportation Planning Rule. ODOT has requested additional information for review of the TIA and must approve

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any proposed mitigation affecting Highway 18. Further, at the time of a specific development plan, specific traffic characteristics of the specific use, development, and access configuration will need to be evaluated and addressed consistent with the OR-18 Corridor Plan, as may be amended, and the 3MLAP.

FINDING: SATISFIED WITH CONDITIONS. (Condition 1 and 2). The condition of approval for the development and design principles and standards also specify that development of transportation facilities necessary to serve the final PD development plan will be required to be consistent with applicable transportation plans and development standards, and connectivity standards.

BIKE PATHS

Policies:

- 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.*
- 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.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The final development plan will need to address connectivity for all modes, including potential bicycle and footpath connections to amenities and neighborhoods, consistent with the 3MLAP if adopted, and consistent with the development and design principles and standards attached as a condition of approval.

Complete Streets

- 132.24.00 *The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*
1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
 2. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Narrower traffic lanes;*
 - b. *Median refuges and raised medians;*
 - c. *Curb extensions (“bulb-outs”);*
 - d. *Count-down and audible pedestrian signals;*
 - e. *Wider sidewalks;*

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- f. *Bicycle lanes; and*
 - g. *Street furniture, street trees, and landscaping*
3. *Improve pedestrian accommodation and safety at signalized intersections by:*
- a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
 - b. *Timing signals to minimize pedestrian delay and conflicts.*
 - c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). At the time of the final PD development plan, the street design, intersections, connectivity, and pedestrian amenities will be reviewed for consistency with these elements, to provide for safe, convenient, and comfortable facilities for all modes and all ages and abilities. The PD development plan will be reviewed for consistency with the development and design principles and standards attached as a condition of approval, and with the 3MLAP if adopted at the time of submittal of the development plan.

MULTI-MODAL TRANSPORTATION SYSTEM

132.25.00 *The transportation system for the McMinnville planning area shall consist of an integrated network of facilities and services for a variety of motorized and non-motorized travel modes. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). At the time of the final PD development plan, the proposal will be reviewed for circulation and connectivity to address motorized and nonmotorized travel modes, consistent with the 3MLAP if adopted and with the development and design standards attached as a condition of approval.

CONNECTIVITY AND CIRCULATION

132.26.00 *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.*

APPLICANT’S RESPONSE: No response.

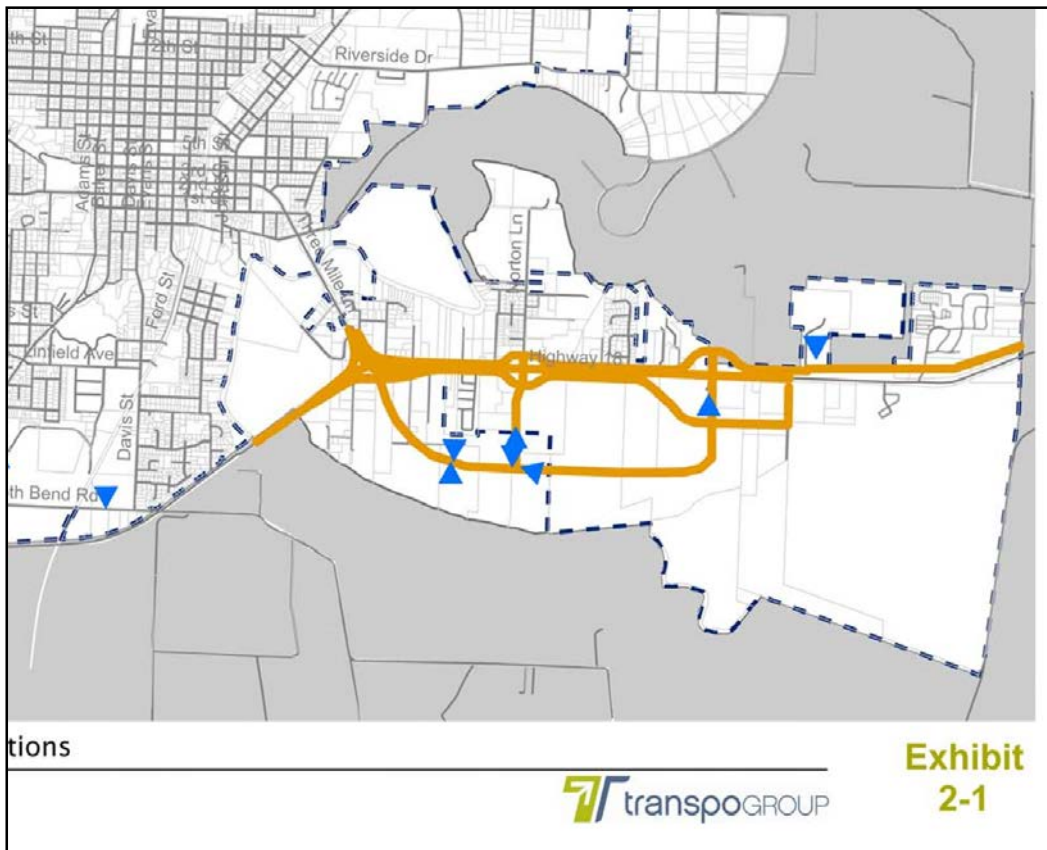
FINDING: SATISFIED WITH CONDITIONS. (Condition 2). At the time of the final PD development plan, the proposal will be reviewed for circulation and connectivity to and from the site and within the site, consistent with the 3MLAP if adopted and with the development and design standards attached as a condition of approval.

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132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

APPLICANT’S RESPONSE: The Local Street Connectivity (Exhibit 2-1 of the TSP) map identifies future east/west frontage road and back road connections south of OR 18, as shown in the figure below. The subsequent development of the Property under the proposed zoning will require the development of collector streets consistent with the transportation system plan and McMinnville (OR-18) Corridor Refinement Plan which require sidewalks and bicycle lane. The proposed development plan will need to show these connections as well as how pedestrians and bicyclists access the buildings on-site.



FINDING: SATISFIED WITH CONDITIONS. (Condition 2). At the time of the final development plan, the proposal will need to include complete street connections, consistent with connectivity requirements, consistent with the 3MLAP if adopted and with the development and design standards attached as a condition of approval.

Note: *The Local Street Connectivity Map shows critical points of local street connectivity where specific points of local street connectivity are critical for continuation of a street connection, but where the connection isn’t classified as a higher order street such as a collector or arterial and shown in the map of collectors and arterials. The Local Street Connectivity Map does not show all local street connections that may be needed to address other connectivity requirements to and within the subject property and surrounding areas and properties.*

Supportive of General Land Use Plan Designations and Development Patterns

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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: The TIA provided a short-term (2022) and long-term (2037) operational analysis of the roadway network surrounding the site, finding that the proposed rezone can be approved assuming implementation of the recommended mitigation measures. With the proposed improvements, the proposed rezone results in no significant impacts under Oregon Administrative Rule (OAR) 660-012-0060. Additionally, the proposed transportation facility modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan. Development will include construction of the collector streets identified in the TSP Exhibit 2-1 (frontage and back roads). As part of the design of these roadways, sidewalks and bicycle lanes will be provided.

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue. The City is coordinating with ODOT in the 3MLAP process, and will coordinate review to ensure mitigation is consistent with the 3MLAP preferred transportation alternative and that interim mitigation measures don’t conflict with the 3MLAP alternative. Transportation analysis conducted in conjunction with draft 3MLAP work indicates that adequate transportation capacity to accommodate the preferred land use designations and development patterns analyzed through that work with specified mitigation.

An area of concern to be addressed at the time of submittal of the final PD development plan is how and whether the proposed site plan, circulation, and access proposal is consistent with and supportive of the land use plan designation and development patterns in the Three Mile Lane Plan work currently underway. This is an Area of Concern that shall be addressed at the time of final development plan – the circulation system shall be consistent with the work of the 3MLAP.

The applicant has submitted a TIA with recommended mitigation for “significant effect” on transportation facilities to be addressed for consistency with the Transportation Planning Rule. ODOT has requested additional information for review of the TIA and must approve any proposed mitigation affecting Highway 18. Further, at the time of a specific development plan, specific traffic characteristics of the specific use, development, and access configuration will need to be evaluated and addressed.

FINDING:: SATISFIED WITH CONDITIONS. (Condition 1 and 2). The condition of approval for the development and design principles and standards also specify that development of transportation facilities necessary to serve the final PD development plan will be required to be consistent with transportation plans and development standards, and connectivity standards.

GROWTH MANAGEMENT

132.29.00 *The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs, and shall be implemented so as to minimize*

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impacts on existing development. Prioritization of improvements should consider the City's level of service standards.

- 132.29.05 *Off-site improvements to streets or the provision of enhanced pedestrian and bicycle facilities in the McMinnville planning area may be required as a condition of approval for land divisions or other development permits.*

APPLICANT'S RESPONSE: No response.

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue. To address any significant effect on transportation facilities, ODOT requires additional information to review the TIA and must approve mitigation for TPR compliance. The City will coordinate with ODOT to ensure mitigation is consistent with the 3MLAP work underway. In addition, at the time of review of the PD final development plan, conditions of approval for specific transportation facilities will be included to ensure provision of transportation facilities and improvements necessary to serve the development and meet the City's performance standards as well as ODOT's mobility standards.

Off-site improvements, proportional to the proposed map amendment, which are necessary to address safety or mobility issues, will be required a condition of approval.

AESTHETICS AND STREETSCAPING

- 132.38.00 *Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project. (Ord. 4922, February 23, 2010)*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). At the time of submittal of the final development plan, the proposal will be reviewed for consistency with the policies of the Comprehensive Plan discussed above. The intent of the Three Mile Lane Area plan underway is to provide a unique identity of the Three Mile Lane area that reflects McMinnville's heritage within the context of the area. As a result, streetscape and on-site areas will be reviewed to incorporate thematic treatments consistent with the objectives of the Three Mile Lane Area plan to reflect this heritage through public art, landscaping and streetscaping treatments, interpretive information, and incorporation of existing agricultural features into the design of the streetscape and property. The development and design principles and standards adopted as conditions of approval address this issue).

GROWTH MANAGEMENT

- 132.40.00 *Mobility standards will be used to evaluate the transportation impacts of long-term growth. The City should adopt the intersection mobility standards as noted in Chapter 2 of the Transportation System Plan. (Ord. 4922, February 23, 2010)*

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APPLICANT’S RESPONSE: The TIA study intersections within the City’s jurisdiction and ODOT’s jurisdiction and applied each jurisdiction’s applicable mobility standard as a basis for recommending mitigation measures. See, for example, TIA Table 2 and 18.

FINDING: SATISFIED WITH CONDITIONS. The TIA provides information used to evaluate the transportation impacts, and it shows consistency with performance standards with mitigation measures. The specific design, circulation, connectivity, and access configuration of the final development plan will need to be reviewed for consistency with mobility standards at the time it is submitted and reviewed.

132.40.05 *Conditions of Approval – In accordance with the City’s TSP and capital improvements plan (CIP), and based on the level of impact generated by a proposed development, conditions of approval applicable to a development application should include:*

1. *Improvement of on-site transportation facilities,*
2. *Improvement of off-site transportation facilities (as conditions of development approval), including those that create safety concerns, or those that increase a facility’s operations beyond the City’s mobility standards; and*
3. *Transportation Demand management strategies*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. At the time of submittal of a specific development plan, conditions will be attached to the development as necessary to address the level of impact.

CIRCULATION

132.41.30 *Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). At the time of submittal of the final development plan, the plan will be reviewed for connectivity for all modes between the site and the surrounding land uses and neighborhoods consistent with the Three Mile Lane planning work underway. Connectivity between the site and surrounding areas for all modes shall also be well-connected within the development site. This issue is addressed in the development and design principles and standards.

SYSTEMS DEVELOPMENT

132.51.15 *Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The final development plan will be reviewed for convenient connectivity with shared shared use path system facilities identified through the Three Mile Lane area planning process. The site will be a key destination and attractor, and it should be well-connected to such a system, and nearby neighborhoods, and nearby parks and recreational destinations connected to that system. The connection to the system will need to consider the desirability of the system on-site, and it should be treated as

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an amenity connected to pedestrian gathering places on the property. It should be more than an isolated circulation route through vehicular parking lots and vehicular circulation areas. This issue is addressed in the development and design principles and standards.

TRANSIT SYSTEM PLAN

132.57.05 *Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The final development plan will be reviewed for provision of a transit stop, coordinated the current and planned transit routes, that will support safe, convenient pedestrian access from the transit stop to on-site destinations for all ages and abilities. This issue is addressed in the development and design principles and standards.

FREIGHT MOBILITY, AIR, RAIL AND PIPELINE PLANS

132.59.10 *Airport area land use – Do not permit land uses within airport noise corridors that are not noise compatible, and avoid the establishment of uses that are physical hazards to air traffic at the McMinnville Airport. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. This policy is addressed through the Airport Overlay Zone and its sub-areas. Specific use and development will be required to comply with the standards of the Airport Overlay Zone.

McMinnville TSP Implementation

132.62.00 *TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

APPLICANT’S RESPONSE: The proposed rezone and subsequent development of the subject property is consistent with the goals, objectives, policies, implementation strategies, principles, maps, and recommended projects within the McMinnville TSP as shown below:

Goal: To encourage development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

The proposed rezone and subsequent commercial development work in the direction of achieving this goal by providing intersection improvements to increase the safety and traffic flow of the surrounding roadway network for all users. The proposed modifications are consistent with the implementation strategies (McMinnville (OR-18) Corridor Refinement Plan) as shown in Exhibit 4-6 (Projects and Programs) in the

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TSP, as well as the Street System, Pedestrian, Bicycle, Public Transportation, Freight, Rail, Air and Pipeline Plan maps set forth in the TSP.

Policies:

1. Transportation System Plan

The proposed site plan will be developed consistent with the Street System, Pedestrian, Bicycle, Public Transportation, Freight, Rail, Air and Pipeline Plans set forth in the TSP. The proposed rezoning and subsequent commercial development will fund transportation improvements which will work toward implementing the TSP.

2. Complete Streets

The traffic signals and intersection improvements identified in the TIA will be designed and constructed in compliance with the Americans with Disabilities (ADA) guidelines. Site development will aim to create a pedestrian and bicycle friendly environment.

3. Multi-Modal Transportation System

The site plan review process will ensure that the proposed site is consistent with the Local Street Connectivity map and provides connections for pedestrians and bicycles.

4. Connectivity and Circulation

The Local Street Connectivity map identifies a future east/west connection south of OR 18. The site plan will be developed consistent with this plan and providing this connection.

Pedestrian and bicycle facilities will be provided as appropriate for each roadway classification. Site development will preserve right-of-way for design of a future interchange at OR 18 and Cumulus Avenue.

5. Supportive of General Land Use Plan Designations and Development Patterns

The TIA provided a short-term (2022) and long-term (2037) operational analysis of the roadway network surrounding the site, finding that the proposed rezone can be approved assuming implementation of the recommended mitigation measures. With the proposed improvements, the proposed rezone results in no significant impacts under Oregon Administrative Rule (OAR) 660-012-0060. Additionally, the proposed modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan.

6. Regional Mobility

The location of the proposed site along OR 18 provides ease of access to regional centers such as downtown McMinnville, Lafayette, and Newberg. It is also anticipated that some people will stop at the site on their way to or from the coast. In addition, the proposed uses may reduce regional transportation demand by

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capturing existing trips that travel to the greater Portland and Salem area for these uses today.

7. Growth Management

The proposed rezone meets the needs of the surrounding community. A recent market study indicated an over-abundance of industrial land and high demand for commercial uses in the area. Additionally, the improvements recommended in the TIA bring local intersections (some of which do not meet level of service standards under existing conditions) up to standard. The proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

8. Transportation System and Energy Efficiency

The location of the proposed site along OR 18 provides opportunity for transportation system and energy efficiency with easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of- direction travel. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

9. Transportation Safety

The traffic impact analysis (TIA) recommends modifications to improve the safety of the OR 18 corridor and other intersections within the study area.

10. Public Safety

The site plan review process will ensure that emergency vehicle access is provided on the proposed site. In addition, the safety improvements identified in the TIA should result in crash reductions as a number of intersections within the study area.

11. Accessibility for Persons with Disabilities

On-site connections, as well as traffic signal and intersection improvements identified in the TIA, will be designed and constructed in compliance with the Americans with Disabilities (ADA) guidelines.

12. Economic Development

The proposed rezone meets the needs of the surrounding community. A recent market study indicated an over-abundance of industrial land and high demand for commercial uses in the area.

13. Livability

The site plan review process will incorporate multi-modal facilities to increase the livability of the greater McMinnville area.

14. Health and Welfare

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The proposed site will be accessible via many modes of transportation, including transit and active transportation (by bicycle and by foot).

15. Transportation Sustainability

The location of the proposed site along OR 18 provides easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of-direction travel. It is also anticipated that some people will stop at the site on their way to or from the coast. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today. The traffic impact analysis (TIA) recommends some modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the site.

16. Aesthetics and Streetscaping

The site plan review process will incorporate aesthetics and streetscaping to enhance visitor experience and livability of the greater McMinnville area.

17. Intergovernmental Coordination and Consistency

Kittelson & Associates, Inc., prepared a transportation impact analysis (TIA) and Transportation Planning Rule (TPR) analysis for the proposed project. The methodology, findings and recommendations have been coordinated with the City of McMinnville and ODOT Region 2.

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue. While the TSP serves as the legal basis for decisions, with a Planned Development request the TSP must also be considered in conjunction with the Planned Development provisions of 17.51.010(B)(1) and (2) and the context provided therein. One of the predominant “unique characteristics” which must be present under (B)(1) to authorize a PD overlay designation with a deferred development plan per Section 17.51.010(B) is the nature of the 3MLAP work underway for this area. One of the reasons for approval under this section and areas of concern that must be addressed in the development plan under (B)(2) is the ability to treat the application as timely and orderly while recognizing that the 3MLAP work underway could potentially result in revisions to certain aspects of the TSP, and that the deferred PD development plan for the subject property should be consistent with the efforts of the 3MLAP, which may result in amendments or refinements to certain aspects of the TSP.

Further, while the City and ODOT were involved in the scoping of the TIA, ODOT has indicated they need additional information for review of the TIA, and must approve mitigation to OR-18. The City will also coordinate with ODOT to ensure mitigation is also consistent with the draft preferred transportation alternative in the 3MLAP work underway.

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- 132.62.20 *TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. As evidenced in this review of the proposed map amendment, the applicable goals and policies serve as review criteria, and the planning principles, recommended projects, implementing strategies, provide the basis for applying the goals and policies. At the time of submittal of a final PD development plan, the TSP will also be used to evaluate the development plan. In addition, the proposal shall be consistent with the development and design principles and standards attached as a condition. If the 3MLAP subsequently amends the TSP, the PD development plan will need to be consistent with the 3MLAP, and mitigation will be reviewed to ensure it doesn’t conflict with potential amendments to the TSP resulting from the 3MLAP work. this manner to review the development plan.

CHAPTER VII. COMMUNITY FACILITIES AND SERVICES

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.

APPLICANT’S RESPONSE: This Goal is targeted primarily at rural land that is included in the UGB and is transitioning to urbanizable and urban land, and directs the City to plan utilities for that transition. The Property is in the UGB, so this Goal is not applicable. Nevertheless, when development is proposed and evaluated through a public process in the future, the adequacy of public and private facilities for the development will be determined.

FINDING: SATISFIED WITH CONDITIONS. The application was provided to public facility and service providers for review and comment. Comments did not identify major issues with the ability to provide public facilities and services needed to serve development that would be enabled by the proposed map amendment. McMinnville Water & Light provided comments regarding feeder lines that may need to be addressed depending on the scale and intensity of proposed uses. At the time the final PD development plan is submitted for review, specific requirements for public facilities will need to be addressed as a condition of approval.

Sanitary Sewer System

- 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.*
- 138.00 *The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.*

APPLICANT’S RESPONSE: This Goal is targeted primarily at the City’s facility planning. There are no known sanitary sewer deficiencies in the vicinity of the Property. No development is proposed as a part of this application. When development is proposed and evaluated through a public process in the future, the adequacy of sewer system facilities will

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be confirmed, and if necessary, conditions of approval will be imposed to address any deficiencies.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with the sanitary sewer conveyance system. At the time of development, construction and connection to the municipal sanitary sewer system will be required.

Storm Drainage

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

APPLICANT’S RESPONSE: No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address the Project’s storm drainage shall be assessed at that time.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the capacity of the municipal storm drainage system. At the time of development, the applicant will be required to comply with all federal, state, and local storm drainage permitting requirements, and comply with any requirements for detention and stormwater runoff quality.

WATER SYSTEM

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: No response.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with municipal water. At the time of development, the applicant will be required to construct and connect to the municipal water system to serve the property.

Water and Sewer-Land Development Criteria

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: There are no known water or sewage deficiencies in the vicinity of the Property. No development is proposed as a part of this application. When development is proposed and evaluated through a public process in the future, the adequacy of water and sewer system facilities will be confirmed, and if necessary, conditions of approval will be imposed to address any deficiencies.

FINDING: SATISFIED. Notice of the application was provided to service providers. No issues with water supply, storage, or distribution facilities were identified. No issues with municipal sewage facilities were identified. No issues were identified regarding sufficient water and sewer system personnel or resources for the maintenance and operation of the water and sewer systems or that would differ for personnel and resources to provide service to commercially-zoned land rather than industrially-zoned land. No issues were identified with the ability to meet applicable standards and policies in serving the property with water and sewer.

Police and Fire Protection

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: There are no known police or fire facility or service deficiencies in the vicinity of the Property. No development is proposed as a part of this application. When development is proposed and evaluated through a public process in the future, the adequacy of these facilities and services will be confirmed, and if necessary, conditions of approval will be imposed to address any deficiencies.

FINDING: SATISFIED. Notice of the application was provided to service providers. No issues were identified with the ability of existing police and fire facilities and services to meet the needs of the property as a result of the proposed map amendment. At the time of development adequate water facilities will be required in order to meet applicable fire flow requirements of the applicable structural codes.

PARKS AND RECREATION

167.00 *The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.*

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168.00 *Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.*

169.00 *Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). As a condition of approval, the amendment is be subject to development and design principles and standards applicable to the PD development plan that address incorporation of natural features, open space elements, and scenic view considerations into the site design.

CHAPTER VIII. ENERGY

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

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.*

ENERGY CONSERVATION

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

APPLICANT’S RESPONSE: One of the fundamental policies backing the rationale for this land use change request is the consumer spending leakage highlighted in the 2013 EOA. By allowing more potential retail development within the City, residents will no longer be required to drive longer distances to destinations such as Salem or southwest Portland for their needs, which conserves energy.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). Subject to design and development standards as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with provisions of the Comprehensive Plan, Economic Opportunities Analysis, as well as the Three Mile Lane Area Planning work underway to include commercial land at this location. It would be part of an overall area plan to reduce vehicle miles travelled associated with shopping outside of the McMinnville area and to provide commercial uses in this area to meets needs of surrounding neighborhoods existing and being planned for this area. The design and development standards included provisions to ensure good connectivity to the surrounding lands to reduce out of direction travel and encourage biking, walking, and transit.

Policies:

178.00 *The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.*

APPLICANT’S RESPONSE: Statewide Planning Goal 14 and its implementing statutes and rules require a jurisdiction to first determine whether an identified land need can be accommodated within the UGB prior to expanding the UGB to accommodate the need. The

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2013 EOA demonstrates a need for retail and an excess of industrial land, and the proposed comp plan designation and zoning map amendments satisfy a portion of this need. Accommodating the identified land need within the UGB is consistent with Goal 14 and encourages a compact urban development pattern.

FINDING: SATISFIED. The commercial designation of this property is a key component of the 3MLAP work underway, which is intended to provide for a mix of land uses in a compact development pattern, form, and connectivity that is supportive and encouraging of all transportation modes, including walking, biking, and transit.

CHAPTER IX. URBANIZATION

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.

APPLICANT'S RESPONSE: The 2013 EOA quantifies the industrial and commercial land needs for the projected population and concludes that there is a need for retail and an excess of industrial land. The proposed Comprehensive Plan land use designation and zoning map amendments accommodate a portion of the commercial land need. Converting excess industrial land to needed commercial land is consistent with Statewide Planning Goal 14 and its implementing statutes and rules, which require a jurisdiction to first determine whether an identified land need can be accommodated within the UGB prior to expanding the UGB to accommodate the need.

FINDING: SATISFIED. The proposed commercial map designation is consistent with the identified commercial land needs specified in the Comprehensive Plan and EOA.

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

LAND USE DEVELOPMENT TOOLS

186.00 *The City of McMinnville shall place planned development overlays on areas of special significance identified in Volume I of the McMinnville Comprehensive Plan. Those overlays shall set forth the specific conditions for development of the affected properties. Areas of significance identified in the plan shall include but not be limited to:*

1. *Three Mile Lane (north and south)...*

APPLICANT'S RESPONSE: The application requests a Planned Development overlay, consistent with Policy 186.00.1. No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. Those ordinances require specific conditions for development of the Property, and will be reviewed in a public process.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The City previously adopted a Three Mile Lane overlay which is in effect, but addresses a limited scope of issues. The City is in the process of developing a new Three Mile Lane Area Plan which is comprehensive in scope of issues and will set forth specific conditions for development of the affected properties. Since this request was submitted prior to the adoption of that plan, staff has recommended conditions

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of approval to include development and design principles and standards, consistent with the draft 3MLAP principles and objectives, which must be addressed in the PD development plan for this property at the time it is submitted for review and approval. If the Three Mile Lane Area plan and standards are developed prior to that submittal, more stringent provisions will govern.

GREAT NEIGHBORHOOD PRINCIPLES

Policies:

- 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.*
- 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.*
- 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.*
- 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.*
- 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.*
 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.*
 3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*

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- 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.*
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).*
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.*
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.*
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.*
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*

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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).*

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.*

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.*

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.*

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.*

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.*

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- 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)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). Subject to development and design principles and standards as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with applicable provisions of the Great Neighborhood Principles. The development and design principles and standards recognize the type of regional uses that address retail leakage, but include provisions to ensure the property also meets commercial needs of surrounding neighborhoods identified in the 3MLAP work underway. Accordingly, the development and design principles and standards address key critical aspects of the Great Neighborhood Principles which apply to commercial use and development and its relationship to surrounding uses and neighborhoods.

NEIGHBORHOOD ACTIVITY CENTERS

GOAL: NEIGHBORHOOD ACTIVITY CENTERS PROVIDE SHOPPING, SERVICES, RECREATION, HIGH-DENSITY HOUSING, OFFICE AND INSTITUTIONAL FACILITIES NEEDED TO SUPPORT A SURROUNDING NEIGHBORHOOD OR URBAN AREA.

Proposals:

- 48.15 The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district’s economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district, enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the City of McMinnville.

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The City is in the process of conducting the area planning work for the Three Mile Lane Area. As a condition of approval, at the time of submittal of the PD development plan, the plan shall comply with the development and design principles and standards attached as a condition of approval. If the PD development plan submittal is submitted after adoption of the 3MLAP, the development shall comply with those development and design principles and standards, and the most restrictive provisions shall apply.

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment.

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APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The proposed amendment would amend the map designation for 37.7 acres, which includes 4.25 acres intended for right-of-way dedication for future highway improvements. The proposed map amendment also identifies additional acreage within the area of the proposed amendment for future right-of-way for additional street circulation. Therefore, the proposed map amendment is consistent with additional commercial need identified in the EOA, and a portion of the 40 acres to be redesignated consistent with Proposal 48.70 in the Comprehensive Plan.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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.

APPLICANT’S RESPONSE: This Goal obligates the City to periodically review its Comprehensive Plan, so is not applicable to this application. Nevertheless, the application is consistent with this Goal because the proposal to revise the comprehensive land use plan designation for the site is responsive to the oversupply of industrial and demand for retail as addressed in the 2013 EOA. While consistent with the Three Mile Line Area Plan currently moving through the legislative process, the timing on adoption of this larger policy document is unknown. The current application seeks to address the current deficit in available commercial land in a more directed and expedient manner.

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue. This would be brought back for consideration at a subsequent public hearing continued to a date certain for consideration through the public process.

ALL OTHER ISSUES: SATISFIED WITH CONDITIONS. (Condition 2). The City is undertaking a 3MLAP process informed by a public process to engage the public in the development of that plan. With the timing of the application, including the PD overlay, as a condition of approval, the application includes development and design principles and standards, consistent with the 3MLAP principles and Great Neighborhood Principles, which will apply to the PD development plan. Review of the PD development plan will be subject to this same public hearing process, as specified in the Zoning Ordinance.

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.*

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APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. Prior to submitting an application, the applicant is required to conduct a noticed neighborhood meeting, which the applicant satisfied. The public processes provide for review of the map amendment and PD overlay, as well as the subsequent PD development plan provided for citizen involvement through the quasi-judicial amendment to the adopted and acknowledged Comprehensive Plan and implementing ordinances. Due to the timing of the application, the conditions of approval specify development and design principles and standards which will be applicable to the PD development plan, thus capturing the publicly-informed objectives of the Three Mile Lane Planning work to date.

McMinnville Zoning Ordinance (Title 17 of the Municipal Code)

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

Chapter 17.74. Review Criteria

Section 17.74.010. Purpose. The purpose of this chapter is to provide the approval criteria for the following applications:

- Comprehensive Plan Map Amendment
- ...
- Zone Change (Planned Development)

FINDING: SATISFIED. The criteria of this Chapter and applicable sections are the applicable criteria for the proposed Comprehensive Plan Map amendment and Zone Change.

Section 17.74. 020. Comprehensive Plan Map Amendment and Zone Change – Review Criteria

17.74.020. Comprehensive Plan Map Amendment and Zone Change - Review Criteria. *An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:*

- A. *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

APPLICANT’S RESPONSE: *The analysis provided in Section 3 of this attachment demonstrates the application’s compliance with the City’s Comprehensive Plan and other adopted policies.*

FINDING: SATISFIED WITH CONDITIONS. (Conditions 1, 3) Findings regarding the goals and policies of the Comprehensive Plan are provided above. Subject to conditions addressing development and design principles and standards and mitigation of “significant effects” to the transportation system resulting from the map amendment, this criterion is satisfied.

- B. *The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;*

APPLICANT’S RESPONSE: *Criterion B is supported by the 2013 EOA, which found that the City could benefit from a regional retail center, that recapture of retail sales leakage*

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could be achieved by concentrating retail along major highways, and that excess industrial land should be re-designated to commercial use when opportunities arise. While consistent with the Three Mile Line Area Plan currently moving through the legislative process, the timing on adoption of this larger policy document is unknown. The current application seeks to address the current deficit in available commercial land in a more directed and expedient manner.

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue.

ALL OTHER ISSUES: SATISFIED WITH CONDITIONS. (Condition 2).

Timeliness for Designation for Identified Land Needs. In some respects, timing is not an issue for the proper designation of lands. Lands within the UGB should be properly designated to meet identified needs over the 20-year planning period as specified in the Comprehensive Plan, both in quantity and location. This serves to ensure an adequate supply of lands designated to meet the identified needs, and also to protect suitable lands that can meet those identified needs from other uses and development under a different plan designation and zoning district, should that not be the intent of the Comprehensive Plan.

In other words, if a subject property is needed and suitable for a specified land use, there is no benefit in retaining the land in a different comprehensive plan designation and zone which may conflict with the long terms needs to be met with a different designation and zoning district. This could also lead to the possibility that lands which are necessary to meet the identified future land use needs for a certain designation and zone could be irreversibly developed under the existing designation and zone before being redesignated and rezoned to the needed plan designation and zone.

This would be a different issue if the property were in an unincorporated portion of the UGB designated with an Urban Holding designation that would require annexation and redesignation/rezoning to an urban plan designation and zone before urban development could occur. However, with the subject application, the property already has an urban industrial plan map designation and zone.

The adopted and acknowledged Comprehensive Plan and EOA identify a deficit of commercial land and a surplus of industrial land. Therefore, the proposed amendment is timely in redesignating land from industrial to commercial consistent with the identified commercial need.

Analysis identifies retail leakage, meaning there is an identified need for certain commercial uses in the community which is not being met. This results in local dollars which could be spent in the community instead being spent in other communities, and also leading to an increase in vehicle miles traveled by local shoppers who are shopping elsewhere. There is also demand within the region and surrounding market area which isn't being met in McMinnville, resulting in those dollars being spent elsewhere, with some longer trips to those destinations and increased length of some trips also leading to increased vehicle miles traveled.

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However, the adopted and acknowledged Comprehensive Plan already specifies the identified need, so from a quantitative standpoint, the current application need not demonstrate that there is need, or the rationale for the need, but rather it needs to demonstrate that it would meet the need already identified in the acknowledged planning documents. Where the Comprehensive Plan may specify a need for different types of commercial land (neighborhood commercial, general commercial, etc.), the application must demonstrate the proposed amount of specified commercial land to be designated is consistent with the type of needed commercial land and is in a location suited for the type of needed commercial land.

Further, the Comprehensive Plan explicitly identifies the redesignation of industrial land to commercial land to meet the identified need. This site has characteristics to meet the need.

Timeliness for Coordinated Area Planning and Development. In planning for how to meet its identified land needs, McMinnville has opted to conduct area planning, including a “Three Mile Lane Area Plan (3MLAP),” to ensure development of properties in separate ownerships develop subject to a publicly vetted plan to occur in a cohesive and coordinated manner, and in a manner that reflects McMinnville’s unique character, and the unique characteristics of different part of McMinnville, avoiding a generic “Anywhere USA” appearance.

The application uses the two-step Planned Development process specified in Chapter 17.51 Zoning Ordinance. This process allows for the Planned Development (PD) Overlay designation to be applied to the property as the first step, without a specific development plan, provided that no development can occur on the portion of the property subject to the PD Overlay until a specific development plan has been submitted and approved through the second step, following the same public hearing process.

While the 3MLAP work is still underway, McMinnville wants to ensure that actions taken to meet identified land needs do not occur before that work is complete which could otherwise conflict with the goals and objectives to be addressed through an area plan. It is not a foregone conclusion that this could be achieved by simply rezoning to one of McMinnville’s existing commercial zoning districts absent a special overlay. Redesignation for commercial use would need to occur in a manner that addresses these issues. If a privately initiated application was not submitted at this time, the public goals and objectives would be addressed through adoption of an area plan with specific use and development provisions and standards. Because that is not adopted and in effect, any privately initiated application will need to demonstrate how it will be consistent with this intent and purpose. This is part of the “unique characteristics” (Section 17.51.010(B)(1)) which authorize use of the PD overlay process with the deferred development plan. Further, the development and design principles and standards specify “areas of concern” required by (Section 17.51.010(B)(2)) to be addressed when final plans are submitted.

Subject to the conditions of approval addressing design and development standards and mitigation of “significant effect” to transportation facilities, the proposed amendment is orderly and timely. The two-step PD process with the deferred submittal of the development plan helps ensure the application for amendment and PD overlay is timely and orderly.

Because the 3MLAP proposes to amend certain aspects of the TSP and OR-18 Corridor Plan, with the timing of the application, the applicant needs to address current requirements and ensure the proposal doesn’t conflict with the 3MLAP work. The

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application needs to demonstrate that the identified mitigation can be approved by ODOT as well as the City. Further, if the City's intent is to update aspects of the OR-18 Corridor Plan as part of the adoption of the 3MLAP, this is an "area of concern" that must be addressed as part of the PD approval process. This essentially requires the applicant to demonstrate that mitigation associated with the map amendment is consistent with and will not conflict with the 3MLAP mitigation, and that if the mitigation associated with this application is less than or different than the mitigation associated with changes resulting in the 3MLAP overall, that the mitigation identified by the applicant can developed as an interim improvement and/or phased in such a way that it doesn't preclude or prevent the necessary 3MLAP mitigation. Finally, since the City has not yet adopted the 3MLAP, then the timing of the application may require greater burden on the applicant to show their mitigation is approvable by ODOT and won't conflict with the 3MLAP work.

At this time, ODOT's comments indicate they need additional information to complete their review of the applicant's mitigation, and that the mitigation identified by the applicant related to ODOT facilities has not yet been approved by ODOT. The City will need to know whether the mitigation identified by the applicant is approvable and can be attached to the proposed amendment as a condition of future development. The City can't make findings regarding this criterion until this has occurred.

Also, as the applicant hasn't explicitly proposed that the map amendment include the mitigation as a condition of approval and obtained ODOT approval for the mitigation, they are in effect requiring the City to impose a condition of approval to make the application approvable. The applicant hasn't demonstrated that the City could simply adopt their identified mitigation as a condition of approval as the "measures" required to address "significant effect" under the TPR. The burden of proof is on the applicant, not the City, to demonstrate that there is an approvable proposal as part of the application to address "significant effect." Staff recommends a continuance for additional time for preparation and submittal of the additional information for ODOT review and approval of the mitigation to OR-18 and for City approval of the mitigation that doesn't conflict with the 3MLAP preferred alternative.

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

APPLICANT'S RESPONSE: There are no known utility or service deficiencies. No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will demonstrate the improvements required for City utilities and services to efficiently serve the site.

FINDING: SATISFIED WITH CONDITIONS. Service providers were notified of the proposal. No issues with efficient provision of utilities or services were identified to serve permitted uses in the commercial zoning district.

Per comments provided by McMinnville Water & Light, review of the intensity of any specific use and development will determine whether it will be necessary to upgrade power feeder lines to serve the specific sue and development.

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When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

FINDING: NOT APPLICABLE. The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

FINDING: NOT APPLICABLE: The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

Section 17.74.070. Planned Development Amendment – Review Criteria

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. The criteria in this section only apply to amendment of an existing Planned Development.

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.*

FINDING: SATISFIED. The purpose of the PD overlay as applied to the subject property, rather than only a rezone to C-3 without a PD overlay, is to provide for application of specific design and development standards to the property consistent with the principles of the 3MLAP underway for the lands in the Three Mile Lane area, which include objectives consistent with those described in the Purpose above.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The purposes in Section 17.030.020 are as follows:

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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.

The proposed map amendment is consistent with the land need identified in the Comprehensive Plan, and the location is suitable for commercial use and development as addressed in the EOA and work underway on the 3MLAP. With the conditions of approval to specify development and design principles and standards consistent with the 3MLAP principles, the proposed amendment is consistent with these purposes.

For purposes of implementing these objectives, two means are available:

- A. *The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)*

FINDING: NOT APPLICABLE. The applicant's submitted the application under Subsection B, below.

- 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. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)*

FINDING: SATISFIED WITH CONDITIONS. (Condition 4). The application is submitted under this Subsection. No development of any kind may occur on the portion of the property subject to the PD overlay until a final plan has been submitted and approved as specified in this ordinance.

1. *A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.*

APPLICANT'S RESPONSE: Comprehensive Plan Policy 6.00 recommends placing a Planned Development overlay on large cluster commercial development areas, and other polices encourage heightened review of proposed development to ensure compatibility with nearby uses. These policies provide a basis for imposing a planned development overlay on the Property, which has the unique characteristics of

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accommodating needed retail uses to accommodate retail leakage and growth related demand.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The Planned Development submittal is authorized under Subsection (B) because of the unique characteristics of the property and surrounding area which are recognized in the Comprehensive Plan policies specifying unique areas within the UGB where PD overlays should be applied. This property and the Three Mile Lane are unique relative to their character, gateway entry location to the community, and the coordinated 3MLAP work underway for this area.

Approval under this section is subject to the condition of approval for development and design principles and standards that address themselves to the unique characteristics of this area and the planning objectives of the 3MLAP.

2. *The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;*

FINDING:

TRANSPORTATION MITIGATION: CONTINGENT ON FURTHER REVIEW AND APPROVAL OF MITIGATION TO BE APPROVED BY ODOT IN COORDINATION WITH THE CITY. Staff has recommended a continuance to provide additional time to allow for preparation and submittal of additional information for review and response to this issue.

ALL OTHER ISSUES: SATISFIED WITH CONDITIONS. (Condition 2).

Reasons for Approval: The Comprehensive Plan map amendment and zone change are approved to meet identified need for commercial land, meeting part of the commercial deficit and reducing a portion of the industrial surplus. The location and proposed zoning is consistent with commercial land needs of the type identified in the Comprehensive Plan and EOA. Specific issues regarding the use and development characteristics are addressed through the PD overlay and the development and design principles and standards attached as a condition of approval. Subject to these conditions, the submittal under Subsection (B) to apply the PD overlay without a specific development submitted concurrently is the best alternative for coordination with the work underway on the 3MLAP.

Areas of Concern:

1. Development of the site should be consistent with the broader 3MLAP work underway and its objectives. Specific areas of concern, and how to address those, are articulated in the development and design principles and standards attached as a condition of approval.

2. The mitigation identified for “Significant Effect” of the map amendment on transportation facilities needs to be consistent with, and not conflict with, improvements and mitigation identified in the preferred alternative of the 3MLAP. Interim or partial mitigation at some locations needs to be reviewed for consistency with the 3MLAP mitigation. The applicant needs to provide additional information for ODOT’s review and demonstrate recommended mitigation can and will be approved by ODOT.

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- C. *The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;*

APPLICANT’S RESPONSE: No specific development is proposed at this time, so the requested Planned Development overlay is not an effort to circumvent the intent of the zoning ordinance. Instead, as noted above, the imposition of the Planned Development overlay is consistent with applicable Comprehensive Plan Policies.

FINDING: SATISFIED WITH CONDITIONS. (Condition 2). The PD overlay designation concurrent with the Comprehensive Plan map amendment and zone change is intended to provide greater oversight over the future development of the site. The development and design principles and standards attached as conditions of approval clearly demonstrate a means to ensure the intent of the zoning ordinance is not circumvented. Instead, there are specific provisions to address areas of concern and ensure the PD development addresses the objectives and areas of concern. Further, the development and design principles and standards establish expectations up-front regarding what the future PD development plan will need to address.

- D. *A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)*

APPLICANT’S RESPONSE: The Planned Development overlay request is being considered concurrent with the Comprehensive Plan designation and Zoning Map designating amendment requests, in compliance with the application and review processes in Chapter 17.72.

FINDING: SATISFIED. The application is being processed in accordance with the applicable public hearing procedures and the applications are being process simultaneously.

- E. *A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*

APPLICANT’S RESPONSE: The property owner will comply with these requirements at the time final plans for development of the Property are submitted.

FINDING: SATISFIED. This procedure will be required at the time of submittal of the final plans, and this PD overlay approval does not change those requirements.

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