

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

569-20-000637-Plng
 569-20-000638-Plng

Office Use Only:	
File No.	CPA1-20/2C1-20
Date Received	11/13/20
Fee	547. ⁰⁰ / 3759. ⁰⁰
Receipt No.	
Received by	GA

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other Assistant General Counsel

Applicant Name Cascade Steel Rolling Mills Phone 503-265-6373

Contact Name Jennifer Hudson Phone 503-708-9714
(If different than above)

Address 3200 OR-99W

City, State, Zip McMinnville, Oregon 97128

Contact Email jhudson@schn.com

Property Owner Information

Property Owner Name White Top Properties LLC Phone 503-265-6373
(If different than above)

Contact Name Matt Ruckwart / Jennifer Hudson, Cascade Steel Phone 503-708-9714

Address 3200 OR-99W

City, State, Zip McMinnville, OR 97128

Contact Email jhudson@schn.com

Site Location and Description

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

Property Address 3225 NE Hwy 99W McMinnville, Oregon 97218

Assessor Map No. R4 410 - 1500 portion Total Site Area 50.15 acres (1.2 acres)

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation County EFU

This request is for a:

Comprehensive Plan Amendment

Zone Change

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. _____

Cascade Steel Rolling Mills seeks to rezone 1.2 acres that is currently zoned County EFU to C-3 general commercial and amend the City Comprehensive Plan designation from Planned Residential to Commercial to establish consistency in the zoning and Comprehensive Plan designation for the developable portion of the property.

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

Please see attached response.

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. _____

This land use application does not request development.

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. _____

~~This land use application does not request development.~~

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

~~The proposal is orderly and timely based upon surrounding land use and the City's need for additional commercial land. Cascade Steel Rolling Mills seeks two changes. First, a Comprehensive Plan Amendment to remove the residential designation on the 1.2 acres. Second, to rezone 1.2 acres that is currently County EFU to C-3 general commercial to make for congruent zoning on the property.~~

~~Please see attached responses for further detail~~

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

~~Highway 99 is a major arterial through the City of McMinnville. Therefore, adjacent land is a desirable location for new businesses and development. This proposal would help ensure that the property within the City's Urban Growth Boundary is available for productive use rather than vacant in order to meet the needs of the community. Please see the attached supplemental response for further detail.~~

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

Please see attached maps.

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

Please see attached response.

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

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- A legal description of the parcel(s), preferably taken from the deed.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

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



Applicant's Signature

11/05/2020

Date



Property Owner's Signature

11/05/2020

Date

SUPPLEMENTAL RESPONSES

COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE APPLICATION

I. Introduction

Volume II of the McMinnville Comprehensive Plan includes the goals, policies, and proposal statement to be applied to all land use decisions. The following responses address how the proposed Plan Map Amendment and Zone Change for 1.2 acres of the approximately 10.5-acre section of property on the southwest corner of 3225 NE Hwy 99W. Cascade Steel seeks to amend the Comprehensive Plan designation of the 1.2 acres from Residential to Commercial and change the Zoning designation from County EFU to City General Commercial (C-3).

The following paragraphs directly reference the goals and policies of McMinnville's Comprehensive Plan with respect to the purpose and benefits of this land use application. For Question 2, please refer to Sections A–G generally. For Question 5, the orderly and timeliness of the land use request, please refer to Section F on page 6. For Question 6, how changes in the surrounding neighborhood support this land use request, please refer to Section B and F on pages 2 and 6, respectively. For Question 7, please refer to Section D on page 4. For Question 8, please refer to Section C on page 4.

II. The Application Meets the Goals of the City's Comprehensive Plan VII

A. Chapter II Natural Resources

Goal 1: To preserve the quality of air, water, and land resources within the planning area.

Land

Policy 1.0 Urbanizable lands outside the city limits, but inside the Urban Growth Boundary, shall be retained whenever possible, in agricultural use until such time as they are needed for urban development.

Response: The area proposed for the land use change is adjacent to the City of McMinnville's corporate limits within its Urban Growth Boundary. A deficit of commercial land is identified according to the City's most recent Economics Opportunity Analysis in 2013, the ratio of available commercial land to industrial land is 1:2. Rezoning 1.2 acres would add more developable commercial land to the City's current inventory.

Air

Policy 7.00 Land use decisions involving new major emission sources or expansion of existing sources shall be reviewed for the effect the emission source will have on the local and regional airshed.

Response: New emission sources are not a part of this land use decision.

Water

Policy 8.00 The City of McMinnville shall continue to seek the retention of high water quality standards...

Response: The City's policy to retain high water quality standards is highly respected and areas with a flood plain designation are not a part of this land use decision.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to present flood induced property damages and retain and protect natural drainage ways from encroachment by inappropriate uses.

Responses: The 100-year floodplain border line serves as the northern and eastern boundary of the land use change subject area, therefore any potential land use on the roughly 10.5 acre parcel will not occur within the floodplain as a result of the proposed land use change.

Noise

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

Response: Development is not proposed through this land use decision. However, the proposed zoning designation of approximately 1.2 acres to General Commercial Zoning and Planned Commercial under the Comprehensive Plan is consistent with surrounding developments that include a mix of commercial businesses and residential.

B. Chapter IV Economy of McMinnville

Goal 1: The 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.

Response: The proposed rezoning of 1.2 acres to C-3 General Commercial and change from Planned Residential to Planned Commercial within the Comprehensive Plan would provide more commercial land into the City's corporate limits. According to the City's most recent Economics Opportunity Analysis in 2013, the ratio of available commercial land to industrial land is 1:2. Rezoning 1.2 acres would add more developable commercial land to the City's current inventory.

Also, the proposed land use change would maximize the usability of existing commercially designated lands. The request is consistent with existing zoning and therefore, provides an efficient addition of developable area.

Goal 2: To encourage the continued growth of McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the city and county residents.

Policy 21.01 The City shall periodically update its economic opportunities to ensure that it has within its urban growth boundary 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 [sic] 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 is not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial commercial use.

Response: The City's Revised Buildable Analysis identifies a deficit of commercial land. This proposed land use change, including zone change and comprehensive plan change, is consistent with this policy as a redesignation of lands for the purpose of adding commercial land.

Goal 3: To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood and community serving commercial lands, and discouraging strip development.

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

Response: The proposed Zoning Change and Comprehensive Plan Amendment will maximize the use of existing commercially designated lands. Currently, 9.3 acres of the roughly 10.5 acre parcel east of Doran Drive and north of Highway 99 is zoned General Commercial and Designated as Planned Commercial. Upon approval of this land request, the total commercially designated area will be roughly 10.5 acres. The developable land adjacent to Highway 99 and Doran Drive, where other commercial business reside, will be available for more efficient use upon approval of this land use application.

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

Response: The 1.2 acres proposed for this land use change is currently designated as Planned Residential. Planned Residential designation and County EFU zoning is inconsistent with the remained 9.3 acres of the parcel. Such inconsistency could pose potential incompatible use between residential, commercial, or farm use. Rezoning the 1.2 acres to General Commercial and designating the tract as Planned Commercial would eliminate this potential incompatibility.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

Response: This land use proposal requests the addition of 1.2 acres to General Commercial Zoning and Planned Commercial Designation. Such an addition would add acreage to the existing parcel and encourage consistent, cluster development.

Policy 24.50 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunity Analysis.

Response: The Revised Buildable Analysis has identified a need for additional commercial development. This request will add 1.2 acres of commercially developable land to the City's corporate limits. It will increase the existing 9.3 acres of commercially developable land that is already adjacent to existing commercial development. While the roughly 10.5 acre parcel is beneath a BPA power line, which is not suitable for development, it is suitable for compatible uses such as mini-storage and parking.

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

Response: The proposed commercial designation and commercial zoning are consistent with existing commercial zoning within existing city limits. The commercial zoning is appropriate for land with highway frontage. As shown in the maps provided, city services are readily available for commercial development. Furthermore, the area within the BPA easement will be suitable for low impact compatible uses.

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

Response: Access to Highway 99, a major arterial, is not requested. Primary access to the site is assumed to be from Doran Drive, the same access point for the auto dealership and other neighboring commercial businesses. Furthermore, development is not requested at this time.

Policy 30.00 Access location for commercial developments shall be places so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will be not be exceeded.

Primary access would be from Doran Drive, which accesses Highway 99. Traffic will not be routed through neighboring residential developments. Development is not proposed at this time, therefore public access is not in question at this time.

C. Chapter VI Transportation System

Goal 1: To encourage development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

Streets

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

Response: The existing transportation system will be used. No new public roads or access points are requested.

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

Response: Should the 10.5 acre parcel have more than one user, it is understood that a shared access point off of Doran Drive may be required.

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

Plan 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, the better utilized existing and future roadways and right-of-way as transportation routes.

Response: Future commercial land development is not anticipated to require on-street parking. Furthermore, the BPA easement would provide ideal parking space on the property itself.

D. Chapter VII Community Facilities and Services

Goal 1: To provide necessary public and private facilities and utilities at levels commensurate with urban development, extended in a phased manner, and planned and provided in advance of or concurrent with development, in order to promote the orderly conversion of urbanizable and future urbanizable lands to urban lands within the McMinnville urban growth boundary.

Sanitary Sewer System

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

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

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

141.00 The City of McMinnville shall continue separate storm and sewers where they are connected to reduce the inflow of storm sewer waters to the sewage treatment plant. Ongoing maintenance and improvements of the existing system shall also be undertaken to reduce infiltration of rainwater into the system.

Response: Sewer access is available off Hidden Meadows Drive. Please see Exhibit D for further details.

Storm Drainage

Policy 142.00 The City shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems...

Response: Development is not requested at this time, therefore existing storm water drainage will not be impacted.

Water System

Policy 144.00 The City of McMinnville, through the City and Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

As shown on the Utility Map Attachment (Exhibit B), water currently extends into and serves the existing residential development. Water services are available to serve future development.

Policy 145.00 The City of McMinnville shall extend water services within the framework below:

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

Response: Any extension of water and power would occur in a manner compatible with surrounding land uses. However, at this time, development is not proposed, but sufficient utility access is established. See Exhibit B.

Water and Sewer – Land Development Criteria

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

- 1. Sufficient municipal water system supply, storage, and distribution... to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities... are available or can be made available to collect treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewage system personnel and resources...*
- 4. Federal, state, and local water and waste quality standards can be adhered to.*
- 5. Applicable policies of the Water and Light Department and the City relating to water and sewer systems are adhered to.*

Response: Refer to Exhibit B and C which illustrate the availability water and power to the subject site.

Police and Fire Protection

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion...

Response: The subject area is currently within the City's UGB and will be serviceable by City Fire and Police.

Parks and Recreation

Goal 3: To provide parks and recreation facilities, open spaces, and scenic areas for the use and enjoyment of all citizens.

Policy 164: The City shall continue to acquire floodplain lands through the provision of the land division ordinance... for future use an natural areas, open spaces, and parks.

Response: The proposed land use change does not include any changes to existing floodplain areas.

E. Chapter VIII Energy

Goal 1: To provide adequate energy supplies and the systems necessary to distribute that energy to service the community as it expands.

Response: The proposed land use change (Zoning and Comprehensive Plan Amendment) offers efficient and compact addition of needed commercially designated land to the City.

F. Chapter IX Urbanization

Goal 1: To provide adequate lands to service the needs of the projected population and to insure the conversion of these lands in an orderly and timely manner to urban uses.

Response: The UGB Management Plan has identified a need for additional commercial lands. This request is orderly and timely upon approval to serve this need.

Urban Growth Boundary

Goal 2: To establish a land use planning framework for application of the goals... of the McMinnville comprehensive plan.

Response: The UGB Management Plan has identified a need for additional commercial lands. This request is orderly and timely upon approval to serve this need. This application does not request an amendment to the UGB, but it does respond to the need for urban development within the planning framework. Necessary commercially designated lands will be made available upon approval of this application.

G. Chapter X: Citizen Involvement and Plan Amendment

Goal 1: To provide opportunities for citizen involvement in the land use decision making process established by the City of McMinnville.

Response: The City has established a neighborhood involvement program which includes a neighborhood meeting and specific notice requirements. We have complied with all such requirements. Please see the attached references.

Map of Proposed Partition & Zone Change for:

Exhibit A

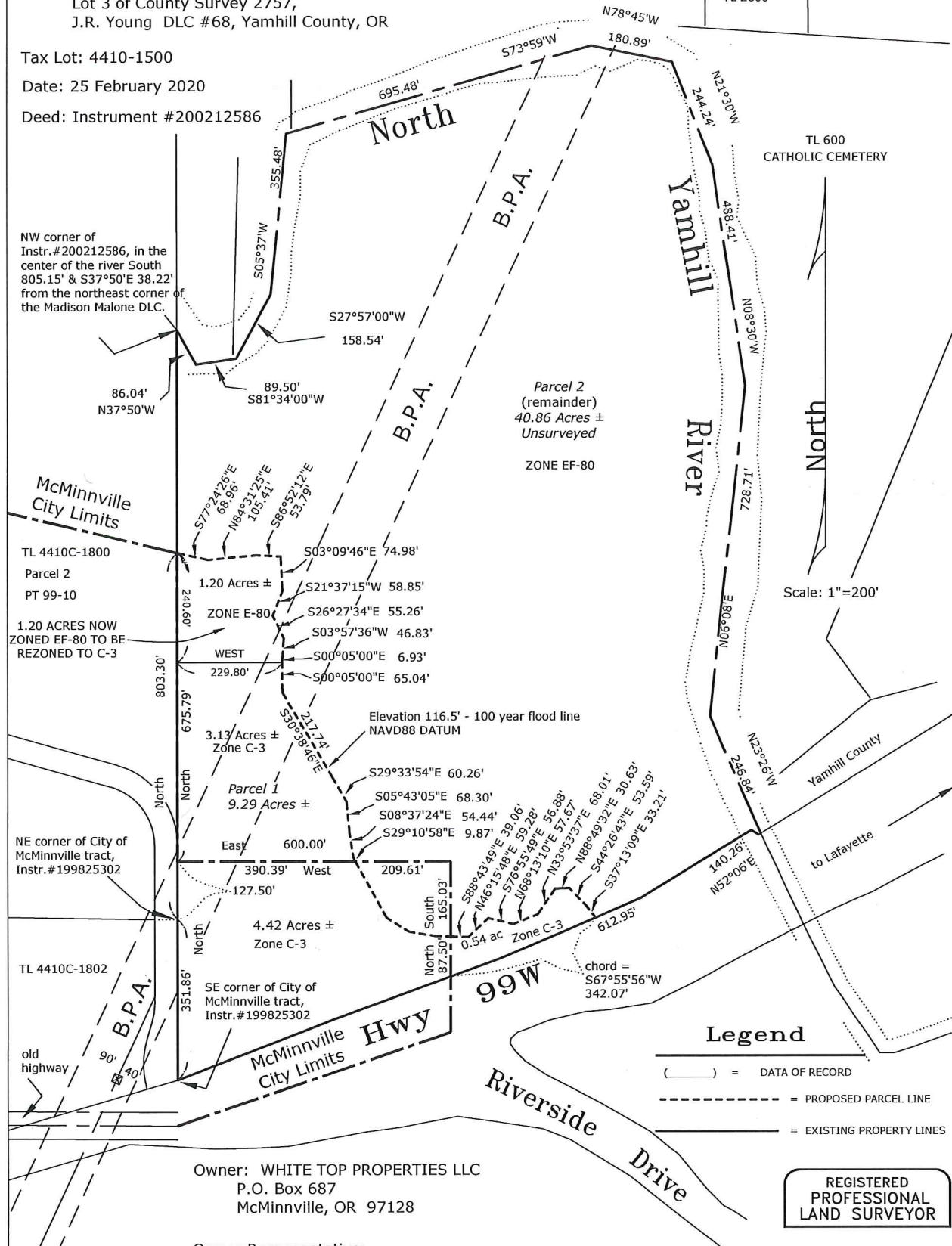
Cascade Steel Rolling Mills

Location: SE 1/4 Section 10, T. 4 S., R. 4 W., W.M.,
 Lot 3 of County Survey 2757,
 J.R. Young DLC #68, Yamhill County, OR

Tax Lot: 4410-1500

Date: 25 February 2020

Deed: Instrument #200212586



TL 600
 CATHOLIC CEMETERY

Scale: 1"=200'

Legend

- () = DATA OF RECORD
- - - = PROPOSED PARCEL LINE
- = EXISTING PROPERTY LINES

Owner: WHITE TOP PROPERTIES LLC
 P.O. Box 687
 McMinnville, OR 97128

Owner Representative:
 Jeff Dyck
 P.O. Box 687
 McMinnville, OR 97128
 Phone: 503-472-4181
 Fax: 503-434-5739

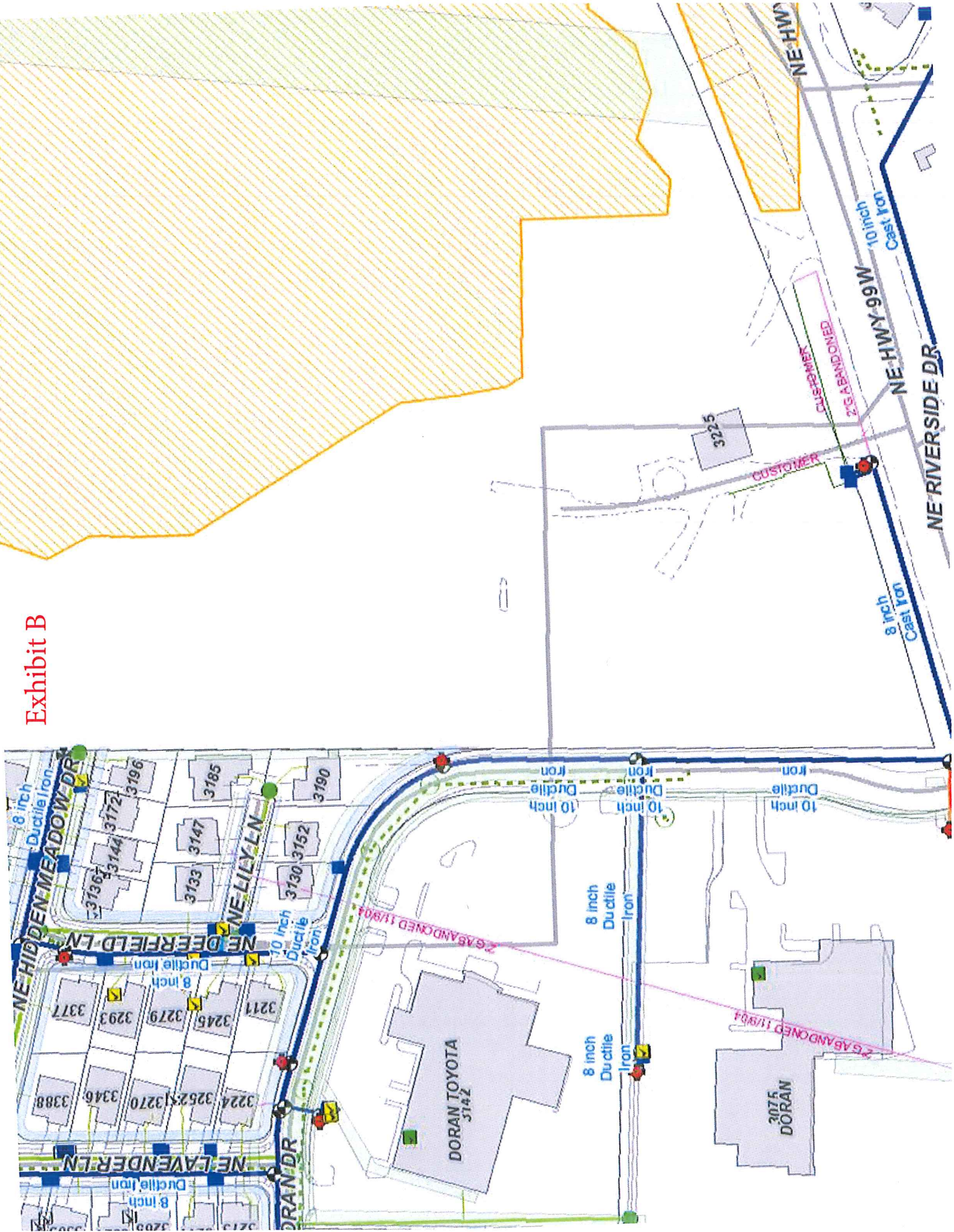
BY : LELAND MACDONALD & ASSOC., LLC
 FORMERLY DBA MATT DUNCKEL & ASSOC.
 3765 RIVERSIDE DRIVE
 MCMINNVILLE, OREGON 97128
 PHONE : 503-472-7904
 FAX: 503-472-0367
 EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 January 15, 2002
LELAND A. MACDONALD
 53226

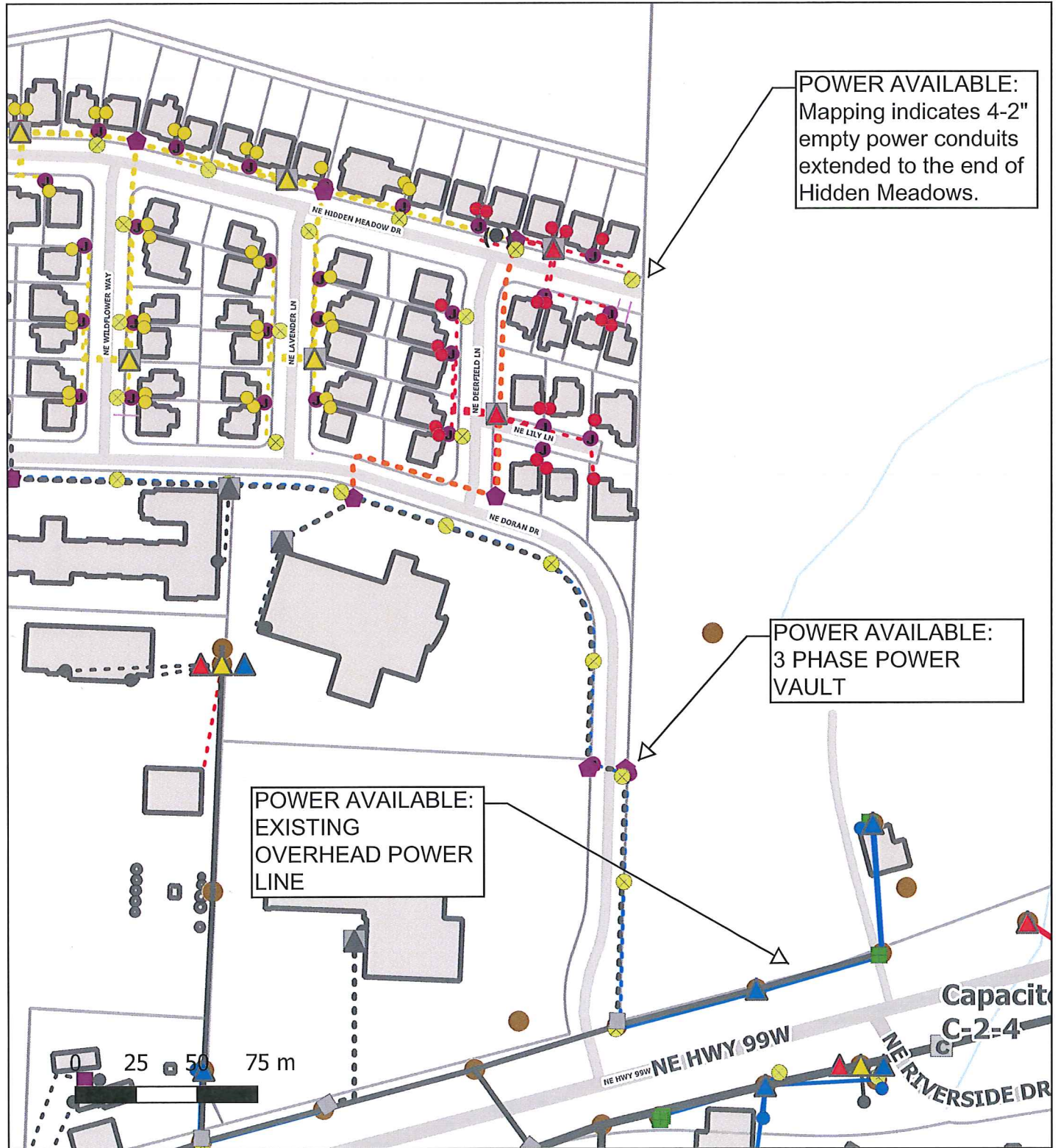
Renews 31 December 2020
 #9167

Exhibit B



McMinnville Water and Light

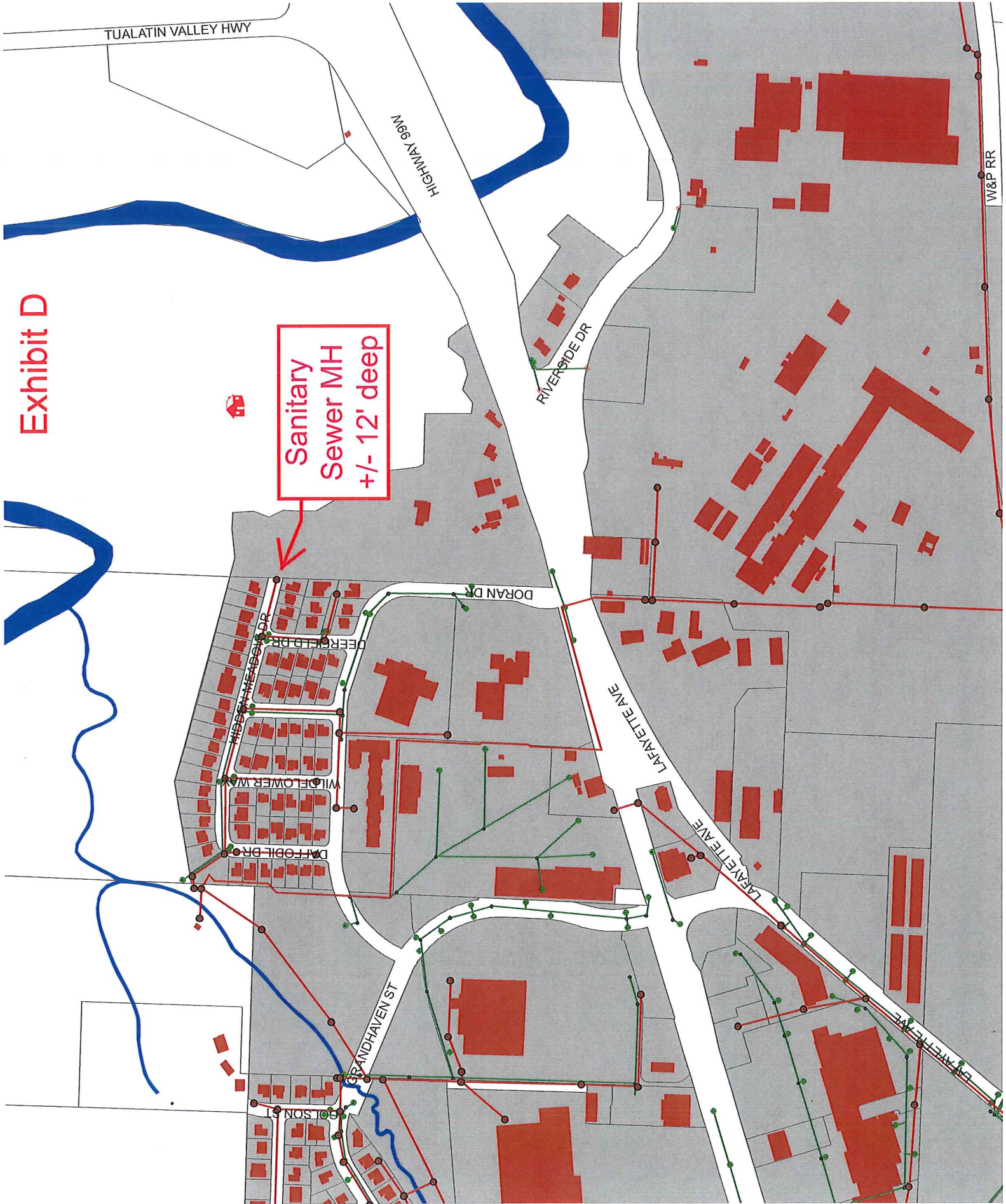
Map



Notes:

9-30-2020

Exhibit D





First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Jennifer Hudson
299 SW Clay St, Suite 350
Portland, OR 97201
Phone:
Fax:

Date Prepared : March 12, 2020
Effective Date : 8:00 A.M on March 10, 2020
Order No. : 1039-3415642
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "A"
(Land Description Map Tax and Account)

Being a part of the Joseph R. Young Donation Land Claim, Notification No. 1231, Claim No. 68 in Township 4 South, Range 4 West of the Willamette Meridian, in Yamhill County, Oregon, and beginning at a point in the center of the North Yamhill River at a point 805.15 feet South and South 37° 50' East 38.22 feet from the Northeast corner of the Madison Malone Claim; thence South 1717.55 feet to iron pipe on the North margin of the State Highway; thence following North the North margin of said State Highway as follows: South 89° 37' East 237.60 feet; thence North 83° 52' East 182.23 feet; thence North 70° 00' East 150.00 feet; thence North 56° 06' East 182.22 feet; thence North 46° 40' East 334.96 feet to the center line of the old County road now abandoned, at West end of old trestle; thence North 52° 06' East along the Northwesterly boundary of that tract of land conveyed by John M. Harrington and wife to S. D. Crawford by Deed recorded July 16, 1900 in Book 40, at Page 59, Deed Records, 396 feet to the center of the Yamhill River; thence up the center of River as follows: North 23° 26' West 246.84 feet; thence North 6° 08' East 728.71 feet; thence North 8° 30' West 488.41 feet; thence North 21° 30' West 244.24 feet; thence North 78° 45' West 180.89 feet; thence South 73° 59' West 695.48 feet; thence South 5° 37' West 355.48 feet; thence South 27° 57' West 158.54 feet; thence South 81° 34' West 89.50 feet; thence North 37° 50' West 86.04 feet to the place of beginning.

EXCEPTING THEREFROM those portions of the premises herein above described lying South of the new Highway, known as 99W, as conveyed by Esther Moore to the State of Oregon by Deed recorded June 22, 1933 in Book 108, Page 3, Deed Records; as conveyed by Esther Clemmens to the State of Oregon by Deed recorded November 10, 1937 in Book 113, Page 368, Deed Records; as acquired in Yamhill County Circuit Court Case 23677, entered April 10, 1964.

Map No.: R4410-01500
Tax Account No.: 126777

EXHIBIT "B"
(Vesting)

White Top Properties L.L.C., an Oregon limited liability company

EXHIBIT "C"
(Liens and Encumbrances)

1. Potential additional taxes due to disqualification of deferral in the amount of \$23,915.20.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of North Yamhill River.
5. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the North Yamhill River.
6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the North Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
7. Easement, including terms and conditions contained therein:
Granted to: The Pacific Telephone and Telegraph Company, its successors and assigns
Recorded: April 07, 1924
Recording Information: Book 90, Page 004, Deed Records
8. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: June 22, 1933
Recording Information: Book 108, Page 003, Deed Records
From: Esther Moore, a widow
To: The State of Oregon
For: slopes
9. Right to enter and erect, operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and appurtenant signal lines, wires, cables and appliances necessary in connection therewith; together with right to clear said parcel and keep same clear of all brush, timber, structures and fire hazards; right to top, limb, fell and remove all growing trees, dead trees and snags (collectively called 'Danger Trees') which could fall on said line.
Recorded: December 02, 1949
Recording Information: Volume 155, Page 450, Deed Records
Grantee: The United States of America
10. Right to enter and erect, operate, maintain, repair, rebuild and patrol one or more electric power transmission lines and appurtenant signal lines, wires, cables and appliances necessary in connection

therewith; together with right to clear said parcel and keep same clear of all brush, timber, structures and fire hazards; right to top, limb, fell and remove all growing trees, dead trees and snags (collectively called 'Danger Trees') which could fall on said line.

Recorded: January 23, 1991
Recording Information: CV90-233, Yamhill County Circuit Court, State of Oregon
Grantee: City of McMinnville, a municipal corporation of the State of Oregon, acting by and through its Water and Light Commission

Assignment of Easements by and between the City of McMinnville, a municipal corporation of the State of Oregon, acting by and through its Water and Light Commission and the United States of America, and its assigns, recorded August 17, 2015 as Instrument No. 201512982, Deed and Mortgage Records

11. Unrecorded leases or periodic tenancies, if any.

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$26,508.21
Map No.: R4410-01500
Property ID: 126777
Tax Code No.: 40.0

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$143.76
Map No.: R4410-01500
Property ID: 643057
Tax Code No.: 40.2

DEFINITIONS, CONDITIONS AND STIPULATIONS

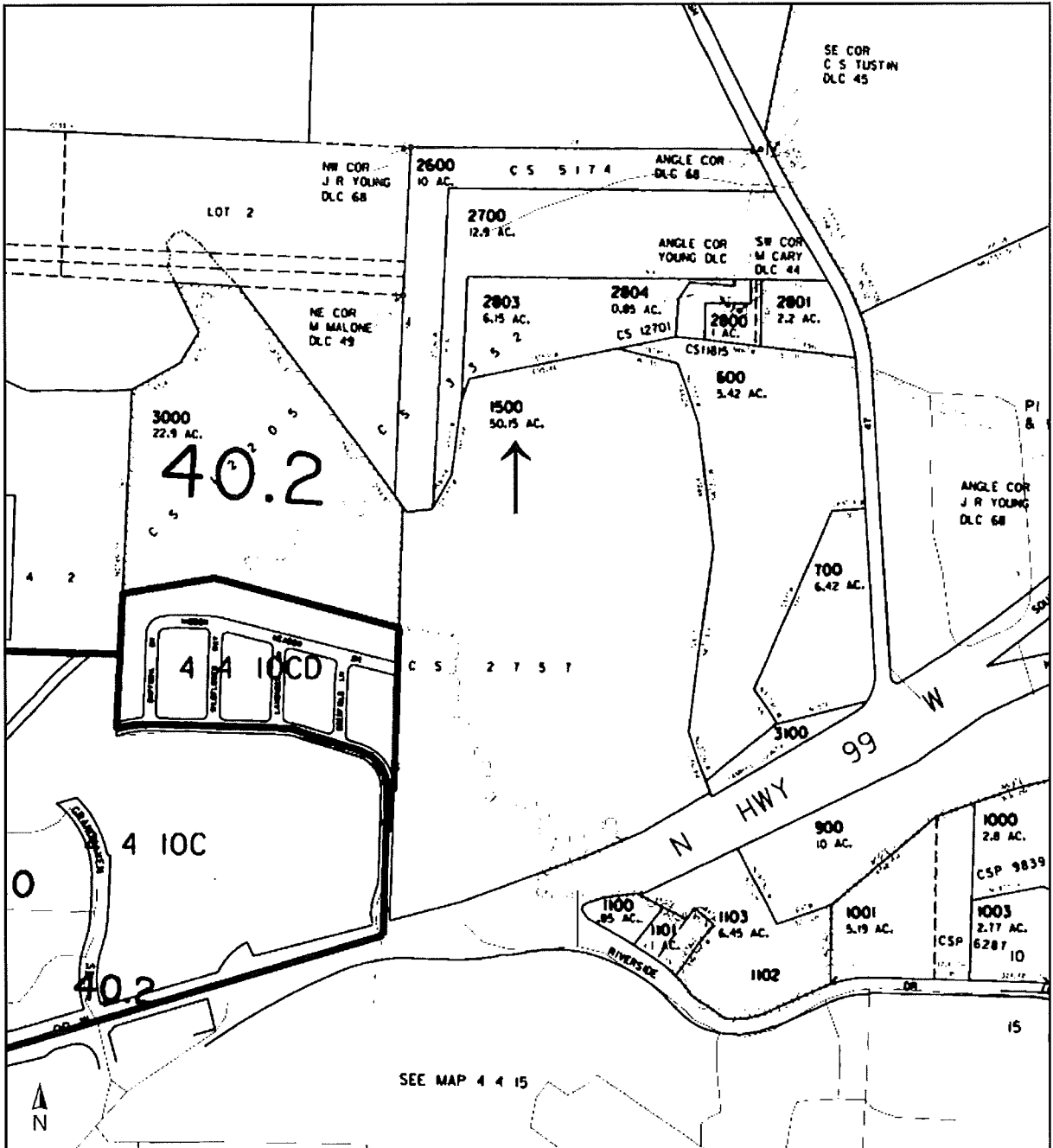
1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

3/4/2020

Assessor Map - GeoAdvantage by Sentry Dynamics



First American Title

ParcelID: 126777

3225 NE Highway 99w

McMinnville, OR 97128

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



October 14, 2020

Dear Neighbor:

You are invited to a virtual neighborhood meeting¹ on November 3rd, 2020 at 6:00 P.M. PST via video conference for a conversation about the future rezoning and partition of Cascade Steel's property at 3225 NE Highway 99W ("the Property"). As part of the required land use process, Cascade Steel ("CSS") seeks a comprehensive plan text amendment and zone change. You are receiving this invitation because you live or own property near the Property.

Currently, the 50.1-acre property is undeveloped. 8.5 acres are zoned General Commercial in the City of McMinnville and the remaining acres are zoned Exclusive Farm Use ("EFU") in the County of Yamhill.

CSS seeks to rezone 1.2 acres of County EFU² land to General Commercial. Cascade Steel welcomes your participation in this planning process and invites you to participate in this neighborhood meeting to learn about the property and share your comments.

To join our virtual meeting, please follow the instructions provided below. If you are unable to attend the neighborhood meeting due to a lack of internet access or lack of computer access, please contact Elizabeth Stowe at 760-289-0607 or estowe@schn.com.

Virtual Meeting Details:

Topic: Cascade Steel Property Rezoning Neighborhood Meeting

Time: November 3, 2020 at 6:00 P.M.

Video Meeting Link: <https://bit.ly/2H1RIaf>

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jennifer Hudson', is written over a horizontal line.

Jennifer Hudson
Assistant General Counsel

¹ This is the second neighborhood meeting being held on this land use proposal. The first meeting took place on July 30th, 2020 via Zoom.

² While publicly available maps indicate this acreage is City zone Light Industrial, this is a discrepancy. It has been confirmed with the City and County that the 1.2 acres are County Exclusive Farm Use.

Map of Proposed Partition & Zone Change for: *Cascade Steel Rolling Mills*

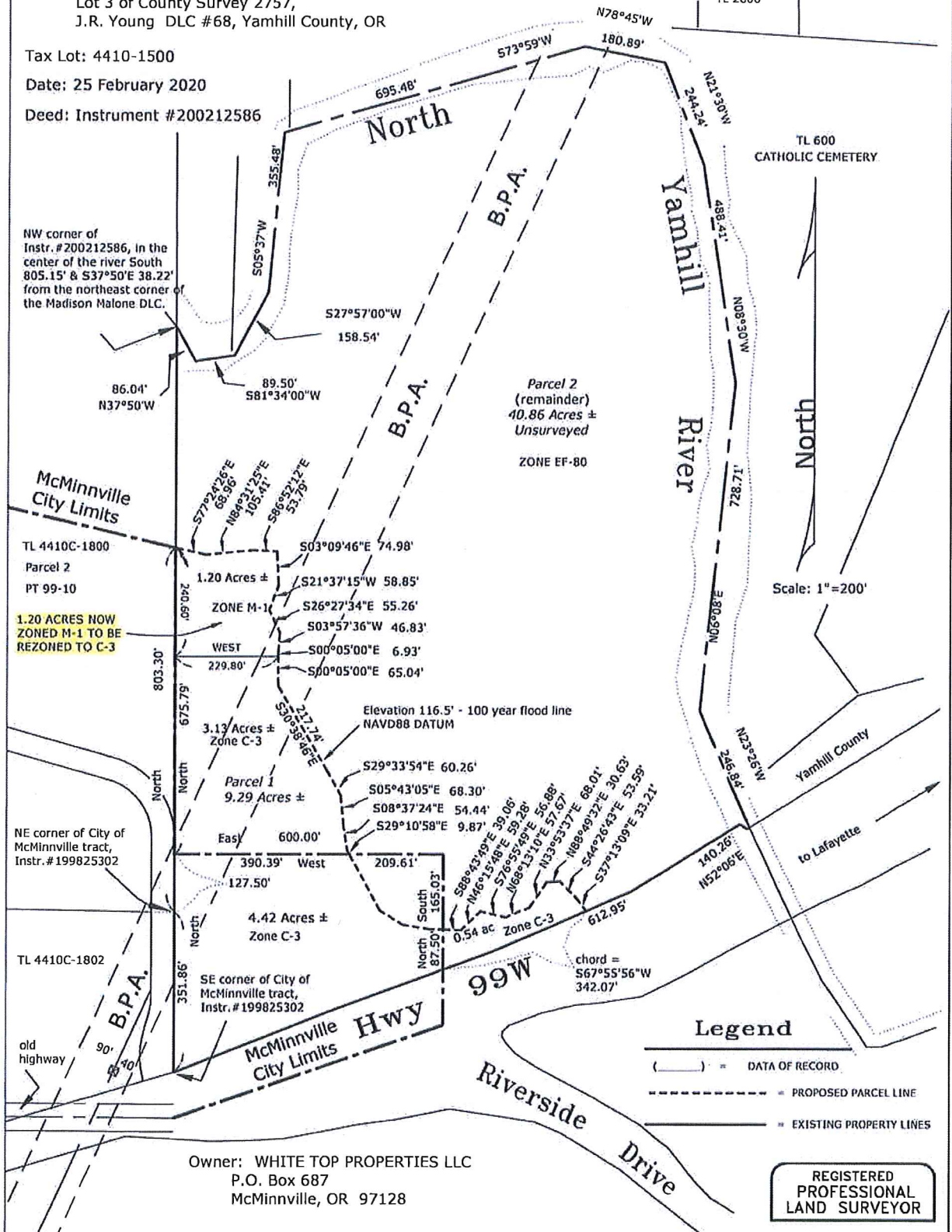
Location: SE 1/4 Section 10, T. 4 S., R. 4 W., W.M.,
Lot 3 of County Survey 2757,
J.R. Young DLC #68, Yamhill County, OR

Tax Lot: 4410-1500

Date: 25 February 2020

Deed: Instrument #200212586

NW corner of
Instr. # 200212586, in the
center of the river South
805.15' & S37°50'E 38.22'
from the northeast corner of
the Madison Malone DLC.



McMinnville
City Limits

TL 4410C-1800
Parcel 2
PT 99-10

1.20 ACRES NOW
ZONED M-1 TO BE
REZONED TO C-3

NE corner of City of
McMinnville tract,
Instr. #199825302

TL 4410C-1802

SE corner of City of
McMinnville tract,
Instr. #199825302

old
highway

Owner: WHITE TOP PROPERTIES LLC
P.O. Box 687
McMinnville, OR 97128

Owner Representative:
Jeff Dyck
P.O. Box 687
McMinnville, OR 97128
Phone: 503-472-4181
Fax: 503-434-5739

BY : LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DJUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE : 503-472-7904
FAX : 503-472-0367
EMAIL : LEE@MACDONALDSURVEYING.COM

TL 600
CATHOLIC CEMETERY

Scale: 1"=200'

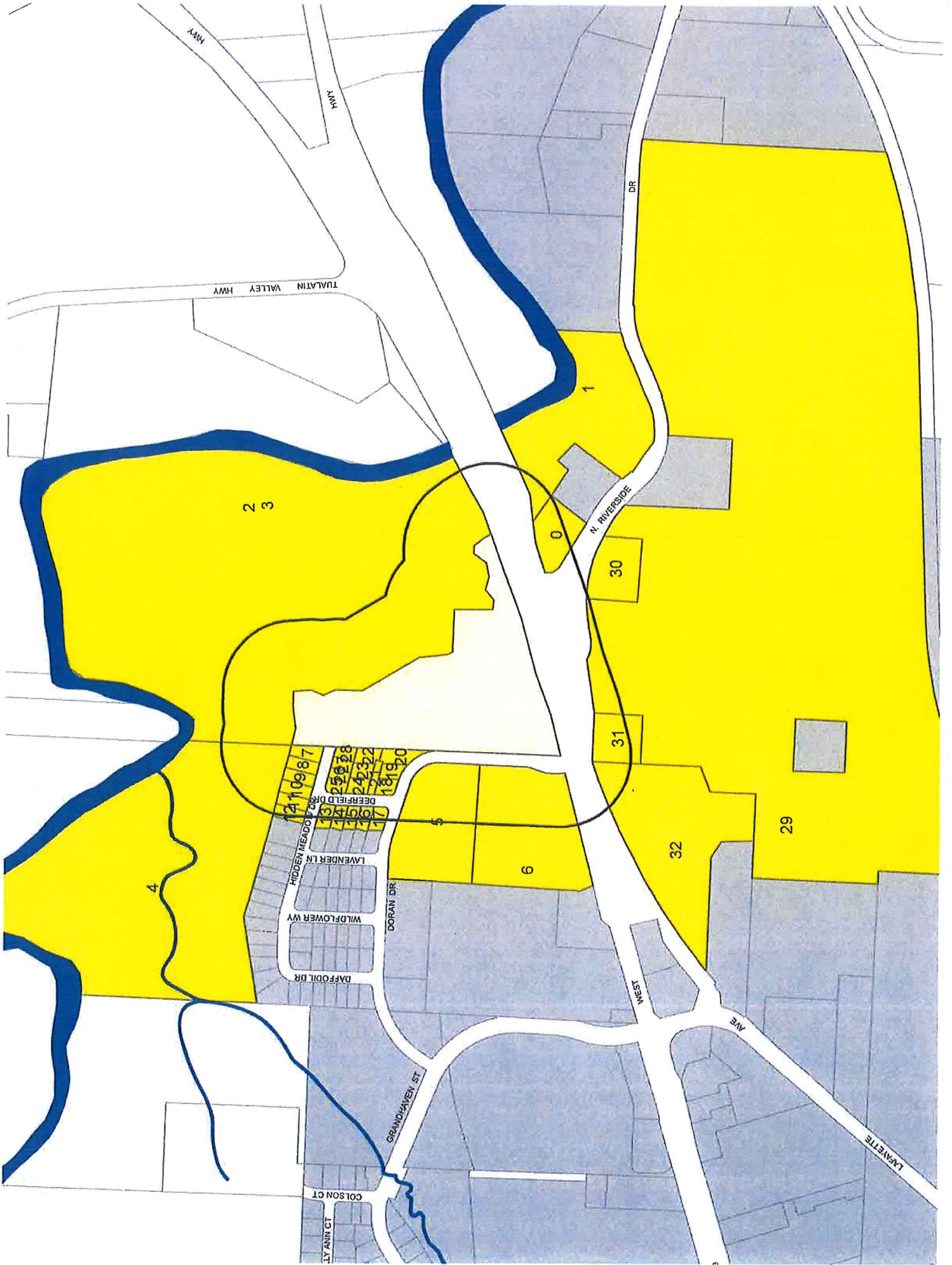
Legend

- () = DATA OF RECORD
- - - = PROPOSED PARCEL LINE
- = EXISTING PROPERTY LINES

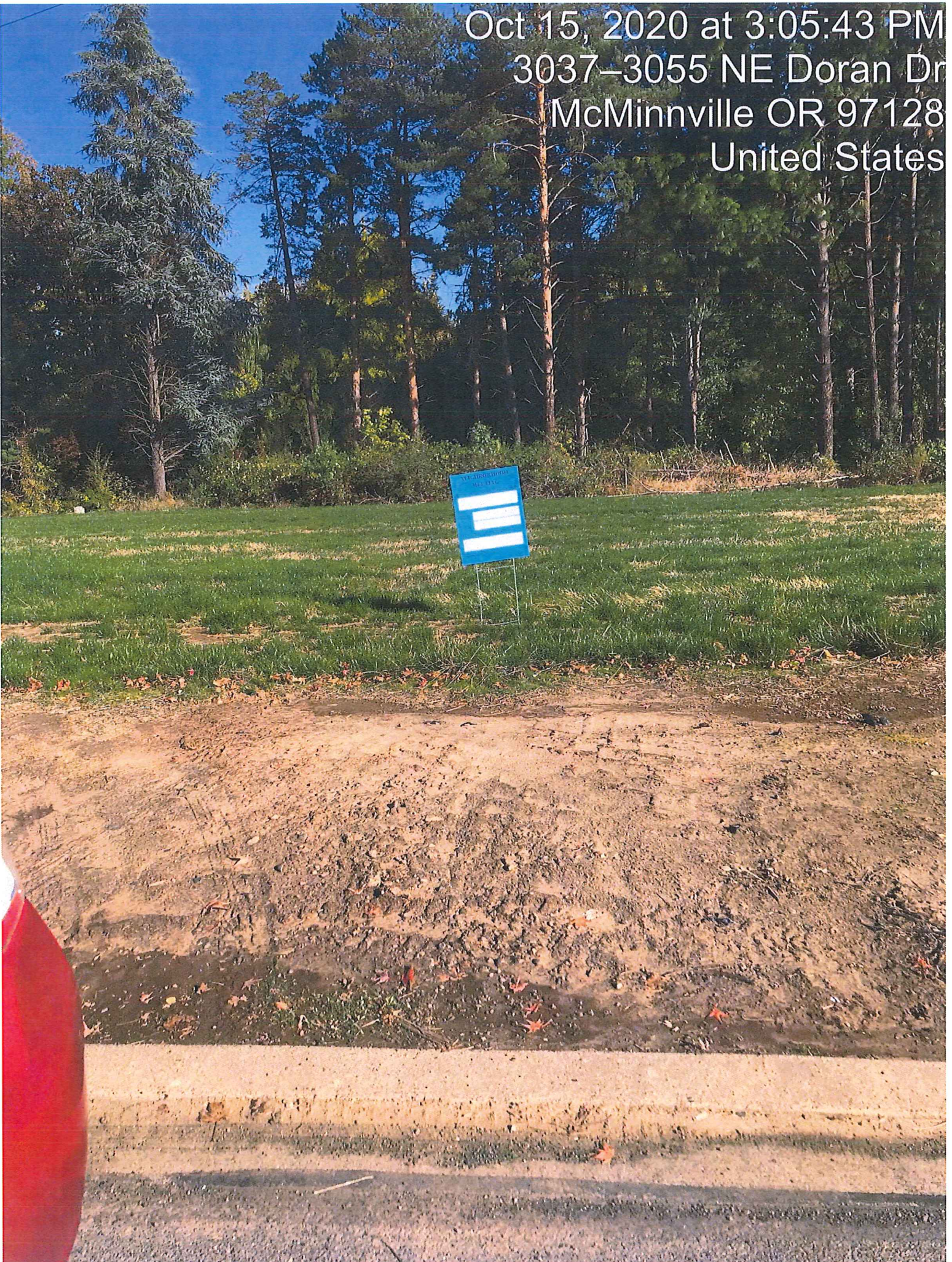
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2020

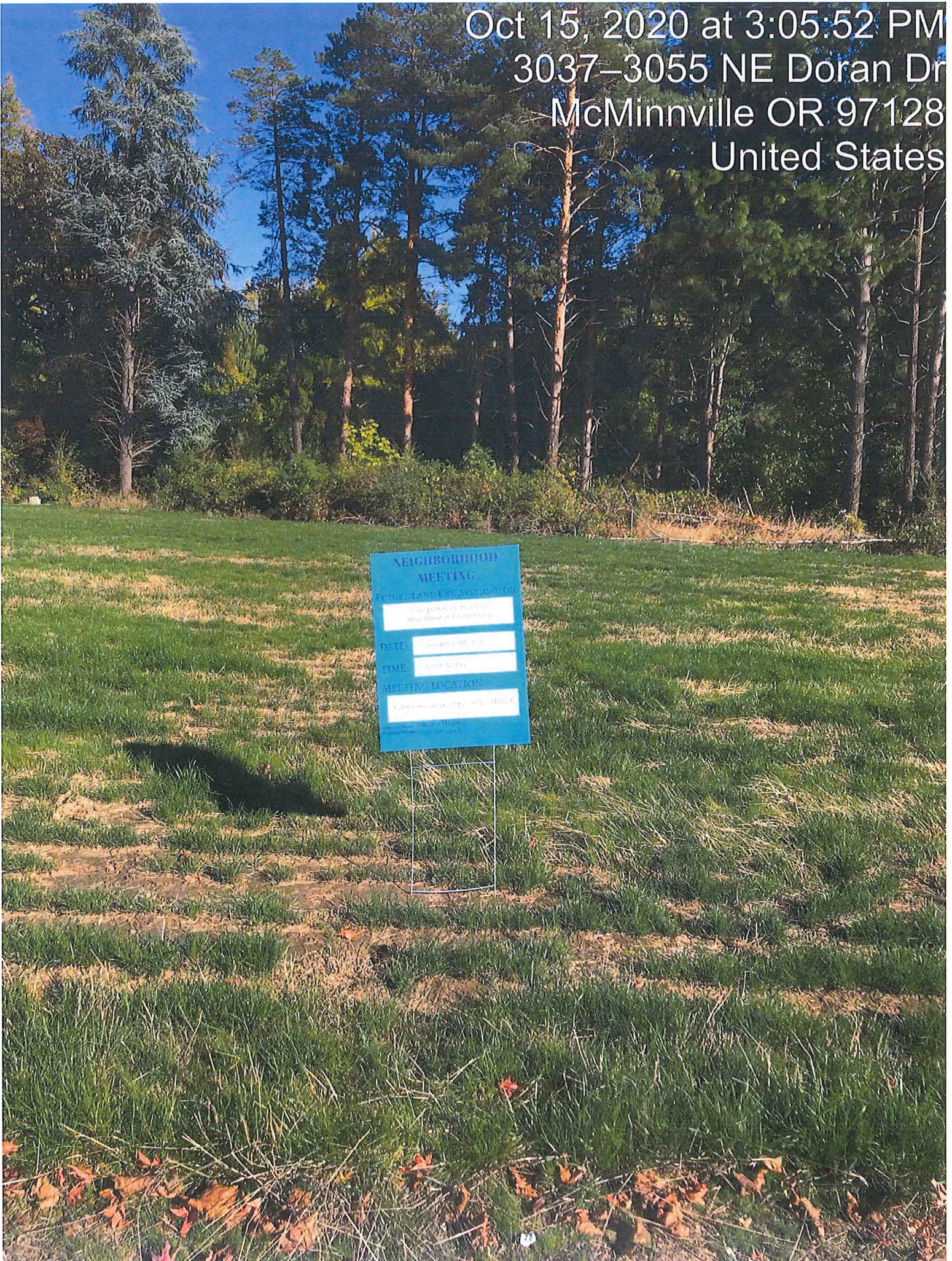


Oct 15, 2020 at 3:05:43 PM
3037-3055 NE Doran Dr
McMinnville OR 97128
United States



Oct 15, 2020 at 3:05:52 PM
3037-3055 NE Doran Dr
McMinnville OR 97128
United States

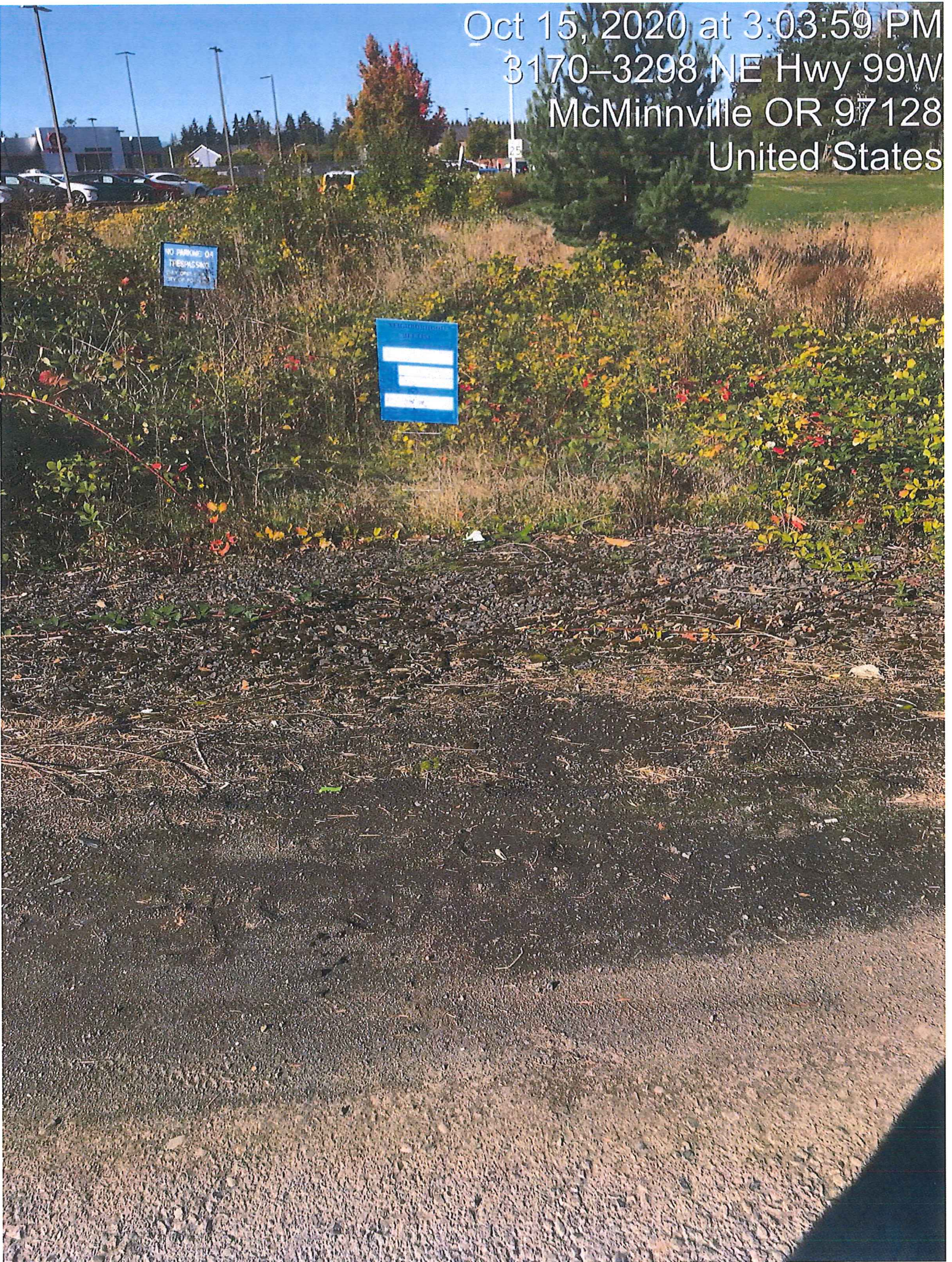
NEIGHBORHOOD MEETING
FUTURE LAND USE APPLICATION
[Redacted]
DATE: [Redacted]
TIME: [Redacted]
MEETING LOCATION:
[Redacted]



Oct 15, 2020 at 3:03:59 PM
3170-3298 NE Hwy 99W
McMinnville OR 97128
United States

NO PARKING OR
TRESPASSING

NO PARKING OR
TRESPASSING



Oct 15, 2020 at 3:03:48 PM
3170-3298 NE Hwy 99W
McMinnville OR 97128
United States

NEIGHBORHOOD MEETING
FUTURE LAND USE APPLICATION
Comprehensive Plan Text Amendment and Zone Change

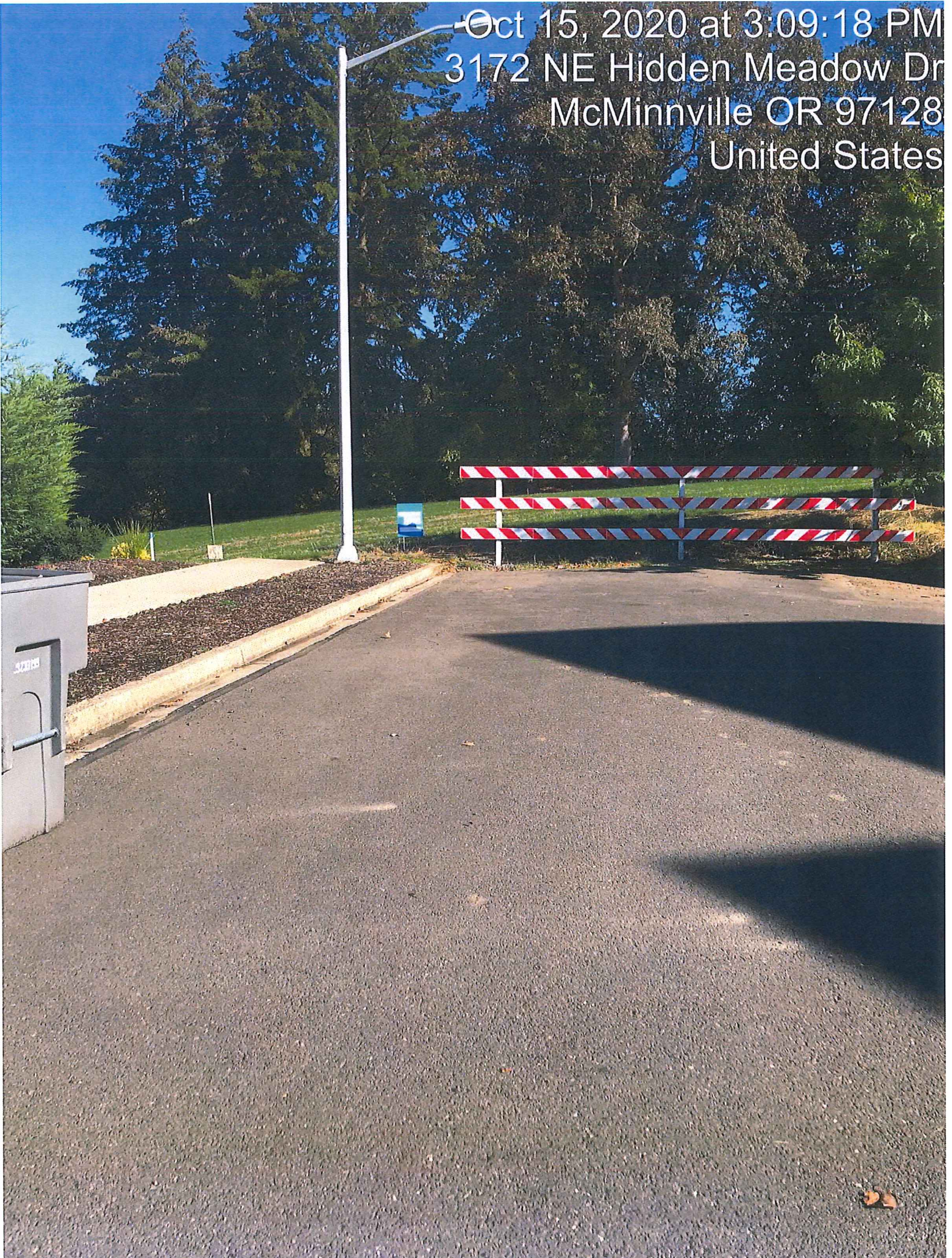
DATE: November 3rd, 2020

TIME: 6:00 P.M. PST

MEETING LOCATION:
Video Conference: <https://bit.ly/2H1R1at>

City of McMinnville, Oregon
Planning Department

Oct 15, 2020 at 3:09:18 PM
3172 NE Hidden Meadow Dr
McMinnville OR 97128
United States



Oct 15, 2020 at 3:09:34 PM
3189 NE Hidden Meadow Dr
McMinnville OR 97128
United States

NEIGHBORHOOD MEETING
FUTURE LAND USE APPLICATION
City of McMinnville, Oregon
McMinnville Planning Commission
DATE: Sun, Oct 18, 2020
TIME: 6:00 P.M. PST
MEETING LOCATION:
Video Conference: <https://bit.ly/2H1Rlaf>



Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
0	R4410 01100	3325 NE RIVERSIDE DR	RIVERSIDE LEASING LLC		43628 COOMBS CYN RD	PENDELTON	OR	97801
1	R4410 01103		TOWN INVESTMENTS LLC		3885 SE RIVERSIDE DR	MCMINNIVILLE	OR	97128
2	R4410 01500	3225 NE HIGHWAY 99W	WHITE TOP PROPERTIES LLC		PO BOX 847	CARLSBAD	CA	92018
3	R4410 01500	3225 NE HIGHWAY 99W	WHITE TOP PROPERTIES LLC		PO BOX 847	CARLSBAD	CA	92018
4	R4410C 01800							0
5	R4410C 01801	3142 NE DORAN DR	BAD NAMED PROPERTIES LLC		PO BOX 598	MCMINNIVILLE	OR	97128
6	R4410C 01802	3075 NE HIGHWAY 99W	LASSEN DORAN PROPERTIES		PO BOX 598	MCMINNIVILLE	OR	97128
7	R4410CD00100	3189 NE HIDDEN MEADOW DR	BAKER JERAMIAH M	BAKER SAMANTHA L	3189 NE HIDDEN MEADOW DR	MCMINNIVILLE	OR	97128
8	R4410CD00200	3157 NE HIDDEN MEADOW DR	LOVETT JOSHUA C &	LOVETT MYAH L	3157 HIDDEN MEADOW DR	MCMINNIVILLE	OR	97128
9	R4410CD00300	3127 NE HIDDEN MEADOW DR	WEBBER CARRIE M	WEBBER BECKI L	3127 NE HIDDEN MEADOW DR	MCMINNIVILLE	OR	97128
10	R4410CD00400	3091 NE HIDDEN MEADOW DR	WEEKS MICHAEL L	WEEKS NANCY K	3091 NE HIDDEN MEADOW DR	MCMINNIVILLE	OR	97128
11	R4410CD00500	3087 NE HIDDEN MEADOW DR	HOLDING EXPERTS LLC		19550 NE CALKINS LN	NEWBERG	OR	97132
12	R4410CD00600	3067 NE HIDDEN MEADOW DR	VALENCIA JONATHAN F	VALENCIA ROCIO A	3067 NE HIDDEN MEADOW DR	MCMINNIVILLE	OR	97128
13	R4410CD005800	3377 NE DEERFIELD LN	GOMEZ CARLOS A P	BETANCOURT DIOSSELINA L	3377 DEERFIELD LN	MCMINNIVILLE	OR	97128
14	R4410CD05900	3293 NE DEERFIELD LN	PEREZ LIDIA	PEREZ HEBERTO	3293 NE DEERFIELD LN	MCMINNIVILLE	OR	97128
15	R4410CD06000	3279 NE DEERFIELD LN	TURNER DEREK M	TURNER NICOLE M	3279 NE DEERFIELD LN	MCMINNIVILLE	OR	97128
16	R4410CD06100	3245 NE DEERFIELD LN	KISOR CHARLES L		3245 NE DEERFIELD LN	MCMINNIVILLE	OR	97128
17	R4410CD06200	3211 NE DEERFIELD LN	MARTINEZ ANGEL GERARDO		3211 NE DEERFIELD LN	MCMINNIVILLE	OR	97128
18	R4410CD06300	3130 NE LILY LN	FLORES GUADALUPE	CAMPOS LILIA ARGIGA	3130 NE LILY LN	MCMINNIVILLE	OR	97128
19	R4410CD06400	3152 NE LILY LN	GARCIA LINO P	CEJA SANJUANA R	3152 NE LILY LN	MCMINNIVILLE	OR	97128
20	R4410CD06500	3190 NE LILY LN	MCLAUGHLIN KIMBERLY		3190 NE LILY LN	MCMINNIVILLE	OR	97128
21	R4410CD06600		MCLAUGHLIN KIMBERLY	FLORES GUADALUPE & CAMPOS LILIA	3147 NE LILY LN	MCMINNIVILLE	OR	97128
22	R4410CD06700	3185 NE LILY LN	MARKHAM TERRENCE F	MARKHAM DONNA J	3185 LILY LN	MCMINNIVILLE	OR	97128
23	R4410CD06800	3147 NE LILY LN	CRITES MARSHALL	CRITES NOELLE	3147 NE LILY LN	MCMINNIVILLE	OR	97128
24	R4410CD06900	3133 NE LILY LN	CASEY PATRICIA M	CASEY SEAN M	3133 NE LILY LN	MCMINNIVILLE	OR	97128
25	R4410CD07000	3136 NE HIDDEN MEADOW DR	GARA PETER B &	GARA CHERYL L	3136 NE HIDDEN MEADOWS DR	MCMINNIVILLE	OR	97128
26	R4410CD07100	3144 NE HIDDEN MEADOW DR	CLAY CHRISTINE A		3144 HIDDEN MEADOW DR	MCMINNIVILLE	OR	97128
27	R4410CD07200	3172 NE HIDDEN MEADOW DR	DICKERSON CHRISTOPHER M (WROS)	FESSENDEN JULIE K (WROS)	3172 HIDDEN MEADOW DR	MCMINNIVILLE	OR	97128
28	R4410CD07300	3196 NE HIDDEN MEADOW DR	FIGUEROA ERIC A	FIGUEROA JORGE	3196 NE HIDDEN MEADOWS DR	MCMINNIVILLE	OR	97128
29	R4415 00100	3200 NE HIGHWAY 99W	CASCADE STEEL ROLLING MILLS INC		PO BOX 847	CARLSBAD	CA	92018
30	R4415 00101		MCMINNIVILLE CITY OF		PO BOX 638	MCMINNIVILLE	OR	97128
31	R4415 00500	3170 NE HIGHWAY 99W	KRAEMER DAVID J & JOANNE A TRUSTEES FOR	KRAEMER DAVID J REVOC LIVING TRUST 1/2 &	11601 SW FOX RIDGE RD	MCMINNIVILLE	OR	97128
32	R4415 00700	3120 NE HIGHWAY 99W	MILLER WADE W	PLANNING DEPARTMENT	13945 NW PHEASANT HILL RD	MCMINNIVILLE	OR	97128
			CITY OF MCMINNIVILLE		231 NE 5TH ST	MCMINNIVILLE	OR	97128

MACKENZIE.

May 11, 2021

City of McMinnville
Attention: Tom Schauer
231 NE Fifth Street
McMinnville, OR 97128

Re: **Cascade Steel Rolling Mills Property at 3225 NE Highway 99W**
Incompleteness Response Letter – CPA 1-20/ZC 1-20 Comprehensive Plan Map Amendment/Zone Change
Project Number 2210185.00

Dear Tom:

Thank you for your incompleteness letter dated December 14, 2020, and the guidance it provides for the proposed Comprehensive Plan Map Amendment and Zone Change at 3225 NE Highway 99W (Tax Lot R4410 01500) for the application package submitted November 13, 2020. We have responded as noted in the items below, our replies follow staff's comments and additional material is listed in the enclosures below.

COMPLETENESS ITEMS

17.72.020. Application Submittal Requirements

Please provide the following:

(B) *An explanation of intent, nature, and proposed use of the development, and any pertinent background information.*

Since no development is proposed at this time, please provide this general information as it relates to the request and potential commercial use of this portion of the property relative to the rest of the property, and compatibility with surrounding properties.

Response: This information will be provided at a future date.

(G) *Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.*

Please address the general suitability of the land to be re-designated from residential to commercial and why it is better suited for commercial designation given characteristics of the property and other surrounding properties, why this proposal is a better alternative relative to the Comprehensive Plan than the existing residential designation that currently applies to the property, and which was discussed in the previous application for the property with a concept plan for residential use and development which included an easterly extension of the dead-end street, Hidden Meadow Drive, to serve residential use of the property.

Response: This information will be provided at a future date.



17.72.095(G) Evidence of Compliance from Neighborhood Meeting

Please provide meeting notes which include all of the following:

(G)(5) Notes of the meeting, which shall include:

- a. Meeting date;*
- b. Meeting time and location;*
- c. The names and addresses of those attending;*
- d. A summary of the oral and written comments received;*
- e. A summary of any revisions made to the proposal based on comments received at the meeting.*

Response: Meeting notes from the November 3, 2020 neighborhood meeting are included as Attachment A of this letter.

17.74.020. 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;*
- 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;*
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

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.

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.

Response: This information will be provided at a future date.

Application Form Question #8

This question requests a description of how the proposed use will affect traffic in the area and expected trip generation. The response says "Please see attached response," but no response is provided in the narrative addressing this question, although the application notes there is no specific development proposal at this time. While no specific use is provided at this time, the application should use accepted practices to estimate and describe the difference in potential trip generation, or a range of trip generation, expected with the change from the residential to commercial designation.

Response: Trip generation estimates from Kittelson & Associates, Inc. demonstrating that no further Transportation Planning Rule analysis is needed is included as Attachment B of this letter.

City of McMinnville
Cascade Steel Rolling Mills Property at 3225 NE Highway 99W
Project Number 2210185.00
May 11, 2021
Page 3

APPLICANT’S REQUEST THAT APPLICATION BE DEEMED COMPLETE

In accordance with ORS 227.178, the applicant is providing the noted material and requests that the City deem the application complete within the 180th day of application submittal. The applicant will provide additional information to complete the record as staff moves forward with its review of the application. We would request that staff refrain from scheduling a hearing until we have provided the additional information requested in the December 14, 2020, which is currently in the process of being developed.

Thank you, and please contact me at (971) 346-3675 or gfrask@mcknze.com if you have any questions.

Sincerely,



Gabriela Frask
Land Use Planning

Enclosure: Attachment A: Meeting notes from the November 3, 2020 neighborhood meeting
Attachment B: Trip Generation Estimates

c: Jennifer Hudson – Cascade Steel Rolling Mills
Dana Krawczuk – Stoel Rives LLP

Evidence of Compliance from Neighborhood Meeting

Meeting Date: November 3, 2020

Meeting Time and Location: 6:00 P.M. PST; Virtual on Microsoft Teams: <https://bit.ly/2H1RIaf>

Attendees

Joshua and Myah Lovett

3157 NE HIDDEN MEADOW DR
MCMINNVILLE, OR 97128

Carlos Pacheco

3377 DEERFIELD LN
MCMINNVILLE, OR 97128

Kimberley McLaughlin

3190 NE LILY LN
MCMINNVILLE, OR 97128

Marshall Crites

3147 NE LILY LN MCMINNVILLE, OR 97128

Summary of Oral and Written Comments Received

Question: What is the benefit of the land use change?

Question: What will the BPA Easement be used for?

Question: How will the land use change impact traffic?

Question: Would the land use change increase the property's value?

Summary of Revisions Made to Proposal Based on Comments Received in Meeting

None

Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
0	R4410 01100	3325 NE RIVERSIDE DR	RIVERSIDE LEASING LLC		43628 COOMBS CYN RD	PENDLETON	OR	97801
1	R4410 01103		TOWN INVESTMENTS LLC		3885 SE RIVERSIDE DR	MCMINNVILLE	OR	97128
2	R4410 01500	3225 NE HIGHWAY 99W	WHITE TOP PROPERTIES LLC		PO BOX 847	CARLSBAD	CA	92018
3	R4410 01500	3225 NE HIGHWAY 99W	WHITE TOP PROPERTIES LLC		PO BOX 847	CARLSBAD	CA	92018
4	R4410C 01800							0
5	R4410C 01801	3142 NE DORAN DR	BAD NAMED PROPERTIES LLC		PO BOX 598	MCMINNVILLE	OR	97128
6	R4410C 01802	3075 NE HIGHWAY 99W	LASSEN DORAN PROPERTIES		PO BOX 598	MCMINNVILLE	OR	97128
7	R4410CD00100	3189 NE HIDDEN MEADOW DR	BAKER JERAMIAH M	BAKER SAMANTHA L	3189 NE HIDDEN MEADOW DR	MCMINNVILLE	OR	97128
8	R4410CD00200	3157 NE HIDDEN MEADOW DR	LOVETT JOSHUA C &	LOVETT MYAH L	3157 HIDDEN MEADOW DR	MCMINNVILLE	OR	97128
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10	R4410CD00400	3091 NE HIDDEN MEADOW DR	WEEKS MICHAEL L	WEEKS NANCY K	3091 NE HIDDEN MEADOW DR	MCMINNVILLE	OR	97128
11	R4410CD00500	3087 NE HIDDEN MEADOW DR	HOLDING EXPERTS LLC		19550 NE CALKINS LN	NEWBERG	OR	97132
12	R4410CD00600	3067 NE HIDDEN MEADOW DR	VALENCIA JONATHAN F	VALENCIA ROCIO A	3067 NE HIDDEN MEADOW DR	MCMINNVILLE	OR	97128
13	R4410CD05800	3377 NE DEERFIELD LN	GOMEZ CARLOS A P	BETANCOURT DIOSELINA L	3377 DEERFIELD LN	MCMINNVILLE	OR	97128
14	R4410CD05900	3293 NE DEERFIELD LN	PEREZ LIDIA	PEREZ HEBERTO	3293 NE DEERFIELD LN	MCMINNVILLE	OR	97128
15	R4410CD06000	3279 NE DEERFIELD LN	TURNER DEREK M	TURNER NICOLE M	3279 NE DEERFIELD LN	MCMINNVILLE	OR	97128
16	R4410CD06100	3245 NE DEERFIELD LN	KISOR CHARLES L		3245 NE DEERFIELD LN	MCMINNVILLE	OR	97128
17	R4410CD06200	3211 NE DEERFIELD LN	MARTINEZ ANGEL GERARDO		3211 NE DEERFIELD LN	MCMINNVILLE	OR	97128
18	R4410CD06300	3130 NE LILY LN	FLORES GUADALUPE	CAMPOS LILIA ARCIGA	3130 NE LILY LN	MCMINNVILLE	OR	97128
19	R4410CD06400	3152 NE LILY LN	GARCIA LINO P	CEJA SANJUANA R	3152 NE LILY LN	MCMINNVILLE	OR	97128
20	R4410CD06500	3190 NE LILY LN	MCLAUGHLIN KIMBERLY		3190 NE LILY LN	MCMINNVILLE	OR	97128
21	R4410CD06600		MCLAUGHLIN KIMBERLY	FLORES GUADALUPE & CAMPOS LILIA	3147 NE LILY LN	MCMINNVILLE	OR	97128
22	R4410CD06700	3185 NE LILY LN	MARKHAM TERRENCE F	MARKHAM DONNA J	3185 LILY LN	MCMINNVILLE	OR	97128
23	R4410CD06800	3147 NE LILY LN	CRITES MARSHALL	CRITES NOELLE	3147 NE LILY LN	MCMINNVILLE	OR	97128
24	R4410CD06900	3133 NE LILY LN	CASEY PATRICIA M	CASEY SEAN M	3133 NE LILY LN	MCMINNVILLE	OR	97128
25	R4410CD07000	3136 NE HIDDEN MEADOW DR	GARA PETER B &	GARA CHERYL L	3136 NE HIDDEN MEADOWS DR	MCMINNVILLE	OR	97128
26	R4410CD07100	3144 NE HIDDEN MEADOW DR	CLAY CHRISTINE A		3144 HIDDEN MEADOW DR	MCMINNVILLE	OR	97128
27	R4410CD07200	3172 NE HIDDEN MEADOW DR	DICKERSON CHRISTOPHER M (WROS)	FESSENDEN JULIE K (WROS)	3172 NW HIDDEN MEADOW DR	MCMINNVILLE	OR	97128
28	R4410CD07300	3196 NE HIDDEN MEADOW DR	FIGUEROA ERIC A	FIGUEROA JORGE	3196 NE HIDDEN MEADOWS DR	MCMINNVILLE	OR	97128
29	R4415 00100	3200 NE HIGHWAY 99W	CASCADE STEEL ROLLING MILLS INC		PO BOX 847	CARLSBAD	CA	92018
30	R4415 00101		MCMINNVILLE CITY OF		PO BOX 638	MCMINNVILLE	OR	97128
31	R4415 00500	3170 NE HIGHWAY 99W	KRAEMER DAVID J & JOANNE A TRUSTEES FOR	KRAEMER DAVID J REVOC LIVING TRUST 1/2 &	11601 SW FOX RIDGE RD	MCMINNVILLE	OR	97128
32	R4415 00700	3120 NE HIGHWAY 99W	MILLER WADE W CITY OF MCMINNVILLE	PLANNING DEPARTMENT	13945 NW PHEASANT HILL RD 231 NE 5TH ST	MCMINNVILLE	OR	97128



EXPIRES: 12/31/2021

MEMORANDUM

Date: May 11, 2021

Project #: 26347

To: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville
Arielle Ferber, PE, Casey Knecht, PE, & Dan Fricke, ODOT Region 2

Cc: Jennifer Hudson, Schnitzer Steel Industries, Inc.

From: Kristine Connolly, PE, Marc Butorac, PE, PTOE, PMP & Amy Griffiths, EIT

Project: Cascade Steel Rolling Mills Rezone

Subject: Trip Generation

This trip generation memorandum was prepared in coordination with City of McMinnville and Oregon Department of Transportation (ODOT) Region 2 staff to document the reasonable worst-case trip generation increase associated with the proposed 1.2-acre Cascade Steel Rolling Mills zone change and comprehensive plan map amendment in McMinnville, Oregon. The memorandum is also intended to evaluate compliance with the Transportation Planning Rule (TPR). The results of this assessment indicate that the proposed rezone falls within the threshold for a small increase in traffic and therefore can be approved without significant impacts under Oregon Administrative Rule (OAR) 660-012-0060. It is recommended that a formal Traffic Impact Assessment (TIA) be considered to address City and ODOT review criteria as part of a future site development application.

PROPOSED CASCADE STEEL ROLLING MILLS REZONE

Cascade Steel Rolling Mills (Cascade Steel) is seeking a rezone of a portion of their property located at 3225 NE Highway 99W in McMinnville, Oregon. The 50.1-acre property is currently undeveloped. Approximately 9.7 acres is considered developable property: 8.5 acres are zoned General Commercial in the City of McMinnville and the remaining 1.2 acres are within city limits but retain Yamhill County EF-80 zoning. Cascade Steel seeks to rezone the 1.2 acres of land that are zoned County EF-80 to C-3 (General Commercial) and amend the City Comprehensive Plan Designation from Planned Residential to Planned Commercial to establish consistency in the zoning and Comprehensive Plan designations for the developable portion of the property.

As shown in Exhibit 1, the property is located at the northeast corner of OR 99W and Doran Drive.

Exhibit 1. Site Vicinity Map



TRIP GENERATION ESTIMATE

Based on the allowable land uses from the City’s zoning code and the site’s close proximity to the Hidden Meadows Subdivision, it was determined that the reasonable worst-case scenario under the Planned Residential zoning would consist of 8 single-family residences.^{1,2}

The reasonable worst-case scenario under the proposed C-3 (General Commercial) zoning was calculated assuming a retail development with a floor area ratio (FAR) of approximately 0.25 over the entire site area of 1.2 acres, for a total floor area of approximately 13,068 square-feet.

¹ The number of homes that could reasonably fit in 1.2 acres was estimated by accounting for a cul-de-sac bulb and 5,000 square-foot minimum lot area, and consistency with the housing density of the Hidden Meadows subdivision.

² Per McMinnville Zoning Ordinance 17.21.010, multi-family housing would be allowed because the site is within a half-mile of a transit route. This trip generation has taken a conservative approach by assuming 8 single-family dwelling units.

Trip generation estimates for both existing and proposed zoning scenarios were developed using data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. The trip generation estimates were adjusted to reflect pass-by trips, or vehicle trips to the site already traveling along OR 99W. Pass-by trips do not change the traffic conditions on the overall system, but do change the turning movements at the OR 99W/Doran Drive intersection. Table 1 provides the trip generation potential of the additional 1.2 acres, which assumes that the property would be developed as part of the adjacent site that is already zoned General Commercial. Table 2 compares the trip generation estimates under the existing and proposed zoning to determine the reasonable greatest number of additional trips that could be caused by the proposed rezone.

Table 1. Trip Generation for Proposed Commercial Site

Land Use	ITE Code	Size	Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Shopping Center (9.7 acres at 25%) <i>Less Pass-by Trips (34%)</i>	820	105,630 SF	6,240 <i>(2,122)</i>	566 <i>(192)</i>	272 <i>(96)</i>	294 <i>(96)</i>
Potential Trips Total Property (9.2 Acres)			4,118	374	176	198
Shopping Center (8.5 acres at 25%) <i>Less Pass-by Trips (34%)</i>	820	92,570 SF	5,705 <i>(1,940)</i>	513 <i>(174)</i>	246 <i>(87)</i>	267 <i>(87)</i>
Potential Trips Property Already Zoned C-3 (8.5 Acres)			3,765	339	159	180
Potential Trips for 1.2-Acre Rezone = Potential Trips Total Property – Potential Trips Already Zoned C-3			353	35	17	18

Table 2. Trip Generation Potential Comparison – 1.2-Acre Zone Change

Land Use	ITE Code	Size	Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Planned Residential Zone Reasonable Worst Case Development Scenario						
Single-Family Detached Housing (General Urban/Suburban)	210	8 Dwelling Units	76	8	5	3
Proposed C-3 General Commercial Zone Reasonable Worst Case Development Scenario						
Shopping Center (see Table 1)	820	13,070 SF	353	35	17	18
Difference = Proposed Commercial – Planned Residential			277	27	12	15

As shown in Table 2, the proposed zone change would increase the trip generation potential of the site compared to the existing residential zoning by approximately 27 weekday PM peak hour trips and a total of 277 average daily trips.

TRANSPORTATION PLANNING RULE ANALYSIS

The Transportation Planning Rule (TPR, Oregon Administrative Rule (OAR) 660-012-0060) analysis identifies how the study area’s transportation system would operate under the planned residential zoning and the proposed commercial zoning. OAR 660-012-0060(1) assesses an amendment’s potential transportation impact by comparing the trip generation potential of the site assuming a “reasonable worst-case” development scenario under the existing and proposed zoning.

Summary of Applicable Oregon Administrative Rule Criteria

OAR Section 660-12-0060 of the TPR sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 3 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed zoning designation change application.

Table 3. Summary of Criteria in OAR 660-012-0060

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant effect.	Yes
2	Describes measures for complying with Criteria #1 where a significant effect is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	No
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	A significant effect may not occur if the rezone is identified on the City's Comprehensive Plan and assumed in the adopted Transportation System Plan.	No
10	Agencies may consider measures other than vehicular capacity if within an identified multimodal mixed-use area (MMA).	No
11	Allows agencies to override the finding of a significant effect if the application meets the balancing test.	No

As shown in Table 3, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, only Criteria #1 is applicable to the proposed land use action. These criteria are provided below in italics with our response shown in standard font.

OAR 660-12-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected*

to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: Per Oregon Highway Plan (OHP) Policy Action 1F.5, “any proposed amendment that does not increase the average daily trips by more than 400” falls within “the threshold for a small increase in traffic between the existing plan and the proposed amendment.” Given that the reasonable worst case trip generation increase (277) is below this threshold, this zone change will not cause “further degradation” of the facility. Therefore, the proposed commercial rezoning is not expected to result in a significant effect.

TRAFFIC IMPACT ANALYSIS

The City of McMinnville requires a traffic impact analysis (TIA) for development with trip generation increases of 200 or more average daily trips or 20 or more PM peak hour trips. Although the trip generation potential of the site exceeds these thresholds, it is recommended that a formal TIA be considered as part of a future site development application rather than as part of the zone change application.

RECOMMENDATION

Based on the information provided in this memorandum, no mitigation measures are recommended to address impacts of the proposed zone change and comprehensive plan map amendment, since the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060. In addition, it is recommended that no further traffic analysis be required as part of the proposed Cascade Steel Rolling Mills zone change and comprehensive plan map amendment; a formal TIA will be considered as part of a site development application, and any necessary mitigation will be addressed through conditions of approval associated with the specific land use application. If you have any questions, please feel free to contact us at (503)-228-5230.

From: [Gabriela Frask](#)
To: [Tom Schauer](#)
Cc: "[Jennifer Hudson \(Schnitzer Steel Industries, Inc. \(<Default>\)\)](#)"; [Sarah Sullivan](#); [Heather Richards](#)
Subject: RE: Action required: Application Completeness Submittal CPA 1-20/ZC 1-20 3225 NE Highway 99W
Date: Tuesday, June 01, 2021 2:23:03 PM
Attachments: [9daf641c-26ee-40a8-9c56-4a047bd2a8ba.png](#)
[image001.png](#)

This message originated outside of the City of McMinnville.

Hi Tom,

Thanks for the follow up. Understood. We acknowledge this application is not subject to the 120 day processing timeline and an extension is not required.

Gabriela Frask
Senior Associate / Department Head of Land Use Planning
Architecture | Interiors | Engineering | Planning
D 971.346.3675 P 503.224.9560 W mcknze.com
RiverEast Center, 1515 SE Water Avenue #100, Portland, OR 97214

Mackenzie Email [Disclaimer](#)

From: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Sent: Tuesday, June 1, 2021 11:18 AM
To: Gabriela Frask <GFrask@mcknze.com>
Cc: 'Jennifer Hudson (Schnitzer Steel Industries, Inc. (<Default>))' <jhudson@schn.com>; Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: RE: Action required: Application Completeness Submittal CPA 1-20/ZC 1-20 3225 NE Highway 99W

Hi Gabriela,

I'm writing to confirm that, per the e-mail chain below, you have requested that the application processing for application CPA 1-20/ZC 1-20 be paused and requested that the public hearing not be scheduled until you have submitted additional information.

This was acknowledged below. Please be aware that because the application involves an amendment to the Comprehensive Plan, per ORS 227.178(7), it is not subject to the 120-day processing timeline under ORS 227.178. Therefore, the City has not requested an extension to the 120-day processing timeline.

Please reply to this e-mail with your acknowledgment of the above information.

Thank you,

Tom Schauer, AICP
Senior Planner



231 NE 5th Street
McMinnville, OR 97128
(503) 474-5108

*The City of McMinnville, due to budget shortfalls, has implemented an employee furlough program. **Until further notice I will not be working on Fridays.** All of our development services programs (building, code compliance, engineering and planning) will still be offered Monday – Friday, 8:00 am – 5:00 pm. We will do everything that we can to maintain timely customer service, but due to the reduced work weeks for staff you may experience some delays in our programs. We apologize in advance and appreciate your patience as we work through this situation.*

From: Gabriela Frask <GFrask@mcknze.com>
Sent: Wednesday, May 12, 2021 4:31 PM
To: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Cc: 'Jennifer Hudson (Schnitzer Steel Industries, Inc. (<Default>))' <jhudson@schn.com>; Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: RE: Action required: Application Completeness Submittal CPA 1-20/ZC 1-20 3225 NE Highway 99W

This message originated outside of the City of McMinnville.

Thank you very much.

Gabriela Frask
Senior Associate / Department Head of Land Use Planning
Architecture | Interiors | Engineering | Planning
D 971.346.3675 P 503.224.9560 W mcknze.com
RiverEast Center, 1515 SE Water Avenue #100, Portland, OR 97214

Mackenzie Email [Disclaimer](#)

From: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Sent: Wednesday, May 12, 2021 4:12 PM
To: Gabriela Frask <GFrask@mcknze.com>
Cc: 'Jennifer Hudson (Schnitzer Steel Industries, Inc. (<Default>))' <jhudson@schn.com>; Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: RE: Action required: Application Completeness Submittal CPA 1-20/ZC 1-20 3225 NE Highway 99W

Hi Gabriela,

This e-mail is to confirm receipt of your submittal, to acknowledge your request to process the application as a result of submittal of additional information under ORS 227.178(4), and to acknowledge your request for additional time before the first evidentiary hearing is scheduled.

Sincerely,

Tom Schauer, AICP
Senior Planner
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128

503-474-5108
tom.schauer@mcminnvilleoregon.gov

The City of McMinnville, due to budget shortfalls, has implemented an employee furlough program. Until further notice I will not be working on Fridays. All of our development services programs (building, code compliance, engineering and planning) will still be offered Monday – Friday, 8:00 am – 5:00 pm. We will do everything that we can to maintain timely customer service, but due to the reduced work weeks for staff you may experience some delays in our programs. We apologize in advance and appreciate your patience as we work through this situation.

From: Gabriela Frask <GFrask@mcknze.com>
Sent: Wednesday, May 12, 2021 12:01 PM
To: Tom Schauer <Tom.Schauer@mcminnvilleoregon.gov>
Cc: 'Jennifer Hudson (Schnitzer Steel Industries, Inc. (<Default>))' <jhudson@schn.com>; Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>
Subject: Action required: Application Completeness Submittal CPA 1-20/ZC 1-20 3225 NE Highway 99W

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This message originated outside of the City of McMinnville.

Hi Tom,

On behalf of my client, please accept the attached for the incompleteness response for CPA 1-20/ZC 1-20 application. With this incompleteness response letter, we request that you deem the application complete now. Our team is committed to working with you on providing additional information as you continue to review the application, prior to a hearing.

Per our conversation last week, I have cc'ed Sarah and Heather on this email as you may still be out of the office, and they may process the completeness determination before the 181st day.

Please let me know if you have any questions or need anything else from our team at this time.

Thank you,

Gabriela Frask
Senior Associate / Department Head of Land Use Planning
Architecture | Interiors | Engineering | Planning
D 971.346.3675 P 503.224.9560 W mcknze.com
RiverEast Center, 1515 SE Water Avenue #100, Portland, OR 97214

Mackenzie Email [Disclaimer](#)

MACKENZIE.

December 3, 2021

City of McMinnville
Attention: Tom Schauer
231 NE 5th Street
McMinnville, OR 97128

Re: **Cascade Steel Rolling Mills Property at 3225 NE Highway 99W**
Supplemental Response Letter – CPA 1-20/ZC 1-20 Comprehensive Plan Map Amendment/Zone Change
Project Number 2210185.01

Dear Tom:

On May 11, 2021, Mackenzie submitted an Incompleteness Response Letter for CPA 1-20/ZC 1-20 Comprehensive Plan Map Amendment/Zone Change, based on the December 14, 2020 incompleteness determination you issued.

In accordance with ORS 227.178, we provided the noted material and requested that the City deem the application complete with our May 11, 2021 response. We also stated that we would provide additional information to complete the record as staff moves forward with its review of the application. We requested that staff refrain from scheduling a hearing until we have provided the additional information.

The following items from your December 14, 2020 incompleteness determination were deferred:

- (B) *An explanation of intent, nature, and proposed use of the development, and any pertinent background information.*

Since no development is proposed at this time, please provide this general information as it relates to the request and potential commercial use of this portion of the property relative to the rest of the property, and compatibility with surrounding properties.

- (G) *Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action.*

Please address the general suitability of the land to be re-designated from residential to commercial and why it is better suited for commercial designation given characteristics of the property and other surrounding properties, why this proposal is a better alternative relative to the Comprehensive Plan than the existing residential designation that currently applies to the property, and which was discussed in the previous application for the property with a concept plan for residential use and development which included an easterly extension of the dead-end street, Hidden Meadow Drive, to serve residential use of the property.

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;*



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

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.

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.

This letter and submittal package provides the deferred information that was not included in our May 11, 2021 response. These materials provide supplemental evidence and findings sufficient to support staff analysis and scheduling of the required public hearing procedure.

In this letter, we use the term "Site" to denote the 1.2 acres proposed for the comprehensive plan map amendment and zone change. The Site is a small portion of the overall approximately 50-acre property (the "Property"), which is composed of approximately 1.2 acres within City Limits but zoned Yamhill County Exclusive Farm Use (EF-80); approximately 8.5 acres within City Limits and zoned General Commercial (C-3) (for a total of approximately 9.7 acres within the City); and a remainder of approximately 40 acres in unincorporated Yamhill County and zoned EF-80.

SUPPLEMENTAL INFORMATION

This letter has been structured with an Executive Summary, followed by three (3) sections that include detailed information:

- (1) Suitability and Compatibility of Proposed Designation,
- (2) Compliance with Applicable Statewide Planning Goals, and
- (3) Responses to Approval Criteria.

EXECUTIVE SUMMARY

Redesignating the Site from residential to commercial complies with both the subjective considerations of compatibility and suitability, and the technical quantitative analyses of the City providing an adequate supply of residential and commercial land.

The Site is adjacent to both residential and commercial land, but it is more suitable for commercial use. The Site abuts the commercially-designated part of the Property, which has frontage on Highway 99W. Access to the Site from NE Doran Drive and/or Highway 99W would be through the commercially-designated Property, so there would be no commercial traffic cutting through the residential neighborhood to the west. The Site could be developed with a stand-alone commercial use, or combined with the commercially-designated Property. If the existing commercial area is enlarged, it could be developed in a clustered manner that avoids the BPA easement corridor that prohibits a large single large building in the middle of the commercially-designated Property. The enlarged commercial area will also provide more

opportunities to buffer existing residences from the commercial area because the larger land area provides site design and buffering flexibility.

The Site is only approximately 1.2 acres, so its contribution to the City's current land supply is de minimis. Nevertheless, converting the Site to a commercial designation complies with both Goals 9 and 10. The proposal would help resolve the currently acknowledged EOA's deficit of 35.8 acres of commercial land. Following the City's December 2020 Urban Growth Boundary (UGB) expansion, the City has a surplus of 36.4 acres of Urban Holding-designated land that will be developed residentially, so the proposed redesignation (and loss of the potential for eight housing units) does not negatively impact the adequacy of the City's residential land supply.

DETAILED ANALYSIS

1. *Suitability and Compatibility of Proposed Designation*

Current Designation Uses

Although the Site has been annexed into the City, it currently retains Yamhill County Exclusive Farm Use (EF-80) zoning. The EF-80 zone primarily allows farm uses and farm-related uses, with some exceptions such as utility facilities, wineries, geothermal facilities, and other carve-outs for EFU zones as mandated in state statute. Residences are restricted, with preference for farm-related dwellings. The Site is currently undeveloped, and the western portion is used for growing hay.

The McMinnville Comprehensive Plan designates the Site as Residential. For this analysis, we assume that residential development would occur with a zone change to the Multiple-Family Residential Zone (R-4), matching the zoning of the existing residential development to the west. The R-4 zone accommodates a variety of residential types including single-family dwellings, two-family dwellings, and multiple-family dwellings. The zone also allows child care homes and facilities, adult day care facilities, and residential homes and facilities, plus parks and utility facilities.

The City's Buildable Land Inventory relied upon in the December 2020 UGB expansion (Ordinance 5098) assumed a housing density target of 5.7 dwelling units/gross buildable residential acres, which (when rounded) results in seven (7) dwelling lots on the Site. Based on the Site size and configuration, up to eight (8) lots could be configured with a cul-de-sac at the termination of NE Hidden Meadow Drive.¹ The conceptual residential layout sketched in Attachment C depicts eight lots that could accommodate eight single-family residences outside the floodplain and outside the Bonneville Power Administration (BPA) easement, while providing a north street extension.

Proposed Designation Potential Uses

No development is proposed at this time.

¹ The available mapping that designates the approximately 1.2-acre residential Site is not at a scale that supports precise measurement. It seems apparent that the City's intent was not to take the Commercial designation all the way to the Hidden Meadow Drive right-of-way, or the Commercial boundary would align with the street centerline. Similarly, we have assumed the City did not intend to zone an undevelopable, useless strip of land on the south side of the roadway. In our lot layout, we have assumed that the City would allow a plat to form lots suitable for development under reasonable zoning assumptions.

The property owner has considered selling the Site and/or entire Property, and the market feedback has consistently been that the land is more marketable if the entire approximately 9.7 acres of developable area of the Property is zoned C-3.

The applicant's request for C-3 zoning would continue to accommodate multiple-family dwellings, as these are permitted in the presumed R-4 zone and in the C-3 zone. However, based upon market feedback, commercial development is more likely, and in the proposed C-3 zone, a wide variety of retail, restaurant, financial, professional, medical/dental, office, and service uses are allowed to serve the community. Attachments D and E provide conceptual layouts of how development consistent with the requested Commercial comprehensive plan designation and C-3 zone could be developed in a manner that avoids the existing BPA easement corridor, which precludes a single large building in the middle of the Property. The purpose of this concept plan is to illustrate the suitability of the requested designation and how it is compatible with neighboring properties, as further described below.

The conceptual commercial layouts sketched in Attachments D and E illustrate how a commercial building could be centrally located in the Site to provide parking circulation and allow for a landscape buffer between the commercial development and adjoining residences to the west. Illustrative examples of potential commercial uses for the Site include office, non-emergency medical or dental practices, or service uses that do not require high visibility from the street. These uses also have some flexibility in how they are configured, which is necessary because of the development constraints imposed by the BPA easement (described below). The parking layout could accommodate future access to the north, with a connection to NE Doran Drive as discussed in Kittelson & Associates' September 10, 2021 memo (Attachment A). If required by the Fire Department, emergency access could be provided to NE Hidden Meadows Drive.

Noise and Buffering

Residential development in some areas of the City have brought residents into closer visual and acoustical contact with the City's industrial areas. Although zoning designations do not position these sometimes-conflicting uses directly adjacent to each other, at some locations in the community, they are separated by undeveloped land areas that do not buffer and insulate them from each other very well. A case in point is the Hidden Meadow Ridge subdivision, abutting the Site to the west: particularly for homes in the east end of that neighborhood, the power lines corridor and vegetation to the east do little to attenuate noise from Oregon Highway 99W and the industrial area immediately to its south.

Construction of commercial building(s) on the property south of the Site, along the east side of NE Doran Drive, will form a buffer between existing residences and the Highway and industrial area to the south, because buildings reflect sound and will thereby reduce transmission from those sources into the neighborhood. But, if residential development is extended farther to the east, consistent with the current Residential designation of the Site, it will simply add more residences exposed to those noise sources, with no prospect of an intervening development to mitigate transmission because the area to the east is in the flood hazard area. By contrast, Commercial designation of the Site will allow a commercial building to contribute to visual and acoustical insulation of the Hidden Meadow Ridge neighbors.

Access

The Site is located at the eastern terminus of Hidden Meadow Drive, near the intersection of Hidden Meadow Drive and Deerfield Drive (see Attachment B). Hidden Meadow Drive is stubbed to the Site's western boundary and blocked by a barricade. The Site currently does not have any vehicle access. Developing the Site consistent with the residential designation (and presumed R-4 zoning) would require extending Hidden Meadows Drive and would result in additional traffic on that street and abutting residential streets, which may be perceived negatively by the existing residents.

By contrast, developing the Site under the proposed commercial designation and C-3 zoning provides for access through the existing C-3-zoned Property to the south, thereby directing any additional traffic out to Doran Drive rather than through the existing neighborhood. Note in this scenario that pedestrian and bicycle access, as well as emergency access for responders' equipment, could potentially be provided by way of the existing stubbed Hidden Meadow Drive right-of-way, providing added convenience and safety benefits for the existing neighborhood with no increase in daily vehicular trips. Considering that the area north of the Site is designated as a floodplain, it is unlikely that connectivity to the north is needed. Attachment A is a memorandum from Kittelson & Associates demonstrating that the proposed amendments and access points are consistent with the McMinnville Transportation System Plan (TSP).

Topography

As shown in Attachment B, the Site slopes gently downhill to the northeast toward the North Yamhill River, with an overall elevation change of approximately 30 feet with slopes ranging between approximately 10% to 15%. Slopes in this range can accommodate either residential or commercial development. In a residential development scenario, depending on the house/building design(s), the slope of the lot, and the grade change between the cul-de-sac and the rear yard, it may be possible or necessary to utilize a daylight basement configuration for some of the residences. In a commercial development scenario, parking and landscape areas may be sloped or tiered to follow the Site's contours.

Utilities

A BPA easement runs across the southeastern portion of the Site and extends across the Property. BPA does not allow placement of structures within their easements. The BPA easement contains high-voltage electrical transmission lines, which makes the eastern portion of the Site less desirable for housing due to concerns about the presence of electromagnetic field (EMF) radiation emanating from the lines. Specifically, there is a public bias against living near high-capacity power lines due to concerns about potential negative health effects associated with prolonged exposure to EMF radiation. By contrast, commercial development is more viable because commercial buildings typically are occupied for shorter periods, reducing exposure to EMF radiation.

As noted below, sanitary sewer, water, and storm drainage capacity is available and adequate for either residential or commercial development. Electrical utility infrastructure is also available in Hidden Meadows Drive and in Doran Drive (as noted in the original application).

Trees and Natural Resources

The western portion of the Site is used for growing hay, while the central and eastern area of the Site have denser, taller vegetation, including several large deciduous and evergreen trees. Removal of some of the trees would be necessary to accommodate either residential or commercial development.

The Site is located approximately 600 feet from the North Yamhill River and is adjacent to the river's extensive floodplain (approximately 2% of the Site area falls within the Federal Emergency Management Agency (FEMA) 1% annual chance ("100-Year") floodplain, located in and adjacent to the BPA easement). Based on GIS data obtained from Yamhill County, the Site does not contain wetlands. However, the Yamhill County GIS data suggest there is a wetland to the east and southeast of the Site.

With respect to stormwater management, commercial uses are generally subject to more stringent environmental regulation than residential uses. For instance, development under commercial zoning would typically result in a

stormwater management system that captures and treats all Site runoff to ensure appropriate adequate water quality. Development under residential zoning would require treatment of runoff from the public street but not from roofs or yards, leading to a comparatively higher amount of unregulated nonpoint runoff containing pesticides, fertilizer, or other contaminants.

Suitability and Compatibility of Proposed Designation Conclusions

The Site has characteristics that make it suitable for commercial development and use, including its topography, upland soils (i.e., no identified wetlands), slope characteristics (approximately 30-foot elevation change, with slopes of 10% to 15%), and limited portions subject to constraints such as the FEMA flood hazard area and the BPA power lines easement. Notably, because the City allows multiple-family residential development in the proposed C-3 zone under the standards in the R-4 residential zone (the designation of the existing neighborhood abutting the Site to the west), the Site will be equally suitable for multifamily residential development under either designation (Residential/R-4 or Commercial/C-3).

2. Compliance with Applicable Statewide Planning Goals

A. Statewide Land Use Planning Goal 10 (Housing)

Goal 10 requires that “[...] buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units...”

Response: On December 8, 2020, the McMinnville City Council adopted Ordinance 5098 expanding the City’s UGB, representing a major step in planning for the community’s urban growth and land needs. The history leading up to the December 2020 UGB expansion is long and complex. The elements of that legislative effort that are material to this application include:

- The housing needs analysis and buildable lands inventory that are included in the Ordinance 5098 package are the City’s current acknowledged housing analysis. See Ordinance 5098, Appendix B.
- That housing analysis determined that the City needs 818 gross buildable acres of residential land to accommodate 6,014 dwelling units during the planning period (2003-2023).
- The UGB was amended to include 854.40 gross buildable acres (inclusive of Phases I and II) that were designated Urban Holding (UH). Additional lands were added and designated Commercial and Industrial. The UH comprehensive plan designation lands are planned for a mix of uses, with residential uses predominant, supported by residential-serving park(s), public facilities and smaller scale commercial uses. Comprehensive Plan Policy 184.50.
- The City’s UH designated land area exceeds the residential land need by 36.4 gross buildable acres. While some of the UH designated land will be developed with non-residential uses, the December 2020 UGB amendment resulted in a surplus of residential land.²

² As we note in this letter, the City needs to undertake a new planning process to allocate all of the 854.40 acres designated UH by Ordinance 5098, and all of that land is eligible for Residential Comprehensive Plan designation, which is the principal need. Through

The proposed amendment will reduce the surplus of land available for allocation to residential development to 35.2 acres. The conversion of 1.2 acres to commercial land is the equivalent of 7 to 8 dwelling units. Based on the above analysis, the City will maintain an adequate supply of land for needed housing units, in compliance with Goal 10.

B. Statewide Land Use Planning Goal 9 (Economic Development).

Goal 9 requires the City to “[t]o provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” See www.oregon.gov/LCD/docs/goals/goal9.pdf and ORS 197.712(1).

Response: Due to unique aspects of the legal history that preceded the December 2020 UGB amendment, the commercial and employment land needs in Ordinance 5098 were based upon the City’s 2003 Economic Opportunities Analysis (the “2003 EOA”). The 2003 EOA has been superseded and is no longer applicable. In 2014, the City adopted an EOA update prepared in 2013 by E.D. Hovee and Associates, which projected commercial, industrial and institutional land buildable land needs for the 20-year period from 2013-2033 (the “2013 EOA”).³ Ordinance 4976. The 2013 EOA is acknowledged and is applicable to this application.

The 2013 EOA concluded that the City has a surplus of 235.9 acres of buildable land for industrial use and a deficit of 35.8 acres of buildable land for commercial use at the end of the planning period, Year 2033. 2013 EOA, pg. 56, Figure 26. The proposed re-designation will add 1.2 acres of commercial land to the City’s inventory, reducing the deficit to 34.6 acres, which complies with Goal 9.

The City currently has other applications pending that request to convert approximately 62.6 gross buildable acres of industrially-designated land to commercial in the Three Mile Lane Area Plan region of the City. If those applications are approved, then the City will have a surplus of about 26.8 gross buildable acres of land available for commercial development. Assuming that those applications are approved and the 2013 EOA’s commercial deficit is resolved and a surplus of commercial land is available, approving the proposed application to designate an additional 1.2 acres as commercial land complies with Goal 9 and the 2013 EOA. Approving the application is also consistent with evidence that the City’s demand for commercial land will continue to grow.

2013 EOA is the Floor, Not the Ceiling

The 2013 EOA provides the minimum acreage needed to accommodate the City’s commercial land demand; this is the “floor” of how much land can be redesignated and rezoned to commercial. The only quantitative limitation on how much additional land can be redesignated and rezoned to commercial, the “ceiling,” is the consequence cannot be to create a deficit in another land category. As discussed above in response to Goal 10, a surplus of residential land will remain following the proposed amendment.

that planning process, the City may elect to designate some of the UH land to meet commercial needs, presumably to complement and support new neighborhood areas consistent with the new Neighborhood Activity Center Site Area and Development Size and Intensity Policies adopted as part of Ordinance 5098.

³ https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1303/5_mcminnville_eoa_final_draft_11-19-13.pdf

Goal 9 requires in relevant part that the City “provide at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses.” Goal 9, Section 3 (emphasis added). Also see OAR 660-009-0025(2). The Goal 9 rules require the City to adopt an EOA that applies to areas within the UGB that, among other things, “compare[s] the demand for land for industrial and other employment uses to the existing supply of such land.” OAR 660-009-0015. The outcomes of this analysis are a quantitative conclusion of whether the City has an adequate supply of needed land, any deficit or surplus is identified, and policies committing to providing an adequate supply of industrial and commercial land are adopted. OAR 660-009-0020.

Once the Comprehensive Plan and EOA are acknowledged, post-acknowledgment plan amendments, such as the proposed application, implicate Goal 9 when it “has the effect of depleting” the available lands inventory or “could reduce” the available supply of industrial or commercial land beyond the minimum threshold identified in the EOA. *Grahn v. City of Newberg*, 50 Or LUBA 219, 223 (2005) (emphasis added). “The key is whether the amendment affects one or more of the assumptions that underlie the Goal 9 inventory so that the Goal 9 inventory may be rendered inadequate.” *Shamrock Homes LLC*, 68 Or LUBA at 9. See also *Opus Development Corp. v. City of Eugene*, 141 Or App 249, 254 (1996); *Volny v. City of Bend*, 37 Or LUBA 493, 510–11 (2000). Neither the Oregon Land Use Board of Appeals nor the Oregon Court of Appeals has ever concluded that a land use decision violates Goal 9 simply because it would cause a city’s commercial land supply to exceed the minimum threshold identified in the acknowledged EOA.

It is important to distinguish the required analysis under Goal 9 from the analysis required under Goal 14. Goal 14 applies when a city proposes to convert rural land to urban uses, primarily in the context of UGB expansions. It does not apply to this application, which seeks to redesignate and rezone urban land already within the City’s UGB. Like the Goal 9 analysis that applies to this application, the Goal 14 analysis also relies on the City’s acknowledged EOA. See OAR 660-024-0010(2); 660-024-0040(6). However, the EOA serves a different purpose within the context of Goal 14.

The purpose of Goal 14 is to balance the state’s need for urban land with the state’s competing policy to protect rural land. Thus, unlike under Goal 9 which applies exclusively to urban land, the presumption under Goal 14 is that rural land should not be included in the UGB and designated for commercial and industrial uses unless the local government can first identify a “demonstrated need” for additional land. OAR 660-015-0000(14). Accordingly, in the context of Goal 14, the EOA serves as the starting point for a local government to justify its need to expand the UGB to accommodate additional industrial and commercial land. See OAR 660-024-0040(5)-(6) (describing Goal 14 process to establish industrial and commercial “land need”). Also, unlike Goal 9, Goal 14 places a high burden on local governments to demonstrate that they cannot satisfy commercial land needs without first redesignating land within the UGB. See OAR 660-024-0050(4) (“Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB.”).

Goal 9’s purpose differs from Goal 14’s. The purpose of Goal 9 is to promote economic development within the UGB. OAR 660-015-0000(9). For that reason, as discussed above, cities cannot take actions that would reduce the quantity of land necessary to support that goal; “at least an adequate supply of sites” must be provided. However, Goal 9 does not restrict cities from encouraging commercial economic development beyond the minimum level identified in the EOA or providing land in excess of the minimum quantity identified in the EOA.

Evidence of Additional Commercial Land Need

The December 2020 UGB amendment addressed the 2003-2023 planning period. The City has begun to update its land demand and supply analyses for the 2021-2041 planning period. As part of that effort, the City retained ECONorthwest to

prepare an EOA update, from which a February 2020 draft report is available (the “Draft 2020 EOA”). The Draft 2020 EOA is not final, has not been adopted, and is not acknowledged, so its preliminary contents are not applicable for the purposes of Goal 9 compliance. Nevertheless, the Draft 2020 EOA includes data that indicates that over the next 20 years the commercial land deficit is projected to grow to at least 286 acres. Draft 202 EOA, pg 106, Exhibit 59.

Additionally, the pending applications to convert industrial land to commercial land describe the subject properties as being suitable to capture the “leakage” of retail demand that currently exists in the community. If approved, these conversions would not satisfy population-growth related commercial land demand. The Site, either alone or in combination with the Property, would accommodate smaller-scale commercial development that is suitable for population growth-related commercial demand.

C. Statewide Planning Goal 12 (Transportation)

Goal 12 is intended to “provide and encourage a safe, convenient and economic transportation system.” See www.oregon.gov/LCD/docs/goals/goal12.pdf. Goal 12 is implemented by the administrative rules in OAR chapter 660, division 12, which is known as the “Transportation Planning Rule” or “TPR.” The TPR provides that if an amendment significantly affects an existing or planned transportation facility, then mitigation measures are required. OAR 660-12-0060(1)

Response: Please refer to Attachment A for a memorandum from Kittelson & Associates demonstrating that the proposed map amendment does not significantly affect an existing planned or transportation facility, that the amendment is consistent with the City of McMinnville Transportation System Plan (TSP), and that no mitigation measures are recommended. The proposal complies with Goal 12 and its implementing rules.

3. Responses to Approval Criteria (MZO 17.74.020)

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

** * **

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.

Response: The following information demonstrates how the proposed map amendment is consistent with applicable Comprehensive Plan goals and policies.

Chapter II – Natural Resources

Goal II 1: To preserve the quality of air, water, and land resources within the planning area.

Response: The applicant’s proposed map amendment to commercial and C-3 zoning will not permit uses to generate objectionable noise, odor, dust, smoke, vibration or other environmental impacts, and will require future Site development plans to comply with City, state, and Federal standards for stormwater management. Compliance is assured because future development requires review and approval by the City’s planning,

building, and engineering staff to confirm that the project conforms to applicable development and performance standards.

Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.

Response: As depicted in Attachment B, the Site has slopes ranging from approximately 10% to 15%, which are not excessive slopes for the proposed commercial designation. The only identified natural hazard on the Site is the floodplain associated with the North Yamhill River; however, the Site is far enough away and elevated enough that only a small portion (approximately 2%) is identified as floodplain. The conceptual Site layouts sketched in Attachments D and E illustrate that commercial development could occur without impeding the floodplain, consistent with the floodplain protection provisions of the McMinnville Zoning Ordinance.

Policy 8.00 The City of McMinnville shall continue to seek the retention of high water quality standards as defined by federal, state, and local water quality codes, for all the water resources within the planning area.

Response: Commercial uses are generally subject to more stringent stormwater regulation than residential uses. For instance, development under commercial zoning would typically result in a stormwater management system that captures and treats all Site runoff to ensure appropriate adequate water quality. By contrast, development under residential zoning would be required to treat runoff from the public street but not from roofs or yards, leading to a comparatively higher share of unregulated nonpoint runoff containing pesticides, fertilizer, or other contaminants. Therefore, the proposed map amendment will help preserve water resources and maintain water quality in nearby wetlands and the North Yamhill River.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as “floodplain” to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Response: The area illustrated as floodplain in Attachment B constitutes approximately 2% of the Site, located within and adjacent to the BPA easement. The conceptual commercial layouts included as Attachments D and E demonstrate that it is possible to develop the Site without placing structures within the regulated floodplain, thereby helping to minimize property damage while maintaining the storage capacity and natural functions of the North Yamhill River floodplain.

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

Response: Chapter 8.10 (Public Nuisances) of the McMinnville Municipal Code (MMC) prohibits “loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property” and specifies allowable noise levels by time of day. MMC 8.10.260.D.11 prohibits the following:

11. *Commercial Establishments Adjacent to Residential Property. Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part*

of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m., that is plainly audible to persons on any nearby residential property.

Furthermore, provisions within the C-3 zone (the requested zone for the Site) identify that specific use types may not result in objectionable noise, odor, dust, smoke, or vibration. As future commercial development would be subject to these standards, the proposed map amendment is thus protective of neighboring properties and fully consistent with this policy.

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.

Goal IV 2: To encourage the continued growth of McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the city and county residents.

Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable Sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.

Response: The applicant’s initial submittal noted that “Rezoning 1.2 acres would add more developable commercial land to the City’s current inventory” and that “the proposed land use change would maximize the usability of existing commercially designated lands.” Additionally, as detailed in the response to Statewide Land Use Planning Goal 9 above, the 2013 EOA concluded that the City has a deficit of 35.8 acres of commercial land. Current planning efforts included in the Draft 2020 EOA indicate that during the 2021-2041 planning period, that deficit will grow to at least 286 acres.

The 1.2-acre Site’s location provides an opportunity to reduce that deficit, while reducing existing residents’ visual and acoustic exposure to impacts associated with Highway 99W and heavy industrial activities to the south. The Site’s suitability for commercial use is detailed above, and the serviceability of the Site is addressed below.

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

Response: The 1.2-acre Site’s location adjacent to an existing neighborhood, as well as abutting buildable Commercially-designated land proximate to Oregon Highway 99W, makes it a suitable site for development to accommodate one or more locally owned, managed, or controlled small business tenants. The proposed redesignation would further this Policy by making the Site eligible for such use.

Goal IV 3: To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future neighborhood-serving and other commercial lands, and discouraging strip development.

Response: The 1.2-acre Site’s location adjacent to an existing neighborhood (Hidden Meadow Ridge), as well as abutting buildable Commercially-designated land to its south, makes it a suitable site for locating neighborhood-serving small businesses. Such businesses could be building owners or tenants, depending on market factors. Because the Site is not abutting an arterial or a collector street, its commercial development will not contribute to strip development. Commercial designation of the Site is consistent with this Goal. If the Site is combined with the Property so that the existing commercial area is enlarged, the larger area will provide flexibility in how development is configured so that strip development can be avoided.

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

Response: The adjacent approximately 8.5-acre parcel has remained undeveloped, even though it is designated for commercial use. Designating the Site commercial will enlarge the available commercial area to over 9 acres, which increases the likelihood that the entire property will be used for commercial purposes.

Policy 23.00 Areas which could in the future serve as commercial Sites shall be protected from encroachment by incompatible uses.

Response: The Site is suitable for Commercial use because it is adjacent to Commercially-designated land to its south, and its commercial development will contribute to buffering of the existing residential neighborhood to its west from impacts of Oregon Highway 99W and nearby heavy industrial uses to the southeast. It is protected from incompatible uses by the presence of the FEMA “100-Year” flood hazard boundary on its north and east sides. The proposed Commercial designation is consistent with this Policy.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

Response: The Site is located approximately 1,000 feet from Oregon Highway 99W, so its commercial development and use will not contribute to strip development along the Highway. Its location provides a significant opportunity to integrate its access, circulation and other features with the Commercially-designated abutting property to the south, to achieve “cluster” development characteristics, consistent with this Policy.

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

Response: As detailed in response to Statewide Land Use Planning Goal 9 above, the 2013 EOA concluded that the City has a deficit of 35.8 acres of commercial land. Current planning efforts included in the Draft 2020 EOA indicate that during the 2021-2041 planning period, that deficit will grow to at least 286 acres. The 1.2-acre Site’s location provides an opportunity to reduce that deficit, while reducing existing residents’ visual and acoustic exposure to impacts associated with Highway 99W and heavy industrial activities to the south. The Site’s suitability for commercial use is detailed above, and the serviceability of the Site is addressed below.

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

Response: As explained elsewhere in this letter, the Site's location is such that allowing commercial development will have a buffering effect, interposing commercial building(s) between existing residences and the industrial activities to the southeast. By contrast, the current Residential designation sets the stage for locating future residences close to an existing high-voltage power lines corridor, with no development that would buffer them from noise or other impacts from those nearby industrial activities. The combined approximately 9.7 acre commercial area (the Site + the existing C-3 property) allows sufficient area for a commercial development to be configured so that buffering from the adjacent residential use is feasible. The proposed redesignation contributes to reducing potential adjacency conflicts. Also as noted above in this letter, city services sufficient to serve commercial development and use of the Site are in place in the abutting streets: Hidden Meadow Drive, which stubs to the west property boundary, or Doran Drive, if extended through the Commercially-designated property abutting to the south.

Policy 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.

Response: The size, configuration and location of 1.2-acre Site is not suitable for "large-scale, regional shopping facilities, and heavy traffic-generating uses." If the Site is combined with the existing Commercially-designated Property, the location of the no-build BPA easement precludes a large single building that would be consistent with this use. Kittelson & Associates' May 11, 2021 Trip Generation Memo (previously submitted into the record) demonstrates that the Site as a standalone commercial use or when combined with the Property is expected to generate only a de minimis amount of traffic. The conceptual commercial layouts sketched in Attachments D and E illustrate the ability for the Site to provide adequate parking and access a public street through shared access through the Property to the south.

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

Response: This Policy is not applicable because as explained in response to Policy 26.00, a large-scale commercial development is not feasible. Additionally, the Site does not have direct access to an arterial.

Policy 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.

Response: No specific access determination or routing is proposed at this time, but the applicant notes that commercial development of the Site could potentially be achieved by integrating vehicular access and circulation with the Commercially-designated abutting Property to the south. In that scenario, pedestrian and bicycle access could be provided for the residents of Hidden Meadow Ridge to the west, while precluding commercial traffic from cutting through their neighborhood. As noted in the trip generation memo by Kittelson, the proposed redesignation will not cause the carrying capacity of existing streets to be exceeded. The proposed redesignation is consistent with this Policy.

Policy 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.

Response: As noted above for Policy 30.00, commercial development of the Site could potentially be achieved by integrating vehicular access and circulation with the Commercially-designated abutting Property to the south. In that scenario, pedestrian and bicycle access could be provided for the residents of Hidden Meadow Ridge to the west, while precluding commercial traffic from cutting through their neighborhood. The proposed redesignation is consistent with this Policy.

Policy 32.00 Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.

Response: Commercial development of the Site in compliance with City landscaping and screening requirements will contribute to this Policy. Additionally, as noted above, allowing commercial development at this location will have the added effect of using commercial development to buffer and insulate the existing Hidden Meadow Drive Ridge neighborhood from impacts associated with Oregon Highway 99W and heavy industrial uses to the southeast. The combined 9.7-acre commercial area (the Site + the existing C-3 Property) allows sufficient area for a commercial development to be configured so that buffering from the adjacent residential use is feasible.

Policy 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 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.

Response: Commercial development of the Site will be required to comply with City of McMinnville development standards that implement this Policy. If the Site is combined with the commercially-designated Property to the south so that the commercial area is enlarged to approximately 9.7 acres, the opportunities for efficient use of the land area will be increased. The proposed Commercial redesignation contributes to meeting this Policy.

Chapter V – Housing and Residential Development

Goal V 1: To promote development of affordable, quality housing for all city residents.

Response: The Site's location is such that residential development would locate new residents closer to an existing heavy industrial area than the current eastern edge of the Hidden Meadow Ridge subdivision. By contrast, the proposed Commercial redesignation will allow construction of larger building(s) that would contribute to buffering that neighborhood instead.

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

Response: This Policy is directed at the City and how the comprehensive plan should be implemented by the zoning code. It does not apply to this map amendment application.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located

and developed according to the residential policies in this plan and the land development regulations of the City.

Response: A portion of this Policy is directed at the City and how the comprehensive plan should be implemented by the zoning code. The applicant has requested a Comprehensive Plan Map designation change from Residential to Commercial, and zoning designation of C-3. In the C-3 zone, multiple-family residential development is allowed, subject to the development standards of the R-4 residential zone. With the proposed redesignation, multiple-family residential use will be allowed at the Site. For these reasons, the proposed redesignation is consistent with this Policy.

Policy 61.00 The City of McMinnville shall monitor the conversion of lands to residential use to insure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.

Response: This Policy directs staff and City leaders to monitor residential development in the community on an annual basis and is not applicable to this map amendment application.

Goal V 2: To promote a residential development pattern that is land intensive and energy-efficient, that provides for an urban level of public and private services, and that allows unique and innovative development techniques to be employed in residential designs.

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

Response: This Goal and Policy provide direction to guide the City's adoption of zoning standards for residential development, as well as the zoning designations of land within the planning area (UGB), to foster innovative and energy-efficient forms of housing. This Goal will influence the City's efforts in its forthcoming and necessary planning process for rezoning the 854.40 acres of land in the Urban Holding zone to meet growth and housing needs. The 1.2-acre Site is poorly situated to further this Goal because it is quite small and located at the perimeter edge of the City, relatively far from the center of the community; it is adjacent to a high-voltage power lines corridor and flood hazard area; and it is exposed to noise and other impacts of Highway 99W and heavy industrial activities to the southeast. Those factors limit the Site's potential to further this Goal and Policy, such that the requested Commercial redesignation will have no significant effect on this Goal and Policy.

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

Response: As detailed in response to Statewide Goal 10, if the proposed map amendment is approved, the City will continue to have a surplus of land available for residential development. The comprehensive plan Policies adopted as part of the December 2020 UGB expansion will ensure that the forthcoming and necessary planning process for rezoning the 854.40 acres of land in the Urban Holding zone will meet growth and housing needs.

Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.

Response: At this time, the Site has been annexed but not rezoned for urban residential development. As noted in responses to the housing goals and policies quoted above, several location factors (e.g., City perimeter location, exposure to industrial area/activities, proximity to high-voltage power lines) suggest the Site is not particularly suitable for residential development “consistent with the policies of the Comprehensive Plan.” Further, the December 2020 UGB provides an adequate supply of land suitable for needed housing types.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets; or a local collector street within 600’ of a collector or arterial street;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation.*

Response: The Site is at best a moderate fit with the listed characteristics for Medium and High-Density Residential (R-3 and R-4) designation. While it is not committed to low-density development (subparagraph 1), its access would be provided by a stub from a local street network, inconsistent with subparagraph 2. Its shape on the north and east sides is defined by the flood hazard area and associated slope and drainage characteristics, which limit options for development, making it only marginally consistent with subparagraph 3. Due to its small size and limited utility service requirements as a result, either residential or commercial development can be adequately served, satisfying subparagraph 4. The Site is more than a quarter-mile from the nearest bus stop (Yamhill County Transit Line 44, west of Grandhaven Street in front of the WinCo Foods store) as the crow flies, and 0.46 mile by the shortest travel path. Based on these characteristics, the Site is more suitable for designation as Commercial than Residential. Medium and High-Density Residential designations are more suitable for inclusion in the master planning process of Urban Holding areas that were included in the UGB by Ordinance 5098.

Policy 71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:

- 1. The density of development in areas historically zoned for medium and high density development;*
- 2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;*
- 3. The capacity of the services;*
- 4. The distance to existing or planned public transit;*
- 5. The distance to neighborhood or general commercial centers; and*
- 6. The distance from public open space.*

Response: This Policy provides guidance for the creation and adoption of residential zoning categories and density ranges to regulate residential development in the community, and is not applicable to this application.

Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development.

Response: The presumed R-4 zone under the existing Residential designation and the proposed C-3 zone both allow multiple-family housing developments. Therefore, the proposed map amendment does not alter the Site's ability to comply with the Policy.

Sub-criterion from 17.74.020

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.

Response: The proposed map amendment complies with the applicable housing policies in the comprehensive plan, and many of the policies are not applicable. Even if the housing policies are weighted in the balancing and consideration of all comprehensive plan policies, there is no need to retain the Site's Residential designation and the Site is more suitable for Commercial designation and development.

The December 2020 UGB amendment provides the City with a surplus of land available for all housing types, as detailed in response to Statewide Goal 10. The presumed R-4 zone under the existing Residential designation and the proposed C-3 zone both allow multiple-family housing developments, so that type of housing is not excluded, and densities are not decreased. The proposed map amendment has no impact on the cost or timing of providing needed housing.

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.

Response: As illustrated in Attachments D and E, since the Site is under common ownership with commercially-zoned Property fronting on Doran Drive, a commercial development could access Doran Drive directly, thereby making use of existing transportation infrastructure while not contributing additional traffic to the residential neighborhood on Hidden Meadows Drive. As discussed in Attachment A, the proposed map amendment remains consistent with the City's TSP and complies with the TPR.

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

Response: The City has prepared and adopted a TSP to identify transportation measures necessary to result in a safe roadway access. As discussed in Attachment A, the proposed change from a residential to a commercial designation does not necessitate an amendment to the TSP. The proposed change

retains a safe street network and the site will continue to have access to streets via a drive aisle to NE Doran Drive crossing other portions of the Property (as depicted on Attachments D and E).

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

Response: The applicant's proposed redesignation of the Site for commercial use would provide for access through the existing C-3-zoned land to the south within the same Property, thereby accessing an existing public roadway rather than require construction of additional public right-of-way as would be required under the current residential designation. See Attachment C for a sketch of potential residential development and Attachments D and E for sketches of potential commercial development.

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

3. Local Streets

- Designs should minimize through-traffic and serve local areas only.*
- Street widths should be appropriate for the existing and future needs of the area.*
- Off-street parking should be encouraged wherever possible.*
- Landscaping should be encouraged along public rights-of-way.*

Response: As the applicant's proposed redesignation to commercial use would provide for access through the existing C-3-zoned land to the south, site-generated traffic would access NE Doran Drive rather than being directed through the existing residential neighborhood on NE Hidden Meadows Drive and NE Deerfield Lane. This condition is consistent with the policy to "minimize through-traffic and serve local areas only."

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

Response: Attachments D and E illustrate the feasibility of utilizing the site for a commercial development with generous landscaping and parking. The proposed zone change to C-3 is thus consistent with this Policy.

Policy 132.23.00 The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city's land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law.

Response: This Policy is directed at actions the City should take to implement its TSP and does not apply to this application because no amendment to the TSP is proposed or necessary. See Attachment A.

Policy 132.34.05 The McMinnville Transportation System Plan shall promote methods that employers can utilize to better facilitate employee commuting, and; to encourage employees to use alternative commute methods to the single occupancy vehicle.

Response: The TSP contains a Transportation Demand Management Goal "To help single-occupant vehicle demand in McMinnville through a variety of transportation demand management strategies." These strategies include ride-sharing coordination, transit-oriented design, and encouraging employers to implement trip reduction plans. The proposed map amendments would increase the size and scale of

contiguous C-3 zoned property, thereby increasing opportunities for ride-sharing and carpooling due to the physical proximity of multiple commercial buildings and employers.

Policy 132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood.

Response: The applicant’s proposed redesignation to commercial use would provide for access through the existing C-3-zoned land to the south, so site-generated traffic would access NE Doran Drive. By contrast, residential development would result in additional traffic routed through the existing residential neighborhood on NE Hidden Meadows Drive and NE Deerfield Lane.

Policy 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.

Response: The applicant’s transportation engineers have submitted evidence demonstrating that the development is consistent with the TSP. See Attachment A.

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.

Response: Although the Site is within the urban growth boundary and within city limits, it maintains Yamhill County agricultural zoning, which means that the Site is urbanizable but not eligible for development at urban levels. Future development necessitates connections to public water, sanitary sewer, and transportation networks. The City has nearby public water mains and a sanitary sewer system and the Site has access to nearby roadways with capacity to accommodate the proposed commercial use. Amending the City’s maps to designate the Site for commercial use will allow conversion to urban land with utility and transportation usage consistent with the City’s public facility plans.

Mackenzie reviewed current utility master plans and information for the area, including:

- City of McMinnville Wastewater Conveyance Master Plan, 2008, prepared by West Yost Associates and CH2MHill
- City of McMinnville Storm Drainage Master Plan, 2009, prepared by CH2MHill
- City of McMinnville Water Reclamation Facilities Plan, 2009, prepared by prepared by West Yost Associates and CH2MHill
- Service map and fire flow test records provided by McMinnville Power and Light (Steve Wendell)

Sanitary Sewer

The Site lies within the Fairgrounds sewer basin and drains to the Northeast pump station. The capacity of the pump station is 960 gallons per minute (gpm), of which Mackenzie engineers estimate approximately 414 gpm will be generated by the set of uses currently planned, based on the master plan. Re-zoning the subject lot to commercial use will result in an approximately 9 gpm increase, which is within the available capacity of the existing pump station. Mackenzie engineers do not expect any public sewer system improvements will be necessary to accommodate the zone change.

Water

The Site lies near the edge of the McMinnville Water and Light service boundary and is served by an existing 10-inch water main in NE Doran Drive southwest of the Site. The water system is looped in this area. Based on flow tests provided by McMinnville Water and Light, the system provides 3,728 gpm (@ 20 psi) fire flow to the area. Mackenzie engineers do not expect any public water system improvements will be necessary to accommodate the proposed Site rezoning for commercial use since for typical commercial developments such as that depicted in Attachments D and E, the Oregon Fire Code would generally require fire flow of 3,000 gpm or less.

Storm Drainage

The Site is located approximately 600 feet from the North Yamhill River. We expect the developed Site would discharge stormwater towards the river; therefore, there are no downstream constraints in the City drainage system. The majority of the Site is located outside the mapped 100-year floodplain. Mackenzie engineers do not expect any additional public storm drainage improvements to be necessary to accommodate the proposed Site rezoning for commercial use.

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

Response: The proposed map amendment would result in a future commercial development that connects to the sanitary sewer system. No on-Site septic system is anticipated or proposed.

Policy 137.00 The City of McMinnville shall undertake necessary long-range planning efforts for the sewage system to implement the McMinnville Comprehensive Plan.

Response: The City of McMinnville Wastewater Conveyance Master Plan, 2008 and the City of McMinnville Water Reclamation Facilities Plan, 2009, both prepared by West Yost Associates and CH2MHill, indicate that the Site lies within the Fairgrounds sewer basin and drains to the Northeast pump station. The capacity of the pump station is 960 gallons per minute (gpm), of which Mackenzie engineers estimate approximately 414 gpm is currently planned based on the master plan. Re-zoning the subject lot to commercial use will result in an approximately 9 gpm increase, which is within the available capacity of the existing pump station. Mackenzie engineers do not expect any public sewer system improvements will be necessary to accommodate the zone change.

Policy 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.

Response: The proposed redesignation of the Site from residential to commercial is anticipated to result in sanitary sewer discharges that are within the same order of magnitude. As noted in the response to Policy 137.00, Mackenzie engineers estimate that the existing pump station capacity is more than adequate to accommodate commercial development.

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

Response: The City of McMinnville Storm Drainage Master Plan, 2009, prepared by CH2MHill, documents the consultant's hydraulic analysis, water quality provisions, and drainage system standards. The Site is located approximately 600 feet from the North Yamhill River so the developed Site would likely discharge stormwater towards the river. Therefore, there are no downstream constraints in the City drainage system and Mackenzie engineers do not expect any additional public storm drainage improvements to be necessary to accommodate the subject Site rezoning to commercial use.

Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

Response: The Site is served by an existing 10-inch water main in NE Doran Drive southwest of the Site. The water system is looped in this area to provide water service consistent with urban densities. The proposed. Based on flow tests provided by McMinnville Water and Light, the system provides 3,728 gpm (@ 20 psi) fire flow to the area. Mackenzie engineers do not expect any public water system improvements will be necessary to accommodate the subject Site rezoning to commercial use.

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

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and 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.*

Response: Demonstration of sufficiency of water and sanitary sewer service is provided in the responses to Policies 136.00, 137.00, 138.00, and 144.00. Based on a review of the City's utility master plans, Mackenzie engineers have concluded that the public utilities are appropriate to serve future commercial development if the proposed map amendment is approved.

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Response: As the Site size is only 1.2 acres, redesignating the Site from planned residential to planned commercial should not impose a material difference in demand for service by the police and fire departments. Commercial buildings are often equipped with security alarms, fire alarms, and fire suppression systems, all of which would help facilitate efficient responses by emergency personnel if needed.

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.

Response: A Bonneville Power Administration (BPA) easement runs through the southeastern portion of the Site and extends across the Property. The conceptual diagrams in Attachments C, D, and E illustrate that the Site can be developed in a manner that reserves the easement corridor for the high voltage transmission lines. The proposed map amendment provides better opportunities for BPA to access and maintain the power lines as it will yield commercial development with paved parking areas rather than unpaved residential rear yards.

Policy 171.00 The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.

Response: The BPA easement contains high-voltage electrical transmission lines, which are a critical piece of infrastructure supportive of the local economy and quality of life. However, the high voltage lines result in electromagnetic fields (EMF), which makes the eastern portion of the Site less desirable for housing as residents may be concerned about the health effects of prolonged exposure to EMF. By contrast, commercial development is more viable because commercial buildings typically are occupied for shorter periods, reducing exposure to EMF. Therefore, the proposed map amendment and zone change are supportive of usage of electrical energy.

Goal VIII 2: To conserve all forms of energy through utilization of land use planning tools.

Response: As illustrated in the conceptual development sketches in Attachments C, D, and E under the current residential plan designation the Site could be developed with approximately eight single-family residences, while under the requested commercial plan designation the Site may be developed with a single building (though potentially this could be one or two buildings). In general terms, heating and cooling is more efficient with a reduced number of buildings as there are fewer energy losses through building envelopes. Thus, approving the requested map amendment may result in reduced energy consumption.

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

Response: Redesignating the Site to commercial would result in approximately 9.7 acres of contiguous C-3 zoning, providing an opportunity to improve the property with a cohesive and compact commercial development. Clustering businesses together allows for carpooling and for shared trips, thereby reducing transportation-related energy consumption.

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.

Response: As discussed above in response to Statewide Goals 10 and 9, the December 2020 UGB expansion (Ordinance 5098) provided an adequate supply of residential land through the 2023 planning period. The 2013 EOA concluded that there would be a deficit of 35.8 acres of commercial land. This application and other applications pending before the City will resolve the deficit.

Goal IX 2: To establish a land use planning framework for application of the goals, policies, and proposals of the McMinnville comprehensive plan.

Response: This goal requires the City to implement its comprehensive plan through its zoning code. It is not directly applicable to this application.

Policy 183.00 The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.

Response: The Site is “urbanizable” land because it is annexed but retains an agricultural resource zone (EF-80). The proposal is to amend the Site’s designation to Commercial, and implementing C-3 zone, in compliance with this Policy.

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.

Response: This quasi-judicial application affords multiple opportunities for citizen input and participation. As previously documented, the applicant held a neighborhood meeting on November 3, 2020. As part of the application review, the City will provide public notice to area property owners so that interested parties can submit comments either in written form or in oral testimony at either the Planning Commission or the City Council public hearings.

Goal X 3: To periodically review and amend the McMinnville comprehensive plan to reflect changes in community circumstances, in citizen desires, and in the statewide goals.

Response: The intent of this goal is primarily aimed at ensuring that the City regularly initiates action to review and update its comprehensive plan, which it recently did as part of the December 2020 UGB amendment. In this instance, the applicant is helping to advance the City’s goal of ensuring that the comprehensive plan reflects current community needs and conditions. As detailed throughout this application, the Site is more suitable for Commercial designation than residential, it the proposed amendment will help resolve an existing deficit of commercial land.

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;

Response: The timeliness of the amendment relates more to legislative actions taken by the City, rather than physical changes to the local context. Simply stated, since the Site was annexed, planning efforts have resulted in a surplus of residential and deficit of commercial land, and the proposed conversion helps rebalance the land supply. As detailed in response to Statewide Goals 10 and 9, the December 2020 UGB expansion (Ordinance 5088) provided an adequate supply of residential land through the 2023 planning period. The 2013 EOA concluded that there would be a deficit of 35.8 acres of commercial land. This application and other applications pending before the City will resolve the deficit.

The suitability sections of this application describe how the proposed commercial designation is compatible with the pattern of development in the area. Residential development and use in some areas of the City have brought residents into closer visual and acoustical contact with the City's industrial areas. Although the Plan does not position these sometimes-conflicting uses directly adjacent to each other, at some locations in the community, they are separated by undeveloped land areas that do not buffer and insulate them from each other very well. A case in point is the Hidden Meadow Ridge subdivision, abutting the Site to the west: particularly for homes in the east end of that neighborhood, the power lines corridor and vegetation to the east do little to attenuate noise from Oregon Highway 99W and the industrial area immediately to its south.

Construction of commercial building(s) on the property south of the Site, along the east side of NE Doran Drive, can be expected to impose a buffer between those residences and the Highway and industrial area to the south, because buildings reflect sound and will thereby reduce transmission from those sources into the neighborhood. But, if residential development is extended farther to the east, consistent with the current Residential designation of the Site, it will simply add more residences exposed to those noise sources, with no prospect of an intervening development to mitigate transmission because area to the east is in the flood hazard area. By contrast, Commercial designation of the Site will allow a commercial building to contribute to the visual and acoustical insulation of the Hidden Meadow Ridge neighbors.

The requested redesignation is based on site analysis factors that favor Commercial development and use of the 1.2-acre Site over Residential use, such as the opportunity to use commercial development as a form of buffer between the existing Hidden Meadow Ridge neighborhood and impacts associated with Highway 99W and heavy industrial land areas to the southeast.

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

Response: As discussed in the response to Comprehensive Plan Chapter VII (Community Facilities and Services), the Site is served with public utilities with adequate capacity to accommodate the proposed designation to commercial.

CLOSING REMARKS

Thank you for the opportunity to supplement the record. These additional findings and associated exhibits demonstrate that the proposed application is approvable under the applicable approval standards. Please contact me at (971) 346-3675 or gfrask@mcknze.com if you have any questions.

Sincerely,



Gabriela Frask
Land Use Planning

Enclosure: Attachment A: Memo on Consistency with the City of McMinnville Transportation System Plan, September 10, 2021, Kittelson & Associates
Attachment B: Aerial Map
Attachment C: Residential sketch
Attachment D: Commercial sketch (standalone)
Attachment E: Commercial sketch (combined)

c: Elizabeth Stowe, Jennifer Hudson – Cascade Steel Rolling Mills
Dana Krawczuk – Stoel Rives LLP



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 PORTLAND, OR 97204
 P 503.228.5230 F 503.273.8169

MEMORANDUM

Date: September 10, 2021 Project #: 26347

To: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville

Cc: Jennifer Hudson, Schnitzer Steel Industries, Inc.

From: Kristine Connolly, PE, & Marc Butorac, PE, PTOE, PMP

Project: Cascade Steel Rolling Mills Rezone

Subject: Consistency with the City of McMinnville Transportation System Plan

This memorandum was prepared in response to December 14, 2020 City of McMinnville Completeness Review Letter (CPA 1-20/ZC 1-20) to address the proposed 1.2-acre Cascade Steel Rolling Mills zone change and comprehensive plan map amendment in McMinnville, Oregon.

PROPOSED CASCADE STEEL ROLLING MILLS REZONE

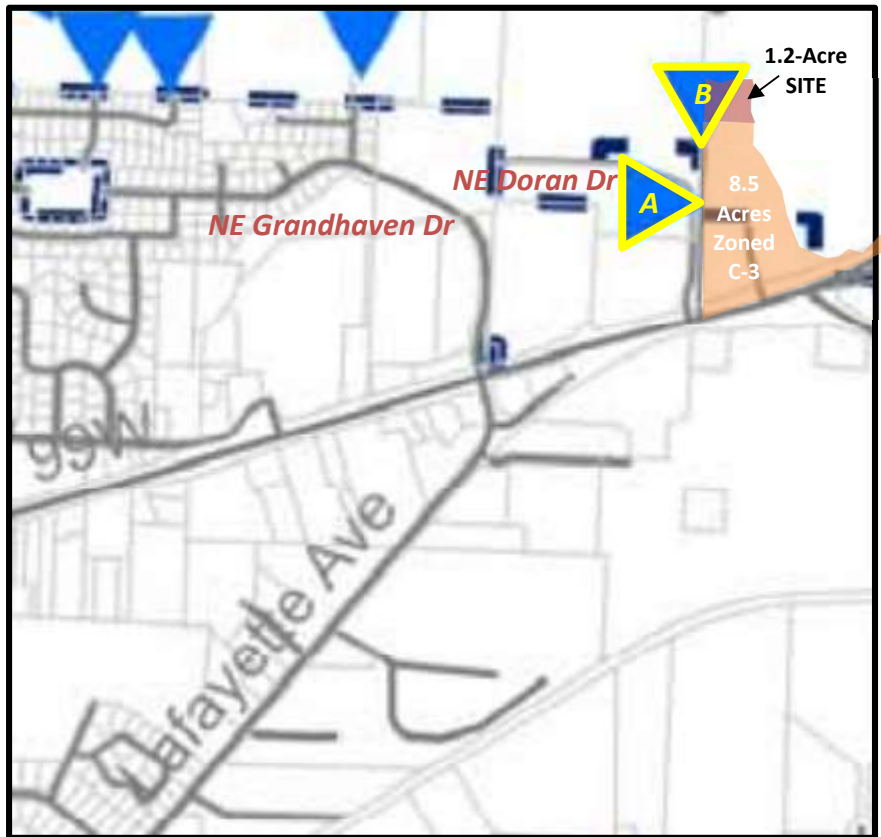
Cascade Steel Rolling Mills (Cascade Steel) is seeking a rezone of a portion of their property located at 3225 NE Highway 99W in McMinnville, Oregon. The 50.1-acre property is currently undeveloped. The property is partially in city limits and partially in unincorporated Yamhill County. Approximately 9.7 acres are within City Limits: 8.5 acres are zoned C-3 (General Commercial) by the City while the remaining 1.2 acres retain Yamhill County EF-80 zoning. Cascade Steel seeks to rezone the 1.2 acres of land that are zoned County EF-80 to C-3 (General Commercial) and amend the City Comprehensive Plan Designation from Planned Residential to Planned Commercial to establish consistency in the zoning and Comprehensive Plan designations for the portion within city limits.

CONSISTENCY WITH THE CITY'S TRANSPORTATION SYSTEM PLAN

The May 2010 City of McMinnville Transportation System Plan (TSP) states that "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 as shown Exhibit 2-1." Figure 1 provides an annotated portion of the map in the vicinity of the site.

The map does not delineate specific alignments or locations of the access. Rather, the blue triangles on the map indicate approximate locations intended to provide future connectivity. In many cases, the same connectivity can be provided at a nearby alternate location.

Figure 1. Excerpt from City of McMinnville TSP Future Local Street Connections (Exhibit 2-1)



The map identifies two local connections in the vicinity of the site:

- An east-west connection (labeled 'A' in Figure 1).
 - The alignment of Triangle 'A' indicates intent for providing connection to the west of NE Doran Drive. Though the location of the triangle is not shown precisely at NE Doran Drive, the intent of this connection is currently satisfied by the extension of NE Doran Drive west to NE Grandhaven Drive.
 - With site development, the proposed commercial development will take access to the east side of NE Doran Drive, aligning with existing access on the west side.
 - As documented in the May 11, 2021 *Cascade Steel Rolling Mills Rezone Trip Generation* memorandum prepared by Kittelson & Associates, Inc., the proposed rezone increases the trip generation potential of the site by only 27 weekday PM peak hour trips and 277 average daily trips. This small increase in traffic will not create significant impacts under Oregon Administrative Rule (OAR) 660-012-0060. A traffic impact analysis (TIA) will be performed with future site development, and will determine the appropriate design of site access to NE Doran Drive to accommodate site traffic.
- A north-south connection shown at the approximate location of the current terminus of NE Hidden Meadow Drive (labeled 'B' in Figure 1).

- The alignment of Triangle 'B' indicates intent for providing connection to the north from NE Doran Drive. Rather than providing a vehicular connection from NE Hidden Meadow Drive, the site will provide a vehicular connection or easement (for any future development to the north) from NE Doran Drive to the north through the commercial property, thus satisfying the intent of the Local Street Connectivity map (see Figure 2).

Figure 2. Future North/South Connectivity Opportunity Preserved by the Site



- If the 1.2-acre site were to develop as residential, an extension of NE Hidden Meadow Drive would incorporate site trips within the existing residential local street system, rather than through the commercially zoned land to the south. However, as the site is proposed to be rezoned for commercial use, it is more appropriate to keep the commercial traffic with compatible uses to the south. A vehicular connection of NE Hidden Meadow Drive into the proposed commercial site would create the potential for commercial traffic to cut through the neighborhood, reducing the safety of the neighborhood. Conversely, to *not* extend NE Hidden Meadow Drive will have no impact on the existing connectivity of the residential neighborhood. All homes within the neighborhood currently have access to NE Doran Drive, which connects to NE Grandhaven Drive and Highway 99W.
- While there will not be vehicular access between the existing residential and proposed commercial developments via NE Hidden Meadow Drive, pedestrian and bicycle facilities, as well as emergency access, may be provided as part of a future development proposal. Connectivity for these uses will benefit both the residential and commercial properties.

- The potential for future connectivity to the north and/or east can be maintained with either easements or potential public streets with the proposed site development, if deemed necessary as part of future development proposals. However, given the extensive floodplain north and east of the proposed zone change area, these connections may not be merited.

Exhibit 4-6 (TSP Projects and Programs), Exhibit 5-6 (Pedestrian System Plan), Exhibit 6-3 (Bicycle System Plan) and Exhibit 7-3 (Transit System Plan: Fixed Route Bus Service) in the City's TSP identify the location of planned transportation system projects and programs. These exhibits do not include any projects at the site of the proposed zone change.











RECOMMENDATION

Based on the information provided above, the intent of the Future Local Street Connections Map in the McMinnville TSP will be fulfilled through site development. Therefore, the zone change does not require an amendment to the TSP. If you have any questions, please feel free to contact us at (503)-228-5230.

3225 NE Highway 99W

McMinnville, Oregon

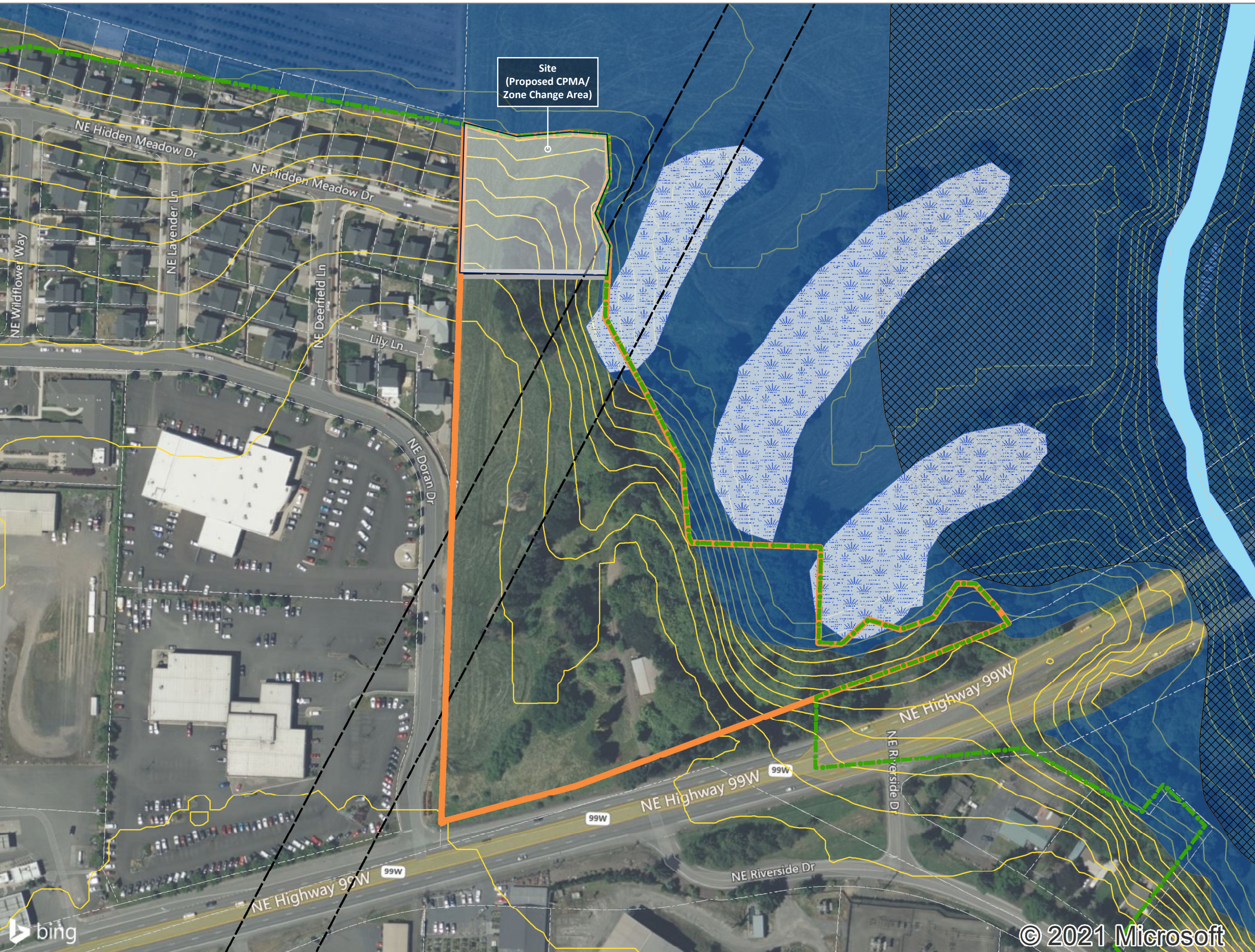
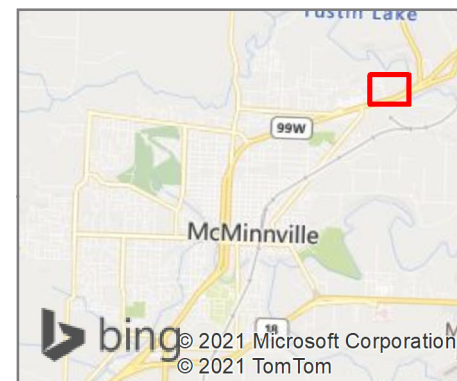
LEGEND

-  Property Boundary
-  Zone Change Boundary
-  Tax lots
-  McMinnville City Limits
-  BPA Easement
-  5' Contours
-  River
-  Wetlands
- Flood Zone**
-  AE: 1% annual chance flood
-  Floodway



SOURCE DATA: Yamhill County Sep. 2021
 GEOGRAPHIC PROJECTION: NAD 83 HARN, Oregon North Lambert Conformal Conic











Date: 9/23/2021 File: Aerial Map
 Map Created By: NAK Project No: 2210185.00



3225 NE Highway 99W

McMinnville, Oregon

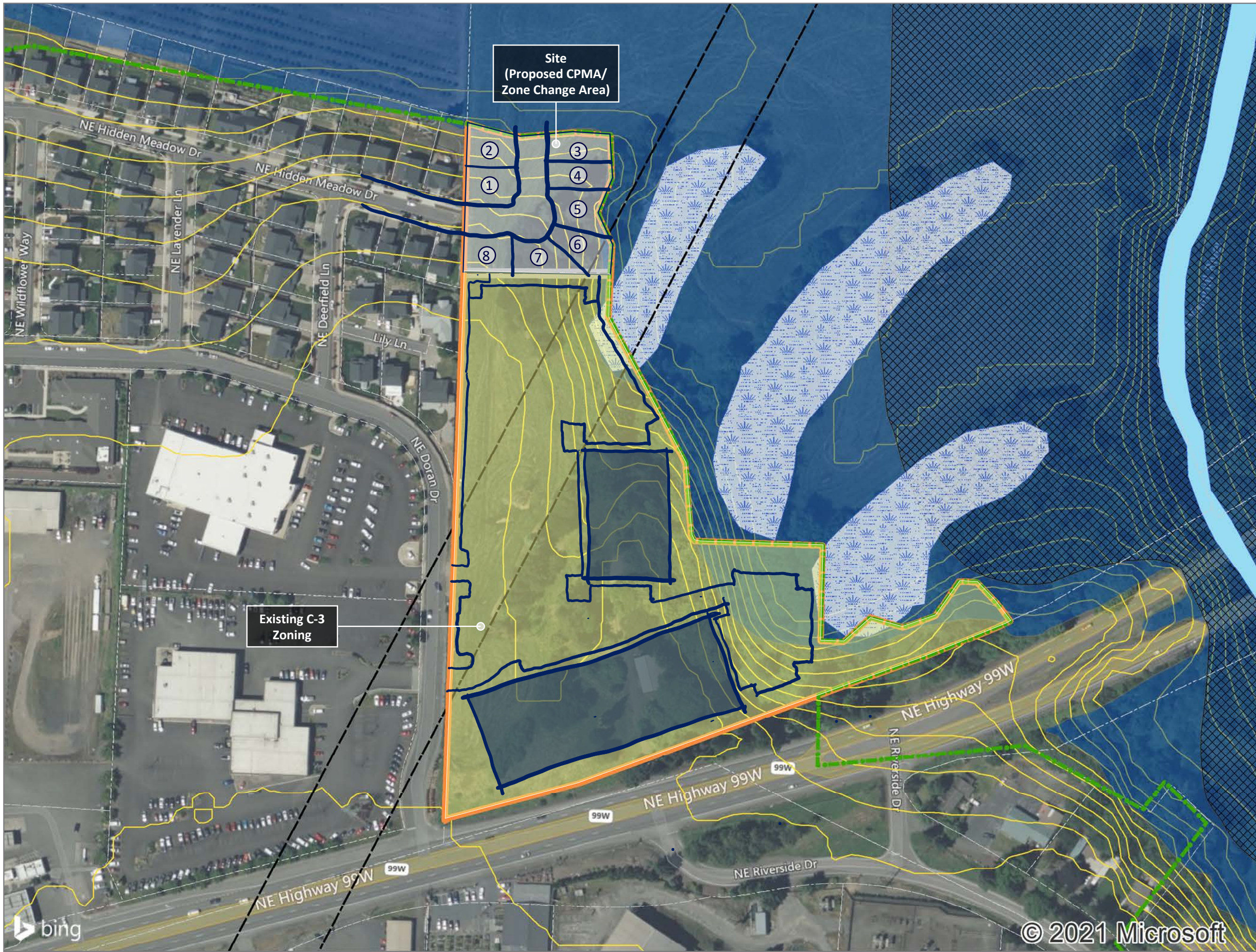
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3225 NE Highway 99W

McMinnville, Oregon

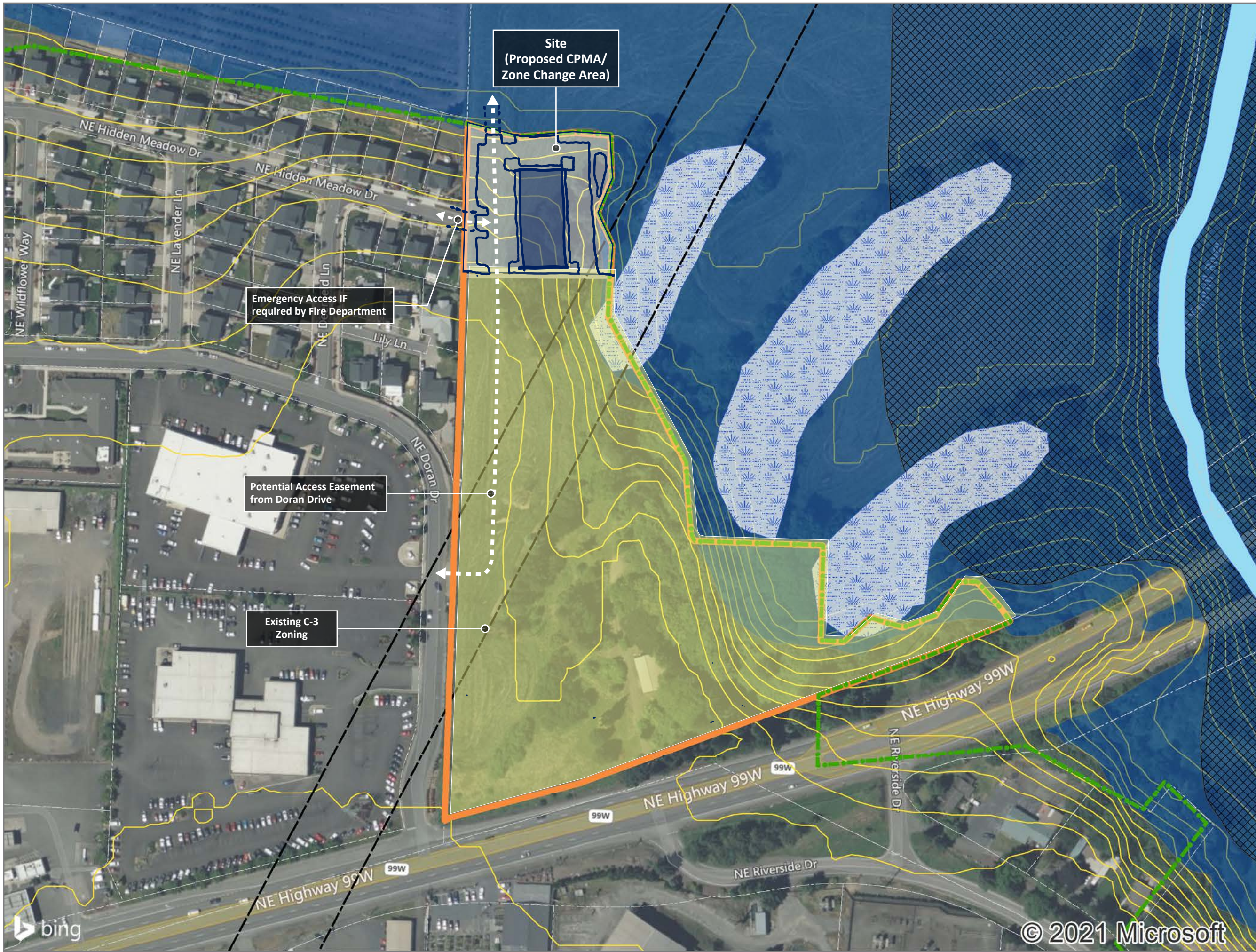
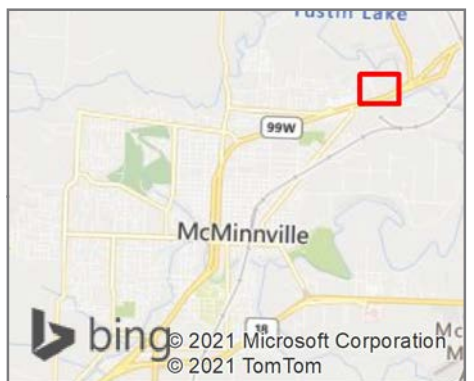
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-  Site Boundary
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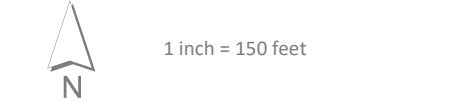
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3225 NE Highway 99W

McMinnville, Oregon

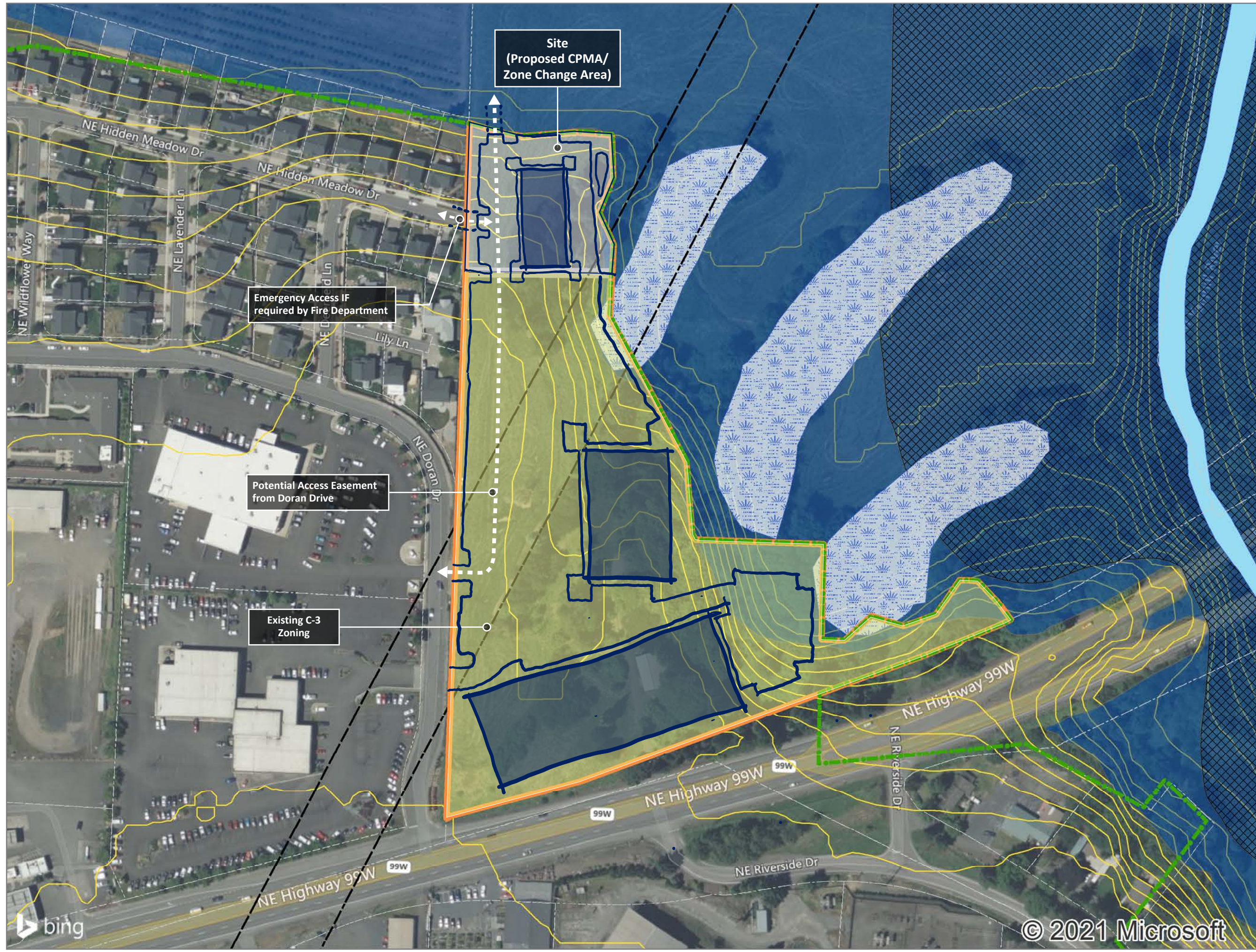
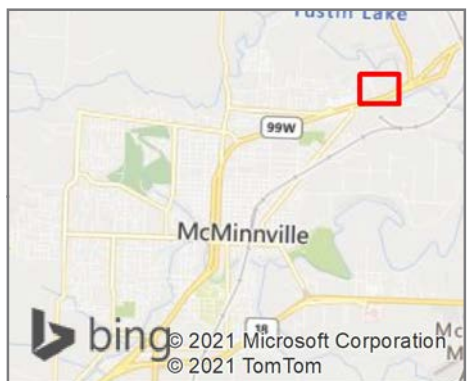
LEGEND

-  Site Boundary
-  Zone Change Boundary
-  Tax lots
-  McMinnville City Limits
-  BPA Easement
-  5' Contours
-  River
-  Wetlands
- Flood Zone**
-  AE: 1% annual chance flood
-  Floodway



SOURCE DATA: Yamhill County Sep. 2021
 GEOGRAPHIC PROJECTION: NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 9/23/2021 File: Aerial Map
 Map Created By: NAK Project No: 2210185.00



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