



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM O-R (OFFICE RESIDENTIAL) TO C-3 (GENERAL COMMERCIAL) FOR A 0.2 ACRE PARCEL ON 436 SE BAKER STREET

DOCKET: ZC 1-21 (Zone Change)

REQUEST: Approval to rezone the property at 436 SE Baker Street from O-R (Office Residential) to C-3 (General Commercial).

LOCATION: 436 SE Baker Street (R4421CB09800)

ZONING: O-R (Office Residential)

APPLICANT: Teresa Drevdahl

STAFF: Heather Richards, Planning Director

DATE DEEMED COMPLETE: November 22, 2021

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

HEARING DATE & LOCATION: December 16, 2021

Zoom Online Meeting:
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGlmaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745 Passcode: 286067

PROCEDURE: An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable

goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL:

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The deadline for the 120 day processing timeline is March 21, 2022.

COMMENTS:

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

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Zone Change (ZC 1-21) to the McMinnville City Council, **subject to conditions of approval provided in this document.**

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RECOMMENDATION: APPROVAL WITH CONDITIONS
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City Council: _____ Date: _____
 Scott Hill, Mayor of McMinnville

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

Planning Department: _____ Date: _____
 Heather Richards, Planning Director

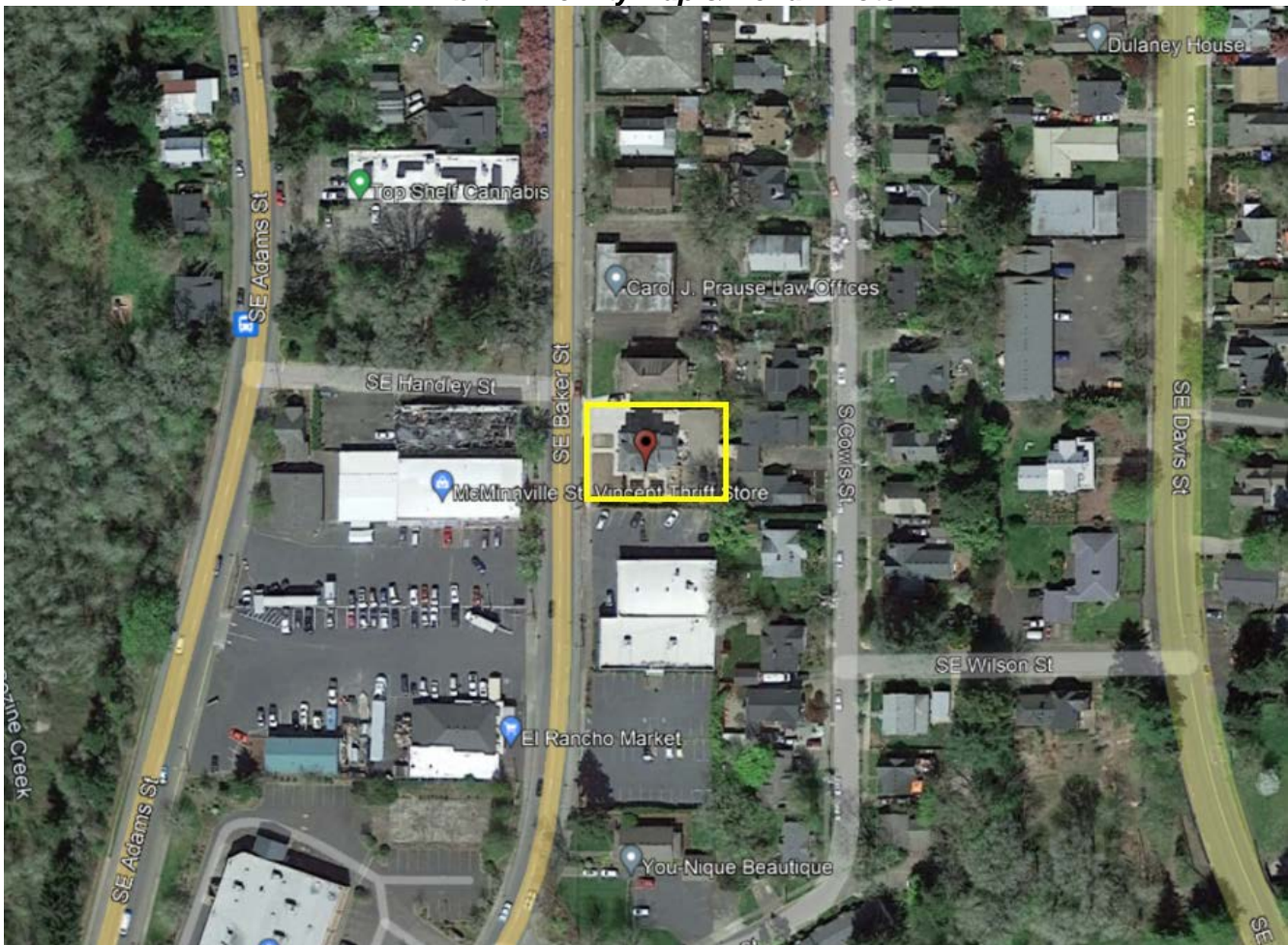
I. APPLICATION SUMMARY:

The proposal is an application for a Zone Change (ZC 1-21) to rezone the subject property from O-R (Office Residential) to C-3 (General Commercial).

Subject Property & Request

The subject property is a 0.2 acre parcel located at 436 SE Baker Street, on the east side of SE Baker Street and north of Cows Street. **See Exhibit 1: Vicinity Map & Aerial Photo.**

Exhibit 1: Vicinity Map & Aerial Photo

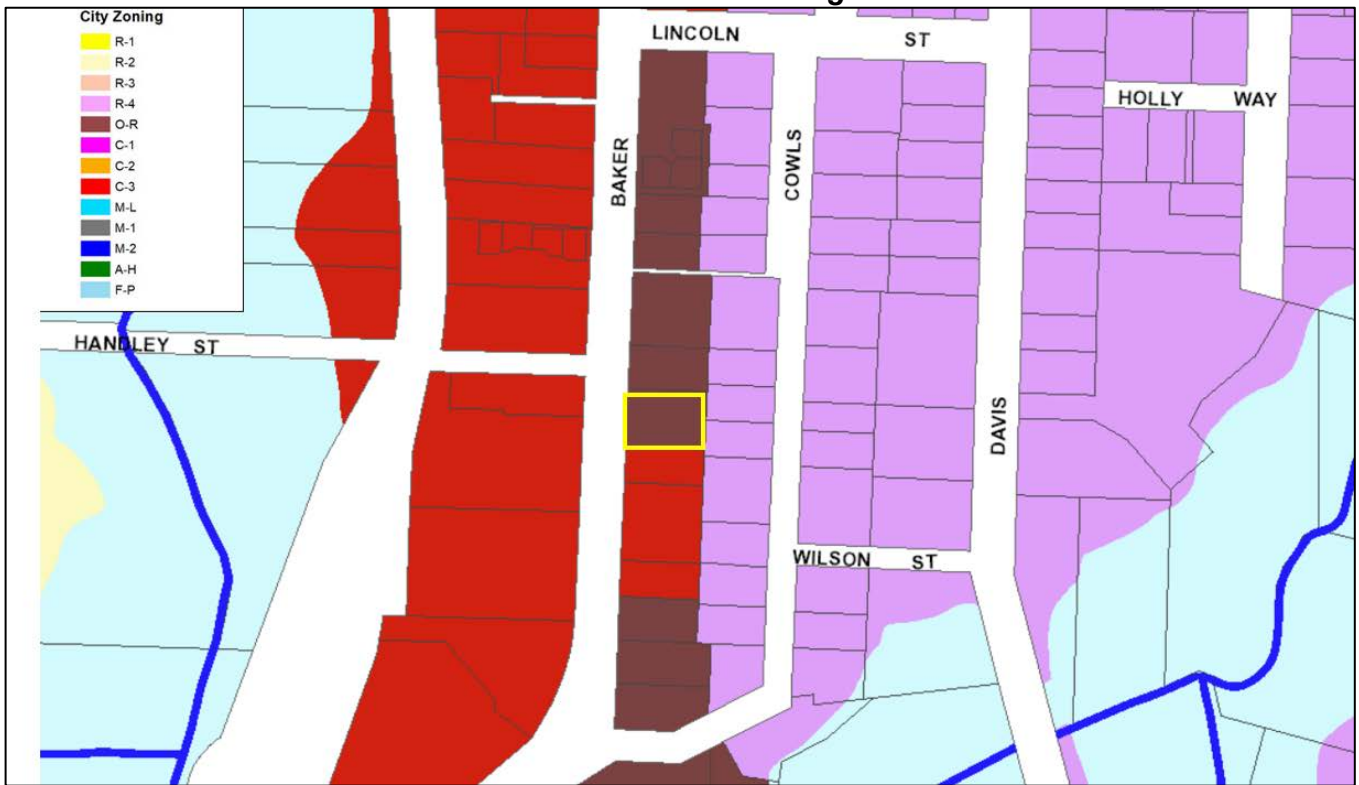


The subject property and property to the north are zoned O-R. Properties to the south and west are zoned C-3, and property to the east is zoned R-4. **See Exhibit 2: Current Zoning.** Predominant surrounding uses are a mix of commercial and residential. The subject property is developed with a single-family residence and accessory structures, as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on SE Baker Street.

Attachments:

Attachment 1 - Application and Attachments

Exhibit 2: Current Zoning



The request would rezone the property from O-R to C-3 to allow for a wide range of commercial uses. **See Exhibit 3: Proposed Zoning.** The property is developed with an existing historic building that has recently gone through extensive renovations. The owner is requesting to use the property for lodging which would be allowed in the C-3 zone. **Exhibit 4: Site Plan** is provided for reference.

Attachments:

Attachment 1 - Application and Attachments

Exhibit 3: Proposed Zoning

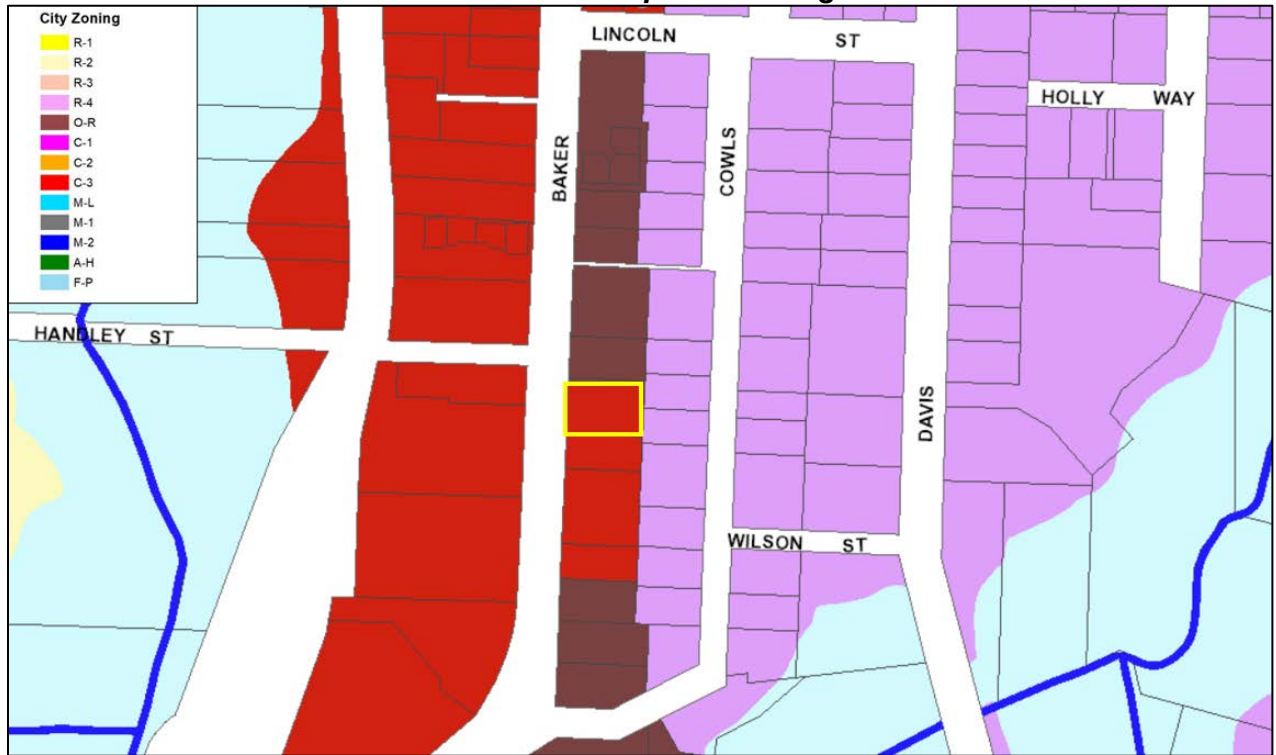


Exhibit 4: Site Plan



Attachments:

Attachment 1 - Application and Attachments

Summary of Criteria & Issues

The application (ZC 1-21) is subject to Zone Change review criteria in Section 17.74.020 of the McMinnville Municipal Code (MMC). Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- 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.

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

II. CONDITIONS:

1. The water account code will require a change to "General Services". General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.

III. ATTACHMENTS:

1. ZC 1-21 Application and Attachments

IV. COMMENTS:

Agency Comments

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

- McMinnville Engineering Department
No objections, comments, or conditions from the Engineering department.

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- McMinnville Water & Light
The water account code will require a change to “General Services”. General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.
- McMinnville Building Department
May not have more than five guest rooms to retain its residential occupancy. If more than five guest rooms it will be viewed as a commercial occupancy.
- Oregon Department of Transportation
Checked on driveway approach and no additional permits or information was requested.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Wednesday, November 24, 2021. As of the date of the Planning Commission public hearing on December 16, 2021, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The owner, Teresa Drevdahl, held a neighborhood meeting on October 26, 2021.
2. The applicant submitted the Zone Change application (ZC 1-21) on October 28, 2021.
3. The application was deemed incomplete on November 15, 2021.
4. The applicant submitted revised application materials on November 16, 2021.
5. Based on the revised application submittal, the application was deemed complete on November 22, 2021. Based on that date, the 120 day land-use decision time limit expires on March 21, 2022.
6. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance on November 22, 2021: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments received from agencies are addressed in the Decision Document.
7. Notice of the application and December 16, 2021, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Wednesday, November 24, 2021.
8. Notice of the application and December 16, 2021, Planning Commission public hearing was published in the News Register on Tuesday, December 7, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
9. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

Attachments:

Attachment 1 - Application and Attachments

10. On December 16, 2021, the Planning Commission held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 436 SE Baker Street (R4421CB09800)
2. **Size:** 0.2 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** Current: O-R, Requested: C-3
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family Residence
7. **Inventoried Significant Resources:**
 - a. **Natural Resources:** None
 - b. **Other:** None Identified
8. **Other Features:** Generally level site.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on Baker Street.
10. **Transportation:** Baker Street is identified as a Major Arterial in the 2010 McMinnville Transportation System Plan (TSP). The TSP identifies a right-of-way width of 76 feet for major arterials.

VII. CONCLUSIONARY FINDINGS:

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

McMinnville Zoning Ordinance

The following Sections of the McMinnville Municipal Code, Title 17. Zoning Ordinance provide criteria applicable to the request:

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:

Attachments:

Attachment 1 - Application and Attachments

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

APPLICANT RESPONSE: Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan. The comprehensive plan designation for the Property is already commercial, so changing the zoning of the Property to the C-3 commercial zone is consistent with the comprehensive plan designation. More specifically, Applicant's request is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan as detailed in the application - Exhibit 1.

FINDING: SATISFIED. See responses to applicable Comprehensive Plan policies below.

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

APPLICANT RESPONSE: Applicant's request is orderly and timely considering the pattern of development in the area in which it is located and the surrounding land uses. The Property is located directly on Hwy 99W in a corridor of properties on both sides of the highway that are designated commercial by the comprehensive plan. Most of the properties within this corridor are zoned C-3.

The applicant recently invested significant funds and resources in remodeling and rehabilitating the property, which was in very poor repair and condition. Neighbors recounted to the applicant the problems the property caused for the neighborhood as a nuisance that attracted problematic behavior before applicant purchased and improved it. Applicant's improvements have made the property a viable part of the area again, removing the nuisance that once plagued the area, and permitting the renovated structure and property to be used consistently with the comprehensive plan.

FINDING: SATISFIED. The City concurs with the applicant. The proposed development is located on a highway corridor with an underlying commercial comprehensive plan designation and mostly C3 zoned frontage.

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

APPLICANT RESPONSE: The property is already adequately serviced by public utilities, including sewer, electricity, and water.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. The property is located in an area with available services to serve the property for commercially zoned development, including the proposed lodging use.

CONDITION OF APPROVAL #1. The water account code will require a change to "General Services". General Service customers shall provide premises isolation (backflow protection) at the water meter. In this case, a Double Check Backflow Preventer will be required at the water meter.

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.

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FINDING: Not Applicable. Criterion B is satisfied.

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

FINDING: SATISFIED. As addressed below, the housing policies of the Comprehensive Plan are addressed, and the effect of this decision doesn't exclude needed housing, decrease densities, or discourage needed housing through unreasonable cost or delay.

17.33, C-3, General Commercial Zone, the proposed use needs to be compliant with the standards of the rezone request.

Section 17.33.010	Permitted Uses	Lodging and Short Term Rentals are both permitted uses in the C-3 zone.
Section 17.33.010(B)	Yard Requirements: Rear yard shall not be less than twenty feet when adjacent to a residential zone.	Per the site plan illustrated as Exhibit 4, the rear yard setback which is adjacent to a residential zone is thirty-four feet.
Section 17.33.040	Building Height, buildings shall not exceed a building height of eighty feet.	The building does not exceed a height of eighty feet.
Section 17.33.050,	Use limitations, screening outside storage.	There is no outside storage on the site.

FINDING: SATISFIED. The existing development on the site meets the criteria of the proposed C3 zone.

17.60.060 – Off Street Parking Spaces Required. One off-street parking space is required for each guest room.

FINDING: SATISFIED. Currently the site has paved parking for six off-street parking spaces.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

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

Attachments:

Attachment 1 - Application and Attachments

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

17.04 *Increase interpretation efforts of the city’s historic resources.*

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

Policy 17.07 *Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.*

APPLICANT’S RESPONSE: The property is developed with a historic building that the Applicant intends to use as a short-term rental. The proposed zoning will allow the existing historic building to be utilized to promote the foregoing goals and policies. Applicant’s intended use will support heritage tourism by providing accommodations for visitors to McMinnville. The property’s relative proximity to downtown and intended use as a short-term rental facilitates the policy of increasing the interpretation efforts of the city’s historic resources and increasing heritage tourism.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that the proposed rezone will allow for the historic structure to be used for a variety of commercial uses in the future, such as professional office, medical office, restaurant, lodging, or other compatible, small-scale commercial uses. By rezoning this site to the general commercial, it will allow the historic house to be used in a variety of ways consistent with the C-3, thus increasing the preservation potential in the future.

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMinnville’s ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMinnville AS THE COMMERCIAL CENTER OF Yamhill County IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)*

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

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.*

Attachments:

Attachment 1 - Application and Attachments

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

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

APPLICANT’S RESPONSE: The property is currently designated for commercial use by the comprehensive plan for McMinnville. A change of zoning to the commercial C-3 zoning will maximize the efficiency of land use and utilize an existing commercially designated land. Changing the zoning to a commercial zoning of C-3 will also protect the property from encroachment of uses incompatible with the commercial designation on the comprehensive plan. Because properties to the south and the west are already zoned C-3, changing the zoning of the property to C-3 will foster cluster development of commercial uses.

FINDING: SATISFIED. The City concurs with the applicant’s findings and adds that this proposal to expand the C-3 zoning to the north will allow this property a more robust allowance of commercial uses under the C-3 zone that are appropriate on the Highway 99W corridor. As stated, this property is already designated commercial under the Comprehensive plan. The change to C-3 will just allow this property the additional flexibility of commercial uses thus encouraging the continued growth and diversification opportunities in McMinnville.

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

Downtown Development Policies:

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

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city;*
- 2. Provides expansion room for commercial establishments and allows dense residential development;*
- 3. Provides efficient use of land for adequate parking areas;*
- 4. Encourages vertical mixed commercial and residential uses; and,*
- 5. Provides for a safe and convenient auto-pedestrian traffic circulation pattern.
(Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: The Applicant’s request promotes the downtown as a cultural, service, and retail center because the property’s relatively close location to downtown and the applicants intended use.

FINDING: SATISFIED. The City concurs with the applicant’s findings and adds that this proposal to expand the C-3 zoning to the north will allow additional commercial around the City core. The site’s proximity to downtown continues to promote walkability and convenient circulation pattern. No additional infrastructure is proposed or required with the rezone.

Attachments:

Attachment 1 - Application and Attachments

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.

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

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.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. No new development is proposed at this time, therefore use of the existing driveway onto SE Baker, a major arterial will remain.

Streets

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

1. *Major, minor arterials.*
 - *Access should be controlled, especially on heavy traffic-generating developments.*
 - *Designs should minimize impacts on existing neighborhoods.*
 - *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
 - *On-street parking should be limited wherever necessary.*
 - *Landscaping should be required along public rights-of-way.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network.

Baker Street is classified as a major arterial in the City’s Transportation System Plan (TSP).

Currently, there is on-street parking adjacent to the subject property, although on-street parking is not proposed at this time it would be available to the commercial use proposed on this lot.

Parking

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

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

APPLICANT’S RESPONSE: The property has significant off-street parking, which is more than adequate to service the intended use.

Attachments:

Attachment 1 - Application and Attachments

FINDING: SATISFIED. Staff concurs with the applicant's finding. The site plan, though not binding, indicates the incorporation of adequate off-street parking to meet the requirements of the intended uses. Lodging requires one space per guest room. Off-street parking will be required based on the type of use proposed and allowed on the subject site.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMinnville.

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

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.