



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT TO THE PROPERTY AT 2121 NE 27TH STREET.

DOCKET: CPA 1-17 (Comprehensive Plan Map Amendment)

REQUEST: The applicant is proposing to re-designate the land uses shown on the Comprehensive Plan map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial.

LOCATION: The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is a mixture of EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).

APPLICANT: Creekside Homes, LLC, on behalf of Jae & Ayliah Chon

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: April 25, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

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. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Comprehensive Plan Map amendment (CPA 1-17) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS
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City Council: Scott A. Hill Date: 5/1/17
Scott Hill, Mayor of McMinnville

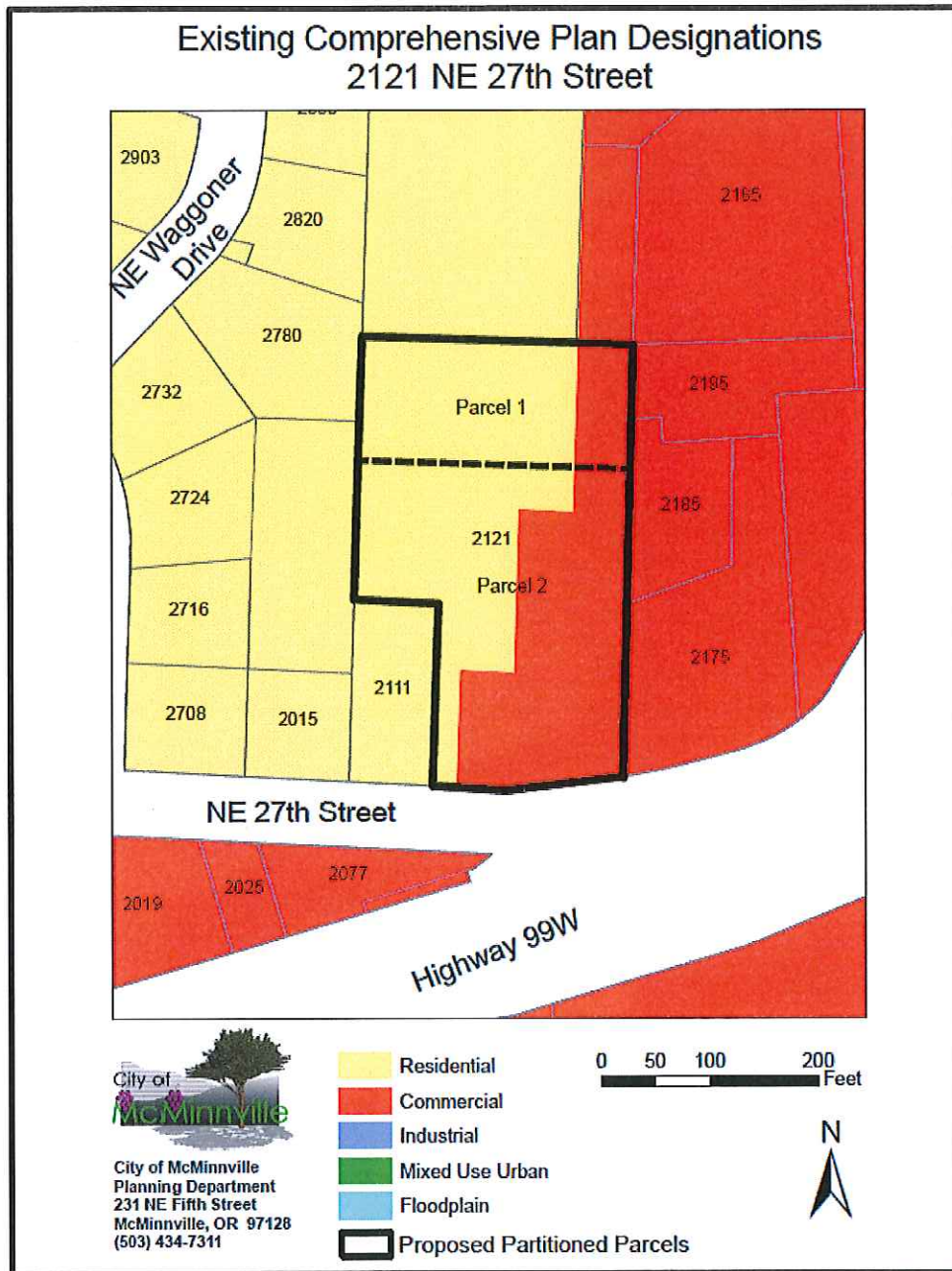
Planning Commission: Roger A. Hall Date: March 16, 2017
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: Heather Richards Date: 4/18/17
Heather Richards, Planning Director

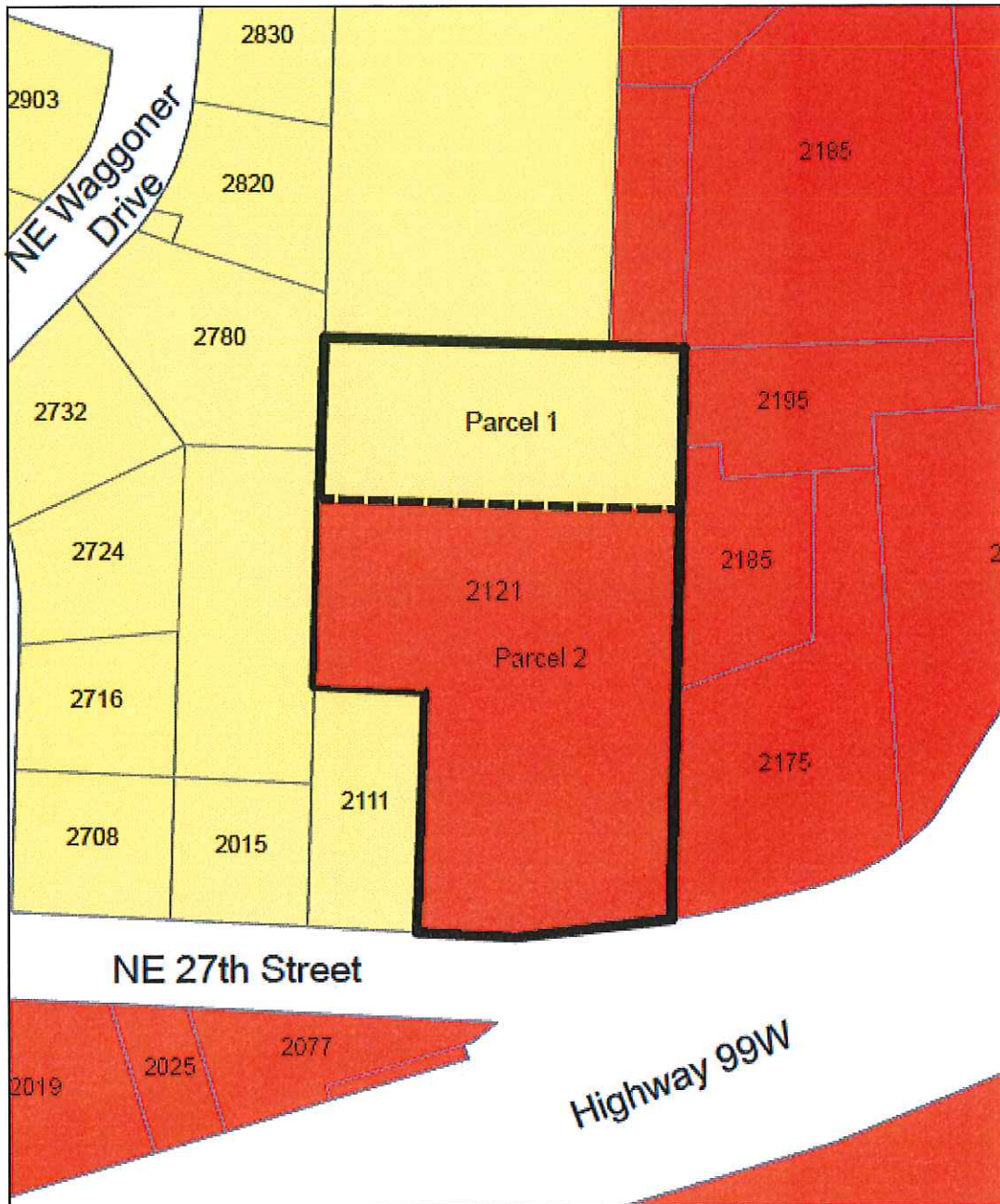
Application Summary:

The applicant is proposing to re-designate the land uses shown on the Comprehensive Plan map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial.

The existing and proposed Comprehensive Plan designations are shown below:



Proposed Comprehensive Plan Designations 2121 NE 27th Street



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

-  Residential
-  Commercial
-  Industrial
-  Mixed Use Urban
-  Floodplain
-  Proposed Partitioned Parcels



CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

CPA 1-17 is **approved** subject to the following conditions:

1. That the property shall be partitioned as approved by the City of McMinnville on January 13, 2017, and as proposed in Docket MP 7-16. The final partition plat shall be submitted to the City for review and approval prior to being recorded with Yamhill County. The property owner shall complete all conditions of approval as required by the City in the approval of the tentative minor partition application (MP 7-16).
2. That the proposed Parcel 1 from the partition request (MP 7-16) be designated Residential and the proposed Parcel 2 from the partition request (MP 7-16) be designated Commercial on the McMinnville Comprehensive Plan Map.

ATTACHMENTS

1. CPA 1-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police 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, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

McMinnville Engineering Department

We have reviewed proposed CPA 1-17, ZC 1-17, and ZC 2-17, and do not have any comments. We recently reviewed proposed MP 7-16 for these properties, and would note that the infrastructure requirements associated with that approval have not been completed, and the partition plat has not been recorded.

FINDINGS OF FACT

1. Creekside Homes, LLC is proposing to re-designate the land uses shown on the Comprehensive Plan Map on an existing parcel and lot of record. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map. The applicant is proposing to designate the northern portion of the parcel as only Residential, and to designate the southern portion of the parcel as only Commercial. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendments would result in the proposed Parcel 1 from the partition request being designated Residential, and the proposed Parcel 2 from the partition request being designated Commercial. The subject site is located at 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.

4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police 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, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

Finding: Goal IV 2 and Policy 21.03 are satisfied in that the existing commercial business located on the southern parcel, which is proposed to be designated as entirely Commercial on the Comprehensive Plan map, is an existing and long-established business in McMinnville. The business is also locally owned, and the business (and property) owners actually intend to construct a single family home on the northern parcel, which is proposed to be Residential on the Comprehensive Plan map, to serve as their primary residence.

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

Policy 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.

Finding: Goal IV 3 and Policy 22.00 are satisfied as the majority of the southern parcel is already designated as Commercial on the Comprehensive Plan map. The proposed designation of the entire southern parcel as Commercial will appropriately provide commercial designations on the Comprehensive Plan map to accommodate existing commercial development and will allow for maximum and most efficient use of the existing commercially designated lands.

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.

Finding: The existing commercial use on the southern parcel is already served by city services, and adequate utility capacities exist to service additional commercial development if ever needed. The existing commercial use as a restaurant and pub is not an overly intense commercial use, as it does not generate significant traffic or noise, which makes the commercial use compatible with the surrounding land uses. However, the commercial use as a restaurant and pub will generate some traffic and noise, so staff is recommending that additional landscaping be installed on the site to provide for more screening and buffering, which will minimize potential conflicts with adjacent land uses. Therefore, Policy 25.00 is met.

Policy 27.00: Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Policy 27.00 is satisfied as, while the particular area in which the subject site is located is not specifically designated as a neighborhood commercial center, the site is adjacent to residential zones and uses. The existing commercial use on the subject site, a restaurant, is not a large, intensive commercial use, and could be considered to be a commercial use that provides services to the immediate surrounding neighborhood. Additionally, the commercial use fronts and is oriented towards NE 27th Street, and access to the business is provided from that street. The surrounding residential properties are all accessed from other surrounding local residential streets.

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

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

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that a majority of the northern parcel is already designated as Residential on the Comprehensive Plan map. The designation of the entire northern parcel as Residential will allow for the development of housing in an area of the City that has historically been vacant land and underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities.

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 69.00: The City of McMinnville shall explore the utilization of innovated land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Finding: As described above, the northern portion of the subject site has historically been an area of the City that is vacant and underutilized. A majority of the northern parcel is already designated as Residential on the Comprehensive Plan map, and a majority of the southern parcel is already designated as Commercial. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional development within the City that is also consistent and compatible with the surrounding area. Goal V 2 and Policy 69.00 are met by this proposal.

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

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

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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.

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

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

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.

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

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.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00.20, 144.00, 147.00 and 151 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.

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

Finding: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

7. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

R-1 Single-Family Residential Zone:

17.12.010 Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

A. Site built single-family dwelling [...]

17.12.030 Lot Size. In an R-1 zone, the lot area shall not be less than nine thousand square feet [...]

17.12.060 Density Requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet [...].

Finding: The portion of the subject site that will be designated as Residential on the Comprehensive Plan map will meet the minimum lot size and density requirements. Based on the applicant's intended development of the site for a single family residential home, the proposed use of the property will be permitted.

C-3 General Commercial Zone:

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

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020.

C-2 Travel Commercial Zone:

17.30.010 Permitted Uses. In a C-2 zone, the following uses and their accessory uses are permitted:

F. Restaurant

Finding: The portion of the subject site that will be designated as Commercial on the Comprehensive Plan map is currently used as a restaurant, and the applicant is proposing to continue to operate that business. The existing and proposed future use of the site as a restaurant will be permitted.

Review Criteria:

17.74.020 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 service the proposed uses or other potential uses in the proposed zoning district.

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The existing Comprehensive Plan map designations that apply to the subject site are irregular and do not follow any particular property line, existing or previous. It appears that a similar issue may have occurred in the transition between earlier historic Comprehensive Plan map documents or during the transition to a Geographic Information Systems (GIS) database, which occurred with the zoning designations as well, resulting in an inaccurate designation of land uses on the subject site. The proposed amendment to the Comprehensive Plan map would more consistently designate the subject site, based on proposed property lines and existing and historical uses. The northern portion of the site would become only Residential, and the southern portion of the site would become only Commercial.

The southern portion of the site has historically been used as a restaurant as far back as the early 1980s, which was documented in the previous land use decisions described above. The commercial use likely even predates the 1980s.

The current restaurant use currently extends to the north and west, outside of the portion of the site that is shown as Commercial on the current Comprehensive Plan map. The proposed adjustment of the designations on the site would more accurately designate the existing and historic uses of the southern portion of the site as a commercial establishment.

The retention of the northern portion of the site as Residential is also more consistent with the pattern of development in the surrounding area and is more compatible with surrounding land uses. The creation of this new parcel on the northern portion of the site, and the future proposed development of

the parcel with a single family home, will provide for a buffer between the existing commercial use and the surrounding neighborhood.

Based on the history of the site and the proposed use of the northern portion of the site as a single family home, staff believes that the proposed amendment is orderly and timely. The amendment would more accurately depict the existing conditions of the site, the historic uses of the site, and would blend in with the pattern of development and uses in the surrounding area.

Utilities and services currently exist and are provided for the existing commercial use on the southern portion of the subject site. The partition that was approved to create the parcel on the northern portion of the site, on which the property owner is proposing to construct a single family home, was approved with conditions that the northern parcel be provided with utilities. During the review portion of the partition process, it was shown that utilities and services can be provided to adequately serve the northern parcel.

Access and private utilities will be provided to the northern parcel from NE Waggoner Drive through an easement over existing properties. A public sanitary sewer main line runs through the north side of the northern parcel, which will provide sewer service to that parcel. As part of the minor partition process, the access to the southern parcel from NE 27th Street, along with the sidewalk, will be required to be improved to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards. Additionally, at the time of building permits, the driveway along Waggoner Drive to serve the northern parcel will be required to meet PROWAG standards.

CD:sjs