



**City of McMinnville**  
**Planning Department**  
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## STAFF REPORT

**DATE:** April 25, 2017  
**TO:** Mayor and City Councilors  
**FROM:** Chuck Darnell, Associate Planner  
**SUBJECT:** Ordinance No. 5020 – CPA 1-17/ZC 1-17/ZC 2-17  
(Comprehensive Plan Map Amendment and Zone Changes for 2121 NE 27<sup>th</sup> Street)

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### **Council Goal:**

Promote Sustainable Growth and Development

### **Report in Brief:**

This is the consideration of Ordinance No. 5020, an ordinance approving a Comprehensive Plan Map Amendment (CPA 1-17) and Zone Changes (ZC 1-17 and ZC 2-17) on an existing parcel and lot of record. The subject site is located at 2121 NE 27<sup>th</sup> Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M. Portions of the parcel are currently designated as both Commercial and Residential on the Comprehensive Plan Map, and there are also three (3) different zoning designations that apply to portions of the parcel, including EF-40 (Exclusive Farm Use – 40-acre Minimum), R-1 (Single Family Residential), and C-3 (General Commercial).

The existing parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The specific request is to designate the northern parcel from the partition request, Parcel 1, as only Residential on the Comprehensive Plan Map, and to rezone the northern portion from a mixed zoning of EF-40 and R-1 to only R-1. The applicant is also requesting to designate the southern parcel from the partition request, Parcel 2, as only Commercial on the Comprehensive Plan Map, and to rezone the southern portion from a mixed zoning of C-3, EF-40, and R-1 to only C-3. These applications will result in the two new parcels being single comprehensive plan designated and zoned properties.

### **Background:**

The subject site is located on an existing single parcel, and is currently the location of Jae's Landing restaurant and pub. The subject site currently has three (3) zoning designations and is shown on the Comprehensive Plan map to have two (2) land use designations. A visual of the subject site and reference maps showing the existing zoning and comprehensive plan map designations of the subject site and the surrounding properties are provided below:

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#### *Attachments:*

*Attachment A – Ordinance No. 5020*

*Exhibit A – CPA 1-17 Decision Document*

*Exhibit B – ZC 1-17 Decision Document*

*Exhibit C – ZC 2-17 Decision Document*

*Attachment B – Planning Commission Staff Report, March 16, 2017*

*Attachment C – Draft March 16, 2017 Planning Commission Minutes*

### Site Reference Map



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**Attachments:**

Attachment A – Ordinance No. 5020

Exhibit A – CPA 1-17 Decision Document

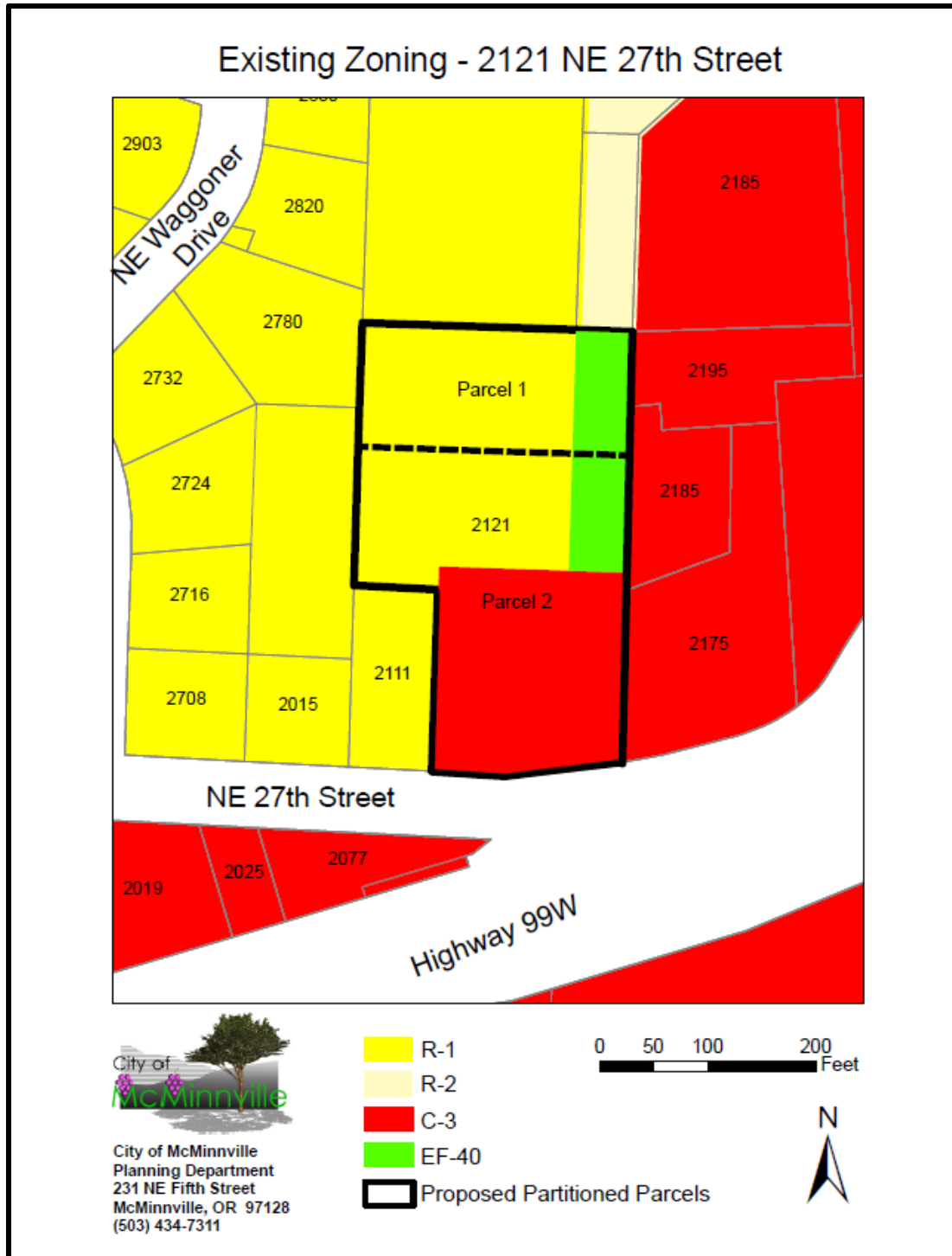
Exhibit B – ZC 1-17 Decision Document

Exhibit C – ZC 2-17 Decision Document

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### Existing Zoning



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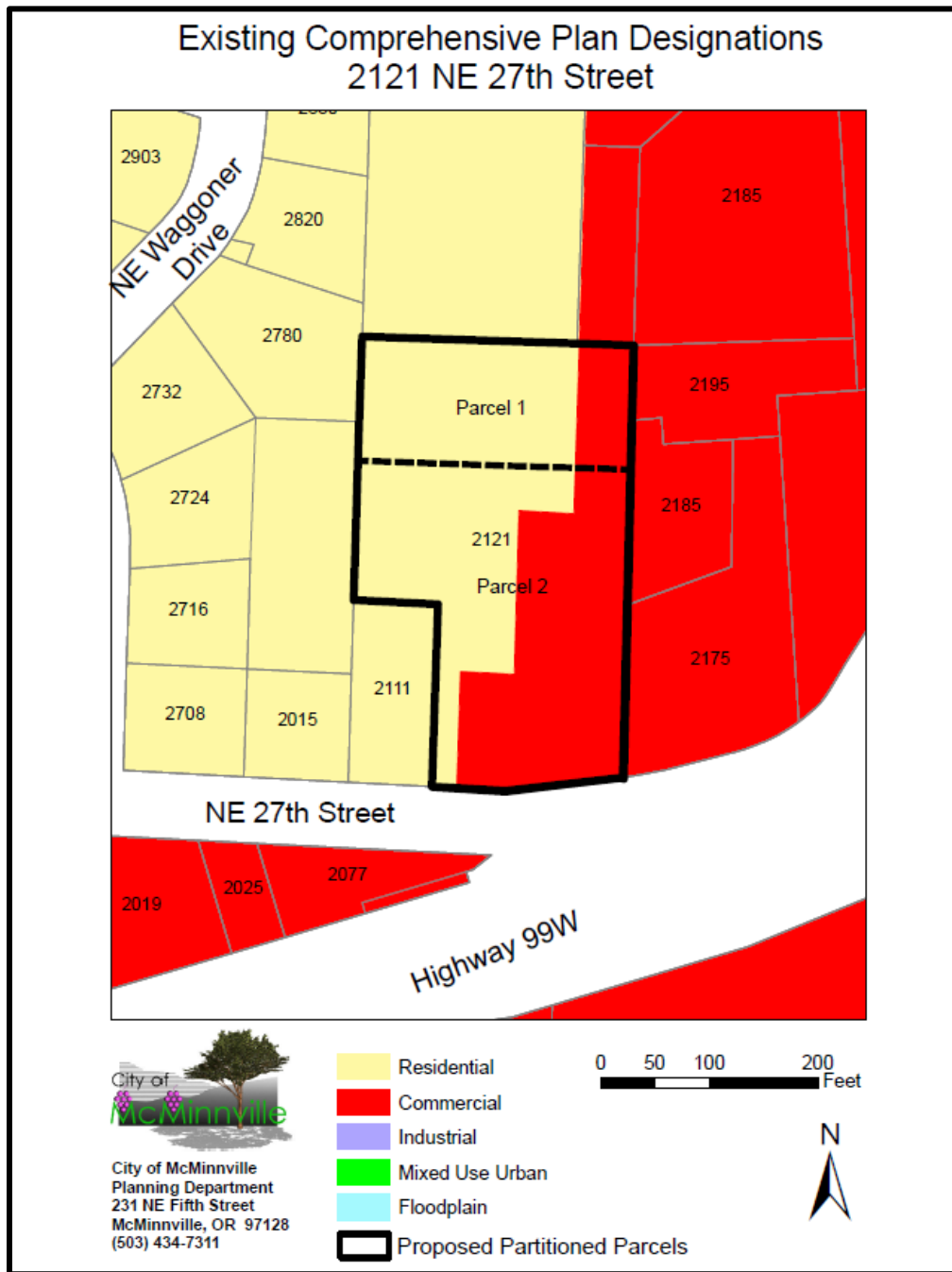
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### Existing Comprehensive Plan Designations



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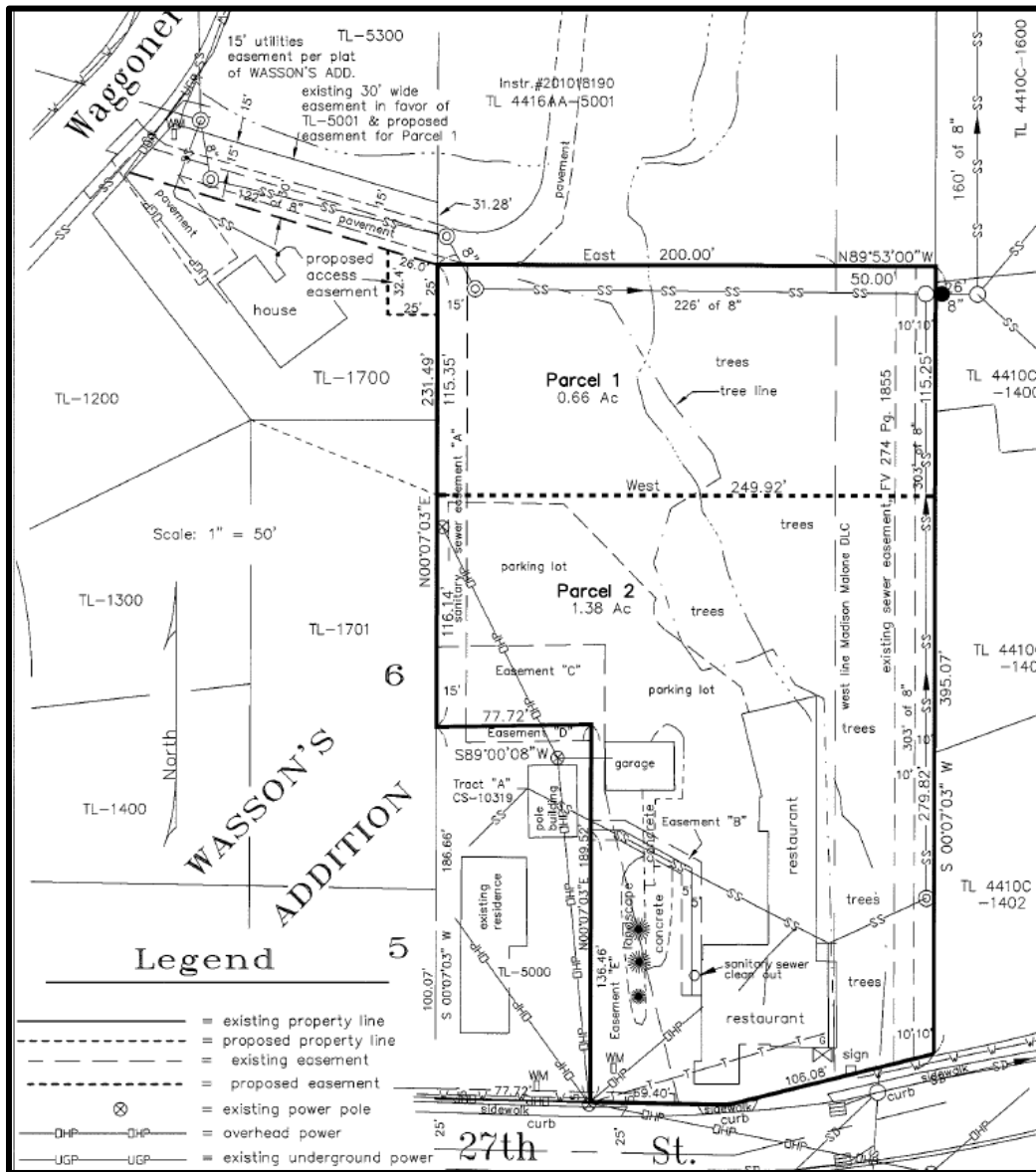
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The existence of multiple comprehensive plan designations and zoning designations on the subject site was discovered when the property owner requested the partition (MP 7-16) of the existing parcel and lot of record to allow for the construction of a single family home on a newly created parcel on the northern portion of the existing parcel. The tentative partition plan is provided below. For the purposes of this report, the northern portion of the original parcel will be described as Parcel 1 and the southern portion of the original parcel will be described as Parcel 2 per the tentative partition plan.



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A public hearing was held on March 16, 2017 at 6:30 p.m. before the McMinnville Planning Commission, after due notice had been provided in the local newspaper on March 3, 2017 and written notice had been mailed to property owners within 300 feet of the affected property. Testimony was received at the public hearing, but no comments were provided in opposition to the proposed requests.

**Discussion:**

Planning Department staff and the Planning Commission found that the requests would resolve the complicated existing land use and zoning designations that apply to the subject site. The existing McMinnville Zoning Map shows a narrow portion of the northeast corner of the subject site to be zoned R-2 (Single Family Residential), with the remainder of the site split between R-1 (Single Family Residential) and C-3 (General Commercial). However, upon further investigation during the partition review, staff determined that the northeast corner of the site actually retains a county zoning classification from when it was originally annexed into the city (ANX 2-83). Also, the Comprehensive Plan map designations that apply to the subject site are irregular and do not follow any particular property line, existing or previous. A more detailed history of the annexations and land use applications that apply to the subject site and the surrounding properties is included in the Planning Commission staff report.

Staff found that an issue may have occurred in the transition between earlier historic Comprehensive Plan and Zoning map documents to a Geographic Information Systems (GIS) database, resulting in an inaccurate designation of land uses and zoning districts on the subject site. The proposed amendment to the Comprehensive Plan and Zoning maps would more consistently designate the subject site, based on proposed property lines from the recent partition request, and would also be more consistent with existing and historical uses of the subject site.

The proposed zoning of the subject site and the two newly created parcels, if approved, is shown below. The comprehensive plan designations would mirror the zoning, with Parcel 1 being designated as Residential and Parcel 2 being designated as Commercial.

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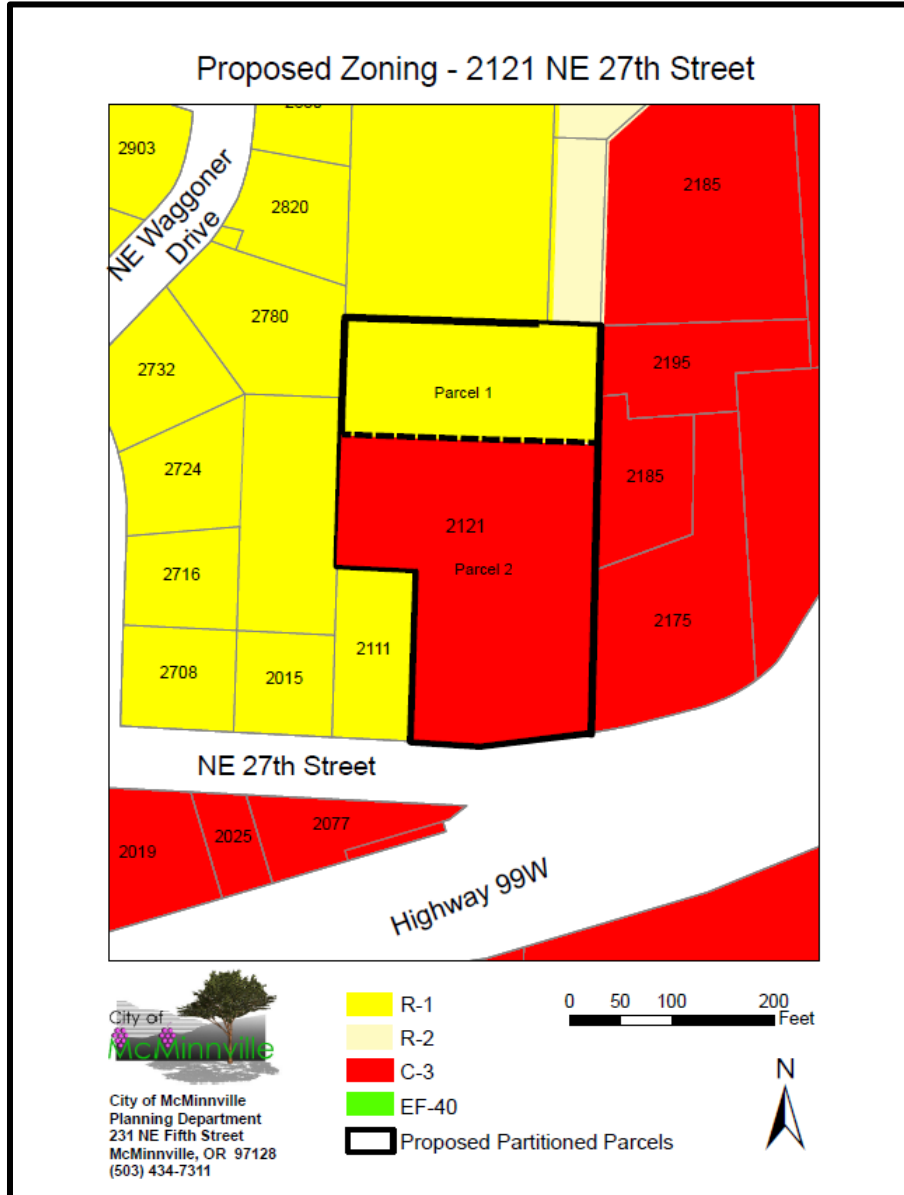
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The applicant has stated that the current owners of the property intend to construct a single family home on Parcel 1. The property owners intend to reside in the single family home, and continue to operate the existing commercial business on Parcel 2. The comprehensive plan map designation and rezoning of Parcel 1 to R-1 (Single Family Residential) would allow for the single family home to be constructed as proposed by the property owners.

In addition, the McMinnville Zoning Ordinance, in Section 17.09.050 (Annexed areas), states that “a County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone”. The property owner’s desire to

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construct a single family home on Parcel 1 triggers the requirement to rezone the property to a city zone, R-1 (Single Family Residential), from the county zoning, EF-40 (Exclusive Farm Use – 40-Acre Minimum), that a portion of the site retains from its original annexation (ANX 2-83). The same county zoning issue exists on Parcel 2, as the northeast corner of that parcel still retains an EF-40 (Exclusive Farm Use – 40-Acre Minimum) zoning classification. Therefore, the zone change requests are orderly and timely.

The majority of the Parcel 1 is already zoned R-1 (Single Family Residential), which occurred after a separate annexation and rezoning process was approved by the City in 1986 (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). The classification of Parcel 1 as R-1 (Single Family Residential) is consistent with surrounding zoning and the pattern of development, as there are single family homes in existing R-1 (Single Family Residential) zoned subdivisions to the north and west of the subject site.

A commercial use exists today on Parcel 2, and the existing building on Parcel 2 has been functioning as a restaurant establishment for many years. The existing commercial use of the subject site actually extends outside of the portion of the site that is shown on the Zoning Map as C-3 (General Commercial). The main developed portion of the subject site is the actual restaurant building, which fronts onto NE 27<sup>th</sup> Street, but the parking lot for the building does extend to the north and west outside of the C-3 (General Commercial) areas as shown on the Zoning Map. The request would rezone all of Parcel 2 to a single zoning district, remove a county zone, reduce the number of zoning districts on Parcel 2 from three (3) to only one (1), and would more accurately represent the existing and historical use of the subject site. To ensure that adequate buffering is provided between the commercially zoned Parcel 2 and the residential areas to the north, a condition of approval has been recommended by the Planning Commission that would require that landscaping be installed along the north and west property lines of Parcel 2 prior to any building permits being issued for additional commercial development.

#### **Fiscal Impact:**

There is no anticipated fiscal impact to the City of McMinnville with this decision.

#### **Council Options:**

1. Approve the applications, per the decision documents provided which include the findings of fact, by **ADOPTING ORDINANCE NO. 5020** effecting the proposed comprehensive plan map amendment and zone changes.
2. **CALL FOR A PUBLIC HEARING** on the proposed applications at a specific date and time.
3. **DENY** the applications, providing findings of fact for the denial in the motion to deny.

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**Recommendation/Suggested Motion:**

Based on the findings described above, and the more detailed findings of fact and conclusionary findings provided in the decision documents for each land use application, the Planning Commission recommended approval of the comprehensive plan amendment and zone change requests to the City Council.

Staff recommends that the Council adopt Ordinance No. 5020, which would approve the applications and effect the proposed comprehensive plan map amendment and zone changes subject to conditions of approval as recommended by the Planning Commission.

“I move to adopt Ordinance No. 5020.”

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