



**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 ZONE CHANGE ON THE NORTHERN PORTION OF THE PROPERTY AT 2121 NE 27TH STREET.

DOCKET: ZC 1-17 (Zone Change)

REQUEST: The applicant is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1.

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) and R-1 (Single Family Residential).

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 zone change (ZC 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

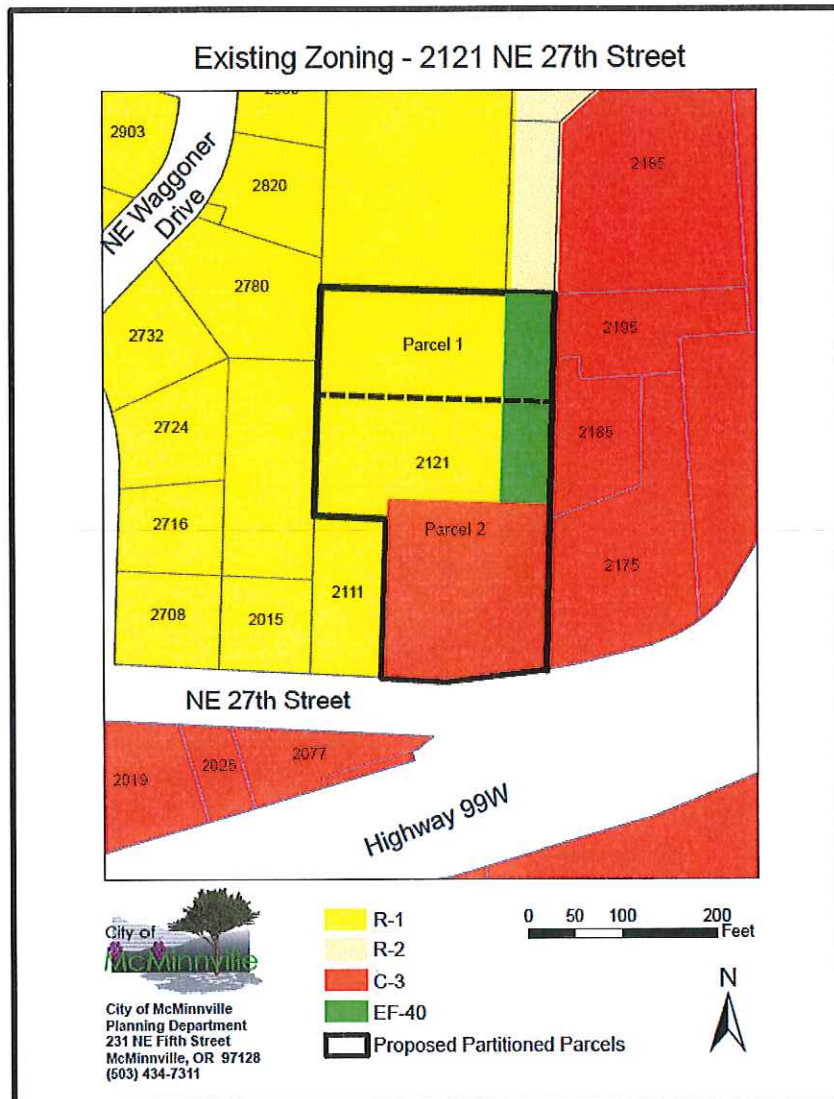
Planning Department: Heather Richards Date: 4/18/17
Heather Richards, Planning Director

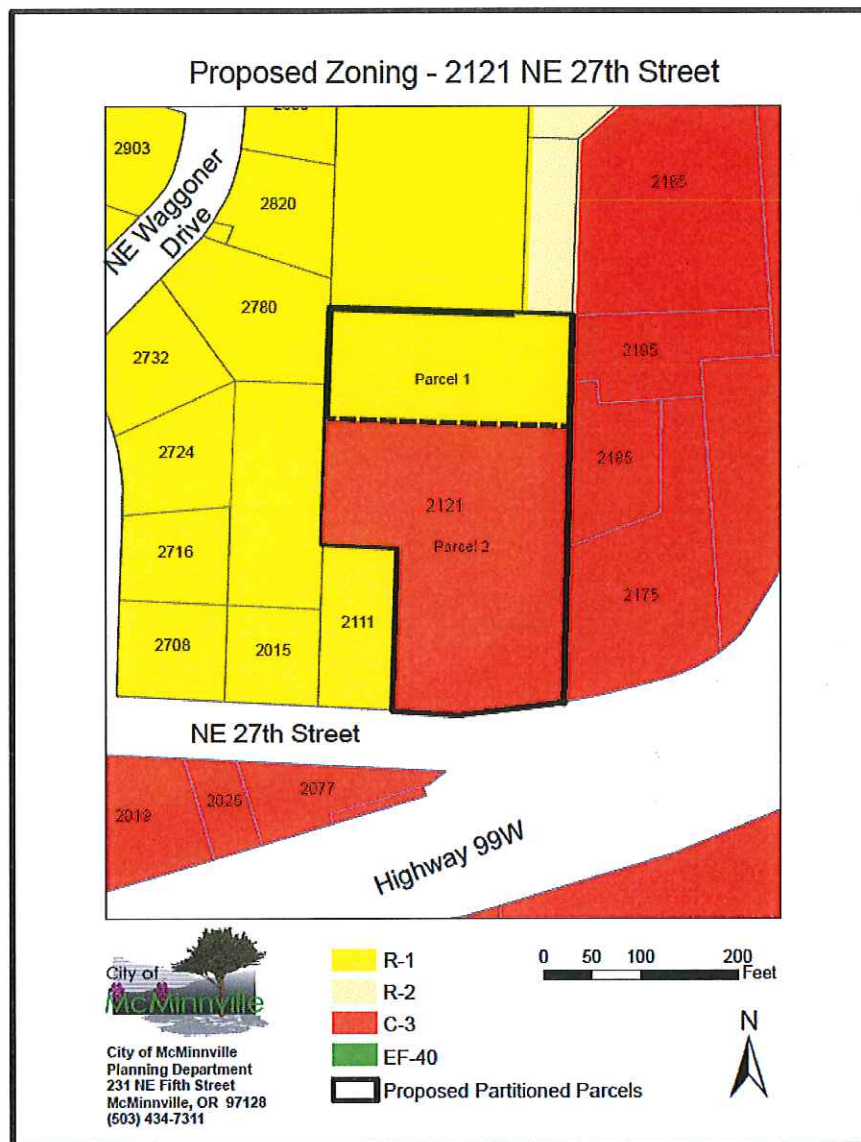
Application Summary:

The applicant is proposing to rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1.

The property owner’s request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance 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 construct a single family home on the northern parcel triggers the requirement to rezone the property from the county zoning that a portion of the site retains from the original annexation to a city zone.

The existing and proposed zoning of the subject site are shown below:





CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

ZC 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 rezoned to R-1 Single Family Residential.
3. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-17) being approved by the McMinnville City Council.

ATTACHMENTS

1. ZC 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 rezone the northern portion of an existing parcel and lot of record from an existing mixed zoning of EF-40 (Exclusive Farm Use – 40-acre Minimum) and R-1 (Single Family Residential) to only R-1. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The proposed amendment would result in the proposed Parcel 1 from the partition request being zoned R-1. 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) and R-1 (Single Family Residential), and is designated as Residential and Commercial on the McMinnville Comprehensive Plan Map, 1980. The applicant has also concurrently applied for a designation of the entire site as only Residential on the Comprehensive Plan Map (CPA 1-17).
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 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: A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The rezoning of the entire northern parcel as R-1 Single Family Residential will allow for the development of an additional housing opportunity on land that has remained underutilized. The development of the site as a single family home will be consistent with the surrounding housing types and densities and therefore Goal V 1 and Policy 58.00 are satisfied.

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 a location that is partially vacant and underutilized. A majority of the northern parcel is already zoned R-1 Single Family Residential on the official Zoning map. The proposed amendment will be an innovative way to utilize existing vacant land to allow for additional residential development within the City that is also consistent and compatible with the surrounding uses. Therefore Goal V 2 and Policy 69.00 are met by this proposal.

Policy 71.06: Low Density Residential Development (R-1 and R-2) should be limited to the following:

1. *Areas which are committed to low density development and shown on the buildable lands inventory as “developed” land [...]*
3. *Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands.*

Finding: Policy 71.06 is satisfied by the proposal in that the use of the R-1 Single Family Residential zoning district, as stated in the Comprehensive Plan, should be limited to particular areas that warrant low density development. The northern parcel that is proposed to be rezoned to R-1 Single Family Residential meets two of the applicable criteria required by this Comprehensive Plan policy for the application of the R-1 zoning classification. The existing area is already primarily committed to low density residential development, as a majority of the northern parcel is already zoned R-1 Single Family Residential from a previous land use decision (ZC 12-86). Development limitations also exist on the site. A mapped stream corridor runs through the middle of the northern parcel, running north and eventually entering the North Yamhill River, which limits the actual developable area within the northern parcel.

Policy 71.07: The R-1 zoning designation shall be applied to limited areas within the McMinnville urban growth boundary. These include: [...]

2. *Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities.*

Finding: As stated above, the use of the R-1 Single Family Residential zoning district should be limited to particular areas that warrant low density development. The northern parcel resulting from the recent partition approval and is proposed to be rezoned to R-1 Single Family Residential also meets one of the necessary criteria to satisfy this Comprehensive Plan policy. The application of the R-1 Single Family Residential zone to the entire northern parcel is warranted because the majority of the northern parcel has already been approved for such density during a previous land use decision (ANX 5-86/CPA 4-86/ZC 12-86/MP 8-86). Also, the application of the R-1 Single Family Residential zone is warranted because the surrounding neighborhood and properties are also zoned R-1 and are developed as single family residential. Policy 71.07 has been satisfied 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 zoned R-1 Single Family Residential 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.

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 property owner's request to partition the subject site and existing lot of record was approved by the City in 2016, with a condition of approval that the property owner rezone the portion of the property that retains its county zoning prior to the City releasing any building permits for the site. Section 17.09.050 (Annexed areas) of the McMinnville Zoning Ordinance 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 construct a single family home on the northern parcel triggers the requirement to rezone the property to a city zone from the county zoning that a portion of the site retains from the original annexation. Therefore, this zone change request is orderly and timely.

The majority of the northern parcel 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 small portion of this northern parcel that still retains its county zoning would be rezoned to R-1, establishing one single zoning district on the northern parcel. The classification of R-1 is consistent with surrounding zoning, as there are single family homes in existing

R-1 zoned subdivisions to the north and west of the subject site. The rezoning of the northern parcel to R-1 is also consistent with the pattern of development in the surrounding neighborhood, and the use of this portion of the site as single family residential will provide for an additional buffer between the existing commercial use on the southern portion of the site and the existing residential development to the north and west.

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 driveway along Waggoner Drive to serve the northern parcel was required to be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

CD:sjs